H.R. 3815, H.R. 4141 AND H.R. 4620

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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LEGISLATIVE HEARING ON H.R. 3815, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING A PRESIDENTIAL NATIONAL HISTORIC SITE IN HOPE, ARKANSAS, AND FOR OTHER PURPOSES; H.R. 4141, TO AUTHORIZE THE ACQUISITION BY EXCHANGE OF LANDS FOR INCLUSION IN THE RED ROCK CANYON NATIONAL CONSERVATION AREA, CLARK COUNTY, NEVADA, AND FOR OTHER PURPOSES; AND H.R. 4620, TO ACCELERATE THE WILDERNESS DESIGNATION PROCESS BY ESTABLISHING A TIMETABLE FOR THE COMPLETION OF WILDERNESS STUDIES ON FEDERAL LANDS, AND FOR OTHER PURPOSES.

Thursday, June 6, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 2:05 p.m., in room 1334, Longworth House Office Building, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

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

Mr. RADANOVICH. Good afternoon. This hearing will come to order. This afternoon this Subcommittee will hear testimony on three bills H.R. 3815, H.R. 4141, and H.R. 4620. The first bill, H.R. 3815, introduced by Representative Mike Ross, would authorize the Secretary of the Interior to conduct a survey of the suitability and feasibility of establishing a Presidential National

Historic Site in Hope, Arkansas, birthplace of the former President, William Jefferson Clinton.

The next bill, H.R. 4141, introduced by our Subcommittee colleague, Jim Gibbons of Nevada, would authorize the acquisition by exchange of lands for inclusion into the Red Rock Canyon National Conservation Area, Clark County, Nevada. The bill would also authorize the transfer of certain other BLM lands to Clark County for a county park.

Our last bill is H.R. 4620, introduced by our Committee colleague, Butch Otter, which would accelerate the wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal lands.

Before turning the time over to Ms. Christensen, I would ask unanimous consent that Mr. Ross be allowed to sit on the dais following his statement. Without objection, so ordered.

And I now turn to the Ranking Member, Mrs. Christensen, for any opening statement that she may have.

[The prepared statement of Mr. Radanovich follows:]

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

Good afternoon. The hearing will come to order. This afternoon the Subcommittee will hear testimony on three bills, H.R. 3815, H.R. 4141, and H.R. 4620.

The first bill, H.R. 3815, introduced by Representative Mike Ross, would authorize the Secretary of the Interior to conduct a survey of the suitability and feasibility of establishing a Presidential National Historic Site in Hope, Arkansas, birthplace of former President William Jefferson Clinton.

The next bill, H.R. 4141, introduced by our Subcommittee Colleague, Jim Gibbons of Nevada, would authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada. The bill would also authorize the transfer of certain other BLM lands to Clark County for a county park.

Our last bill, H.R. 4620 introduced by our Committee Colleague, Butch Otter, would accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands.

Before turning the time over to Mrs. Christensen, I would ask unanimous consent that Mr. Ross be allowed to sit on the dais following his statement. Without objection [PAUSE], so ordered.

STATEMENT OF THE HON. DONNA CHRISTENSEN, A DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. Today, as you said, the Subcommittee is going to consider three bills, unrelated bills. The first one is H.R. 3815, introduced by our colleague, Representative Mike Ross. It is a noncontroversial measure to authorize a study on the suitability and feasibility of designating the William Jefferson Clinton birthplace home, located in Hope, Arkansas, as a national historic site. The site was the home of the future 42nd President from his birth in 1946 to 1950. It is closely identified with his youth and early development.

I would also note that H.R. 3815 is supported by the entire Arkansas delegation, as it is by me as well, and also has the support of State and local officials. I want to congratulate my colleague, Mike Ross, for his work on this bill.

Our second measure, H.R. 4141, introduced by Representative Gibbons, I have a little more difficulty supporting because it raises a number of troubling concerns. Land exchanges in Las Vegas have

been controversial, and this proposal is no exception. In fact, land exchanges in Las Vegas have been such a problem that Congress in 1998 enacted Public Law 105-263 to halt land exchanges in this area and instead directed public lands be disposed of by auction, with the proceeds earmarked to the acquisition of conservation and recreational lands in Nevada.

H.R. 4141 overturns that policy in this instance and attempts to resurrect past problems with land exchanges. The legislation deems the lands to be exchanged to be of equal value with no qualified appraisals having been done yet. It waives environmental laws. In fact, the bill stipulates that the exchange does not require further consideration or action pursuant to any other law or Executive order.

The lands that are proposed to be exchanged have been altered several times over the years, and we have yet to receive an accurate mapping acreage figure for those lands. With public land sales in Las Vegas averaging $44,770 per acre for large parcels and $116,004 per acre for small parcels, these lands represent a significant economic resource.

So, Mr. Chairman, given these issues and questions, I believe that the Subcommittee will need to look closely at the legislation. But I have had a chance to sit down with Congresswoman Berkeley who represents this district. She has come over to the office with some of her staff, and they have assured me that they are willing to work out some of the areas we have concern about. So I hope that we will be able to do that before the bill comes to the floor through the full Committee.

Our final bill, H.R. 4620, is perhaps even more controversial. This legislation is similar to a bill sponsored by Chairman Hansen in the last Congress which the Republican leadership declined to move to the House floor. The legislation delegates current congressional authority over wilderness study areas to the executive branch by granting the Secretaries of the Interior and Agriculture vast new power to abolish such designations. Furthermore, for those areas the secretary fails to abolish, the bill creates an arbitrary 10-year time limit after which these areas would lose their designations.

Mr. Chairman, this legislation represents a fundamental misunderstanding of what a wilderness is, of what wilderness is, and we oppose it. The process of determining whether an area is suitable for wilderness designation is difficult and time consuming, involving the assessment of complex resource issues.

The date of the area's designation as a WSA, however, is not one of the relevant issues. The passage of days on the calendar in no way alters the wilderness characteristics of an area and should not in any way be a factor. While the process is a difficult one, we feel strongly that Congress should continue its work on wilderness and avoid the temptation to abdicate our responsibilities to the executive branch or rely on an arbitrary strategy to let the clock run out on existing WSAs.

And I want take this opportunity to thank our witnesses for their time and effort and look forward to the testimony.

Mr. RADANOVICH. Thank you very much, Donna. Are there any other opening statements from anybody else on the panel regarding those three bills?

If not, then we will go to our first panelist who is The Honorable Butch Otter from the First District of Idaho, here to speak on H.R. 4620.

Mr. RADANOVICH. Butch, welcome to the panel.

STATEMENT OF THE HON. C.L. "BUTCH" OTTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. OTTER. Well, thank you very much, Mr. Chairman. And I thank you for holding this hearing today and for inviting me not only to attend the meeting but also to join you at the dais.

I recently introduced H.R. 4620, the American's Wilderness Protection Act. Its goal is to resolve what in most cases has become a decade-long process of deliberating the fate of wilderness study areas, millions of acres of public land made untouchable for multiple use while Federal agencies and Congress consider whether they warrant permanent wilderness status.

My bill, sponsored by 33 fellow Congressmen, including many on this Committee, would release all areas designated as wilderness study areas from such status on the earlier of 10 years after this Act becomes law, the date that the area is designated as wilderness by an act of Congress, or the date the Secretary of Interior or the Secretary of Agriculture determines that the area is unsuitable for wilderness designation. Wilderness study areas released from the designation would revert back to their previous use.

Currently, environmental obstructionists have no incentive to help reach decisions on wilderness designations that might give them less than what they want. To a large degree, they already have their victory. The status quo guarantees all study areas to be continued and to be treated as wilderness areas.

Despite officially making allowances for historical uses, land managers understandably err on the side of caution and set rules maintaining wilderness values, restricting access to natural resources that might help restore jobs in rural communities.

Many of our rural communities have been in limbo for too long. In Idaho, for example, there are 86 wilderness study areas totaling 3.1 million acres. Of the 67 Bureau of Land Management parcels, 63 have been locked up as de facto wilderness since 1981 or 1982, even though 40 of them have been found unsuitable for wilderness protection. The other 4 have been withdrawn from multiple use since 1976.

Most of the 19 Forest Service wilderness study areas have been in place since the mid-1980's, and 2 have been held in that status since 1972, all the while through the administrations of seven Presidents and during the lifetime of many working people in Idaho, there has been no requirement on the part of the government nor impetus for the obstructionists to fish or cut bait.

The Wilderness Act of 1964 and the Federal Lands Policy and Management Act of 1976 created the wilderness study area concept. The lands that became wilderness study areas were to be studied to determine whether they qualified for wilderness designation. Unfortunately, these laws failed to provide for the release of

those lands when the studies were complete. Absent congressional action or consensus among the stakeholders on setting aside a specific parcel, that has caused wilderness study areas to be studied into perpetuity even after the actual studies were finished.

The perpetual study of an area of wilderness for suitability is clearly not in the public interest. The American Wilderness Protection Act will bring some closure to the wilderness study area. If an area is truly worthy of the wilderness label, Congress should designate it as such. But if Congress can't support such a designation, then how can we support continuing to have the land locked away from active management?

With this act's 10-year buffer and the 20 to 30 years that so many of these areas have already spent in limbo, we are talking about a generation during which people have been essentially barred from the use of some of the most valuable opportunities to recreate, to improve habitat and watersheds, protect against disease, insect infestation, invasive and noxious weeds, and other beneficial uses of our national resource.

I believe this legislation is an important effort to raise the level of debate on wilderness, promote resolution, and hold everyone involved accountable for the outcome. Idaho's rural communities and rural communities across the West need certainty and self-determination for managing their natural resources and improving their economies.

Thank you, Mr. Chairman, and I look forward to hearing the testimony and the insight of our witnesses on this legislation.

Mr. RADANOVICH. Thank you very much, Mr. Otter.

[The prepared statement of Mr. Otter follows:]

Statement of The Honorable C.L. "Butch" Otter, a Representative in Congress from the State of Idaho

Thank you Mr. Chairman for holding this hearing today and inviting me to attend.

I recently introduced H.R. 4620, the America's Wilderness Protection Act. Its goal is to resolve what in most cases has become a decades-long process of deliberating the fate of "wilderness study areas"—millions of acres of public land made untouchable for multiple use while Federal agencies and Congress consider whether they warrant permanent wilderness status.

My bill, cosponsored by 33 fellow Congressmen including many members of this Committee, would release all areas designated as wilderness study areas from such status on the earlier of 10 years after this Act becomes law, the date the area is designated as wilderness by act of Congress or the date that the Secretary of Interior or Agriculture determines that the area is unsuitable for wilderness designation. Wilderness Study Areas released from the designation would revert back to their previous use.

Currently, environmental obstructionists have no incentive to help reach decisions on wilderness designations that might give them less than they want. To a large degree, they already have their victory. The status quo guarantees all the study areas continue to be treated as wilderness.

Despite officially making allowances for historical uses, land managers understandably err on the side of caution and set rules maintaining "wilderness values," restricting access to natural resources that might help restore jobs in rural communities.

Many of our rural communities have been in limbo too long. In Idaho, for example, there are 86 wilderness study areas totaling about 3.1 million acres. Of the 67 Bureau of Land Management parcels, 63 have been locked up as de facto wilderness since 1981 or 1982—even though 40 of them have been found unsuitable for wilderness protection. The other four have been withdrawn from multiple use since 1976.

Most of the 19 Forest Service wilderness study areas have been in place since the mid–1980s and two have held that status since 1972. All the while—through the

administration of seven presidents and during the entire lifetime of many working people in Idaho—there has been no requirement on the government nor impetus for obstructionists to fish or cut bait.

The Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976 created the "Wilderness Study Area" concept. Lands that became Wilderness Study Areas were to be studied to determine whether they qualified for wilderness designation. Unfortunately, these laws failed to provide for the release of those lands when the studies were complete. Absent congressional action or consensus among stakeholders on setting aside a specific parcel, that's caused Wilderness Study Areas to be studied in perpetuity—even after the actual studies were finished.

The perpetual study of an area for wilderness suitability is clearly not in the public interest. The Americas Wilderness Protection Act will bring some closure to Wilderness Study Areas. If an area is truly worthy of the wilderness label, Congress should designate it as such. But if Congress can't support such a designation, how then can we support continuing to have that land locked away from active management?

With this act's 10-year buffer and the 20 to 30 years that so many of these areas already have spent in limbo, we're talking about a generation during which people will have been essentially barred from some of our most valuable opportunities to recreate, improve habitat and watersheds, protect against diseases and insect infestation, and other beneficial uses of our natural resources. I believe this legislation is an important effort to raise the level of debate on wilderness, promote resolution and hold everyone involved accountable for the outcome. Idaho's rural communities, and rural communities across the West, need certainty and self-determination for managing their natural resources and improving their economies.

Thank you again Mr. Chairman and I look forward to hearing the testimony and insight of our witnesses.

Mr. RADANOVICH. The Chair will recognize the Chairman of the Resources Committee, Mr. Hansen; then Mr. Gibbons to speak on his bill, and Mr. Ross. Mr. Hansen.

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

Mr. HANSEN. Thank you, Mr. Chairman. And thanks for hearing from me at this particular time. I have to leave, but I did want to speak to this bill because I think there are some really tremendous misunderstandings that are going on, as Mr. Otter pointed out, on the process.

The 1964 Wilderness Act called for the Forest Service and for the Park Service to do a study, and in 1975 we got the FLPMA Act that brought in the BLM. How does this work? They are supposed to take that Agency and they are supposed to do a study. They do the study, they submit it to Congress, and supposedly only Congress can then make wilderness.

What has happened? Of all of the studies that have been done—I have been around here for 22 years and been a part of a lot of these things—the Agency has not followed one of them. Not one time. So we find ourselves in a situation where why do we spend these millions and millions of dollars to have these agencies do it when Congress won't follow it? And basically what happens is we just have a situation where nothing occurs.

Now, in my 22 years as a Member of Congress and as Chairman of this full Committee, I think that the one thing that bothers me the very most is all of the attorney retirement acts that we do around here. Every time something happens, we do another thing to take care of our legal friends somewhere, and they do very, very

well. And we have got more attorney retirement acts than we have ever seen.

Now, what the gentleman from Idaho is trying to do is stop the "wilderness retirement act," because on that little word "wilderness," it is a romantic word. If I went around here and said, all of you folks give me your definition of wilderness, or, better yet, what do you envision when your hear the word, I envision being up in the hills and smelling the pines and the aspens and the clear water—and good people. And that is what I envision. And so it is a very positive, romantic word.

Now, if I said, give me what you envision in severely restricted areas, that is a negative way of putting it. But you know what, folks, they are synonyms, they are exactly the same. When we did the 1984 bill of wilderness in the State of Utah, we had our phones ringing off the hook with people saying, gee, I can hardly wait to take my RV and get up there and get the job done and go in and see it. You don't go in there, because it says nothing mechanized shall go in that area.

Now you tell me, what is mechanized? Is a camp stove mechanized? Is an oar lock mechanized? But you can't take a mechanized thing in there. So we in effect have said, this is a real reserve, pristine, primitive area.

Now, another thing that I have noticed about this Act is what constitutes and qualifies as wilderness. Does just a piece of sage brush qualify as wilderness? I was recently working with Larry Young of the Southern Utah Wilderness Association, and the question came up; he wanted another 10,000 acres of pure sagebrush, pure unadulterated, all there is sage brush and a few beer cans in it. And he said he wanted that. I said, why? It doesn't qualify as wilderness. It is only sagebrush. It is something like the Grand Staircase-Escalante that President Clinton did.

I don't know where there is anything in there that qualifies as a monument. And, of course, as we subpoenaed the papers, we found out they believed that, too. They said in there, we all are doing this to pacify the extreme whackos—whoever they are—I have never tried to figure that one out.

But, anyway, we get the idea. And let me just ask you, folks. Up here most of us have served in a legislative body other than this one, haven't we? Didn't you come out of the legislature? Didn't you? I came out of the legislature. I was Speaker of the House. Butch was Lieutenant Governor. Jim held a leadership position. We are all in those areas. And guess what? If you go look in our legislative bodies, you know what you are you going to find? You are going to find that most of the bills—now I am emphasizing most of the bills—have a sunset on them. And why do they do that? We don't want them to go forever and ever and ever. We want them to stop somewhere. We want a chance to take another look at it.

Now here, if you look at the 1964 Wilderness Act, we are going to have the Agency take it. Now, I think Mr. Otter's bill kind of reads this way: The Agency finishes their investigation and they make the suggestion to Congress. And then Congress has 10 years from that point when it starts tolling; is that correct, Mr. Otter?

You are supposed to say yes. If you would read your script we could get this show on the road.

Mr. OTTER. Yes, Mr. Chairman.

Mr. HANSEN. Carrying that on, we get down to the point that the thing starts to toll. And they have got 10 years. Now, tell me, why is it so difficult—because regardless of the arguments you are going to hear, it is not the time that they are investigating, it is the time after they have made their proposal to Congress. So you got 10 long years to adjudicate this thing. Tell me—I wish I could stay, Mr. Chairman, because I want to hear the answers of why you can't get it done in 10 years.

There are very few things I have seen in 42 years as an elected official that you can't get done in 10 years. So why are people opposing this idea of Mr. Otter's? They are opposing it because they want it to continue forever and ever, because that word "wilderness" is an entire industry today. Look at the clubs that have started. They built the whole thing on that romantic thing, wilderness. And if you keep it going and going and going, you are fine.

Now, let my give you an example of that. They finished the thing on BLM wilderness in the State of Utah way back in 1990. Jim Parker was the head of the BLM for the State of Utah. He took this thing that took 15 years and $10 million of your taxpaying money and he made a determination. He said, all right, the State of Utah has 22 million acres of BLM. We said, the very most you would ever have is 3.2, but we wouldn't give you all of that, we will give 1.95. That is the thing. These people walked around with a little button that said 3.2 for a long time.

Well, we didn't do 3.2. Then it went up to 5.7. That was the rallying cry when a fellow by the name of Wayne Owens sat here and could have got it through if he wanted, but he didn't really want to. As we know, and Wayne has said, they had the Democrats in both the House the Senate and the President, and they didn't even introduce the thing. And I was the Ranking Member of this Committee in those days.

So then Bruce Babbitt came along, if you were there when Bruce and I had a swearing match, and he decided he was going to do a reinventory. So he walked out of here. And instead of 15 long years and $10 million, they did it in 3 weeks with kids from BYU, Utah State, and others. They went out and said this is pretty, that is pretty, the other is pretty. Guess what they came up with? 5.7 million acres, exactly what they had been carrying around on those little badges all of those years, right on the button. Hardly the ink was dry on that.

Guess what? They then wanted 9.1. Now it is 9.3. I called one of them and said, "What if we gave you the 9.3?" "I want 12.5." what if we gave you 12.5 and half of the Forest Service and all of the parks?

So now really what are you telling me when you are saying that to me, Mr. Environmentalist? You are saying to me, you are saying I don't want to settle this thing, because if I settle this thing, my industry extinguishes. You better get to something else.

It is kind of like Marlboro, you know. If we get rid of cigarettes, you guys don't kill yourself puffing on the damned things; do you know what you are going to find? They are going to go into cheese and into something else.

So that is what you folks in the wilderness area ought to do, get into something else, because you are obviously in a place where you can't keep this going forever.

So all he is doing is doing what we have done in the legislature, what we have done here. I wish I had brought a list of all of the bills that we have put a sunset on, of which there are hundreds. That is all we are asking is get it done.

So what is the emphasis? What is the incentive to get it done? It is a time limit. And that is why since our Founding Fathers put this show together, they put sunsets on bills, to get the job done.

So if you oppose this, you are in effect buying into that argument we really don't want to settle this thing, because if we settle it, what are we going to do to make money now? I just say, I think this is an excellent piece of legislation. I think you have done a fantastic job and you even read your lines right.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you. That means we will put you down as neutral on that bill.

Statement of The Honorable James V. Hansen, Chairman, Committee on Resources

I've served in this body for 22 years. Throughout that time, I've taken part in hundreds of hearings, read countless pages of testimony, and have met with thousands of Americans expressing their views on public policy. I can say from experience that few issues create as much controversy, divisiveness, and frustration as wilderness does.

This is a result of many factors. Some people consider the Wilderness Act of 1964 to be a sacred writ and oppose any attempt to improve it. Others formed special interest groups based on a philosophy of wilderness. These people prefer to continue to increase their wilderness proposals each year by hundreds of thousands of acres that do not fit the definition of wilderness, rather than coming to the table to resolve the issue. Others object to any wilderness designation at all. But I believe that most of the controversy and contention is a result of agencies or individuals departing from the original intent of the Wilderness Act.

The Wilderness Act of 1964 vests the duty of designating wilderness areas on public lands solely with the Congress. Although Federal agencies may recommend areas that may be suitable for wilderness designation—and are even required to do so—they cannot create wilderness areas. Notwithstanding this fact, the agencies" ability to designate Wilderness Study Areas allows them to bypass Congressional processes and create de facto wilderness areas. Even though Congress has not approved these areas as wilderness, they are being managed as though they were and, under current law, may continue to be managed as wilderness for perpetuity unless Congress directs them to do otherwise. Agency-made wilderness was not the intent of Congress when it passed the Wilderness Act in 1964, and it should not be now.

Let me illustrate this with an example. In my home state of Utah, approximately 3.2 million acres of land managed by the Bureau of Land Management are Wilderness Study Areas. These WSAs have been around now for more than two decades, waiting for Congress to act on the BLM's recommendation of 1.9 million acres. As I stated earlier, wilderness is always a controversial subject. Trying to pass legislation that would designate those lands that deserve it and release those that do not has been very difficult. The result is that the State of Utah has 3.2 million acres of WSAs as de-facto wilderness.

But that's not where the problem stops. Special interest groups have lobbied the agencies to manage additional areas as wilderness. Without Congressional approval, the agencies have done just that, and in Utah, that makes between 5.7 and 9.1 million acres de-facto wilderness.

This legislation would help to alleviate problems like this. It would require Congress to act within 10 years of the designation of the Wilderness Study Area. It would give an incentive to all sides to come to the table to negotiate and come to a resolution.

Another result of this legislation would be the avoidance of perpetual studies for wilderness characteristics on public lands. I know that in Utah, the lands have been studied to death. This legislation would make allow the Federal agencies to devote

more of their time and resources to other pressing management needs. It will revert the public land to the use status that it had immediately before becoming a WSA.

Most importantly, it allows Congress decide what is and is not wilderness, based on the recommendations of the Federal agencies. This was the original intent of the Wilderness Act.

This is a good piece of legislation. I appreciate the Chairman considering it today and look forward to hearing the panel's remarks.

Mr. RADANOVICH. Next up to speak on his bill, H.R. 4141, is Subcommittee colleague, Jim Gibbons of Nevada.

STATEMENT OF THE HON. JIM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. GIBBONS. Thank you very much, Mr. Chairman. And there is a line in "When Harry Met Sally" where they are sitting at a restaurant, and "I want some of what she is having."

Mr. Chairman, thank you very much for considering H.R. 4141, the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002. Mr. Chairman, a bill previously referenced by our colleague, Mrs. Green, was considered by this Congress years ago, called the Southern Nevada Public Lands Management Act of 1998, which was enacted to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide the acquisition of environmentally sensitive lands in the State.

Now, pursuant to these goals and to those of the Recreation and Public Purposes Act, on April 10th of this year I introduced this important piece of legislation to further enhance the Red Rock Canyon National Conservation Area.

H.R. 4141 will promulgate the exchange of approximately 1,000 acres of private land, environmentally sensitive land, and mountainous land on the eastern border of the Red Rock National Conservation Area, held by the Howard Hughes Corporation, for approximately 1,000 acres of Bureau of Land Management lands. In addition, approximately 1,200 acres of BLM lands will be transferred to Clark County to be used as a public park. This exchange is fully consistent with the objectives of the Southern Nevada Public Land Management Act, P.L. 105-203, an Act to dispose of developable Federal lands which are currently on BLM's disposal list in exchange for those that are environmentally sensitive.

The land to be conveyed to the BLM by the Howard Hughes Corporation has archeological, scenic and recreational values. The public lands to be acquired by the Hughes Corporation in exchange are adjacent to the Hughes Corporation holdings and lie within the disposal boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Chairman, as you know Congress recognized the benefits of convening lands to local governments without compensation for recreational purposes when it passed the Recreation in Public Purposes Act of 1954. The transfer of approximately 1,200 acres to Clark County to be used as a park or part of a trial system meets with the objectives of the Recreation and Public Purposes Act as well as the Southern Nevada Public Land Management Act.

H.R. 4141 is a bill that has the support of both Nevada's Senators, Democratic Senator Harry Reid, and Republican Senator John Ensign, as well as the local governments in the area.

Further, the Howard Hughes Corporation deserves praise for its advocacy of an exchange that not only benefits their development interest but also those of the local public.

The Las Vegas City Council passed a resolution on February 20th of this year supporting preservation of Spring Mountain viewsheds through incorporation into the Red Rock Canyon NCA. Further, the Southern Nevada Group of the Sierra Club stated in a letter to the Howard Hughes Corporation that H.R. 4141 is not a bill that they want to oppose, and that the positive gains for the public holdings makes it a bill to celebrate.

In addition, Mr. Chairman, I would like to enter into the record testimony from Clark County Manager Tom Riley endorsing this legislation. Along with the citizens of Clark County Nevada, we look forward to further consideration of this legislation which blends development and conservation interests into a wise and sensible solution for Red Rock Canyon.

Again, Mr. Chairman, thank you for working this bill into your Subcommittee's very busy schedule. I hope to gain your support in moving this bill in the near future. I would be happy to address any questions the Committee or others may have.

Mr. RADANOVICH. Thank you very much, Mr. Gibbons.

[The prepared statement of Mr. Gibbons follows:]

Statement of The Honorable Jim Gibbons, a Representative in Congress from the State of Nevada

Mr. Chairman, thank you for considering H.R. 4141—the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002.

A previous bill considered by this Congress, the Southern Nevada Public Land Management Act of 1998, was enacted to provide for the orderly disposal of Federal lands in Clark County, Nevada and to provide for the acquisition of environmentally sensitive lands in the State.

Pursuant to these goals, and to those of the Recreation and Public Purposes Act, on April 10th of this year, I introduced this important piece of legislation to further enhance the Red Rock Canyon National Conservation Area.

H.R. 4141 will promulgate the exchange of approximately 1000 acres of private, environmentally sensitive, mountainous land on the eastern border of the Red Rocks National Conservation Area held by The Howard Hughes Corporation for approximately 1000 acres of Bureau of Land Management lands.

In addition, approximately 1200 acres of BLM land will be transferred to Clark County to be used as a public park.

The exchange is fully consistent with the objectives of the Southern Nevada Public Land Management Act to dispose developable Federal lands in exchange for those that are environmentally sensitive.

The land to be conveyed to the BLM by The Howard Hughes Corporation has archaeological, scenic, and recreational values.

The public lands to be acquired by The Howard Hughes Corporation are adjacent to Hughes corporate land holdings and lie within the disposal boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Chairman, as you know, Congress recognized the benefit of conveying Federal lands to local governments without compensation for recreation purposes when it passed the Recreation and Public Purposes Act of 1954.

The transfer of approximately 1200 acres to Clark County to be used as a park or part of a trail system meets with the objectives of the Recreation and Public Purposes Act as well as the Southern Nevada Public Land Management Act.

H.R. 4141 is a non-controversial bill that has the support of both of Nevada's Senators, and local government.

Further, the Howard Hughes Corporation deserves praise for its advocacy of an exchange that not only benefits their development interests but also those of the local public.

The Las Vegas City Council passed a resolution on February 20th of this year supporting "preservation" of Spring Mountain viewsheds through incorporation into the Red Rock Canyon NCA.

Further, the Southern Nevada Group of the Sierra Club stated in a letter to The Howard Hughes Corporation that H.R. 4141 is not a bill they "want to oppose" and that the positive gain for public holdings makes it a "bill to celebrate".

In addition, Mr. Chairman, I would like to enter into the record, testimony from Clark County Manager Thom Reilly, endorsing this legislation.

Along with the citizens of Clark County, Nevada, we look forward to further consideration of this legislation which blends development and conservation interests into a wise and sensible solution for Red Rock Canyon.

Again, Mr. Chairman, thank you for working this bill into your Subcommittee's very busy schedule—and I hope to gain your support in moving this bill in the near future.

I will be happy to address any of the Committee's concerns.

[The statement submitted for the record on H.R. 4141 from Thom Reilly, Clark County Manager, Clark County, Nevada, follows:]

Statement of Thom Reilly, Clark County Manager, Clark County, Nevada

Thank you for the opportunity to present testimony on H.R. 4141, a bill to authorize the acquisition by exchange of land for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada.

Howard Hughes Corporation owns property and is developing the Summerlin Master Planned Community immediately adjacent to the Red Rock Canyon National Conservation Area administered by the Bureau of Land Management. The lands being offered by Howard Hughes Corporation, totaling 1071 acres, would be incorporated into the Red Rock Canyon National Conservation Area.

Inclusion of the lands in the Red Rock Canyon National Conservation Area will preserve the viewsheds of the Spring Mountains from the Las Vegas Valley and natural drainage ways. It will also provide improved public access to the Red Rock Canyon National Conservation Area, resulting in significant public benefits.

Howard Hughes Corporation has selected 998 acres within the Bureau of Land Management disposal boundary for the Las Vegas Valley that it considers suitable for exchange for the lands being offered. An additional 1250 acres of public lands, also within the Bureau of Land Management disposal boundary, would be conveyed to Clark County for public parks and trails to be administered by the Parks and Community Services Department.

The majority of this land being conveyed to Clark County is currently identified as open space and part of the regional trail system in Clark County's Parks and Recreation Master Plan 2000–2020. Steep slopes, view sheds from the urban

Las Vegas Valley, and important cultural and biological resources best characterize the area.

Clark County will construct trails and trailheads within this open space, through Federal-local partnerships, at an estimated cost of $5,000,000. It is Clark County's intent to link portions of the Old Mormon/Spanish Trail with the regional trails system through these constructed trails.

Clark County understands that the lands conveyed would be subject to valid existing rights as identified in Section 6 (b) of the Bill. To that end Clark County has met with the owners of mining claims and will continue to work with them as they pursue their rights.

In summary, H.R. 4141 will preserve the viewsheds of the Spring Mountains from the Las Vegas Valley; it will provide improved public access to the Red Rock Canyon National Conservation Area; and it will result in significant public benefits to the residents and visitors of Clark County, Nevada. This is important and meaningful legislation and Clark County, Nevada supports its passage. To this end the Clark County Board of County Commissioners passed the attached Resolution in support of H.R. 4141.

Thank you for this opportunity to testify.

CLARK COUNTY, NEVADA RESOLUTION SUPPORTING THE EXCHANGE OF SELECTED LANDS BETWEEN THE UNITED STATES BUREAU OF LAND MANAGEMENT AND HOWARD HUGHES PROPERTIES, INC.

WHEREAS, Howard Hughes Properties, Inc. (HUGHES) owns property along the western and northern boundaries of the Summerlin Master Planned Community; and

WHEREAS, Inclusion of these land in the Red Rocks Canyon National Conservation Area (NCA) would preserve viewsheds of the Spring Mountains from the Las Vegas Valley and provide for improved public access to the NCA resulting in significant public benefits; and

WHEREAS, HUGHES has selected lands within the Bureau of Land Management disposal boundary for Las Vegas Valley that it considers suitable for exchange for the lands being offered; and

WHEREAS, Approximately 1250 acres of these lands being selected would be conveyed to Clark County for public parks and trails to be administered by the Parks and Community Services Department; and

WHEREAS, A number of leaders representing a variety of both state and local environmental organizations have endorse this exchange.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners, of Clark County, Nevada, hereby supports the Federal legislation titled: H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002.

PASSED, APPROVED, AND ADOPTED on this 4th day of June 2002.

CLARK COUNTY
BOARD OF COMMISSIONERS
By: DARIO HERRERA, Chairman
ATTEST: SHIRLEY B. PARRAGUIRRE, County Clerk

Mr. RADANOVICH. Mr. Ross, I appreciate your patience. Welcome to the Committee—Subcommittee. Welcome here to speak on your bill, H.R. 3815.

Mr. RADANOVICH. Please begin your testimony.

STATEMENT OF THE HON. MICHAEL ROSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. ROSS. Well, thank you, Mr. Chairman, and to Ranking Member Christensen and to Chairman Hansen for his work with me on this. I am here today to testify in support of H.R. 3815, the Presidential Historic Site Study Act. It is a bipartisan bill that I offered earlier this year.

This bill simply begins the normal process for preserving an important American Presidential landmark. American Presidents are a hallmark of our society. The way in which Americans forever remember leadership of the greatest Nation is through their policies, their words, and through the people and places that have shaped their lives. We place a great historical significance on the homes of Presidents because indeed they are a part of our Nation's history. They are where our leaders formed the beliefs and values that shaped their decisions and legacies.

The meaning of these historic Presidential landmarks has moved anyone who has ever visited sites like Mt. Vernon, Monticello, Abraham Lincoln's birthplace at Spring Creek or Ronald Reagan's birthplace.

The birthplace home of President William Jefferson Clinton holds a piece of our Presidential history. It is only fitting for it to be designated as a Natural Historic Site. I share the unique opportunity of being the representative of former President Clinton's birthplace home, Hope, Arkansas. In fact I am a 1979 graduate of Hope High School. For 17 days back in 1991, we had a President from Hope, a Republican Governor from Hope, and a Member of Congress from Hope. Two of us remain in office today. In that small place called Hope, President Clinton was educated and encouraged by a loving family in a home at 117 South Hervey Street in Hope, Arkansas. This home stands as a marker of his heritage.

President Clinton lived in two homes in Hope. However, I have enclosed as an official part of my testimony today a copy of a personal letter from former President Clinton designating this home as his official birthplace for purposes of historic significance.

Today the home is a tourist attraction operated by a non-profit organization, and is seeking to be designated as a National Historic Site. The Clinton Birthplace Foundation was formed several years ago, and its executive director is here today and will be testifying in just a little while, Crystal Altenbaumer.

The Clinton Birthplace Foundation was founded several years ago and has successfully renovated the birthplace home as a museum and visitors center. To establish the William Jefferson Clinton birthplace home as a National Historic Site, a feasibility study must be completed. That is what we are seeking to do with this legislation is to simply authorize the Department of Interior to proceed with a feasibility study.

The eventual designation as a National Historic Site will open the doors of economic opportunity through added tourism to southwest Arkansas. A number of my fellow colleagues are cosponsors of H.R. 3815, including every member of the Arkansas delegation, including our Republican member, John Boozman and the Chairman of the Committee, Chairman Hansen. Every member of the Arkansas delegation has signed onto this bill.

My home state Governor, Mike Huckabee, a Republican who as I mentioned is also from Hope, is also very supportive of this study, and I have a letter here today from him in that regard.

[The letter from President Clinton follows:]

WILLIAM JEFFERSON CLINTON

August 6, 2001

The Honorable Mike Ross
Congress of the United States
House of Representatives
514 Cannon Building
Washington, D.C. 20515

Dear Mike:

Thank you for inquiring about the home I wish to have designated as my official birthplace for purposes of historic significance.

On August 19, 1946, I was born in the small town of Hope, Arkansas. My first home was with my mother's parents in a house located at 117 South Hervey Street. There I was surrounded by many relatives who gave me the love and support that every child needs, and I learned the strong values and beliefs that guide me to this day: that all people are created equal; no one should be treated differently because of the color of his or her skin; and we all do better when we help each other.

For these reasons, 117 South Hervey Street in Hope, Arkansas, was placed on the National Register in 1994, and I believe it should be considered my birthplace for National Historic Landmark reasons and National Park status.

Sincerely,

Bill Clinton

Mr. ROSS. Arkansans view this home as part of our long legacy of history within the State. This is not about politics, but instead it is about the rich history of Arkansas and our Nation. This site will not only educate the thousands of visitors each year that come to learn more about this part of American history, but bring more jobs, more opportunities, more tourism and, yes, more economic development to a part of my district that greatly needs it.

Mr. Chairman, I would thank the members of the Subcommittee for allowing me to testify this afternoon. I hope that this bill will be marked up soon and offered before the House of Representatives. And I will be happy to answer any questions that you or members of the Committee might have at this time.

Mr. RADANOVICH. Thank you so much Mr. Ross.

[The prepared statement of Mr. Ross follows:]

Statement of The Honorable Michael Ross, a Representative in Congress from the State of Arkansas

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify in support of H.R. 3815, the Presidential Historic Site Study Act, a bipartisan bill that I offered earlier this year.

This bill simply begins the normal process for preserving an important American presidential landmark. American Presidents are a hallmark of our society. The way in which Americans forever remember leadership of the "greatest nation" is through their policies, their words, and through the people and places that have shaped their lives. We place a great historical significance on the homes of President's because, indeed, they are a part of our nation's history. They are where our leaders formed the beliefs and values that shaped their decisions and legacies. The meaning of these historic presidential landmarks has moved anyone who has visited Mt. Vernon, Monticello, Abraham Lincoln's birthplace at Spring Creek, or Ronald Reagan's birthplace. The birthplace home of President William Jefferson Clinton holds a piece of our presidential history, and it is only fitting for it to be designated as a National Historic Site.

I share the unique opportunity of being the Representative of former President Clinton's birthplace home, Hope, Arkansas. In fact, I am a 1979 graduate of Hope High School. In that small town called Hope, President Clinton was educated and encouraged by a loving family in a home at 117 South Hervey Street, Hope, AR. This home stands as a marker of his hermitage. President Clinton lived in several homes in Hope; however, I have enclosed as part of my official testimony a copy of personal correspondence from President Clinton designating this home as his "official birthplace for purposes of historic significance."

Today, the home is a tourist attraction to the local area and is seeking to be placed on the National Register of Historic Places as a National Landmark. The Clinton Birthplace Foundation was formed several years ago. The foundation has successfully renovated the birthplace home as a museum and visitors center. To establish the "William Jefferson Clinton Birthplace Home" as a National Historic Site, a feasibility study must be completed. That is what we are seeking to do with this legislation.

The eventual designation as a National Historic Site will open the doors of economic opportunity through added tourism to Southwest Arkansas. Thirty-one of my fellow colleagues are currently cosponsors on H.R. 3815, including every member of the Arkansas delegation. My home state's Governor, Mike Huckabee-a Republican, is supportive of this study. Arkansans view this home as part of our long legacy of history within the state. This is not about politics, but instead about the rich history of Arkansas and our Nation. This site will, not only, educate the thousands of visitors each year that come to learn about this part of American history, but perhaps most importantly, bring more jobs, more opportunities, and more economic development to a part of my district that greatly needs it.

Mr. Chairman, I would like to thank the Members of the Subcommittee for allowing me to testify this afternoon. I hope that this bill will be marked up soon and offered before the House of Representatives. I will be happy to answer any questions the members of the Committee might have.

Mr. RADANOVICH. Are there any questions of the gentleman from Arkansas? Mike, you are welcome to join us here on the dais for the rest of the hearing if you would like.

Mr. ROSS. Actually, we have—I appreciate that. I have got a markup going on in Financial Services. I am going to run back to that, if you will forgive me. Unless there are any questions.

Mr. RADANOVICH. There are no questions. Thank you very much.

Mr. ROSS. Thank you for this hearing, Mr. Chairman.

Mr. RADANOVICH. With that we will move on to our next panel, Panel No. 2, which consists of Ms. Nina Hatfield, Deputy Director of Bureau of Land Management, the Department of the Interior in Washington; and also Abigail Kimbell, Associate Deputy Chief of the U.S. Forest Service.

If you would begin your testimony, if we can keep it under 5 minutes, that would be terrific. Thank you.

STATEMENT OF NINA HATFIELD, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Ms. HATFIELD. Thank you very much, Mr. Chairman. I appreciate this opportunity to testify on behalf of the Department of the Interior regarding H.R. 4620, America's Wilderness Protection Act, H.R. 4620, which attempts to deal with the backlog of wilderness recommendations for both designation and release that have built up in Congress now for several years.

The Administration believes that the wilderness debate must move forward and that Congress should do this by addressing these wilderness study areas. We share the desire of the sponsors of H.R. 4620 to move forward and, where appropriate, designate lands as wilderness or return lands not suitable for wilderness to multiple use management and other appropriate uses. We would certainly like to work with Congress on legislation to accomplish this.

This particular legislation potentially impacts three Interior bureaus: The Bureau of Land Management, the National Park Service, and Fish and Wildlife Service. For the Bureau of Land Management, Section 603 of the Federal Land Policy and Management Act of 1976, commonly referred to as FLPMA, charged the BLM with identification and management of lands for the National Wilderness Preservation System established by the 1964 Wilderness Act.

Between 1977 and 1980 the BLM identified over 700 wilderness study areas, covering approximately 26.5 million acres. These areas were placed under BLM's interim management policy to be managed to protect their wilderness values, pending a final action by Congress. Congress has designated 148 BLM-managed wilderness areas, containing about 6.2 million acres.

For the Fish and Wildlife Service and the National Park Service, the Wilderness Act of 1964 instructed the Secretary to review all roadless areas greater than 5,000 acres and all roadless islands within the refuge system, and to make recommendations to the President regarding the suitability of these lands for classification as wilderness.

Between 1968 and 1990, Congress passed 15 laws designating about 20 percent of the lands and waters in the refuge system as

wilderness, more than 20 million acres on 65 national wildlife refuges. Congress has yet to act on wilderness proposals for about 2 million acres and 21 refuges outside of Alaska that were submitted between 1969 and 1974.

In the National Park Service, a total of 19 parks currently have areas recommended by the President for wilderness designation. Most of these areas have been awaiting congressional action for more than 20 years.

H.R. 4620 seeks to move forward the wilderness debate. The bill places a 10-year limit for action on existing WSAs, after which any WSA lands not designated as wilderness would be released from withdrawal. Following release, pursuant to this legislation, management of the lands would revert to the plans in place prior to the designation. The Administration is currently formulating a position on this provision, and we look forward to working with the Committee on this issue.

We support the goal of moving forward the wilderness debate on wilderness designation, and want to work with the Congress on legislation to accomplish these goals. Certainly, determining a final management status of these lands would achieve our objectives with respect to wilderness and nonwilderness use.

The Administration agrees that the time has come to make decisions about wilderness designation. The holding pattern that we have been in for the last decade continues to frustrate people on all sides of the issue. And we are hopeful that the consideration of this bill will spur the debate. And we look forward to working with you on it.

I thank you for the opportunity to appear today and look forward to answering any questions that you may have.

Mr. RADANOVICH. Thank you very much, Ms. Hatfield.

[The prepared statement of Ms. Hatfield follows:]

Statement of Nina Rose Hatfield, Deputy Assistant Secretary, Budget and Finance, Bureau of Land Management, U.S. Department of the Interior

Thank you for the opportunity to testify on behalf of the Department of the Interior regarding H.R. 4620, "America's Wilderness Protection Act." H.R. 4620 is an attempt to deal with the backlog of wilderness recommendations both for designation and release that have built up in the Congress over the past 30 years. As my statement will point out, the Department currently has pending before Congress recommendations on many millions of acres of land managed by the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS). The Administration believes that the wilderness debate must move forward and Congress should do this by addressing these Wilderness Study Areas (WSAs). Except for the large amount of acreage addressed by the California Desert Protection Act of 1993 and approximately1.06 million acres designated in the 106th Congress, there has been little activity in the Congress over the past 10 years in this area. We share the desire of the sponsors of H.R. 4620 to move forward and, where appropriate, designate lands as wilderness or return lands not suitable for wilderness to multiple use management and other appropriate uses, and would like to work with Congress on legislation to accomplish this.

Background—Bureau of Land Management

Section 603 of the Federal Land Policy and Management Act of 1976 (P.L. 94–579), commonly referred to as FLPMA, charged the BLM with identification and management of lands for a National Wilderness Preservation System established by the 1964 Wilderness Act (P.L. 88–577).

Between 1977 and 1980 the BLM identified over 700 Wilderness Study Areas (WSAs) covering approximately 26.5 million acres. These areas were placed under BLM's Interim Management Policy (IMP) to be managed to protect their wilderness values pending final action by Congress. FLPMA directs the BLM to protect the wil-

derness character of these lands until a decision on their final disposition is made by Congress. The IMP provides detailed guidance to managers on this protection mandate.

Between 1980 and 1991 the BLM studied its WSAs (with the exception of Alaska) through the land use planning process. In 1991, and as mandated by FLPMA, Secretary of the Interior Lujan transmitted to the President his suitability recommendations for these WSAs. The recommendations found 9.7 million acres of BLM-managed public lands in 330 units as suitable for inclusion in the National Wilderness Preservation System. (Subsequent Congressional actions have reduced the remaining acreage recommended as suitable to approximately 6.5 million acres.) Between May of 1992 and January of 1993, President George H.W. Bush endorsed the recommendations of Secretary Lujan and submitted them to Congress. Apart from continuing to manage all the WSA lands for their wilderness character, this completed the Executive Branch's obligations under section 603 of FLPMA.

The BLM's first significant wilderness area—"Bear Trap Canyon Wilderness" in southwestern Montana—was designated by Congress in 1983. Since then, Congress (through nearly two dozen separate Acts) has designated an additional 148 BLM-managed wilderness areas containing about 6.25 million acres. In some cases, the Congress has generally followed BLM's suitability recommendations. Far more frequently, Members of Congress and Congressional delegations have conducted their own investigation into proposed wilderness reaching their own separate conclusions. These have included releasing areas recommended suitable, designating areas originally recommended nonsuitable, designating areas which were not WSAs, as well as creating WSAs legislatively.

There has been no single template for wilderness action by Congress. In Arizona, for example, two laws, the Arizona Wilderness Act of 1984 (P.L. 98–406) and the Arizona Desert Wilderness Act of 1990 (P.L. 101–628) resolved almost all of Arizona's BLM wilderness issues designating nearly 1.4 million acres of wilderness in 47 separate areas. Likewise, the California Desert Protection Area of 1994 (P.L. 104–433) designated 69 new BLM wilderness areas covering over 3.5 million acres, seven legislated WSAs, largely resolving wilderness issues in the California Desert. In the last Congress, five different bills designated wilderness in California, Colorado, Utah, Oregon, and Nevada ranging from a single area of 17,700 acres in Colorado to 10 newly designated wilderness areas in Nevada containing over 750,000 acres.

At the present time 20 bills are pending in the House of Representatives or the Senate to designate wilderness, and we are aware of ongoing discussions by individual Members and entire delegations concerning additional wilderness proposals.

U.S. Fish and Wildlife Service and National Park Service

The Wilderness Act of 1964 instructed the Secretary of the Interior to review all roadless lands greater than 5,000 acres and all roadless islands within the Refuge System and to make recommendations to the President regarding the suitability of these lands for classification as wilderness. The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) directed the Secretary to prepare a comprehensive conservation plan (CCP) for each refuge in Alaska. ANILCA mandated that the CCPs include a wilderness study of all refuge lands and waters that were not designated wilderness by the Act.

Between 1968 and 1990, Congress passed 15 laws designating about 20% of the lands and waters in the Refuge System as wilderness—more than 20 million acres on 65 national wildlife refuges. Congress has yet to act on wilderness proposals for 2 million acres in 21 refuges outside Alaska submitted between 1969 and 1974. These "proposed wilderness" areas are managed to protect their wilderness values pending final action by Congress.

In the National Park Service (NPS), a total of 19 parks, including some of the best known in the National Park System, currently have areas recommended by the President for wilderness designation. Most of these areas have been awaiting Congressional action for more than twenty years.

H.R. 4620

H.R. 4620 seeks to move forward the wilderness debate. The findings of the bill state that certain Federal lands as wilderness are beneficial to the American people and wilderness study areas were not intended as a substitute for wilderness designation by Congress. Finally, the findings point out that lands that merit wilderness designation should be granted the full protection that such as status would afford and those lands that do not merit such a designation should be released so that they could be managed for the public good.

The bill places a 10-year time limit for action on existing WSAs, after which any WSA lands not designated wilderness by Congress would be released from

withdrawal. Following release pursuant to the legislation, management of the lands would revert to the plans in place prior to their designation as WSAs. The Administration is currently formulating a position on this provision and we look forward to working with the Committee on this issue.

As stated above, we support the goal of moving forward the wilderness debate and wilderness designation and want to work with Congress on legislation that accomplishes these goals. As of today, there are 16.3 million acres of BLM WSAs, 26.1 million acres of NPS WSAs, and 5.3 million acres of FWS WSAs. Determining a final management status of these lands would achieve our objectives with respect to wilderness and non-wilderness use.

Conclusion

The Administration agrees that the time has come to make decisions about wilderness designations. The holding pattern of the last decade continues to frustrate people on all sides of the issue. We are hopeful that Congress's consideration of H.R. 4620 will spur this debate. Thank you for the opportunity to appear before you today. I am happy to answer any questions the Committee may have.

Mr. RADANOVICH. Next is Abigail Kimbell, again the Associate Deputy Chief of the U.S. Forest Service. Abigail, welcome to the Committee and please begin your testimony.

STATEMENT OF ABIGAIL KIMBELL, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, USDA FOREST SERVICE

Ms. KIMBELL. Thank you very much, Mr. Chairman. Mr. Chairman, members of the Subcommittee, thank you for the opportunity to appear before you today. My comments today represent the views of the Department of Agriculture on H.R. 4620, America'S Wilderness Protection Act. My comments will be fairly short.

Section 3(c) of the bill states: Any area released from wilderness study area status shall revert to the land use status that such area had immediately before the area was given wilderness study area status and shall not be studied again regarding wilderness designation. The Administration is currently formulating a position on this provision. We look forward to working with the Committee on the issue.

The study of the Forest Service primitive areas has long since been completed. Wilderness suitability of National Forest System lands has been examined in RARE I, RARE II, as well as all of our land and resource management plans.

We would certainly like to move the debate forward. This concludes my testimony. I will be happy to answer any questions.

Mr. RADANOVICH. Thank you very much.

[The prepared statement of Ms. Kimbell follows:]

Statement of Abigail Kimbell, Associate Deputy Chief, National Forest System, Forest Service, U.S. Department of Agriculture

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Abigail Kimbell, Associate Deputy Chief, National Forest System, USDA Forest Service. My comments today represent the views of the Department on H.R. 4620, "America's Wilderness Protection Act".

For reasons I will detail in my testimony, the Department has some concerns with this bill, but the Department would like to work with the Committee to resolve these concerns as the bill is considered.

H.R. 4620, "America's Wilderness Protection Act

H.R. 4620, America's Wilderness Protection Act, would accelerate the wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal lands, and for other purposes. The bill states, "the establishment of a timetable for the completion of wilderness studies would facilitate the wilder-

ness designation process by supplying a time frame within which Congress must act.

Section 3(a) of the bill, directs all areas with Wilderness Study Area status on the date of the enactment of this Act would be released from Wilderness Study Area status on the earlier of the following:

(1) The date that the Secretary of the Interior or the Secretary of Agriculture, as appropriate, determines that the area is not suitable for wilderness designation.
(2) 10 years after the date of the enactment of this Act.
(3) The date that the area is designated as wilderness by an Act of Congress.

Section 3(b) of H.R. 4620, directs that any area that is given Wilderness Study Area status after the date of enactment of this Act shall be released from Wilderness Study Area status on the earlier of the following:

(1) The date that the Secretary of the Interior or the Secretary of Agriculture, as appropriate, determines that the area is not suitable for wilderness designation.
(2) 10 years after the date that the area was given Wilderness Study Area status.
(3) The date that the area is designated as wilderness by an Act of Congress.

Section 3(c) of the bill states any area released from Wilderness Study Area status shall revert to the land use status such area had immediately before the area was given Wilderness Study Area status and shall not be studied again regarding wilderness designation. The Administration is currently formulating a position on this provision and we look forward to working with the Committee on this issue.

The Wilderness Act of 1964 provided for the study of certain National Forest System lands for wilderness suitability. The study of Forest Service Primitive Areas has long since been completed. Wilderness suitability of National Forest System lands has been examined in RARE I, RARE II, as well as many Land and Resource Management Plans. Although the President and the Secretary may recommend that certain areas be designated wilderness, Congress reserves the authority to designate areas as wilderness. Congress may direct the study of specific areas through specific wilderness legislation.

In conclusion, the Department is committed to working cooperatively with the Committee to identify and secure for the American public, the benefits of an enduring resource of wilderness that can be used and enjoyed by current and future generations.

This concludes my testimony. I would be happy to answer any questions that you may have.

Mr. RADANOVICH. Any questions from any of the members?

Mrs. CHRISTENSEN. Well, if I might; Ms. Hatfield, is the Bureau of Land Management, then, supporting or not supporting the bill?

Ms. HATFIELD. Well, the Administration hasn't yet taken a position on the bill. They are still looking at the issues related to the bill and would like to work with the Committee on the bill.

Mrs. CHRISTENSEN. And just one other question. I am not sure how many wilderness studies are out there, but are most—how long does it take for most of the studies to be done?

Ms. HATFIELD. Well, it would vary with the size of the unit that you are looking at and the complexity of the issues related to it. But I think that, certainly in most cases, many of the wilderness areas have already been looked at. And as we are looking through, trying to revise our plans—and we are doing that in most of the areas of the country—then there could be additional areas.

A plan for a land area usually will take about 3 years to do, and wilderness would be considered as a part of that planning process.

Mrs. CHRISTENSEN. So you are saying that the studies are completed within 10 years normally?

Ms. HATFIELD. Yes. Most of the wilderness study areas in the Bureau of Land Management that have already been identified are now before Congress. But there is a provision in the Act that does allow us to go through and look at our land uses throughout the

Bureau, and in the process of doing that, you might consider if there are wilderness values on a particular area of land.

Mrs. CHRISTENSEN. So it sounds as if most of them can be done within 10 years and are done within 10 years. So the problem is really here, acting on whether to designate the wilderness or not.

Ms. HATFIELD. Absolutely. I think that the Bureau and the other agencies have already put before Congress areas that they believe have wilderness characteristics and should be considered. And so the real issue is here, is Congress looking at those wilderness study areas and making a decision if in fact they intend to designate them as wilderness areas.

Mrs. CHRISTENSEN. Thank you.

Mr. RADANOVICH. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. To either one of the testifiers—so convert back. If something has gone through a plan and been looked at for wilderness value, and maybe the decision in the plan is that this is not going to be used as wilderness, would there be instances where after we have spent the time and expense to look at the land, where maybe your Agency should be looking at not converting back to the original plan, but looking for a plan that would protect either a significant ecosystem or populations of plant or wildlife that might be existing on the land without going to the wilderness designation? So do we have a choice of one or the other only?

Ms. KIMBELL. Under the National Forest Management Act, we analyze forestlands, forest by forest. And the National Forest Management Act was passed in 1976. We have completed the first round of planning. We are involved in the second round. Each time we go through that planning process, we evaluate all of the lands on the national forest, other than those that have already been congressionally designated as a special area, and we evaluate them for different uses, including potential wilderness. They are then assigned a land use designation. So there is a great range of land use designations. We might recommend some area for wilderness. We might decide to designate it as primitive, semiprimitive nonmotorized, semiprimitive motorized. There are a whole host of land use designations that would be specific to that piece of land.

Ms. MCCOLLUM. So how are you answering my question? I thought my question was kind of simple. You said if it wasn't designated wilderness, it gets converted back. And I said, in doing the wilderness study, if you find a different use for the land or a different designation, can you do that? Yes or no?

Ms. KIMBELL. Yes.

Ms. MCCOLLUM. So then it does not have to convert back to the original status that it was prior to doing the wilderness investigation?

Ms. KIMBELL. Well, currently under the National Forest Management Act, we evaluate it for a whole host of different land use designations. It doesn't necessarily revert to any specific designation.

Ms. MCCOLLUM. OK. Thank you, Mr. Chairman. Because I thought I heard in the testimony, repeatedly, it converts back to what it was prior to being designated wilderness—prior to the study. And thank you for the clarification that after the study is done that you look and evaluate it.

Unless staff here wants to clarify what I heard?

Mrs. CHRISTENSEN. Would you yield? I think that the bill under consideration does that, reverts it back to prior use.

Ms. HATFIELD. You are really talking about two different types of areas. Currently, at least for Interior land, you have 50 million acres of designated wilderness study areas that are before Congress for consideration. And in addition to that, the agencies do look at, routinely, their land base to make plans and constantly update those based on public impact, public input, and changes of situations that happen.

And in that consideration, I think, as Ms. Kimbell has related, that we would look at wilderness values also.

Ms. MCCOLLUM. Mr. Chairman, seeing as how we are on the bill, your question was for current policy. With the bill in front of us, do you feel that you have any input after you have looked at a study, even if wilderness is not the recommendation, to have any voice, any concerns, any input as to how the land should be designated?

Ms. KIMBELL. As I stated in my testimony, the Department of Agriculture would like to work with the Subcommittee on the language in Section 3(c).

Mr. RADANOVICH. Thank you. Mr. Otter, did you have any questions?

Mr. OTTER. Yes, thank you, Mr. Chairman.

Ms. Hatfield, how does the Department of Interior and Forest Service—I guess I would ask Ms. Kimbell as well—currently manage wilderness study areas?

Ms. HATFIELD. Well, they are currently managed so that the values that made them wilderness study areas in the first place will be maintained in the future. And so they are managed to maintain the status quo, if you will.

Mr. OTTER. Does that include the eradication of noxious and invasive weeds?

Ms. HATFIELD. Well, certainly we can take actions like prescribed burns and some other management actions like that that are designed to maintain the health of the area. But for the most part, it is maintained with the idea of maintaining the wilderness characteristics.

Mr. OTTER. Could you help me out with some activity definitions here? What kind of activity, human activity, is allowed in wilderness areas?

Ms. HATFIELD. I think that, generally speaking, the activity is designed to be more nonmotorized type of activity, dispersed camping, individual camping; looking at these as I think the original legislation looked at in terms of enjoying the solitude and natural areas, areas that haven't primarily been used a great deal in terms of human interaction with it.

Mr. OTTER. During your testimony you referred to the over 700—I think it was—study areas on BLM ground, representing 26.5 million acres. During that, you said you had submitted to Congress, I think it was well over 100-some that should have been designated either for multiple use or for wilderness; is that right?

Ms. HATFIELD. Well, currently there are about 16.3 million acres in BLM that are before Congress as wilderness study areas, and

they are being managed by the Bureau as wilderness study areas. In other words, maintaining the status quo, if you will.

Mr. OTTER. You have made recommendations, then, to Congress that these should be wilderness areas?

Ms. HATFIELD. That is correct. Now, there have also been some other subsequent recommendations by the Bureau determining that some of those areas may not be suitable for wilderness designation.

Mr. OTTER. That would be the 40 in Idaho, for instance, that have been referred back and said this does not have—these do not have wilderness qualities.

Ms. HATFIELD. Yes, but we are still maintaining those as wilderness study areas.

Mr. OTTER. Now, who do you submit this list to, this advice to? Is this submitted directly to Congress or is this submitted to the President?

Ms. HATFIELD. The President submitted it to Congress.

Mr. OTTER. And how many of those have been submitted to Congress by the President?

Ms. HATFIELD. I think that—I will ask to submit the total—the list specifically to the record.

[Mr. Hatfield's response, which was submitted for the record, follows:]

Between 1991 and 1993, the President submitted nine reports to Congress:

July 1991—California
May 1992—New Mexico
June 1992—Utah
July 1992—Oregon
July 1992—Wyoming
September 1992—Idaho
September 1992—Nevada
January 1993—Colorado
January 1993—Montana

Ms. HATFIELD. But about 70 million acres of Interior lands—BLM, Park Service, Forest, Fish and Wildlife—have been designated as wilderness, and about 50 million acres are still available to be studied.

Mr. OTTER. Well, I have been advised by staff that although the BLM may have made the recommendation, that list has not been submitted by the President to Congress.

Ms. HATFIELD. That is right.

Mr. OTTER. What is the difference in activity between wilderness and monument status?

Ms. HATFIELD. Well, the monuments are managed based upon the document that established the particular monument. And each of those declarations, whether they be legislative or Presidential—the monument document, for example, establishes whether or not there is going to be further mineral activity or further grazing, as an example, what kind of recreational activity. The wilderness areas are really designated in the context of the 1964 Wilderness Act.

Mr. OTTER. I would invite Ms. Kimbell to also respond to this if she would. Would you be able to tell me how long the Staircase-

Escalante Monument was studied prior to its getting its designation?

Ms. HATFIELD. Well, I will certainly try to supply that to the record.

Mr. OTTER. Do you have a guess as to how long it was studied before—

Ms. HATFIELD. I don't personally. I have been more involved with it since its designation.

Mr. OTTER. Thank you, Mr. Chairman. Did you want to respond?

Ms. KIMBELL. Nor do I have an exact number.

Mr. RADANOVICH. Ms. Hatfield, can you tell me—you had mentioned the 40 study areas that are in Idaho right now that have been looked at and deemed not having the characteristics for a wilderness area but they are still being managed as such. Can you explain why that is the case, and why it hasn't been reverted back to regular management of BLM?

Ms. HATFIELD. I would like to check on the numbers in terms of Idaho specifically and check on that. But, generally speaking, FLPMA, which included a duty for the Bureau of Land Management to inventory and decided what areas might have wilderness characteristics, also provided that the BLM would maintain those areas as wilderness study areas once the President had sent it forward to Congress. That is the management scheme under which we are now working.

And so it is based on the—our legislation, FLPMA.

Mr. RADANOVICH. Is there any intention of reverting it back to anything other than the management of wilderness in those areas?

Ms. HATFIELD. Not until Congress makes a decision with regard to those specific acres, because our statute would require they be managed as wilderness.

Mr. RADANOVICH. OK. Thank you.

If you will bear with me, I have got a question to read that is little bit long. If you would bear with me. Section 603 of the Federal Lands Policy Management Act mandates that the Secretary review lands having characteristics of wilderness and then making a recommendation to the President, which is what we have talked about. This section also states that this review shall comply with Section 603(d) of the Wilderness Act which deals with the recommendation of suitable lands for wilderness.

Keep in mind that these provisions of law refer to the recommended areas of wilderness designation. So, with that in mind, do you agree that when Section 603(c) refers to such areas during the period of review, that this means only those areas which have been recommended as suitable for wilderness designation?

Ms. HATFIELD. Well, I think that the thrust of your question is that FLPMA Section 603 does provide a mechanism by which the Bureau has inventoried lands through the—I think the first 15 years after the passage of FLPMA. BLM did make recommendations which the President has submitted to Congress. Those are the ones that are being managed as wilderness study areas.

Now, in addition to that, in its normal planning process, the Bureau has designated some other wilderness study areas. Those would be ones that could be changed through the land use planning process. So there are two different types. But about 98 percent of

them are the FLPMA 603 areas. About 98 percent of them are the ones—under FLPMA 603—that Congress has the authority to decide whether or not in fact they should be wilderness and, thus, the bulk of the area that we would like to move forward working with Congress to work out a solution.

Mr. RADANOVICH. Right. Is it the BLM's policy to consider land studied and not recommended for wilderness designation to remain wilderness study area status as if they were part of the recommendation?

Ms. HATFIELD. Currently?

Mr. RADANOVICH. Yes.

Ms. HATFIELD. That is currently how we are managing.

Mr. RADANOVICH. You state in your testimony that proposed wilderness areas are managed to protect their wilderness values pending congressional action. Where in the Wilderness Act does it mention proposed wilderness and that these areas need to be managed for their wilderness values?

Ms. HATFIELD. Again, with regard to BLM, you are operating basically under FLPMA. The FLPMA provision is 603. Under that provision we have looked at them. We have submitted them to the President. Those are subject to congressional action.

Mr. RADANOVICH. But is that language that authorizes you to do that in the Wilderness Act? You mentioned under BLM.

Ms. HATFIELD. Well, FLPMA refers to the Wilderness Act. But the actual legislative import for BLM's action was through the Federal Land Management and Policy Act, FLPMA. But it does reference the Wilderness Act in terms of a standard.

Mr. RADANOVICH. OK. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chairman, so the Agency studies, the President recommends, and then Congress needs to act. In Section 206 of the Federal Land Policy and Management Act, (c): During the period of review, such areas, until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority or her authority under the Act under the applicable laws in a manner as not to impair the suitability of such areas for preservation as wilderness subject to, however, the continuation of existing mining and grazing uses and mineral rights in the manner—

Then it says, that in managing the public lands, the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or whatever—basically goes on and says until Congress acts.

So you are following the law. You have done your inventory, the President's list—and there seems to be some controversy between which staff you talk to whether a list has been handed in.

Ms. HATFIELD. No. We have submitted a list.

Ms. MCCOLLUM. Then it is up to us. It is up to this Subcommittee and this full Committee to start acting on the pending legislation. So, Mr. Chairman, they are just doing what they are supposed to be.

Mr. RADANOVICH. All right. Thank you very much.

Ms. Hatfield, appreciate your testimony as well as you, Ms. Kimbell.

Excuse me, not quite done yet. Mr. Otter has another question.

Mr. OTTER. I would like to follow up on something that Ms. McCollum was talking about earlier before the second round began, and that was relative to the problem that everybody has with Section 3(c), and that is reverting it back to wilderness.

And I would like to accommodate that kind of thought in this bill, that if it wasn't going to be wilderness, and if it was going to be designated a use other than the use prior to it being designated as a study area, do you think that would take more than 10 years to decide whether or not that was going to be a use other than (A) wilderness or (B) its prior use?

Ms. HATFIELD. I think that is one of the questions that we would like to talk with the Committee more about. As we read Section 3(a), when a wilderness study area reverts back it will revert back under the plan for the land that was in place at the time that the wilderness study area would have been designated.

For all of the agencies involved here, I think that for the most part, those plans are very old. And so it certainly raises some questions for us about the appropriate management of those areas. I think that is one of the issues that we would like to spend more time talking to the Committee about.

Mr. OTTER. Given that in the subsequent question that was asked in the second round by Ms. McCollum, I can understand—and the reading of that section refers to leasing of mineral rights and that sort of thing. But it also reverts to the consideration for historical uses, does it not?

Ms. HATFIELD. I think that if it reverted back—I am assuming that the thrust of the legislation as passed would make it revert back. Then the land management agency is going to have to go through a planning process to decide what is the appropriate use now and that may or may not be wilderness.

Mr. OTTER. No, I understand that. But during the study period, during the study time and the designation as the wilderness and it stops any leasing of the mineral rights or subsurface rights or mining rights or anything like that, but in many wilderness—if in a wilderness study area for BLM there had been historical grazing rights on that wilderness area, are those grazing rights considered a historical use and continued during the study period?

Ms. HATFIELD. Yes, sir. We are continuing to allow some grazing as long as it, again, does not impair the values for which the study area was originally designated. So the defining piece in terms of how they are managed is trying to maintain the qualities for which it was originally designated.

Mr. OTTER. So there was a qualifying word that you used in there, "some." we are quite a few, at least in our area, where the historical grazing rights have been discontinued as a result of it becoming a study area.

Ms. HATFIELD. Well, it is a management decision. And so is does require some management determination. But the thrust of the management is to maintain the area in a manner that maintains the values that made it a wilderness study area. But as you can well understand, those kinds of conflicts are the reasons that the agencies would like to have a final determination about whether or not these areas are, in fact, wilderness areas or if, in fact, they

should be open to more multiple uses. And that is a congressional decision.

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

Mr. RADANOVICH. Ms. Hatfield, what in your mind is a final determination? Would it be an act of Congress, a law passed or would it be a join resolution? Does it need to be a law?

Ms. HATFIELD. I think that under the scheme that is currently in place, the Congress would pass a bill designating it as wilderness. That is how it has been done.

Mr. RADANOVICH. Thank you again for being here as witnesses. We will go ahead and call our next panel.

Mr. RADANOVICH. The Honorable Randy Johnson is Commissioner from Emery County Castle Dale in Utah; The Honorable Chris Salove, Commissioner of Owyhee County, Marsing, Idaho; The Honorable Douglas Thompson, National Cattlemen's Beef Association and Public Lands Council, Lander, Wyoming; Mr. Rick Johnson Executive Director of the Idaho Conservation League in Boise, Idaho. Mr. Donald Barry, Executive Vice President of the Wilderness Society, Washington D.C.

Gentlemen, welcome to the panel. We are going to go ahead and take opening statements from everybody and—testimony, I should say. And then open up the panel for questions.

And Mr. Johnson if you would go ahead and begin and then we will just work our way to my right and get everybody's testimony. Please note the clock there. It may be far away from some of you though we would like to keep testimony under 5 minutes. I will start tapping my pencil if it goes more. But green means go, yellow means speed up, and red means stop.

Mr. RANDY JOHNSON. Should we do that the way they drive in Washington, sort of suggestions?

Mr. RADANOVICH. Just like driving a car.

STATEMENT OF HON. RANDY JOHNSON, COMMISSIONER, EMERY COUNTY, CASTLE DALE, UTAH

Mr. RANDY JOHNSON. Mr. Chairman, I come to you from Emery County, Utah, a county roughly the size of the State of Connecticut with just under 11,000 residents. More than 81 percent of our county is Federally owned, and another 9 percent is owned by the State. Our tax base is mostly from electrical generating facilities. Our five power plants provide more than 65 percent of the power for the State of Utah.

Clearly, public land management policies deeply impact life in Emery Country. Rural communities like Emery County face many difficult problems in maintaining economic viability. A big part of the problem, if I may say so, is the all-or-nothing approach to public land management issues used by many in this debate. This has become very harmful and it is deeply concerning that in our zeal to protect land and wildlife, we are not only ignoring one of our most important national treasures, we are actually working to eliminate it. I refer of course to the small communities of the rural west.

It is because of this problem that in 1995, the Emery County Commission created the Emery County Public Lands Council to act as an extension of the commissioners in dealing with complex pub-

lic land issues. This group meets monthly in a public setting and it has MOUs with every agency that operates on vast public lands in Emery county. Those agencies meet with us monthly as well. The results have been very positive. Besides having an excellent working relationship with all the agencies that manage our lands, the Public Lands Council has become very proactive in public land matters.

For 7 years now, we have invited stakeholders to our table and have developed a collaborative process that has been both inclusive and comprehensive. From this process has evolved legislation for the San Rafael Swell developed entirely by the Public Lands Council, which has twice been introduced here in Congress. Most recently we have proposed that the President use his powers to protect the San Rafael as a Western Heritage National Monument.

Emery County has become a leader in its proactive approach to public land management. We love the lands our ancestors settled with their sweat and tears. We are very protective of those lands. We are anxious to protect the San Rafael Swell, but we recognize the San Rafael is a land of many varied treasures. Not only are the cliffs and canyons and mesas spectacular, but equally impressive is the human heritage and the natural history. We want to protect this land but not just for one singular part of what makes the San Rafael spectacular. We want to protect all the treasures of this land: The uranium mining history, the outlaw history, the pioneer history, the traditional uses such as easterin', and well as many others.

It is from this perspective that I testify today. I am not anti wilderness. I am not against preserving pristine qualities where they exist. I am against contention and I am against letting problems fester for decades. What I am for is collaboration. I am for solutions. I am here today because I believe that this legislation could help resolve a long standing and contentious debate.

If I may give a few quick reasons why I support H.R. 4620. No. 1, two decades of debate and argument is enough. It is time we worked it out and get on with our lives. This legislation would help us to do that. No. 2, we are not the same as we were in the 1960's and 1970's. We have changed as a society. We are careful of our environment. We have many layers of protective management already on our lands. Wilderness is just one tool in a complex management system. It is time to create management that reflects our sophistication as an environmentally conscious people, and that reflects the complex needs of the people who own and use these lands.

Reason No. 3, the Wilderness Act has been seriously weakened by decades of debating its real meaning. The original intent of Congress to set aside exemplary lands for future generations has been largely ignored. We are now in an ever-expanding mode where all public lands that are beautiful are considered to be potential wilderness. We are attempting to create wilderness by reclamation where we ignore the impacts of man and attempt to force-fit wilderness wherever we can. This is inherently contentious. It creates enemies. H.R. 4620 will allow us to resolve these differences.

Reason number 4, the current wilderness debate nullifies all other good efforts to manage and protect our public lands, however

appropriate they may be. Unless a particular management concept contains all the wilderness proposed by wilderness advocacy groups, fair consideration of its merits is impossible. National wilderness groups unilaterally oppose any concept that does not match their acreage quotas, thus rendering collaborative and cooperative efforts useless since passage of any legislation that does not have the endorsement of these groups is virtually impossible. Emery County's own H.R. 3625 and H.R. 3605 are excellent examples of this. H.R. 4620 would effectively compel all stakeholders to make an effort to resolve their differences, and thus it would allow for fair consideration of healthy collaborative concepts for management of our public lands.

In conclusion, I must say that the only real reason I can think of to oppose this legislation is if your entire objective is to keep the debate contentious and the conflict endless. I respectfully ask this Committee, must we be doomed forever to fight this same fight unnecessarily. I submit that to set deadlines for designation of wilderness would compel stakeholders to reach compromise solutions, to make an effort to resolve differences to benefit of all involved, and it is time that we do exactly that. I strongly recommend passage of H.R. 4620.

Mr. RADANOVICH. Thank you very much, Mr. Johnson.

[The prepared statement of Randy Johnson follows:]

Statement of Randy G. Johnson, Commissioner, Emery County, Utah, on behalf of Rural Public Lands County Council and Utah Association of Counties

Mr. Chairman, I come to you from Emery County, Utah, a county roughly the size of the State of Connecticut with just under 11,000 residents. More than 81% of our county is Federally owned, and another 9% is state owned. Our tax base is mostly from electrical-generating facilities. Our five power plant units provide more than 65% of the electrical power for the State of Utah.

Clearly, public land management policies deeply impact life in Emery County. Rural communities like Emery County face many difficult problems in maintaining economic viability. A big part of the problem, if I may say so, is the all-or-nothing approach to public land management issues used by many in the debate. This has become very harmful. All-or-nothing philosophies are intolerant. They refuse compromise. They are prejudicial and contentious by design, and the result is that this is the way we have been forced to do business on our public lands for the last twenty years. It is deeply concerning that in our zeal to protect land and wildlife, we are not only ignoring one of our most important national treasures, we are actually working to eliminate it. I refer, of course, to the small communities of the rural west.

It is because of this problem that, in 1995, the Emery County Commission created the Emery County Public Lands Council to act as an extension of the commissioners in dealing with complex public lands issues. This group, made up of the three commissioners and nine other people from all areas of experience and expertise, meets monthly in a public setting. The Council has a Memorandum of Understanding with every agency that does business on Emery County's vast public lands, and those agencies meet with us each month. The results have been very positive. Emery County has an excellent working relationship with all the agencies that manage our lands. Further, the Public Lands Council has become very proactive in public land matters. For almost seven years now, we have invited stakeholders to our table and have developed a collaborative process that has been both inclusive and comprehensive. Our rules have been simple: First, we value every viewpoint; second, we have no pre-set objectives, but rather we let the process define the product; third, we recognize that there are no one-size-fits-all solutions; and fourth, we believe that no public land management plan will work unless it addresses the needs of the people who use and enjoy those lands.

From this process has evolved legislation for the San Rafael Swell, developed entirely by the Public Lands Council, which has twice been introduced in Congress.

Most recently, we have proposed that the President use his powers to protect the San Rafael as a Western Heritage National Monument

Through our efforts, Emery County has become a clear leader among counties in its pro-active approach to public lands management. We love the lands our ancestors settled with their sweat and tears. We are very protective of them. We are anxious to protect the San Rafael Swell. But we recognize that the San Rafael is a land of many varied treasures. Not only are the cliffs and canyons and mesas spectacular, but equally impressive is the human heritage and the natural history. We want to protect this land, but not just for one, singular part of what makes the San Rafael spectacular. We want to protect all the treasures of this land—-the uranium mining history, the outlaw history, the pioneer history, traditional uses such as "easterin"', as well as many others.

It is from this perspective that I testify today. I am not anti-wilderness. I am not against preserving pristine qualities where they exist. However, I am against contention. I am against letting problems fester for decades. What I am for is collaboration. I am for solutions, and I am here today because I believe that this legislation could help resolve a long-standing and contentious debate.

Since being asked to testify, I have wondered what I could say that hasn't already been said many times. We have been at each other's throats over public land management for so long, it seems impossible to say anything that will shed new light on the situation. What I would like to do is give you five reasons why I believe that H.R. 4620 should be passed by Congress.

Reason number one: Two decades of debate and argument is long enough. Some people will say that this is such an important issue that we should hold out for our acreage quotas no matter what happens. I say we ought to be ashamed. No one concept fits all the needs of our public lands. Further, no one management concept should be allowed to hold hostage other good, collaborative progress. That is exactly what wilderness has done, and it is time we work things out and get on with our lives. This legislation would assure that would happen.

Reason number two: We are not the same as we were in the 1960's and 1970's when we were new to environmental concerns. We have changed as a society. We have learned. We are careful of our environment. We have many layers of protective management on our public lands. Wilderness is just one of many tools in a complex management system. Yet some approach public lands management as though we were stuck in the 1970's. They work to create a false sense of urgency in order to promote their acreage quotas. They make it appear as though it is wilderness or degradation with nothing in-between. It is time to create management that reflects our sophistication as an environmentally-conscious people, and that reflects the complex needs of the public who owns the land.

Reason number three: The Wilderness Act has been seriously weakened by decades of debating its real meaning. The original intent of Congress—to set aside exemplary lands for future generations—has been largely ignored. We are now in an ever-expanding mode, where all public lands that are beautiful are considered to be potential wilderness. We are attempting to create wilderness by reclamation, where we ignore the impacts of man and attempt to force-fit wilderness wherever we can. This is an unnecessary and unhealthy effort. It is inherently contentious. It creates enemies. H.R. 4620 will stop the ever-enlarging wilderness monster that we all are forced to live with now, and allow us to finally resolve our differences.

Reason number four: The current wilderness debate nullifies all other good efforts to manage and protect our public lands, however appropriate they may be. Unless a particular management concept contains all the wilderness proposed by wilderness advocacy groups, fair consideration of its merits is impossible. National wilderness groups unilaterally oppose any concept that does not match their acreage quotas, thus rendering collaborative and cooperative efforts useless, since passage of any legislation that does not have the endorsement of these groups is virtually impossible. Emery County's own H.R. 3625 and H.R. 3605 are excellent examples of this. H.R. 4620 would effectively compel all stakeholders to make an effort to resolve their differences, and thus it would allow fair consideration of healthy collaborative concepts for management of our public lands. Given this environment, I believe that we would see many collaborative efforts, such as has occurred in Emery County, spring up all over the country.

Reason number five: The only reason to oppose this legislation is if your entire objective is to keep the debate contentious and the conflict endless in order to continually expand your acreage quotas. It becomes a war for the sake of the war. H.R. 1500 is an example of this. For many years, the goal for Utah's wilderness advocates was 5.7 million acres. However, when there was some sentiment in Utah to create between 2.5 and 3.0 million acres of wilderness in Utah, the wilderness people suddenly found 4.4 million acres of new wilderness, bringing their acreage

goal to 9.1 million acres. This is not about land protection. It is about business. It is a way of doing business that would be threatened if solutions were within our grasp. We are talking about a dynasty built upon an illusion of urgency—an illusion we have helped to create and perpetuate by our inability to collaborate and resolve our differences. An ever-expanding monster. A war for the sake of a war.

I respectfully ask this Committee, must we be doomed forever to fight this same fight unnecessarily? I submit that to set deadlines for designation of wilderness would compel stakeholders to reach compromise solutions'to make an effort to resolve differences to the benefit of all involved. It is time we do exactly that. I strongly recommend the passage of H.R. 4620.

Thank you.

Mr. RADANOVICH. Mr. Chris Salove, if I have got it right, from Owyhee County Idaho.

STATEMENT OF HON. CHRIS SALOVE, COMMISSIONER, OWYHEE COUNTY, MARSING, IDAHO

Mr. SALOVE. One is about as close as the other. I thank you for the opportunity to be here before you today. My name is Chris Salove and I am elected county commissioner from Owyhee County, Idaho.

Mr. RADANOVICH. You see this? This gets abused all the time.

Mr. SALOVE. I am sure you can appreciate that. I am also a newly appointed member of the Lower Snake River district, BLM Resource Advisory Council. Owyhee County is a very large county, about 4.9 million acres. We lie in the southwest corner of Idaho bordering Oregon to our west and Nevada to our south.

Of our 4.9 million acres, over 70 percent is owned by the United States and managed by the BLM. The economy of our county is dependent upon the continued multiple use of these lands, particularly the grazing as mandated in the Taylor Grazing Act, the Federal Lands policy and Management Act, and the Public Grange Lands Improvement Act.

The viability of our economy and of the ranching industry is threatened by conflicts arising out of arbitrary management by our local BLM. To that end, I am here on behalf of the Owyhee County Commissioners to testify in favor of H.R. 4620, America's Wilderness Protection Act. We believe this Act would help resolve the conflicts. We also believe it will benefit the land and its resources as well as our economy, the two of which are inseparable. There currently is no designated wilderness within Owyhee County. We do, however, have four wilderness study areas which combined total approximately 750,000 acres. The first of these studies began in 1982, the last was concluded in 1989. These areas are being managed more restrictively than if they were actual wilderness designations.

When Congress designates a wilderness area, existing rights are protected and guidelines are set for future use. When the BLM manages under its own administrative policies the restrictions are so rigid that they endanger continued multiple use. Their don't-touch policy applied to the entire 750,000 acres, even though the BLM itself only recommends 400,000 acres for wilderness.

They acknowledge that the other 350,000 acres is unsuitable due to the need for intensive management actions such as control of the rapid invasion of Western Juniper into the sage brush grass ecosystems. Within the 400,000 acres, they recommend for wilderness

they have identified the need for many management actions needed to maintain or improve ecosystem values. Yet none of these actions ever occur because of their rigid don't-touch policy, even though the actions are allowable under the Wilderness Act and its extension to FLPMA. We believe that BLM's rigid don't-touch management is inconsistent with the legislative intent of Congress in passing the Wilderness Act of 1964 and the wilderness section of the Federal Land Policy and Management Act of 1976.

The House Committee report as to the Wilderness Act points out the importance of legislative, not administrative control of wilderness areas. To quote, a statutory framework for preservation of wilderness would permit long-range planning and assure that no future administrator could arbitrarily or capriciously either abolish wilderness areas that should be retained or make wholesale designations of individual areas—of additional areas, in which use would be limited.

When Congress broadened the impact of the Wilderness Act to the BLM acts by amending FLPMA in 76 the legislative intent was the same as that expressed in passing the Wilderness Act. The Committee report pointed out that section 603 of FLPMA provided that administrative recommendations as to wilderness would be submitted to Congress, quote, for appropriate action. The Committee report even emphasized that the review process should be expedited, stating that the Committee expects the secretary to establish priorities in a manner which will expedite the review process and which will cause minimum interference with existing multiple use management of the public lands.

The bill now under your consideration is consistent with and will implement the intent of Congress stated in these reports. For purposes of resolving land use conflicts which are harmful to our environment as well as our economy, and for purposes of producing clear legislative guidance to the use of our unique lands, we ask that you pass America's Wilderness Protection Act. And since I have got 30 seconds left, I would like to recognize the fact that we have got the Idaho Conservation League and the Wilderness Society here, we have been working with their Idaho representatives through the Owyhee initiative, a collaborative effort began by the Owyhee County commissioners. Through that effort I have gained a new respect and understanding for these two groups. And I don't think we are as far apart as a lot of people would like to make out that we are. I think there is a lot of room for us to work together and come to an understanding, but it is time to do something and quit studying it.

Mr. RADANOVICH. Thank you very much, Chris. Appreciate your testimony.

[The prepared statement of Chris Salove follows:]

Statement of Chris Salove, Member, Snake River BLM Resource Advisory Council

My name is Chris Salove. I am an elected County Commissioner in Owyhee County, Idaho. I also serve as an appointed member of the Lower Snake River BLM Resource Advisory Council.

Owyhee County, located in the southwest part of Idaho at its juncture with Oregon and Nevada, has a huge land mass and over 70% of it is owned by the United States. Economic health of our county and its citizens is dependent upon livestock

grazing as mandated by Congress in the Taylor Grazing Act, the Federal Land Policy and Management Act, and the Public Rangelands Improvement Act.

The viability of ranching in our county is threatened by land use conflicts which arise out of arbitrary management of Wilderness Study Areas by local BLM employees. I appear to testify in favor of America's Wilderness Protection Act, H.R. 4620, because I believe it will help resolve such conflicts. Passage of the Act will benefit the land and its resources which are critical to a sound environment in our County, and to the economic stability of our ranchers and our county.

The two go hand in hand: a sound environment and economic stability. We recognize that in Owyhee County, and the Board of Commissioners recognizes its responsibility to pursue both.

Owyhee County contains no designated wilderness. But, BLM studies of wilderness potential began in our County 17 years ago. Four separate studies have resulted in the placement of about 750,000 acres in administrative wilderness study areas. These acres are managed in a far more restrictive manner than actual wilderness designations by Congress in other parts of the country. When Congress designates a wilderness area, it mandates protection of existing rights and it sets the guidelines for continued uses such as grazing. But, land which lies only in a wilderness study area is managed by the BLM under its own administrative policy and procedures which are so restrictive that they endanger continued multiple use.

The irony in our county is that the rigid restrictions do not result from recommendations for wilderness designation, but simply from the fact that the BLM studied the area for wilderness potential. All 750,000 acres are rigidly restricted, even though the BLM itself has recommended only slightly more than half those acres for wilderness designation. The general studies for wilderness potential began in Owyhee County in 1982. The last study of the four separate areas studied was completed in 1989. The BLM recommended wilderness designation for 400,000 acres, and recommended that multiple uses be continued without wilderness designation on the other 350,000 acres. Much of the 350,000 acre portion of the studied areas was not recommended for wilderness designation because of the BLM identified a need for intensive management to restore or protect the landscape ecology.

The areas not recommended for wilderness designation have been subjected to a "do not touch" policy. Such policy of "non-use" is arbitrarily applied even to those areas which the BLM said were in imminent need of intensive management efforts. It is harmful to the total environment of Owyhee County for the BLM to refuse to allow management improvement actions even in those areas in which the BLM has identified the need for intense management.

That is the dilemma, however, that we face because of the administrative tie-up of these "study areas". Since the first wilderness study Environmental Impact Statement was completed in 1986, the studied lands have been off limits to any kind of management. Even maintenance of existing range improvements is allowed only with BLM approval, and that approval is often denied. Even when the approval is granted, the BLM often limits the maintenance activity in a way that dramatically increases costs and/or reduces the effectiveness of the maintenance work and resulting management of the area.

Four Wilderness Study Areas were recommended for release to multiple use because of significant needs for management of encroaching western juniper into sagebrush-grass ecosystems. But, in the absence of Congressional action, the management needs identified by BLM personnel have been delayed by the same personnel for the past 17 years. The continuing and escalating juniper encroachment has resulted in deterioration of wildlife habitat, sensitive species habitat, watershed function and productivity which continues in those Study Areas to this day.

Even in those areas recommended by the BLM as suitable for wilderness designation, the BLM has identified many needs for improved management of multiple uses which must be implemented in order to maintain and improve landscape scale ecosystem values. However, the BLM interim management policy prohibits any such management. The expansion and development of western juniper and resulting deterioration of watershed function and landscape ecosystem values continues unabated. Range improvements that would apply livestock grazing treatments in a manner that increases the rate of watershed improvement on a landscape scale are routinely prohibited in spite of the fact that such improvements are allowable under the Wilderness Act and the extension of that Act to BLM managed lands by FLPMA.

In the most recent Resource Management Plan completed by the BLM for our County, issued in 1999, the BLM acknowledges that intensive management is necessary on public lands lying within five study areas covered by the 1986 Environmental Impact Study related to the Owyhee Amended Wilderness Report. Sixty percent of these particular lands have been recommended for non-wilderness because

of the dramatic juniper encroachment. Yet, to this date, no management action has been initiated to address the juniper encroachment problem.

Since the early days of the prior Administration in Washington, emphasis has been placed on riparian area improvement, restoration, and protection. Each time we review an allotment evaluation in our County we see the BLM emphasizing riparian condition. Yet, water developments which could help immeasurably in riparian protection, are restricted and denied in these Study Areas. A well which was put in prior to commencement of the wilderness study in the Jack's Creek area of our County, covered by the 1989 Environmental Impact Statement, still sits today without a pump installed—-representing potential for riparian protection, stymied by BLM restrictions.

Let me tell you of a horrible example of how the BLM restrictively limits riparian and ecological improvements. In the early 1990s, ranchers who share an allotment in Owyhee County were granted permission to build a riparian protection fence, part of which would be in a Wilderness Study Area. But, the permission was so restrictive that no one could reasonably have been expected to complete the fence under the terms specified by the BLM. The ranchers were given only 4 days to build a 3 mile fence in extremely rough terrain. Materials had to be carried in on foot because no motorized equipment could be used in the area. The ranchers requested that they be given more time, but the BLM refused, insisting that the fence had to be completed in its entirety within the four days.

John Fend of the BLM (who now holds a position in the Bureau in D.C.) warned the ranchers that if the fence was not entirely completed within the four days, the ranchers would have to remove those portions which had been completed. A series of questions about leniency as to the fourth day made it clear that the BLM had no intention that the fence could be completed. The BLM position was crystal when Fend replied "no" to the question "If we have the whole fence completed, but need to string one strand of wire 100 feet, can we do that on the 5th day?"

On the first of the allotted 4 days, the ranchers hand carried posts and wire into the area, laying the supplies out along the three mile fence course. Working from before dawn until after dark, the ranchers could see that they would not be able to complete the task.

But, on day 2, before dawn, as they made their way to the fence line, they saw their friends and neighbors streaming toward them. 32 men, women and children in this sparsely populated region, came with wire stretchers, post pounders and other tools necessary to complete the job. They had heard what the BLM had done, and were determined to help make the improvement which would enhance the ecology of the allotment.

With the help of their neighbors, the fence was completed at 6pm on the fourth day. Just after the work was finished, John Fend called one of the ranchers and told her that the work would have to stop because the time was up. She told him that the work was completed, and he was stunned by the news. It was obvious that the BLM had not expected that the fence improvement could be made in the time allotted.

Shortly thereafter, an anti-grazing conservation group filed an appeal of the decision to permit construction of the fence. Without consulting the ranchers who had worked so hard with their neighbors' help to meet the impossible terms, in fact without even advising them, the BLM settled the appeal and told the ranchers the fence would have to be removed.

BLM fire crews then went into the area, including the Wilderness Study Area, with motorized vehicles and tore out the fence. They made no attempt to even save the wire, balling it up so that it would useless. The motorized vehicles damaged the resource. Ranchers have pictures evidencing this travesty in the Wilderness Study Area.

The rigid interim management policy applied by the Idaho BLM to the administrative wilderness study areas needing intensive management is harmful to the environment, to viable multiple uses as mandated by Congress and to the economic welfare of our citizens. The only management options considered by the BLM within the administrative wilderness study areas are prohibitions for recreational access and elimination of livestock grazing. Ironically, proper management of recreational uses and proper management of livestock grazing are the most effective tools to preserve and enhance the landscape scale ecosystem function in the unique areas of Owyhee County.

We believe that the rigid "no touch" management policy is inconsistent with the legislative intent of Congress in passing the Wilderness Act of 1964 and the wilderness section of the Federal Land Policy and Management Act of 1976. The House Committee Report as to the Wilderness Act pointed out the importance of legislative, not administrative, control of the wilderness areas:

> A statutory framework for the preservation of wilderness would permit long-range planning and assure that no future administrator could arbitrarily or capriciously either abolish wilderness areas that should be retained or make wholesale designations of additional areas in which use would be limited."

The Committee Report also stated: "Furthermore, by establishing explicit legislative authority for wilderness preservation, Congress is fulfilling its responsibility under the U.S. Constitution to exercise jurisdiction over the public lands."

The bill now under your consideration is consistent with, and will implement, the intent of Congress stated in that Report. It will assure that it is Congress, not an endless administrative policy, which will mandate the designations and the uses of the land within those designations. The Congressional intent in passing the Wilderness Act was to exercise its constitutional responsibility for management of the public lands, not leave that responsibility to administrators without Congressional designation. "America's Wilderness Protection Act" will implement that intent.

When Congress broadened the impact of the Wilderness Act to the BLM lands by amending FLPMA in 1976, the legislative intent was the same as that expressed in passing the Wilderness Act. The Committee Report pointed out that Section 603 of FLPMA provided that administrative recommendations as to wilderness designation would be submitted to Congress "for appropriate action".

There is no evidence in the report that the Committee intended that there be no action by Congress once the recommendation was received, and that during the period of no Congressional action, the multiple uses of the area would be rigidly curtailed. Rather, the Committee foresaw "appropriate action" by Congress once a recommendation was received.

The Committee Report even emphasized that the review process should be expedited. The Report stated that the Committee "expects the Secretary to establish priorities in a manner which will expedite the review process and which will cause minimum interference with existing multiple use management of the public lands." "America's Wilderness Protection Act" will expedite Congressional review of administrative recommendations, and will assure that long delays and inaction will not result in harm to the environment including the human element of the environment.

The FLPMA Committee Report made it clear that Congress did not intend for long Congressional delays to result in rigid restriction of use. As to those areas recommended for wilderness, the Committee Report pointed out that the Secretary would have authority to allow at least minimum management improvements "such as wildlife habitat and livestock control improvements where needed for protection or maintenance of the lands and their resources and for continuation of their authorized uses." That authority has not been exercised in our County. Through the many years since the recommendations were furnished to Congress, permission for improvements has repeatedly been withheld.

Moreover, there is nothing in the Committee Report evidencing an intent to allow the BLM to impose rigid use limitations even on those study areas not recommended for wilderness designation. Yet, in our County, management improvements have been denied in those areas which the BLM determined to be unsuitable for wilderness designation.

"America's Wilderness Protection Act" does not endanger wilderness designations. It simply places a time limit for Congress to act on the agency's recommendations. If Congress has not accepted a recommendation to designate wilderness within the time limit set by the Act, the "wilderness study area" is released so that management actions can be taken to protect the ecology of the landscape. Timely action by Congress will call for Congress to exercise its rightful jurisdiction over use of the public lands as emphasized in the Wilderness Act Committee Report in 1974. It will be Congress which sets the parameters for use in the wilderness designations, and in all others the multiple uses authorized by Congress will continue.

For purposes of resolving land use conflicts which are harmful to our environment, for purposes of providing clear legislative guidance as to the use of unique lands, we ask that you pass "America's Wilderness Protection Act".

PROPOSAL:

There be established the Owyhee Landscape Conservation Center which shall be operated to implement the Owyhee Initiative which is a landscape-scale program to preserve the natural processes that create and maintain a functioning, un-fragmented landscape supporting and sustaining a flourishing community of multiple uses, to preserve economically viable livestock grazing, and to preserve and protect cultural resources.

The Owyhee Landscape Conservation Center shall be operated under the direction of the Owyhee Scientific Management Review Team, in coordination with the land grant University of Idaho.

The OSMRT shall be made up of representatives of the University of Idaho, conservation groups, county and state government, the Bureau of Land Management and Federal management and research agencies, livestock grazing industry, recreation groups, and the Shoshone–Paiute Tribes selected by the Owyhee Initiative Work Group which shall also identify the qualifications for membership on the OSMRT. When the member organizations have been chosen by the Owyhee Initiative Work Group, the organizations may submit nominations of persons who meet the established qualifications. From the nominees the Initiative Work Group shall select the members of OSMRT to serve staggered two and three year terms. The Chair of the Owyhee Scientific Management Review Team shall be a representative of the University of Idaho.

Mr. RADANOVICH. Next up is the honorable Doug Thompson from the National Cattlemen's Beef Association. Welcome, Doug, and please begin your testimony.

STATEMENT OF HON. DOUGLAS THOMPSON, NATIONAL CATTLEMEN'S BEEF ASSOCIATION AND PUBLIC LANDS COUNCIL, LANDER, WYOMING

Mr. THOMPSON. Mr. Chairman and members of the Committee, my name is Doug Thompson. I would like to thank the Committee for the opportunity to testify on H.R. 4620. My wife and I own and operate Myers Land and Cattle Company, with the help of my daughter and son-in-law. Our ranch is in south central Wyoming and is a third-generation ranch with fourth generation preparing to take the reins. I am the past Chairman of the Wyoming State Grazing Board and serve as a Fremont County commissioner. Today I speak on behalf of the National Public Lands Council and the National Cattlemen's Beef Association.

H.R. 4620 is most timely in nature, most urgently needed. There must be a resolution to the wilderness study issue and now is the time to act. We agree with section 2, two statements are particularly important. First, "wilderness study area status was not intended as a substitute for wilderness designation by Congress." The other, "it was not the intention of Congress that areas continue under wilderness study areas status indefinitely." Current practice contradicts both these findings. Since Congress alone has the authority to create wilderness without congressional action, wilderness study areas will continue indefinitely and land management agencies will continue to create de facto wilderness. We agree that all wilderness study areas should either be designated wilderness or returned to multiple use status and that the perpetuation of wilderness study area status is undesirable.

Over the course of time, successive Federal land managers have taken more and more restrictive possessions on permitted activities. Activities originally allowed under FLPMA have become prohibited or extremely restricted. Ranchers and energy companies in Wyoming and across the west are finding ever-increasing restrictions and difficulties on exercising their valid existing rights and permitted use.

We agree that section 3's timetable for wilderness study completion provides appropriate and adequate options for resolution of the wilderness study area situation. For over 25 years, the BLM has

placed over 26 million acres in wilderness study areas. Only 36 percent of this acreage was even recommended for wilderness designation. Nearly 17 million acres were not recommended as wilderness but continued to be managed under the most restrictive land use status possible, that of a wilderness study area. The result is a severe negative impact on our economies, school funding, basic services because of the loss of multiple use and the associated revenue.

We agree that a maximum time limit must be established to prevent continuing non-action. The 10-year limit is most generous, but a shorter timeframe is more appropriate, considering that some wilderness study areas have been in place for over 25 years. As Congress designates wilderness, we ask that you bear in mind what the general public really believes wilderness is. There is a wide gap between wilderness as envisioned by the wilderness advocates and the wilderness expectations of the general public. For the first group, only nonuse locked up areas will satisfy, while the second group simply wants access and reasonable use of our nation's pristine natural beauty.

Concerning subsequent wilderness study areas, the authority to designate wilderness study areas under section 603 has long since expired. Any authority under sections 201 and 202 is restricted to lands acquired by the BLM through gift sale, exchange or transfer. Lands previously determined not suitable for wilderness study areas should not be reevaluated. Reevaluation drains valuable resources which are needed for ongoing management actions. We agree with section 3 that areas released from wilderness study area status should be not be studied again. These lands should be returned to multiple use until a subsequent land use planning process determines a long-term status. Further, the BLM should be mandated to restore, reauthorize any activity such as AUM reductions, improvements or access roads that were restricted solely as a result of wilderness study area designation.

In closing, I have three attachments I would like to have part of this testimony. I would be glad to answer any questions and thank you for the opportunity to testify.

Mr. RADANOVICH. Is there any objection to those attachments being included in the record? Hearing none so ordered.

[The prepared statement of Mr. Thompson follows:]

Statement of Douglas L. Thompson, Wyoming Rancher and Fremont County Commissioner, Representing the National Public Lands Council and National Cattlemen's Beef Association

Mr. Chairman and members of the Committee on Resources: I testify on Congressman Otter's bill, H.R. 4620, entitled "America's Wilderness Protection Act." Allow me to begin with a short introduction of myself. My name is Douglas L. Thompson. I own and operate Myers Land and Cattle Company, a cattle ranch in south central Wyoming along the Sweetwater River on Beaver Rim. This is a third generation ranch with the fourth generation preparing to take the reins. My background includes a BA degree in Business and Math Education. I have served in numerous leadership positions in both community and industry related activities, such as:

- Past President–Fremont County Cattleman's Association
- Past Vice-president–Wyoming Stock Growers Association
- Current President–Lander District Grazing Board
- Past Chairman–Wyoming State Grazing Board
- Fremont County School District 9 Trustee–20 years

- Past President–Wyoming School Boards Association
- 4–H Leader–20 years

Currently, I am in my second year as a Fremont County Commissioner, serving as our county's representative on the Interdisciplinary Team for the Jack Morrow Hills Coordinated Activity Planning process, having been granted Cooperating Agency status with special expertise in grazing and socio-economics. This varied and diverse background has enabled me to view the current wilderness situation from many different perspectives.

Today, I speak as a representative of the National Public Lands Council and National Cattleman's Beef Association. I am a member of each of these organizations and serve as a Wyoming representative to the National Cattlemen's Beef Association Federal Lands Committee and serve as a Wyoming representative on the National Public Lands Council Board of Directors. Also, the National Association of County Officials endorses my testimony.

This bill H.R. 4620 is most timely in nature and most urgently needed. There must be some resolution to the Wilderness Study Area issue and now is the time to act.

We fully agree with Section 2 Findings and Purpose. Two statements are particularly important. Section 2 (3) states, "Wilderness Study Area status was not intended as a substitute for wilderness designation by Congress," and Section 2 (4) states, "It was not the intention of Congress that areas continue under Wilderness Study Area status indefinitely." Current practice contradicts both of these findings. Since Congress alone has authority to create wilderness, without Congressional action Wilderness Study Areas will continue indefinitely and land management agencies will continue to create de facto wilderness-more land in Wilderness Study Area status.

We further agree with subsection (4) that all Wilderness Study Areas should either be designated wilderness or released back to multiple-use status and that the "perpetuation of Wilderness Study Area status is undesirable." Over the course of time, successive Federal land managers have taken more restrictive positions on permitted activities in Wilderness Study Areas. Activities originally given exceptions under FLPMA Section 603c to the non-impairment standard (grand fathered uses) have become prohibited or extremely restricted use. One rancher in our county lost the grazing use of 9000 acres in his allotment when the area manager decided that grazing was not appropriate for the Wilderness Study Area. Another rancher is currently litigating a situation where he was originally allowed to maintain reservoirs in a Wilderness Study Area in his grazing allotment, but now the BLM is trying to deny him the ability to fulfill the maintenance obligations in the terms and conditions of his grazing permit. Energy companies in the Jack Morrow Hills are finding ever-increasing restrictions and stipulations on exercising their valid existing leases in current Wilderness Study Areas. Perpetuation of Wilderness Study Area status is certainly undesirable.

We agree that Section 3 Timetable for Wilderness Study Completion provides appropriate and adequate options for resolution of Wilderness Study Area Status. Section 3 (a)(1) is especially important. For over 25 years the BLM has placed over 26 million acres nationwide in Wilderness Study Area status.

However, according to a 1993 GAO report, only 36.2% of this acreage was recommended for wilderness designation. 63.8% or 16,785,826 million acres that were NOT recommended by the Secretary of Interior as Wilderness have continued to be managed by the BLM in the most restrictive land status possible–Wilderness Study Area status.

The result is a severe negative impact to our economies, schools, and basic services caused by the loss of multiple-use options and revenue. These 17 million acres could have been used by recreation enthusiasts, people with disabilities, senior citizens, and others whose use is excluded by Wilderness Study Area status. The recommendations of de facto non-use by the Federal land management agencies needs to be acted upon by Congress.

We agree that a maximum time limit must be established to prevent continuing non-action on this subject. We believe that the 10-year limit in Section 3 (a)(2) is most generous, but feel that a shorter time frame is more appropriate, considering that some Wilderness Study Areas have been in place for over 25 years. Whether it is 10 years or a shorter period, it is critically important to the final resolution to this situation to set a maximum time limit for action.

We would ask that as Congress designates wilderness as referred to in Section 3 (a)(3) that the decision makers bear in mind what the general public believes wilderness is. There is a wide gap between wilderness as envisioned by the wilderness advocates and the wilderness expectations of the general public.

For the first group, only a no-use, locked-up area will satisfy; while the second group simply wants access and reasonable use of our nation's pristine natural beauty.

Concerning Section 3 (b) Subsequent Wilderness Study Areas, it is the position of the organizations represented by this testimony that authority to designate Wilderness Study Areas under Section 603 of FLPMA has long since expired; and that any authority conveyed under Sections 201 and 202 of FLPMA is restricted to lands acquired by the BLM through gift, sale, exchange, or transfer since the 603 process was completed. Lands previously determined not suitable for Wilderness Study Area status should not be re-evaluated in any subsequent planning process. Such re-evaluation would prove costly, time-consuming, and a drain on valuable resources which are needed for ongoing management actions.

We agree in Section 3(c) Release from Wilderness Study Area Status that areas released should not be studied again. However, we believe that lands should be released back to multiple-use status until a subsequent land use planning process determines a long-term status for such lands.

In closing, I would relate two examples that clearly point to the necessity of crafting and implementing a resolution to the Wilderness Study Area situation.

First, in 1986 the BLM produced a document entitled "Wilderness Study Areas and Wilderness–Questions and Answers About Domestic Livestock and Wildlife Management." This document paints a picture of accommodation and consideration of existing uses. For example, equipment and vehicles could be used for maintenance, livestock facilities, and fences. Also, water development could occur, and wildlife management practices could be done on a case-by-case basis. All this has changed over time and a strict non-impairment, non-use standard appears to be the practice of the day.

Secondly, an article by Bill Sizer with John Carr entitled "The Trouble with Wilderness" points out the gap between the rhetoric and the reality relating to the Arizona Fish and Game Department's management activities in wilderness areas. In the article, examples of land managements agency's efforts to thwart legitimate wildlife research, law-enforcement activities, and habitat management reveal the real consequences of not resolving the wilderness issue.

Thank you once again for the opportunity to testify on H.R. 4620.

Mr. RADANOVICH. Mr. Rick Johnson, welcome to the Committee from the Idaho Conservation Association. And please begin your testimony.

STATEMENT OF RICK JOHNSON, EXECUTIVE DIRECTOR, IDAHO CONSERVATION LEAGUE, BOISE, IDAHO

Mr. RICK JOHNSON. Thank you for the opportunity to comment on H.R. 4620. It is a pleasure to see Mr. Otter from Idaho and a colleague from Owyhee County.

For the past 8 years, I have been executive director of the Idaho Conservation League. We work to protect and restore Idaho's water, wild lands and wildlife, do public education, citizen action and professional advocacy. Our organization is nearly 30 years old, has three offices in Idaho, and we are the State's largest conservation group.

I have been involved in every legislative wilderness discussion in the State of Idaho one way or another since the River of No Return bill passed in 1980. I have more than a passing familiarity with Idaho's wilderness. In fact, my first appearance before this Committee was to testify on wilderness issues was in 1984. And Mr. Larry Craig was occupying the seat now held by Mr. Otter.

There are unprecedented opportunities to advance wilderness bills throughout the west and also in Idaho and for this reason and others we oppose this bill. Idaho has over 4 million acres of designated wilderness and another 10 million or so acres that are unprotected. Wilderness is an identifying feature of our incredibly

beautiful State. Idaho is, in fact, the wilderness State. And many Idahoans are very, very proud of this. Yet in rural Idaho today, as throughout much of the west, the impact of a shrinking economy and urbanization are creating real pains. There is no denying that. Counties and communities are looking for a villain and "procedurally locked up," roadless land is frequently it. That is a false accusation. The economic and demographic forces impacting rural Idaho are far greater than any administrative procedures impacting Idaho's roadless lands.

Further rural Idaho is being presented with a false hope of some holy grail of riches that would come from prospective development of the wildlands that an ever-growing segment of Idaho would like to see protected. If these lands were valuable for development, the economic forces for that development would have long ago been more clear and successful in articulating a vision for these lands.

This bill assumes wilderness bills need a new catalyst. We disagree. If a catalyst is needed, let it be what it has always been, leadership from Members of Congress. Successful wilderness bills result from a synergy between Members of Congress and involved interest groups who do the hard work of building compromise and common ground. Members of Congress can assemble the interest groups, convene the meetings, and use your leadership to create the package. That H.R. 4620 now originates in Idaho I find perplexing.

To the best of my knowledge, Representative Otter has not attempted to write a wilderness bill or assemble the appropriate interest groups to create one. On the other hand, Representative Simpson has spoken to our organization a number of times about a variety of issues, including wilderness potential for the Boulder White Clouds in Idaho's second district. We have a working relationship and his office has convened a subset of interest groups on this subject as recently as just last week.

Idaho's Senator Crapo is similarly involved in good faith direct discussions involving interest groups on the wilderness issue and other concerns in the Owyhee Canyon lands. This has been going on for more than 9 months. In fact, the development on that recently is that the Owyhee Cattlemen's Association has now developed its own wilderness proposal as part of the discussion, a very positive development.

My staff is talking with staff from Senator Crapo and Representative Simpson's office regularly about wilderness and related issues of a constant basis. This is how we will get the job done. I am similarly perplexed that Idaho's delegation, long critical of Federal land agencies, would now advance legislation so based on a Federal agency's recommendation. I suspect a round effort to undercut the wilderness movement is, in fact, the intent behind the bill. That is unfortunately because it only fosters the wedges between rural and urban Idaho that we should all be working to bridge. And doing so fosters entirely unrealistic expectations for rural Idaho.

I once helped lead nationality level campaigns for a national conservation group. I assure you that H.R. 4620 will be fought hard by the environmental community. Ironically for the sponsors, I believe this fight will strengthen the national wilderness movement by providing a cause to rally around. I am also troubled that na-

tional environmental—anti environmental exposure only hurts Idaho's already beleaguered reputation. Also fighting this bill will hurt the good faith wilderness discussions already underway in Idaho.

Politically speaking, Idaho is well positioned with the House and Senate administration. This presents an opportunity to craft a bill that has true Idaho approved identity to it with a minimum of outside interference. Just as it took the established conservative credentials of Nixon to create a relationship with China, it will take the conservative credentials of western republicans to successfully advance wilderness in Idaho. But unlike past attempts, we must approach the resource and each other with a level respect. Thank you very much.

Mr. RADANOVICH. Thank you, Mr. Johnson, for your testimony.

[The prepared statement of Rick Johnson follows:]

Statement of Rick Johnson, Executive Director, Idaho Conservation League

Thank you for the opportunity to comment on H.R. 4620. It is a pleasure to see my friends in the Idaho House delegation.

For the past eight years I have been the executive director of the Idaho Conservation League. We work to protect and restore Idaho's water, wildlands, and wildlife of Idaho through public education, citizen action, and professional advocacy. Our organization is nearly 30 years old, has three offices in Idaho, and we are the state's largest conservation group.

Idaho has not passed a wilderness bill since 1980. In that time there have been several attempts led by members of the Idaho delegation, but none have reached this Committee in well over a decade.

As a citizen activist, as a public lands lobbyist for the Sierra Club for eight years, and as staff of the Idaho Conservation League for a total of ten years, I have been involved in every legislative wilderness discussion in the state of Idaho since the River of No Return bill passed in 1980. I have more than a passing familiarity with Idaho's wilderness. My first appearance before this Committee to testify on wilderness issues was in 1984.

Getting a wilderness bill passed through Congress and signed by the president is very hard. You know better than I that passing any legislation is hard, but wilderness bills have a history of being particularly challenging in the West.

That said, I believe we have unprecedented opportunities to advance wilderness bills throughout the West and also in Idaho. While I have current and past experience with the national wilderness issues, I will limit my testimony to Idaho.

First, let me set the stage. Idaho is the Wilderness State. With over 4 million acres for designated wilderness and another 10 million or so acres that are unprotected, Wilderness is an identifying feature of our incredibly beautiful state. Twenty-one of the unprotected areas in Idaho are over 100,000 acres in size. To those familiar with wilderness issues, this is a remarkable statistic.

In rural Idaho today, as throughout much of the West, the impact of shrinking economies and urbanization are creating real pain. Counties are looking for a villain, and "procedurally locked up" roadless land is frequently it.

That is a false accusation. The economic and demographic forces impacting rural Idaho are far greater than any administrative procedures impacting Idaho's roadless lands.

Further, rural Idaho is being presented with a false hope for some Holy Grail of riches that would come from prospective development of the wildlands that an ever growing segment of Idaho would like to see protected. If these lands were valuable for development, the economic forces for that development would have long ago been more clear and successful in articulating a vision for these lands. Again, there are no barriers to development on many of these unprotected lands. Yes, Wilderness Study Areas retain barriers to development, but that is a minority of the undesignated lands in Idaho, and they became WSAs, in part, due to an absence of economic value.

I provide a review of the numerical impacts of H.R. 4620 and Idaho Conservation League wilderness recommendations as an attachment at the end of my written testimony, but history has clearly shown that when wilderness issues are reduced to numbers, everyone on all sides lose touch with what the real issues are.

My main point is that this bill is unnecessary, and casts a troublesome cloud on the opportunity before us in Idaho.

1. This bill assumes wilderness bills need a new catalyst. We disagree. If a catalyst is needed, let it be what it has always been: leadership from members of Congress. Successful wilderness bills result from a synergy between members of Congress and involved interest groups who do the hard work of building compromise and common ground. So what you can do as members of Congress is to assemble the interest groups, convene the meeting, and use your leadership to create the package.

That H.R. 4620 now originates in Idaho I find perplexing. To the best of my knowledge, Rep. Otter has never attempted to write a wilderness bill or assemble the appropriate interest groups to create one. On the other hand, Rep. Simpson has spoken to our organization a number of times about a variety of issues including wilderness potential for the Boulder White Clouds in Idaho's Second District. We have a working relationship, and his office convened a subset of interest groups on this subject just last week. Idaho's Sen. Crapo is similarly involved in good faith, direct discussions involving interest groups on the wilderness issue and other concerns in the Owyhee Canyonlands, and this has been going on for more than nine months.

My staff is talking with staff from Sen. Crapo and Rep. Simpson about wilderness and related issues on a regular basis, to do the hard work to achieve real solutions that include all interests. This is how we'll get the job done.

We don't need this bill in order to do the work Idaho needs to do to resolve wilderness issues. The Idaho delegation members who are interested are already engaged in trying to break the legislative logjam that has held this issue up for years.

2. H.R. 4620 places a huge amount of weight on the appropriateness of BLM Wilderness Study Areas and USFS wilderness recommendations.

I am similarly perplexed that Idaho's delegation—long critical of Federal land agencies—would now advance legislation so fundamentally based on BLM and U.S. Forest Service wilderness recommendations and WSAs. The Idaho Conservation League has grave problems with the BLM and USFS wilderness recommendations, and I am sure you do as well, though perhaps for different reasons.

These recommendations should play a consultative role in wilderness designation processes, but we all know that Congress is the final arbiter. Again, a legitimate wilderness process requires active engagement of members of Congress, not some artificial hammer.

3. Finally, H.R. 4620 is a major challenge to the wilderness movement of the entire United States.

I suspect an effort to undercut the wilderness movement is the intent of this bill. That is unfortunate, because that only fosters the wedges between rural and urban Idahoans we should all be working to bridge, and by doing so this bill fosters entirely unrealistic expectations for rural Idaho. Further, as we all know, it is easy to stall or never start a legislative process, so this bill by intent, is prejudiced against wilderness protection.

This bill will not pass because it is a fundamental assault on the historic and ultimately fair processes for advancing wilderness protection.

I once helped lead national-level campaigns for a national conservation group. I assure you H.R. 4620 will be fought hard by the environmental community. Ironically for the sponsors, I believe this fight will strengthen the national wilderness movement by providing a cause to rally around.

Over many years, in individual bills, Congress has debated and generally rejected "release language" as a trade off for designated wilderness. This bill releases lands regardless of designations; there isn't even a proposed trade-off.

I am also troubled that national anti-environmental exposure only hurts Idaho's already beleaguered reputation. Also, fighting this bill would hurt the good-faith wilderness discussions already underway in Idaho today, and in the future.

Summary

This bill is not needed. Idaho and the nation needs to move forward on wilderness issues, but that requires leadership not drop-dead deadlines. It requires a spirit of compromise and it requires a respect for the land. This bill demonstrates neither.

Wilderness protection is a well-established purpose of our public lands. Arbitrarily cutting off any and all consideration of future Wilderness designations makes no more sense than saying that all lands now not being logged should forever be banned from consideration for logging.

This is a great time to advance wilderness bills in Idaho the old-fashioned way.

- Politically speaking, Idaho is well positioned with the House, Senate, and administration. This presents an opportunity to craft a bill that has a true Idaho-

approved identity to it, with a minimum of outside interference, yet still retains a high likelihood of passing Congress and being signed by the President.

A. Just as it took the established conservative credentials of Nixon to establish a relationship with China, it will take the conservative credentials of Western Republicans to successfully advance wilderness issues in Idaho. But unlike past attempts, we all must approach the resource and each other with a level of respect.

B. There is a motivated and increasingly sophisticated conservation community ready to get to work. The Idaho Conservation League is very closely involved in two processes right now to advance wilderness bills in Idaho, both engage the Idaho congressional delegation, and both could succeed. Success in either place will do far more to break the wilderness legislative logjam for Idaho.

Politics are the art of the possible, and wilderness bills pass because of successful engagement of politics. Let's do it, and that means putting aside H.R. 4620.

Thank you for the opportunity to speak today.

H.R. 4620 AND IDAHO PUBLIC LANDS [1]

BUREAU OF LAND MANAGEMENT (BLM LANDS)

Idaho has roughly 11.9 million acres of BLM lands. Only 1.8 million of those lands are managed as Wilderness Study Areas (WSAs). The BLM has only recommended half of these lands (972,239 acres) to be designated as wilderness. Only 802 acres of BLM lands are officially designated as wilderness in Idaho.

Conservation groups consider the both the BLM wilderness recommendations and the WSAs themselves to be inadequate. The Idaho Conservation League supports the Idaho Citizen's Desert Wilderness Proposal. This is a 3,420,000 acres proposal on BLM lands. This proposal also recommends that 590,000 additional acres be studied for eligibility for wilderness designation.

U.S. Forest Service Lands

Idaho's National Forests contain 1,292,006 acres that have been recommended by the Forest Service to be designated as wilderness. H.R. 4620 would give only 10 years time for resolution of bills before all these lands would be released from further consideration as wilderness.

Conservation groups have long considered USFS wilderness recommendations to be woefully inadequate. The Idaho Conservation League supports a minimum of 6 of the 9 million acres of remaining roadless areas in the National Forests of Idaho be designated as wilderness. The remaining lands should remain undeveloped, unroaded, and wild in character.

Mr. RADANOVICH. Next up is Mr. Don Barry, executive Vice President of the Wilderness Society. Don, welcome and please begin your testimony.

STATEMENT OF DONALD BARRY, EXECUTIVE VICE PRESIDENT, WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. BARRY. With your permission, I would like to request that my written statement be submitted for the record and I would like to just make a few oral comments.

Mr. RADANOVICH. That would be just fine. There is no objection here.

Mr. BARRY. I would also like your permission to submit for the record on behalf of the Nevada wilderness coalition some comments that they also have on the bill.

Mr. RADANOVICH. No objection. So ordered.

Mr. BARRY. I am testifying on behalf of the Wilderness Society and the Southern Utah Wilderness Alliance in strong opposition to H.R. 4620. H.R. 4620 is called the America's Wilderness Protection Act. But after close to 30 years of working on Federal land conservation activities in this town, I am hard pressed to think of

[1] Source: The Wilderness Society, Idaho Regional Office.

another bill that would have as sweeping and an adverse effect on wilderness quality public lands as H.R. 4620.

I would like to lay out five reasons why I think passage of H.R. 4620 would be a terrible blow to the wilderness heritage of this country. First, we strongly disagree that Congress never intended WSAs to have indefinite protected status. Section 603(c) of FLPMA expressly states that "during the period of the review of such areas and until Congress determines otherwise, the Secretary shall continue to manage such lands according to his authority under FLPMA and the applicable law and in a manner so as to not impair the suitability of such areas for preservation as wilderness."

We interpret 603(c) as making it very clear that Congress wanted the Secretary to maintain the environmental status quo indefinitely for WSAs so as to maximize and preserve congressional options. And I should just note too, Mr. Chairman, that I worked for the Merchant Marine Fisheries Committee for 6 years in this hearing room. During that time when I was working for the Chairman of the Committee, we always worked to try to maximize congressional options and we worked hard to maintain congressional prerogatives. I think that is what we read into 603: an attempt to maintain the options for Congress to go one way or the other and to not lose those options by administrative action in the interim.

The second reason we are opposed to this bill is that despite strong concerns that we had about the predecessor bill in the last Congress, H.R. 1500, we believe that the adverse impacts of H.R. 4620 are much more sweeping because it is not limited in scope to just the Bureau of Land Management as H.R. 1500 was.

H.R. 4620, we believe, would lift interim WSA protection from as much as 50 million acres of public lands in our national parks, national wildlife refuges, national forests and Bureau of Land Management lands. All you need to do is to look at the impact alone on the national park system to get an idea why we are particularly concerned about this bill. The definition of a wilderness study area is so broad in section (3)(d) of the bill that we believe that it could erase interim protection for over 25 million acres of park land including acreage in such icons as Yellowstone, Yosemite, Grand Teton, the Great Smokies and the Everglades.

The Wildlife Refuge System wouldn't fair much better. In the lower 48 states, over 2 million acres are currently recommended for wilderness designation in 21 national wildlife refuges. These areas could have their interim protection and interim protective management removed under the terms of this bill. I should note that these 2 million acres and the 21 affected wildlife refuges were recommended for wilderness by Presidents Nixon and Ford, hardly environmental extremists.

The third reason that we are troubled by H.R. 4620 is because of the hard release provisions that it contains. By "hard release," we mean that once an area has been released from further consideration as a wilderness study area, it could never again be studied for inclusion in the wilderness system.

Congress has repeatedly rejected similar hard release provisions and has never adopted it in wilderness legislation and we think for good reason. Here's an example of where a "hard release" wouldn't make any sense and just wouldn't work. Congress has, over the

decades, created the concept of "potential wilderness" in the context of park wilderness legislation. With potential wilderness, what you have is a situation where they will be designating a large area within a national park as wilderness, but where there may be a nonconforming activity or use in one particular part of the park.

What Congress will do in this situation is to punch the hole of the donut out of the original proposal. They will go ahead and designate the whole area as wilderness, but they will designate the hole as "potential wilderness." As "potential wilderness" the hole becomes automatically upgraded to full-blown wilderness status, if you will, at such time as the nonconforming use is ended.

Under the terms of this bill, and under the definition of a "wilderness study area" in section (3)(d) which applies to potential wilderness areas, even though Congress may have passed a law clearly signaling its intention that a given "potential wilderness" area automatically shall become wilderness as soon as the nonconforming use has ceased, because of the hard release provision of this bill, if after the passage of 10 years the nonconforming use has not yet been eliminated, that area loses its "wilderness" status and can never again be considered for formal designation even though Congress already passed a law acknowledging its wilderness quality status in the park.

That is an example of where the breadth of the bill covering park areas and the breadth of the definition involving hard releases causes serious problems.

We are also troubled in particular by the provision that would allow secretaries of the Interior or Agriculture on their own determination to deactivate past wilderness study areas. I know I have run out of time, but I will just note that our last concern that we have with the sponsor's explanation of this bill is with their claim that these wilderness study areas should not be studied in perpetuity and that it is time to bring a close to these studies. It has been pointed out before the problem is not the breadth or length of the wilderness studies. These areas have been studied and the studies are complete. The problem lies with Congress, quite frankly, in being unable to reach a consensus on where these wilderness areas ought to go.

So in summary, we believe that expediting wilderness designations is the correct way to resolve these issues. We too have appreciated the efforts and leadership coming out of Owyhee County in trying to reach a consensus on wilderness. The people in our Idaho office have been very actively involved and were highly complimentary of the efforts of the commissioners in that county in initiating this effort. We believe as does the Idaho Conservation League that that is how we will reach a resolution of these issues, and eventually get wilderness acts passed. Last Congress designated and enacted over a million acres of wilderness areas, and we think that is the way to go.

Mr. RADANOVICH. Thank you, Mr. Barry.

[The prepared statement of Mr. Barry follows:]

Statement of Donald J. Barry, Executive Vice–President, The Wilderness Society

Mr. Chairman and Members of the Subcommittee, my name is Don Barry, and I am Executive Vice–President of The Wilderness Society. The Wilderness Society

is devoted to preserving wilderness and wildlife, protecting pristine areas of our nation's national forests, public lands, national parks, and national wildlife refuge system, and fostering an American land stewardship ethic. I thank you for the opportunity today to testify in opposition to H.R. 4620, the erroneously titled "America's Wilderness Protection Act," on behalf of The Wilderness Society and the Southern Utah Wilderness Alliance. I say erroneously titled, because far from protecting America's wilderness, the bill would result in the hands-off, automatic pilot, permanent release from wilderness consideration, and in most cases interim protection, of tens of millions of acres of public lands, national forests, national park lands, and lands within national wildlife refuges that deserve wilderness designation by Congress.

It is difficult to understand an appropriate rationale for this legislation. Though its "findings" suggest that "wilderness is beneficial," the clear result of the bill's enactment would be that very few areas of our national interest lands deserving wilderness designations would ever be so designated. Perhaps proponents of the bill are philosophically opposed to with the idea of wilderness. I would hope that is not the case. But in case it is, a word or two about the benefits of wilderness designation, I think, is warranted here. These benefits include protection of: habitat for diverse native plant and wildlife species; reservoirs of pure air and clean water; some of America's most spectacular, pristine, distinctive, and awe-inspiring natural landscapes; vast opportunities for outdoor recreation activities, such as hunting, fishing, camping, hiking, climbing, horseback riding, horse packing, and river-running; scientific research; and the increasingly rare opportunity to find solitude and escape from the daily pressures of our dynamic and expanding urban society. In fact, we need more wilderness protected in America, not less, as H.R. 4620 would assure.

The Federal land management agencies are currently required to give interim protection to certain areas of the Federal lands that have been studied for possible wilderness designation by Congress, and to manage these areas in a manner that does not impair their wilderness characteristics pending a final Congressional determination regarding their wilderness status. The reason for this process is simple: once a wilderness is gone, it is gone forever.

Under Sec. 3(a) of H.R. 4620, however, over 8.8 million acres of Bureau of Land Management Wilderness Study Areas (WSAs) (as defined in Sec. (3)(d) of the bill) in 10 states would immediately lose their WSA status upon enactment, without Congress having considered the specific merits of their wilderness attributes. (see attachment)

Furthermore, once these lands were released from WSA status, the land management agencies would be barred by Sec. 3(c) from ever studying them for potential wilderness designation again. This unprecedented "hard release" language has never been accepted in any bills passed by Congress, and should not be accepted by this Committee now.

With respect to WSAs that have been recommended for wilderness designation by a land management agency, the adverse consequences of this bill are obvious, even to the affected Federal land management agencies themselves. As the Bureau of Land Management stated in its testimony in opposition to similar legislation introduced during the 106th Congress, the bill " would create a timetable that would virtually guarantee wilderness areas would not be designated." Why? Because under Sec. 3(a)(2), wilderness opponents would merely have to prevent Congressional action on pending agency wilderness recommendations for 10 years, at which time the interim protection afforded such areas would expire. Because such areas are "hard released," under Sec. 3(c) they could never be considered by the agency for potential wilderness designation again. For example, within the National Park System 25 million acres of wilderness quality land could lose their protective management status under this provision. (see attachment)

Moreover, Sec. 3(a)(1) provides new authority for the Secretaries of Interior and Agriculture to terminate previous secretarial recommendations for wilderness designation. This can occur merely if a Secretary "determines" that a WSA recommended for wilderness designation by a previous Secretary is no longer "suitable" for wilderness designation. This is a blank check to the Secretaries to make arbitrary and capricious decisions to rescind a previous Secretary's action with no required study, no process, no compliance with the National Environmental Policy Act or other applicable statutes, and no consultation with the general public.

Perhaps there is a perception on the part of some of the bill's proponents that Congress is not capable of moving forward on a positive wilderness designation agenda. In fact Congress has demonstrated slow but steady progress on the issue of wilderness designation, and should not shrink from the task now. For example, the 106th Congress eventually designated 1,016,753 acres of wilderness in the states of Colorado, Nevada, Oregon, and Virginia. There are certainly plenty of op-

portunities for this Subcommittee to far exceed the accomplishments of the 106th Congress, as outlined below.

Accordingly, we recommend that this Committee discontinue its consideration of H.R. 4620, since it clearly has no prospect for passage. A far more productive approach would be for the Subcommittee to roll up its sleeves and approve comprehensive wilderness bills. This would include a number of legitimate wilderness bills that have either been introduced and referred to this Committee already, or which, we understand, will be introduced in the near future. For example, for several years now versions of H.R. 1613, "America's Red Rock Wilderness Act," have been introduced in the House, garnered substantial support from Members of both political parties (it currently has 162 co-sponsors), but has never even received a hearing in this forum. Another comprehensive bill, H.R. 4468, the "Colorado Wilderness Act", has also been introduced in various forms over the years, but it has not received a hearing here, either. Yet another opportunity is H.R. 4644, the "Wild Sky Wilderness Act," introduced just last week. There are others and there will be more to come.

In conclusion, we urge the Subcommittee to oppose passage of H.R. 4620, and instead move forward with a positive wilderness designation agenda. The best way to resolve wilderness issues is to pass wilderness bills, to legislate. That is why your constituents sent you here, to make tough legislative choices and to move positive legislative agendas. We would be most willing to assist the Subcommittee in this endeavor, as we have in the past. I look forward to your questions.

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

Table 5-9. **BUREAU OF LAND MANAGEMENT WILDERNESS RECOMMENDATIONS TO CONGRESS PENDING AS OF SEPTEMBER 30, 1999**

	Wilderness Study Areas Pending	Total Area Pending	Area Recommended to Congress as Suitable	Area Recommended to Congress as Non-Suitable
	Number	*Acres*	*Acres*	*Acres*
Alaska	1	23,832	41,000 /a/	0
California	53	655,780	93,651	562,129
Colorado	59	713,629	384,468	337,655
Idaho	66	1,770,743	972,239	798,504
Montana	40	447,327	173,499	273,828
Nevada	112	5,169,587	1,892,041	3,277,546
New Mexico	52	907,586	487,186	420,400
Oregon	92	2,806,598	1,278,073	1,528,525
Utah	95	3,258,250	1,958,339	1,299,911
Washington	1	5,518	0	5,518
Wyoming	42	577,504	240,364	337,140
Total /b/	**560**	**16,336,354**	**7,520,860**	**8,841,156**

Recommended, Potential and Proposed NPS Wilderness Acreage

Recommended by the President				Potential		Proposed			
Park	Wilderness Acreage	Potential Acreage		Park	Acreage		Proposed Acreage	Potential Acreage	
Arches	61,547	8,461		Chiricahua	2	Aniakchek	451,916		
Assateague Isl	440	4,760		Organ Pipe Cactus	1,240	Bering Land Bridge	2,354,690		
Big Bend	538,250	44,750		Great Sand Dunes	2,502	Cape Krusenstern	539,663		
Bryce Canyon	20,810			Carlsbad Caverns	320	Denali	3,560,538		
Canyonlands	260,150	18,270		Buffalo Nat'l River	1,007	Gates of the Arctic	948,629		
Capitol Reef	179,815	4,050		Isle Royale	231	Glacier Bay	36,650		
Cedar Breaks	4,820			Fire Island	1	Katmai	554,539		
Colorado	13,842	937		Death Valley	6,840	Kenai Fjords	652,465		
Crater Lake	127,058			Joshua Tree	27,238	Kobuk Valley	1,553,603		
Crates of the Moon				Point Reyes	6,778	Lake Clark	827,350		
Cumberland Gap	12,191	1,900		Pinnacles	1,005	Noatak	757,175		
Dainosaur	205,672	5,055		Sequoia-Kings Canyon	100	Wrangell-St. Elias	2,440,980		
El Malpasis	82,267	11,161		Yosemite	3,550	Yukon-Charley Rivers	2,220,576		
Glacier		3,360		Haleakala	51				
Grand Teton	927,550	20,850		Hawaii Volcanoes	7,850	Grand Canyon	1,109,257	29,820	
Great Smoky	122,604	400		Olypic	378	Bighorn Canyon	8,108		
Rocky Mtn	390,500	284		North Cascades	5,226	Glen Canyon	588,855	48,995	
Yellowstone	240,030			Everglades	81,900	Sleeping Bear Dunes	7,128	23,775	
Zion	2,032,721	10,364		Cumberland Isl	11,718	Voyageurs	124,994	2,442	
				Gulf Islands	520	Josha Tree	37,060		
				Congaree Swamp	6,840	Lassen Volcanic	25,000		
Subtotal	5,220,267	134,602				Lake Mead	418,655	262,125	
Grand Total	**Recommended**		**5,354,869**	**Total Potential**	**165,297**	Cape Lookout	2,990	2	
						Total	**19,220,821**	**367,159**	
						Grand Total	**Proposed**		19,587,980

Recommended	5,354,869
Potential	165,297
Proposed	19,587,980
Total Total	25,108,146

Mr. RADANOVICH. You mentioned the cooperation you had gotten with Owyhee County. Describe to me what progress is. Mr. Johnson, you recognize you mentioned that as well. What kind of progress are you making? Chris, you had mentioned you are not that far apart. So what are you all talking about here? Are you coming up with something? What does it entail?

Mr. RICK JOHNSON. I think we both come at it from different perspectives, so we both should answer. I think progress, first off, this is all about politics. It might be small "p" politic, politics is about relationships. So first and foremost, what has happened is some people that have previously only gotten to know each other through sound bytes or through quotes in, frankly, legal briefs are getting to know each other around a table and relationships are being built, the kind of relationships that actually lead to resolution of tough issues. So first and foremost, we are getting to know each other.

After that, what we are doing is really getting to know what we stand for, the issues that our organizations or our constituencies or our communities are most concerned about, the things that we support and frankly the things we fear. And by getting to know those things, we start to understand why we are wilderness advocates, why we support cattle operations in the region, why we want to build a rural economy that lasts, we reach common understanding. At the same time we aren't there yet.

Mr. RADANOVICH. Interesting.

Mr. SALOVE. As a little bit of background, the Owyhee initiative is a group formed by us. The idea actually goes back a year ago or a little bit more. We brought together 12 groups, all of which are users of the land. Everything from the United States Air Force which has training ranges in Owyhee County to conservation groups, both of these groups here. We basically tried to include everyone that has an interest. There are recreation groups, there are cattlemen's groups. The only people that we excluded were the conservation groups such as John Marble, who we felt had no interest in reaching compromise.

The progress that we have all referred to is the fact that now the representatives from these individual groups are to the point that they are making proposals. They have been meeting regularly, sitting down at a round table, if you will, talking over issues, specific issues. They are now at the point that each group is making proposals and finding out what each of the others really wants out of this initiative process. Our hope as commissioners is that this process will be resolved some place other than, as Rick says, through legal sound bytes and briefs in court which is where everything has been dealt with up to this point and nothing has been solved.

We are hopeful that you will see representatives of the commissioners of all of this group back here for legislative action at some point, I would hope, within the next year.

Mr. RADANOVICH. Based on what you guys come up with.

Mr. SALOVE. Yes.

Mr. RADANOVICH. More power to you. I think that is great. An example could be what was in forest service management in California with what is known as the Quincy Library Group, where a group of people got together, the local stakeholders and put

together a plan. That, boy, I think the more you do that—you know, all vote for it. It is still not resolved yet, though. It still is being caught up in bureaucratic red tape. But they were able to take a plan and get it passed through Congress and through the Senate. So I would encourage you.

Mr. Barry, in Yosemite, I was born and raised right next to Yosemite. What part is wilderness? Is that up in the high country? If you can't answer that, can you tell me why does a national park benefit from a wilderness designation? DCMN MAYER

Mr. BARRY. I can't tell you the exact area, but I will find out for you. There are 3,550 acres in Yosemite that are potential wilderness. It must be a nonconforming use, was designated as potential wilderness at some particular time. I can't give you the exact location though.

Mr. RADANOVICH. But why do you name a wilderness in a national park?

Mr. BARRY. It is interesting you should mention that.

I served as the Assistant Secretary over at the National Park Service for 3-1/2 years. And I have to say that I spent a lot of time in the back country of national parks on my own vacation time even after I stepped down.

As I'd go from park to park to park, I frequently found them entirely differently managed in the back country area from one wilderness area to the next. And I think one of the reasons that national parks benefit from having wilderness in them is because, quite frankly, frequently you need to protect the national parks sometimes from the National Park Service.

There have been—here's an example. In Glacier National Park, when I went hiking, I came down an area called Goat Haunt, and I was with the Chief Ranger of the Park Service at the time. And this is an area where they have all their livestock for having the trail crews work out of that area. He was so proud of this stable that they had there.

I took one look at it. It was 5 feet from the major river draining into Waterton Lake with Waterton National Park on the Canadian side. You could see where the river bed went—it was dry at the time. You could tell every time there was a heavy rain, this creek bed went right under the stable, washed out all of the manure right under the lake. The Park Service never thought of it as a particular problem.

So merely because land is managed by the National Park Service doesn't mean they are managing their areas in a careful, responsible way.

There was a book that was put out by a park historian called "Preserving Nature in the National Park System," which basically documents decades of poor land management decisions. I think the Park Service should not be excluded from wilderness park consideration, because people generally perceive they have the highest management standards. The areas qualified as wilderness in the back country, they ought to be managed as wilderness and designated as wilderness, as such.

Mr. RADANOVICH. But it seems to me an issue like that could be brought up in the park's management plan.

Mr. BARRY. I am not disagreeing with that, Congressman. I am just saying there is more wilderness in national parks—I think about 44 million acres—than under any other Federal agency. I think it just reflects the fact that the national parks have some of the most beautiful topography in the country in them. That is why people drive to Yosemite to go see the back country and the high Sierras. I am sure that is an area you have hiked in, too.

Mr. RADANOVICH. Thank you very much.

Any other questions, Mr. Gibbons.

Mr. GIBBONS. Thank you, Mr. Chairman. I really don't have a question of this panel, but I am sure—after listening to Mr. Barry, it reminds everyone who has ever been a cowboy that you don't drink downstream of the herd.

Mr. RADANOVICH. Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman.

Chris, thank you very much for coming to Washington, D.C. I apologize for having you come to Washington, D.C., to go through all this. And I want to congratulate you on the Owyhee Initiative and your leadership in that. Make no mistake about it, if you folks hadn't put that initiative together—the other folks, other stakeholders, weren't part of that process until you demonstrated the leadership, because—and I think the reason that those who appear to be so concerned about the multiple rate in development of pristine lands, it is not in their best interest to arrive at decisions like this.

So I applaud you not only for your leadership, but for your patience. Do you expect this to take 10 years before you come up with some answers for the Owyhee Initiative?

Mr. SALOVE. This group would never allow it to take 10 years. We had hoped to have legislation ready in this calendar year, and I am not sure we are going to get to that point. I don't think there is any question everyone would lose heart and the process would be dead if it took 10 years.

Mr. OTTER. Mr. Johnson, do you think it will take 10 years to arrive at a point of agreement for the Owyhee Initiative?

Mr. RICK JOHNSON. No, I don't. One of the key factors that keeps all of us at the table is the political reality is that we have the House, near parity in the Senate, the Idaho delegation and the Administration— all of one party. So this presents a very good opportunity to move something forward.

I would say, however, that, as you well know, Idaho has a lot of wilderness study areas and a lot of recommended wilderness and a lot of roadless areas. So the entire process of resolving these kinds of issues with the kind of work that we are doing, where you sit at a table and talk this through, that may well talk a lot more than 10 years.

Mr. OTTER. Rick, you and I had discussions and some other conversations before on other issues.

Mr. RICK JOHNSON. Oftentimes, sir, with utmost respect about labels like "whackos" and "obstructionists" and things like that.

Mr. OTTER. You know, I feel the same way about politicians and big mouths and otters and other endangered species.

But, Rick, you know, I have several times, in fact—you know, it is not well known because I don't play it in the newspaper, but I

can't tell you how many trips on horseback that we have made into the wilderness study areas and into the Canyonlands, into Owyhee County.

But I formalized that when I became a Member of Congress, and I invited the Idaho Conservation League. I invited quite a few—Nature Conservancy; I also invited the cattlemen and the off-road vehicle enthusiasts—only to ride a horse, not a four-wheel.

And last year Dallas Gudgell from the Idaho Conservation Association came with us, and he was quite enthused. Because we purposely ride all day and spend the night around the campfire—and there is magic about a campfire out there in the desert—and then ride back the next morning.

You know, we saw eye to eye on a lot of things. And it is unfortunate that he, so quickly after he took that trip, went out of your employ, that I was—because I thought that we were actually clicking, we were actually coming to some agreement on what was important.

And I also think I diminished Dallas' idea of my 20-some years of politics in Idaho, that I was one of these guys that didn't care about wilderness, that I only wanted to develop land and only wanted to graze it and only wanted to cut the logs.

And so we renewed that process this year, and I guess there is going to be an empty saddle around the fireplace because the Idaho Conservation Association has since said that they are not going to attend. And I don't know if that is because I am attending or if it is because you are, but during your testimony, it was suggested that I wasn't willing to listen. It was suggested that I wasn't part of this collaborative process. There was some suggestion made that, jeez, you didn't have any trouble working with the rest of the delegation, but you had a problem working with me.

I just want you to know right here in front of God and Mr. Radanovich, I just want you to know that I do want to solve the problems.

And as I said yesterday to the news media, I will be the first to introduce the bill when the President brings it to our attention. I think this legislation advances Congress' attention as much as it does the rest of the stakeholders. But I am not going to substitute my judgment, holding this congressional seat for the collaboration that you folks are making in Owyhee County.

I will guarantee you, when that bill comes up, I will be its best champion because I know it is the result of a collaborative effort and every stakeholder has had an opportunity to have their stab at the fire.

So I make that commitment to you now. I would like to get yours—I would like to fill that saddle up this weekend.

Mr. RICK JOHNSON. Part of the problem if I—if I could have the opportunity to respond, part of the problem is that I didn't find out about that opportunity to fill the saddle until about a week ago. And my respective saddle is already scheduled. So I cannot take care of that.

The rest of my staff—John McCarthy, who probably would be most appropriate, who is sitting at the table at the Owyhee Initiative day in and day out, also is predisposed, I believe, because his son is graduating from high school.

But I stand ready absolutely to get to work in any number of places. The Owyhee is just one of many.

Another example, we will go to the whole other end of the district and say Long Canyon up in the panhandle. That is an area that we could get to work on right now. I challenge us both to sit down, and let's get the job done in Boundary County, Idaho. I think it would be easy.

Mr. OTTER. To make it work, we are going to have to have Chris, I guess.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Otter. And I think, with that, we are going to clear this panel, although I will say that the next couple of panels are going to be regarding two other bills that we are hearing today, so we are not going to bring the discussion of this particular bill up.

I encourage those people that are working on this thing in Idaho, if Butch sponsors it, I am an automatic cosponsor. So keep working and bring something up, because this is—I think the Congress yearns for something like this to happen. So please keep up the good work.

Thank you very much for being here.

And I want to ask unanimous consent to include the statement of Representative John Doolittle in the record today, June 6, 2002. He could not be here and had some comments on H.R. 4620.

[The prepared statement of Mr. Doolittle follows:]

Statement of The Honorable John T. Doolittle, a Representative in Congress from the State of California, on H.R. 4620.

Mr. Chairman, I would like to thank you for holding this hearing on an important piece of legislation, H.R. 4620. As you may be aware, I also introduced a similar bill, H.R. 4589, The Wilderness Study Area Release Act. Although the two bills differ slightly in the number of years allotted for release and future study, both seek the same end immediate release of Federally managed land for utilization by the people of America.

As I am sure you are aware, both pieces of legislation are almost identical to legislation Chairman Hansen introduced in the 106th Congress. H.R. 4589 and H.R. 4620 will provide for definitive end-dates to wilderness study area designations, thus ending one of the most egregious and widespread land rights abuses of the Federal land management agencies.

Wilderness study areas are intended to be short-lived designations, which close off a specific portion of land to human activity and give the agencies an opportunity to determine whether to recommend to Congress that the land be officially designated as a permanent wilderness area. Currently the system leaves the land closed off to human use, including grazing and timber harvest, without congressional approval.

My bill would automatically end wilderness study area designations, which are more than 15 years old. Currently there are 665 such designations, covering nearly 23 million acres exist in 18 states, the bulk of which are in the western U.S., according to the Congressional Research Service.

Furthermore, any subsequent wilderness study areas after the enactment of H.R. 4589 must be determined to meet wilderness status no later than five years after designation, unless Congress declares them wilderness areas. All areas not declared official wilderness would revert to multiple-use as defined by the 1960 Multiple–Use Sustained–Yield Act.

Mr. Chairman, it is of the utmost importance that these agencies must no longer be allowed to deny the American people access to public lands simply by ignoring Congress. Both H.R. 4589 and H.R. 4620 will put an end to that practice.

Again, I would like to thank you Mr. Chairman for holding this hearing. It is my hope the Committee will look favorably on wilderness study reform legislation and mark it up as expeditiously as possible.

And then, with that, I will turn the gavel over to Mr. Gibbons from Nevada to call the next panel.

Mr. GIBBONS. [Presiding.] I want to thank Chairman Radanovich. What I would like to do, before we start here, is make a request, as the Chairman of the Committee and the only person left, to combine these last two panels. I think they both talk about the same two bills, and we would like to have both Panel 4 and Panel 5 if we can, come up here and testify.

So, with that, we will ask Mr. Daniel Smith, Special Assistant to the Director of the National Park Service, Washington, D.C., to the table; Mr. Larry Finfer, Assistant Director for Communications, Bureau of Land Management, United States Department of Interior; Mr. Daniel Van Epp, President of the Howard Hughes Corporation, Las Vegas, Nevada; and Ms. Crystal Altenbaumer, Executive Director of the William J. Clinton Birthplace Home, Hope, Arkansas, to please be here.

Mr. GIBBONS. With that, we will ask Mr. Smith—we welcome you to the hearing. The floor is yours. We look forward to your testimony. And I might also add that, for any of you, the Committee will accept your full and complete statement into the record. If you want to summarize your statement that is fine.

The floor is yours, Mr. Smith.

STATEMENT OF DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE

Mr. SMITH. Thank you, Mr. Chairman. Thank you for the opportunity to testify on H.R. 3815, a bill to authorize the Secretary of the Interior to conduct a study of suitability and feasibility of establishing a Presidential national historic site in Hope, Arkansas, and for other purposes.

Mr. Chairman, the Department supports H.R. 3815; however, the Department did not request additional funding for this study in Fiscal Year 2003. Furthermore, we believe that any funding requested should be directed toward completing previously authorized studies. Presently, there are 37 studies pending of which we hope to transmit at least seven to Congress by the end of this fiscal year.

To meet the President's initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas of the national park system. Thus, we have concerns about funding requirements for a new park unit that could be required if the study recommends designation while the Department is trying to eliminate the deferred maintenance backlog. As such, the Department will identify in each study all acquisition, one-time, and operational costs of the proposed site. At this time, those costs are unknown.

H.R. 3815 would authorize the Secretary of the Interior to carry out a study on the suitability and feasibility of designating the William Jefferson Clinton Birthplace Home located in Hope, Arkansas, as a National Historic Site.

Hope, Arkansas, is the location of the boyhood home of the 42nd President. It is located between Dallas and Memphis. This southern community is part of the Texarkana greater metropolitan area. Built in 1917, the house in Hope where President Clinton spent his

first 4 years with his maternal grandparents is now owned by the Clinton Birthplace Foundation. This is a nonprofit 501(c)(3) organization and was established to help preserve the site, and has a witness represented here today.

In 1998, Congress passed Public Law 105-391, the National Parks Omnibus Management Act of 1998, which requires congressional authorization of areas to be studied for potential new units of the national park system. The law also designates the criteria to be followed by the National Park Service in determining whether to recommend an area as a unit of the national park system. Thus, this study will determine whether it conforms to the criteria of Public Law 105-391.

With respect to historic sites, the studies not only look at whether the event or person associated with the site was historically significant, they look at the integrity of the buildings and other factors, such as whether there are other sites that might more appropriately tell the story associated with a particular site.

The national park system consists of many previous residences of former Presidents. However, there are also many residences of former Presidents that are not part of the system. A study would look at whether the Federal Government is the most appropriate entity to manage the site and would help identify other protection and preservation methods available.

When sites are managed by other entities, such as State governments or private foundations, the National Park Service may assist these entities in achieving the common goal of protecting and interpreting these places for all Americans. Conducting a study allows Congress to be certain it is protecting an area that meets the criteria to be designated a unit of the national park system, and the National Park Service is the best agency to manage the site.

A study would also enable the National Park Service and Congress to identify the costs in acquiring, restoring and operating a potential site. Such a review is important if we are to gain control over the deferred maintenance backlog and eliminate it within 5 years, as the President's initiative seeks to do.

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

Mr. GIBBONS. Thank you very much, Mr. Smith.

[The prepared statement of Mr. Smith follows:]

Statement of P. Daniel Smith, Special Assistant to the Director, National Park Service, U.S. Department of the Interior

Mr. Chairman, thank you for the opportunity to testify on H.R. 3815, a bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas, and for other purposes.

The Department supports H.R. 3815, with a technical amendment noted at the end of this testimony. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 37 studies pending, of which we hope to transmit at least 7 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about new funding requirements for a new park unit that could be required if the study recommends designation while the Department is trying to eliminate the deferred maintenance backlog. As such,

the Department will identify in each study all acquisition, one-time, and operational costs of the proposed site. At this time, these costs are unknown.

H.R. 3815 would authorize the Secretary of the Interior to carry out a study on the suitability and feasibility of designating the William Jefferson Clinton birthplace home located in Hope, Arkansas, as a national historic site. Hope, Arkansas, is the location of the boyhood home of William Jefferson Clinton, the 42nd President of the United States. Located between Dallas and Memphis, this southern community is part of the Texarkana greater metropolitan area. Built in 1917, the house in Hope, where President Clinton spent his first four years with his maternal grandparents, is now owned by the Clinton Birthplace Foundation. This non-profit 501(c)(3) organization was established to help preserve this presidential site.

In 1998, Congress passed Public Law 105–391, the National Parks Omnibus Management Act of 1998, which requires congressional authorization of areas to be studied for potential new units of the National Park System. The law also designates the criteria to be followed by the National Park Service in determining whether to recommend an area as a unit of the National Park System. This study will determine whether it conforms to the criteria of Public Law 105–391.

With respect to historic sites, the studies do not only look at whether the event or person associated with the site was historically significant. They look at the integrity of the buildings, and other factors, such as whether there are other sites that might more appropriately tell the story associated with a particular site.

The National Park System consists of many previous residences of former presidents. However, there are also many residences of former presidents that are not part of the system. A study would look at whether the Federal Government is the most appropriate entity to manage the site and would help identify other protection and preservation methods available. When sites are managed by other entities, such as state governments or private foundations, the National Park Service may assist these entities in achieving the common goal of protecting and interpreting these important places for all Americans. Conducting a study allows Congress to be certain it is protecting an area that meets the criteria to be designated a unit of the National Park System and that the National Park Service is the best agency to manage the site.

A study also would enable the National Park Service and Congress to identify the costs in acquiring, restoring, and operating a potential site. Such a review is important if we are to gain control of the deferred maintenance backlog and eliminate it within five years, as the President's Initiative seeks to do.

We recommend a technical amendment to include a missing word. On page 2, line 15, insert "the" after "to".

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

Mr. GIBBONS. Mr. Finfer, the floor is yours.

STATEMENT OF LARRY FINFER, ASSISTANT DIRECTOR FOR COMMUNICATIONS, BUREAU OF LAND MANAGEMENT

Mr. FINFER. Thank you, Mr. Chairman. I appreciate the opportunity to testify on H.R. 4141, the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002. The Department generally supports the land tenure adjustments outlined in the bill, but believes several issues need to be addressed before it is advanced by the Committee.

Red Rock Canyon is among the most spectacular areas managed by BLM and now attracts over 1 million visitors annually. Red Rock also enjoys considerable support in the Las Vegas community, and the management of the NCA is vastly enhanced by the Friends of Red Rock and other partners.

H.R. 4141 proposes to legislate a land exchange between the BLM and the Hughes Corporation, as well as to transfer other public lands to Clark County for a park. The lands proposed to be transferred to the BLM from Hughes border the eastern edge of the NCA and total about 1,068 acres, seven parcels. The BLM strongly supports the acquisition of these parcels and believes they will en-

hance the NCA. Their addition will improve boundary management and enable better protection of the rock art cultural resources in the NCA.

The public lands identified for transfer by exchange to Hughes total about 1,001 acres and were identified as suitable for disposal under the Southern Nevada Public Land Management Act. We understand these lands would be used to expand a master-planned housing community.

At this time we do not have appraisals for the lands proposed for exchange in order to determine if they are, in fact, of approximate equal value. It is our understanding that Hughes has contracted with a private appraiser and expects to deliver estimates to BLM soon. Should these parcels not be of equal value, we would like the opportunity to modify the acreage of the lands involved in the exchange before the bill moves to markup.

Further, the lands in question may be encumbered by rights-of-ways and mining claims. We believe these uses, as well as concerns such as the responsibility for hazardous materials, need to be addressed in the bill.

The bill would also require the BLM to transfer about 1,344 acres of other public lands to Clark County at no cost for purposes of a park. These lands are adjacent to and intermingled with the lands to be transferred to the Hughes Corporation. While we do not oppose the transfer of these lands to the county, we believe they should be transferred at fair market value or, alternatively, under a Recreation and Public Purposes Act lease.

In addition, our concerns about impacts on previously authorized uses in the Hughes transfer also apply to this one.

In summary, we expect the benefits of the transfer of lands outlined in H.R. 4141 to be positive. However, we believe a number of unresolved issues need to be reconciled so we can support final passage of the bill.

Mr. Chairman, this concludes my testimony. I am pleased to respond to any questions that you may have.

Mr. GIBBONS. Thank you very much Mr. Finfer.

[The prepared statement of Mr. Finfer follows:]

Statement of Larry Finfer, Assistant Director for Communications, Bureau of Land Management, U.S. Department of the Interior

Thank you for the opportunity to testify regarding H.R. 4141, the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002. The Department generally supports the land tenure adjustments outlined in the legislation, but believes several issues need to be addressed before the bill is advanced by the Committee.

H.R. 4141 provides for the exchange of certain lands managed by the Bureau of Land Management (BLM) to the west of Las Vegas for certain other lands owned by the Hughes Corporation which border the Red Rock Canyon National Conservation Area (NCA), also west of Las Vegas. The bill would also transfer additional lands from the BLM to Clark County, Nevada for a county park at no cost.

Background

The Red Rock Canyon NCA was established in November of 1990 under Public Law 101–621. Its boundaries have been expanded by ensuing Acts of Congress in 1994 and again in 1998, so that today the NCA covers approximately 196,000 acres and receives over 1.2 million visitors a year. Its close proximity to a major urban center makes Red Rock Canyon NCA both a draw for the local population, and also a popular attraction for many of Las Vegas's visitors.

The NCA's attraction is a result of a collision 65 million years ago by two of Earth's crustal plates. The force of that collision thrust gray limestone up and over younger red sandstone. The result today has a dramatic visual impact. We are not the first to be drawn to the spectacular mountains, cliffs, and outcroppings; evidence of prehistoric native peoples in the NCA date back at least five thousand years. Rock art, ceramics, and roasting pits bear evidence to their presence here. The springs that still dot the area undoubtedly brought these people and perhaps the beauty of the area encouraged them to stay.

The NCA boasts a 13-mile scenic drive, a visitor center with guided walks and extensive interpretive materials. Visitors enjoy rock climbing, hiking, birding, jeep tours, and horseback riding. In partnership with the BLM, the Friends of the Red Rock, the Red Rock Canyon Interpretive Association and others, helps to serve many visitors needs and provides over 40,000 of volunteer hours annually to the NCA. In addition, commercial outfitters fill an important role in introducing visitors to many of the NCA's treasures.

H.R. 4141

H.R. 4141 proposes to legislate both a land exchange between the BLM and the Hughes Corporation as well as transfer additional public lands to Clark County for a park. The lands proposed to be transferred to the BLM from the Hughes Corporation border the eastern edge of the NCA and total approximately 1,068 acres in seven separate parcels. The BLM strongly supports the acquisition of these parcels and believes they will enhance the NCA. The addition of these parcels will improve boundary management and allow for better protection of rock art within the NCA.

The legislation is silent on responsibility for any potential hazardous materials that may preexist on these parcels. We believe that this should be addressed in the legislation. In addition, a modification of the boundary of the NCA to include all of these added lands should be clearly stated in the legislation and established on the legislative map. We are also concerned about language in section 4(a) of the bill that may imply that the Hughes Corporation does not own all right, title, and interest to these lands and would like clarification before we move forward. Finally, the Administration opposes the language contained in section 6(a) and proposes its deletion. Section 6(a) of the bill exempts implementation of the exchange from consideration or action under the National Environmental Policy Act, the National Historic Preservation Act, or any other law or Executive Order. The Administration supports authorization of an exchange through normal public review, including title review, and disclosure of the fiscal and environmental effects of the exchange to ensure equal value and full awareness of the consequences of the exchange.

The public lands identified for transfer by exchange to the Hughes Corporation, total approximately 1001 acres and were identified for disposal under the Southern Nevada Public Land Management Act (SNPLMA), Public Law 105–263. It is our understanding that these lands would be used for the expansion of a master-planned housing community. Under SNPLMA, proceeds from BLM-managed lands which are disposed of are divided between the State of Nevada general education fund (5%), the Southern Nevada Water Authority (10%), and a special account in the Treasury for acquisition of environmentally-sensitive lands in Nevada and other purposes (85%). Section 4 of SNPLMA mandates that in the case of a land exchange, the non–Federal party remains liable for the 5% and 10% payments. The legislation is silent on this point, and therefore we make the assumption that these provisions of SNPLMA would apply to the Hughes Corporation.

In addition, the public lands identified for disposal are currently encumbered by rights-of-way for roads, water pipelines, gas pipelines, and power lines as well as mining claims. We would like to ensure that these current uses are appropriately addressed by the legislation.

At the present time, we do not have appraisals for the lands proposed for exchange in order to determine if they are, in fact, of approximate equal value. It is our understanding that the Hughes Corporation has contracted with a private appraiser and expects to have estimates to the BLM in the near future. Should these parcels not be of equal value we would like the opportunity to modify the acreage of the lands involved in the exchange before the bill moves to markup.

The bill would also require the BLM to transfer approximately 1,344 acres of additional public lands to Clark County at no cost for purposes of a park. These lands are adjacent and intermingled with the lands to be transferred to the Hughes Corporation. While we do not oppose the transfer of these lands to the county we believe they should be transferred at fair market value or through a Recreation and Public Purposes (R&PP) lease. In addition, our concerns about impacts on preexisting uses in the Hughes transfer would also apply to this transfer.

Finally, H.R. 4141 references a map. We are in the process of creating a map which better reflects the specifics of this proposal, including land status. We would strongly recommend the bill be amended to reference the BLM map as opposed to one created by a private entity.

Conclusion

The long-term benefits of the transfer of lands outlined in H.R. 4141 will be positive. However, we believe that a number of unresolved issues need to be reconciled before we could fully support final passage of this bill.

Mr. GIBBONS. I would like now to introduce a friend, Mr. Daniel Van Epp, President of the Howard Hughes Corporation.

Welcome, Mr. Van Epp. We have known each other for many years, and we have worked on this project for many years. And it is a pleasure to have you here, as is your son, Nate, who is back there making sure that you testify correctly. We want to welcome you. As we know, this is your cameo appearance before the U.S. Congress, and it is indeed a pleasure to have you.

The lights in front of you are simply a stop-and-go sign. That red light, 5 minutes; yellow, sum it up; and the green—the red light is to stop, yellow is to sum it up, and green is to talk as much as you want.

With that, Mr. Van Epp, if I could get it straight, you are welcome and the floor is yours.

STATEMENT OF DANIEL VAN EPP, PRESIDENT, HOWARD HUGHES CORPORATION, LAS VEGAS, NEVADA

Mr. VAN EPP. Thank you, Mr. Chairman. I appreciate the opportunity to be here to testify to you today.

We appreciate the work of your office and staff in crafting and introducing this bill to the House of Representatives, a bill that would enhance the Red Rock Canyon National Conservation Area and preserve significant viewsheds in the western Las Vegas Valley.

It would also set aside more than 1,200 acres of ridge line for use by Clark County as a passive park. And it would raise the level of protection for an additional 232 acres of BLM land surrounding a flood control basin adjacent to the conservation area, thus guaranteeing its permanent preservation.

For these reasons and many more, this bill is supported by the entire Nevada congressional delegation, as you have just heard, also by the BLM, local governments of southern Nevada, conservation groups and other interested parties.

Our company is developing the master-planned community of Summerlin on land acquired by Howard Hughes nearly a half century ago. Summerlin is America's most successful master-planned community, and when completed, it will be home to 160,000 Nevadans.

Our company was acquired in 1996 by The Rouse Company, recognized today as one of America's most successful real estate investment trusts. The Rouse Company developed Columbia, Maryland, one of the first major master-planned communities in America. Other major successful projects include downtown revitalization, such as Harbor Place in Baltimore and Faneuil Hall in Boston.

Joining me today is the Vice Chairman of The Rouse Company, Douglas McGregor.

Summerlin covers more than 22,000 acres and stretches along the western rim of the Las Vegas Valley, bordering public lands, including the Red Rock Canyon National Conservation Area.

Mr. VAN EPP. A principal reason passage of this bill is so important is that the boundary of the Federal land to our west is based on section lines and so it does not conform to the well-defined foot of the mountains. Thus it is that the very toes or shoulders of some of those mountains are clipped by the current property lines. A clear border is created where the mountain slopes meet the alluvial plain, forming a natural and desirable boundary between Summerlin and the conservation area. The bases of those mountains that currently lie within Summerlin make up the bulk of the offered lands of this exchange proposal.

Logic would dictate that if most of the mountain is under the protection of a conservation area, perhaps the entire mountain should be also included, and that is precisely what this legislation addresses. Our company takes great pride in the quality of Summerlin and guides its development with a strong environmental stewardship. At Summerlin's inception, approximately 5,000 acres of pristine land was transferred to the BLM through an exchange, creating what is today the gateway and buffer zone for the astonishingly beautiful Red Rock Canyon National Conservation Area.

There are many other examples of our environmental leadership, including the use of water-saving landscapes, preservation of arroyos to maintain natural terrain while providing recreational opportunities, and design criteria that require the use of color palettes indigenous to the desert, thereby reducing impact on the viewshed. Most visitors to Las Vegas are well acquainted with the manmade grandeur of the Strip, but 15 miles to the west, our efforts in the creation of Summerlin are precisely the opposite, to preserve the natural beauty and harmony of the desert by responsible development.

While it is generally acknowledged that custom home lots perched on mountain slopes provide extraordinary high value view lots, the impact of such development on viewsheds is an issue. This bill refers to an exchange of lands of equal value. That value is being determined by an appraisal conducted by a BLM-approved professional using all applicable Federal standards and, as mentioned earlier, is due to be complete in the very near future.

The process of gathering input on this bill has been open and inclusive, and we have initiated dozens of meetings with environmental leaders, government agencies and community organizations. The result is widespread support from members of the local Sierra Club, the Nature Conservancy and numerous leaders of environmental and conservation groups in southern Nevada. We believe this bill is a prime example of constructive legislation. It engenders public consensus and accomplishes multiple goals. It expands the national conservation area. It protects and preserves the viewshed for the entire Las Vegas valley. It improves access to the conservation area, and it creates a park for Clark County residents.

Mr. Chairman and members of the Committee, thank you for your consideration and leadership.

[The prepared statement of Mr. Van Epp follows:]

Statement of Daniel Van Epp, President, The Howard Hughes Corporation

Mr. Chairman, thank you for the opportunity to testify before this important Subcommittee in support of H.R. 4141, the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002.

We appreciate the efforts and expertise of Congressman James Gibbons and his staff in introducing H.R. 4141 to the House of Representatives. The Congressman's leadership has resulted in a well-crafted bill, beneficial to the residents of Clark County, and supported by the entire Nevada congressional delegation, Nevada local governments, conservation groups and other interested parties.

This bill will enhance the Red Rock Canyon National Conservation Area, and preserve significant viewsheds in the western Las Vegas Valley. H.R. 4141 will also set aside approximately 1223 acres of high-terrain Federal land along a prominent ridgeline for use by Clark County as a passive park and component of a growing regional trail system. Finally, the bill would incorporate 232 acres of BLM land surrounding a flood control basin into the adjacent Red Rock Canyon National Conservation Area, thus guaranteeing its permanent protection.

INTRODUCTION

The Howard Hughes Corporation, an affiliate of The Rouse Company, is developing the Summerlin master-planned community in Clark County. Summerlin borders BLM- managed public lands on the western side of the Las Vegas Valley, including the Red Rock Canyon National Conservation Area. Howard Hughes takes great pride in the quality of the Summerlin community and its contribution to the quality of life in Las Vegas. Similarly, we are committed to sensitive development that protects and enhances the priceless public resources of Southern Nevada, especially the Red Rock Canyon National Conservation Area. That is why this land exchange makes such good sense from every perspective.

THE EXCHANGE

Under the proposed legislation sponsored by Congressman Gibbons, The Howard Hughes Corporation would transfer to the BLM 1,071 acres of privately-held high-ground acreage (lands offered) in the northwestern region of Summerlin in exchange for Bureau of Land Management (BLM) acreage of equal value. These "lands selected" are inside the Southern Nevada Land Disposal Boundary, and are contiguous with the southern region of Summerlin. The exact amount of land our company will acquire is dependent on the results of an appraisal in progress.

Most of the lands offered comprise the lower slopes of mountains which are located primarily inside the Red Rock Canyon National Conservation Area. Exchanging them to the Federal Government guarantees that they will be protected from private development that could negatively impact the approach to Red Rock and mar the spectacular viewshed of this area looking west from Las Vegas.

In return, The Howard Hughes Corporation will acquire lands of equal value (determined through appraisal) that lie west and south of its current Summerlin holdings. Through the Southern Nevada Public Lands Management Act, this property is already slated for future disposal and development, either by auction or exchange to private parties or for public purposes.

BENEFITS

1. Red Rock Canyon National Conservation Area is enhanced and expanded by the addition of approximately 1,071 acres of adjacent private high-terrain land.
2. Clark County will acquire approximately 1,223 acres of high ridgeline property inside the Southern Nevada Disposal Boundary for use as a passive county park. This will allow the county to develop trail systems with management plans, providing residents with a spectacular and accessible recreational opportunity.
3. The Howard Hughes Corporation can continue environmentally sound development of our land, while preserving significant viewsheds and improving access to conservation areas.
4. A portion of BLM land was originally excluded from Red Rock because of the need for a regional flood control structure. The structure is now built and 232 acres of the 'carve-out' that were not used remain outside the Conservation Area. We propose amending the current bill to insert these lands into the Red Rock Canyon National Conservation Area, which would grow by an additional

232 acres. This amendment would enhance viewshed protection and provide protected trail access routes into the National Conservation Area.

HUGHES HISTORY

When Howard Hughes died in 1976, his estate included 49,000 acres of real estate. After the disposition of all but the most valuable properties, Summa Corporation, now known as The Howard Hughes Corporation, retained the land in Southern Nevada that is currently under development as Summerlin. In 1996 the corporation merged with The Rouse Company of Columbia, Maryland, one of the largest publicly held real estate development and management companies in the United States. The Rouse Company is one of the nation's foremost real estate investment trusts.

SUMMERLIN

Today Summerlin is ranked as America's most successful master-planned community and is home to more than 60,000 residents. Upon build-out in 2015, more than 160,000 Nevada residents will call Summerlin home. The community spans the Las Vegas Valley's western rim, much of it bordering the mountains of Red Rock Canyon National Conservation Area.

The boundaries that demarcate the Federal land to our west are based on section lines or fractions thereof. Thus it is that the very 'toes' or 'shoulders' of some bordering mountains are 'clipped' by the current property lines. Those lower mountain lands make up the bulk of the offered lands of this exchange proposal. Logic would dictate that all of a given mountain in a conservation area should be included, and that is precisely what this legislation addresses.

ENVIRONMENTAL HISTORY

The Howard Hughes Corporation enjoys and values a strong working relationship with the environmental community of Southern Nevada. This partnership dates back to an exchange facilitated by The Nature Conservancy in 1987, long before the first homes were built in Summerlin. Through this exchange, The Howard Hughes Corporation and the Bureau of Land Management assured the preservation of a significant part of Red Rock Canyon. The exchange transferred a 5,000-acre parcel of land owned by Hughes, which provided an important buffer zone and gateway into one of Southern Nevada's most precious environmental treasures. This parcel was considered a critical element in what eventually became the Red Rock Canyon National Conservation Area.

Environmental stewardship has been an integral part of the entire planning process of our master-planned community. Summerlin is the first major scale master-planned community in Nevada to use award winning drought-tolerant (low-water-use) plantings in common areas, saving precious water resources. Strict design criteria are imposed to reduce viewshed impacts throughout the community. Natural drainage features such as arroyos are often preserved to maintain natural terrain, while at the same time providing recreational opportunities. Light pollution is addressed through the use of limited-spread street lighting.

These are just a few of the many ways in which our company has addressed and maintained a dedication to environmentally sound development. We are proud of the numerous awards and considerable recognition this planning has garnered.

HILLSIDE DEVELOPMENT

There has been a fair amount of media attention focused on hillside development recently in Southern Nevada (see attached article). While it is generally acknowledged that custom home lots cut from hillsides provide extraordinary high-value view lots, the impact of such development on viewsheds is an issue. As profiled in attached media reports, Hughes is dedicated to reducing that impact in our northwest holdings through this exchange. Likewise, the county acquisition of the high ground ridgeline to the south also enhances such preservation efforts.

APPRAISAL

The language in this bill refers to an exchange of lands "of equal value." That value is being determined by appraisal. The appraisal will comply with all applicable Federal standards and is supported by both an extensive engineering study, as well as an extensive marketing study. The appraisal nearly complete and will be turned over to the Las Vegas District BLM office for review.

CREATING A NEW PARK

An important element of this legislation will create a major recreational opportunity for the Las Vegas Valley. Clark County will receive approximately 1223 acres of ridgeline for use as a passive park. The county identified the recreational and planning advantages of acquiring this ridge years ago. Aside from the potential for

trail systems, the acquisition will also address an important viewshed issue. Commercial or residential development of this ridgeline would impact the viewshed for the southwest quadrant of the Las Vegas Valley, if not the valley-at-large. Any associated increase in the value of lands surrounding this potential park has been factored into the appraisal process.

SUPPORT

The process of gathering input has been open and inclusive, and has involved dozens of meetings with interested parties, government agencies (both local and Federal), community organizations and concerned residents.

Our corporation has initiated such meetings to discuss the potential exchange with environmental leaders in Nevada, working toward a bill that will benefit all residents of Clark County. This bill has received widespread support from the environmental community, including words of praise from the local Nevada chapter of the Sierra Club, leaders of which (including Jane Feldman) were featured in newspaper stories as well as on television news reports. The Sierra Club also wrote a letter of "non-opposition" to this exchange (see attached). Other environmental supporters of the bill include The Nature Conservancy (see attached letter), and Alan O'Neill, executive director of the Outside Las Vegas Foundation (see attached letter).

The exchange is likewise supported by both the City of Las Vegas (see attached resolution) and Clark County (resolution to be introduced by Clark County).

SUMMARY

This legislation will impart significant benefits to all Southern Nevadans, including conservation of sensitive lands and the establishment of considerable recreational opportunities, while still providing economic opportunity for The Howard Hughes Corporation. Supported by the environmental community, local government and the Bureau of Land Management, this bill is a prime example of constructive legislation that engenders public consensus.

We are deeply appreciative of the opportunity to provide details and to testify in person on this proposed legislation. The elected leaders and staff who conduct the legislative process of the House of Representatives are to be commended for their service to country and constituents. It is an honor to be invited to contribute to such a process. Mr. Chairman and members of the Committee, we thank you all for your kind consideration, especially Congressman James Gibbons, whose leadership and initiative made it possible.

[Attachments to Mr. Van Epp's statement follow:]

SIERRA CLUB
FOUNDED 1892

Southern Nevada Group
P.O. Box 19777, Las Vegas, NV 89132

February 18, 2002

Tom Warden, VP for Community Relations
The Howard Hughes Corporation
10000 W. Charleston Blvd., Ste. 200
Las Vegas, NV 89135-1004

Dear Tom,

The Southern Nevada Group, Toiyabe Chapter, will not oppose your proposal for legislation, called the Red Rock Land Exchange or Boundary Adjustment, as it is currently being configured.

The Sierra Club usually relies on our grassroots activists to determine and implement conservation responses to local issues. However, in some cases, the Club has taken a national position. The Club has a national policy that local Club entities may oppose or remain neutral on land exchanges, but endorsements of a land exchange must be recommended from the group, through chapter, to the national public lands committee.

The Toiyabe Chapter's formal position on land exchanges in Nevada and eastern California is that we would consider recommending endorsement of legislation that includes several or all of the following elements:

1. puts more land into public domain than is taken out of it;
2. extends protection level on public lands;
3. offers lands that have great conservation and recreation value; and
4. abutting development would be low-density with greenbelt, open space and park areas.

The Howard Hughes Corporation has worked very hard to solidify various aspects of your bill to make it extremely attractive to conservationists and open space preservationists. The bill addresses our four areas of concern in the following ways:

Significant amounts of public land would be given an additional level of protection in two separate actions: some land would be transferred into the Red Rock National Conservation Area and two parcels would be transferred to Clark County for a passive park.

Tom Warden
February 15, 2002
Page 2

The lands being protected and the lands being offered have high conservation and recreation value. There is no place in the Las Vegas Valley that carries more meaning for environmentalists and the public at large than Red Rock. Protecting the view shed at Red Rock is a priority concern. There is no open water in any of the lands under discussion, but there are some ephemeral seeps at the edges of the toes that contribute to biodiversity, and this is a plus for conservation.

Your Corporation has a good track record of designing lower-density development as you draw near to public open space, and you also take advantage of natural washes to provide both privacy and recreation to your residential areas.

Even on our first area of concern, the proposed legislation looks very good: You have selected 998 acres in exchange for 1,071 acres – that is a very good showing! The caveat is that this acreage depends on the appraisal process, and that is where the legislation breaks down for us. It is our experience that the appraisal process works against open space and conservation and for development. Since the legislation cannot guarantee that the favorable acreage exchange will actually be carried out, we are reluctant to recommend endorsement by our Club's national committee. However, this is not a bill that we would want to oppose. If the acreages in the exchange result in a positive gain for public holdings, as it is currently proposed, it will definitely be a bill to celebrate.

We also want to remind you that we are looking forward to a permanent resolution with you, the BLM and the public on gaining controlled access to Brownstone Canyon and the north access to Turtlehead Peak. Perhaps this can best be worked as part of the overall trail plan for the area, which will connect to the regional trail system.

Your commitment to continuing the dialogue with us is remarkable, and we are pleased to be a part of the overall consideration going into your project.

Sincerely,

Marcia Forkos

Marcia Forkos
Chair.

R-17-2002

RESOLUTION SUPPORTING FEDERAL LEGISLATION TO FACILITATE THE INCLUSION OF LANDS IN THE RED ROCK CANYON NATIONAL CONSERVATION AREA BY AUTHORIZING THE EXCHANGE OF CERTAIN LANDS BETWEEN THE UNITED STATES AND THE HOWARD HUGHES CORPORATION

WHEREAS, HOWARD HUGHES CORPORATION (HUGHES) and its affiliates have developed and continue to develop within the City of Las Vegas the Summerlin master planned community; and

WHEREAS, along the western and northern boundaries of the Summerlin community, HUGHES owns certain properties that have been proposed for addition to the Red Rock National Conservation Area (NCA) under the Southern Nevada Public Land Management Act of 1998 and the Red Rock Canyon National Conservation Area Establishment Act of 1990; and

WHEREAS, inclusion of these properties in the NCA would preserve viewsheds of the Spring Mountains from the Las Vegas Valley and provide for improved public access to the NCA, resulting in significant public benefit; and

WHEREAS, HUGHES has selected, from within the disposal area of the United States Bureau of Land Management, certain lands that HUGHES considers suitable for exchange for the properties proposed for inclusion in the NCA; and

WHEREAS, leaders representing a variety of state and local environmental groups have endorsed the proposed exchange of lands for the stated purpose; and

WHEREAS, the City Council desires to encourage the adoption of legislation which will facilitate the inclusion of properties in the NCA and thereby result in benefit to the public; and

WHEREAS, such legislation was introduced in the U.S. House of Representatives, designated as H.R. 5428, the "Red Rock Canyon National Conservation Area Expansion Act of 2000"; and

WHEREAS, additional Federal legislation has been or is intended to be introduced, tentatively entitled the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2001."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS to encourage and support any federal legislation that will facilitate the inclusion of

properties in the NCA, including the bill tentatively entitled the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2001" and any bill of like intent.

PASSED, ADOPTED and APPROVED this 20th day of February, 2002.

CITY OF LAS VEGAS

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

_____ 2-6-02
Date

March 12, 2002

Senator Harry Reid
Lloyd D. George Building
333 Las Vegas Boulevard South, Suite 8016
Las Vegas, NV 89101

Dear Senator Reid:

I would like to express my support for the proposed Red Rock Enhancement Act. I believe this legislation has an overall positive benefit to the Red Rock Canyon National Conservation Area and to the community. I see the legislation as a win-win for all parties involved.

The proposed bill, as I understand it, would place 1,071 acres of private land owned by the Howard Hughes Corporation into the Red Rock Canyon National Conservation Area and, therefore, protect the critical viewsheds. The bill would add another 232 acres of Bureau of Land Management public lands into the National Conservation Area, which will elevate its protection status.

In addition, the bill would set aside 1,250 acres of Bureau of Land Management land between the Southern Nevada Public Lands Management Act disposal boundary and the Red Rock Canyon National Conservation Area for development by Clark County as a rural-type park. This is an area of beautiful ridges and would work well as a less intensively developed County Park. As such, the park would protect an important viewshed while providing compatible recreational opportunities. This provides Clark County with the opportunity to develop a needed park facility and preclude the possibility of the acreage ever being developed for residential or commercial uses.

The property to be acquired by the Howard Hughes Corporation is already within the Southern Nevada Public Lands Management Act disposal boundary and would ultimately be developed anyway. Therefore, the legislation would provide a net benefit to conservation.

Sincerely,

Alan O'Neill

Alan O'Neill

Las Vegas Sun

SECTION B

Monday, February 18, 2002

Metro

INSIDE
The cost of applying for citizenship is going up
page 3B

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Communities 7B
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Land swap could expand Red Rock border

Park would be built in southwest part of valley

By Launce Rake
LAS VEGAS SUN

A land swap involving the Howard Hughes Corp., the Bureau of Land Management and Clark County could expand the border of the Red Rock conservation area and provide a public park in the Las Vegas Valley.

The swap would trade 1,071 acres of Hughes' land on the western edge of Summerlin to the BLM to add to the Red Rock National Conservation Area in exchange for a similar amount of land around a ridge in the southwest valley. Federal legislation would grant the ridge to the county for use as a public park.

Hughes Corp. would get land around the park for development.

All four members of Nevada's congressional delegation support the plan. Because the swap hinges on a transfer involving the BLM, legislation and White House approval are needed.

The proposal could be part of a larger Clark County Public Lands bill proposed a year ago by Sens. John Ensign, R-Nev., and Harry Reid, D-Nev. Kai Anderson, Reid's deputy legislative director, said the legislation could be introduced next month.

Although BLM land swaps have in the past been criticized as corporate giveaways, representatives from Hughes, Clark County Comprehensive Planning and local environmentalists praised the land swap as a win for everyone concerned.

"The most valuable thing they are offering is an unimpeded viewscape up to the foothills of the Red Rock mountains," said Jane Feldman, conservation committee co-chairwoman of the local arm of the Sierra Club.

Feldman emphasized that the group isn't endorsing the bill, a step that would require action by the group's national leadership. But she personally sees the swap as "a big positive."

The group has long been concerned about the potential for development along the base of the hills dividing the Red Rock National Conservation Area from Summerlin.

Hughes acquired about 25,000 acres a half century ago from the BLM and, beginning in the early 1990s, built the nation's fastest growing "master planned community" on about 22,500 acres. Other parcels were sold or swapped.

Summerlin, which ultimately could be home to about 160,000 people, is a regional and national benchmark for such communities.

But the land deal that created Summerlin essentially drew straight lines on a map, ignoring the natural topography of the area. That left the hillsides of the Red Rock area open to development.

Hughes officials have said for years that they didn't want to build homes in the hills and destroy the dramatic views from their development — or from the hills down to the valley.

"It's fantastic for those views," Tom Warden, Hughes vice president, said. "It's really exciting because it seems like it's been long in coming.

"It is what I call 'mountain toes,' the very toes of the mountains that make up Red Rock Canyon," he said. "The fact that the environmental community thinks it's a good idea speaks well of it."

BLM spokeswoman Kirsten Cannon said the drive to protect the views has

See Land, 4B

"The attacks made it clear that I wanted to be in the military. This just cemented it."

Tom Welch, ROTC MEMBER AT UNLV

Nurses leaving hospitals, union says

Land

from page 1B

been the prime motivator for all parties.

Besides Hughes and the BLM, Clark County and Las Vegas government representatives have worked on the deal.

Las Vegas Councilwoman Lynette Boggs McDonald, who represents the half of Summerlin that is in the city, said she has wanted the Red Rock hillsides protected for years. She has taken Boy Scout groups to see some of the archaeological sites hidden in the hills, sites that she hopes can be protected.

"As we continue to develop westward, we are getting closer to many environmentally sensitive areas," she said. "We just don't need to develop that close to those areas."

Boggs McDonald and Clark County staffers also trumpet the creation of the park in the southeast valley, a hoped-for product of the same legislation.

At about 1,250 acres, it would be one of the county's largest. Thanks to its craggy topography that rises several hundred feet from the desert floor, it also provides great views of the valley.

"It gives us spectacular recreational uses and views of the valley," Phil Rosenquist, county assistant planning director, said.

The park also would allow Clark County to connect its trails network, planned to eventually cover hundreds of miles, with federal land in the Spring Mountains to the west, he said.

Details of the planned land exchange are still being developed.

Appraisers need to determine the value of the Hughes land on the Red Rock hills before they can fix the amount of land the company will receive in return, Warden said.

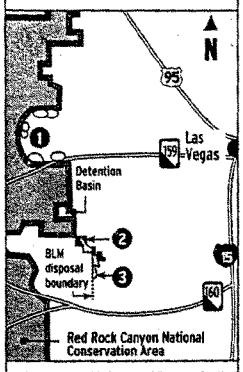
"It's a work in progress," he said. "There's still a lot of detail work. But once the legislation is passed, the exchange could happen within 60 days.

"Theoretically, this could be done as early as this spring," Warden said.

Launce Rake *covers growth issues for the Sun. He can be reached at (702) 259-4127 or by e-mail at lrake@las-vegassun.com*

Land swap

In an effort to protect land around Red Rock Canyon National Conservation Area, the Howard Hughes Corp. the Bureau of Land Management and Clark County are proposing a land swap.



1. Hughes would give up 1,071 acres for the conservation area.
2. BLM would turn over about 1,000 acres to the Howard Hughes Corp.
3. BLM would give 1,250 acres to Clark County for a park.

Source: Howard Hughes Corp.

PAM KILLINSWORTH / LAS VEGAS SUN

OF NEVADA

Northern Nevada Office
One East First Street, #500
Reno, Nevada 89501

TEL 775 322-4990
FAX 775 322-5132

International Headquarters
Arlington, Virginia
TEL 703 841-5300

January 11, 2002

Senator Frank Murkowski
322 Hart Senate Office Building
Washington, D.C. 20510

Senator Jeff Bingaman
703 Hart Senate Office Building
Washington, D.C. 20510

Congressman Don Young
U.S. House of Representatives
Washington, D.C. 20515

Congressman George Miller
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmans Murkowski and Young, Senator Bingaman, and Congressman Miller:

The Nature Conservancy of Nevada would like to express support for a proposed exchange of lands owned by the Howard Hughes Corporation on the border of the Red Rock National Conservation Area for public lands within the boundaries associated with the Southern Nevada Public Lands Management Act (SNPLMA). We understand that there is a reluctance to conduct further land exchanges within the Las Vegas Valley, but we feel this proposed exchange should be considered.

We share the concerns that have been raised about certain land exchanges and agree that land exchanges should be required to meet the highest levels of public scrutiny, particularly in regard to the appraisal process. We support present efforts to implement the SNPLMA and support efforts to increase public participation in its implementation.

The Howard Hughes Corporation has asked us to review and comment on their proposed land exchange. This land exchange will further expand the Red Rock National Conservation Area and will also set aside and preserve more than 1000 acres of scenic uplands within the BLM disposal boundary for exclusive use as passive Clark County parks and open space. In addition, approximately 232 acres of BLM land, adjacent to Red Rocks National Conservation Area, will be raised from general inventory status to NCA protected status. This proposal has our support and we believe that this request falls outside of the current SNPLMA context and should be approved.

The lands being offered by the Howard Hughes Corporation consist of hillsides that lie adjacent to the Red Rock National Conservation Area and behind the "Little Red Rock" area. Development of any kind on these lands would significantly impact the views that people have from the developing western portions of the Las Vegas Valley to the west. The proposed exchange and potential boundary modification of the Red Rock National Conservation Area would help solve significant access issues, protect the viewshed, improve the NCA's administration, and enhance the conservation of a significant biological site and national treasure.

January 11, 2002
Page 2

The public lands targeted by the Howard Hughes Corporation lie within the disposal boundaries that were identified under the SNPLMA. The lands are between and immediately adjacent to Summerlin and the Red Rock National Conservation Area. While the lands could conceivably be auctioned off at some time in the future under the SNPLMA, we believe that this disposal option poses problems not only for the Howard Hughes Corporation in their planning for access and infrastructure to the public lands beyond their borders, but to the public as well. We are quite concerned that any development next to the Red Rock Conservation Area be done well and that it provide a smooth transition between existing Howard Hughes Summerlin property and the BLM's Red Rock National Conservation Area. The Howard Hughes Corporation appears committed to providing this transition in development of the targeted property..

We believe the case for pursuing this exchange with the Howard Hughes Corporation is compelling. The proposed land exchange lies within a small geographic area and will benefit southern Nevada. Specifically, we believe this exchange will benefit the management and resources of the Red Rock National Conservation Area.

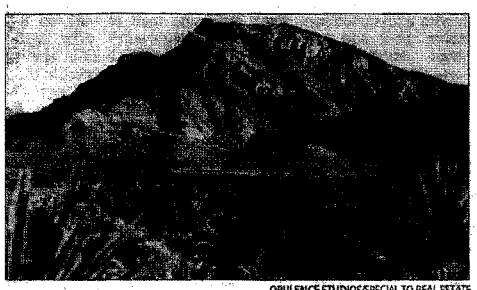
We appreciate the opportunity to provide our perspective on this issue. If you have any questions about this exchange, please have your staffs contact me.

Sincerely,

Ame Hellman
State Director

Las Vegas Review-Journal and Las Vegas Sun

Saturday, May 11, 2002



OPULENCE STUDIOS/SPECIAL TO REAL ESTATE

A mountain west of Las Vegas lies undeveloped.

Southern Nevada development extends beyond valley into hillsides

By NICK HALEY

REAL ESTATE WRITER

From Baro Canyon on Sunrise Mountain to Red Rock Canyon in the west, development has spread horizontally from one end of the Las Vegas Valley to the other.

While some developers are eyeing the remaining acreage in between the foothills that define the borders of Las Vegas, others already have begun to build vertically.

Still others have found another direction in which to build: diagonal. As in up those foothills.

Around the Las Vegas Valley are about 14,600 available acres with a 10-degree slope or greater — for developers, the working definition of hillside. For years, developers have ignored that acreage because of its remoteness, poor accessibility and the difficulty of developing such land.

Rich MacDonald saw the potential of Southern Nevada's slopes decades ago. In the 1970s, he purchased the land that would become his MacDonald Ranch master plan, which includes the MacDonald Highlands hillside luxury-home development on the southern end of Henderson. No one else wanted the rugged patch.

"This is land Green Valley didn't take because they thought it was too rocky. This turned out to be the best land out here," MacDonald said.

His pride recently came to fruition. As the first hillside community in Greater Las Vegas, MacDonald Highlands last week welcomed the opening of the third Street of Dreams luxury-home show. The show runs another five weeks.

Despite its size — MacDonald Highlands measures about 1,200 acres, or about two square miles — the community has precious few homes. With grades between 10 degrees and 25 degrees, the property can only accommodate about 560 lots.

That's the rub for home builders, who prefer to purchase land where they can, well, build more homes. Where customarily a builder can sell four to six single-family homes per acre in flat lands, they are lucky to sell one every 2 acres in hills with a 10-degree slope. As the slope increases, the number of homes per acre decreases.

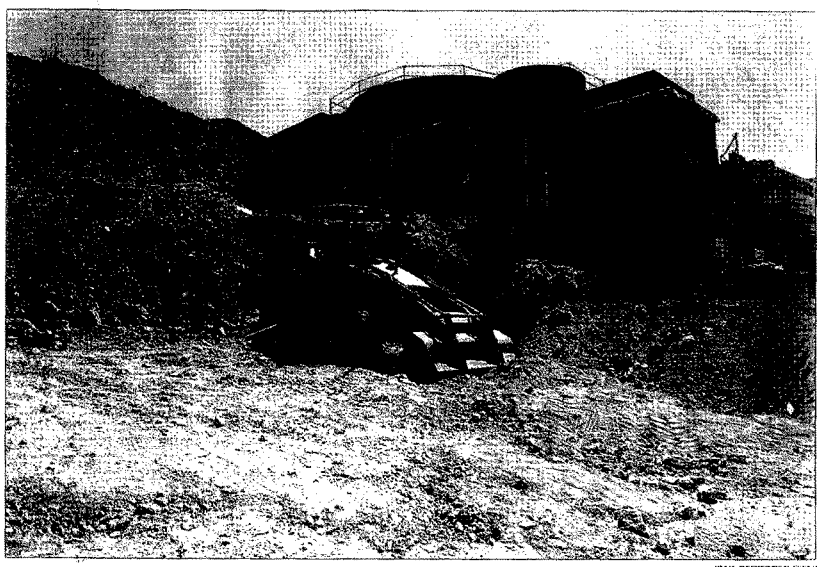
That, combined with the expertise and expense of developing the land, has kept development on flatter ground.

The greatest barrier to hillside development, however, is change, according to MacDonald. Local builders, he said, have always had the valley to develop, and therefore most don't understand how to work with the terrain.

"They just flatten pads out and they make them easy to

HILLSIDE DEVELOPMENT

Up-graded home sites



JIM K. DECKER/REAL ESTATE

Construction equipment carves out a home site at MacDonald Highlands, Southern Nevada's first hillside community.

build on," MacDonald said. "With (hillside terrain), you terrace just a bit and you build with the hillside.

"I've had people come out (to MacDonald Highlands) when it just opened and say, 'You can't build out here, there's a slope on it.'

"They don't understand. They don't know how to work with it, so they don't."

Henderson leads region in development standards

Constant growth and dwindling land supplies, however, eventually will force developers to reconsider, according to Mary Kay Peck, director of community planning for the city of Henderson. She said the city is well prepared for the day when the hills are alive with the sound of construction equipment.

"We're going to have hillside development and we want to be ready for it," she said.

Henderson is the only local government to enact a hillside ordinance, which has been in place since 1997. The policy specifies development standards ranging from how many houses can be built on a particular slope to what they should look like. The ordinance is designed to preserve the appearance of Henderson's hills, minimize impact on the surrounding environment and to allow standards that wouldn't be practical elsewhere.

"We have standards in the hillsides that you just don't have in flatlands," Peck said.

Almost everything is different. Roads are allowed to be narrower and steeper, driveways can be longer or even shared with a neighbor, and lot shapes deviate from the postage stamps most of us have. More typical in the hills is the "flag pole lot" that allows a slender road to access the home. Affected surrounding areas require not only replanting of vegetation, but revarnishing of surrounding soil to make the land look completely untouched. Some areas, particularly ridge lines and hilltops, are left untouched altogether.

All of these things require a little expertise.

"Everyone (locally) is used to flat land, where you just grade down the land. There aren't a lot of builders who know how to place a road on a hill without it looking like a scar," Peck said.

Before Henderson's hillside ordinance, builders made the land conform to their needs. Peck cites her own neighborhood, located within the Calico Hills community in northern Henderson, as an example of this older technique. Machines and explosives turned rising terrain into perfectly terraced home sites. The same floor plans that work in the middle of the valley can be used at Calico Hills.

Hillside lots add new dimension to homes

That's not the case on a

▶ SEE HOMES PAGE 8E

▸ HOMES: *Hillside development in the Las Vegas Valley*

CONTINUED FROM PAGE 1E

slope, MacDonald explained. While the home's foundation is still level, the rising land around the home affects design, requiring changes to use the land to full advantage.

He said that the lot is still terraced, just not as much. The developer doesn't dig as deeply, but rather takes a little dirt from the higher end of the lot and deposits it on the lower end. This disturbs the terrain less, gives the home a more discreet yet distinctive look, and it's cheaper because it involves digging surface dirt, rather than underlying rock.

"In this valley, you've got 3-5 feet of dirt, tops. Then you hit rock," MacDonald said.

This approach literally adds a new dimension for home builders, according to Greg Gevorkian, one of the participants in the Street of Dreams show. A builder must use a one-of-a-kind floor plan on a hillside home site, because nothing else will fit.

"It takes a lot of thought and planning ... You have to be careful what you're doing," Gevorkian said, pointing out that an inexperienced developer can literally cut the value out of property by overgrading it. "You don't want to ruin property like this. I've seen that happen before."

Where Gevorkian saw it was in Southern California, where he lived before moving to Nevada five years ago. There he built almost exclusively on hillside properties. Hard ones. The kind that often required helicopters just to pour the foundation. The kind that rise higher than the lot is long.

"By the time I became a contractor, there was no flatland left (in Southern California). I had to learn to build on hillsides," Gevorkian said. "What we have (in Southern Nevada) is easy and fun to build."

He said local industry, and not just contractors, has a lot to learn. He is convinced, for instance, that local appraisers do not know how to value sloping terrain, views and unusual design features accurately, even in flatter custom-home developments. The difference, Gevorkian said, is more than a question of number crunching.

"How do you compare Bellagio to some smaller casino? By square footage? Of course not. There's more to it than just its size," he said.

Gevorkian prefers hillside lots over more terraced ones because, "You can have everything: a back yard, views from every room." He also enjoys coming up with styles that work well with the Southern Nevada terrain.

"It's important that they pay attention to hillside lots and come up with styles that work well with the environment," Gevorkian said.

MacDonald Highlands, for instance, is dotted with black volcanic rocks and high desert ground coverage, setting it apart from most of the valley.

It has man-made style requirements as well. The city mandates preservation of surrounding land, so homes at MacDonald Highlands must fit in with their environment. For citywide aesthetics, the homes, which (smog permitting) are visible from miles away, are designed to minimize visual impact. Desert-looking colors are required and architectural standards for contemporary styling are strictly enforced.

"It's sort of the opposite of what you see in Southern Italy, where everything is designed to stand out, or the Southern California look, where you have red barrel roofs," MacDonald said.

Master plan pushes for preservation

Across town, The Howard Hughes Corp., developer of the Summerlin master-planned community, has an even lower-impact look planned for its 1,071 acres in the foothills of the Spring Mountain Range — nothing.

The company has proposed a trade with the Bureau of Land Management that would turn the acreage near Brownstone Canyon over to the Red Rock Canyon National Conservation Area in exchange for a comparable value of land to the south of Summerlin's current boundaries.

Such an exchange requires Congressional approval and is expected to be voted on later this year.

Dan Van Epp, president of Hughes Corp., said the exchange will keep Summerlin from "clipping the mountain toes," which have served as an emblem of the community since its beginning. It will also re-draw the boundary between Summerlin and Red Rock along topographical lines, rather than just a straight line across a map.

"Since it's a conservation area, it just seems more rational to draw the boundaries where the topography breaks," Van Epp said.

Removed from Summerlin, Van Epp said the land could still serve as an open area for residents, offering hiking and biking opportunities.

Because the community has a long border with Red Rock on its mountainous side, there is very little hillside development planned, according to Van Epp. Only a few lots at Promontory Pointe, past the west end of Flamingo Road, are under way. A few developed areas, such as The Arbors village, are sloped, but less than 10 degrees.

Even within Summerlin's developed areas, Van Epp points out, the company has attempted to preserve ridges and unusual land shapes by turning them into open areas, such as linear parks or undisturbed pockets of desert within golf courses. Some such areas, he said, are useful to the community serving their natural purpose as drainage.

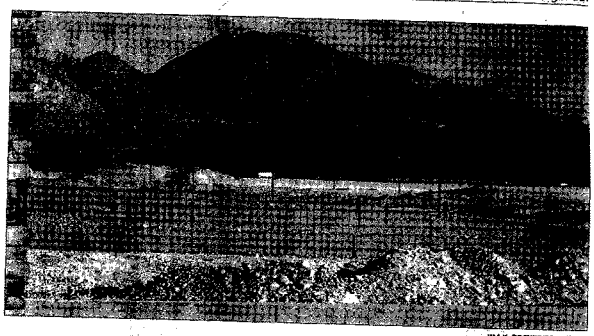
Other areas of Las Vegas have not benefited from this approach because they lack the proper scale of development, Van Epp said. Developers with smaller land holdings can ill afford to set aside large portions of their land to preserve natural features. For a development the size of Summerlin, roughly 22,500 acres, planning around the geography is relatively easy.

"That's the beauty of having a master-planned community. You can work with some of those beautiful topographic features."

Despite Summerlin's plans to avoid hills, Van Epp believes other parts of the valley may have excellent opportunities to develop into the hills.

"We're just getting to the edges of our valley and that provides us with new opportunities as we push against the foothills," Van Epp said. "It does, however, have to be done very sensitively. Although we haven't done a lot of it locally, there are a lot of neighboring (cities) who have done this and it's incumbent upon us to learn from them and approach this carefully.

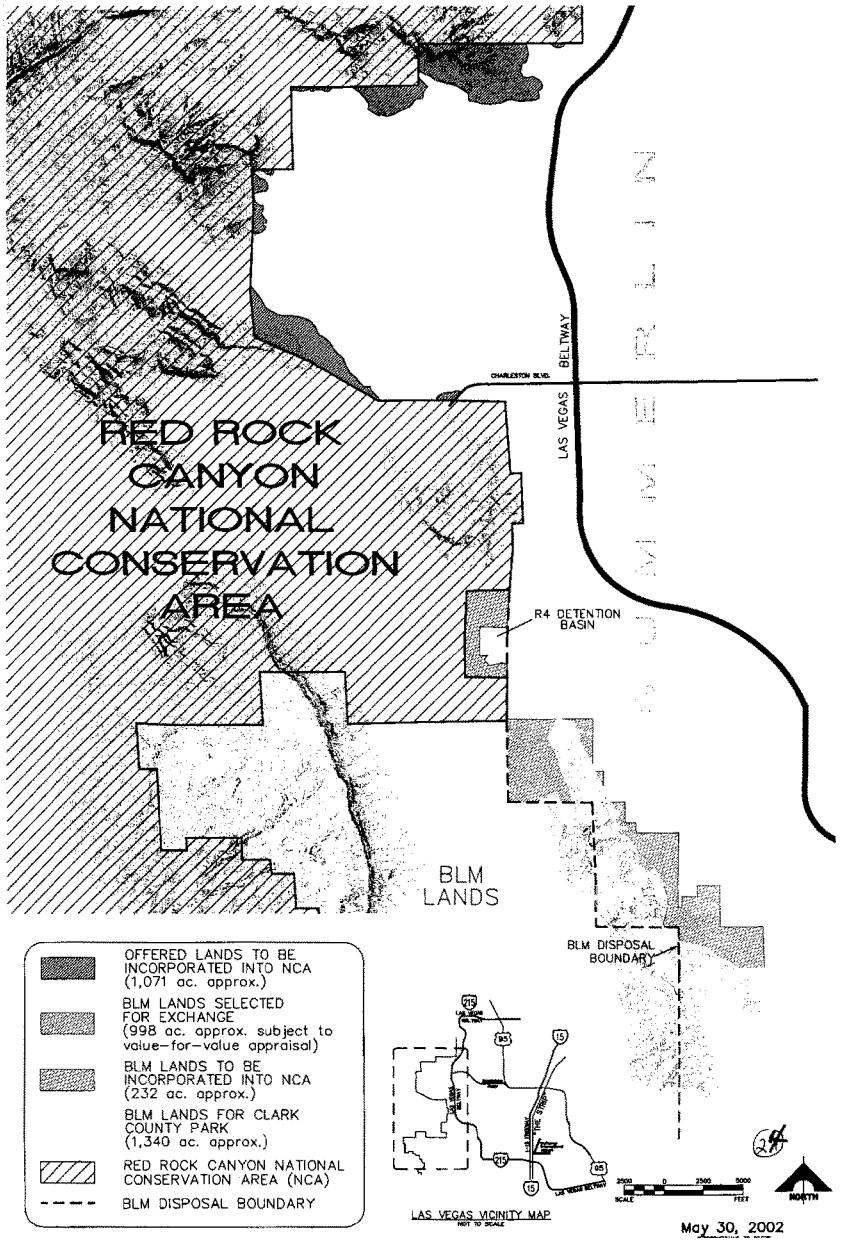
"There are many areas where you can incorporate them well, but in many areas, it's best just to set those lands aside. In Summerlin, we'd rather use (hillside property) for its beauty."



JIM K. DECKER/REAL ESTATE

Home construction approaches the western edge of the valley in Summerlin. A bill in Congress would authorize a land exchange between developer The Howard Hughes Corp. and the Bureau of Land Management, keeping homes from being built in the foothills of the Spring Mountains.

RED ROCK ENHANCEMENT ACT



Mr. GIBBONS. [Presiding] Mr. Van Epp, I wish everyone could follow you. That was, to the second, 5 minutes. Obviously you practiced that speech. As everyone heard, we have a vote underway. We have a little less than 10 minutes, probably between 5 and 10 minutes left.

Turn now to Crystal Altenbaumer. Welcome. The floor is yours. We look forward to your testimony.

STATEMENT OF CRYSTAL ALTENBAUMER, EXECUTIVE DIRECTOR, WILLIAM J. CLINTON BIRTHPLACE HOME, HOPE, ARKANSAS

Ms. ALTENBAUMER. Thank you, Mr. Chairman and members of the Subcommittee. I am going to make mine quick because I am freezing. So if my teeth start chattering, you will understand.

I appreciate the opportunity to testify in support of H.R. 3815, the Presidential Historic Site and Study Act. This legislation would authorize the Department of Interior to study the feasibility of designating the birthplace home of President William Jefferson Clinton in Hope, Arkansas as a national historic site. The house at 117 South Hervey Street in Hope, Arkansas is known as the Bill Clinton birthplace or the first home of the 42nd President of the United States. The Clinton Birthplace Foundation was established in 1993 as a nonprofit corporation to serve the historic preservation opportunities in President Clinton's home State. Currently the foundation is not affiliated with, sponsored by, or otherwise supported by the President of the United States or any official agency of the Federal Government.

One of the foundation's primary goals is to restore and preserve President Clinton's first home. President Clinton's grandparents, Edith and Eldridge Cassidy, purchased the home in 1938, and at that time the President's mother, Virginia, was in high school. During the next few years she met and married William Blythe. Virginia Cassidy Blythe was 3 months pregnant with her first child when her husband was killed in a car wreck during a business trip. Virginia lived in the house with her parents during the remainder of her pregnancy, giving birth to William Jefferson Blythe on August 19, 1946.

Virginia raised Billy in Hope with the help of her parents for the first 2 years of his life. After his second birthday, she left him in her parents' care to attend nursing school in order to be able to support herself and young son. Then in 1950 Virginia married Roger Clinton.

The home on 117 South Hervey Street is the property most directly associated with the teachings, values and benefits that have served President Clinton throughout his life and career. The Cassidys taught their young grandson by placing flash cards on the curtains and they would drill him over and over until he knew his numbers. They also taught him how to read newspapers by the time he was 4 years old. It was in this house that Bill Clinton spent his formative years learning to talk, walk, laugh, play, read, and pray. President Clinton has said he has great memories of living with his wonderful grandparents. President Clinton's grandfather owned a small grocery store in Hope, and despite the segregation laws at the time allowed people of all races to make pur-

chases on credit. The Cassidys taught their grandson that everyone should be treated equally. Clinton's statement "I still believe in a place called Hope" has given people of every race the inspiration to strive forward while paying tribute to the place where he learned life's lessons.

Through interpretive programs the Clinton birthplace and visitor center will seek to stimulate an interest in history and engender an understanding of what the past means to the present and the future. It has promoted the value of education and shows what education has done for President Clinton, making it an excellent field trip experience for school. It is seen as a strong historical and educational project that will attract a large number of public school children throughout the country.

Besides chronicling the life and times of Bill Clinton, the Clinton birthplace and visitor center recognizes and promotes the rich history, achievements and legacy of the region and State to show the impact of this environment on the young Bill Clinton. It serves as a tourist attraction promoting economic development throughout Hope, Hempstead County and southwest Arkansas.

The financial structure for this historic treasure has come from extensive fund-raising efforts, small grants and some funding from the Arkansas government. Citizens from throughout the Nation have supported the restoration program and have helped sustain the foundation and the birthplace home, many of them coming with multiyear pledges. Today the Clinton Birthplace Foundation operates on money raised from admissions, sales from gift shop and contributions from visitors and other interested parties. While the foundation is presently financially sound, cutbacks have been made where necessary to maintain operations while awaiting national park status. Other fund-raising efforts will be ongoing to establish the educational facilities at the center so the foundation can hand over to National Park Service a site already established as an educational, historic and tourist family attraction.

Mr. Chairman, I look forward to answering any questions the Committee may have.

[The prepared statement of Ms. Altenbaumer follows:]

Statement of Crystal Altenbaumer, Executive Director, William J. Clinton Birthplace Home, Hope, Arkansas, on H.R. 3815

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify in support of H.R. 3815, the Presidential Historic Site Study Act. This legislation would authorize the department of the Interior to study the feasibility of designating the birthplace home of President William Jefferson Clinton in Hope, AR as a national historic site. The house at 117 S. Hervey Street in Hope, AR is known as the Bill Clinton birthplace or the first home of the 42nd President of the United States.

Birthplace Foundation

The Clinton Birthplace Foundation was established in 1993 as a non-profit corporation to serve the historic preservation opportunities in President Clinton's home state. Currently, the Foundation is not affiliated with, sponsored by or otherwise supported by the President of the United States or any official agency of the Federal Government. One of the Foundation's primary goals is to restore and preserve President Clinton's first home.

History

In 1917, Dr. H.J.S. Garrett, who settled in Hope after living in France, built the structure located at 117 South Hervey Street in Hope, AR. Structurally, it is known as the American foursquare, a 2-°-story 2,100 square ft. building.

Virginia Cassidy's parents, Edith & Eldridge Cassidy, purchased the home in 1938, while Virginia was in high school. During the next few years she met & married William Blythe, a traveling salesman. Virginia Cassidy Blythe was three months pregnant with their first child when her husband was killed in a car wreck during a business trip. Virginia lived in the house with her parents during the remainder of her pregnancy, giving birth to William Jefferson Blythe on August 19, 1946.

Virginia raised Billy in Hope, with the help of her parents for the first two years of his life. After his second birthday she left him in her parents care to attend nursing school in New Orleans, LA, learning the trade of nurse anesthetist to support herself and young son. In 1950, Virginia married Roger Clinton.

The home on 117 S. Hervey Street is the property most directly associated with the teachings, values, and benefits that have served President Clinton throughout his life and career. The Cassidy's taught their young grandson to count by placing flash cards on the kitchen curtains and drilling him over and over the numbers while he was fed. They taught him how to read newspapers by the age of 4. It was in this house that Bill Clinton spent his formative years, learning to walk, talk, laugh, play, read & pray. President Clinton has said "he has great memories of living with his wonderful grandparents."

President Clinton's grandfather owned a small grocery store in Hope and despite the segregation laws of the time, allowed people of all races to make purchases on credit. The Cassidy's taught their grandson that everyone should be treated equally. Clinton's statement, "I still believe in a place called Hope," has given people of every race the inspiration to strive forward, while paying tribute to the place where he learned life lessons.

Foundation Mission and Purpose

Since Bill Clinton is the first President of the United States to be born after World War II, it is only fitting that plans for this birthplace museum are different from those honoring other Presidents. While many of these homes keep visitors in hallways behind ropes, the Clinton home features interactive exhibits.

The Foundation Board of Directors completed an in-depth development feasibility study in February 1995 for a proposed $1.5 million capital development program to restore the home. Interviews were conducted with individuals, businesses and foundations throughout Arkansas and the United States. The study indicated that the restoration program is viewed as a "win-win" situation for Hope and Arkansas with the benefits of increased tourism, positive public image, and historical preservation.

Through interpretive programs, the Clinton birthplace and visitors center will seek to stimulate an interest in history and engender an understanding of what the past means to the present and the future. It has promoted the value of education and shows what education has done for President Clinton, making it an excellent field-trip experience for schools. It is seen as a strong historical and educational project that will attract a large number of public school children throughout Arkansas, North Texas, Louisiana, and Southeast Oklahoma.

Besides chronicling the life and times of Bill Clinton, the Clinton birthplace and visitors center recognizes and promotes the rich history, achievements and legacy of the region and state to show the impact of this environment on the young Bill Clinton. It serves as a tourist attraction promoting economic development throughout Hope, Hempstead County, and Southwest Arkansas.

Restoration

Restoration of the birthplace home began in 1995, and was opened for visitation on June 1, 1997. Under the professional direction of Cromwell–Truemper–Levy–Thompson–Woodsmall, the foundation restored the home into a hands-on museum and has constructed a visitor's center. Visitors have relative open access to all parts of the home. In addition to the home serving as an interactive museum, the visitor's center features an exhibit area and educational facility. The entire complex is located on a half city block.

Funding

The financial structure for this historic treasure has come from extensive fundraising efforts, small grants and some funding from the Arkansas government. Citizens from throughout the nation have supported the restoration program. Personal and corporate contributions of varying amounts, all of them tax-deductible, have helped sustain the foundation and the birthplace home, many of them coming with multi-year pledges.

Today, the Clinton Birthplace Foundation operates on money raised from admissions, sales from the gift shop and contributions from visitors and other interested parties. While the foundation is presently financially sound, cutbacks have been

made where necessary to maintain operations while awaiting national park status. Fund-raisers are being planned to further develop the site and maintain the structure and facilities available now.

For example, the foundation is selling personalized bricks that will be placed adjacent to the Virginia Clinton Kelley Memorial Rose Garden, which will both help maintain the grounds while allowing citizens to have their names associated with the historic the site. Other fund-raising efforts will go to establish the educational facilities at the center so that the foundation can hand over to the National Parks Service a site already established as an educational, historic and tourist-friendly attraction. The foundation also has assuring that visitors will get the information about the home and family from residents of the area where the president spent his formative years.

Mr. Chairman, I look forward to answering any questions the Committee might have.

[Attachments to Ms. Altenbaumer's statement follow:]

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TEL. # (870) 777-2614
FAX # (870) 777-2378

May 30, 2002

CLINTON BIRTHPLACE FOUNDATION
P O BOX 1925
HOPE, AR 71801

DEAR BOARD MEMBER

We have compiled the accompanying statement of assets, liabilities, and equity for CLINTON BIRTHPLACE FOUNDATION as of , JUNE 30, 2000 and the related statement of revenue and expense for the one month and twelve months periods then ended, in accordance with Statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the cash basis of accounting. If the omitted disclosures and statements were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, equity, revenue and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

BWood

Buneva Wood
Certified Public Accountant

Buneva Wood, C.P.A.
Kevin Martin, C.P.A.

Jerrold E. Pruden, C.P.A.
Bob Willis, C.P.A.

CLINTON BIRTHPLACE FOUNDATION
BALANCE SHEET
AS OF
JUNE 30, 2000

	ASSETS	
CURRENT ASSETS		
CASH ON HAND	$ 105.00	
CASH-CNB-OPERATING	29,356.30	
CASH-CNB-MUSEUM	6,466.03	
CASH-FNB-GOVT.	40,515.07	
CASH-FNB-GOVT.-CD's	213,352.51	
CASH-CNB-CREDIT CARDS	182.50	
INVENTORY	17,778.50	
TOTAL CURRENT ASSETS		$ 307,755.91
FIXED ASSETS		
LAND	$ 16,000.00	
BELL DWELLING	65,000.00	
BELL HOUSE RENOVATION	67,586.82	
CLINTON HOME	143,075.83	
CLINTON HOME RENOVATION	136,881.04	
REAL ESTATE	151,655.00	
FURNITURE	397.31	
MEMORIAL GARDEN	45,212.44	
TOTAL FIXED ASSETS		$ 625,808.44
TOTAL ASSETS		$ 933,564.35
CURRENT LIABILITIES		
FICA & FEDERAL WITHHOLDING	$ 1,025.31	
STATE WITHHOLDING	170.40	
FUTA TAX LIABILITY	112.00	
SUTA TAX LIABILITY	185.66	
TOTAL CURRENT LIABILITIES		$ 1,493.37
EQUITY		
RETAINED EARNINGS	$ 497,300.71	
TOTAL EQUITY		$ 497,300.71
NET INCOME OR LOSS		$ 434,770.27
TOTAL LIAB & EQUITY		$ 933,564.35

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

CLINTON BIRTHPLACE FOUNDATION
INCOME STATEMENT
AS OF
June 30, 2000

	One Month		Twelve Months Ended	
	JUNE 30, 2000	Pct	JUNE 30, 2000	Pct
INCOME				
CONTR. INCOME-PUBLIC	$ 14,756.13	14.64	$ 17,245.16	3.19
CONTR. INCOME-GOVT.	83,166.08	82.50	500,000.00	92.39
MUSEUM ADMISSIONS	1,071.50	1.06	13,016.15	2.41
SHOP SALES	1,819.50	1.80	10,947.03	2.02
TOTAL INCOME	$ 100,813.21	100.00	$ 541,208.34	100.00
COST OF GOODS SOLD				
PURCHASES-GIFT SHOP	$ 12,963.43	12.86	$ 14,671.36	2.71
TOTAL COST OF GOODS SOLD	$ 12,963.43	12.86	$ 14,671.36	2.71
GROSS PROFIT	$ 87,849.78	87.14	$ 526,536.98	97.29
EXPENSES				
ADVERTISING	$ 100.18	0.10	$ 200.72	0.04
AUTO EXPENSE	576.62	0.57	866.62	0.16
BAD DEBTS AND CHECKS	0.00	0.00	3,850.00	0.71
BANK CHARGES	30.36	0.03	537.43	0.10
CONTRACT LABOR	842.60	0.84	8,851.17	1.64
DUES	0.00	0.00	240.00	0.04
GAS & OIL	(576.62)	(0.57)	0.00	0.00
GIFT SHOP INVENTORY	(294.35)	(0.29)	0.00	0.00
INSURANCE	0.00	0.00	5,640.75	1.04
INTEREST EXPENSE	0.00	0.00	45,576.71	8.42
JANITORIAL AND CLEANING	96.00	0.10	2,479.74	0.46
ACCOUNTING FEES	65.00	0.06	1,460.50	0.27
LANDSCAPING	0.00	0.00	309.78	0.06
MISCELLANEOUS	(19.90)	(0.02)	0.00	0.00
OFFICE EXPENSE	136.93	0.14	4,298.17	0.79
PAYROLL TAXES	403.85	0.40	3,118.63	0.58
POSTAGE	3,982.10	3.95	8,499.73	1.57
REPAIRS-BUILDING	0.00	0.00	2,603.59	0.48
REPAIRS-MAINTENANCE	0.00	0.00	1,449.21	0.27
SALARIES OTHERS	3,995.50	3.96	40,432.25	7.47
SPECIAL EVENTS EXPENSE	0.00	0.00	207.42	0.04
SUPPLIES & PRINTING	1,775.80	1.76	7,343.14	1.36
TAXES OTHER	(39.60)	(0.04)	0.00	0.00
TRAVEL & ENTERTAINMENT	1,026.87	1.02	2,685.85	0.50
TRAVEL-MEALS	0.00	0.00	185.00	0.03
TELEPHONE	142.53	0.14	1,467.36	0.27
UTILITIES	658.06	0.65	5,838.99	1.08
TOTAL EXPENSES	$ 12,901.93	12.80	$ 148,142.76	27.37
NET INCOME	$ 84,039.32	83.36	$ 434,770.27	80.33

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

Wood, Martin, Pruden & Willis
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FAX # (870) 777-2378

May 30, 2002

CLINTON BIRTHPLACE FOUNDATION
P O BOX 1925
HOPE, AR 71801

DEAR BOARD MEMBER

We have compiled the accompanying statement of assets, liabilities, and equity for CLINTON BIRTHPLACE FOUNDATION as of , JUNE 30, 2001 and the related statement of revenue and expense for the one month and twelve months periods then ended, in accordance with Statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the cash basis of accounting. If the omitted disclosures and statements were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, equity, revenue and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Buneva Wood
Certified Public Accountant

Buneva Wood, C.P.A.
Kevin Martin, C.P.A.

Jerrold E. Pruden, C.P.A.
Bob Willis, C.P.A.

CLINTON BIRTHPLACE FOUNDATION
BALANCE SHEET
AS OF
JUNE 30, 2001

ASSETS		
CURRENT ASSETS		
PETTY CASH	$ 300.00	
CASH ON HAND	305.00	
CASH-CNB-OPERATING	3,630.91	
CASH-CNB-MUSEUM	4,197.65	
CASH-FNB-GOVT.	4,860.87	
CASH-FNB-GOVT.-CD's	168,724.77	
INVENTORY	23,860.89	
TOTAL CURRENT ASSETS		$ 205,880.09
FIXED ASSETS		
LAND	$ 16,000.00	
BELL DWELLING	65,000.00	
BELL HOUSE RENOVATION	119,149.52	
CLINTON HOME	143,075.83	
CLINTON HOME RENOVATION	236,973.34	
FURNITURE	7,721.61	
LAND IMPROVEMENTS	19,339.00	
MEMORIAL GARDEN	49,871.58	
EQUIPMENT	781.02	
TOTAL FIXED ASSETS		$ 657,911.90
TOTAL ASSETS		$ 863,791.99
CURRENT LIABILITIES		
FICA & FEDERAL WITHHOLDING	$ 570.08	
FEDERAL WITHHOLDING	372.00	
STATE WITHHOLDING	148.68	
SUTA TAX LIABILITY	176.30	
TOTAL CURRENT LIABILITIES		$ 1,267.06
EQUITY		
RETAINED EARNINGS	$ 932,070.98	
TOTAL EQUITY		$ 932,070.98
NET INCOME OR LOSS		$ (69,546.05)
TOTAL LIAB & EQUITY		$ 863,791.99

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

CLINTON BIRTHPLACE FOUNDATION
INCOME STATEMENT
AS OF
June 30, 2001

	One Month		Twelve Months Ended	
	JUNE 30, 2001	Pct	JUNE 30, 2001	Pct
INCOME				
CONTR. INCOME-PUBLIC	$ (631.03)	(4.01)	$ 1,452.47	3.94
MUSEUM ADMISSIONS	1,553.50	9.88	10,006.23	27.12
SHOP SALES	3,112.94	19.79	13,531.77	36.67
SPECIAL EVENTS INCOME	0.00	0.00	375.00	1.02
OTHER INCOME	1,114.46	7.08	0.00	0.00
INTEREST INCOME	10,580.90	67.26	10,913.75	29.58
MEMBERSHIP DRIVE	0.00	0.00	20.00	0.05
GAIN ON SALE OF ASSET	0.00	0.00	600.00	1.63
TOTAL INCOME	$ 15,730.77	100.00	$ 36,899.22	100.00
COST OF GOODS SOLD				
PURCHASES-GIFT SHOP	$ (2,416.99)	(15.36)	$ 6,082.39	16.48
TOTAL COST OF GOODS SOLD	$ (2,416.99)	(15.36)	$ 6,082.39	16.48
GROSS PROFIT	$ 18,147.76	115.36	$ 30,816.83	83.52
EXPENSES				
ADVERTISING	$ 0.00	0.00	$ 33.05	0.09
BANK CHARGES	74.99	0.48	581.64	1.58
CONTRACT LABOR	(829.00)	(5.27)	6,782.44	18.38
DUES	250.00	1.59	908.75	2.46
GAS & OIL	0.00	0.00	261.25	0.71
INSURANCE	1,503.75	9.56	5,727.00	15.52
INTEREST EXPENSE	231.30	1.47	231.30	0.63
JANITORIAL AND CLEANING	109.14	0.69	1,303.92	3.53
ACCOUNTING FEES	150.00	0.95	5,570.50	15.10
LANDSCAPING	0.00	0.00	103.09	0.28
MISCELLANEOUS	0.00	0.00	175.00	0.47
OFFICE EXPENSE	(2,178.43)	(13.85)	(453.93)	(1.23)
OVER AND SHORT	2,572.89	16.36	2,572.89	6.97
PAYROLL TAXES	327.46	2.08	4,080.91	11.06
PERMITS AND LICENSE	0.00	0.00	163.00	0.44
POSTAGE	202.00	1.28	1,118.01	3.03
REPAIRS-BUILDING	708.74	4.51	990.87	2.69
REPAIRS-MAINTENANCE	(1,799.00)	(11.44)	889.24	2.41
SALARIES OTHERS	3,726.00	23.69	49,133.11	133.15
SUPPLIES & PRINTING	(1,874.00)	(11.91)	7,559.31	20.49
TRAVEL & ENTERTAINMENT	0.00	0.00	1,854.24	5.03
TRAVEL-MEALS	0.00	0.00	521.71	1.41
TELEPHONE	174.48	1.11	2,532.36	6.86
UTILITIES	674.36	4.29	7,723.22	20.93
TOTAL EXPENSES	$ 4,024.68	25.58	$ 100,362.88	271.99
NET INCOME	$ 14,123.08	89.78	$ (69,546.05)	(188.48)

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

Wood, Martin, Pruden & Willis
Certified Public Accountants

507 S. MAIN STREET
TEL. # (870) 777-8284
FAX # (870) 777-6671

P. O. BOX 1179
HOPE, ARKANSAS 71802-1179

114 S. ELM STREET
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May 30, 2002

CLINTON BIRTHPLACE FOUNDATION
P O BOX 1925
HOPE, AR 71801

DEAR BOARD MEMBER

We have compiled the accompanying statement of assets, liabilities, and equity for CLINTON BIRTHPLACE FOUNDATION as of , APRIL 30, 2002 and the related statement of revenue and expense for the ten months periods then ended, in accordance with Statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the cash basis of accounting. If the omitted disclosures and statements were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, equity, revenue and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

BWood

Buneva Wood
Certified Public Accountant

Buneva Wood, C.P.A.
Kevin Martin, C.P.A.

Jerrold B. Pruden, C.P.A.
Bob Willis, C.P.A.

CLINTON BIRTHPLACE FOUNDATION
BALANCE SHEET
AS OF
APRIL 30, 2002

ASSETS		
CURRENT ASSETS		
PETTY CASH	$ 300.00	
CASH-CNB-OPERATING	4,430.60	
CASH-CNB-MUSEUM	8,438.82	
CASH-FNB-GOVT.-CD's	110,539.57	
CASH-CNB-CREDIT CARDS	(182.50)	
INVENTORY	23,860.89	
TOTAL CURRENT ASSETS		$ 147,387.38
FIXED ASSETS		
LAND	$ 16,000.00	
BELL DWELLING	65,000.00	
BELL HOUSE RENOVATION	119,149.52	
CLINTON HOME	143,075.83	
CLINTON HOME RENOVATION	236,973.34	
FURNITURE	7,721.61	
LAND IMPROVEMENTS	19,339.00	
MEMORIAL GARDEN	49,871.58	
EQUIPMENT	781.02	
TOTAL FIXED ASSETS		$ 657,911.90
TOTAL ASSETS		$ 805,299.28
CURRENT LIABILITIES		
FICA & FEDERAL WITHHOLDING	$ 577.76	
FUTA TAX LIABILITY	2.00	
SUTA TAX LIABILITY	10.36	
TOTAL CURRENT LIABILITIES		$ 590.12
EQUITY		
RETAINED EARNINGS	$ 862,526.27	
TOTAL EQUITY		$ 862,526.27
NET INCOME OR LOSS		$ (57,817.11)
TOTAL LIAB & EQUITY		$ 805,299.28

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

CLINTON BIRTHPLACE FOUNDATION
INCOME STATEMENT
AS OF
April 30, 2002

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	10 Months Ended Apr. 30, 2002
INCOME					
SALES	$ 1,054.67	$ 233.04	$ 0.00	$ 0.00	$ 1,287.71
CONTR. INCOME-PUBLIC	410.00	460.00	1,808.00	150.00	2,828.00
MUSEUM ADMISSIONS	3,240.00	2,002.25	1,736.50	688.50	7,667.25
SHOP SALES	2,277.42	2,280.39	2,868.49	681.90	8,108.20
OTHER INCOME	(93.18)	35.18	(1,150.93)	359.93	(849.00)
INTEREST INCOME	33.78	2.95	0.00	0.00	36.73
TOTAL INCOME	$ 6,922.69	$ 5,013.81	$ 5,262.06	$ 1,880.33	$ 19,078.89
COST OF GOODS SOLD					
PURCHASES-GIFT SHOP	$ 581.18	$ 1,444.06	$ 1,277.20	$ 361.26	$ 3,663.70
TOTAL COST OF GOODS SOLD	$ 581.18	$ 1,444.06	$ 1,277.20	$ 361.26	$ 3,663.70
GROSS PROFIT	$ 6,341.51	$ 3,569.75	$ 3,984.86	$ 1,519.07	$ 15,415.19
EXPENSES					
ADVERTISING	$ 0.00	$ 0.00	$ 177.00	$ 0.00	$ 177.00
BANK CHARGES	154.45	100.03	218.58	55.56	528.62
CONTRACT LABOR	5,336.00	5,127.00	2,174.00	1,275.23	13,912.23
CONTRIBUTIONS	0.00	0.00	0.00	50.00	50.00
DUES	79.00	64.00	158.00	79.00	380.00
INSURANCE	1,503.75	1,503.75	1,503.75	0.00	4,511.25
JANITORIAL AND CLEANING	272.85	141.60	525.53	70.80	1,010.78
ACCOUNTING FEES	410.00	480.00	940.00	0.00	1,830.00
OFFICE EXPENSE	481.03	926.52	1,631.05	216.84	3,255.44
OVER AND SHORT	0.00	305.00	0.00	0.00	305.00
PAYROLL TAXES	818.35	736.48	547.41	171.24	2,273.48
POSTAGE	344.68	219.59	183.49	71.73	819.49
REPAIRS-BUILDING	3,465.00	70.00	646.00	64.53	4,245.53
REPAIRS-MAINTENANCE	2,694.21	256.00	354.14	1,479.15	4,783.50
SALARIES OTHERS	8,769.19	6,749.99	6,749.99	2,076.92	24,346.09
SUPPLIES & PRINTING	992.60	666.12	165.80	544.20	2,368.72
TAXES OTHER	178.10	0.00	0.00	0.00	178.10
TELEPHONE	1,070.52	601.13	533.62	164.16	2,369.43
UTILITIES	2,698.95	1,665.49	1,134.38	388.82	5,887.64
TOTAL EXPENSES	$ 29,268.68	$ 19,612.70	$ 17,642.74	$ 6,708.18	$ 73,232.30
NET INCOME	$ (22,927.17)	$ (16,042.95)	$ (13,657.88)	$ (5,189.11)	$ (57,817.11)

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

Mr. GIBBONS. Absolutely perfect. Folks, I am going to have to leave to go do the vote process, the process to which I was elected to this office. It is going to preclude me from asking questions. I would like to submit written questions to the witnesses from the Committee to be answered and submitted back to the Committee for our benefit. I am sure all of you will agree that should we submit questions to you that you would be willing to supply answers to them for the record on the Committee.

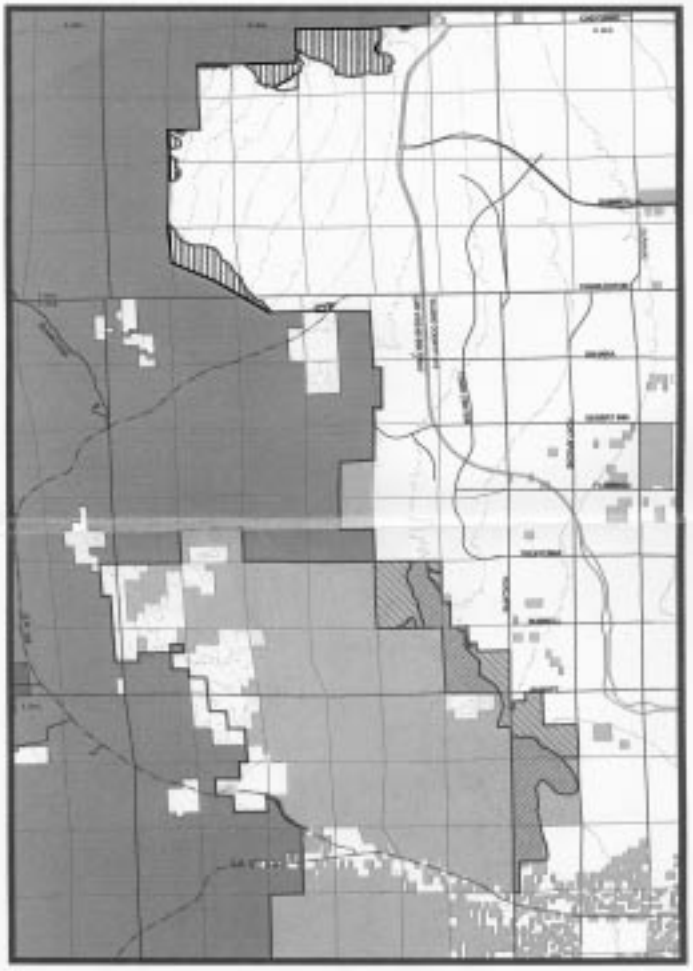
Mr. GIBBONS. Also for Committee purposes, I would like to submit for the record a boundary modifications map dated May 24, 2002 for H.R. 4141 and the Red Rock Enhancement Act map dated March 15, 2002 for the record.

Mr. GIBBONS. With that, I want to thank you. I know that there were expectations of answering and two-way dialog here, but unfortunately I do not control the floor schedule and the vote has taken precedent. And I would like to thank you, excuse the witnesses, and bring this hearing to a close.

[Whereupon, at 4:10 p.m., the Subcommittee was adjourned.]

[The maps submitted for the record follow:]

H.R. 4141 - Boundary Modifications
May 24, 2002



Land Managed by BLM
Private Land
Nevada State Park
State Highway
Las Vegas Beltway
Other Roads

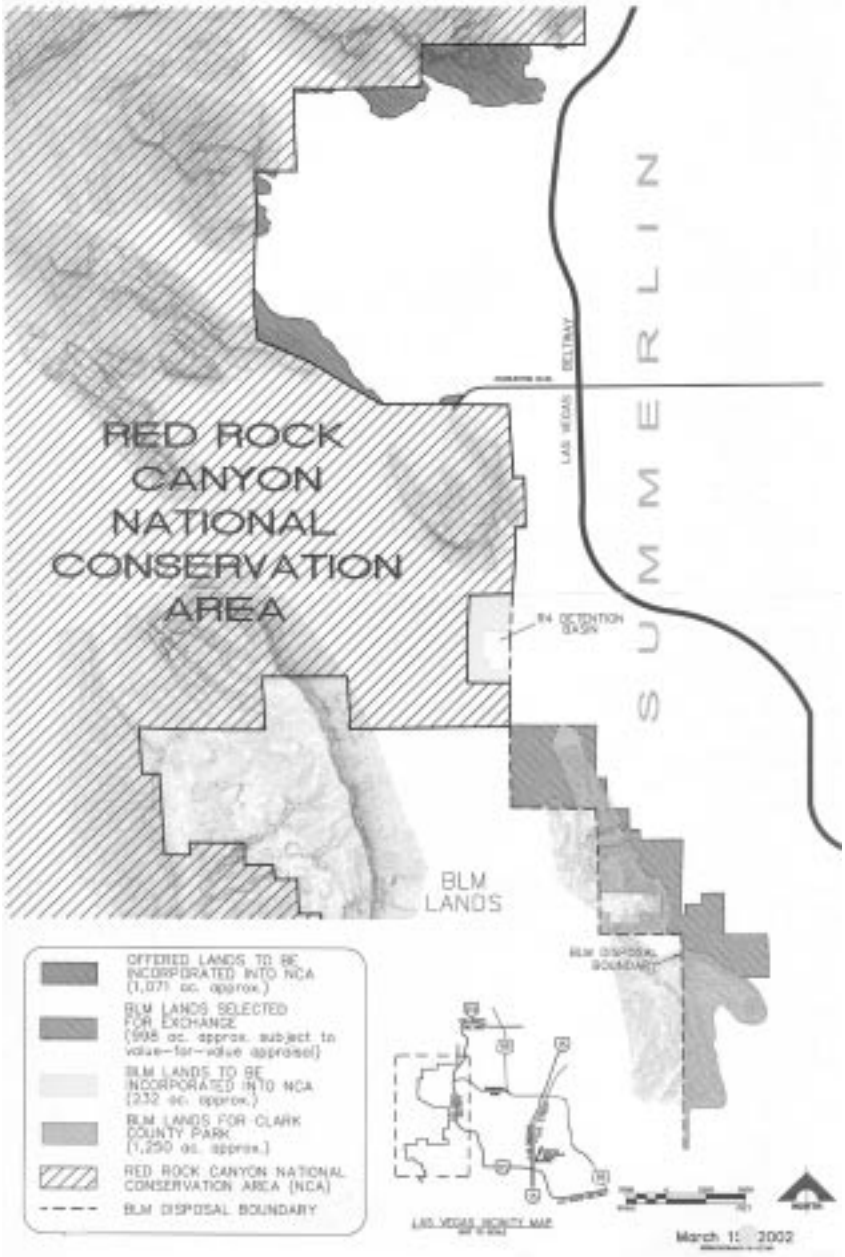
Offered Lands To Be Incorporated Into NCA
BLM Lands For Clark County Park
BLM Lands Selected For Exchange
Red Rock National Conservation Area

Map prepared by
Bureau of Land Management
Nevada State Office - Reno

Scale 1:200,000

0.5 0 0.5 1 Miles

RED ROCK ENHANCEMENT ACT



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