H.R. 3401, H.R. 3954, and H.R. 3962

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 3401, TO PROVIDE FOR THE CONVEYANCE OF FOREST SERVICE FACILITIES AND LANDS COMPRISING THE FIVE MILE REGIONAL LEARNING CENTER IN THE STATE OF CALIFORNIA TO THE CLOVIS UNIFIED SCHOOL DISTRICT, TO AUTHORIZE A NEW SPECIAL USE PERMIT REGARDING THE CONTINUED USE OF UNCONVEYED LANDS COMPRISING THE CENTER, AND FOR OTHER PURPOSES; H.R. 3962, TO LIMIT THE AUTHORITY OF THE FEDERAL GOVERNMENT TO ACQUIRE LAND FOR CERTAIN FEDERAL AGENCIES IN COUNTIES IN WHICH 50 PERCENT OR MORE OF THE TOTAL ACREAGE IS OWNED BY THE FEDERAL GOVERNMENT AND UNDER THE ADMINISTRATIVE JURISDICTION OF SUCH AGENCIES; AND H.R. 3954, TO DESIGNATE CERTAIN WATERWAYS IN THE CARIBBEAN NATIONAL FOREST IN THE COMMONWEALTH OF PUERTO RICO AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES.

Wednesday, April 10, 2002
U.S. House of Representatives
Subcommittee on Forests and Forest Health
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 10:03 a.m., in room 1334, Longworth House Office Building, Hon. Scott McInnis, [Chairman of the Subcommittee] presiding.

STATEMENT OF HON. SCOTT McINNIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. MCINNIS. The Committee will come to order. I ask unanimous consent that Representative Radanovich have permission to sit on the dais and participate in the hearing. Congressman, you are welcome to join us.

The purpose of today's hearing is to hear testimony on three bills: H.R. 3401, by the Chairman of the Subcommittee on National Parks, Recreation, and Public Lands, Mr. Radanovich, to provide for conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, and to authorize a new special use permit for the continued use of unconveyed lands used by the Center; H.R. 3962, introduced by the Vice Chairman of this Subcommittee, Mr. Peterson, to limit the authority of the Federal Government to acquire land in counties in which 50 percent or more of the total acreage is owned by the Federal Government; and finally, H.R. 3954, offered by my colleague from Puerto Rico, to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System.

I look forward to hearing from our witnesses. There are no opening remarks. They can be incorporated in the record, obviously.

Mr. MCINNIS. OK. Let's go ahead and we will proceed with the witnesses on the first panel, for H.R. 3401. I have already introduced the Congressman. We have Elizabeth Estill, Deputy Chief, Programs and Legislation, U.S. Forest Service; and Dr. Terry Bradley, the Deputy Superintendent for Administrative Services, Clovis Unified School District.

I am going to remind the witnesses that, under our Committee rules, we have a 5-minute rule. You will see the light there. To our witnesses, thank you very much for attending the Committee hearing today. Obviously, your comments will go onto the record. Don't be discouraged by the lack of participation. We have got lots of conflicts this morning, and they will be coming in and out as your testimony continues.

So you may proceed with your testimony. Do you have an opening remark?

Mr. RADANOVICH. I do, if I can, Mr. Chairman.

Mr. MCINNIS. Go ahead, Mr. Radanovich.

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

Mr. RADANOVICH. Thank you, Mr. Chairman, for hearing this bill. This bill transfers 27.1 acres of National Forest Service property from the Stanislaus National Forest to the Clovis Unified School District. And by so doing, this legislation will permit the school district to continue to operate the Five Mile Regional Learning Center on this National Forest land.

And more specifically, the bill would allow the school district to fund necessary capital improvements to the Learning Center facilities. Without this legislation, these improvements and non-Federal expenditures are not permitted, and the Learning Center could not continue, due to its current disrepair.

The Five Mile Regional Learning Center is an outdoor environmental educational school that benefits youth from all over the State of California. The Regional Learning Center serves 138 schools from approximately 60 school districts in California, and approximately 14,000 students participated in this educational program last year.

A variety of classes is offered, with an emphasis on natural resource conservation. In addition to the environmental education program, the school district offers course work on character development, team building, and individualized challenge activities such as high ropes. During the summer, this site is used by a variety of groups. In addition, a number of counties in conjunction with local and state agencies bring at-risk kids to the program's Life's Alternatives Involving Risks, or LAIR, Adventure Academy.

The 120-acre Five Mile Regional Learning Center has been operated by the Clovis Unified School District since 1989. And prior to that, the Fresno County Office of Education started in 1969 operating the project.

While the Five Mile Regional Learning Center is located on National Forest land, the Federal Government plays no role in the operation or maintenance of the facilities or in the delivery of educational programs. The National Forest Service merely permits the use of these facilities and public lands to the Clovis Unified School District, and monitors the program to ensure the district adheres to permit requirements.

The Forest Service has not funded or appropriated monies to maintain or operate these buildings. According to Forest Service documents, the Regional Learning Center facility has outlived its life by years and, if it were not for the efforts of the Clovis Unified School District, the buildings would be in a state of disrepair, no longer usable.

The Clovis Unified School District has, on average, spent more than $1 million per year over the last 12 years on operation and maintenance. And without the transfer of ownership, the Clovis Unified School District is prohibited by law from spending its money on capital improvements to ensure that these facilities do not fall into disrepair.

In addition to the ongoing commitment of spending more than $1 million per year in operating costs, the Clovis Unified School District is willing to invest $5 million over 5 years in capital improvements and renovations to the existing facilities.

I understand that there are concerns regarding the fair market value of this property, but Clovis Unified is not a private-sector, for-profit institution. It is a school district, and the school district does not intend to use this acreage for marketplace purposes. Instead, Clovis Unified is committed to maintaining the public value in this land and these facilities out of its own pocket.

Additionally, in the 106th Congress, H.R. 150 was signed into law, which provides the Secretary of Agriculture the authority to convey Forest Service land for educational purposes. The Forest Service has yet to make any conveyances under H.R. 150, and has yet to write regulations to implement the Act, which is why H.R. 3401 is before us today.

In addition to the transfer, H.R. 3401 authorizes a new special use permit that would continue to authorize Clovis Unified's use of the adjacent 100 acres. There are no structures in need of capital improvements on these 100 acres.

The Federal costs of this transfer are administrative only, and are negligible to the amount that the school district will be spending to increase the value of the property and run this valuable educational program for the benefit of the children of California.

In conclusion, this legislation is a positive effort in effective local, state, and Federal Government cooperation.

I look forward to hearing from the witnesses today. And thank you, Mr. Chairman, for allowing this bill to be heard.

[The prepared statement of Mr. Radanovich follows:]

Statement of The Honorable George P. Radanovich, a Representative in Congress from the State of California

Mr. Chairman, thank you for considering H.R. 3401 today, the California Five Mile Regional Learning Center Transfer Act.

This bill transfers 27.1 acres of National Forest Service property from the Stanislaus Forest to the Clovis Unified School District. By so doing, this legislation will permit the school district to continue to operate the Five Mile Regional Learning Center on this National Forest land and, more specifically, the bill would allow the school district to fund necessary capital improvements to the Learning Center facilities. Without this legislation, these improvements and non-federal expenditures would not be permitted and the Learning Center could not continue due to dilapidation.

The Five Mile Regional Learning Center is an Outdoor Environmental Education School that benefits youth from all over the state of California. The Regional Learning Center serves 138 schools from approximately 60 school districts in California. Approximately 14,000 students participated in this educational program last year. A variety of classes are offered with an emphasis on natural resource conservation. In addition to the environmental education program, the school district offers course work on character development, team building, and individualized challenge activities such as high ropes. During the summer the site is used by a variety of groups. In addition, a number of counties in conjunction with local and state agencies bring "At risk kids" to the program's Life's Alternatives Involving Risks (LAIR) Adventure Academy.

The 120-acre Five Mile Regional Learning Center has been operated by the Clovis Unified School District since 1989. Prior to that the Fresno County Office of Education starting in 1969 operated the project.

While the Five Mile Regional Learning Center is located on National Forest Land, the Federal Government plays no role in the operation or maintenance of the facilities used by the program or in delivery of the educational program. The National Forest Service merely permits the use of these facilities and public land to the Clovis Unified School District, and monitors the program to ensure the District adheres to permit requirements. The Forest Service has not funded or appropriated monies to maintain or operate these buildings. According to Forest Service documents the, "Regional Learning Center facility has outlived its life by years, and, if it were not for the efforts of the Clovis Unified School District, the buildings would be in a state of disrepair useable to no one."

The Clovis Unified School District has—on average—spent more that $1 million per year over the last 12 years on operation and maintenance. Without transfer of ownership, the Clovis Unified School District is prohibited by law from spending its money on capital improvements to ensure that these facilities do not fall into disrepair.

In addition to the ongoing commitment of spending more than $1 million per year in operation costs, the Clovis Unified School District is willing to invest $5 million over 5 years in capital improvements and renovations to the existing facilities.

I understand there are concerns regarding the fair market value of this property. Clovis Unified is not a private sector, for-profit institution. It is a school district. The school district does not intend to use this acreage for marketplace purposes. Instead, Clovis Unified is committed maintaining the public value in this land and these facilities out of its own pocket.

Additionally, in the 106th Congress, H.R. 150 was signed into law. It provides the Secretary of Agriculture the authority to convey Forest Service Land for educational purposes. The Forest Service has yet to make any conveyances under H.R. 150 and has yet to write regulations to implement the Act, which is why H.R. 3401 is before us today.

In addition to the transfer, the H.R. 3401 authorizes a new Special Use permit that would continue to authorize Clovis Unified's use of the adjacent 100 acres. There are no structures in need of capital improvement on the 100 acres.

The Federal costs of this transfer are administrative-only and negligible to the amount that the school district will be spending to increase the value of the property and run this valuable educational program for the children of California.

In conclusion, this legislation is a positive effort in effective local, state and Federal Government cooperation. I look forward to hearing from the witnesses and addressing any issues that arise today.

Thank you, again, Mr. Chairman for holding this hearing.

Mr. MCINNIS. All right, let's proceed. My understanding is you have got some testimony for the other bills, as well, and you wish to proffer all of that at this point?

Ms. ESTILL. I would like to do all three at once, if I could.

Mr. MCINNIS. And then you will stay around for questioning?

Ms. ESTILL. Sure will.

Mr. MCINNIS. Thank you. You may proceed.

STATEMENT OF ELIZABETH ESTILL, DEPUTY CHIEF, PROGRAMS AND LEGISLATION, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Ms. ESTILL. Thank you very much for inviting us to participate, and for this opportunity to appear before you today. I am Elizabeth Estill, the Deputy Chief for Programs and Legislation of the USDA Forest Service, and I am here to provide the Department's views on three bills: H.R. 3962, the Good Neighbor Act; H.R. 3401, the California Five Mile Regional Learning Center Transfer Act; and H.R. 3954, the Caribbean National Forest Wild and Scenic Rivers Act.

The Department supports H.R. 3954, the Caribbean National Forest Wild and Scenic Rivers Act, with some very minor technical corrections. The Department would like to work with the Committee to make a number of improvements to H.R. 3401, the California Five Mile Regional Learning Center Transfer Act—although I would say right now that we are certainly in favor of the transfer—and H.R. 3962, the Good Neighbor Act, before these bills move forward.

H.R. 3962, the Good Neighbor Act: It limits the ability of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service, to acquire land within counties already containing 50 percent Federally controlled land. H.R. 3962 would require the agencies to dispose of land equal to 97 percent of the value of the land to be acquired in those counties.

In addition, the Act requires the agency to notify the Governor, the chief executive of the county, and members of the House and Senate, prior to the acquisition. It also requires the agency to hold a hearing prior to the acquisition, within the county in which the land is located. If the Federally owned lands in the county exceed 66 percent, H.R. 3962 requires approval of the Federal acquisition by the governing legislative body of the county.

The Department recognizes and supports addressing the needs of local citizens to participate in decisions regarding Federal lands within their counties. However, we would like to work with the Committee to modify, where necessary, some of the limitations of H.R. 3962. For example, we should ensure that H.R. 3962 is consistent with the existing and individual state enabling acts that authorize and provide conditions on approvals of Forest Service acquisitions as required by the Weeks Act.

H.R. 3962 also requires the Federal agencies to dispose of land equal in value to lands acquired, without providing a related sales authority. The Forest Service does not have a general sales authority to accomplish the bill's purposes.

And finally, we should work to ensure that H.R. 3962 would not unnecessarily limit the ability of the Forest Service to acquire lands to further the purposes of land management mandates imposed under other statutes, such as the Federal Land Policy and Management Act, the Multiple-Use Sustained Yield Act, and the Forest and Rangeland Renewable Resources Planning Act, and the National Forest Management Act.

We agree that additional Federal acquisitions should, as a rule, be discussed with local elected officials to communicate both the public needs, and also have the Forest Service better understand the communities' perspective on the impact. And we are committed to work with the Committee to meet that objective. We look forward to working with the Committee to identify ways to better involve local citizens in land acquisition decisions, while still retaining the authority of the Federal Government to acquire those lands which are in the broader public's interest.

H.R. 3401 directs the Secretary of Agriculture to convey without consideration 27 acres of National Forest System lands to the Clovis, California Unified School District. This conveyance would also include the improvements that comprise the Five Mile Regional Learning Center. In addition, the bill directs the Secretary of Agriculture to enter into negotiations on the terms of a special use permit with the school district, to allow their use of an additional 100 acres of National Forest System land.

This bill includes a reversionary clause in which the property conveyed would revert to the United States if the school district discontinues its operation of the Learning Center.

The Department does not support the conveyance of land and improvements without consideration. Rather, we would like to work with the Committee to pursue this transaction in a manner consistent with either the Sisk Act, Public Law 90-171, or the Education Land Grant Act, Public Law 106-577, which both allow conveyance of the National Forest System lands for educational purposes.

Presently, personnel on the Stanislaus National Forest are working with the school district to explore the conveyance of this land under Public Law 106-577. In addition, we would like to work with the Committee to ensure that a reversionary interest in the land would limit the potential liability to the Federal Government.

H.R. 3954, the Caribbean National Forest Wild and Scenic Rivers Act, amends Section 3(a) of the Wild and Scenic Rivers Act, to designate three rivers in the Caribbean National Forest in the

Commonwealth of Puerto Rico as components of the National Wild and Scenic River System.

The segments to be designated include 4.4 miles of the Rio Mamayes, 2.1 miles of the Rio de la Mina, and 2.3 miles of the Rio Icacos. H.R. 3954 would allow, subject to the Secretary's discretion, installation and maintenance of data collection and transmission facilities, construction and maintenance of structures to allow monitoring of flora and fauna, and construction and maintenance of trails for research facilities.

The Department supports H.R. 3954, with a very small number of technical corrections, which have been discussed with your staff.

This concludes my testimony, and I look forward to answering any questions that you may have.

[The prepared statement of Ms. Estill follows:]

Statement of Elizabeth Estill, Deputy Chief, Programs and Legislation, Forest Service, U.S. Department of Agriculture, on H.R. 3962, H.R. 3401, and H.R. 3954

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Elizabeth Estill, Deputy Chief for Programs and Legislation, USDA Forest Service. I am here today to provide the Department's views on three bills: H.R. 3962 Good Neighbor Act, H.R. 3401 California Five Mile Regional Learning Center Transfer Act, and H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act.

The Department supports H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act with some technical corrections. The Department would like to work with the Committee to make a number of improvements to H.R. 3401 California Five Mile Regional Learning Center Transfer Act and H.R. 3962 Good Neighbor Act before these bills move forward.

H.R. 3962 Good Neighbor Act

H.R. 3962 Good Neighbor Act limits the ability of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service to acquire land within counties already containing 50 percent Federally controlled land. H.R. 3962 would require the agencies to dispose of land equal to 97 percent of the value of the land to be acquired in those counties. In addition, H.R. 3962 requires the Agency to notify the Governor, chief executive of the county, and Members of the House and Senate prior to the acquisition. H.R. 3962 also requires the Agency to hold a hearing, prior to the acquisition, within the county in which the land is located. If the Federally controlled land within the county exceeds 66 percent of the land area of the county, H.R. 3962 requires approval of the Federal acquisition by the governing legislative body of the county.

The Department recognizes and supports addressing the needs of local citizens to participate in decisions regarding Federal lands within their counties. However, we would like to work with the Committee to modify where necessary limitations imposed on Federal acquisitions by H.R. 3962.

For example, we should ensure that H.R. 3962 is consistent with existing individual state enabling acts that authorize and provide conditions on approvals of Forest Service acquisitions as required by the Weeks Act (P.L. 61–435).

H.R. 3962 also requires the Federal agencies to dispose of land equal in value to lands acquired without providing a related sales authority. The Forest Service does not have a general sales authority to accomplish the bill's purpose.

Finally, we should work to ensure that H.R. 3962 would not unnecessarily limit the ability of the Forest Service to acquire lands to further the purposes of land management mandates imposed under other statutes, such as the Federal Land Policy and Management Act, the Multiple–Use Sustained Yield Act, the Forest and Rangeland Renewable Resources Planning Act, and the National Forest Management Act.

We agree that additional Federal acquisitions should, as a rule, be discussed with local elected officials to communicate the needs as well as understand the impacts on communities and are committed to work with the Committee to meet that objective. We look forward to working with the Committee to identify ways to better involve local citizens in land acquisition decisions while still retaining authority of the

Federal Government to acquire those lands which are in the broader public's interest.

H.R. 3401 California Five Mile Regional Learning Center Transfer Act

H.R. 3401 directs the Secretary of Agriculture to convey without consideration 27 acres of National Forest System lands to the Clovis, California Unified School District. The conveyance would also include the improvements that comprise the Five Mile Regional Learning Center. In addition, the bill directs the Secretary of Agriculture to enter into negotiations on the terms of a special use permit with the school district to allow their use of an additional 100 acres of National Forest System land. The bill includes a reversionary clause in which the property conveyed would revert to the United States if the school district discontinues its operation of the Learning Center.

The Department does not support the conveyance of land and improvements without consideration. Rather, the Department would like to work with the Committee to pursue this transaction in a manner consistent with either the Sisk Act, P.L. 90–171 or the Education Land Grant Act, P.L. 106–577, which both allow conveyance of National Forest System lands for educational purposes. Presently, personnel on the Stanislaus National Forest are working with the school district to explore conveyance of this land under P.L. 106–577. In addition, we would like to work with the Committee to ensure that a reversionary interest in the land would limit potential liabilities to the Government.

H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act.

H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act amends Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate three rivers in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic River System. The segments to be designated by H.R. 3954 include 4.4 miles of the Rio Mameyes, 2.1 miles of the Rio de la Mina, and 2.3 miles of the Rio Icacos. H.R. 3954 would allow, subject to the Secretary's discretion, installation and maintenance of data collection and transmission facilities, construction and maintenance of structures to allow monitoring of threatened and endangered species, and construction and maintenance of trails for research facilities.

The Department supports H.R. 3954 with a small number of technical corrections. We recommend that subsection 2(c) be eliminated as the Wild and Scenic Rivers Act includes direction for establishing a river corridor boundary, submitting the resulting map and legal description to Congress, and providing for public inspection of the map and legal description (16 U.S.C. 1274 (b) and (c)). This matter has been discussed with your staff, as well as other minor technical corrections.

Conclusion:

This concludes my testimony. I look forward to answering any questions you may have.

Mr. MCINNIS. Thank you, Ms. Estill.

You may proceed, Dr. Bradley.

STATEMENT OF TERRY BRADLEY, Ed.D., DEPUTY SUPERINTENDENT FOR ADMINISTRATIVE SERVICES, CLOVIS UNIFIED SCHOOL DISTRICT

Mr. BRADLEY. Chairman McInnis and members of the House Subcommittee on Forests and Forest Health, thank you for the opportunity to testify in support of H.R. 3401, the California Five Mile Regional Learning Center Transfer Act. My name is Terry Bradley, Deputy Superintend for Administrative Services for the Clovis Unified School District. And it is my honor to represent our district at today's hearing in support of H.R. 3401, as introduced by the Honorable George Radanovich in the House of Representatives on December 4, 2001. As part of my testimony, there are several exhibits that I ask be incorporated as part of the record.

The Clovis Unified School District is located in Fresno County, in the middle of the great Central Valley in California. Clovis

Unified serves approximately 33,500 students in grades K through 12. Clovis students live in the Cities of Clovis and Fresno, plus parts of the County of Fresno. And I have been a staff member of Clovis Unified since 1976.

Clovis Unified has leased the Five Mile Regional Learning Center from the Forest Service under a special use permit since 1989. During this time period, we have established an excellent working relationship with the Forest Service. We fully expect that this cooperative relationship between the district and the Forest Service will continue if title to the Regional Learning Center conveys to our school district.

The Regional Learning Center is located on approximately 27.1 acres in the Stanislaus National Forest, at approximately 4,100 feet in elevation. The nearest city to the Regional Learning Center is the city of Sonora. The 27.1-acre site was initially developed during the early 1960's by the Forest Service, and consists of several barracks, a cafeteria/kitchen building, classrooms, gymnasium, and shop buildings. In 1999, Clovis Unified and the Forest Service amended the special use permit to add approximately 93-plus acres adjacent to the Regional Learning Center for use for outdoor educational purposes.

The center is used as an outdoor educational environmental school for students in fourth through twelfth grades. During the 2000-2001 school year, the center served more than 14,000 students, from 140 schools and 60 school districts from throughout the State of California. Since our district assumed management of the center, more than 160,000 students have benefited from the center's program.

Classes range from forest to raptor studies, with an emphasis on national resource conservation. In addition to our environmental education program, classes are also offered on character development, team building, and individual challenges such as high-rope climbing. A more thorough description of our educational programs offered to students at the center is included in our written testimony as an exhibit.

In addition, the Regional Learning Center is also used for conferences, workshops, and athletic camps for both youths and adults. A sample of the activities hosted by the center during the past year include a technology conference for teachers, the California Department of Forestry Academy, several summer basketball camps, and retreats for both youths and adults.

The buildings and structures of the center have been in existence since the early 1960's. Because of financial shortfalls, the Forest Service has not been able to maintain or operate these buildings. Since taking over the operation of this center in 1989, Clovis Unified has spent more than $1 million each year operating the center. During the last fiscal year, our operating expenses exceeded $1.2 million. We have invested more than $14 million in the operations of the Learning Center since 1989.

In addition to the operating costs, Clovis Unified is prepared to invest funds necessary to modernize and improve the Regional Learning Center's facilities. However, because Clovis Unified does not own the land or buildings, we are prohibited from spending district of state money for capital facility improvements or renovations

at the center. Capital investments must be made now to continue the Regional Learning Center. With title to the center's lands and buildings, Clovis Unified can use district and state funds to make the necessary facility improvements.

H.R. 3401 will transfer ownership of the center to Clovis Unified. Approval of H.R. 3401 is necessary so that the capital renovations and improvements vital to the continued use of the center can and will be completed.

According to a Forest Service representative, the Regional Learning Center facility has outlived its life by years, and if it were not for the efforts of the district, the buildings would be in a state of disrepair, usable to no one. In a letter to our district dated June 5, 2000, by the Stanislaus National Forest Supervisor, it stated, "We have considered your request and believe that your acquisition of the Learning Center would be in the interest of the public and the Forest Service."

Clovis Unified is committed to invest $5 million over 5 years in capital renovations and improvements, if H.R. 3401 is approved. This investment is in addition to our $1.2 million annual expenditure provided for operation and routine maintenance.

H.R. 3401 would also authorize a new special use permit to continue the authorization.

Mr. MCINNIS. Mr. Bradley, could you wrap it up, please?

Mr. BRADLEY. Oh, I am sorry. Well, I will just finish up, then.

In closing, we urge your support and approval for this legislation that should be considered non-controversial and a wonderful example of effective local, state, and Federal Government cooperation. The Federal costs of this transfer are administrative only, and negligible compared to the investment our district is willing to make and the improved and continuing educational services provided students throughout our state.

Thank you, Mr. Chairman, and members of the Committee, for the opportunity to testify today. We look forward to working with the Committee and the Forest Service on this legislation. Thank you.

[The prepared statement of Mr. Bradley follows:]

Statement of Terry Bradley, Ed.D., Deputy Superintendent for Administrative Services, Clovis Unified School District, City of Clovis, County of Fresno, State of California, on H.R. 3401

Chairman McInnis and Members of the House Subcommittee on Forests and Forest Health, thank you for the opportunity to testify in support of H.R. 3401, the California Five Mile Regional Learning Center Transfer Act.

My name is Terry Bradley; Deputy Superintendent for Administrative Services for the Clovis Unified School District and it is my honor to represent our school district at today's hearing in support of H.R. 3401, the "California Five Mile Regional Learning Center Transfer Act" introduced by the Honorable George Radanovich in the House of Representatives on December 4, 2001. As part of my testimony, there are several exhibits that I ask be incorporated as part of the record.

The Clovis Unified School District is located in Fresno County, which is the heart of the great Central Valley in California. Clovis Unified serves approximately 33,500 students in grades K–12. Clovis students live in the cities of Clovis and Fresno plus parts of the County of Fresno. I have been on the staff of Clovis Unified since 1976.

Clovis Unified has leased the Five Mile Regional Learning Center from the Forest Service under a Special Use Permit since 1989. During this time period, we have established an excellent working relationship with the Forest Service. We fully expect that this cooperative relationship between the Clovis Unified School District

and the Forest Service will continue if title to the Five Mile Regional Learning Center conveys to our school district.

The Regional Learning Center is located on approximately 27.1 acres in the Miwok Ranger District of the Stanislaus National Forest at approximately 4,100 feet in elevation. The nearest city to the Regional Learning Center is the City of Sonora. The 27.1-acre site was initially developed during the early 1960's by the Forest Service and consists of several barracks, a cafeteria/kitchen building, classrooms, and gymnasium and shop buildings. In 1999 Clovis Unified and the Forest Service amended the Special Use Permit to add approximately 93 acres adjacent to the Regional Learning Center for use for outdoor educational purposes.

The Regional Learning Center is used as an Outdoor Environmental Educational School for students in fourth through twelfth grade. During the 2000–01 school year, the Regional Learning Center served more than 14,000 students from 140 schools and 60 school districts from throughout the State of California. Since CUSD assumed management of the Center, more than 160,000 students have benefited from the Center's programs. Classes range from forest to raptor studies with an emphasis on natural resource conservation. In addition to our environmental education program, classes are also offered on character development, team building and individual challenge activities such as high rope climbing. A more thorough description of educational programs offered to students at the Regional Learning Center is included in our written testimony as an exhibit.

The Regional Learning Center is also used for conferences, workshops and athletic camps for both our youth and adults. A sample of the activities hosted by the Center during the past year include a technology conference for educators, the California Department of Forestry Academy, several summer basketball camps and retreats for both youth and adults.

The buildings and structures at the Regional Learning Center have been in existence since the early 1960's. Because of financial shortfalls, the Forest Service has not been able to maintain or operate these buildings. Since taking over the operation of the Regional Learning Center in 1989, Clovis Unified School District has spent more than $1 million each year operating the Center. During the last fiscal year, our operating expenses exceeded $1.2 million. Clovis has invested more than $14 million in the operations of the Learning Center.

In addition to the operating costs, Clovis is prepared to invest the funds necessary to modernize and improve the Regional Learning Center's facilities. However, because Clovis Unified does not own the land or buildings, we are prohibited from spending District or State money for capital facility renovations or improvements at the Regional Learning Center. Capital investments must be made now to continue the Regional Learning Center. With title to the Center's land and buildings Clovis can use District and State funds to make the necessary facility improvements.

H.R. 3401 will transfer ownership of the Regional Learning Center to the Clovis Unified School District. Approval of H.R. 3401 is necessary so that capital renovations and improvements vital to the continued use of the Regional Learning Center can and will be completed. Otherwise the condition of the Center's buildings and infrastructure will result in the discontinuation of the Regional Center's operation.

According to a Forest Service representative, the Regional Learning Center facility has outlived its life by years and if it were not for the efforts of the Clovis Unified School District, the buildings would be in a state of disrepair useable to no one. In a letter to our District dated June 5, 2000, Ben Del Villar, the Stanislaus National Forest Supervisor, stated that, "We have considered your request and believe that your acquisition of the Learning Center would be in the interest of the public and the Forest Service."

Clovis Unified is committed to invest $5 million over 5 years in capital renovations and improvements to the Regional Learning Center if H.R. 3401 is approved. This investment is in addition to the $1.2 million annual expenditure provided by CUSD for operations and routine maintenance. Also, we are committed to continuing to expand and enhance our outdoor educational curriculum to provide students from throughout California with the best experience possible during their stay at our facility.

H.R. 3401 would also authorize a new Special Use permit to continue the authorization for our school district to use the adjacent 93+ acres as presently used for environmental program activities. H.R. 3401 provides that title to the real property conveyed under the Act would revert if the Clovis Unified School District discontinues its operation of the Five Mile Regional Learning Center.

Included with our written testimony is a full description of the educational program offered at the Regional Learning Center along with maps that identify the location of the Regional Learning Center and adjacent property that is affected by H.R. 3401. Also, we have attached as exhibits several letters sent to members of

the California Congressional delegation from schools throughout the State of California. These letters are from school districts that have utilized the Regional Learning Center and express support for the proposed legislation.

In closing, we urge your support and approval for this legislation that should be considered non-controversial and a wonderful example of effective local, state and Federal Government cooperation. The Federal costs of this transfer are administrative only and negligible compared to the investment Clovis Unified is willing to make in both operational expenditures and capital facility improvements. The result will be the continuation and enhancement of this valuable outdoor educational program and the continuation of Outdoor Environmental programs utilized and appreciated by school and community groups throughout California.

Thank you, Mr. Chairman and members of the Committee for the opportunity to testify and for your consideration of H.R. 3401. We look forward to working with the Committee and the Forest Service on this legislation.

[Attachments to Mr. Bradley's statement follow:]

Exhibit

DESCRIPTION OF REGIONAL LEARNING CENTER EDUCATIONAL PROGRAM

- **Description and Location of Regional Learning Center**

  The Five Mile Regional Learning Center (RLC) is a ROSS (Residential Outdoor Science School) certified environmental education school located in the Miwok Ranger District of the Stanislaus National Forest. The RLC is east of the city of Sonora, California at approximately 4,100 feet in elevations. It is located on approximately 27.1 acres of a Forest Administrative site. Approximately 100 additional acres of National Forest property adjacent to the RLC is also part of the property used for educational purposes.

  The 27.1-acre site includes barracks, a mess hall, classrooms, and gymnasium and shop buildings. Several trailers that house RLC employees are also located on the site. With the exception of the trailers that were acquired by either the Clovis Unified School District (CUSD) or the Fresno County of Education, the Forest Service constructed all real property improvements in the early 1960's. The additional 100 acres adjacent to the RLC are being used as part of a comprehensive conservation/education program for trails, campsites, ball fields, bird mew sites, bird blinds and a tree nursery.

- **Current Use of the Regional Learning Center**

  Since 1989, the CUSD has leased the 27.1 acres from the Forest Service for the purpose of operating an outdoor science/education program. Prior to the CUSD taking over the operation of the RLC, the Fresno County Office of Education operated the RLC as an educational facility under a lease agreement with the Forest Service from 1969 to 1989.

  During the 2000-01 school year, the RLC served as an outdoor educational facility for more than 14,000 students from 140 schools and 60 school districts from throughout Northern and Central California. Students attending the RLC ranged from fourth through twelfth grade. Dependent on the age group, students stayed overnight at the RLC from one to five days. The RLC educational program is divided into two stands consisting of the RLC Elementary Program and the Life's alternatives Involving Risk Adventure Academy (LAIR).

While the RLC is located on National Forest property, the federal government plays no role in the operation or maintenance of the facilities used by CUSD. The role of the Forest service is merely to negotiate a lease for the use of the subject property and to ensure that the permit/lease requirements are adhered to by CUSD.

CUSD is responsible for all operational costs associated with the RLC including maintenance of all facilities, infrastructure, trails, etc. The approximate cost to operate the RLC on an annual basis now exceeds more than $1.2 million.

- **Educational Mission of the Regional Learning Center**

The mission of the RLC is to provide a science based educational experience in an outdoor setting whereby students learn to respect themselves, others as well as the environment.

The elementary curriculum is based on the California State Standards for Science, Social Studies, Language Arts and Physical Education. In addition academic courses are offered that encourage individual growth through personal challenges as well as team building activities that foster cooperation and responsibility.

- **The Educational Curriculum of the Regional Learning Center**

The RLC science curriculum includes courses that focus on California geology, ecology, and studies on the forest, natural resource conservation and astronomy. In addition, students use the "Raptor Center" to learn about the golden eagle, turkey vulture, screech owl, red-tailed hawk, and the American kestrel. Students are also given the opportunity to participate in the dissection of owl pellets.

The RLC social studies curriculum focuses on California history. Classes focus on gold studies and Mewuk studies with a focus on an indigenous Indian tribe and culture. Students are also given the opportunity to tour the Columbia State Park, a restored 1800's gold mining town as well as touring the historic rail town in Jamestown.

The RLC language arts curriculum is integrated into the social studies and science activities through the utilization of field notes and journal writing. Each student attending the RLC must complete a journal emphasizing scientific writing strategies as well as personal experiences.

Physical Education is an integral component of the RLC curriculum because of the high-energy nighttime activities that take place each evening. These activities include our Mountain Madness Relays and the Hillbilly Hop Dance. In addition, nearly all of the science related activities take place in the forest that requires a great deal of hiking to and from teaching stations. Orientation and survival classes are also included in our physical education curriculum that teach students navigation and coping skills in the event that one becomes lost in the forest.

The LAIR Academy serves students in seventh through twelfth grade. Similar science connections are made through the study of geology, watersheds and natural history. The LAIR Academy is an adventure based program that affords students the opportunity to mountain bike, kayak, rock climb, experience a rock-climbing wall, complete a high ropes course and participate in team activities. Special emphasis is devoted to teamwork and personal development through the use of team classes and utilizing the "true colors" curriculum.

- **Other Programs Offered at the RLC**

The RLC is utilized for on a year-round basis. In addition to the elementary and high school programs described above that operate during the traditional school year (September – June), the RLC is used for conferences, workshops and athletic camps. A sample of the activities hosted by the RLC during the past year include a technology conference for educators, the California Department of Forestry Academy, several summer basketball camps and church related retreats for both youth and adults.

RAISIN CITY SCHOOL DISTRICT

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Superintendent/Principal
Martha Granados-Lemons
Assistant Superintendent/Personnel

The Hon. Calvin M. Dooley
1201 Longworth HOB
Washington, D.C. 20515

12/13/01 ** 1:50 PM

Dear Congressman Dooley:

I trust this letter finds you in the best of Yuletide spirits. I hope you remember our little school district. If you remember, you visited us last year when we hosted the Federal announcement on rural medicine. Today, though, we have a favor to ask and hope to take just a moment of your attention.

Congressman Dooley, we are a very poor district. The overwhelming percentage of our children are offspring of our Valley's working poor. Wonderful and positive people, they nonetheless suffer in the amount that they are able to give their children as they grow up. One of our few really eye opening experiences is when our sixth grade students attend the Regional Learning Center run by Clovis Unified School District. For years our children will look forward to this and as a school we make absolutely sure that every child can afford to attend. You see, for many of our kids , this is their first time to see a forest, to live among children of all types, to be away from home and, for some, the first time to actually use something as simple as an indoor shower. The education is remarkable, something we can not duplicate within our District and yet is so valuable to them.

It is for this reason that we ask that the center be deeded to Clovis Unified. The Forest Service, the current owner, has neither the funds nor plans for upkeep and maintenance and since the facility does not belong to the District, Clovis receives no state monies to help keep it going, particularly deferred maintenance funds. Congressman, this is not a Clovis issue. This is an issue for all of us. We need that center for our kids. The only viable way for this to happen is for C.U.S.D. to be deeded the property.

Please consider taking action and being supportive of this opportunity for the children of California; for the children of the Valley.

Sincerely yours,

Daniel R. Safreno, Superintendent

cc: file

6425 West Bowles • P.O. Box 69 • Raisin City, CA 93652
(559) 233-0128 • FAX (559) 485-0891

Kathy Jones

From: Kathy Jones <kjones@belleview.k12.ca.us>
To: <DOOLITTLE@MAIL.HOUSE.GOV>
Sent: Wednesday, December 12, 2001 2:24 PM
Subject: Regional Leraning Center

The Honorable John T. Doilitle

1526 Longworth HOB

Washington D.C. 20515

Dear Mr Doolittle;

I am writing to you to express my support to the Clovis Unified School District's request that the federal properties that currently house the C.U.S.D. Regional Learning Center in Tuolumne County be ceded into their ownership. C.U.S.D. currently runs the R.E.L.C. and serves hundreds of kids and adults from many other counties at this facility. C.U.S.D. cannot use deferred maintenance monies to maintain the property because they do not own it. This facility has been in operation for many many years and without the efforts of C.U.S.D. the site would be in a sorry state of disrepair. Children from our school, Belleview Elementary School also attend this center as part of our environmental learning component, so we are aware of the need for the site to be maintained. Your assistance in helping this coms to fruition would be greatly appreciated.

Sincerely;
Mike Raleigh
Supt/Principal,
Belleview Elementary School

To: Mike Olenchalk
mike - I emailed this to J. Doolittle
Mike Raleigh

12/12/01

Christine G. Anderson, Principal
Merryhill Schools-Millcreek Campus
2565 Millcreek Drive
Sacramento, CA 95833

The Honorable Robert T. Matsui
2308 Rayburn HOB
Washington D.C. 20515

Dear Congressman Matsui:

Each year our fourth and fifth grade students attend the Regional Learning Center for one week. Although it is some distance from us, we continue to attend because we feel it is an extremely valuable experience.

In addition to a comprehensive education program, they also provide students with hiking, camping, bird watching etc. It is a memory they will treasure for a lifetime. I feel that it cannot be emphasized enough just how valuable this type of program is. We know from research, that "hands-on" learning experiences, make permanent connections in the brain.

Because the Forest Service does not provide any monies for maintaining the RLC. Clovis Unified School District has taken on that responsibility. However, the RLC is not under their purview. Because of this, they are prohibited from spending money on the necessary capital expenditures.

Both the Forest Service and Clovis Unified School District are amenable to this transfer. Moreover, CUSD, is willing to invest $5 million over 5 years in capital improvements and renovations to the existing facilities.

I hope you will support this transfer of ownership.

Sincerely,

Christine G. Anderson

Christine G. Anderson, Principal

PARLIER UNIFIED SCHOOL DISTRICT

PROUDLY SERVING THE BILINGUAL/BICULTURAL COMMUNITY OF PARLIER

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PARLIER JUNIOR HIGH SCHOOL ◆ SAN JOAQUIN VALLEY HIGH SCHOOL ◆ PARLIER HIGH SCHOOL
[illegible] Newcastle Avenue ◆ Parlier, California [illegible] ◆ [559] [illegible]-3721 ◆ Fax [559] [illegible]-[illegible]

JACK B. GEIGER
Asst. Superintendent
Educational Services

LUCI A. DOMINICO
Asst. Superintendent
Business Services

MARIA J. MENESES-TREJO
Superintendent

December 14, 2001

The Honorable Calvin M. Dooley
1201 Longworth HOB
Washington, D.C. 20515

Honorable Calvin M. Dooley,

Letter of Support

Students from Parlier Unified School District have been the Sonora Science Camp Site [illegible] years. This camp site has provided memorable moments for students [illegible] through the sixth grade in our district. In addition to the students, many parents, staff members, administrative and teachers have had the same opportunity.

As a Superintendent, I understand the need and the high cost of maintaining existing buildings, especially if they are more than a few years old. Utilizing deferred maintenance funds for the upkeep is necessary to continue with the work needed and to provide the much loved services and experiences to all of our students. This is a letter of support of the possible transfer of the facility to Clovis Unified School District.

Respectfully,

Maria J. Meneses-Trejo
Superintendent

sg/

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2065 E. Bowles Avenue
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(559) 834-2533

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Sandi Johnson, Administrative Assistant

December 14, 2001

The Honorable George Radanovich
123 Cannon HOB
Washington D.C. 20515

Congressman Radanovich,

For over 11 years, our sixth grade students have had the opportunity to participate in the unique "hands-on" learning experience during Pacific Union School's annual three-day trip to the Clovis Unified School District Regional Learning Center's outdoor educational camp near Sonora, California. The trip has always been designed to provide students with firsthand experiences/knowledge about ecology and the environment.

Hundreds of Pacific Union student have benefitted educational and socially from the experiences they have had during the times spent at the camp. Many of the students would never have had the chance to participate in this type of activity if it were not for the existence of the **Clovis Unified School District Regional Learning Center's outdoor educational camp**.

Therefore, I am writing this letter in support of the "California Five Mile Regional Learning Center Transfer Act". Pacific Union School District is in support of having the facility deeded/transferred to Clovis Unified School District. Thank you for your consideration on this matter.

If you have any questions, please call me at (834-2533).

Sincerely,

Warren E. Jennings

Warren E. Jennings
Superintendent/Principal

WEJ:sj

San Juan Unified School District
ORANGEVALE OPEN K-8 SCHOOL
6550 Filbert Ave., Orangevale, CA 95662
Judi McGuire, Principal
(916) 986-2220 or (916) 986-2223

December 17, 2001

The Honorable John T. Doolittle
1526 Longworth HOB
Washington D.C. 20515

Dear Honorable Doolittle,

I am writing this letter in reference to the "California Five Mile Regional Learning Center Transfer Act." As the principal of Orangevale Open K - 8 School in the San Juan Unified School District, I am in support of the Regional Learning Center being deeded/transferred to the Clovis Unified School District. This would ensure that the existing buildings and administrative sites could be maintained by deferred maintenance money which is imperative if thousands of school children are to continue attending this excellent outdoor Science school.

Every year, my three third grade classes take a 2 night 3 day field trip to this educational facility. The curriculum and enrichment provided by this program fit our educational philosophy of "hands on", meaning-centered learning. Our children learn about ecology, habitats and environments in the area, gold panning and Native American Studies. Teachers, parents and students all feel this is one of the most enriching field trips they take. I strongly support The Regional Learning Center being deeded to Clovis Unified School District which will ensure that this program will continue and the buildings will be maintained.

Respectfully,

Judi McGuire

Judi McGuire
Principal
Orangevale Open K - 8

FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT
1976 MORRIS KYLE DR. • FIREBAUGH, CA 93622 • (559) 659-1476 • FAX (559) 659-2355

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MARY VAUGHAN
Assistant Superintendent

December 17, 2001

The Honorable Calvin M. Dooley
1201 Longworth HOB
Washington D.C. 20515

Honorable Congressman Dooley,

This letter is written on behalf of the Clovis Unified School District Regional Learning Center Director, Michael Olenchalk. It has been brought to my attention that Clovis Unified is currently working with Congressman George Radanovich to have the facility deeded/transferred to CUSD in order to renovate and make capital improvements on the facilities.

Our Firebaugh Middle School students in our district have had the unique experience of spending time at the Five Mile Regional Learning Center for many years. It is an opportunity for these students to spend several days in classes studying natural resource conservation. In addition to the environmental education program, they are offered course work on character development, team building, and challenging activities.

The Firebaugh-Las Deltas Unified School District would like to enlist your support in favor of this transfer of the Learning Center to Clovis Unified School District. Thank you in advance for your support.

Sincerely,

Violet L. Chuck

Violet L. Chuck, Superintendent
Firebaugh-Las Deltas Unified School District

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PORTOLA VALLEY SCHOOL DISTRICT
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Superintendent

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December 19, 2001

The Honorable Anna G. Eshoo
205 Cannon HOB
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Each fall our fourth grades from Corte Madera School climb on busses and take off for "The Gold Country" and specifically, the Clovis Regional Learning Center for one wonderful week of learning about our California history in connection with environmental studies. This is an exciting educational program and an important part of the curriculum at this grade level.

It has come to my attention that the Clovis Unified School District is leasing the facilities and since the facility is not district owned, there has been no deferred maintenance money used for upkeep. We believe that it would be in the best interest of all school districts to help Clovis Unified and have the facility deeded or transferred to the district.

Thank you for your interest in this project and I would urge your continued effort and support so that this site and the excellent educational programs offered can continue to serve the students of California.

Sincerely,

Nancy Spaeth
Superintendent

Saint Mary's High School

CELEBRATING 125 YEARS OF CATHOLIC EDUCATION

December18, 2001

Honorble Richard W. Pombo, Congressman
2411 Rayburn HOB
Washington, C.C. 20515

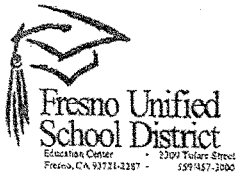
Dear Congressman Pombo:

I am writing to lend support for Clovis Unified School District's proposal to take ownership of the Regional Learning Center, former Job Corps site outside Sonora, CA. I have attended events at RLC since 1977 and can see first-hand the impact that the facility and its' program has on the youngsters and adults it serves. While its' primary role is an outdoor science school, RLC has welcomed all kinds of groups over the years. Mike Olenchalk and his staff do a wonderful job of accomodating large and small groups in this beautiful setting. I especially respect Mike's willingness to share the facility with groups other than those from Clovis Unified. Our group is from Stockton. I feel that Mike and his staff need the opportunity to make some improvements that will ensure the quality of the aging facility. It is my hope that the proposal will be approved as it represents a very positive step toward keeping RLC involved in the lives of many people of all ages.

Sincerely,

Jon Gustorf, Teacher
St. Mary's High School

Mailing Address - P. O. Box 7247 - Stockton, CA 95267-0247
Street Address - 5648 North El Dorado - Stockton, California - Phone 209-957-3340
FAX 209-957-6861 Internet ID STMARYSSTOCK@IMPRESSO.COM



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Santiago V. Wood, Ed.D.

January 8, 2002

Honorable George Radanovich
19th District
2377 W. Shaw Avenue, Suite 105
Fresno, CA 93711

Dear Congressman Radanovich:

This letter is to give my full support to Clovis Unified School District's request to transfer the Regional Learning Center facilities to the school district from the Forest Service. The "California Five Mile Regional Learning Center Transfer Act" would enable Clovis Unified to use deferred maintenance funds for upkeep of the facilities. Without transfer of ownership Clovis Unified is prohibited from spending money on capital improvements.

Clovis Unified School District pays the operational costs of the Regional Center which provides an outdoor environmental education school for children from all over California, including many from Fresno. Clovis Unified has committed to extensive capital improvements and renovations if the facility is transferred to the school district.

I ask your support of the "California Five Mile Regional Learning center Transfer Act."

Respectfully,

Santiago V. Wood, Ed.D.
Superintendent

SVW/hd

Big Creek School
P.O. Box 98
Big Creek, CA 93605
(559) 893-3314
FAX (559) 893-3315

January 4, 2002

The Honorable George Radanovich
123 Cannon HOB
Washington, D.C. 20515

Dear Congressman,

I am writing in support of the California Five Mile Regional Learning Center Transfer Act. This act will deed/transfer the residential outdoor science school, from the Stanislaus National Forest Service to Clovis Unified School District, which has operated the camp for 14 years. Clovis Unified has developed an outstanding program that benefited 14,000 students last year including Big Creek 4th graders. The agreement requires Clovis Unified to maintain the existing buildings and other administrative sites, which the district has done at a considerable cost. I hope that you will support this transfer, which will allow Clovis Unified to continue to provide this program to area youth.

Sincerely,

Judy J. Statler
Judy J. Statler
Superintendent

CENTRAL UNIFIED SCHOOL DISTRICT

[illegible] NORTH PECK AVE • FRESNO, CA 93723-5[illegible] • (559) 276-[illegible] • [illegible]

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Mike Yada

1-10-02

The Honorable George Radanovich
123 Cannon HOB
Washington D.C. 20515

Dear Congressman Radanovich,

This letter is in support of the "California Five Mile Regional Learning Center Transfer Act." As you are aware, Clovis Unified School District has operated the facility for the past 14 years.

Central Unified School District has had the privilege of participating in the use of the facility for various programs and it has been very beneficial to our students.

I encourage you to support the transfer and deeding of the Five Mile Regional Learning Center to the Clovis Unified School District. This transfer will allow for the ongoing maintenance and repair of the facility and allow school districts access to wonderful experiences for students.

Thank you for your positive consideration of the "California Five Mile Regional Learning Center Transfer Act."

Sincerely,

Larry L. Powell

GEOFFREY M. GAHRATY
Assistant Superintendent, Personnel
(559) 276-5224
FAX (559) 276-9985

JOHN MULLIGAN
Assistant Superintendent, Business
(559) 276-3200
FAX (559) 275-0394

SARAH KOLIGIAN
Assistant Superintendent, Instruction
(559) 276-3115
FAX (559) 276-3168

ANTIOCH UNIFIED SCHOOL DISTRICT

510 "G" Street - P.O. Box 768, Antioch, California 94509-0904 (925) 706-4200 - FAX. (925) 757-2937

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JERRY MACY
DEPUTY SUPERINTENDENT: BUSINESS SERVICES

CALVIN MC GEE, J.D.
DIRECTOR: PERSONNEL COMMISSION

September 12, 2001

U.S. Representative George Miller
2205 Rayburn Building
Washington, D.C. 20515

Re: The California Five Mile Regional Learning Transfer Act

Dear Representative Miller:

The Antioch Unified School District has utilized the outdoor education facility of the California Five Mile Regional Learning Center in the Mi Wok Ranger District, Stanislaus Forest. In fact, approximately 1,200 students from the Antioch Middle School have experienced the facility.

It is my understanding that the Clovis Unified School District has been operating the facility since 1989, and committing funds to the educational facility to keep it operational. In addition, Clovis Unified is willing to invest $5 million over five years in capital improvements and renovations to continue our youngsters' use of this facility.

I support the transfer of the facility to Clovis Unified School District from the National Forest Service. The National Forest Service does not complete maintenance or use capital outlay to keep the facility in repair. Clovis Unified is willing to maintain the property. Please do what you can to support the Term Special Use Permit to allow Clovis to continue operating this facility for our children.

Sincerely,

DENNIS GOETTSCH
Superintendent

tc

San Luis Coastal Unified School District

1500 Lizzie Street
San Luis Obispo, CA 93401 -3062
(805) 549-1334

STEVEN M. LADD, Ed.D., Superintendent

September 19, 2001

Honorable Lois Capps
Congresswoman, 22nd District
Longworth HOB, Room 1118
Washington, D.C. 20515-0522

Dear Congresswoman Capps:

This letter is written in support of pending federal legislation, the "California Five-Mile Regional Learning Center Transfer Act."

The facilities in the Five-Mile Regional Learning Center are important educational tools that have benefited thousands of California students over the years, including an annual trek by students from San Luis Coastal Unified School District. We are wholeheartedly in support of transferring ownership of this valuable resource from the Forest Service to Clovis Unified School District.

Clovis Unified School District has operated the outdoor school program at this location since 1989, following their predecessor-operator, the Fresno County Office of Education, who ran the operation since 1969. Their focus has been to provide a broad, enriching, and unique outdoor experience to students.

The Forest Service facilities have allowed the program to fully serve students for several days at a time because they include dormitories, mess hall, and support buildings. However, since the Forest Service doesn't actually use the facilities, they have invested no funds in maintaining the buildings to ensure their usefulness. Instead, the operating school district has taken the lead, but is prohibited from making capital improvements since they do not own the property.

Transferring ownership of the Regional Learning Center to Clovis Unified School District will allow the school district to invest available funds for capital improvements at the camp so that this resource is not lost to deterioration. Provisions of the legislation include a reversionary clause so that, should the learning center program cease to operate, the property would revert to the U.S. Forest Service.

It's a win-win situation. I strongly endorse the proposal and urge you to do the same. It benefits students throughout the State of California.

Sincerely,

STEVEN M. LADD, Ed.D.
Superintendent

SL:nkh

cc: Mr. Michael Olenchalk, Director, Regional Learning Center, Clovis Unified School District

San Luis Coastal Unified School District Board of Trustees
• Patricia Andreen • Caroline Botwin • Diane Dixon •
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Clovis Rotary Past Presidents

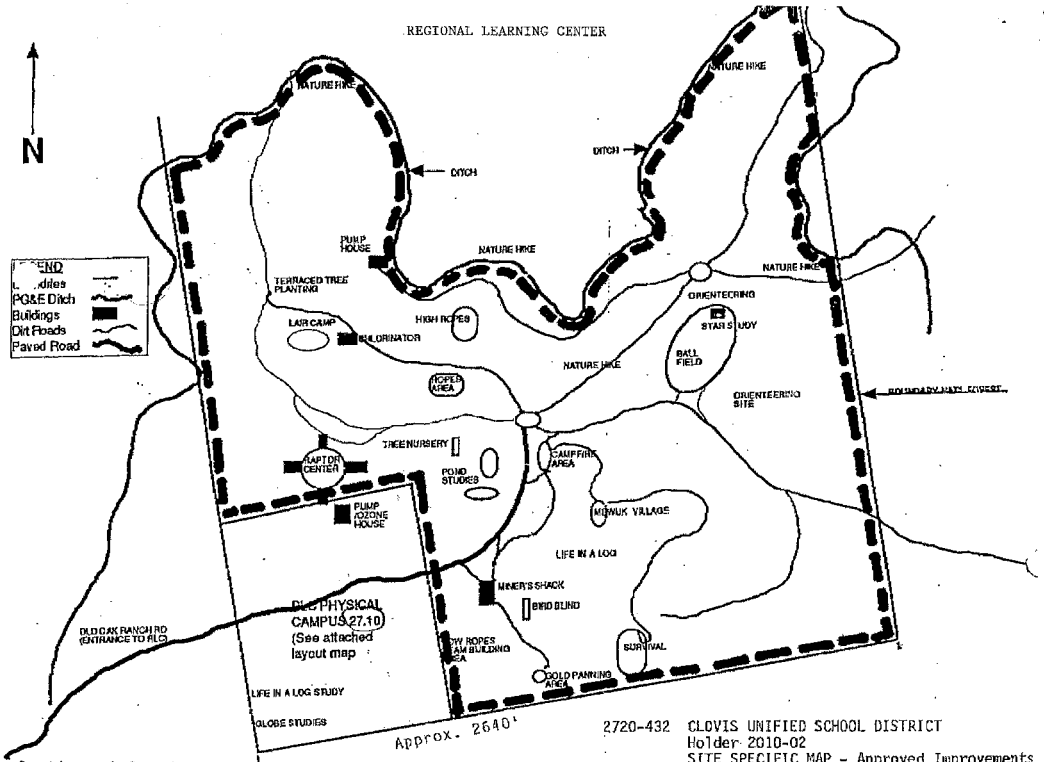
Rotary Year 202-2003

A new Rotary year is just around the corner, and we will have a new Clovis Rotary President...me! With your help, I might keep things from falling apart.

Our annual Retreat takes place April 12-14. If you could give some thought to your Clovis Rotary Presidency and offer an idea or two that worked especially well for you, I would appreciate it.

Thanks in advance for your help.

Bobby Shehorn
Clovis Rotary President-elect 2002-2003



Portion of Section 2, T. 2 N., R. 15 E., SW1/4

2720-432 CLOVIS UNIFIED SCHOOL DISTRICT
Holder 2010-02
SITE SPECIFIC MAP - Approved Improvements
Approximately 120 Acres 5/99 BM
Boundary of Permitted Area

Mr. MCINNIS. All right. We will open it up for questions on the witnesses. Our primary focus here is Mr. Radanovich's bill, so that is where I would like to restrict the questions to, specifically to that bill. After we have those questions, then we will move on to the next bill. Are there any questions?

Mr. RADANOVICH. If I may, Mr. Chairman, just a couple of questions?

Mr. MCINNIS. Yes.

Mr. RADANOVICH. Elizabeth, thank you for being here to testify. And I notice in your testimony that you mentioned support of the bill. But there are some circumstances regarding the bill, and one of the issues mentioned was the issue of liability.

I am familiar with some of these issues, when you had mentioned some of your public law. And I am not sure how they match up against H.R. 150, which was the law that allowed Forest Service transfer to educational groups. I am aware that this is the first law to be implemented by that, and there are no regulations that have been set up by the Department. And sometimes the first bill implementing a bill previously passed is sometimes laborious. But you had mentioned a liability issue that I am not quite familiar with.

Ms. ESTILL. Pretty unlikely, considering the use of this facility. However, we would like to protect ourselves so that the Secretary could not take the land back if it should be contaminated with whatever contamination might exist out there.

Mr. RADANOVICH. The area of liability that you are concerned with, then, is basically environmental clean-up possibilities?

Ms. ESTILL. Exactly.

Mr. RADANOVICH. Those kinds of things?

Ms. ESTILL. Exactly.

Mr. RADANOVICH. OK.

Ms. ESTILL. The real issue, if I might, that we have is that the Education Land Grant Act really will suffice. And it does require a nominal fee of $10 an acre.

Mr. RADANOVICH. They are more than willing to pay that $10.

Ms. ESTILL. And we think we can do it, just under that authority.

Mr. RADANOVICH. OK. Good. I am not sure there are any other questions that I have. Well, Mr. Bradley, let me ask a couple of quick questions. Do you plan to harvest trees on this property?

Mr. BRADLEY. No. No.

Mr. RADANOVICH. No? OK. And do you have any plans to restrict public access to any of the roads there?

Mr. BRADLEY. No. We would like as many people to enjoy the facility as possible.

Mr. RADANOVICH. All right. OK. Those are all the questions that I have, Mr. Chairman.

Thank you very much, Mr. Bradley for being here.

Mr. BRADLEY. Thank you.

Mr. RADANOVICH. And thank you, Elizabeth.

Mr. MCINNIS. Are there any further questions in regards to this bill? Go ahead.

Mr. ACEVEDO-VILA. Yes, good morning. To Mr. Bradley, you quote in your testimony a Forest Service reply to your request, and I quote, "We have considered your request and believe that the

acquisition of the Learning Center would be in the public interest." Are we still talking about a purchase? That was the original request, to buy the land? Or what is your position right now with regard to that?

Mr. BRADLEY. That was a letter that we received from the Forest Service supervisor when we started discussions about the purchase of the property under the old Sisk Act, in the late 1990's. And we were not aware of the issue related to fair market value. We thought because of the educational values that our district is bringing to the full state, along with the Forest Service, by the use of that property, there would not be a fair market value issue; especially with the commitment the district was willing to make and capital facility improvements.

Subsequent to that, when we had some meetings with the Forest supervisor, that issue came up not only for the 27.1 acres where the center is located, that certainly has a lot of trees on it, that that fair market value would include the value of the trees for logging purposes, for which we would have really no private interest in doing that.

You know, we are a public educational agency, not in the business—although some of our taxpayers don't think so—but not in the business of making money.

Mr. ACEVEDO-VILA. Thank you.

Mr. HOLT. Mr. Chairman?

Mr. MCINNIS. Go ahead, Mr. Holt.

Mr. HOLT. Thank you. With regard to the Five Mile Regional Learning Center, Ms. Estill, what is the fair market value of this parcel that taxpayers would be conveying?

Ms. ESTILL. The last time that it was actually valued was in '94, I believe, and that was about $1 million. We think it is probably worth about $2 million now.

Mr. HOLT. Thank you.

Mr. MCINNIS. Any further questions?

[No response.]

Mr. MCINNIS. If there are no further questions, I would like to thank the witnesses. Ms. Estill, if you will stay here, obviously, for the other bills?

Mr. Bradley, thank you for your attendance in front of the Committee.

Mr. BRADLEY. Thank you.

Mr. MCINNIS. Your exhibits will be incorporated into the record.

Mr. BRADLEY. Thank you.

Mr. MCINNIS. Mr. Acevedo-Vila, we were going to take you next in order, but Mr. Peterson's witness has arrived, so we will stick with our schedule, if there is no objection.

Our next panel would be Mr. Craig McCurry, the Elmore County Commissioner. And I think, Mr. Peterson, that is your only witness; is that correct?

Mr. PETERSON. Yes.

Mr. MCINNIS. OK. Mr. Peterson, we are on your bill, H.R. 3962. Do you have an opening statement?

Mr. PETERSON. Yes.

Mr. MCINNIS. You may proceed.

STATEMENT OF HON. JOHN E. PETERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. PETERSON. I would like to thank the Chairman for scheduling this hearing and allowing this bill to be heard. The Good Neighbor Act of 2002, H.R. 3962, is exactly that: a bill to make sure the Federal Government is a good neighbor in communities where they own the majority of the land in a county. A good neighbor is a part of the community, and supports the community through taxes from the land base. A good neighbor does not take away more acreage from the tax base, unless there is agreement within the county that it is in the best interests of the agency and the county.

Let me simply explain how the bill works. If 50 percent or more of a county's land base is owned in total by the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and the Forest Service, before an agency can acquire more land the agency must first sell land of equal value. Also, the agency can do land exchanges of equal value.

In counties in which these agencies own 50 to 66 percent of the land, the agency can still acquire land, by giving notice to county, state, and Federal elected officials; holding a hearing; and getting the Governor to approve. When total agency ownership is above 66 percent, the elected county officials must approve purchases as well. So you would have the Governor approve and the county approve. And in all cases, the 40-acre inholdings can be purchased by giving notice.

In large measure, counties with high percentages of Federal lands are in less populated, rural areas with small ownerships adjacent to, or interdispersed among, the Federal owner. These areas are characteristically strapped for cash and struggling to fund the basic infrastructure crucial to the quality of life.

The bill is about fairness: making it fair for counties that have large Federal land holdings to maintain a tax roll to provide basic services just like other counties throughout the United States.

I, personally, do not oppose all land acquisitions by the Federal Government; and neither does H.R. 3962. I fully understand that there are many cases in which land acquisition by the Federal Government is appropriate. I just want counties to have the option to maintain their tax base.

I am advocating for the Federal Government to take greater responsibility for land acquisition decisions, to work with their neighbors on these decisions, and make more efficient use of these funds. I am promoting greater accountability to Congress and to local and state governments when the Federal Government buys land.

My position and the intent of this bill is to leave land on the local property tax rolls and promote cooperative alliances. The Federal Government needs to be a better neighbor when it comes to Federal land acquisitions. The Good Neighbor Act specifically has been designed to only affect counties who have a major encroachment, while leaving a small regulatory footprint. The bill only affects 171 counties at the 50-percent factor, out of 3,066. This is less than 6 percent of all counties. There would be no harness placed on the Federal land purchased in the remaining 2,895 counties.

Currently, a hole exists in regulation and statute which allows the Federal Government to buy land without notice or comment provided to local people. A broad cooperation and coordination obligation is specified under the law. This obligation is toothless. When the acquisition happens outside a management plan, no regulation exists that specifies the Federal Government must give state and local governments notice and comment. The Forest Service does not routinely conduct environmental assessments on land acquisitions that would allow for local input.

I acknowledge that some local land managers work well with their communities coordinating land acquisitions. Unfortunately, others do not meaningfully consult with local governments; leaving them powerless with such important decisions affecting their tax rolls. Unless the law is amended, a patchwork will persist, with a few bright squares of coordination existing with far too many areas where counties are locked out of the process.

Now, the President articulated his policy on the Federal land acquisition in his budget this year, and he speaks of: To make the most efficient use of these funds; to promote cooperative alliances; and to leave land on the state tax rolls. And the request emphasizes innovative alternatives to fee title purchases, such as conservation easements and land exchanges. We think our bill works right along with those priorities of the President.

The Good Neighbor Act makes the most efficient use of funds by keeping the tax rolls stable—in other words, if you buy, you sell—allowing the Federal Government to use funds to take care of their land, while keeping PILT acres stable in those counties.

H.R. 3962 promotes cooperative alliances by plugging the existing hole in the law and requiring land management agencies to seek for local input. I think that most counties and states will be more than willing to work with the Federal agencies in meeting agency goals through land acquisitions in their county. Most importantly, the bill is in complete harmony with the President's policy to leave land on the tax rolls. The land management agencies can still acquire land by exchange or purchase, after selling the needed land acreage to maintain the tax base.

The bill also provides for an exception where the Federal Government limits its power by allowing for state and local governments' approval of land acquisition. This places the approval with local lawmakers who know the most about the needs of their communities. They live there; they have been elected, and must meet payrolls, provide services, and fund local initiatives on a potentially decreasing tax base. But more importantly, the bill provides for a process where dialog is needed, and where decisions are weighted with input.

Finally, the bill promotes innovative alternatives to fee title purchases by promoting land exchanges. The Administration has taken responsible steps, and I look forward to working with them.

When the Federal Government owns over half of a county, it can deal a crushing blow to local communities who rely on a solid tax base. Compounding the Federal presence is the fact that the Government does not pay its fair share of taxes; the agencies have not been able to provide revenue from timber, minerals, and grazing; and PILT payments continue to be under-funded.

It is an embarrassment that we pay our arrearages to the United Nations, but we do not pay our arrearages to our own people. From 1996 to the year 2000, the U.S. Government is approximately $650 million in arrearages to its own citizens who live adjacent to public lands. In other words, we have not paid the authorized amount for PILT.

Historically, we, the Federal Government, paid less than a quarter per acre. Last year we increased the amount to 33 cents an acre, if you include all Federal ownership. Yet if that acre were left on the local tax roll, it would value between $1.25 to $3 an acre. BLM did a study on their land, and came up with a nationwide average, if land were left on the tax rolls, of $1.48 for the same land that they pay 33 cents for.

A good neighbor does not move into your house and take over, especially when they are not invited. County commissioners have been forced to increase local millage rates to compensate for the lack of Federal funds. In some states, increases in the millage rate is not allowed, and they are forced to cut programs.

An example is found in the statement of a county administrator for Marshall County, Mississippi, who recently appeared before a Forest Counties Payments Committee public listening session. He said, "We have approximately 45,000 acres of public land, and 30,000 of those are national forest, and the balance is the U.S. Army Corps of Engineers down the Tallahatchie River toward the reservoir area. No personal property taxes are collected on these lands, and it is left as a burden to the taxpayers to make up the difference in the form of a millage rate."

While Federal land plays an important role in preserving our national heritage and our rich environment, the land acquisition process should not occur at the expense of local communities. I ask this Committee, as a person concerned for rural America: Let us work together and try to have the Federal Government be a good neighbor.

[The prepared statement of Mr. Peterson follows:]

Statement of The Honorable John Peterson, a Representative in Congress from the State of Pennsylvania

Mr. Chairmen.

The Good Neighbor Act of 2002, H.R. 3962, is exactly that—a bill to make sure the Federal Government is a good neighbor in communities where they own the majority of land in a county. A good neighbor is a part of the community and supports the community through taxes from the land base. A good neighbor does not take away more acreage from the tax base, unless there is agreement within the county that is the best for the Agency and for the county.

Let me simply explain how this bill works. If 50% or more of a county's land base is owned, in total, by BLM, NPS, F&WS, and FS, before an agency can acquire more land, the agency must first sell land of equal value. Also, the agency can do land exchanges of equal value. In counties in which these agencies own 50–66% of the land, the agency can still acquire land by giving notice to county, state, and Federal elected officials, hold a hearing, and get governor approval. When total agency ownership is above 66%, the elected county officials must approve purchases as well. In all cases, 40-acre inholdings can be purchased by giving notice.

In large measure, counties with high percent of Federal land are in less populated, rural areas with small ownerships adjacent to or interdispersed among the larger Federal owner. These areas are characteristically strapped for cash and struggling to fund the basic infrastructure crucial to quality of life. This bill is about fairness—making it fair for counties that have large Federal land holdings to maintain a tax roll to provide basic services just like other counties throughout the US. I, personally, do not oppose all land acquisition by the Federal Government and

neither does H.R. 3962. I fully understand that there are many cases in which land acquisition by the Federal Government is appropriate. I just want the counties to have the option to maintain (not even asking they increase, just maintain) their tax roll base.

I am advocating for the Federal Government to take greater responsibility for the land acquisition decisions, to work with their neighbors on these decisions, and make more efficient use of those funds! I am promoting greater accountability to congress and to local and state governments when the Federal Government buys land! My position and the intent of this bill is to leave land on the local property tax rolls and promote cooperative alliances! The Federal Government needs to be a better neighbor when it comes to Federal land acquisitions. The good neighbor act specifically has been designed to only affect counties who have a major Federal encroachment while leaving a small regulatory footprint. The bill only affects 171 counties out of a total of 3066, this is less then 6% of all counties. There would be no harness placed on the Federal land purchases in the remaining 2895 counties.

Currently, a hole exists in regulation and statute that allows the Federal Government to buy land without notice or comment provided to local people. A broad cooperation and coordination obligation is specified under current law. This obligation is toothless. When the acquisition happens outside a management plan, no regulation exists that specifies the Federal Government must give state and local governments notice and comment. The Forest Service does not routinely conduct environmental assessments on land acquisitions that would allow for local input. I acknowledge that some local land managers work well with their communities coordinating land acquisitions. Unfortunately, others do not meaningfully consult with local government, leaving them powerless with such important decisions affecting their tax rolls. Unless, the law is amended, a patchwork will persist with a few bright squares of coordination co-existing with far to many dull patches where counties are locked out of the process.

The President articulated his policy on Federal land acquisition in The Fiscal Year 2003, The Interior Budget in Brief. The bill follows tenets of the President's vision for Federal land acquisition programs as outlined in The Budget Brief. The vision is summarized as follows:

I. To make the most efficient use of these funds

II. Promote cooperative alliances and

III. Leave land on state tax rolls

IV. The request emphasizes innovative alternatives to fee title purchases such as conservation easements and land exchanges

Let me take each of these policy standards and apply provisions of the good neighbor act.

- The good neighbor act makes the most efficient use of funds by keeping the tax rolls stable allowing the Federal Government to use funds to take care of their land while keeping pilt acres stable in those counties.
- H.R. 3962 promotes cooperative alliances by plugging the existing hole in the law and requiring land management agencies to allow for local input. I think most counties and states will be more than willing to work with Federal agencies in meeting agency goals through land acquisitions in their county.
- Most importantly the bill is in complete harmony with the President's policy to leave land on the local tax rolls. The land management agencies can still acquire land by exchange or purchase after selling the needed land acreage to maintain the tax base. The bill also provides for an exception where the Federal Government limits its' power by allowing for state and local governments approval of land acquisition. This places the approval with local lawmakers who know the most about the needs of their communities. They live there, have been elected, and must meet payrolls, provide services, and fund local initiatives on a potentially decreasing tax base. But more importantly, the bill provides for a process where dialogue is needed, and where decisions are weighted with more input.
- Finally, the bill promotes innovative alternatives to fee title purchases by promoting land exchanges. The administration is taking responsible steps and I look forward to working with them on this approach.

When the Federal Government owns over half the county it can deal a crushing blow to local communities who rely on a solid tax base. Compounding the Federal presence is the fact that the government does not pay it's fair share of taxes, the agencies have not been able to provide revenue from timber, minerals, and grazing, and pilt payments continue to be under funded. It is an embarrassment that we pay our arrearages to the United Nations but we do not pay our arrearages to our own people! From 1996 to 2000 the United States Government is approximately 650 million dollars in arrearages to our own citizens who live adjacent to public lands. His-

torically, "we" the Federal Government paid less then a quarter per acre. Last year we increased the amount to 33 cents an acre yet if that acre were left on the local tax roll it would valued between $1.25 and 3.00 dollars an acre. BLM did a study and came up with a nation wide average if land were left on the tax roll of $1.48 for the same land that we pay 33 cents. A good neighbor does not move into your house and take over, especially when they are not invited.

County commissioners have been forced to increase local millage rates to compensate for the lack of Federal funds. In some states increases in the millage rate is not allowed and they are forced to cut vital programs. An example is found in the statement of a county administrator for Marshall County, Mississippi who recently appeared before a Forest Counties Payments Committee public listening session. He said, "we have approximately 45,000 acres of public land, and 30,000 of those are national forest land and the balance is U.S. Army Corps of Engineers land down in the Tallahatchie River towards the reservoir area. No personal property taxes are collected on these lands, and it is left as a burden to the taxpayers to make up the difference in the form of a millage rate." While Federal lands play an important role in preserving our national heritage and our rich environment, the land acquisition process should not occur at the expense of local communities.

I asked you, as a person concerned for rural America, let us work together to be a good neighbor!

Mr. MCINNIS. Mr. McCurry, you may proceed. You have 5 minutes.

STATEMENT OF CRAIG McCURRY, COUNTY COMMISSIONER, ELMORE COUNTY, IDAHO

Mr. MCCURRY. Mr. Chairman, distinguished members of the Committee, thank you for the opportunity to voice my support for H.R. 3962. My name is Craig McCurry, and I am the Chairman of the Elmore County Board of Commissioners in Elmore County, Idaho. I am here on behalf of the citizens of my county, and the Idaho Association of Counties.

Elmore County is home to 30,000 people and Mountain Home Air Force Base. Elmore County and IAC applaud the efforts of Congress to address the fundamental issue of land acquisition by the Federal Government, and ask your overwhelming support of H.R. 3962. H.R. 3962 presents an excellent opportunity to minimize the impact of land acquisition on the 44 counties in Idaho and countless counties around the Nation affected by Federal land in their counties.

We appreciate the actions of Idaho's congressional delegation to begin a much needed discussion of land acquisition by the Federal Government. The position of the Idaho Association of Counties, of which Elmore County is a member, has always been that Federal and state real property holdings should be maintained at a minimum level. Acquisition of new land by Federal or state agencies should be subject to the agreement of the county within which the property is located. If additional acquisitions are necessary and agreed to, local political subdivisions should be compensated for lands or facilities so acquired.

The Federal Government currently owns 62 percent of Idaho, placing us third in the Nation for Federal land ownership. Elmore County is 67 percent Federally owned. Federal lands, although positive in some aspects, do negatively impact the gateway communities surrounding the Federal land. The acquisition of Federal land causes a property tax shift to our citizens, who are already facing difficult economic times.

In addition to providing services to the residents within the confines of a tight budget, counties must also bear the additional costs of providing services to the non-residents recreating on Federal land, whether it be road upkeep or search and rescue, all without full funding of PILT.

In the last fiscal year, Idaho received only 59 percent of what Congress is authorized to appropriate for PILT. Elmore County received a little over $1 million in PILT for fiscal year 2001, more than $760,000 less than authorized. This payment of $1 million—a tax payment for 67 percent of our county—amounts to only 10 percent of our current budget. That tax shift that this represents to the citizens is obvious.

Let me add that even if Congress did fund PILT at the full authorization level, it would still be less than what could be generated if the lands were on the private tax rolls. Additionally, if private citizens owned these lands, they would have no choice but to pay their taxes.

Congress should meet their tax obligations prior to engaging in discretionary spending. It is the fundamental belief of Elmore County and the Idaho Association of Counties that the Federal Government should not acquire more land until it fulfills its responsibility to the land it already owns by fully funding PILT and using proper management techniques to ensure the health of the Federal land.

A great number of Elmore County residents make their living off the land, and wish these lands preserved for generations to come. The Federal Government has a responsibility to protect the land it currently owns, prior to taking more off the tax rolls.

Let me take a moment to thank those of you that have supported PILT payments in the past. And we hope you would continue to do so in the future.

One example of the impact of Federal land on a county budget is the amount of time and resources that are spent to cover search and rescue and law enforcement needs on public lands. In a slow year, the Elmore County sheriff's department spends $15,000 on search and rescue services, and is usually rebuffed by Federal agencies when asking for assistance, whether it be the use of a helicopter or financial reimbursement.

The Forest Service pays the sheriff's department $16,000 a year to patrol the Forest Service lands within my county. That comes nowhere close to full reimbursement for services provided. The county sheriff also helps maintain and patrol the waterways in our county.

Our citizens appreciate the opportunity to recreate close to home, but are tired of carrying the financial burden for all of the non-residents traveling to Elmore County to enjoy all we have to offer.

H.R. 3962 is not perfect; nor does it solve all of our problems. But it does offer opportunities to improve upon the current system. H.R. 3962 limits the acquisition of land by the Federal Government in counties in which the Federal Government owns 50 percent or more of the acreage within that county, by requiring an almost equal land trade.

In closing, I would like to cover one of the last aspects that we feel is important. Local government officials are closest to the

people and to the communities they serve, and should be an integral part of any discussion of Federal land acquisitions. Local government officials are currently treated as stakeholders, and not as elected officials with the statutory responsibility to provide for the health, safety, and welfare of the citizens within our boundaries.

I thank you for the opportunity to testify today, and thank you for your exemplary service.

[The prepared statement of Mr. McCurry follows:]

Statement of Craig McCurry, Elmore County Commissioner

Honorable Chairman and Committee Members:

Thank you for the opportunity to voice my support for H.R. 3962. My name is Craig McCurry and I am a County Commissioner representing Elmore County, Idaho. I am here on behalf of the Elmore County Board of County Commissioners and the Idaho Association of Counties (IAC). Elmore County is home to almost 30,000 people and Mountain Home Air Force Base.

Elmore County and IAC applaud the efforts of Congress to address the fundamental issue of land acquisition by the Federal Government and ask for your overwhelming support of H.R. 3962. H.R. 3962, the "Good Neighbor Act of 2002", presents an excellent opportunity to minimize the impacts of land acquisition on the forty-four counties in Idaho and the countless counties around the nation affected by the Federal land in their county. We appreciate the actions of Idaho's Congressional Delegation, especially Congressman Otter, to begin a much-needed discussion of land acquisition by the Federal Government.

The position of the Idaho Association of Counties, of which Elmore County is a member, has always been that:

"Federal and state real property holdings should be maintained at a minimum level. Acquisition of new land by a Federal or state agency should be subject to...the agreement of the county within which the property is located. If additional...acquisitions are necessary, and agreed to, local political subdivisions should be compensated for lands and/or facilities so acquired" (Idaho Association of Counties Public Lands Book 2001).

The Federal Government currently owns sixty-two percent (62%) of Idaho, placing us third in the nation for Federal land ownership. Elmore County is sixty-seven percent (67%) Federally owned. Federal lands, although positive in some aspects, do negatively impact the gateway communities surrounding the Federal land. The acquisition of Federal lands causes a property tax shift to our citizens, who are already facing difficult economic times.

Tourism is not the panacea some think it might be. In addition to providing services to their residents within the confines of a tight budget—Idaho counties are subject to budget limitations—counties must also bear the additional costs of providing services to the non-residents recreating on Federal land, whether it be road upkeep or search and rescue, all without full funding of Payment in Lieu of Taxes (PILT). In the last fiscal year, Idaho received only 59% of what Congress is authorized to appropriate for PILT. Elmore County received a little over $1 million in PILT for fiscal year 2001, more than $760,000 less than authorized. This payment of $1 million, a tax payment for 67% of the county is only 10% of our current budget. The tax shift that represents to the citizens is obvious. Let me say that even if Congress did fund PILT at the full authorization level, it would still be less than what could be generated if the lands were on the tax rolls. Additionally, if private citizens owned these lands, they would have no choice but to pay their taxes. Congress should meet their tax obligation prior to engaging in "discretionary spending."

To add insult to injury, after recommending cutting the PILT budget by $45 million, the President's proposal calls for approximately $531 million for land acquisition. It is the fundamental belief of Elmore County and the Idaho Association of Counties that the Federal Government should not acquire more lands until it fulfills its responsibility to the land it already owns, by fully-funding PILT and using proper management techniques to ensure the health of that Federal land. A great number of Elmore County residents make their living off the land and wish these lands preserved for generations to come. The Federal Government has a responsibility to protect the lands currently under its jurisdiction prior to taking more off the tax rolls.

Let me take a moment to thank you to those of you that have supported PILT increases in the past and we hope that you would continue to do so in the future. One example of the impact of Federal lands on a county budget is apparent in how

much time and resources is needed to cover the search and rescue and law enforcement needs of those public lands. In a slow year, Elmore County's Sheriff Department spends at least $15,000 each year on search and rescue services and is usually rebuffed by the Federal agencies when asking for assistance, whether it be the use of a helicopter or some financial reimbursement. The Forest Service pays the Sheriff's Department $16,000 a year to patrol the forest service lands within my county. That comes nowhere close to full reimbursement for services provided. The County Sheriff also helps maintain and patrol the waterways within our county. Not only do the Federal agencies not offer labor or resources to perform those services, the Federal agencies charge campground fees and the county never sees any of those revenues. Our citizens appreciate the opportunity to recreate close to home but are tired of carrying the financial burden for the non-residents traveling to Elmore County to enjoy all we have to offer.

H.R. 3962 is not perfect, nor does it solve all of our problems, but it does offer opportunities to improve upon the current system. H.R. 3962 limits the acquisition of land by the Federal Government in counties in which the Federal Government owns 50% or more of the acreage within that county by requiring an almost equal land trade. Of the forty-four counties in Idaho, 22 are more than 50% Federal lands. This legislation also prevents the Federal Government from acquiring land, without the permission of local decision-makers, within counties that are currently 66% or more Federally owned. Twelve counties in Idaho are more than 66% Federal ownership.

One of the crucial aspects of this legislation is the cooperation and consultation with local governments. Local government officials are closest to the people and to the community they serve and should be an integral part of the discussion of any action by the Federal Government affecting their county. Local government officials are currently treated as stakeholders and not as elected officials with the statutory responsibility to provide for the health, safety and welfare of the citizens within their boundaries. It is essential that we are part of the discussion process when decisions are made affecting our constituents.

Thank you for the opportunity to voice our support for H.R. 3962. It is our desire that the Federal Government work toward becoming a good neighbor by taking this opportunity to right a wrong. The passage of H.R. 3962 would represent an auspicious occasion for the counties in America with Federal lands within their borders. Thank you for your exemplary service to this great nation.

Mr. MCINNIS. As a courtesy, I am going to yield my question time to either of the gentleman from Idaho. Mr. Simpson? I said either of the gentlemen.

Mr. SIMPSON. I will go, then. I appreciate it. I appreciate the bill that you have introduced, Mr. Peterson, and I support it.

Elizabeth, I would like to ask you a couple of questions. I know the Administration is concerned about the acquisition of private land, and becoming more and more Federal land. But in many of the western states, as testimony has indicated—67 percent of Elmore County. At Challis County it is 96 percent Federal land. That means 4 percent of the property is paying the taxes there.

And many of us, with the Carroll legislation and things that have many good provisions in them that we would like to see enacted, our biggest problem is the funding of the Federal Land and Water Conservation Fund that takes $450 million annually, and the acquisition of land without really any provision that it does not impact these counties in an adverse way.

Mr. Peterson here has introduced a bill, I think, that tries to address that. You mentioned that we should look at this. In your testimony you said we should look at this to make sure that it would not unnecessarily limit the ability of the Forest Service to acquire lands to further purposes of land management mandates imposed under statutes such as the Federal Land Policy and Management Act, the Multiple-Use Sustained Yield Act, the Forest and

Rangeland Renewable Resources Planning Act, and the National Forest Management Act.

Those are all acts dealing with Federal land, not with private land. And what we are talking about here is the acquisition of private land. How does the Forest Service acquire private land to further the purposes of a statute meant to deal with Federal lands?

Ms. ESTILL. A number of ways. But typically, we are talking about lands that are within the designated boundary of a national forest. So that it is within the boundary. It has been studied. And in some way—either through an earmark by Congress, through LWCF—it has been viewed to be in the public's interest to acquire that.

It might be for example an inholding in a wilderness area that we have all agreed we need to try to acquire to further the purposes of the public lands. So that would be an example of acquiring private land in the public interest.

Mr. SIMPSON. If you already own half of the land in the county, or two-thirds of the land in the county, and you decided to acquire an inholding, there are no other lands within that county which we can give up for private use?

Ms. ESTILL. Well, there certainly could be. And our typical process, actually, we don't have an authority to dispose of lands, just a general authority to dispose of lands. We can do it through an exchange, which requires evaluation and environmental review and so forth. But our disposal authority is really quite limited.

Mr. SIMPSON. Is that the only way you can dispose of it, is through exchange?

Ms. ESTILL. We can dispose of it. No, there are about five different ways that we can dispose if it. The Schools Act, that we talked about previously, is one. The Sisk Act. Each of those has a limitation on the numbers of acres and the purposes for which we could dispose of it.

So, yes, there are some authorities. We don't have a general authority. It is usually a very time consuming process. And what is problematic about going through a very lengthy process—finding the appropriate vehicle, if there is one, and then going through a lengthy process—is the opportunity to acquire that. For example, inholding is open for a very short window, and then it is closed. So the opportunity sometimes dissipates.

Mr. SIMPSON. Could you tell me what the Administration has requested in PILT funding this year?

Ms. ESTILL. I am sorry, I don't have that information. We can certainly get it for you.

Mr. SIMPSON. OK. I appreciate that. Would the Forest Service, just out of curiosity, consider waiving its sovereign immunity for new land purchases and paying property taxes at the level compared to those paid by private properties?

Ms. ESTILL. I would not be ready to answer that question for the Administration today. I can get back with you on that.

Mr. SIMPSON. OK. I appreciate that. And I am just talking about the addition of the new acquisitions of land.

Ms. ESTILL. Yes. Yes.

Mr. SIMPSON. And you know that there are a lot of private organizations out there that work on that assumption, such as the

Nature Conservancy, that acquires lands but doesn't take it off of the tax rolls.

Ms. ESTILL. Right.

Mr. SIMPSON. My time is just about up, but I want to thank you, Commissioner McCurry, for coming. It is good to see you again.

This is a county in my district, and he is doing a great job making sure that we try and protect the property owners and the budgets of those counties that are severely impacted by Federal lands. Thank you, Mr. Chairman.

Mr. MCINNIS. Mr. Inslee?

Mr. INSLEE. Thank you, Mr. Chair.

I just would like to ask Ms. Estill, how would this impact any land exchange programs that the Service had? What would be the impact on that program?

Ms. ESTILL. It would be a pretty dominant impact on those land exchange programs; in that we would certainly have to go back through consideration. I mean, currently it is policy, even if it is not always done, that the forest supervisors and the rangers and the staff at each local level consult with county officials. And certainly, under the Sisk Act we are required to have state approval for any land transactions within a state, according to state law.

This could be pretty burdensome on the Federal process, particularly if we go through hearings, for example. I have heard not only from the Forest Service that it could be quite a difficult situation, but from some private land owners, that they really don't want their affairs subjected to a hearing and their ability to sell the land scrutinized and decided by the county government.

Mr. INSLEE. Thank you. Mr. McCurry, I appreciate your making the trip here. And I am empathetic with your county's financial situation of limited tax base. And you talked about the services you have to provide associated with some of these Federal lands, and I can understand that.

Do you think the best approach to this is a financial one, to help your county deal with it; for instance, by increasing PILT payments to help you financially weather this storm? Or is it better just to have an absolute limitation of Federal ownership in a particular county, as this bill would propose?

And I guess what I am really asking is, do you have a philosophical objection to the Federal Government owning over a certain percentage in any county? Or is it more just that this imposes a financial burden on you, and if we fix this financial burden, there shouldn't be any sort of ideological objection to having a certain percentage in Federal ownership?

Mr. MCCURRY. Mr. Chairman, Congressman, I would probably answer that two ways. The financial impact, in my current elected capacity, is my primary concern; although as a private citizen, philosophically, I believe that the Federal Government should be careful about owning too much land.

As Congressman Simpson mentioned, we have a couple of counties in our state that are over 95 percent Federally owned, and that creates some additional problems. So as a citizen, I philosophically am opposed to higher land ownership by the Federal Government. But my primary concern here is the financial impact on rural counties in Idaho.

Mr. INSLEE. So let me ask you, if you had a choice between increasing PILT payments to counties such as yours, or giving a tax cut to the Enron Corporation of $254 million, what do you think would be a more important policy in the United States?

Mr. MCCURRY. I think the Federal Government should pay its fair share of taxes, Congressman.

Mr. INSLEE. Well, let me just come back to my question. If you had a choice to urge Congress to increase PILT payments or, instead of doing that, to give Enron a $254 million tax cut, what do you think would be more important, in your view?

Mr. MCCURRY. I believe that fully funding PILT is more important to the local counties.

Mr. INSLEE. I agree with you. We, you and I, are in the minority on this issue. I will just give you that bad news in that regard.

But it is a serious issue. Because I think you sit, like a lot of counties do, with extreme financial problems associated with this. And I agree with you, that we ought to increase these payments. I tend to think that is a better approach than an absolute limitation, some numerical limitation, associated with Federal ownership, at least in my view. And I thank you, and thank Mr. Chair.

Mr. SIMPSON. Mr. Chairman, could I just ask, I am curious: Is life truly a zero-sum game?

Mr. MCINNIS. Now, now, now, now, now. We are going to move on.

Mr. INSLEE. No, but the Federal budget is.

Mr. MCINNIS. Let's see, Mr. Otter?

Mr. OTTER. Well, thank you very much, Mr. Chairman. You know, I think more important than the numbers is good faith. And I think in Mr. Peterson's opening testimony—and this is my first year here—the fact that those who would now decry where money is being spent have not lived up to their obligation throughout the history.

Otherwise, we would not be over $660 million behind in PILT payments. We would not be over $48 million behind in Idaho in IDEA education payments. We wouldn't be near the financial problems that we have, had we kept promise, let alone worrying about the figures. And I think if you make a promise, you ought to worry more about keeping that promise than playing some zero-sum game all the time.

One of the problems that we have, Ms. Estill, is not just of ownership; although I will admit, in my 19-county district in Idaho I have double-digit unemployment in six of those counties, and all six of those counties are the ones where there is a predominant ownership by the Federal Government, and therefore control by the Federal Government, and therefore confusion on land management.

One of the other major problems that we have is that we find that much Federal ownership is disuse of land. In other words, we have probably the predominant source of invasive species. We have noxious weeds. And one of the things that obviously concerns us is that most of the seed genesis for noxious weeds that end up on state land or private land in Idaho comes from the Federal land.

And it always concerns me that if I, as a private property owner, have a patch of noxious weeds on my property, the local government can come in and, if I refuse to eradicate that problem, the

local government can come in and eradicate it for me, and then put a lien against my land that says, "If you ever want to transfer ownership of this land, you are going to have to satisfy this financial obligation to the rest of the community."

And so it is most appropriate, I think, that this is called the "Good Neighbor Act"; if we could go much further in making the Federal ownership be a good neighbor in terms of what is happening on the land, as well as the ownership of the land, and their inability or their lack of desire to be good neighbors by paying their fair share of the taxes. And so it is the very management problems that you were talking about that this would cause. That is what is causing us some problems.

And I want to know what is present in the Administration's philosophy to be a good neighbor, with or without this bill? What about eradicating the noxious weeds? What about managing the lands in such a way so that we are a good neighbor? Is there any general purpose in the Administration, or do we just want to buy more land because we have got an inholder and we think we need to own it?

Ms. ESTILL. No, I think, clearly, we do want to be good stewards of the land, and we do want to be good neighbors. We are as concerned about things like noxious weeds spreading outside, or southern pine beetle in the southern states spreading outside from a national forest. And I know you have heard from us many times that we feel somewhat hamstrung or gridlocked, in analysis paralysis sometimes, to be able to get out and do active management in a rapid kind of way. That is a problem.

Then, just simply a scarcity of resources to put on the ground, which any agency will probably argue is a consideration. But we would like very much to be better neighbors than we are. And I think every one of our district rangers who live in those local communities certainly is sensitive to the needs of local people, and wants to do the best that they can.

Mr. OTTER. Well, my time is about up, but I just want to tell you how disappointed I was in the Administration during the discussions on CARA and their mute response to the problems that we have; where we admitted, and in this Committee, we have got $1,200,000,000 in backlog maintenance on noxious and invasive weeds on Federal ground through all of the agencies.

We have got over $10 billion in maintenance that is due in order to bring Federal facilities and Federal lands up to the standards that the Federal Government imposes on everybody else in Clean Water, Clean Air, the ADA, all of the other Federal mandates, that the Federal Government then absolves itself from any—It is such a good idea for everybody else, except a Federal agency.

And I just want to tell you how frustrating it is to have the Administration now come in here and tell us that, even though while we were going through all the debate on CARA and $1 billion—$450,000,000 for the Federal Government, $450,000,000 for the states—to go out and buy up more land; and then resist, or at least stand silent, while we ask, "Why don't you just bring your facilities and bring your lands that you now own up to the standards that you are requiring of states and that you are requiring of the private land owner?"

And I guess that is the end of my statement, because my light is red. And Craig, welcome to Washington, D.C., I think.

Mr. MCINNIS. Thank you, Congressman.

Mr. OTTER. Thank you, Mr. Chairman.

Mr. MCINNIS. Mr. Udall? Any other questions on this side? Mr. Udall?

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman.

Just to review a little bit of the background with you, and then ask a couple of questions, the total acreage under the management of the BLM, the Forest Service, Fish and Wildlife, and National Park Service, has actually decreased from about 700 million acres in 1964, to 60,200,000 acres. So we are talking about 80 million acres less of Federal land from '64 to '94, in 30 years. And that is in the GAO report.

Of the four agencies that acquired land in that 30-year period, about half of that was done by either gift or donation, or by exchange. So on the acquisition, it is a little bit over 10 million acres. So almost half of that. So we are only talking about five million that was actually done, where we have gone out and there was an acquisition.

I am wondering how many circumstances are in your states, circumstances or cases that you can point to, where a land acquisition went forward without support of the local congressional delegation and against the wishes of local county officials? Were there a lot of those circumstances? I mean, is that what we are trying to solve with this bill?

You know, the local congressional delegations running over the county? Or what is the big problem here that we are trying to address?

Ms. ESTILL. Well, as I think most of you are aware, most of the acquisitions come through LWCF, and they usually are congressionally earmarked. So there has been ample public discussion before the appropriations arrive at all levels, typically.

Mr. UDALL OF COLORADO. And in the new CARA bill, doesn't it, have many requirements, in terms of local notification and involving local people? And there are many protections that we put in there to make sure that there weren't problems at the local level. You are aware of those, I guess?

Ms. ESTILL. There certainly are measures. In fact, in virtually all of the bills, there are measures that require public notification. Again, how much notification and how quickly it goes out, and the individual land owner who might wish to dispose of his property to the Federal Government, becomes a sensitive issue. But typically, all of the acquisitions have been subjected to public scrutiny before they go through.

Mr. UDALL OF COLORADO. And what you said earlier is that land exchanges would be severely hampered by this.

Ms. ESTILL. Well, yes. It would certainly put more process and requirement on us. And again, as I mentioned, there is some unease that I am hearing from in the field about how the private land owners and those who acquire land on behalf of the Federal Government would feel about having to go before a public hearing. So it cuts both ways, it seems.

Mr. UDALL OF COLORADO. Craig, do you have any egregious examples of where the congressional delegation has run over local folks in acquisitions in your state?

Mr. MCCURRY. Mr. Chairman, Congressman, I don't have any examples where our congressional delegation has run over people in our state. We're pretty pleased with our congressional delegation from Idaho.

Mr. UDALL OF COLORADO. So what are we trying to fix here? What is the problem?

Mr. MCCURRY. Well, there are instances in my county and in neighboring counties in the past few years where some of the government officials in charge of these Federally owned lands, or acquiring these Federally owned lands, seem to push the limits of public notification as far as they can push them. In other words, the publication may or may not be in a very conspicuous spot; or the time lines are pushed to the extreme. And we have a lot of problems with, at the last moment, citizens being asked for comment without time to prepare, when we have a government-funded agency that has people that are schooled in these things, having ample time to prepare.

We also object to the fact that local government officials, as I mentioned in my testimony, are treated as stakeholders, and not as a government agency. We testify along with everybody else as a stakeholder, and not as a government agency that should be treated as a partner in this; when we are the elected officials closest to the people in those areas. And that is one of the things that we object to.

Mr. UDALL OF COLORADO. Do you have a specific case you are talking about?

Mr. MCCURRY. I can get that information, Congressman. I don't have it right now off the top of my head.

Mr. UDALL OF COLORADO. You don't?

Mr. MCCURRY. But I recall the instances.

Mr. UDALL OF COLORADO. Thank you very much. Thank you, Mr. Chairman.

Mr. PETERSON. [Presiding.] The Chairman temporarily left and gave me the gavel. I think it was my turn anyway, so I will proceed.

I would like to comment that there is a huge difference between public notification—and you talked about sometimes that being kind of at the very end of the process—and approval. I mean, those are two different things. We think, when your predominant ownership is the Federal Government through these four agencies, local governments when it is two-thirds ought to have approval; not notification, approval.

Because you are a huge stakeholder. You are the big dog. You are the big property owner. You control the area. And to expand even further, local folks ought to have approval. I will be on the side of the local folks any time.

In speaking about the decrease that a previous speaker spoke about in Federal land, here is the explanation. Between '64 and '94, the Federal estate decreased. This decrease, however, was only in lands managed by the Bureau of Land Management, with a substantial amount of lands being transferred to Alaska and

Native Alaskans. It still went into public ownership. They pay no taxes.

The amount of lands managed by the Forest Service, Fish and Wildlife Service, and National Park Service, all increased between '64 and '94. And in fact, the amount of land managed by the National Park Service increased 179 percent, and the amount of land managed by the Fish and Wildlife Service increased by 285 percent over the 30-year period. This increase in land managed by the Federal agencies has led to conflicts in certain areas between the Federal land managers and local governments.

Our bill doesn't stop the Federal Government from buying anything. It just says, "If it is 50 percent, you have this process; if it is excess of 67 percent, you have this process." And it is about local Governor approval, or local county commissioner approval.

Now, personally, I have been involved at all levels of government: I have served in borough government; I have served in the state legislature; I have served in the state senate; and I have served in the Federal Government. And I want to tell you, the power belongs at the local level. You don't want a Federal Government that has dominant control or power over you. I have worked in all of them.

And then the Ranking Member talked about comparing PILT payments to some tax cuts for somebody. But let me tell you what PILT payments compete with. I am on the Appropriations Interior Subcommittee. They get an amount allocation. And you know what prevents PILT payments from going up every year? Land acquisition funds.

Every year, we allocate from a half a billion to a billion dollars in land acquisition funds. Most of the Interior budget is set. It is agencies; it is things that are pretty constant. There is a little bit of money at the top—they call that the cream—that can get moved around. That is land acquisition. It wins every time.

We will buy land before we will pay our taxes, because we have been able to get away with it, as a government. We have never paid our taxes. Thirty-three cents an acre, which was last year's payment—it has only been 24 cents an acre before that—is a travesty to the local folks.

In Pennsylvania, the State owns a lot of land; more land than most states. One of the last bills I got passed was, we now pay $1.20, flat. Part of it goes to the school district; part of it goes to the county; and part of it goes to local governments. It is allocated. We pay $1.20 for every acre.

Now, the game commission was very unhappy about that, but they were buying a lot of land. It is fair that they pay their fair share of taxes. And if the Federal Government paid its fair share of taxes, we wouldn't be holding this hearing today.

Because what we are doing is, these agencies are growing, and the amount of land outside the tax base is growing. States are buying; the Federal Government is buying. The only reason our total aggregate went down is, we transferred it to states and to tribes.

So I think that this whole issue today is about to make sensitivity. I think it should be less than 50 percent where some rules come in, but I tried to be fair. It only affects 177 counties currently, out of 3,066. We are saying, "Be sensitive where you own a lot of

land." If a Federal agency can't be sensitive in 177 counties, then I think they need to have a brain transplant.

Mr. MCINNIS. Any other questions? Mr. Holt?

Mr. HOLT. I thank the Chair.

First, before I begin, I would ask the Chair if we might have permission to insert in the record at this point a letter and a statement; a letter dated April 8th, to the Chairman and the Ranking Member, from Mr. David Alberswerth, Director of the Bureau of Land Management Program at the Wilderness Society in Washington, D.C.; and also, a statement dated April 10th from the Western Land Group in Denver, Colorado.

Mr. MCINNIS. Without objection, so ordered.

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

THE WILDERNESS SOCIETY

April 8, 2002

The Honorable Scott McInnis, Chairman
Subcommittee on Forests and Forest Health
House Resources Committee
United States House of Representatives
Washington, DC 20015

The Honorable Jay Inslee, Ranking Member
Subcommittee on Forests and Forest Health
House Resources Committee
United States House of Representatives
Washington, DC 20515

Gentlemen:

This is to express our strong opposition to H.R. 3962, the "Good Neighbor Act of 2002." The bill's apparent purpose is to "cap" the amount of land under federal agency management in counties where 50 percent or more of the land base is under federal land management agency jurisdiction. Each federal agency defined in the legislation (Forest Service, Bureau of Land Management, Fish and Wildlife Service, and the National Park Service), when acquiring land either by purchase or exchange in a county where over 50 percent of the land base is managed by the federal agency, generally would be required to dispose of other lands it manages within that county that are of approximate equal value.

We recommend your opposition to this bill for the following reasons. The bill is unnecessary. All federal land purchases by the four agencies identified in the legislation receive Congressional approval via the yearly appropriations process. Proposed federal land acquisitions are usually publicly identified long in advance of purchase. If a Member of Congress or a governor or other elected official objects to a proposed federal land purchase, the opportunities for preventing that acquisition from going forward exist via the normal authorization and appropriations processes of Congress. In recent years proposals for federal agency purchase in fact have been thwarted by Members who do not wish to see a proposed acquisition go forward. Residents of communities affected and elected government officials who may have objections to federal land acquisition proposals have ample opportunities under current laws to have their views considered.

With respect to land exchanges, Sec. 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) requires that the "...values of the lands exchanged by the Secretary under this Act and by the Secretary of Agriculture under applicable law relating to lands within the National Forest System either shall be equal..." Similar requirements apply to land exchanges involving lands within the National Wildlife

1615 M Street, NW, Washington, DC 20036 202-833-2300 www.wilderness.org

Refuge System and the National Park System. Therefore the "equal value" language on Sec. (a)(1)(B) is superfluous and unnecessary, since federal land management agencies are already required to receive "fair market value" for lands that are sold or exchanged out of federal ownership. Moreover, all federal land exchanges are subject to procedures that assure opportunities for the public and elected officials to voice their views on the merits of each proposed transaction.

H.R. 3962 would also add an unnecessary and burdensome requirement to federal/private or federal/state land exchanges. Under Sec. 2(a), if non-federal lands acquired via exchange by a federal agency are in a county other than the county where the public lands to be disposed of are located, the agency would be required to give up additional public lands in the county where the federal lands were acquired, if that county had more than 50 percent of the land base in federal ownership. This makes little sense, and will certainly put a damper on meritorious land exchanges between willing state and private partners.

For the reasons outlined above, The Wilderness Society opposes H.R. 3962. We ask that this letter be included in the Subcommittee's hearing record of April 10, 2002.

Thank you for your consideration of our views.

Sincerely,

David Alberswerth, Director
Bureau of Land Management Program

Statement of Western Land Group, Inc.

in opposition to H.R. 3962

The Good Neighbor Act of 2002

submitted to the

U.S. House of Representatives Subcommittee on Forests and Forest Health

April 10, 2002

Dear Mr. Chairman and Members of the Subcommittee,

Thank you for inviting us to comment on H.R. 3962. Western Land Group, Inc. is a small public lands consulting firm based in Denver, Colorado, which specializes in assisting public and private clients who wish to sell or exchange lands to the United States. Since our establishment in 1981, we have successfully assisted a variety of clients in completing more than 100 land exchanges and Land and Water Conservation Fund sales to the Forest Service, BLM and Park Service, including assisting on numerous legislated land exchanges.

While we appreciate the intention of H.R. 3962 that land exchanges and sales be closely coordinated with units of local and state government, we believe that close coordination and consultation already occurs, and that many of the provisions of H.R. 3962 unnecessarily duplicate or complicate existing law and regulation.

As the Subcommittee is well aware, the ownership of property comes with certain so-called "property rights". One of those property rights is the right to sell or exchange lands to the U.S. Government on a willing-seller, willing-buyer basis. Many of our clients own lands within the National Forest, BLM or National Park Systems, and because of deeply felt feelings for the land, wish to convey it to one of the Federal agencies, so that it can forever be preserved for open space and public enjoyment. Therefore, sale in the private sector is not an option they wish to pursue.

H.R. 3962 would complicate private landowners efforts to convey private land to the United States by adding new steps to the already time consuming and complex sale or exchange process. For example, all Congressional (legislated) land exchanges and sales involve hearings, markups and the opportunity for floor debate in either the authorizing or appropriating Committee processes, on in floor consideration in both the House and Senate. In short, they receive careful Congressional scrutiny. The process is a deliberate one, and provides ample opportunity for input from the Senators or Congressmen representing the areas concerned. Additional notification and review is unnecessary.

Further, Forest Service and BLM exchange regulations (36 CFR 254.8 for the Forest Service, and 43 CFR 2201.2 for the BLM) already require notification to States, Counties, Congressional delegations and the general public at the beginning of the land exchange process, so that there is no need to legislate on the matter. In addition, land exchanges that are processed by the Federal agencies in-house, must undergo a full NEPA analysis, which must be accompanied by public notification, meetings and/or public hearings. Thus, as we have indicated, the land exchange or sale process is already very complex, and additional steps and protections are not needed.

We also strongly object to giving Governors or Counties effective veto power over Federal sales or land exchanges. Governor or County approval is not required for private sector land sales or exchanges, and should not be required for Federal transactions. The consultation and coordination with State and local government required by existing law and policy is extensive, and is sufficient.

A few additional points:

- The 97% exchange value criteria of subparagraph 2(a)(1)(B) of H.R. 3962 conflicts with the existing FLPMA requirement (43 U.S.C. 1716(b)) that lands to be exchanged must be within 25% of each other in value. Finding exchange lands that are as close in value as 3% of each other would be extremely difficult in most cases, and we believe the existing FLPMA requirement of 25% is well advised and realistic. The 97% requirement would significantly reduce the level of flexibility necessary to complete a land exchange and would reduce the ability of the agencies to use this important tool to accomplish land tenure objectives.
- Requiring that exchange lands be mostly in the same county is not realistic in some cases. Many land exchanges involve lands in more than one county because the lands desired for acquisition by the Forest Service and/or BLM may not be in the exact same county as the lands being disposed, or because county jurisdictional lines do not always follow lines that make sense from a watershed, topographic or

ecological standpoint. So, the best exchange may involve giving up lands that are non-essential for public use in one county in order to acquire publicly beneficial lands in another. Again, this and other provisions of H.R. 3962 would unwisely limit the use of land exchanges to serve the public interest.

• We believe the House and Senate Appropriations Committees do an excellent job of soliciting input on land sales from the various state Congressional delegations. In fact, in our experience, it is virtually unheard of for the Appropriations Committees to proceed with an LWCF project without approval from the Senators or Congressmen involved. Therefore, we see no need to for additional approval procedures.

In summary, Mr. Chairman, for the reasons outlined above, we believe that H.R. 3962 is unnecessary and unwise legislation, and urge that it not be enacted. Thank you for the opportunity to comment.

Mr. MCINNIS. Also, if the member would provide members copies, and would you give me a copy of that?

Mr. HOLT. We will be happy to do that.

Mr. MCINNIS. Thank you. You may proceed.

Mr. HOLT. Thank you, Mr. Chairman.

I would say, first of all, that I had never heard a real answer to Mr. Udall's question of: Well, what is the problem here? Can anybody show us some specific examples where this bill would have prevented some egregious behavior? And so I would ask the sponsor of this legislation to compile for us a list of cases where the Congressional action to acquire land has run roughshod over local concerns.

Now, I do understand the burden that some local jurisdictions feel. And I think many of us would say the PILT payments probably are insufficient. I am not sure that this is the time to go into a discourse on the problems that we face in Congress in so many areas, and the disconnect between the budget resolution process and the authorization process and the appropriations process. I wish we could get the three of those in much better coordination in a lot of areas, including the Individuals With Disabilities Education Act, special education, as well as PILT.

But it seems to me that this bill is really misdirected to solving that problem. Perhaps this is motivated by some philosophical concern that the Federal Government simply shouldn't own so much land and we shouldn't have national parks and national forests. And if so, we should debate it on those grounds; but not on the basis of PILT payments.

But I do have a specific question for the Forest Service. Your testimony, Ms. Estill, says that H.R. 3962 could limit the ability of the Forest Service to acquire lands to meet the purposes of several statutes. Could you explain more specifically how this would limit the ability of the Forest Service to acquire lands?

Let me, though, before I ask you to do that, point out that I don't want us to get sidetracked on a myth here. And the myth is that the Federal Government is acquiring more and more and more land here. I mean, data from the BLM shows that there not only has been no significant increase in the total amount of land owned by the Federal Government; but in fact, this total has decreased in recent years.

You know, Federal land holdings between '79 and '89 decreased by more than 75 million acres. So I don't want us to get too far on this, away on a myth here that the Federal Government is just

getting more and more and more. But in those places where the Federal Government does seek to acquire lands, how would this bill limit the ability of the Forest Service to do so?

Ms. ESTILL. Well, typically, our acquisitions, our list of acquisitions, the things that we desire to acquire, come through our land management and planning process, which you know is a very open process with a great deal of public input. And then, typically, what we like to do is strike while the iron is hot, either through a land trust or the Nature Conservancy or someone else acquiring on our behalf, until we get an appropriation; or just through a trade. And many of our acquisitions also are done through land trades.

And what this would do, in fact, would require, in those counties that have 66 percent or greater, that we would go through a public hearing process at the county level and actually acquire county approval before we could move forward. So it would be a process that would add more process; and in fact, in some cases we would lose the opportunity to acquire the land, and it just appears once.

Mr. HOLT. Well, since my time has expired here, perhaps the Forest Service, for the record, would like to extend the testimony a little bit more about how this would limit the ability to meet the purposes of the Federal Land Policy and Management Act, and the Multiple-Use Sustained Yield Act, and the Forest Management Act, and so forth.

Ms. ESTILL. Certainly.

Mr. PETERSON. Would the gentleman yield?

Mr. HOLT. My time has expired. I would be happy to yield if I had it. Thank you, Mr. Chairman.

Mr. MCINNIS. We need to move on, because we have another bill, and I need to complete this before noon, and we are not making very good progress. But I do want to point out, Mr. Holt, you made a comment about a decrease in Federal land. There was an earlier paragraph. I just want to make sure of the clarification. The only significant decrease of Federal land holdings was the Bureau of Land Management, and that was primarily transfers to the Native Americans.

And I just want to make sure we are all clear on this. Because if you take a look at the acquisitions by Federal agencies, they have gone up substantially. With that one exception or trade or giving land to the Native Americans, I guess the testimony would kind of give the implication that the Government is giving away all this land. We are not. We are acquiring land by the thousands of acres. So I just want that clarified.

Mr. UDALL OF COLORADO. Will the gentleman yield?

Mr. MCINNIS. Sure, I'd be happy to. I think we should clarify this.

Mr. UDALL OF COLORADO. The land that goes to the Native corporations is going out into the private sector. So I mean, I don't know to argue that land that is going to Alaskan natives is somehow now public land.

And the second point is, Mr. Chairman, that it seems to me that then the argument you are making is: The increases happened in parks, so we have more parks, which are very much supported by the American people. So if the purpose of this bill is saying, "We

don't want any more parks," then let's announce it, that that is the purpose of the bill.

Mr. MCINNIS. Mr. Udall, I don't think that is the purpose of the bill.

Mr. UDALL OF COLORADO. Well, I don't know where the bill is directed.

Mr. MCINNIS. I control the time, Mr. Udall.

Mr. UDALL OF COLORADO. Well, OK.

Mr. MCINNIS. I control the time. I just want this very clarified, because I don't want it misleading.

Mr. UDALL OF COLORADO. Maybe you need to come to the State of Colorado, and I'll show you about Federal land acquisition. Maybe you need to go to some of the other mountain states, perhaps even New Mexico, and find out about land acquisition. You are talking about one specific example, and that deals with the Alaskan Native Tribes.

Mr. MCINNIS. I want to make sure that we have it very clear, especially to our listening audience here, that there has not been a significant decrease—in fact, no decrease at all—with most of those Federal agencies, with that one specific example with Alaska and the natives.

Now, in regards to the bill, I was addressing the specific point. The merits of the bill can stand on their own.

We will go ahead and proceed. Any further witnesses? Everybody on this side? Well, we need to move on. I am giving everybody an opportunity.

Mr. OTTER. Mr. Chairman, I neglected in my initial round to ask that a letter that I have received from other county commissioners and other counties in Idaho be submitted for the record, on the loss of private ground.

Mr. MCINNIS. If there is no objection, so ordered.

[The letter submitted for the record by Mr. Otter follows:]

OFFICE OF THE COUNTY COMMISSIONERS
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

Michael England, Chairman
Bob Cope
Joe Proksch

Phone: 208-756-2815 **Fax: 208-756-8424**

April 4, 2002

Representative C. L. (Butch) Otter
1711 Longworth House Office Building
Washington, D. C. 20515-1201

Dear Mr. Otter:

Thank you for your co-sponsorship of H.R. 3962, known as the "Good Neighbor Act of 2002". This legislation has the potential to be of great benefit to not only the people of rural Idaho, but to people across the country who live in counties that are dominated by federal ownership.

As you are well aware, many counties in the West consist primarily of federally-owned lands. Lemhi County and its neighbor, Custer County, cover a total area of more than six million acres. Of these, only four hundred thousand are privately owned. Although counties are charged with providing services to protect all their lands, property taxes are collected on just six percent of the total area. This ratio makes the duties of local governments extremely difficult to finance without placing an interminable burden on property owners.

While counties that are mostly federal lands have learned to function through conservative fiscal policies, each acquisition of land by a federal agency creates a further shift of tax burdens to their citizens. Although these acquisitions are often small, their cumulative effects create hardships for rural counties and their people. The Payment in Lieu of Taxes appropriation is a great help, and very much appreciated. However, PILT never generates revenue for counties at a rate equal to that of private property. Every acre of ground purchased by federal agencies results in higher taxes for the citizens of the county.

The fundamental accomplishment of H.R. 3962 is basic and beneficial. It allows the elected officials of counties that are mostly federal land to work directly with federal agencies to determine the nature and direction of further federal land acquisition. It further directs these agencies to prevent the continual erosion of these counties' tax base. This is remarkably equitable to local taxpayers.

This bill is legislation that is long overdue. For decades, private land in my county has been slowly disappearing, swallowed one piece at a time by gargantuan federal agencies. The end result has benefited neither our people nor the land itself. The fire season of 2000 demonstrated without a doubt that federal land management policies are not always in anyone's best interests.

With the specter of CARA repeatedly looming at the legislative horizon, legislation such as the Good Neighbor Act may be Lemhi County's last chance at survival. With ninety-two percent of the county already owned by government agencies, we can simply not afford continued federal acquisition without accompanying divestitures. We strongly support this measure, and once again express our thanks for your efforts in sponsoring H.R. 3962.

Yours,

Dr. R. E. Cope
Commissioner, District 1
Lemhi County, Idaho

Mr. PETERSON. Can I make just one quick statement?

Mr. MCINNIS. You can close it up.

Mr. PETERSON. OK. There is an implication here that we are against land acquisitions. We are saying in 171 counties.

If the gentleman from Colorado would listen—from New Mexico would listen? Yes. OK.

But we are talking about 171 counties, out of 3,066. What we are saying is, if you are going to acquire land, and you don't want to get approval locally, you have got almost 3,000 counties you have to do it. Do some of it in New Jersey, where you may need more public land.

We have states in the West that are totally hamstrung with public ownership. The have no economies left, because of public policies by agencies, who are people who are not elected. And we are saying, when you own half of it, then you go through a process to buy more. There is no process asked in all of those other counties.

Mr. HOLT. If the gentleman would yield?

Mr. PETERSON. I would be glad to.

Mr. HOLT. You know, in fact, there is a process. Whether the Federal Government owns 50 percent or less, or more, there is a process to go through. And I am not sure why this arbitrary cutoff at 50 percent.

And indeed, I would like to take you up on this. New Jersey would jump at the chance to have more LWCF money for land acquisition.

Mr. PETERSON. Raise your own money. You know, take it all.

[Laughter.]

Mr. PETERSON. But I mean, I want to tell you something. If you think Federal agencies are sensitive to locals, think again. Do you think the Fish and Wildlife Service is sensitive to local governments? Come on! They are not sensitive. They buy land—

Mr. HOLT. That is one of your—

Mr. PETERSON. No, let me finish. They buy land without us even approving it. The Fish and Wildlife Service is the only agency in the world that gets no legislative approval to buy land. That is an outrage. That ought to be stopped. No agency should be able to buy land without legislative approval. And the Fish and Wildlife Service does it every year.

They are getting us into hock all over this country, where we are going to have to maintain land, and we never put the money in. Every one of these agencies has a huge maintenance backlog, because we take those few dollars at the top of the Interior budget to buy more land, instead of maintaining what we have. And you have almost 2,080-some counties that there's no additional requirements.

All we are saying, we just want you to have a process to increase the sensitivity to the impact at the local level. That's all this is about. It only affects less than 6 percent of the counties; 94 percent, nothing changes. It is not catastrophic, in any way, positive or negative. It is just asking the Federal Government to be sensitive.

Mr. MCINNIS. Thank you, Mr. Peterson. I think the members have been allowed to vent here, and it is good. But we need to move on, as a courtesy to Mr. Acevedo-Vila.

Mr. HOLT. Will the gentleman yield?

Mr. MCINNIS. Not on this bill. We need to move on, so that our fellow member, as a courtesy, has time to present his bill.

Mr. MCINNIS. I appreciate your patience. I guess we have one witness, is that right, on the next panel for your bill?

Mr. ACEVEDO-VILA. Yes.

Mr. MCINNIS. And that is Kristen McDonald, Associate Director, Wild and Scenic Rivers, with the American Rivers. Mr. Acevedo-Vila, you may proceed.

STATEMENT OF HON. ANIBAL ACEVEDO-VILA, REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PUERTO RICO

Mr. ACEVEDO-VILA. Thank you, Mr. Chairman. I thank you for this opportunity.

Many of you are familiar with the Caribbean National Forest, commonly known in Puerto Rico as "El Yunque." If you are not familiar, I encourage you to visit El Yunque on your next visit to Puerto Rico. I am sure you will agree that El Yunque, the only tropical rain forest within the U.S. National Forest System, is a natural wonder and a unique resource that we must preserve and protect forever. El Yunque is the only managed rain forest on Earth. And with this distinction comes heightened responsibility, in my opinion, to fully protect this important resource.

The enactment of this bill, along with the wilderness legislation, H.R. 3955, approved by the Full Committee last month, will help ensure that the natural integrity of El Yunque is preserved not only for Puerto Ricans, but also for the one million annual visitors to the CNF for generations to come.

H.R. 3954 will preserve and protect three rivers that flow within the boundaries of El Yunque. It is the intent of the Wild and Scenic Rivers Act of 1968 to preserve rivers and sections thereof to protect the water quality of such rivers, and to fulfill other vital national conservation purposes. It is within this intent that I have introduced this bill. And I am fully committed to the preservation of these beautiful rivers.

While there are additional rivers within El Yunque that have received wild and scenic designation recommendations, the areas of these rivers are covered under H.R. 3955, which was approved by the Full Committee last month, through wilderness designation, or are within the existing "Bano de Oro" natural area. Therefore, I have followed recommendations to focus on rivers running outside of the proposed El Toro Wilderness Area, and outside of existing natural areas.

The three rivers that will be designated under this Act were all recommended for inclusion under the National Wild and Scenic Rivers System by the revised land and resources management plan for the CNF, approved April 17, 1997. This management plan was the basis for the introduction of this bill, and I ask for your support in its consideration.

The three rivers include the Rio Mamayes, the Rio Icacos, and the Rio de la Mina. All three have outstanding characteristics, and make up an integral part of the experience when visiting the forest.

The Rio Mamayes offers outstanding scenic, biological, and recreational values to visitors. It flows over large boulders and numerous waterfalls, forming enjoyable pools. Trails run along gorges that descend through the forest. The water quality along the upper segment is optimum, with no interference from human encroachment.

The Rio Mamayes provides important habitat for the Puerto Rican Parrot and Puerto Rican Boa, both endangered species. Furthermore, the endangered Broad-Winged and Sharp-Skinned Hawks and the threatened Peregrine Falcon are also known to use this area. The Mamayes system enjoys the highest natural aquatic diversity and species richness of any forest watershed. The Mamayes remains the only uninterrupted, free-flowing river in Puerto Rico.

The Rio de la Mina is judged as eligible based on its outstanding scenic, recreational, biological, and historic values. Like the Mamayes, the Rio de la Mina descends over boulders and waterfalls, forming rapids and pools. Trails parallel the river and provide for numerous recreation areas.

The most spectacular waterfalls in the forest exist along the Rio de la Mina. These falls, known as "La Mina Falls," play an important role in promoting Puerto Rico as a prime vacation destination. The water quality is good within the proposed designation area. The Rio de la Mina also provides habitat for endangered animal and plant species.

The Rio Icacos is judged as eligible based on its outstanding scenic, historic value, and ecological values. The Rio Icacos has some of the most varied terrain of El Yunque's rivers. Near the headwaters, the gradient is less steep than further downstream, where it also descends over boulders and waterfalls.

In the upper section the stream bed exhibits a unique sandy bed due to its origin in the upper, flatter section. The palm forest is very striking along the bank; more so than in any other areas of the forest. Water quality is high within the proposed designation area. Endangered animal and plant species are present within the proposed area.

I look forward to working with my colleagues on these wild and scenic river designations in El Yunque. Please let me know when and if you will visit the Caribbean National Forest. Puerto Ricans take great pride in El Yunque, and I assure you that it is worth the trip to visit. And I think you all have copies of some of the pictures of the scenic beauty of the three rivers. Thank you.

[The prepared statement of Mr. Acevedo-Vila follows:]

Statement of The Honorable Aníbal Acevedo–Vilá, a Delegate in Congress from Puerto Rico, on H.R. 3954

I want to thank Chairman McInnis, Ranking Member Inslee and all of my colleagues on the Subcommittee for this opportunity to testify in support of the Caribbean National Forest Wild and Scenic Rivers Act of 2002.

Many of you are familiar with the Caribbean National Forest, commonly known in Puerto Rico as "El Yunque." Should you not yet be familiar, I encourage you to visit El Yunque upon your next visit to the Puerto Rico. I am sure you will agree that El Yunque, the only tropical rain forest within the U.S. National Forest System, is a natural wonder and unique resource that we must preserve and protect forever. El Yunque is the only managed rain forest on earth, and with this distinction comes heightened responsibility in my opinion, to fully protect this important

resource. The enactment of this bill, along with the wilderness legislation (H.R. 3955) approved by the Committee last month, will help ensure that the natural integrity of El Yunque is preserved for the 1 million annual visitors to the CNF for generations to come.

H.R. 3954 would preserve and protect three rivers that flow within the boundaries of El Yunque. It is the intent of the Wild and Scenic Rivers Act of 1968 to preserve rivers and sections thereof to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is within this intent that I have introduced this bill, and I am fully committed to the preservation of these beautiful rivers. While there are additional rivers within El Yunque that have received wild and scenic designation recommendations, the areas of these rivers are covered under H.R. 3955 through wilderness designation, or are within the existing Bano de Oro Natural Area. Therefore, I have followed recommendations to focus on rivers running outside of the proposed El Toro Wilderness Area and outside of existing natural areas.

The three rivers that would be designated under this act were all recommended for inclusion under the National Wild and Scenic Rivers System by the revised land and resource management plan for the CNF, approved April 17, 1997. This management plan was the basis for the introduction of this bill, and I ask for your support during its consideration.

The three rivers include the Rio Mameyes, the Rio Icacos, and the Rio de La Mina. All three have outstanding characteristics and make up an integral part of the experience when visiting the forest.

The Rio Mameyes offers outstanding scenic, biological and recreational values to visitors. It flows over large boulders and numerous waterfalls, forming enjoyable pools. Trails run along gorges that descend through the forest. The water quality along the upper segment is optimum, with no interference from human encroachment.

The Rio Mameyes provides important habitat for the Puerto Rican Parrot and Puerto Rican Boa, both endangered species. Furthermore, the endangered Broad-winged and Sharp-shinned Hawks, and the threatened Peregrine Falcon, are also known to use this area. The Mameyes system enjoys the highest natural aquatic diversity and species richness of any forest watershed. The Mameyes remains the only uninterrupted, free flowing river in Puerto Rico.

The Rio de la Mina is judged as eligible based on its outstanding scenic, recreation, biological and historic values. Like the Mameyes, the Rio de La Mina descends over boulders and waterfalls, forming rapids and pools. Trails parallel the river and provide for numerous recreation areas. The most spectacular waterfalls in the forest exist along the Rio de la Mina. These falls, known as La Mina Falls, play an important role in promoting Puerto Rico as a prime vacation destination. The water quality is good within the proposed designation area. The Rio de la Mina also provides habitat for endangered animal and plant species.

The Rio Icacos is judged as eligible based on its outstanding scenic, historic, cultural and ecological values. The Rio Icacos has some of the most varied terrain of any of El Yunque's rivers. Near the headwaters, the gradient is less steep than further downstream where it also descends over boulders and waterfalls. In the upper section, the streambed exhibits a unique sandy bed due to its origin in the upper, flatter section. The palm forest is very striking along the bank, more so than in any other area of the forest. Water quality is high within the proposed designation area. Endangered animal and plant species are present within the proposed area.

I look forward to working with my colleagues on these wild and scenic river designations in El Yunque. Please let me know when and if you will visit the Caribbean National Forest. Puerto Ricans take great pride in El Yunque, and I assure you it is worth the trip to visit.

Mr. MCINNIS. Congressman, in the picture, is that you in the swimming suit?

Mr. ACEVEDO-VILA. Excuse me?

Mr. MCINNIS. Is that you in the swimming suit in the picture you gave us?

[Laughter.]

Mr. ACEVEDO-VILA. Let me check. [Laughs.] No. Although I have swum there.

Mr. MCINNIS. OK. We will proceed to the witness. Ms. McDonald, we appreciate your coming today. You have 5 minutes. Thank you for your testimony.

STATEMENT OF KRISTEN McDONALD, ASSOCIATE DIRECTOR, WILD AND SCENIC RIVERS PROGRAM, AMERICAN RIVERS, INC.

Ms. MCDONALD. Mr. Chairman, members of the Subcommittee, thank you for the opportunity to testify today on the Caribbean National Forest Wild and Scenic Rivers Act. With your permission, I will summarize my comments now, and ask that my entire testimony be submitted to the record.

My name is Kristen McDonald. I am the Associate Director of the Wild and Scenic Rivers Program for American Rivers, a national, non-profit river conservation organization. Since our founding in 1973, American Rivers has worked with state and local groups and local, state, and Federal agencies to protect rivers using the Wild and Scenic Rivers Act.

I would like to thank Commissioner Acevedo-Vila for introducing this landmark bill to protect three outstanding rivers in the Caribbean National Forest as wild and scenic rivers. These rivers would not only be the first wild and scenic rivers designated in Puerto Rico; they would be the first tropical rivers in the system as a whole.

As you know, one of the goals of Congress in passing the Wild and Scenic Rivers Act in 1968 was to create a system of rivers that were representative of the Nation's diversity of rivers. By designating these rivers, the 107th Congress would make a significant mark in the history of the wild and scenic rivers system.

The Rio Mamayes is the only free-flowing river that remains in Puerto Rico, and is known for its beautiful waterfall. It supports the highest aquatic biodiversity of any river in the forest, with all five species of native fish, all nine species of the unusual freshwater shrimp, and the only freshwater crab.

The Rio Icacos is remarkable for its unusual geology and endangered and sensitive tropical plant species. The upper part of the river has sandy-bottomed pools and is sinuous and lower in gradient than the other rivers in the forest. It is known to provide habitat for the sensitive Burrow Coqui, a rare tree frog that only occurs in the high cloud forest of Puerto Rico.

The Rio de la Mina was likely named after a mid-1800's Spanish gold mining complex, the remains of which are within the river's scenic corridor. The Rio de la Mina is a reminder that these rivers are part of one of the oldest protected areas in the Western Hemisphere. They were set aside in 1876 for special protection, and there are still 1,000-year-old trees along the banks of these rivers.

Unfortunately, other things in the forest have changed over time. The Puerto Rican Parrot, which used to flourish throughout the island, is now in danger of becoming extinct. And the some 40 birds left in the wild all live within the Caribbean National Forest. Designating these rivers would help protect the last areas where the Puerto Rican Parrot has a chance of recovery.

These rivers would make excellent additions to the national wild and scenic rivers system. They are free-flowing; possess outstanding scenic, historic, cultural, geologic, wildlife, and research

values; and there is substantial local support in Puerto Rico for their designation.

We do have two concerns with the bill as currently drafted, but the Commissioner has drafted an amendment to the bill that will alleviate our concerns. The amendment will correct Section 2(c) dealing with the establishment of boundaries, to be consistent with the Wild and Scenic Rivers Act.

Second, the amendment will correct Section 2(d), "Special Management Considerations," to ensure that any scientific research facilities do not harm the free flow or the values for which the rivers have been designated.

In conclusion, I would like to point out that the Caribbean National Forest is the source of drinking water for 20 percent of Puerto Rico's population. By designating the headwater areas of these rivers, Congress will ensure that existing water uses can be maintained and that future water use is balanced with the need to protect valuable tropical habitat, scientific research sites, and recreational resources.

Thank you. I appreciate the opportunity to testify today.

[The prepared statement of Ms. McDonald follows:]

Statement of Kristen McDonald, Wild and Scenic Rivers Program Associate Director, American Rivers, Inc., on H.R. 3954

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to testify on H.R. 3954, the Caribbean National Forest Wild and Scenic Rivers Act. My name is Kristen McDonald, and I am the Associate Director of the Wild and Scenic Rivers Program for American Rivers. American Rivers is a national river conservation organization with over 30,000 members. Since its founding in 1973, American Rivers has worked with our grassroots partners to protect rivers under the Wild and Scenic Rivers Act and has actively assisted Federal agencies, states and local groups with river conservation efforts.

I would like to thank Resident Commissioner Anϕbal Acevedo–Vila for introducing H.R. 3954, which would designate three outstanding rivers in the Caribbean National Forest in Puerto Rico as components of the National Wild and Scenic Rivers System. These rivers would not only be the first wild and scenic rivers designated in Puerto Rico, they would be the first tropical rivers in the System as a whole. One of the goals of Congress in passing the Wild and Scenic Rivers Act in 1968 was to create a system of rivers that were representative of the nation's diversity of rivers, and by designating the Rio Mameyes, Rio Icacas, and Rio de la Mina, this Congress would make a significant mark in the history of the Wild and Scenic Rivers System.

The Rio Mameyes is the only free-flowing river that remains in Puerto Rico. The portion found eligible and suitable for designation is entirely within the National Forest boundary, from its headwaters in the Bano de Oro Research National Area to the Forest Boundary. This remote area is known for its beautiful waterfalls, and hiking trails and swimming holes make it a popular recreational destination. The Rio Mameyes has unique stands of buttress-rooted trees that are uncommon not only in Puerto Rico but throughout the Caribbean. In addition, the river provides important habitat for the endangered Puerto Rican Parrot, Puerto Rican Boa, and Broad-winged and Sharp-shinned Hawks.

The Rio Icacas is remarkable for its variety of terrain, unusual geology, and numerous endangered and sensitive tropical plant species. The upper part of the river has sandy-bottomed pools and is sinuous and lower in gradient than the other rivers in the Forest. It is known to provide habitat for the sensitive Burrow coquϕ, a rare tree frog that only occurs in the cloudforest area of the National Forest.

The picnic areas in the headwaters of the Rio de la Mina are the most popular tourist destinations within the Caribbean National Forest; in addition La Mina Falls is a spectacular scenic attraction and a popular hiking destination. The river was likely named after a mid–1800s Spanish gold mining complex, the remains of which are within the scenic corridor; the old mine shaft and some of the homestead sites can still be enjoyed by hikers along the La Mina Trail. The Puerto Rican par-

rot, Puerto Rican Boa, and two endangered plant species are known to occur along the Rio de la Mina.

All three of these rivers are important to the survival of the endangered Puerto Rican Parrot. The Fish and Wildlife Service estimates there are only about 100 known Puerto Rican Parrots left today, and the 40 of these that live in the wild all live in the Caribbean National Forest. It is the last protected area where these birds have a chance at recovery. Protecting these three river corridors would help ensure desired tree habitat for the parrot is left intact.

The three rivers are eligible and suitable for designation, and the Forest Service has demonstrated there is substantial local support for their designation. American Rivers supports passing H.R. 3954 but we do have three concerns with the bill as currently drafted and we are working with the Regional Commissioner's staff to address these issues.

First, section 2(c) dealing with establishment of boundaries should be corrected to be consistent with the Wild and Scenic Rivers Act, which states that boundaries must be established within one year of designation, not "as soon as practicable," as currently required in the bill. This is an important correction, as boundary establishment will determine the area that the Forest Service must protect and enhance as a wild and scenic river, which must average ′ mile from the ordinary high water mark on each side of the river.

Our second concern involves section 2(d), "Special Management Considerations." While American Rivers agrees that the research activities within the Caribbean National Forest are vital to the American people, installation and maintenance of such facilities, if they occur within designated wild and scenic rivers, must be consistent with the Wild and Scenic Rivers Act. In particular, we would suggest amending the bill to require the Forest Service to ensure that any such facilities do not harm the free flow or values for which the rivers have been designated.

Finally, the bill should include an authorization of appropriations as necessary for the Forest Service to protect and enhance the Rio Mameyes, Rio de la Mina, and Rio Icacas Wild and Scenic Rivers.

In conclusion I would like to point out that the Caribbean National Forest is the source of drinking water for 20% of Puerto Rico's population. There are already a dozen dams in the National Forest that divert water for public use. By designating the headwater areas of the Rio Mameyes and Rio Icacas as wild and scenic rivers, Congress will ensure that these existing water uses can be maintained and that future pressure to build more dams in the area is balanced with the need to protect valuable tropical habitat, valuable scientific research sites, and recreational resources.

I appreciate the opportunity to submit testimony to the Subcommittee today.

Mr. MCINNIS. Thank you. I will begin the questions. First of all, since I am not familiar, Congressman, with the boundaries, just the headwaters are protected under the wild and scenic designation? So that your diversion points for the drinking water will not be impacted in a negative fashion by this bill? Is that correct?

Mr. ACEVEDO-VILA. That is right. And I can assure the Committee that in the process of drafting the bill, we discussed it with everybody down there in Puerto Rico, just to be sure that water supply and all of the needs for the population were protected. Yes.

Mr. MCINNIS. And that would also apply in the case of low water flow?

Mr. ACEVEDO-VILA. Yes.

Mr. MCINNIS. For example, right now in the West we are experiencing a huge drought.

Mr. ACEVEDO-VILA. Yes.

Mr. MCINNIS. Fine. And Ms. Estill, how does the wild and scenic river designation modify a river's uses? Can you help me on that a little, or do you have that background? I know you have got some background in Puerto Rico, so you could even apply it to this, as well; but just generally.

Ms. ESTILL. Well, it protects the outstanding values of the river. It would prohibit any additional structures going in the river; would not in any way limit recreation use, unless it started contaminating the streams.

Mr. MCINNIS. Would it allow repair of existing structures?

Ms. ESTILL. Yes, it would. We see this as a real "win-win" all the way around: protecting the water quality, the scenic and the biotic resources of all three of these corridors.

Mr. MCINNIS. All right, thank you.

Mr. Inslee?

Mr. INSLEE. I have no questions, I think, for the sponsor for this great work. Thank you.

Mr. MCINNIS. Any other questions of the panel? Mr. Kildee?

Mr. KILDEE. Just a statement. I had the opportunity of visiting and enjoying these rivers. And I commend my colleague, Mr. Acevedo-Vila, for the introduction of this bill. I look forward to its passage.

Mr. ACEVEDO-VILA. It is time to go back.

Mr. KILDEE. It is time.

[Laughter.]

Mr. MCINNIS. Mr. Acevedo-Vila?

Mr. ACEVEDO-VILA. Yes, I just wanted to thank both of them for the testimony and their support. And thanks to the Committee.

Mr. MCINNIS. Thank you. And I thank the panel. Thank you for your time. I appreciate your being here. Mr. Acevedo-Vila, thank you for the bill.

The Committee stands adjourned.

[Whereupon, at 11:30 a.m., the Subcommittee was adjourned.]

[A letter submitted for the record by Rebecca Watson, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior, on H.R. 3962 follows:]

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAY 17 2002

Honorable James V. Hansen
Chairman, Committee on Resources
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter sets forth the views of the Department of the Interior on H.R. 3962, the "Good Neighbor Act of 2002." The Department has several concerns that relate to the management difficulties H.R. 3962 would create for the variety of land acquisition tools and land disposal authorities available to the Bureau of Land Management (BLM). Additionally, the Department notes that the bill could have adverse management implications for other land management entities within the Department, such as the National Park Service and the U.S. Fish and Wildlife Service, that are beyond the scope of this letter.

Principally, the BLM engages in land acquisitions and land exchanges to protect threatened natural resource values, critical habitat and ecosystems, historical and cultural sites, and to support community economic growth and expansion. All acquisitions and exchanges between the BLM and private parties are with willing sellers, and the property owners are compensated at full fair-market value.

Most direct purchase acquisitions by the BLM are lands acquired with the Land and Water Conservation Fund (LWCF) appropriation often at the direction of Congress. These acquisitions facilitate the effective management of critical resource areas. The Congress provides a significant level of oversight of the LWCF program and acquisitions are approved by the Congress as part of the annual appropriations process. Additionally, most acquisitions are inholdings within existing Congressionally-designated Federally-managed areas. The statutory provisions for these designated areas express Congressional intent for acquisition and potential management of these inholdings. We are concerned that the provisions of H.R. 3962 could significantly constrain the BLM's ability to accomplish the LWCF goals of the Congress.

We are concerned that the strict acreage limitations of H.R. 3962 could also affect the ability of the BLM to dispose of high value lands in a growth area of one county and acquire land with significant resource values but lower economic value in another county. In effect, this will arbitrarily limit opportunities for communities to address their expansion needs, and for the Federal government to address other public purposes. Also, from a management perspective, H.R. 3962 would be difficult to administer on a county-by-county basis, particularly when a land exchange affected lands across county lines.

As an example, to date, the BLM has sold 2,571 acres of public lands under the Southern Nevada Public Lands Management Act within Clark County, Nevada, for total receipts of $124.4 million. Of those proceeds, $51.6 million has been approved to purchase approximately 13,500 acres of environmentally-sensitive land in other parts of Nevada. The provisions of H.R. 3962 limiting Federally-owned acres to a specific percentage on a county-by-county basis would restrict the BLM's ability to acquire environmentally-sensitive lands in certain Nevada counties from willing sellers, and could put the agency at odds with Congressional direction contained in this and other statutes.

Similar authority is provided to the BLM under the Federal Land Transaction Facilitation Act, Public Law 106-248, which allows the BLM to sell lands and deposit proceeds from those sales into an account to be used for land acquisitions in the same State. However, the provisions of H.R. 3962 could again limit the ability to implement the sale and acquisition program provided for under this public law.

The BLM land disposal and acquisition program is based upon a land use planning process that is designed to involve significant public input and consultation with State and local governments. As with other agencies of the Department, the land acquisition goals of the BLM are intended to serve the public interest. The Department recognizes and supports the intent of this legislation to improve collaboration with local interests as a critical part of the broader public interest. We agree that it is necessary to have a robust consultation process with State and local governments, particularly in areas where Federal land ownership and responsible management are so important to the well being of the people who live there. To this end, the Department is committed to Secretary Norton's four Cs – a culture of communication, cooperation, and consultation – all in the service of conservation.

I look forward to working with you to address these concerns as this bill makes its way through the legislative process.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Rebecca W. Watson

Rebecca Watson
Assistant Secretary for Land
and Minerals Management

cc: Honorable Nick J. Rahall II
Ranking Minority Member

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