H.R. 2534, H.R. 4530 and H.R. 4822

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

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 2534, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A SPECIAL RESOURCE STUDY OF THE LOWER LOS ANGELES RIVER AND SAN GABRIEL RIVER WATERSHEDS IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES; H.R. 4530, TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING THE BLUE RIDGE HERITAGE AND CULTURAL PARTNERSHIP STUDY AREA IN NORTH CAROLINA, AND FOR OTHER PURPOSES; AND H.R. 4822, TO CLARIFY THAT THE UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT DOES NOT INCLUDE WITHIN ITS BOUNDARIES ANY PRIVATELY OWNED PROPERTY, AND FOR OTHER PURPOSES.

Thursday, June 13, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 10:02 a.m., in room 1324, Longworth House Office Building, Hon. George P. Radanovich [Chairman of the Subcommittee] presiding.

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

Mr. RADANOVICH. Good morning. The Subcommittee on National Parks, Recreation, and Public Lands will come to order. The Subcommittee will hear testimony on H.R. 2534, H.R. 4530, and H.R. 4822.

Our first bill, H.R. 2534, introduced by our Subcommittee colleague, Representative Hilda Solis of California, which would authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California.

Mr. RADANOVICH. The next bill, H.R. 4530, introduced by Representative Charles Taylor of North Carolina, would direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Blue Ridge Heritage and Cultural Partnership Study Area in western North Carolina as a National Heritage Area.

Mr. RADANOVICH. Our last bill, H.R. 4822, introduced by our Committee colleague Dennis Rehberg of Montana, would clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property.

Mr. RADANOVICH. Before turning my time over to Mrs. Christensen, I would ask unanimous consent that Mr. Taylor and Mr. Rehberg be permitted to sit on the dais following their statements. Without objection, so ordered.

While we are doing unanimous consents, I would request unanimous consent that the following documents that I have would be submitted for the record on behalf of Congressman Rehberg. Hearing no objection, so ordered.

[The prepared statement of Mr. Radanovich follows:]

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

Good morning. The hearing will come to order. The Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on three bills, H.R. 2534, H.R. 4530, and H.R. 4822.

The first bill, H.R. 2534, introduced by our Subcommittee colleague Representative Hilda Solis of California, would authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California.

The next bill, H.R. 4530, introduced by Representative Charles Taylor of North Carolina, would direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Blue Ridge Heritage and Cultural Partnership Study Area in western North Carolina as a National Heritage Area.

Our last bill, H.R. 4822, introduced by our Committee colleague, Dennis Rehberg of Montana, would clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property.

Before turning the time over to Mrs. Christensen, I would ask unanimous consent that Mr. Taylor and Mr. Rehberg be permitted to sit on the dais following their statements. Without objection [PAUSE], so ordered.

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

LONG ARM OF THE GOVERNMENT RANKLES WESTERN LANDOWNERS

ANGER INFORMS BUSH REVIEW OF CLINTON MONUMENT DESIGNATIONS

BY ERIC PIANIN

WASHINGTON POST STAFF WRITER

SUNDAY, APRIL 29, 2001; PAGE A05

ESCALANTE, Utah—Quinn Griffin has peacefully raised cattle on a remote plateau of Federal land here for decades, but when he missed a deadline for removing his herd last summer, U.S. government cowboys swooped down in helicopters and airlifted his cows off the mountain.

The government auctioned off some of his cattle, threatened to put him out of business, and then sent him a $50,000 bill to cover its costs.

Griffin, a businessman and civic leader in southern Utah's picturesque Grand Staircase–Escalante region, says the government's action would have been unthinkable at one time. But all that changed after the Clinton administration declared the vast, rugged area a national monument four years ago.

"It's a serious situation when they take your cattle and sell them without giving you a chance," Griffin said. "Everybody here believes this is happening because of the monument."

Griffin's complaint about Federal heavy-handedness has echoes across the West. As the government heightens its role as manager over an increasing expanse of Federally protected land, the volume of complaints by landowners is rising. People who have lived in remote, sprawling areas such as the Grand Staircase all their lives, or who moved to them in search of solitude or a feeling of independence, bristle at what they say are Federal efforts to micromanage their lives and restrict access to the land.

"They've tightened the reins, but the people around here weren't ready for it because they were used to going their own way," said Sharol Bernardo, who operates a motel and gift shop. "And believe me, this town likes to go its own way."

It is that sentiment that President Bush and Vice President Cheney are tapping into when they talk about their roots in the West, and the endless possibilities and rugged individualism suggested by its vast open spaces. It is helping to guide the Administration as it examines whether to undo some of former president Bill Clinton's actions, on land use as well as the environment.

Many of the grievances are reminiscent of the "sagebrush rebellion" of the 1970s and 1980s, when Western conservatives raised the battle cry against what they deemed excessive Federal control of land. They were given new life as the Clinton administration vastly expanded the government's reach.

Over the last four years, Clinton made unprecedented use of the 1906 Antiquities Act to establish 19 national monuments in areas his administration deemed unique or historic. Tough restrictions were imposed on commercial and recreational activities on nearly 6 million acres of Federal land.

Bush has ordered a review of Clinton's actions. Western property owners, local officials and environmentalists are watching what happens in the Grand Staircase—the first and most controversial of the monument designations—for signs of what direction Bush will take. Although the Administration has said an outright repeal is unlikely, it is considering shrinking the size of some areas and easing rules governing private activity.

The Grand Staircase is a tableau of rust-hued mountain cliffs, mesas, desert and wild rivers. The 1.9 million-acre monument contains a vast geological stairway to the West, rising 5,500 feet to the rim of Bryce Canyon. Pioneering geologist Clarence Dutton first dubbed it the Grand Staircase. Farther to the east, the massive Kaiparowits Plateau and the Canyons of the Escalante are rich in history and archaeological and geological wonders.

The monument designation in September 1996 had a dramatic impact. Local officials, businessmen and residents complain that, in the name of preserving the area's natural beauty, the Federal Government has imposed overly restrictive grazing policies and hampered recreational activities.

They also say the government effectively torpedoed plans by a Dutch mining company to open a coal mine that would have created hundreds of jobs. Within two years of Clinton's decision, Andalex Resources Co. sold its leases on 34,000 acres of land to the Federal Government for nearly $17 million, according to officials with the Bureau of Land Management (BLM), which administers Federal lands.

Small business operators say excessive regulation has hurt them. Sue Fearon, an outfitter in nearby Boulder, Utah, who offers guided tours of the area's red rock canyons, says some competitors have gone out of business since the BLM limited the size of camping groups to 12 and barred horses from coming within 200 feet of a river or stream, to prevent pollution.

"Gradualism gets you every time, and if I'm gradually being forced out, let's be up front about it," Fearon said. "I'm afraid that after the cows go, commercial interests like mine are next."

BLM officials and environmental groups describe the Grand Staircase as an unfolding success story. They note that at the same time precious natural resources are being protected, tourism has doubled, to nearly 1 million visitors annually.

"Although the controversy is heated initially, over time these places prove their value and become popular," said monument manager Kate Cannon. "The Grand Canyon and Grand Teton initially were monuments with a great deal of controversy around them, and now they are some of the best-loved pieces of protected land."

At the core of the complaints about Federal intrusiveness is the proclamation issued by Clinton for governing the monument region. Rather than seeking to cultivate the Grand Staircase as a national park, and therefore encourage its accessibility to tourists, hikers and sportsmen, the BLM's principal mandate is to protect natural resources and limit the amount of commercial activity around the areas.

The land bureau's staff has nearly doubled, to 65 employees, over the past four years, and many have little experience working with residents of the provincial and insular area. In the past, the skeletal land management workforce tended to be lax or flexible in enforcing grazing and other regulations. Now the officials closely adhere to the rules, which has created hard feelings.

Residents complain that many jobs sparked by the monument's creation are low-paying and that what added tourism there has been—the number of visitors tapered off last year during a heat wave—has brought little benefit to the economy.

"Tourism is a hard row to hoe, and if making beds, cleaning toilets and flipping pancakes makes it, we would have made it a long time ago," said Joe C. Judd, Chairman of the Kane County Commission.

The fight over grazing that led the Federal Government to airlift Quinn Griffin's cattle off the plateau was as much a clash of values and customs as a battle over the specific terms of the government's grazing permits. The three ranchers involved—Griffin, a local businessman and former teacher; his uncle, Gene Quinn; and Mary Bullock—have raised cattle on 50 Mile Mountain, a remote plateau near Escalante, for decades.

Griffin, 49, was born in Provo, Utah, 150 miles to the north. He grew up in Escalante and returned here to marry and raise a family of six children after attending high school in Elko, Nev.

The soft-spoken Griffin has taught classes at a church, dabbled in real estate and helped launch a community-based campaign to expand educational opportunities. But like his father before him, he has devoted much of his energy to raising cattle on the plateau.

Mountaintop grazing is challenging and risky because the weather is uncertain and cattle are difficult to control and move on and off the mountain. Yet Griffin and others cling to the practice because of the challenge and the solitude.

"It's remote. You're by yourself," he said. "Sometimes during the winter, you're the only people around for 30 miles. If you like to be on a horse, that's the place to be."

When the BLM last spring ordered the three ranchers to cut short their grazing season by a month and remove nearly 400 head of cattle in an effort to preserve the land, they balked, then tried to comply. By then, however, the bureau had swept in with cowboys on horseback and in helicopters, and accused the three of bad faith.

BLM officials say they extended the Sept. 1 deadline but eventually were forced to act to uphold the terms of the grazing permits and to prevent the cattle from destroying the vegetation. Griffin and Bullock contend they were singled out as part of a broader effort to end grazing on the plateau.

Several environmental groups allied with the BLM, including the Southern Utah Wilderness Alliance and the Grand Canyon Trust, oppose grazing on 50 Mile Mountain and many other areas of the monument. Some environmentalists say the relatively cheap grazing permits issued by the government are a form of welfare to ranchers and a detriment to the land.

The Grand Canyon Trust, a preservation group, has been buying grazing permits of ranchers along the Escalante River and its tributaries, which abut 50 Mile Mountain. Last May, before the controversy erupted, Cannon, the monument manager, urged Bullock to consider selling her grazing permit to the Grand Canyon Trust.

Bullock contends that the BLM began its crackdown as punishment after she rejected entreaties from the Grand Canyon trust to discuss selling her permit—a contention that bureau and trust officials deny. "They want my ranch, so they just beat me up to sell it," she said.

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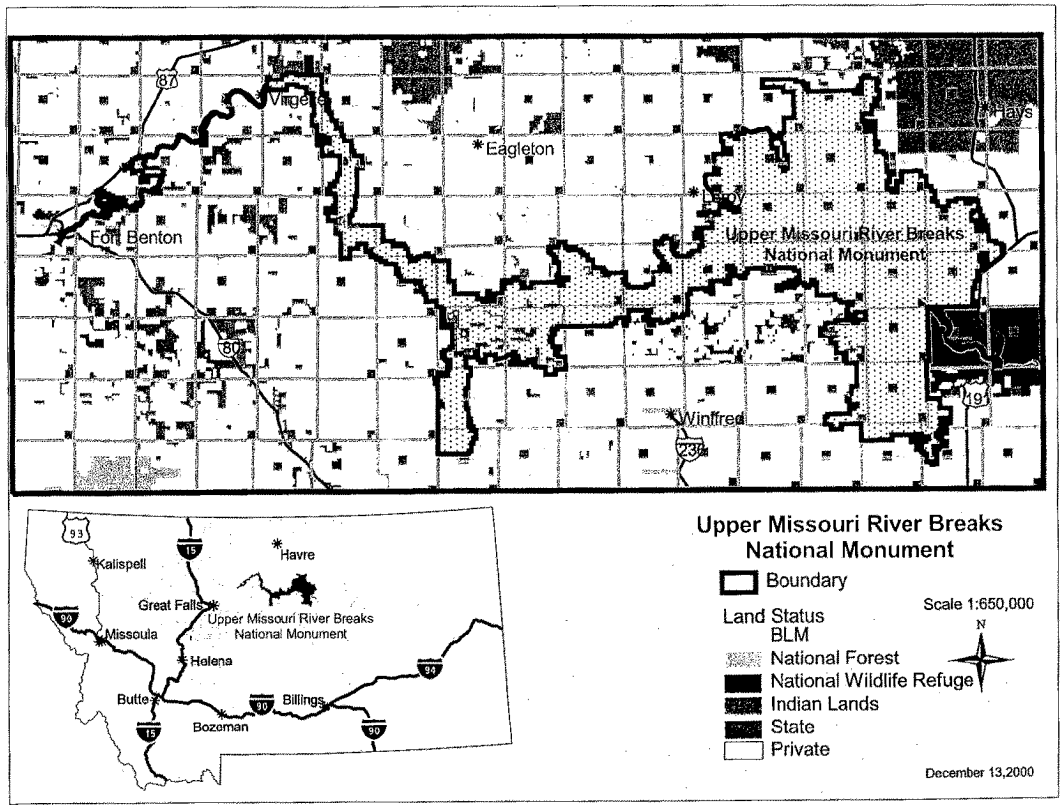
[The documents submitted for the record by Mr. Radanovich follow:]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National Monument
Boundary
Land Status
BLM
National Forest
National Wildlife Refuge
Indian Lands
State
Private
Scale 1:650,000
N
December 13,2000

May 21, 2002

The Honorable Denny Rehberg
United States Congressman
516 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rehberg:

We are writing to thank you for your previous efforts in representing private landowners within the Missouri River Breaks National Monument and to request that you continue efforts on behalf of these individuals by introducing legislation to fully address their concerns.

As you know, landowners living within our four counties have expressed considerable concern about their land being included inside the boundary of the Missouri River Breaks National Monument. This has been particularly troubling because this action was taken by President Clinton via an executive order in January of 2001 without prior consent or consultation. As local representatives of these landowners, we feel it is our responsibility to continue to voice these concerns.

While we recognize and appreciate your efforts in working with the Bush Administration to administratively remedy these concerns on behalf of private property owners, we believe that it would also be useful to introduce legislation to ensure that the official Monument proclamation map conforms to the letter of the Antiquities Act of 1906. The Antiquities Act clearly holds that private land is not to be included as part of the Monument. Therefore, we see no reason why private land should be included in the Monument's boundary in the official proclamation map.

Once again, we wish to express our appreciation for your efforts on behalf of private property owners in our counties. Thank you, in advance, for your consideration of our request.

Sincerely,

Carl Seilstad
Carl Seilstad
Fergus County Commissioner

Arthur Kleinjan
Art Kleinjan
Blaine County Commissioner

Harvey Worrall
Harvey Worrall
Choteau County Commissioner

Carol Kienenberger
Carol Kienenberger
Phillips County Commissioner

Great Falls Tribune online

"Bold lines should be drawn inside the Breaks"

Great Falls Tribune Editorial, June 9, 2002

U.S. Rep. Denny Rehberg was on the hustings in the past week, arguing generally for private property rights and specifically on behalf of 127 private landowners within the boundaries of the Upper Missouri River Breaks National Monument.

The Billings Republican is seeking support for his bill to put a new document in the Bureau of Land Management's map drawer -- a map that includes official boundary lines around the private land within the monument. He's also seeking re-election.

To refresh your memory, President Clinton, three days before leaving office last year, designated 377,000 federal acres including and surrounding the 25-year-old Wild and Scenic River corridor as a national monument. The monument's boundaries encompass 81,000 more acres of private land and 39,000 more acres of state land. However, those acres, by law, are not part of the designated monument.

In spite of that exclusion, many of the people who own the private land -- called "inholdings" -- are not satisfied that their interests are sufficiently protected. As a result, they've sought to have official boundary lines drawn around their inholdings. A different color on the map wasn't sufficient, they felt. They want heavy boundary lines clearly depicting which land is private and which is public.

At first, it appeared the lines could be drawn administratively by the BLM, with the blessing of Interior Secretary Gale Norton. But then the agency's lawyers advised against messing with a presidential proclamation. Now Rehberg wants to make the change legislatively.

As a matter of fact, we don't see why anyone should have a serious problem with that.

...As near as we can tell, the only thing that would change under the legislation is what it would take to add land, through purchase by the government, to the designated monument. Today, such land could be added to the monument without much ado; under Rehberg's bill, Congress would have to approve the addition -- something Rehberg figures would attract little opposition....

In addition to a clear map they can hold up when a tourist wanders onto their land, what the landowners are seeking is anything that might give them more leverage down the road in the event the larger public's interest doesn't square with their own. If a bold line around their inholdings accomplishes that, then they want a bold line around their inholdings.

After all, Rehberg said, "The argument of 'for the greater good of the country' happens a lot." And that, Rehberg said, is why he introduced the legislation. "I'm doing this for the concept of private property rights."

We don't see much of a down side to that; the original framers of the monument shouldn't either.

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"Rehberg Bill Seeks To Aid Ranchers In Breaks"

May 24, 2002

By Monique Balas

WASHINGTON - When Gladys Walling and her husband, Tom, bought their Fergus County ranch more than 30 years ago, they did not expect to worry about the federal government's authority over their 320 acres of land.

But that's what they have been doing since President Bill Clinton included thousands of acres of private land in the boundaries of the Upper Missouri River Breaks National Monument in his final days as president. To help people like the Wallings, Rep. Denny Rehberg, R-Mont., introduced legislation in the House late Wednesday directing the Interior Department to remove all private land from the monument territory.

The Missouri River Breaks encompasses a total of 497,000 acres along 149 miles of the Upper Missouri River and the adjacent Breaks country. Of the total, 377,346 acres are federal land and 38,654 acres are state land. Private holdings totaling 81,000 acres in Chouteau, Blaine, Phillips and Fergus counties are now included within its borders.

"Local property owners and county commissioners have asked for my help to correct this abuse of private property rights," Rehberg said. "It is on their behalf that I introduced legislation this week to correct the hastily drawn boundaries to reflect the legally guaranteed rights of the private property owners."

Rehberg prepared the legislation months ago but was asked to hold off by the Department of the Interior, spokesman Dallas Lawrence said. Interior officials thought they might be able to remove private lands from the monument boundaries administratively but recently told Rehberg it would be better to work through legislation instead, Lawrence said.

Under the Clinton proclamation, private land included in the monuments still belonged to the owners. Rehberg's bill would require the monument to contain only state and federal land within its borders and require the Interior secretary to keep a map with the reclassified boundaries available for public inspection.

Walling said she learned of Clinton's proclamation only after it was enacted in January 2001.

- Rehberg Bill Seeks To Aid Ranchers In Breaks Continued

"We immediately checked with neighbors to find out what in the world we could do," Walling said. "We can't figure out why our land should be included. It just doesn't make sense."

She said Gov. Judy Martz organized a task force on behalf of the landowners, which advised her on the situation. Martz then sent her own recommendations to Interior Secretary Gale Norton shortly before Sept. 11. Since the terrorist attacks, however, the situation has been put on hold. Officials at the Bureau of Land Management said they would work with governors of affected states in the coming months.

"Congressman Rehberg is raising some important concerns about state land and private land inside the proclamation boundary, and we certainly look forward to working closely with Congress and with state and local officials to put the best land management plans together," said a spokesman from the Interior Department.

"The monument is here and we're not fighting that," Walling said. "We just don't want to have our land included in the monument."

Although the monument's rules say visitors "must have permission from the landowner before entering onto private property," Walling is concerned about people trespassing.
And she has other concerns.

"Right now, I think that it would be devastating to the value of the land," she said. "I can't imagine anyone buying our land in the monument, because of the fact that the government may come along and changes rules and regulations of the land within the boundary."

Closing access roads and government-enforced condemnation are other worries. "We just don't know what could come in the future," Walling said.

A hearing on the bill is expected in mid-June.

Mr. RADANOVICH. With that, I would like to turn to the Ranking Member, Mrs. Christensen, for any opening statement that you may have.

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

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. As you said, we are going to be considering three unrelated bills this morning. I would like to welcome our colleagues here this morning.

The first bill, H.R. 2534, sponsored by our friend and Subcommittee colleague, Representative Solis, authorizes the Secretary of the Interior to study the feasibility and suitability of establishing a unit of the National Park System which would include parts of the Lower Los Angeles and San Gabriel Rivers, as well as a portion of the San Gabriel Mountains. The study area would include parts of Los Angeles and Orange Counties as well as parts of the city of Los Angeles.

We look forward to hearing from our witnesses on some of the very unique issues raised by using such an urban setting for a unit of the National Park System. We congratulate Representative Solis on the legislation and we are really happy that your bill is having a hearing today.

Our next bill, H.R. 4530, would direct the Secretary of the Interior to conduct a study of the suitability and feasibility of creating a National Heritage Area encompassing much of Western North

Carolina. The study proposed by H.R. 4530 would help to better understand the unique resources of the region and, thus, its appropriateness as a National Heritage Area. The bill also calls for identification of a potential management authority for the Heritage Area which is dedicated to working in partnership with residents, business interests, nonprofit organizations, and local and State governments to promote the area.

As we are all aware, the process for the creation of new Heritage Areas continues to be an issue before this Committee. In our view, each new Heritage Area proposal should be reviewed carefully, particularly during the consideration of Mr. Hefley's larger legislation.

Finally, the bill H.R. 4822, introduced by Mr. Rehberg, provides that the Upper Missouri Breaks National Monument shall not include within its exterior boundaries any privately owned properties. I hope today's hearing will help to clear up some of the misunderstandings that I think have surrounded this national monument.

Two points need to be stressed. First, that including private land within the exterior boundary does not make that land a part of the national monument, and on that point, both the monument proclamation and the Antiquities Act are clear. Second, neither the monument proclamation or the Antiquities Act give the BLM any authority to subject these lands to regulation and management as a part of the national monument.

There has been a lot of focus on the Upper Missouri Breaks boundary map, which contained Federal, State, and private lands. This map reflects the fact that public lands are intermingled with State and private lands in many sections and that monument features bisect all of these lands. This is not uncommon. Intermingled public and private lands are common in the West. Numerous national monuments and national forests have such intermingled public and private lands. Members will need to look closely at H.R. 4822. The legislation calls into question not only the exterior boundary of the Upper Missouri Breaks National Monument, but also the basis for the boundaries of numerous national monuments and national forests around the country.

Mr. Chairman, I appreciate the presence of our witnesses here this morning and look forward to their insights on the legislation we are going to consider.

Mr. RADANOVICH. Thank you, Mrs. Christensen.

I will now recognize Representative Solis from California to speak on her bill, or for your opening statement, I should say.

STATEMENT OF HON. HILDA L. SOLIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. SOLIS. Thank you, Mr. Chairman. I really appreciate the opportunity to have this hearing today and want to thank you and your staff for working with us on being able to see that this day has actually come about. So I want to thank you personally and I also want to recognize our Ranking Member, Donna Christensen, and members of the Committee.

I would like to just express again my optimism to see this bill come to fruition. Some of you may know that this bill is something very, very special and unique to those of us in Southern California.

While I am representing the 31st Congressional District, I do believe that the impact will have more of a profound effect on many thousands of Southern Californians who could possibly enjoy the potential for a National Park Service in this particular area.

H.R. 2534, the Lower Los Angeles and San Gabriel Rivers Watershed Study Act, would direct the National Park Service to study the Lower Los Angeles River and the San Gabriel River and portions of the San Gabriel Mountains for potential National Park Service designation. The bill would provide the framework for the future of our regional rivers and could eventually provide recreational and environmental opportunities for more than two million people.

Rivers and mountains have served as the lifeblood of the San Gabriel Valley since the Gabrieleno Indian Tribe first settled there many centuries ago. However, over time, the area has been threatened by development, industry, and even abandonment. I am hopeful that this bill will serve as the first step in redefining the San Gabriel Valley and exploring ways that we can protect and revitalize our natural resources.

My community is presently made up of about 60 percent Hispanic population, about 30 percent Asian population, and the remainder other. We experience extremely high levels of unemployment rates and would also say that, for the most part, people might think that folks in our district may not care about the environment. That could be far away from the truth, because many folks in our district do care very much about the environment and the quality of life there.

However, I want to also explain that our district is nestled with three Superfund sites, each within the radius of 31 miles, 17 gravel pits that resemble moon craters—if you were to take a drive through my district, you would note that—and a watershed that is among the dirtiest in the nation. One of our priorities is preserving and cleaning up the environment. The Park Service designation would benefit some of the poorest of our society who breathe polluted air and live next to congested freeways. This will allow our children to enjoy and learn about our natural resources.

According to a recent study by the University of Southern California's Sustainable Cities Program, three to four acres of open or green space are needed per 1,000 people for a healthy environment. Unfortunately, in my district, in this area, there is less than one-half acre of land per 1,000 people. I fear that this statistic will become more alarming as the population in Los Angeles and Southern California dramatically doubles. Lack of open space does not just mean decreased recreational opportunities. As you know, areas without open or green space have greater incidence of cardiovascular disease, asthma, diabetes, infant mortality, birth defects, and even cancer.

I am concerned that if recreational opportunities and natural resources are ignored in the Valley, our children will grow up at greater risk of health problems, completely surrounded by superhighways and concrete buildings. Open and green space is a precious commodity in my region. It needs to be protected and preserved and more should be done to make it available. If we wait too long, we may not have this ability or opportunity to do this.

The National Park Service now operates several urban parks that are similar to the area that I am requesting to be studied, so this is not a first-time approach. I would point out that in the communities of Atlanta in Georgia, we have urban parks, the heart of the New York metropolitan area, the San Francisco, California area, and the Twin Cities metropolitan area in Minnesota. These are all urban parks. The study could be the foundation for a park that would follow the lead of these original urban parks and provide working families in these communities with the environmental and recreational opportunities that over-development often prevents.

The need to revitalize our rivers and improve our recreational opportunities inspired the creation of nine local conservancies already that exist in that area. One, I had the opportunity to work on, which is the Los Angeles River and Mountains Conservancy, which currently falls pretty much along the line of where we see the National Park Service conducting the study. The conservancies are charged with cleaning up abandoned areas, buying and preserving what is left of our natural beauty, and revitalizing the area and providing recreational and educational opportunities for residents.

Most will tell you that their biggest challenge is finding enough money to fulfill their mission to preserve this type of area. That is where the Federal Government can play a big role, and with the potential of the National Park Service, we can help to revitalize these areas. In addition to providing funding, preservation, and recreational sites, it will also protect historically and nationally significant areas, and I want to point out maybe two items there.

In the communities of the San Gabriel Valley, back in the 1930's, Franklin Delano Roosevelt established what they call Rurban Homesteads, and what that meant was that people that were on limited income, that were below the poverty level, that had jobs that made anywhere from $600 to $1,000 a month, were still considered poor and did not have enough money or food items to supplement their families with. So through the Federal Government, these homesteads were established and one still exists alongside of the San Gabriel River. So that is one historical site that is currently there.

The other thing that I want to bring to your attention is what we call the eagle indentation that is found on a rock that is known as Eagle Rock in the city of Los Angeles. The existence there goes way back to 15 million years. That is a historical site, as well, and also to mention that the Gabrieleno Indian Tribe made their home in the San Gabriel Valley. So I would say that there are many, many artifacts, historical sites that help to contribute to the rationale for establishing this type of national park survey.

I would also want to bring to your attention that in the area known as Whittier Narrows Recreation Area along the San Gabriel River, there are over 296 species of birds, 230 types of plants, and 24 kinds of animals. As you can see, this is a very lively area. We have, if I might share with the members, also photographs of the area because I know there may be some questions with regard to the highly urbanized area, and there are some open spaces on that river, believe it or not. I have had the opportunity to participate in different activities there, in cleanup projects, but also to expose

most of our young people and children to the geological as well as the historical facets of that particular area.

I just want to close by saying that this is a very personal project. Having grown up in the area and having not had the ability as a young child to go out to far places like Yosemite and Sequoia National Forests where other folks in my community may have had the opportunity, but because of our family status at the time, we were limited to going within an hour, an hour-and-a-half away from our homes, and many families continue to enjoy the uniqueness of this area.

So with that, I would thank the Chairman and our members of the Committee for their time and would also, just to close, ask for unanimous consent to submit any letters of endorsement and letters from my colleagues in other cities that are supporting this legislation.

Mr. RADANOVICH. Any objection?

[No response.]

Mr. RADANOVICH. So ordered. Thank you very much.

Ms. SOLIS. Thank you very much.

[The prepared statement of Ms. Solis follows:]

Statement of The Honorable Hilda L. Solis, a Representative in Congress from the State of California

Mr. Chairman, Ranking Member Christian–Christensen, and Members of the Committee, I would like to thank you for holding this important hearing today and giving me the opportunity to testify on this bill which means so much to my community.

H.R. 2534, the Lower Los Angeles and San Gabriel Rivers Watershed Study Act, would direct the National Park Service to study the Lower Los Angeles River, the San Gabriel River and portions of the San Gabriel Mountains for potential NPS designation. This bill could provide the framework for the future of our regional rivers and could eventually provide recreational and environmental opportunities for more than two million residents.

Rivers and mountains have served as the lifeblood of the San Gabriel Valley since the Gabrieleno Indian Tribe first settled there many centuries ago. However, in the modern age, the area has been threatened by development, industry and neglect. I am hopeful that this bill will serve as the first step in redefining the San Gabriel Valley and exploring ways that we can protect and revitalize our natural resources.

My community is 60% Latino and 30% Asian. We have an extremely high unemployment rate and most would assume that our main concern is putting food on our tables. However, with three Superfund sites within 31 miles, 17 gravel pits that resemble moon craters, and a watershed that is among the dirtiest in the nation, one of our priorities is the environment. The Park Service designation would benefit some of the poorest of our society who breathe polluted air and live next to superhighways. This will allow our children to enjoy and learn about our natural resources.

According to the University of Southern California's Sustainable Cities Program, three to four acres of open or green space are needed per 1,000 people for a healthy environment. Unfortunately, in the San Gabriel Valley, there is less than one half acre of land per 1,000 people. I fear that this statistic will become more alarming as the population of Los Angeles dramatically increases in the coming years. Lack of open space doesn't just mean decreased recreational opportunities. As you know, areas without open or green space have greater incidences of cardiovascular disease, asthma, diabetes, infant mortality, birth defects and cancer.

I am concerned that if recreational opportunities and natural resources are ignored in the San Gabriel Valley, our children will grow up at greater risk of health problems, completely surrounded by superhighways and concrete buildings. Open and green space is a precious commodity in my region; it needs to be protected and preserved, and more should be added as it becomes available. If we wait too long, we may not have the ability to even consider a measure like this one.

The National Park Service now operates several urban parks that are similar to the area I am requesting to be studied, such as those in Atlanta, GA, the heart of

the New York Metropolitan area, San Francisco, CA, and the Twin Cities Metropolitan Area in Minnesota. This study could be the foundation for a park that will follow the lead of these original urban parks and provide working families in my community with the environmental and recreational opportunities that over-development often prevents.

The need to revitalize our rivers and improve our recreational opportunities inspired the creation of nine local conservancies in the Los Angeles area that are kept afloat by state, local and private funds. These conservancies are charged with cleaning up abandoned areas, buying and preserving what is left of our natural beauty, revitalizing the area and providing recreational and educational opportunities for residents. Most will tell you that their biggest challenge is finding enough money to fulfill their mission and preserve their work. This is where we can help.

Federal input and future potential designation by the National Park Service will help these groups restore the San Gabriel Valley for both the environment and recreation. In addition to providing funding, preservation and recreational areas, it will also protect several historically and nationally significant areas.

The El Monte Rurban Homesteads are one example of a historically significant area. In 1933, many citizens of Los Angeles County had an annual family income that was only between $600 and $1,000, even though they were employed. President Franklin Roosevelt devised a program to build simple homes on small plots of land that could be intensely cultivated in order to supply the families with their major food requirements. These were known as subsistence homesteads—also called "rurban" homes in recognition of their rural and urban nature. Some of these homesteads still stand on the banks of the San Gabriel River today. They were the beginning of the government's effort to help families devastated by the Depression and also the inspiration for modern public housing.

Another example of this region's significance is a natural formation known as Eagle Rock in the San Gabriel Mountains. According to geologists, the rock and its eagle-like indent were formed about 10 to 15 million years ago. This area was first inhabited by the Gabrieleno Indian Tribe and has served as a site for church ceremonies, educational hikes and community events for centuries. The famed bandit Tiburcio Vasquez also occupied the rock in the days before his final robbery and capture in 1874.

There are some areas that are also havens for hikers, bird watchers, and other nature enthusiasts. In just one area, the Whittier Narrows Recreation Area, along the San Gabriel River there are 296 species of birds, 230 types of plants and 24 kinds of animals. In the San Gabriel Mountains, the river runs close to wild. Anglers can still catch trout, bass, bluegill, carp, catfish and other varieties in the San Gabriel or its lakes.

By protecting our past, we can also help to preserve the future. The Lower Los Angeles River, San Gabriel River and San Gabriel Mountains provide many historically and nationally significant areas that deserve the protection of the National Park Service. Most importantly, these areas provide the potential for recreational, educational and open space opportunities that our families deserve.

I thank the Chairman, Ranking Member and the Committee for your time and would be happy to answer any questions.

Mr. RADANOVICH. Any other opening statements?

[No response.]

Mr. RADANOVICH. If not, we will go to our first panel then. Our first panel includes the Honorable Charles Taylor representing the 11th District from North Carolina here to speak on H.R. 4530 and also the Honorable Denny Rehberg, who represents the entire State of Montana, speaking on H.R. 4822.

Mr. Rehberg, we will begin with you. Welcome to your Committee and please begin your testimony.

STATEMENT OF HON. DENNIS REHBERG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. REHBERG. Thank you, Mr. Chairman. We are here today to debate an issue as old as our republic. In fact, the issues before us deal very much with the same concerns that led our Founding

Fathers to declare their independence from an overbearing monarchy almost 300 years ago.

In the late-night hours of January 17, 2001, President Clinton and Interior Secretary Bruce Babbitt created the Upper Missouri River Breaks National Monument, encompassing nearly 400,000 acres of Federally owned land. With less than 90 hours remaining in his Presidency, the Administration did not consult the Congressional delegation, the Governor, or the private property owners whom the Act would directly affect. In fact, Mr. Chairman, landowners have still yet to be formally notified by the U.S. Government that they are inside the boundary, almost a year and a half after the proclamation.

In the rush to complete the Executive Order, more than 80,000 acres of private property were included within the boundaries of the new monument. Ranchers and farmers that have worked the same land for generations awoke to find their family farms scooped up inside the boundary of an enormous new Federal monument. Let there be no mistake, Mr. Chairman. The Federal Government's decision to include the 80,000 acres of private land in the monument's boundary sends one clear and unmistakable message to the families involved: Washington wants your land.

The Antiquities Act of 1906 states that lands included in a monument "shall be confined to the smallest area compatible with the proper care and management of the object to be protected." This provision of the Antiquities Act was deliberately ignored in this case of this monument. As you can clearly see from the map in the front of the room, and why do you not turn the map so they can see it—as you can clearly see, private property is indicated by the fluorescent pink color. Private property was included not for proper care and management of the monument, but for future acquisition and inclusion in the monument. Officials at the BLM have stated as much publicly.

My point in bringing this to the Committee's attention is that it indicates a blatant abuse of the Antiquities Act, that the inclusion of more than 80,000 acres of private property represents, and frankly, it ultimately brings into question the legality of the monument. But my point in coming before the Committee today and in introducing this legislation is not to question the legality of the monument. I support the monument. Rather, I am here to represent the landowners in my State who wish to be taken out of its boundaries.

These landowners have asked me, their representative, to stand up and defend their private property rights, and today, I am heeding their call for action in much the same spirit as Nobel Laureate August Von Hayek spoke almost 60 years ago to the day, on the eve of the final collapse of the German government in World War II, Mr. Von Hayek reminded future generations that private property is the most important guarantee of freedom, not only for those who own property but for those who do not.

Mr. Chairman, my legislation has only one effect in its desired outcome that rightly heeds the warnings of the past by safeguarding our rights for the future. H.R. 4822 respects the private property rights of fourth and fifth generation ranchers and farmers who have appealed to my office to remove their lands from the

monument boundary. The legislation before the Committee today does not change the size of the Federal monument by one square inch, nor does it limit the amount of land accessible to the public. My bill would simply remove private property from within the boundary of the monument.

As various lobbying organizations from Washington, D.C., and Montana have geared up for the debate over the legislation, one fact seems to have been tossed aside in the stampede to ignore the rights of those affects. None of the folks opposed to my legislation are personally impacted by the monument. In fact, the minority witness we will hear from today lives outside the monument boundary. As H.R. 4822 does not alter the size of the Federal monument by one square inch, the minority testimony is not only irrelevant, it is a direct affront to the private property rights of those within the boundary pleading for this Congress to act.

Mr. Chairman, H.R. 4822 has the unanimous support of locally elected county commissioners representing the Upper Missouri River Breaks National Monument. H.R. 4822 has the strong support of Governor Martz. The largest daily newspaper in the region, the Great Falls Tribune, long an advocate for the monument, editorialized this past week in support of my legislation. Quoting now from the editorial, "In addition to a clear map they can hold up when a tourist wanders onto their land, what the landowners are seeking is anything that might give them more leverage down the road in the event the larger public interest does not square with their own. We do not see much of a downside to that. The original framers of the monument should not either."

Most importantly, Mr. Chairman, this legislation has the strong support of the private landowners who are actually affected. In the end, that should be all that matters to this Committee and the Congress. H.R. 4822 will keep the entire monument intact, allow for complete public access, and uphold the constitutionally guaranteed private property rights of the landowners upon whose behalf I stand today. Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Rehberg.

[The prepared statement of Mr. Rehberg follows:]

Statement of The Honorable Dennis R. Rehberg, a Representative in Congress from the State of Montana

Mr. Chairman, we are here today to debate an issue as old as our Republic. In fact, the issues before us deal very much with the same concerns that led our founding fathers to declare their independence from an overbearing monarchy almost three hundred years ago.

In the late-night hours of January 17th, 2001, President Clinton and Interior Secretary Bruce Babbitt created the Upper Missouri River Breaks National Monument—encompassing nearly 400,000 acres of Federally owned land.

With less than ninety hours remaining in his Presidency, the Administration did not consult with the Congressional Delegation, the Governor or the private property landowners whom the Act would directly affect. In fact, Mr. Chairman, landowners still have yet to be formally notified by the U.S. government that they are inside the boundary—almost a year and a half after the proclamation.

In the rush to complete the executive order, more than 80,000 acres of private property were included within the boundaries of the new Monument. Ranchers and farmers that have worked the same land for generations awoke to find their family farms scooped up inside the boundary of an enormous new Federal monument.

Let there be no mistake, Mr. Chairman. The Federal Government's decision to include more than 80,000 acres of private land in the Monument's boundary sends one

clear and unmistakable message to the families involved: "Washington Wants Your Land".

The Antiquities Act of 1906 states that lands included in a monument, quote, "shall be confined to the smallest area compatible with the proper care and management of the object to be protected..." This provision of the Antiquities Act was deliberately ignored in the case of this Monument. As you can clearly see from the map at the front of the room,—private property is indicated by the fluorescent pink color—private property was included not for proper care and management of the Monument, but for future acquisition and inclusion in the Monument. Officials at the BLM have stated as much publicly.

My point in bringing this to the Committee's attention is that it indicates the blatant abuse of the Antiquities Act that the inclusion of more than 80,000 acres of private property represents. And, frankly, it ultimately brings into question the legality of the Monument. But my point in coming before the Committee today and introducing this legislation is not to question the legality of the Monument. I support the Monument. Rather, I am here to represent the landowners in my state who wish to be taken out of its boundaries. These landowners have asked me, their Representative, to stand up and defend their private property rights, and today I am heeding their call for action in much the same spirit as Nobel Laureate August Von Hayek spoke almost sixty years ago to the day. On the eve of the final collapse of the German government in World War II, Mr. Von Hayek reminded future generations that: "private property is the most important guarantee of freedom, not only for those who own property, but for those that do not."

Mr. Chairman, my legislation has only one affect and it is a desired outcome that rightly heeds the warnings of the past by safeguarding our rights for the future. H.R. 4822 respects the private property rights of fourth and fifth generation ranchers and farmers who have appealed to my office to remove their lands from the Monument boundary. The legislation before the Committee today does not change the size of the Federal Monument one square inch—nor does it limit the amount of land accessible to the public. My bill would simply remove private property from within the boundary of the Monument.

As various lobbying organizations from Washington, D.C. and Montana have geared up for the debate over this legislation, one fact seems to have been tossed aside in the stampede to ignore the rights of those affected: none of the folks opposed to my legislation are personally impacted by the Monument boundary. In fact, the minority witness we will hear from today lives outside the Monument boundary. As H.R. 4822 does not alter the size of the Federal Monument by one square inch, the minority testimony is not only irrelevant, it is a direct affront to the private property rights of those within the boundary pleading for this Congress to act.

Mr. Chairman, H.R. 4822 has the unanimous support of locally elected county commissioners representing the Upper Missouri River Breaks National Monument. H.R. 4822 has the strong support of Governor Martz. The largest daily newspaper in the region, the Great Falls Tribune, long an advocate for the Monument, editorialized this past week in support of my legislation. Quoting now from the editorial: "In addition to a clear map they can hold up when a tourist wanders onto their land, what the landowners are seeking is anything that might give them more leverage down the road in the event the larger public interest doesn't square with their own...We don't see much of a downside to that, the original framers of the Monument shouldn't either."

Most importantly Mr. Chairman, this legislation has the strong support of the private landowners who are actually affected. In the end, that should be all that matters to this Committee and the Congress.

H.R. 4822 will keep the entire Monument intact, allow for complete public access and uphold the Constitutionally guaranteed private property rights of the landowners upon whose behalf I stand today.

Mr. RADANOVICH. Mr. Taylor, please begin your testimony, if you would, and welcome to the Committee, on H.R. 4530.

STATEMENT OF HON. CHARLES TAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. TAYLOR. Mr. Chairman, as a former member of this Subcommittee back when we operated on stone years ago, I am pleased to be here with you in support of H.R. 4530, to authorize a study of the Blue Ridge National Heritage Area.

The study will not call for condemnation of further land in Western North Carolina, which I am against. It will not call for any additional purchase of government land. But it will allow us to have a study of the cultural assets and hopefully direct the residents and guests how most to effectively observe and visit those assets.

The Blue Ridge and Great Smokey Mountains of North Carolina remain the most biologically diverse temperate environments on earth and have a rich cultural heritage. Prominent features include Mount Mitchell, the highest mountain in the Eastern United States; America's first National First, the Pisgah; the Nantahala, a National Forest and the Cradle of Forestry, the first School of Forestry; and the Great Smokey Mountains National Park and the Blue Ridge Parkway.

Western North Carolina also has the richest culture in the Southeast. Famous for its distinctive style in weaving, pottery, jewelry, woodwork, and music, the mountainous region of North Carolina is a melting pot of different cultures. Craftspeople in the area account for a large portion of the economy. The Biltmore House, the Johnson Farm, and the Cherokee Reservation are just a few of the places that preserve the history of the area. Our literary legacy is rich, too, with the longtime homes of National Poet Laureate Carl Sandburg and Thomas Wolf and O'Henry, all located in Western North Carolina.

Preservation, development, and enhancement of these biological and cultural features are important and worthy of designation under the National Heritage Area Program. HandMade in America and Advantage West have worked together to develop the proposed Blue Ridge National Heritage Area. It is my hope that the Committee and the National Park Service will move forward rapidly with not only the study for H.R. 4530, but also for the actual designation of the Blue Ridge National Heritage Area.

Ms. Becky Anderson, who is Executive Director of HandMade in America, is with us today. She has 30 years' experience in economic and community development in Western North Carolina and has served as Director of Economic Development for the Asheville Chamber of Commerce and Director of Asheville's Downtown Development Office.

Betty Huskins, who is also with me, has worked to improve the quality of life in communities throughout the mountains of North Carolina through sustainable economic development. As Vice President of Public Affairs and Corporate Development for AdvantageWest, a regional public/private economic development partnership, her work includes marketing and growing tourism in the region, much of which is focused on the region's rich cultural heritage.

Mr. Chairman, I thank you and the Committee for hearing this bill and the witnesses who will be here. Thank you.

Mr. RADANOVICH. Thank you, Mr. Taylor.

[The prepared statement of Mr. Taylor follows:]

Statement of The Honorable Charles H. Taylor, a Representative in Congress from the State of North Carolina

Mr. Chairman (George Radanovich), and Members of the Subcommittee, I am pleased to come before you today in support of H.R. 4530 to authorize a study of the Blue Ridge National Heritage Area.

The Blue Ridge and Great Smokey Mountains of North Carolina remain the most biologically diverse temperate environments on earth, and have a rich cultural heritage. Prominent features include Mt. Mitchell, the highest mountain in the Eastern United States, America's first National Forest, the Pisgah; the Nantahala a National Forest, the Cradle of Forestry, and of course the Great Smoky Mountains Nation Park and the Blue Ridge Parkway.

Western North Carolina also has the richest culture in the Southeast. Famous for its distinct style in weaving, pottery, jewelry, woodwork, and music, the mountainous region of North Carolina is a melting pot of different cultures. Craftspeople in the area account for a large portion of the economy. The Biltmore House, Johnson Farm, and the Cherokee Reservation are just a few of the places that preserve the history of the area. Our literary legacy is rich too, with the long time home of our national Poet Laureate, Carl Sandburg at Connemara in Henderson County, and of course, Asheville, the home of Thomas Wolf and O'Henry.

Preservation, development, and enhancement of these biological and cultural features are important, and worthy of designation under the National Heritage Area Program. Handmade in America and Advantage West worked together to develop the proposed Blue Ridge National Heritage Area. It's my hope that the Committee and the National Park Service will forward rapidly with not only the study called for in H.R. 4530, but also the actual designation of the Blue Ridge National Heritage Area.

Ms. Becky Anderson, is Executive Director of HandMade in America. She has 30 years experience in economic and community development in Western North Carolina serving as Director of Economic Development for the Asheville Chamber of Commerce, the Director of Asheville's Downtown Development Office and Director of Community Development for Land of Sky Regional Council.

Betty Huskins has worked to improve the quality of life in communities throughout the mountains of North Carolina through sustainable economic development. As Vice President - Public Affairs & Corporate Development for AdvantageWest, a regional public/private economic development partnership, her work includes marketing and growing tourism in the region, much of which has focused on the region's rich cultural heritage.

Mr. Chairman, I thank the Committee for hearing this bill and these witnesses.

Mr. RADANOVICH. Originally, we were expecting a vote at around 11:00, but it looks like they are a little bit earlier today, multiple votes, it sounds like. But I think with that, gentlemen, thank you so much for your testimony, and again, you are welcome to join us on the dais for the rest of the hearing.

We are going to be considering all three bills during the course of this hearing and we will begin that by introducing our next panel, panel two, which includes Katherine Stevenson, Associate Director of Cultural Resource Stewardship and Partnerships of the National Park Service, and Ms. Patricia Morrison, Deputy Assistant Secretary for Land Minerals Management of the BLM.

Welcome to the panel. If we can, I would like to get through, assuming that we are going to keep testimony to 5 minutes, if we can quickly begin our statements, then we will recess and allow members to go vote and then we will come back and open it up for questions.

Ms. Morrison, welcome to the panel, and if you would begin your testimony, that would be terrific.

STATEMENT OF PATRICIA MORRISON, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C.

Ms. MORRISON. Thank you, Mr. Chairman. My name is Patricia Morrison. I am the Deputy Assistant Secretary for Land and Minerals Management and I am here testifying on behalf of the

Department of Interior, as well as the Bureau of Land Management, one of the agencies under our jurisdiction.

The testimony I am going to give is with respect to H.R. 4822, and I would first like to thank you, Mr. Chairman, and the Subcommittee for inviting the Department of Interior to testify on this bill.

The bill we are going to testify on, again, is H.R. 4822. It is on the Upper Missouri River Breaks Boundary Clarification Act, and while we at BLM believe that the Presidential proclamation establishing the monument makes it clear that the proclamation covers only Federally owned lands within the monument boundaries, the Department does support this bill, H.R. 4822, because it would provide additional comfort to the landowners, the private and State landowners that are located within the monument boundaries, and that the monument designation will not impact the management of those lands.

This will also help us at the Department to engage with some of our local partners in a more constructive fashion that we believe will result in a more broadly supported management plan for the Upper Missouri River Breaks National Monument.

President Clinton, as it has been noted, created this national monument by Proclamation 7398 on January 17 of 2001 under the authority of the Antiquities Act of 1906. That Act, the Antiquities Act, allows the President in certain circumstances to create a monument from land that is owned or controlled by the United States. The proclamation states clearly that the monument consists of "all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled Upper Missouri River Breaks National Monument attached to and forming a part of this proclamation."

The problem is, is that the map shows a boundary that enclosed private and State land, not just Federally owned or controlled lands. It was undoubtedly intentional that the map boundaries enclosed private and State land, as well, because the proclamation also states, and I quote, "Lands and interest in land within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States."

The proclamation does not make a claim to non-Federal property—I want to make that clear—within the area that it identifies as a monument. The legal uncertainty created by the proclamation goes to the status of that non-Federal land within this area that the Federal Government may later acquire, not to the scope of the Federal Government's current interests or even to the reach of its existing acquisition authorities.

Although the uncertainty created by the proclamation does not affect the title held by those private and State landowners, it may affect their interests, and if the land that the United States acquires within the monument area automatically obtains monument status, as the proclamation asserts, the prospects for economic activity could possibly be altered. Accordingly, those private and State landowners can benefit significantly from Congressional reaffirmation of the status of those non-Federal lands, i.e., the State and private lands.

The Department of Interior does support H.R. 4822 as a means of providing that reaffirmation to the residents of the Upper Missouri River Breaks area. The legislation offered by Representative Rehberg would help reassure those who have expressed concerns regarding the proclamation of January of 2001. It would reaffirm that the private lands are not within the boundary of the Upper Missouri River Breaks National Monument and it would direct the Department of the Interior to provide a map for the management planning purposes to reflect the actual Federal lands that make up the monument itself.

In light of this specifically, the Department urges the Committee to amend Section 2(a) of the Act by striking "any privately owned property" and inserting in lieu of there "any property not owned or controlled by the Federal Government at the time of the issuance of the proclamation."

The legislation currently refers to privately owned property, which leaves out roughly 39,000 acres of State-owned land. We believe that the same assurances provided to the private landowners should also be given to the State of Montana and any other non-Federal landowner that might possess property within the proclamation boundary.

This concludes my testimony, and again, I thank you, Mr. Chairman and Subcommittee, for allowing the Department of Interior to testify on this bill.

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

[The prepared statement of Ms. Morrison follows:]

Statement of Patricia Morrison, Deputy Assistant Secretary for Land and Minerals Management, Bureau of Land Management, U.S. Department of the Interior

Thank you for giving me the opportunity to testify on behalf of the Department of the Interior on H.R. 4822, the Upper Missouri River Breaks Boundary Clarification Act. While we believe that the Presidential proclamation establishing the monument makes it clear that the proclamation covers only Federally-owned lands within the monument boundaries, the Department supports H.R. 4822 because it would provide additional comfort to the private and state owners of lands located within the monument boundaries that the monument designation will not impact management of their lands. This will also help us to engage some of our local partners in a more constructive fashion that we believe will result in a more broadly supported management plan for the Upper Missouri River Breaks National Monument.

President Clinton created the Upper Missouri River Breaks National Monument by Proclamation 7398 on January 17, 2001 under the Antiquities Act of 1906. The Antiquities Act allows the President in certain circumstances to create a monument from land that is owned or controlled by the United States. The Proclamation stated clearly that the Monument consists of "all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled 'Upper Missouri River Breaks National Monument' attached to and forming part of this proclamation". The problem is that the map showed boundaries that enclosed private and state land as well—not just Federally-owned or controlled lands. It was undoubtedly intentional that the map boundaries enclosed private and state land as well, because the Proclamation also said "Lands and interests in land within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States". The Proclamation makes no claim to non-federal property within the area that it identifies as the monument. The legal uncertainty created by the Proclamation goes to the status of non-federal land within this area that the Federal Government may later acquire, not to the scope of the Federal Government's current interests or even to the reach of its existing acquisition authorities. Although the uncertainty created by the Proclamation does not affect the security of title held by private and state landowners, it may affect their interests. If land that the United States acquires

within the monument area automatically obtained monument status, as the Proclamation asserts, the prospects for economic activity in the region could be altered. Accordingly, private and state landowners can benefit significantly from congressional reaffirmation of the status of these non-federal lands. The Department of the Interior supports H.R. 4822 as a means of providing that reaffirmation to residents of the Upper Missouri Breaks area.

Background

The proclamation, issued by President Clinton, designated 377,346 acres of Federal lands as a national monument, running along 149 miles of the Missouri River. It includes the Wild and Scenic River corridor of the Upper Missouri River as well as large blocks of land managed by the Bureau of Land Management, and a small number of acres managed by the U.S. Fish & Wildlife Service. The monument boundary also contains nearly 82,000 acres of private land and 39,000 acres of state land.

The language of the proclamation states clearly that the monument itself is established on "all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map... consist[ing] of approximately 377,346 acres...." On these Federal lands, the monument proclamation imposed a number of restrictions, including the withdrawal from entry, location, selection, sale or leasing under the public land laws, the mining laws and mineral leasing laws. It also prohibits off road motorized and mechanized vehicle use, except for emergency or administrative purposes. The proclamation does provide for continued livestock grazing and management of oil and gas development on existing leases.

The formal planning for the Monument began on April 24, 2002, with the publication of a notice in the Federal Register. We are currently undergoing a 120-day scoping period. In addition to seeking public comment, the BLM's Lewistown field office plans to hold a series of 11 open houses throughout north central Montana beginning July 8 and continuing through August 6. The Monument staff will also seek to engage the public through regular updates on the website as well as through local media outlets. The BLM expects to release a draft plan by the summer of 2004, which will be followed by an additional public comment period.

The Status of Non–Federal Lands Within the Monument

The Antiquities Act of June 8, 1906, authorizes the President to designate national monuments on lands owned or controlled by the Federal Government at the time of the monument proclamation. The Antiquities Act states, "The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government, and may reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected."

The proclamation of January 17, 2001, sets apart and reserves lands and interests in lands owned or controlled by the United States within the boundaries of the national monument described on the map made part of the proclamation. The proclamation also recognizes the standing of all valid, existing rights and interests within the monument boundaries. Although the proclamation makes clear that non-federal lands within the boundary of the monument are not a part of the monument, owners of private and state land within the monument remain concerned about the monument's implications for non-federal lands.

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The legislation offered by Representative Rehberg would help reassure those who have expressed concerns regarding the proclamation of January 17, 2001. It would reaffirm that private lands are not within the boundary of the Upper Missouri River Breaks National Monument and it would direct the Department of the Interior to provide a map for management planning purposes to reflect the actual Federal lands that make up the monument itself.

H.R. 4822 would give non-federal landowners the assurance that their cooperation is voluntary and, hopefully, will improve their participation as partners with our Federal land managers. The Department notes that this in no way prevents willing sellers from working with the Administration to add their lands to the monument where all parties believe it is appropriate.

The Department urges the Committee to amend Section 2(a) of the Act by striking "any privately owned property" and inserting in lieu thereof "any property not owned or controlled by the Federal Government at the time of issuance of that Proclamation". The legislation currently refers only to privately owned property, which leaves out the roughly 39,000 acres of state-owned lands. We believe that the same

assurances provided to private landowners should also be given to the State of Montana and any other non-federal landowner that might possess property within the proclamation boundary.

Conclusion

This concludes my statement. I'd like to thank the Committee for providing the Department the opportunity to testify on H.R. 4822 today.

Mr. RADANOVICH. Kate, welcome back to the Committee. I know you have been here many times before. Please begin your testimony, if you would, regarding the two bills, H.R. 2534 and H.R. 4530. As I mentioned, after we hear from both of you, we will recess briefly to vote and come back. If you would remain available for questions until we get back, that would be much appreciated.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, WASHINGTON, D.C.

Ms. STEVENSON. Thank you, Mr. Chairman, and thank you for the opportunity to present the Department's views on H.R. 4530 and H.R. 2354. I will summarize my remarks and submit the full text for the record.

The bill to study the Lower Los Angeles River and San Gabriel Watersheds, H.R. 2354, the Department does not oppose this bill. However, the Department believes that any funding available should be directed toward completing previously authorized studies, of which we have quite a few. Should we undertake such a study, however, we would recommend combining it with the study proposed in H.R. 2715, which is a bill to evaluate and study the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the National Park Service of Santa Monica National Recreation Area. These bills affect nearly adjacent territories, so there could be some economy of scale in dealing with the two bills together.

We understand the potential of these areas to provide recreational opportunities for urban communities because NPS has already had an involvement in Santa Monica National Recreation Area as well as through our Rivers, Trails, and Conservation Assistance Programs in L.A. Any such study would require, however, extensive public meetings and community involvement and would likely require substantial staff time.

H.R. 4530, Blue Ridge Heritage and Cultural Partnership Study Area, the Department supports this bill but reiterates the comments made earlier regarding a backlog of studies in the National Park Service. This study would assess 25 counties in the Southern Appalachian Region of Western North Carolina for its potential as a National Heritage Area. The area encompasses just over 10,000 square miles. Because extensive work has already been done for this area by HandMade in America and the Blue Ridge Heritage Initiative, we anticipate that a significant amount of information could be drawn from existing studies, thus reducing the time and effort required by the National Park Service.

Mr. Chairman, this concludes my remarks. I will be happy to answer any questions you may have.

Mr. RADANOVICH. Thank you very much for a very good summary and I appreciate the testimony.

[The prepared statement of Ms. Stevenson on H.R. 2534 follows:]

Statement of Katherine Stevenson, Associate Director of Cultural Resource Stewardship and Partnerships, National Park Service, U.S. Department of the Interior, on H.R. 2534,

Mr. Chairman, thank you for the opportunity to present the Department's views on this bill to study the lower Los Angeles River and San Gabriel watersheds in the Los Angeles Basin.

The Department does not oppose the bill. However, the Department did not request additional funding for this study in Fiscal Years 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 37 studies pending, of which we expect to transmit 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 adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog. As such, the Department will identify all acquisition, one-time and operational costs of the proposed site. At this time, those costs are unknown.

In addition to H.R. 2534, Congressman Adam Schiff has introduced H.R. 2715, a bill to evaluate and study the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of Santa Monica Mountains National Recreation Area. These bills affect nearly adjacent territories in the Los Angeles basin and affect nearly identical large constituencies. As any study would include a public involvement component, combining the planning effort to evaluate both areas would not only be less confusing to the public but also more cost-effective for the government. Since a study of the San Gabriel and Lower Los Angeles Rivers is estimated to cost approximately $500,000, there could be considerable efficiencies gained by combining and narrowing the focus of these two proposed studies.

While some familiar with the Lower Los Angeles River and San Gabriel River watersheds may think of them as concrete-lined ditches, the rivers provide an important opportunity for low-impact recreation for many urban residents in adjacent communities. Several successful efforts have already been undertaken to provide bikeways and hiking areas along the river's banks. Additionally, small tracts of green space have been acquired to provide outdoor recreation opportunities in the form of playgrounds for children, picnic areas, benches for rest and respite from the urban environment and for areas to walk and bicycle. Many areas have been replanted with a variety of native vegetation to enhance the local environment.

This study will assess habitat quality, access to urban open space, low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements along the Los Angeles and San Gabriel watersheds as well as the Valley of the Rim corridor surrounding the San Fernando and La Crescenta Valleys. This latter corridor consists of portions of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and the connector to Los Padres and San Bernardino National Forests.

The National Park Service has some familiarity with the region and these watersheds. Our National Park Service Rivers and Trails Conservation Assistance Program continues to have interaction with communities along the Los Angeles River and has provided technical assistance for outdoor recreation potential. Additionally, the Santa Monica Mountains National Recreation Area provides protection for 153,750 acres while providing recreational opportunities for approximately 530,000 visitors annually.

The watershed of the Los Angeles and San Gabriel Rivers contains important natural resources, which are disappearing in Los Angeles County. The continuous greenbelt corridors serve as habitat for breeding, feeding, resting or migrating birds and mammals, while allowing migration to take place around and amongst the urban areas. The higher reaches of the watershed also contain significant examples of rock outcroppings, as well as native vegetation.

This area has a rich cultural heritage, which is evident by the approximately 9 properties within the boundaries of the study area on the National List of Historic Places and 96 properties on the state register of historic places. These properties weave a rich tapestry of the cultural history of the area and include Mission San Gabriel Archangel, the mission founded in 1771 by the Spanish missionaries who were moving up the coast of California; Mission San Fernando Rey de Espana,

founded in 1797; Merced Theatre, the first building built expressly for theatrical purposes in Los Angeles, dating back to 1870; Lummis House, constructed by Charles F. Lummis, an author, editor, poet, athlete, librarian, historian and archeologist during his life from 1859–1928; Los Encinos State Historic Park, used as a headquarters by the Franciscan padres before they built Mission San Fernando; Angeles Flight Railway, which was an incline railway built in 1901 to carry residents up the hill from the downtown shopping district; and Alvarado Terrace Historic District, which includes 12 buildings displaying prime examples of architecture and social history from 1900–1924.

The Los Angeles River and San Gabriel River watershed is adjacent to the Angeles National Forest and contains state, county and local parks within. The recreational experience would be heightened by the establishment of trail connections and linkages for the urban populations of Los Angeles, as well as for visitors. These connections would also allow users to leave the populated areas and connect to the prime natural areas in the region. These trails would be used for hiking, mountain biking, nature study and bird watching.

A study will outline public-private partnerships, which are core to preserving large tracts of open space such as are included in this study. The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) was established as an independent State agency within the Resources Agency of the State of California in 1999. It was established to preserve urban space and habitats in order to provide for low-impact recreation and educational uses, wildlife and habitat restoration and protection and watershed improvements. The RMC has brought diverse groups together to work in partnership to protect the precious resources within these two watersheds.

Any study that is undertaken along the San Gabriel and Lower Los Angeles Rivers will involve extensive public meetings, extended comment periods and more complex analyses because issues and options in a large, urban area with such a diverse and extensive group of stakeholders at all levels of government would be considered.

This concludes my testimony. Thank you for the opportunity to discuss this issue and I would be willing to answer any questions you may have on this issue.

[The prepared statement of Ms. Stevenson on H.R. 4530 follows:]

Statement of Katherine Stevenson, Associate Director for Cultural Resource Stewardship and Partnerships, National Park Service, U.S. Department of the Interior, on H.R. 4530

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4530. This bill would direct the Secretary of the Interior to study the suitability and feasibility of establishing the Blue Ridge Heritage and Cultural Partnership Study Area in North Carolina.

The Department supports H.R. 4530, with minor amendments as described later in this testimony. However, we 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. Altogether, 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. We have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to reduce the deferred maintenance backlog. To estimate these potential new funding requirements, the Administration will identify in each study all of the costs to establish, operate and maintain the proposed site. At this time those costs are unknown.

H.R. 4530 calls for studying an area comprised of 25 counties in the Southern Appalachian Region of Western North Carolina, along with any other areas adjacent to or in the vicinity of the area to be studied that have similar heritage aspects. The 25-county area described in the bill, which comprises 10,503 square miles, is bounded by the states of Virginia on the north, Tennessee on the west, and Georgia and South Carolina on the South. Asheville is the largest city in this region. The Blue Ridge Mountains and Great Smoky Mountains, part of the Appalachian Mountain range, run through this area. Two units of the National Park System, the Blue Ridge Parkway and Great Smoky Mountains National Park, are partially located within the study area. It also contains two national forests, five state parks, four recreational areas and six wilderness areas.

The region's crafts and countryside, its traditional music, its Cherokee Indian history and traditions, and its agricultural heritage have helped shape a unique cultural identity for the Southern Appalachian Region. These resources have been incorporated into a variety of tourist, resource and nature-based programs throughout the area that have heightened awareness of the value of the cultural heritage of the region and earned national and international recognition for Western North Carolina.

The study area is home to about 4,000 craftspeople who contribute an estimated $122 million annually to the region's economy. The region is considered the origin of both the traditional and contemporary craft movements in the United States. The area is known for a range of crafts including pottery, weaving, woodworking, ceramics, quilts, spinning, basketry, jewelry design, printmaking, glass making, photography, metal and ironwork.

The music of the Blue Ridge Mountains is a distinctive style that includes stringband, bluegrass, unaccompanied ballad singing, blues and sacred music. The wealth and vitality of the traditional music is recognized in the Blue Ridge Music Center which was developed on the Blue Ridge Parkway by the National Park Service. With roots in the British Isles, Europe and Africa, musicians in the region have contributed to many contemporary American musical forms.

The Eastern Band of Cherokee Indians is a strong and influential presence in the region. Two dialects of the Cherokee language continue to be spoken. Cherokee traditional artists have received recognition at state and national levels. The music and dance traditions are also maintained. These traditions are being shared with tourists through a series of Cherokee Heritage Trails. The trails' focus on traditional culture is intended to be educational and provide economic sustainability.

The agricultural heritage of the region reflects the natural resources and the traditions of the people who worked the land to make a living and survive. The patterns of the Cherokee agricultural practices were combined with the European practice of raising livestock. The early small, self-sufficient farms still influence the region's present day agricultural heritage.

The study called for by H.R. 4530 would have a head start relative to other studies authorized by Congress because much work toward meeting the National Park Service's criteria for national heritage area studies has already been done for this area. A report entitled Blue Ridge Heritage & Cultural Partnership was prepared for an organization known as the Blue Ridge Heritage Initiative, with the involvement of the National Park Service. The organization HandMade in America, Inc., which is one of the organizations the bill specifically requires consultation with, was one of the key partners in this effort, along with many other state and regional organizations. Using the information that has already been compiled in that report will facilitate the National Park Service's study.

The Department supports H.R. 4530 with minor amendments to correct what appears to be an unintentional error in the language of the bill. As introduced, H.R. 4530 authorizes a study of the suitability and feasibility of "establishing a study area." Studies for determining whether an area should be a national heritage area typically authorize a study of the suitability and feasibility of "establishing a national heritage area." We would be happy to work with the Subcommittee to develop amendments to reword H.R. 4530 accordingly.

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

Mr. RADANOVICH. With that, we are going to recess, and again, we will be back very shortly. Thank you.

[Recess.]

Mr. RADANOVICH. We are back in session. I am going to open up the floor for questions of our two witnesses. Mrs. Christensen?

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, and thank you for allowing me to go first. I do have some questions for Ms. Morrison.

First, it has been alleged there was a technical mistake in drafting the Upper Missouri River Breaks National Monument proclamation that resulted in a violation of U.S. law and endangering of private property. Are there any violations of U.S. law in the proclamation? Have you seen it? Have you noted any violations of law?

Ms. MORRISON. No, Congresswoman.

Mrs. CHRISTENSEN. I have parks at home with a lot of private property within the parks. Other monuments across the country have private holdings within the parks. Why do we have to create this sort of uncertainty? Do you support H.R. 4822?

Ms. MORRISON. Yes, ma'am.

Mrs. CHRISTENSEN. For this one park. Does that not create a lot of uncertainty for everyone else? If you have to make a statement regarding the private property rights for this one park, what happens to my parks in St. John, or monuments—sorry? What happens to the other monuments that have private property in it? Is it not correct to assume that there is no infringement on the management rights of those private property holdings even though those properties are within a monument or a park? Why do we need this bill?

Ms. MORRISON. This bill specifically addresses the Upper Missouri River Breaks. I think it is correct to point out that there are other monuments in the same situation, and because of that and because of the focus on this bill, the Department of Interior is undertaking a study, a look, at those other monuments, as well.

Mrs. CHRISTENSEN. There is a scenic river leading up and adjacent to the area where the Upper Missouri River Breaks National Monument is and there is a significant amount of private property within that scenic river area over which the BLM does have the right to condemn the property and take it over. That is not true in the monument. In the case of the monument, there is no right of condemnation.

Ms. MORRISON. That is correct.

Mrs. CHRISTENSEN. It is only if the people want to sell.

Ms. MORRISON. It is a willing buyer-willing seller standard, that is correct.

Mrs. CHRISTENSEN. So why is this property within the monument considered to be at more risk than the lands, the private property adjacent to it in the scenic river where condemnation can take place, and I believe that has been there for over 20 years and nothing has happened?

Ms. MORRISON. I cannot really address that issue today. We can certainly get back to you. I am not familiar with your scenic river example, but it is that the Montana residents here have raised a concern and have obviously brought this to the attention of Congressman Rehberg.

Mrs. CHRISTENSEN. Is there reason for their concern? Within the Antiquities Act and the way the actual declaration of the monument, is there reason for concern, more—

Ms. MORRISON. I cannot really speak to the reasons for their concern specifically. I can certainly work with the Subcommittee and Congressman Rehberg to find out what those specific concerns are. I just know that they have brought them to the attention of their Congressman.

Mrs. CHRISTENSEN. Do the interim management guidelines for the national monument threaten private property rights?

Ms. MORRISON. I do not believe they do, no.

Mrs. CHRISTENSEN. Will the final management plan for the monument threaten private property rights?

Ms. MORRISON. No, it will not.

Mrs. CHRISTENSEN. Yet you support the bill?

Ms. MORRISON. Support the bill simply because it reconfirms what I believe already is stated in the proclamation and the Antiquities Act.

Mrs. CHRISTENSEN. And the Department has no concern over the other parks and the monuments that have similar private property?

Ms. MORRISON. I do not think that is exactly correct. I think it is correct to say that the Department, because of this bill, it has been brought to light that those other private property interests do lie in other monuments and we are going to take a study to determine where those lie and see if there are any issues there.

Mrs. CHRISTENSEN. Do you know of any issues? Do you know of any condemnation of any private property within a monument, that it now exists, or any ways in which the Bureau of Land Management has infringed upon the private property rights of any land holders within current monuments?

Ms. MORRISON. No. We have no concerns currently, Congresswoman.

Mrs. CHRISTENSEN. If H.R. 4822 were, in fact, enacted, would the BLM need new legislation or a new proclamation to add any acquired lands to the monument?

Ms. MORRISON. No, not at this time. I know of nothing that would require new legislation.

Mrs. CHRISTENSEN. You would need the legislation to modify the boundaries.

Ms. MORRISON. I apologize. Could you ask the question again?

Mrs. CHRISTENSEN. If H.R. 4822 were, in fact, enacted, would the BLM need new legislation or a new proclamation to add any acquired lands to the monument?

Ms. MORRISON. Yes, ma'am, we would.

Mrs. CHRISTENSEN. My time is up.

Mr. RADANOVICH. I want to make sure everybody gets a chance to ask questions. Mr. Rehberg?

Mr. REHBERG. Thank you, Mr. Chairman.

Thank you, Ms. Morrison. Who drew the boundaries for the monument and why did they include private and State lands?

Ms. MORRISON. It is my understanding that that was done by the proclamation itself, that there was an attachment to that, so given that President Clinton did the proclamation, I am making an assumption—I do not know for sure—that President Clinton drew those boundaries.

Mr. REHBERG. You may not know this, but maybe somebody within your Department does. When was the map made available to the public?

Ms. MORRISON. I do not know. I can certainly find that out and get that information back to you.

Mr. REHBERG. OK. That is important, because part of the discussion was the fact that the private property owners did not know that their land was going to be included within the boundary, and so it is important to know exactly when the map became available to the public. I know as a Congressman, I asked for the map and was told—before the proclamation—was told that there was no

map at that time that was made available to the public, so I would like to know exactly when that map was made available.

Why can the BLM not just redraw the map for purposes of management administratively? Why does it take an act of Congress to actually show what the monument management actually is?

Ms. MORRISON. The BLM is under a process that began on April 24 of 2002 for the formal planning of the monument. The question of why can they not draw a boundary for management purposes, I do not specifically know what their management plans allow for them, but they are undertaking public comment between July 8 and August 6 of this year for that management plan. So I am just letting you know that that planning process is going on. I do not know specifically why they cannot draw a second boundary, if you will, to say, this is the management boundary.

Mr. REHBERG. Mr. Chairman, originally, that is what we had asked of the Department, is that everybody would be satisfied if a management map was created specifically delineating the fact that private property is not included in the monument. That is what got us to this point. Somehow or some way, the Administration has told us that they are either unwilling or unable to create a second map. They can go ahead and create this map, if they wish, under the proclamation, as their wish list for the year 2050. We want to own all the property inside that boundary. But all we want is a clear delineation of the fact that private property cannot be included for management purposes.

Ms. Morrison—go ahead.

[Pause.]

Ms. MORRISON. I am sorry, Congressman Rehberg. Your question?

Mr. REHBERG. Like you, I have read the proclamation establishing the Upper Missouri River Breaks Monument. In your reading of the proclamation, could you find what the immediate threat was to the 377,000 acres that were included? What created the urgency on the part of the Administration, the past Administration, to create the boundaries before the public had an opportunity to see where the boundaries were going to be created? What was the imminent threat?

Ms. MORRISON. I cannot speak to that, sir.

Mr. REHBERG. Do you know of one?

Ms. MORRISON. No, sir.

Mr. REHBERG. No further questions.

Mr. RADANOVICH. Ms. Solis?

Ms. SOLIS. Yes. Thank you, Mr. Chairman.

I wanted to ask Ms. Stevenson if I could ask her some questions regarding my bill, H.R. 2534. I appreciate your being here and the statements you made earlier associating the legislation to ongoing efforts that the Park Service is conducting now on the lower part of the Los Angeles River. The San Gabriel Valley River currently falls under a State conservancy that was worked out several years ago. I happened to be involved in carrying that legislation and establishing that and we do have representation by various Federal agencies that sit on that conservancy board.

One of the concerns I guess I have is you brought up this other legislation that is also being introduced but not being heard at this

time and bringing them together. While I am not opposed to looking at where they do converge on the lower Los Angeles River, I think it is very important to understand that the dynamics of the communities that we are talking about, because they are very much for local control and it is very highly—well, more densely populated in urbanized than, say, the Santa Monica Conservancy, which is mostly open and vast land that has been protected and most homeowners there have purchased properties to keep people away, whereas this area that we are talking about in the San Gabriel Valley is very much opposite looking in terms of lots of population, many projects that are currently there, and I hope the potential of getting some of our communities more involved. How would the Park Service handle the diverse kinds of issues that might come up with respect to outreach to the different communities?

Ms. STEVENSON. The way we traditionally handle that is through public hearings and public involvement. We usually have a fairly long process with many opportunities for the public to comment, both in writing, in person, on the Internet, whatever way we can get public involvement and public comment.

Ms. SOLIS. Does your involvement also include different languages or posting so that people from different communities might be—we have a large Asian population, as an example, and also Hispanic population, so materials would be made available so that folks could come to town hall meetings or meetings that you would conduct?

Ms. STEVENSON. Yes, ma'am.

Ms. SOLIS. Very good. What do you see as some of the challenges in putting this study together?

Ms. STEVENSON. Well, every time we do a study like this, you have to assess suitability and feasibility and significance of areas, and this is quite a large area, and as you point out, it is an urban area. So we would have a lot of work to do to figure out whether a national park was the best solution, whether a heritage area was the best solution, or even some other alternative, and that not only requires our thinking, but it requires the thinking of the community so that we assess all alternatives.

Ms. SOLIS. I appreciate your comments and do look forward to working with you on finding out how we can make this project work and appreciate your being here.

Ms. STEVENSON. Thank you, Congresswoman.

Ms. SOLIS. Thank you very much.

Mr. RADANOVICH. Mr. Simpson—or Mr. Rehberg, anybody wishing to ask questions.

Mr. SIMPSON. Thank you, Mr. Chairman, and I thank both of you for your testimony and I appreciate the Administration's support of the legislation on the Missouri Breaks.

Let me ask you, was it the intent, or do you believe it was the intent when this was originally created that at some point in time, those private landowners would be purchased and become part of the Missouri Breaks, that that private land would become part of this monument?

Ms. MORRISON. I do not believe the Department has a position on that, of the intent of further acquisition. I think it was only saying if further acquisition happens.

Mr. SIMPSON. So during, I suspect, the long debate that went on over years of studying this and so forth, public hearings and so forth that always accompanies the creation of a national monument—I am being a little facetious here—that that was never a part of the discussion?

Ms. MORRISON. I do not know.

Mr. SIMPSON. Has the BLM received any complaints from the private landowners, the inholders within the Missouri Breaks? Have you received any?

Ms. MORRISON. I am not personally familiar with any concerns that have been raised, but that is not to say they have not been within the BLM. Just a point of clarification. Secretary Norton did send out some letters requesting comment and there were some landowners that responded to those letters, yes, sir.

Mr. SIMPSON. Is part of their concern or a majority of their concern access to their private lands?

Ms. MORRISON. It is my understanding that that is one of the points, is access, yes.

Mr. SIMPSON. Is the BLM doing any surveying of those private landowners as to how they access the private lands, how often they access, for what purpose they access their private lands?

Ms. MORRISON. I believe that that would be part and parcel of the scoping meetings that are going to be on I referred to earlier this summer, that those issues should be fully fleshed out during those meetings.

Mr. SIMPSON. And I guess the reason I ask this, we just held a hearing last Saturday out on the Steens Wilderness and the implementation of the Steens Wilderness legislation out in Oregon, and I got a copy of a survey that the BLM had sent out to the inholders, the private land inholders, where they are asking the private inholders the activity for which they access their private land—I mean, this is private land, but the activity for which they access their private land, the type of vehicles they use, the number of trips they access their private land a year, the approximate dates, the justification for using motorized access to their private land, and the historic number of trips and type of vehicles they use and so forth.

I am wondering, I get a concern when the BLM or any Federal agency starts surveying private landowners as to how often they use their private land, and I am wondering if that type of thing is a concern to these private landowners within the Missouri Breaks or if it will become a concern whether or not this legislation passes.

Ms. MORRISON. I think in answering, if I can kind of draw a loop around what we are trying to get at here, the proclamation itself restricts types of activities on monuments, as does specifically for the Upper Missouri River Breaks, and it sounds to me from your question that what the BLM is trying to get at is if there is a private inholding that is completely surrounded by Federal property, then how does that access affect the Federal lands.

Mr. SIMPSON. Right.

Ms. MORRISON. So I think it is really an attempt through their surveys to try to find out how the Federal lands will then be impacted by the private users.

Mr. SIMPSON. As you are probably aware, some people suggest that Federal lands surrounding private lands really have no effect on those private lands because they are private lands and the private landowners have the same rights they always have. We have also seen examples where the Federal Government denies access to those private lands or tries to decide what activities can occur on those private lands by allowing or not allowing access across Federal lands to get to those.

I have some real concerns about that, and, of course, the alternative is that, eventually, we will buy that private landowner out and it will be through that term that we all love, willing seller-willing buyer. Well, you surround a private inholding and deny access to that individual, you have just made a willing seller pretty probable.

So I would encourage you, regardless of the outcome of this legislation, that access to these private inholdings are going to be something of a great deal of concern to this Committee and to me particularly.

Ms. MORRISON. And I think it is a concern of the BLM, as well, because they have been given these monuments to manage and they are going to have to exercise their stewardship in managing them as best they can, given the proclamation in front of us.

Mr. SIMPSON. I appreciate that. Thank you, Mr. Chairman.

Mr. RADANOVICH. Mr. Rehberg?

Mr. REHBERG. Thank you, Mr. Chairman.

In my testimony, in my opening statement, I alluded to the fact that the landowners had not yet received notification that their land was included in the boundary. Perhaps I should not have rushed to a conclusion. Would the Department please provide for the Committee and myself any document that has been sent to landowners before the proclamation that their property was going to be or being considered to be included inside the boundary.

Maybe there was notification that the landowners that I talked to were not aware of or did not receive, or maybe they did not remember it. So I would like proof that the Bureau of Land Management, the Department of Interior, or President Clinton himself personally called these people and said, "Your property is going to be included inside this boundary when I draw that boundary."

Ms. MORRISON. I am not personally aware of anything existing or not existing, so we will just have to look into that. Anything that was provided, we would be happy to share with you.

Mr. REHBERG. Thank you. Mr. Chairman, Ms. Morrison's testimony really points out the problem with promises in government, and that is continuity of administrations. While the last administration may have promised something, this administration is not bound by that promise and the institutional knowledge is lacking, then, in the creation of the monument and the promises that were made. That is what really creates the fear in the minds of the private property owners, is, one, they were not consulted ahead of time. Two, they do not want to be in it. And three, they are being

told, trust your government, and that creates the problem that brings this bill forward today. Thank you, Mr. Chairman.

Mr. RADANOVICH. You are welcome.

Any other questions of the witnesses? I do have a question for Ms. Stevenson regarding H.R. 2534, the issue for the Los Angeles and the adjacent river basins. In your study of proposals such as this, do you study it in light of—I know that the request is a national park, but do you also study it in terms of it qualifying for other things like national recreation areas or national seashores?

Ms. STEVENSON. Actually, we look at all possibilities, not just units of the National Park System, the ones you describe and others, but also its eligibility perhaps as a National Heritage area or State management or local management. We look at the entire range of possibilities, not just a national park.

Mr. RADANOVICH. So you may come out and say, well, no, the request was it be a national park. We may not recommend that, but we would recommend this or nothing in some way?

Ms. STEVENSON. Yes, sir.

Mr. RADANOVICH. OK. Thank you.

Are there any other questions?

[No response.]

Mr. RADANOVICH. Thank you very much, Ms. Morrison and Ms. Stevenson, for being here to testify. We appreciate it.

Mr. RADANOVICH. With that, we will call our next panel, panel three, Mr. Steven Pilcher, the Executive Vice President of the Montana Stockgrowers Association from Helena, Montana, and Mr. Hugo Tureck, Friends of the Missouri Breaks Monument, Coffee Creek in Montana. They are here to speak, both of them, on H.R. 4822.

I think what we are going to do, in order to expedite the hearing, is call up all the rest of the witnesses and do panels three and four at the same time. So if you do not mind just a little bit of table sharing, then please, we will go ahead and call up panel four, as well, which is Ms. Betty Huskins, Vice President of Public Affairs and Corporate Development of the AdvantageWest North Carolina from Fletcher, North Carolina; Ms. Becky Anderson, Executive Director of HandMade in America in Asheville, North Carolina; The Honorable Lara Larramendi Blakely, Mayor of the city of Monrovia, Monrovia, California; and Mr. Rick Ruiz, Governing Board Member of San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, Santa Monica, California.

Thank you very much. I know that it is going to make a crowded panel, but I think it will make it easier for all of us to conduct the business of the Committee.

What I would like to do is if we could begin with everybody's testimony and then we will open up the panel for questions after everybody gets a chance to testify, it would be much appreciated. And again, I want to draw attention to the clocks here. In the course of smooth running of the Committee, if you could keep your comments to under 5 minutes, that would be appreciated. If you do begin to run over 5 minutes, I might let you know you are.

So if we want to start to my left, it would be Mr. Ruiz. If you would like to begin, I would sure appreciate it, and again, please keep your testimony under 5 minutes.

STATEMENT OF JOSEPH R. "RICK" RUIZ, GOVERNING BOARD MEMBER, SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY, SANTA MONICA, CALIFORNIA

Mr. RUIZ. I think I can do that. Do I need to give my name or any of that stuff?

Mr. RADANOVICH. Yes, I think it would be a good thing.

Mr. RUIZ. My name is Rick Ruiz. I am a member of the Governing Board of the San Gabriel and Lower Los Angeles River Conservancy, appointed by Governor Davis as the environmental representative on that board.

Mr. Chairman, Ranking Member Christensen, thank you for allowing me to be here today to talk about a subject that I think is very important for the future of Southern California. I am very much in support of Member Solis's bill to study the possibility of creating a national park or some other national designation for the San Gabriel and Lower Los Angeles River area.

I grew up in Maywood, which is a tiny little town of about 10,000 people in Southern California, not far from downtown Los Angeles. But do not confuse Maywood for Mayberry. It is a very industrialized town, surrounded by steel mills. It used to be surrounded by car factories. The one little park we had was very inadequate for the things that we wanted to do when we were kids, so we wound up playing in the Los Angeles River. We did not know any better in the time. The river was nothing really more than a conduit for all the industrial waste from Los Angeles to flow down to the Long Beach area and out into the ocean. Frankly, I am surprised I am alive and able to talk to you today because of all the time I spent in that river.

Things have changed a lot since I grew up and a lot of people have put a lot of effort into rethinking the way we use those rivers, and one of the results of the thinking which has gone into the last five to 10 years on how we use our rivers was Ms. Solis's bill that created the conservancy that I now sit on.

Part of the thinking behind that bill is that if we could combine the resources of all the agencies that are tasked with managing these various resources in different ways—you have public works trying to get rid of water off the streets, you have recreational agencies looking for recreational opportunities, we have water agencies that are concerned about whether we put enough water in the ground so they can get water out for their customers. By combining the thinking and the resources of all those agencies, we can create a synergy that will actually be something greater than the whole of the individual parts.

That is what the conservancy is now trying to do and that is why I support this bill. I believe this bill will, if we come to the conclusion that there is a justification for a national park, it will include all the resources, both financial and technical and the thinking and the imagination and all the staffing that goes along with the National Park Service. That would be a great asset for us in trying to do the best job we can of creating new recreational opportunities so kids do not have to go out and play in the Los Angeles River anymore, or if they do, so that river will not be a detriment to their health, and the economic opportunities that go along with being a

national park and new recreation areas, the environmental and habitat opportunities, because there are great opportunities out there today in land that is not developed that we can use to restore wetlands and other wildlife habitat.

So to me, from a policy point of view as well as the personal point of view of a kid who grew up along the banks of the Los Angeles River and wants to see something better, I think bringing the National Park Service and those resources in could be a boon both to the economy and to the recreation and to the environment of Southern California, and with that I will wind up my remarks. Thank you very much for this opportunity.

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

[The prepared statement of Mr. Ruiz follows:]

Statement of Joseph R. "Rick" Ruiz, Governing Board Member, San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, on H.R. 2534

Mr. Chairman, Ranking Member Christian–Christensen, and Members of the Committee, I am very grateful to have this opportunity to testify on this bill today. I am supporting Representative Solis' Bill for some very personal reasons as well as some important policy reasons.

I grew up in Maywood, a tiny little city of about 10,000 residents located along the banks of the Lower Los Angeles River, just down stream from downtown Los Angeles. Please don't confuse Maywood for Mayberry. My hometown was surrounded by steel mills, paint factories, warehouses, slaughterhouses—it was the industrial heartland of post war Southern California. There was one tiny little park in Maywood, not nearly enough to satisfy everyone. So what did we do? We made the Los Angeles River our playground.

The Los Angeles River is a concrete ditch that runs about 50 miles from the San Fernando Valley to Long Beach. Most of the concrete was poured in the 1930s in order to provide jobs and flood control. It was not much more than an open sewer for carrying away industrial wastes, stormwater runoff, slaughterhouse debris and who knows what else. Frankly, I'm a little surprised that I survived. My personal reason for supporting this study is that I believe that we can create better places for kids to play in the future. I want the children of tomorrow to play in a clean, healthy and environmentally dynamic Los Angeles River, not the river I grew up with.

Granted, much has changed since my childhood in the late 1950s and 1960s. Local activists like Lewis McAdams, Andy Lipkis, Dorothy Green, Melanie Winters and a host of others taught us to see the Los Angeles River, and all rivers, for that matter, as a potential resource, not just a conduit for waste. Later, forward thinking legislators like Rep. Solis created a conservancy for both the Los Angeles and San Gabriel Rivers. With significant help from Governor Gray Davis, the Conservancy was brought to life about two years ago and is now helping to give focus to the vision.

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy encompasses about 1,500 square miles. More than 7 million people live within its boundaries. I'm proud to say that we recently produced an award-winning land use plan called "Common Ground: from the Mountains to the Sea." In a nutshell, the conservancy's job is to preserve and enhance the recreational and environmental resources of these rivers and the watersheds from which they spring. It's a huge job, we are just beginning, and we could use some help. I jumped at the chance to talk to you today because, from a policy perspective, it makes a great deal of sense to study the possibility of creating a new urban national park in Southern California. A few years ago it would have sounded insane to use Los Angeles River and national park in the same sentence. Today it is beginning to make a great deal of sense.

These two watersheds are central to the prosperity of the region. They provide much of the drinking water for more than 5 million people in the San Fernando and San Gabriel Valleys and for neighborhoods further south all the way to Long Beach. Without a well-managed water supply this region simply could not exist as we know it today. It is vital to protect the quality of our water supply and enhance the way we use it for recreational, business and environmental purposes.

I believe that the National Park Service might help us do that. As I mentioned earlier, recreational land is scarce in Southern California. The Sustainable Cities Program at the University of Southern California estimates that a healthy community should have about three to four acres of open space for each 1,000 residents. The San Gabriel Valley has about one-half acre per 1,000 residents. It's worse in some other neighborhoods.

National park status could help us provide better recreational and economic development opportunities associated with increased tourism and recreation. While much of the land that would be studied under this bill is dense, urbanized and overdeveloped, we also have some of the most rugged mountains in the country. Within a few miles of the San Gabriel Valley, which is home to over one million people, portions of the upper San Gabriel River are so wild that they are eligible for wild and scenic river status. It is an incredibly rich environment that is home to birds, bears, deer, coyotes, mountain lions, bobcats and many other important plants and animals.

Sadly, the Conservancy's Land Use Plan contains a list more than four pages long of the threatened and endangered species that live within our boundaries.

The national parks have historically been there to help us protect the nation's environmental resources and it seems likely that they could help us in Southern California.

Many of us believe that expanding our partnership with the Federal Government through the establishment of a national park would result in a tremendous synergy.

I know that this is a big step that would require a serious commitment of resources. I also understand that we all have questions, and we all need answers. That's why the study proposed in H.R. 2534 is a vital first step.

Thank you again for giving me this time to address you today.

Mr. RADANOVICH. Mr. Hugo Tureck, welcome.

STATEMENT OF HUGO J. TURECK, FRIENDS OF THE MISSOURI BREAKS MONUMENT, COFFEE CREEK, MONTANA

Mr. TURECK. Thank you very much. My name is Hugo Tureck. I represent the Friends of the Missouri Breaks National Monument, an organization made up of businessmen, conservationists, recreationists, and just people who really, truly like open spaces. I also ranch and farm on public land 25 miles outside of the monument, and so I am a public lands rancher.

I am here today to speak in opposition to Representative Rehberg's bill. I feel that the bill serves no purpose. It potentially does harm.

As you just heard Patricia Morrison of the BLM, "The American people need the reassurance, the reaffirmation and comfort that their national heritage is not compromised by ill-informed, wrong-headed legislation." I agree with that, and I think the Friends do. I think this legislation being proposed is that, it takes away the chance for historically significant sites that are on private land, if they are required by the government to become a part of the monument from a willing seller.

I live near the monument and the whole world of ranching is changing. I am not sure I am going to be there in 20 years. A large ranch just north of me has changed hands two or three times. The last two ranches to change hands within the monument in the last several years went to out-of-Staters. One went to an owner from New Jersey. The other went to the McMillan family from the Cargill Corporation, known as the PN Ranch. The PN Ranch has a very interesting history. It started out as an old ranch, became a grazing association, and then has changed hands two or three times since then.

These ranches in the Breaks are changing hands all the time. There are willing sellers all the time. And if there are historical sites, if there is something important on there, I think that the government should have a chance to bid on that if it fits within the monument itself, and if it does so, then it becomes a part of that monument. No condemnation is possible here.

Ranchers are fairly good businessmen. I happen to be one, and I like to think of myself that way. And we are going to sell to the highest bidder. If it happened to be that, that would be it.

I brought an example. Just as I was getting on the plane yesterday, somebody handed this to me. This is from Northwest Realty, an ad in the paper. "Historic Heller Bottom in the Missouri River, 206 deeded acres with one-and-one-fourth mile of Missouri River frontage in the heart of the Upper Missouri River Breaks National Monument. First time offering. A 34 by 50-foot cabin with artesian well, wood heat, septic and phone in place. Wildlife abounds with deer, elk, bighorn sheep, and more. Beautiful view and very secluded and private. This property was mentioned in Lewis and Clark's journals of 1805. This is truly the most unique property you will ever find." The price is a bit pricey, $2.5 million, but there are willing sellers out there and here is one listed with great historic value, at least as it is written in this advertisement.

I look at my fellow rancher as a fairly bright person, and what I am seeing is people taking advantage of this monument, trying to sell their property around because it is increasing in value.

In my area, property no longer sells for production value. We recently aquired a piece of property and I told my son, look, that is probably the last piece of property we will buy because property in our area now sells more for recreation value and more of our land is sold to people out of State than Montanans.

A very quick aside—and I feel very passionate about this—if ranches are bought up by out-of-Staters, there is no guarantee they are going to continue to produce cattle, or if they have private land that raises grain, they are going to do that. In fact, a lot of the ranches and farms have been taken out of production and become pheasant habitat in our area and things like that.

On the other hand, if a ranch or farm within the Monument is bought by the Federal Government and becomes a part of that Monument, does it not then, have grazing continue because grazing is mandated? It will be, in a sense, managed through the Taylor Grazing Act. Under those conditions, I argue that the ranchers and the farmers could actually increase their herds within there.

I would like to point out there really are only one or two fourth and fifth generation ranchers out there. Most of the ranchers out there are first and second generation ranchers. I happen to be a second generation rancher on our place. Let's be candid about this.

I see my time is up, and I will pass on.

Mr. RADANOVICH. Thank you, Mr. Tureck.

[The prepared statement of Mr. Tureck follows:]

Statement of Hugo J. Tureck, Vice–Chairman, Friends of the Missouri Breaks Monument

Mr. Chairman, representative Rehberg and Members of the Subcommittee, my name is Hugo Tureck, and I am Vice-Chairman of the Friends of the Missouri Breaks Monument. Our organization is made up of business people, hunters,

farmers and ranchers and those who love open spaces. As a unified coalition, we are committed to protecting and preserving the Upper Missouri River Breaks Monument in its present form.

I thank you for the opportunity today to testify in opposition to H.R. 4822, submitted by Representative Rehberg. I would also like the attached documents and editorials submitted for the record.

My family and I have the privilege of being public land ranchers not far from the Monument. We raise cattle and small grains on a dry land operation that is beginning its fourth year of drought. I was also the Chairman of the Bureau of Land Management, Central Montana Resource Advisory Council, (RAC), from 1999 until 2002. Our RAC is made up of 15 individuals representing many different points of view including ranchers, sportsmen, conservationists, elected officials and individuals representing oil and gas and timber interests. Being a consensus council, our job is to find common ground.

After visiting the Missouri Breaks in the summer of 1999, the Secretary of the Interior requested that the RAC take on the task of finding out how Montanans felt about this vast and wondrous landscape of mostly public lands. Our charge was to find out what Montanans agreed upon and what we held in common. As Chairman of the RAC, I oversaw the preparation for and development of the report that we presented to the Secretary. To reach the greatest number of people living in the area, we conducted hearings in several communities in Central Montana. To encourage participation we accepted testimony during the day as well as in the evening. Hundreds of Montanans from all walks of life felt this issue important enough, that they took time from their busy lives to attend the meeting presenting statements and listening to others. We also received hundreds of letters.

As I listened to the testimony and read the many letters, I was moved by the passion that Montanans felt for this place. Rancher or floater, hiker or hunter, bird watcher or just a person seeking solitude; it made no difference. All felt a special love for this land we call the Missouri Breaks.

This is what the RAC told the Secretary of the Interior: Montanans want this enchanted place to remain as wild tomorrow as it is today. Montanans also want to see the cultural and historical artifacts that abound in this Monument protected and they consider it critical that wildlife habitat be enhanced. The people of my state also want to see traditional uses including hunting, fishing and grazing to continue. Finally, and of critical importance, Montanans want to make sure that all private property rights are protected.

I can tell you today that the majority of Montanans that testified or wrote letters supported the idea of a Monument as the best way to protect this landscape. They were also adamant in voicing that public land belongs to all Montanans and to all Americans. It was a small but vocal minority that opposed the Monument.

When the President of the United States, using the powers given to him through the Antiquities Act, created the Monument, he did so using the report from the RAC to the secretary stressing what the people of Montana so strongly agreed upon as the foundation of the proclamation, including protecting private property rights.

The Monument Proclamation states that the: "establishment of this Monument is subject to valid existing rights". The proclamation further states that "....there are hereby set apart and reserved as the Upper Missouri River Breaks National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States."

Unfortunately, H.R. 4822, does not protect private property rights by removing such lands from the Monument. Private property rights were and are already protected by the proclamation and within existing government law and policy. We live in a system that protects private property rights. The Presidential Proclamation reassures us that private property rights are protected. By placing this language in the proclamation, the President also lets us know that it would take an act of Congress to remove this protection as this hearing today attests to.

The Proclamation also explains why private property was included within the boundaries of the Monument. What the proclamation clearly states is that if property with significant historical, cultural, wildlife or landscape qualities are purchased by the United States from a willing seller, these lands will be "reserved as part of the Monument."

Why is this important? There are a significant number of historical and cultural sites that are on private land, but are an integral part of the historic and wildlife landscape. Sites like the Nez Pearce trail where in 1877 Chief Joseph led his band across the Missouri River and up Cow Creek toward his final battle with General Miles. Sites like the Kid Curry hangout where gunfighters and rustlers hid from the law. Sites like the Bull Whacker Trail where bull trains hauled supplies from cow island to Ft. Benton when the water levels were so low that river travel was

impossible. These and other sites are a part of our national identity. These are sites that help us define ourselves as Americans and deserve adequate protection for future generations to enjoy. Today, if a landowner chooses to sell his land that contains one of these sites to the government, it becomes a part of the Monument and is protected for all Americans. If this legislation passes, that will not be the case.

I would argue that without the current expectation(that land sold to the Government will become part of the Monument) there is a shift in perspective and expectation away from protecting these resources to doing nothing. There will be less interest in purchasing or trading public lands for in holdings from willing sellers if there is no guarantee, as there is now that the land become part of the Monument. The future of the Monument and its abundant wildlife, historical, and ecological values now within the boundary will be jeopardized and our ability to preserve a piece of history and wildness, will be ultimately lost.

Throughout this testimony, I have stressed the important concept of willing sellers. There are numerous rumors about how our government has cynically tried to force or intimidate individual landowners into selling, or how our government has attempted to restrict private property rights. As a public lands rancher I am naturally curious if any of these rumors can be substantiated. I have called upon those making these claims to give us evidence. I have yet to see any. I have, however come across 43 U.S.C. 1715(a) that states that the BLM has no eminent domain authority meaning that by law, the BLM is prohibited from condemning private lands.

Representative Rehberg recently told the editorial board of the Havre Daily News that "he wants to eliminate any worries the landowners may have that the Federal Government would somehow try to restrict the landowners use of their own property." The Havre Daily News responded in their editorial as follows: "Rather than exacerbating people's fears, Rehberg should be reassuring landowners that they have nothing to worry about." Representative Rehberg has also stated that including private land within the boundaries of the Monument will open that land up to vandalism and trespass. But in reality drawing a line on a map would be of little help. On our ranch, our private lands are checker boarded with public lands. It is almost impossible for a person to tell where my private land ends and the public's land begins. If I want to keep the public off of my property and on the public land, I would need to clearly mark my boundaries. This is already my right and my responsibility.

There is something very troubling about this proposed legislation. Apparently those asking for this legislation have little trust in their government to treat its citizens fairly. It also seems those asking for this legislation have little faith in their fellow citizens, yet ask these citizens to trust them when they proclaim that they are the stewards of these public lands.

Finally, I know that Representative Rehberg feels that little thought went into drawing the current boundaries. I have visited with local field office managers, the state director of the BLM and with some BLM staff in Washington. Let me assure you that the boundaries of the Monument were drawn in accordance with the Antiquities Act that "...the smallest area compatible with the proper care and management of the objects to be protected." The boundaries are based on input from local, state and Federal scientists and land managers to include those special objects of significance, then adjusted in response to citizen input. Areas with major developments and/or high percentages of private lands were removed.

Twenty-six years ago, Congress led by Senator Metcalf of Montana created the Upper Missouri River Wild and Scenic River. Forty-six percent or 35,800 of the 81,000 acres that this bill would remove from the monument are within the boundaries of the wild and scenic designation. Just think, twenty-six years ago Congress knew that they could do this and private property rights would not be violated. Twenty-six years later, we know Congress was right: that private property rights were not violated and that the river was better protected than before.

Twenty-six years later the President of the United States using the powers granted to him through the Antiquities Act acted to create a monument protecting a much larger area for future generations. This monument with its inspiring landscape celebrates Lewis and Clark and their role in the building of a nation. It celebrates so much of what they stood for.

Let us not weaken this Monument by passing legislation such as this. Rather, let us work together to put in place a management plan for this new Monument that serves not just a few special interests but the interests of all Americans now and for future generations.

NOTE: A Proclamation by the President of the United States entitled "Establishment of the Upper Missouri River Breaks National

Monument" and a paper entitled "Private Property in the Upper Missouri River Breaks National Monument" have been retained in the Committee's official files.

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

DAILY NEWS
PINION

Editorial roundup HAVRE 9/7/01

Gazette defends Breaks; Record pans lawsuit

Views from other papers

By The Associated Press

The Billings Gazette

"Missouri Breaks National Monument" will merely be a new name for the Upper Missouri Wild and Scenic River if Gov. Judy Martz's task force has its way with this vast track of public land.

We are disappointed in the task force's recommendation to do away with all of the monument's 377,000 acres of federal lands, except for the 90,000 acres that were included in the wild and scenic river designation 25 years ago. Disappointed, but not shocked. Martz has made her opposition to the monument clear. She appointed a task force that confirmed her conclusion in a matter of weeks.

In fact, it was barely five weeks from the day, July 13, when Martz announced the creation of the task force and invited Montanans to write the panel with their views on the monument. Task force members said they read 1,700 letters sent to them, with opinions running 2-1 in favor of the monument.

On Aug. 15, the task force voted to recommend that the 287,000 acres of public land be removed from the monument. On Aug. 21, the council "finalized" that decision. Martz is expected to consider her task force's decision when she makes her recommendations to Interior Secretary Gale Norton.

The governor's opposition continues despite growing support for the Missouri Breaks Monument. Hundreds of Montanans expressed their support for the monument in the two-year, public review process conducted before President Clinton declared the monument on public land. Hundreds of Montanans reiterated their monument support to the governor's task force.

Martz should take a look at the facts of the monument designation: It only covers federal lands. Private lands within the monument boundaries aren't governed by monument management. Furthermore, we question whether the drastic step of paring hundreds of thousands of acres of public land from the national monument is within the plans or power of the Interior Department.

Back in March, when Norton wrote to Martz and other governors whose states are home to new monuments, the secretary asked for help in "developing land use plans for these monuments." She didn't ask which monuments to dissolve. And Norton recently told the Western Governors Association that the administration is "not planning to rescind any of the monuments."

With the bicentennial of the Lewis and Clark expedition coming, now is the time to capitalize on interest in Montana's breathtaking river country. Central Montana will benefit from a monument that recognizes the unique landscapes first described by the Corps of Discovery.

Instead of arguing about boundaries, Montana leaders should get to work on lobbying Norton and our congressional delegation for the resources needed to manage this land and the throngs of visitors who will follow the route of Lewis and Clark.

Independent Record

Here's a new one: A woman sues Delta Air Lines — and wins a $1.25 million award — because her plane didn't crash.

That may be putting it a little strongly, but face it. If the plane had crashed, she probably wouldn't have been around to file suit.

Kathy Weaver of Billings was one of 220 passengers on a Delta flight from London to Cincinnati in 1996 when the plane developed stabilizer problems. The flight crew wrestled control of the plane and managed to make an uneventful emergency landing at an Air Force base near Dayton, Ohio.

Weaver sued the airline in 1996, claiming she developed post-traumatic stress syndrome following the flight. Her attorney said the passengers believed they were going to die. The flight crew had briefed passengers for a crash, and one passenger testified at trial that a flight attendant broke down, telling another passenger "we're going to die."

Like most people, we've never had to suffer through more than a little harmless turbulence during an airplane flight. But we have no difficulty imagining an experience like Weaver's. We'd have been scared silly, and probably would have been weak in the knees for the next month.

But when we stepped off that plane, rather than suing Delta, we'd have been praising Delta's well-trained pilots for getting us down in one piece.

Delta intends to appeal last week's verdict. It contends the law clearly allows airlines to be accountable only for "bodily injury." (U.S. District Judge Jack Shanstrom had ruled that post-traumatic stress constitutes a physical brain injury, not simply a mental condition.)

It's tricky writing opinions about complicated legal cases based just on a newspaper report. And we're sure any competent trial lawyer could give us any number of justifications for such a lawsuit. But no matter how hard we try, we can't imagine suing somebody who saved our life.

Opinion Desk: 447-4085
irstaff@helenair.com

Opinion

Most favor original Breaks plan

An IR View

More than 70 percent of readers responding to last week's Question of the Week agreed that the proposed Missouri River Breaks National Monument should remain at its original size.

The tally on our Web site and from mailed letters was 124 in favor, with 42 against and seven who said they didn't care.

In addition, we were inundated with written comments from all over the state — about 70 of them by the time we stopped counting — and all but one favored the original plan. (The sole exception simply said "no.")

Here's a random sampling of the responses:

■ We strongly favor the Missouri River Breaks Monument as originally proposed. The original proposal far more adequately protects the assets and natural beauty of this national treasure than does the Martz task force recommendation. Private landowner interests are fully protected. A full-fledged monument will give a much-needed boost to Montana's economy.

■ If there were to be a "taking of property, private rights, confiscation of future use," etc., then I would be opposed. I fail to see any such action as written or implied in the plan. Thank you for speaking out on behalf of the plan and for generations to come.

■ Yes! I support the Missouri Breaks National Monument as originally designated in January, 2001. To preserve this special wild and scenic area in its entirety is to show foresight and wisdom. All one has to do is look around to see that the landscape is changing, dramatically, and not necessarily for the better. It is time to rein in the outlandish sprawl and development and protect what precious little is left of the greatness of our state.

■ Because Interior Secretary Gale Norton has publicly stated that she does not have authority to change designated monument boundaries and because public comments favor the designation as proposed two to one, Gov. Martz should put an end to her divisive favoritism and let the proposal proceed. It's good for Montana's cultural and natural heritage and in time will be an economic blessing as well.

■ Yep, they ought to go with the original. A lot of work went into it, a lot of people commented on it, and in the future such lands, in their primarily undeveloped condition, will only become more and more rare — and hence, valuable. Montana's true treasure is in its friendly people, natural amenities, and quality environment, not in the old "oro y plata" on the state flag. Unfortunately, many of our current batch of leaders seem incapable of understanding this.

■ Yes, the national monument designation should stand. The inability of monument opponents to substantiate their claim that the monument threatens private property rights demonstrates that the national monument issue is not one of private property rights, but of PUBLIC property rights. In truth, the monument protects private property rights and traditional uses, including grazing, but a small group of ranchers who are subsidized by U.S. taxpayers to graze cattle on public land are using the private property scare tactic to disguise their desire to limit management of public resources to their own interests. It's not private property rights that are threatened, but the right of the public to manage its own land in a way that respects public opinion.

4A
Thursday, August 30, 2001

Gazette opinion

Monument will benefit Breaks area

"Missouri Breaks National Monument" would merely be a new name for the Upper Missouri Wild and Scenic River if Gov. Judy Martz's task force has its way with this vast track of public land.

We are disappointed in the task force's recommendation to do away with all of the monument's 377,000 acres of federal lands, except for the 90,000 acres that were included in the wild and scenic river designation 25 years ago. Disappointed, but not shocked. Martz has made her opposition to the monument clear. She appointed a task force that confirmed her conclusion in a matter of weeks.

In fact, it was barely five weeks from the day, July 13, when Martz announced the creation of the task force and invited Montanans to write the panel with their views on the monument. Around 1,700 written comments poured in and they ran 2-1 in FAVOR of the monument designation, according to the Associated Press.

On Aug. 15, the task force voted to recommend that the 287,000 acres of public land be removed from the monument. On Aug. 21, the council "finalized" that decision. Martz is expected to consider her task force's recommendation in making recommendations to Interior Secretary Gale Norton within the next few days.

Martz opposition

The governor's opposition continues despite growing support for the Missouri Breaks Monument. Hundreds of Montanans expressed their support for the monument in the two-year, public review process conducted before President Clinton declared the monument on public land. Hundreds of Montanans reiterated their monument support to the governor's task force.

Martz should take a look at the facts of the monument designation: It only covers federal lands. Private lands within the monument boundaries aren't governed by monument management.

Public lands

Furthermore, we question whether the drastic step of paring hundreds of thousands of acres of public land from the national monument is within the plans or power of the Interior Department. Back in March, when Norton wrote to Martz and other governors whose states are home to new monuments, the secretary asked for help in "developing land use plans for these monuments." She didn't ask which monuments to dissolve. And Norton recently told the Western Governors Association that the administration is "not planning to rescind any of the monuments."

With the bicentennial of the Lewis and Clark expedition coming, now is the time to capitalize on interest in Montana's breathtaking river country. Central Montana will benefit from a monument that recognizes the unique landscapes first described by the Corps of Discovery.

Instead of arguing about boundaries, Montana leaders should get to work on lobbying Norton and our congressional delegation for the resources needed to manage this land and the throngs of visitors who will follow the route of Lewis and Clark.

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Opinion

INDEPENDENT RECORD

Breaks monument: Why not?

An IR View

We're having a difficult time figuring out what all the fuss is about concerning the proposed Upper Missouri River Breaks National Monument.

The monument would provide a much-needed boost to the region's economy, it would not affect private property, it would highlight a region of great historical significance, and it would protect some of the most unusual, spectacular and largely untouched scenery in the West.

What's not to like?

Well, apparently a governor's task force found something. After it hastily reviewed the proposal the group rejected two-to-one public sentiment for the original plan this month and recommended slashing it from nearly 500,000 acres (including private land) to just 90,000 acres. The main complaint seems to have concerned the private property that would be in the monument, but not subject to its rules.

It was inevitable that some private land would be included within a monument of any decent size because areas of private ownership are scattered throughout the Breaks. But, so what?

According to the Bureau of Land Management, the private ranch land would be unaffected by regulations governing the monument proper. Landowners' ability to use or sell their land would not be limited. No private land would be condemned. Existing livestock grazing, roads and access would not be changed, nor would recreation like hunting or boating on the river.

Opposition to the original proposal appears to be based on a simple lack of trust that the federal government won't somehow stomp all over a handful of helpless landowners. A similar outcry occurred 25 years ago when a portion of the area was designated as part of the National Wild and Scenic Rivers system. That designation didn't bring about the end of the world, and a Breaks monument wouldn't, either.

The governor should reject the task force's recommendation. The Interior Department's own Central Montana Resource Advisory Council worked long and hard on the plan that then-President Clinton set forth during his last days in office. Given the Breaks' wonderfully sprawling extent, it makes no sense to confine a monument to some small fraction of the area.

If the Missouri Breaks deserves monument status, and it certainly does, let's do it right.

Question of Week

"Should the original Missouri Breaks monument plan proceed?"

Send your thoughts — either a yes or no or several paragraphs explaining your position — to the IR by Friday. You can record your response on our Web site, Helenair.com. Or you can mail your response to the IR, P.O. Box 4249, Helena, MT 59604, e-mail to irstaff@Helenair.com, or fax it to 447-4052. We'll report on your responses the following Monday.

Sharing your views

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OPINION

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TRIBUNE/EDITORIAL

An open letter to Interior Secretary Gale Norton

Dear Secretary Norton:

The Great Falls Tribune joins other backers of the Upper Missouri River Breaks National Monument in expressing our disappointment over the decision by a Montana governor's task force to recommend shrinking the monument's boundaries.

You and Montana Gov. Judy Martz have made no secret of your opposition to this monument and other 11th-hour designations by outgoing President Clinton in January.

We were happy to see, however, that you apparently said during the Western Governors Association meeting last week in Coeur d'Alene that your department does not have the authority to shrink the boundaries of any of these new monuments.

This was big news to us, because a couple of months earlier you had asked states to make recommendations about managing the monuments, including whether boundaries should be adjusted.

To comply with that request, our governor appointed a task force to make such a recommendation on a very short timetable — less than a month.

In effect, this group was to go back and do in a matter of weeks what your own agency's Central Montana Resource Advisory Council struggled with for more than a year.

After three public meetings on three consecutive days, and not quite a month of comment, the task force tentatively recommended making the monument boundaries match up with the 90,000 acres designated Wild and Scenic back in 1976 — a 75 percent reduction from the approximately 375,000 acres in the designation.

It did so in spite of a better than two-to-one tilt among written comments against reducing the monument's size.

This is ironic in light of the task force's mandate, stated in a release July 13.

That document said comments made at the hearings also should be made in writing, and it explained further:

"By allowing public comment to be collected during the entire month, it provides a forum in case individuals are not able to attend the public meetings.

"Only written comments will be considered in the task force's deliberations."

In theory, this was a commendable attempt to get the much-ballyhooed input of Montanans for a decision that will have long-lasting effects in our state.

But judging by the task force's recommendation, which is to be solidified and passed along to you by Sept. 1, that mandate should have stated, "Only written comments *with which we agree* will be considered ..."

We would be more upset with this recommendation, were it not for the Portland Oregonian report last week from Coeur d'Alene, quoting you as saying the monuments' designation and size were out of Interior's hands.

That means a major portion of the Montana task force's process is looking more and more like a kangaroo court.

In the meantime, we commend your attention to guest opinions below, one by the Bureau of Land Management's Lewistown field manager, attempting to dispel some of the myths that have grown up around the monument designation, and the other agreeing with much of our previous appeal for civility, written by the executive of the Montana Stockgrowers, an organization that has opposed the monument designation.

GUEST/OPINIONS

Sharing your views

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OPINION

Pat Th

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TRIBUNE/EDITORIAL

Threats jeopardize freedom of speech

A landowner angry about the Missouri River Breaks monument designation told a Tribune reporter that he might just bring a gun to the next meeting on the issue.

That's the only way to get the attention of those SOB environmentalists who are trying to ruin everything, he said.

In central Montana, a business owner told inquiring customers that she wasn't taking a stand on the monument because she had good friends on both sides of the issue.

"If you're not with us, you're against us," a rancher railed at her as he stormed out of her shop, threatening a boycott.

Yes, the monument designation has emotions running high, but is this any way to run a democracy?

A bedrock tenet of this nation — freedom of speech — gets chipped away every time someone is threatened or intimidated for stating an opinion.

It happens on all kinds of issues, but has been particularly evident on the current debate over the monument designation.

Some people told us they would submit written comments on the issue but refused to go to the public hearings because they felt bullied by those who disagreed with them.

Though the committee chairman tried to keep the crowd under control at one recent hearing, some speakers still were subjected to jeers.

From abortion, to the environment, to how tax dollars are spent, rational debate increasingly is replaced with threats, boycotts and, in some instances, physical violence.

People who resort to such intimidation — no matter what side of an issue they're on — don't seem to realize that they aren't helping their cause.

If anything, they make those with opposing views even more angry and firm in their position. And that often kills any chance of finding consensus or reaching a compromise.

Even worse, free speech is squelched for fear of reprisal.

No one should ever feel that their personal safety or their livelihood is at risk because they simply express an opinion.

That's not good for the monument debate, and it's not good for this country.

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TRIBUNE/EDITORIAL

Show your support for Breaks Monument — again

Supporters of the Upper Missouri River Breaks might have thought they had done everything necessary to secure the future of the new 377,000-acre national monument. Under normal circumstances, they might have been right.

But there's a new sheriff in town, and circumstances are not normal.

Monument foes, some of whom seem to distrust the federal government unless it involves cheap grazing leases, have enlisted the help of allies inside government to, in effect, start a new, abbreviated process.

Back in March, the new sheriff — Interior Secretary Gale Norton — indicated she wasn't going to try to undo the monuments, but she asked states to make recommendations regarding possibly reducing the monuments' size or relaxing their restrictions.

In other words, she and her boss, the president, knew how unpopular undoing the monuments would be, so they devised a way to nibble the monuments to death.

As part of this new, extralegal "process," Gov. Judy Martz in June picked a task force composed of a state senator, a representative, Fort Belknap's tribal chairman and a commissioner from each of the four counties spanned by the Breaks.

She plans to transmit the panel's final recommendations to Norton by Sept. 1.

Parallel to that effort, a bitter Idaho congressman, joined by some others including Montana's Denny Rehberg, have launched a futile effort in Congress to gut the Antiquities Act, the 95-year-old law used by Teddy Roosevelt to protect the Grand Canyon, and used in January by Clinton to protect the Breaks and several other areas.

What it means is that, although the game was legally over, the other team and new referees have come back onto the floor, and the horn is sounding.

Apparently the Montana task force intends to repeat in three or four weeks what it took the Central Montana Resource Advisory Committee several years to accomplish.

We have no doubt that advocates of the Breaks, including the newly formed Friends of the Monument group that held a press conference Tuesday in Great Falls, will get their uniforms back on and make it into the new game.

We expect they will turn out to participate and comment in numbers similar to the numbers that participated and commented before, when the real game was still being played.

There's an easy way to make this underhanded tactic backfire, and that's an outpouring of support for the monument stronger than what's come so far.

Our purpose, then, is to urge anyone else who cares about this gift for the nation — a guarantee that this 149-mile stretch of relatively pristine river and its surroundings stays that way and is properly managed for future generations — to get in the game.

The new task force is accepting comments and has scheduled three hearings (see inset), but the comment deadline is just three weeks away — not much time during a beautiful Montana summer to assemble a movement.

Also making it more difficult is that the session featuring the most controversial topic — monument boundaries — is in beautiful but remote Winifred at 10 a.m. midweek.

Now if we were planning *public* hearings to gather *public* input on an issue of importance to the American *public*, we probably would have tried to make our hearing a little more accessible to members of the *public* who have jobs, but hey, that's just us.

Let your voice be heard.

The people who didn't like the result the first time now want another crack at history. Don't let them get away with it.

Here's how to participate ...

The governor's task force on the Upper Missouri River Breaks National Monument earlier this week announced the following hearing topics, times and places:

- Grazing issues will be discussed from 10 a.m. to noon July 26 at the Moose Jaw Inn, Lewistown.
- Recreation, tourism and visitor services will be discussed in Great Falls at the Interpretive Center from 10 a.m. to noon Aug. 1.
- From 10 a.m. to noon Aug. 2 in Winifred, the group will talk about boundaries and access to inholdings at the Winifred High School.

The task force will accept written comments on all three issues until Aug. 10.

Comments can be mailed to Gov. Judy Martz, State Capitol, P.O. Box 200801, Helena, MT 59620.

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Billings Gazette
Thursday, July 19, 2001

OPINION

The Source

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Gazette opinion

Breaks area can benefit from monument

As far east as Monticello, people are working to capitalize on the booming interest in the Lewis & Clark expedition generated by the upcoming bicentennial. Yet in Montana, where the Corps of Discovery actually moved into previously uncharted territory, there is no elected official championing the Missouri Breaks National Monument. This monument encompasses a 149-mile stretch of wild and scenic river and adjoining federal lands for a total of 377,000 acres. This is arguably the biggest stretch of the Lewis & Clark trail that appears largely as it did in April 1805 when Meriwether Lewis and William Clark first described the Breaks and its abundant wildlife.

It's time for Montana leaders to embrace the monument designation. It's time to look for the good that can be derived for our state, and particularly for central Montana, from managing this unique area and tourism that will grow exponentially in the next several years.

The number of people visiting this stretch of the Upper Missouri increased 42 percent from 1997 to 2000 when the Bureau of Land Management estimates 138,589 people visited the area to float, fish or hunt. As more visitors arrive, management will be needed for safety and information.

The Lewistown City Commission went on record this month in support of the monument.

"It's time to get going, folks," Chairman Brad Parrish said after the 5-0 vote. Even one of the two commission members who abstained agreed that "what we need to do is move ahead and make this positive."

We concur with the Lewistown leaders' endorsement.

Monument critics, including Rep. Denny Rehberg, are right in saying that agriculture, private property rights and gas leases must be continued. In fact, the monument declaration states that grazing leases and gas leases will continue.

According to the BLM, 46,238 acres within the designated monument are covered by 47 gas leases, although the area has generated little production. Over 80 years, 175 gas wells have been drilled, but only 19 have ever produced gas and only eight are producing now.

Most of the land in the monument is leased for grazing. Even without the monument designation, there are rules for drilling and grazing on BLM land. Those rules still apply.

The monument designation in January followed a year and a half of public debate. Back in August 1999, then-Interior Secretary Bruce Babbitt asked the BLM Resource Advisory Council, composed of 15 Montana volunteers, to gather public comment on the idea of a Missouri Breaks monument. The RAC spent hundreds of hours, holding public meetings and receiving more than 500 letters over five months. Most people who commented wanted the Breaks preserved as a natural area, but Montanans were pretty evenly split on whether the monument designation was the right step.

The next step for the Missouri Breaks must be careful development of a management plan. The final plan must include the recommendations of the RAC, which its chairman restated in a letter to Interior Secretary Gale Norton:

1. BLM will remain the managing agency.
2. Hunting and fishing will be recognized as historic and traditional uses.
3. Purchase of conservation easements from willing sellers would be encouraged.
4. Livestock grazing would continue in accordance with existing BLM standards and guidelines.
5. Riparian cottonwood bottoms would be cooperatively restored.
6. Additional management funds would be necessary.
7. People management for protection of the area would be necessary.
8. A policy for preserving the wildness and special character of the area is necessary.

To fulfill these recommendations, the BLM needs funding. That's where our congressional delegation and Gov. Judy Martz must be leaders in obtaining federal funds.

We call on all interested parties to look for middle ground in this contentious debate. Conservationists must appreciate the concerns of ranchers and gas developers. Business people must recognize the monument's economic development potential for border communities, such as Lewistown. A monumental success on the Upper Missouri will benefit Montana.

Sharing your views

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TRIBUNE/EDITORIAL

Some places, including Front, shouldn't be developed

Picture a teeter-totter with a person on each end and a big rock sitting in the middle.

Now picture one of the people as an oil company executive, the other as a conservationist. For symbolic reasons, let's say the rock came from the Blackleaf Canyon in the Rocky Mountain Front.

For decades, the seesaw has tilted one way, then the other, influenced in large part by oscillations in political power and government policies. The rock, being at the mercy of the balance of power, always slides toward the low end.

In the past decade — and to the frustration of the oil companies — it has been the conservationist whose feet usually are planted on the ground.

From our position in the biggest city within sight of the Front, that is good.

It means one of the most spectacular and environmentally sensitive regions in the contiguous 48 states has managed to retain its essence, in spite of efforts to drill it or mine it.

Over the long haul, the area has stayed intact partly because its potential for profitably extracting oil, gas and minerals had not previously been seen as high, and partly because of the protective efforts of conservationists.

In more recent years, it has helped the conservationists to have the added poundage of public opinion at their end of the teeter-totter.

ENERGY CRUNCH

Among other things, for the past four years, a ban on further oil and gas leases in the Lewis and Clark National Forest has been in effect, and it has been upheld by courts.

Unfortunately, the 2000 election put a couple of heavyweights on the other end of the seesaw — George W. Bush and Dick Cheney, oil men to the bone.

In their recently released energy policy, they have used the worsening energy-price crisis to try to lure some of that public opinion to their end.

We need more gas, more oil, more electricity, they say. Only by increasing supplies can we bring down prices.

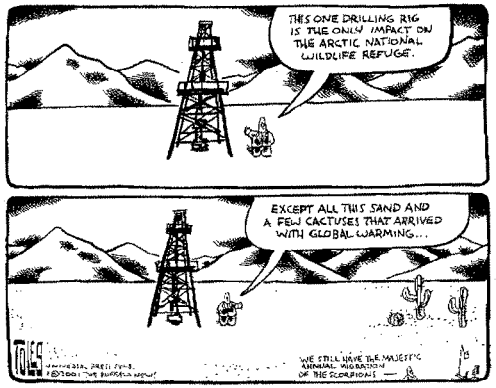
We disagree, for several reasons.

Foremost is that, as the column below by mathematics professor Evar Nering demonstrates, there is a better way to get prices under control and assure future supplies, and it doesn't involve disturbing the last pristine areas on earth.

Nering rightly predicts that more production will lead to more growth in consumption.

That would be a winning formula for oil men like Bush and Cheney, but a long-run loser for the American people and the environment.

The day may come when loosening some environmental restrictions and subsidizing energy production are necessary, but the occasion of a self-induced price crisis is not that day.



Furthermore, even if you accept that increasing gas and oil supply is the answer to rising prices (we don't), there is little evidence that there is enough gas or oil under the Rocky Mountain Front to scratch the surface of America's voracious appetite for fossil fuel.

This isn't a case of NIMBY — not in my back yard. We welcome exploration and drilling in many parts of Montana, and in fact exploration and drilling are occurring peacefully in many parts of Montana.

Rather, we believe there are some places — a relative few of them, including the Front and the new Upper Missouri River Breaks National Monument — where such activities just should not occur.

We would believe that even if we could not see both the Front and the river from our town.

Mr. RADANOVICH. Mr. Pilcher, welcome to the Committee.

STATEMENT OF STEVEN L. PILCHER, EXECUTIVE VICE PRESIDENT, MONTANA STOCKGROWERS ASSOCIATION, HELENA, MONTANA

Mr. PILCHER. Thank you. Mr. Chairman and members of the Committee, for the record, my name is Steve Pilcher. I am Executive Vice President for the Montana Stockgrowers Association and I appear before you today in strong support for H.R. 4822, to address an issue within the Upper Missouri River Breaks National Monument in Central Montana.

The Montana Stockgrowers Association, for your information, represents over 2,100 ranchers and others involved in the livestock industry, many of whom own private land that we have been discussing today and are also stewards of the Federal lands associated with the monument area.

This issue began approximately 3 years ago when then-Secretary of Interior Babbitt floated this section of the Missouri River and proclaimed it to be a special place. While we may have had our differences with the past Secretary on a number of issues, this is an area in which we wholeheartedly agree. It is a special place and deserves much recognition.

For nearly 150 miles, the Missouri River has changed very little from the conditions noted in the journals of Lewis and Clark as they traversed these areas nearly 200 years ago. But the point is, for at least 150 years of that time, these same lands have played a very important role in helping to build Montana's agricultural economy and the culture into what we know today. During that time, it is the Montana ranch families that have been successful in preserving the scenic landscape of that area, including the historic sites that we are talking about today.

But despite this evidence, President Clinton created the national monument, and while we continue to feel that such action is probably not justified, we have chosen to look ahead rather than back and focus on those issues that are created with the establishment of the monument, which obviously brings us to the legislation before you today.

Contained within that 377,000 acres of monument land is, as has been stated, 81,000 acres of private land owned by Montana ranchers, not the Federal Government. The Antiquities Act clearly states, and Federal officials agree, that private lands are not to be subjected to the provisions of designation under this Act, and therefore, some contend, the private lands are not impacted.

However, the reality remains that if private lands continue to be shown within the monument boundary, they will be impacted and the public may well have an inappropriate expectation of their ability to utilize those lands. While it is clear the Antiquities Act cannot be used to acquire private lands, the inclusion of private lands within the boundary creates an unnecessary cloud on those same lands. It is recognized that the boundary lines were identified by a very informal process, basically by a small group of agency officials using a map around a conference room table and a magic marker, and the results of that action are merely lines drawn a map that may forever change the utilization of these lands.

I can only imagine how quickly such action would have been challenged had that procedure been used to deal with many of the other natural resource issues that the agency deals with. Yes, there was much discussion of the monument designation, but it all came about after the lines had been drawn.

The boundary, it would seem, has been created in recognition of including certain private lands as a matter of convenience and for the possible future acquisition of additional private lands. Federal officials state that the acquisition, as has been discussed well, would only be through willing buyers and willing sellers, but I would suggest that to continue to include these lands within the monument certainly enhances the willingness to sell by creating at least the perception that they may already be in some way impacted by the monument.

Ranchers who own private land within the monument are currently circulating a petition that will be submitted to the appropriate entities upon completion in support of this legislation and we will share this with you in the future.

In summary, these people were not asked, or did not ask to have their land included in the monument. They were not consulted before the boundary lines were drawn. These are proud people, proud of their independence. They are proud of the lands that they have worked and cared for for so many years. We ask that you take this small step to clarify that independence and to help minimize the confusion that exists by having private lands included within the monument boundary. If, as Federal officials contend, the monument designation does not apply to private lands, then there really should be little opposition to legislation to formally exclude those private lands.

We appreciate Representative Rehberg's efforts to bring this bill forward and ask for your support of H.R. 4822, and I very much appreciate the opportunity to appear before you this morning. Thank you.

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

[The prepared statement of Mr. Pilcher follows:]

Statement of Steven L. Pilcher, Executive Vice President, Montana Stockgrowers Association

Chairman Radanovich, and members of the House Subcommittee on National Parks, Recreation and Public Lands, my name is Steve Pilcher, Executive Vice President for the Montana Stockgrowers Association and I am appearing before you today in support of H.R. 4822 submitted by Representative Dennis Rehberg. This legislation attempts to address an issue relative to a decision by the previous administration to create a national monument under the Antiquities Act, for a special area known as the Missouri River breaks in central Montana. The Montana Stockgrowers Association represents over 2100 ranchers and others involved with our industry including many who own private land, and are stewards of Federal lands in the area that has now been designated as a national monument.

This issue began approximately three years ago at this time of year when, then Secretary of Interior, Bruce Babbitt floated the Missouri River in this area and proclaimed it to be a special place, one in need of some type of protection. While we may have had a number of differences with the past Secretary, we wholeheartedly agree that this is truly a special place. For nearly 150 miles, the Missouri River in this area has changed little from the conditions documented in the journals of Lewis and Clark as they explored, at the direction of President Jefferson, the Louisiana Purchase to determine the potential for development and find a pathway to the Pacific.

Today, areas as such as the White Cliffs, the Judith Landing, Cow Island and others appear nearly identical to the conditions observed by those explorers nearly 200 years ago. For 150 or more years these same areas have played an important role in helping to build Montana's agricultural economy and culture. These same Montana ranch families played a fundamental role in maintaining and preserving Montana's scenic landscapes, including the historic sites mentioned above. Disregarding that success, the past Secretary was able to convince then President Clinton that it was necessary to protect the area from the very people who had preserved it for that entire time and the Upper Missouri River Breaks National Monument was created. That monument encompasses approximately 377,000 acres, acres that contribute to the agricultural economy of the central Montana. While we continue to feel the designation cannot be justified, we have chosen to look forward rather than back and respond to the issues that the designation of a monument creates. However, there remains an unresolved issue that will make it virtually impossible for ranchers and the river community to accept the designation. It is for that reason that I have traveled here today to provide testimony on this important legislation.

Contained within the 377,000 acres of land within the monument boundary is 81,000 acres of private land owned by ranchers, not the Federal Government. The Antiquities Act clearly states, and Federal agency representatives agree, that private lands are not to be subjected to the provisions of the designation as a monument under the Antiquities Act. However, the reality remains that if private lands are shown to be within the boundaries of the Missouri River Breaks Monument area, the public may well have inappropriate expectations of their ability to use those lands. It has been stated that the monument designation does not impact private lands. This is totally false. The interim management plan that has been developed by the Bureau of Land Management (BLM) contains recommendations and requirements that will no doubt, indirectly impact these private lands. This special designation should not penalize the state's ranching families.

If provided the opportunity, our members will continue to manage the lands in this area in a manner that has preserved them for 150 years. Continued land productivity is essential to the long-term viability of ranches in this area. However, our organization, as well as ranchers in the Missouri River Breaks Monument area, is concerned with the process that was employed to determine the boundaries of a national monument. It is recognized that the boundaries that were established were the result of a small group of Montana BLM officials gathered around a conference room table in Billings, Montana with a magic marker and a map and proposed a boundary for a National Monument. There was no public input, no analysis of the impacts of such a decision, merely lines drawn on a map that may forever change the utilization of these lands. I can only imagine how quickly that decision would be litigated had that process been utilized in making other natural resource decisions.

As flawed as that process might have been, we must accept the fact that the creation of a monument in this area is not likely to be overturned. However, in their haste to draw the boundaries, BLM officials inappropriately included 81,000 acres of private lands and 39,000 acres of land owned by the State of Montana. While it is clear the Antiquities Act cannot be used to acquire private lands nor can the management plans adopted for a national monument created under that Act be imposed on private lands, private lands are clearly included within the perimeter boundary of the Missouri River Breaks National Monument. It would appear Federal officials have included private lands that, if acquired by the Federal Government in the future, would be a good addition to the monument itself. Those same officials are quick to state that such acquisition would only occur if there was a "willing seller" of the private land. In many cases, a private property owner's willingness to sell may be enhanced by creating the impression that these lands are already a part of a national monument.

The inclusion of private and state owned lands within the monument boundary clearly create confusion for visitors to the area. People will obviously assume they are free to recreate on all lands within the monument boundary and will likely show little respect for private property rights. While private property owners cannot avoid some of the impacts associated with adjacent lands being managed as a national monument, it is inappropriate to add to the confusion by leaving them within the boundary. If, as Federal officials have stated from the very beginning, the designation as a national monument does not apply to private or state owned lands, the deletion of the same should have absolutely no impact on the remaining Federal lands within the monument boundary.

While decisions regarding 81,000 acres of private land and 39,000 acres of state owned land may not seem important in a state like Montana with 93 million acres, it is critically important to those ranchers whose families have owned and worked

those lands for four and five generations. Attached to this testimony you will find a copy of a petition being circulated by ranchers in the area of the monument expressing support for legislation to withdraw private lands from the monument. When completed, this petition will be made available to Representative Rehberg for him to share with the Subcommittee. These people did not asked to have their land included within the monument area and they were consulted before the action was taken. They are proud people, proud of their independence and proud of the lands they have worked for those many years. We ask that you take this step to clarify that independence and to help minimize the confusion created when private lands are included within the monument boundary.

Thank you for the opportunity to share these thoughts and this information with you.

Summary of Testimony:

The Upper Missouri River Breaks National Monument was created during the final moments of the Clinton Administration. In doing so, 81,000 acres of private land and 39,000 acres of land owned by the State of Montana, were included within the monument boundary. This action was not taken at the request of the landowners involved nor were they consulted with respect to their land being included within the monument. Federal officials have frequently stated that the monument designation does not apply to these lands but as long as they are included within the boundary, confusion will exist. Likewise, leaving private lands within the monument boundary may in the future be used to force landowners into becoming "willing sellers" so that the property can be acquired by the Federal Government. H.R. 4822 will not harm the remaining designated Federal lands but would do much to address the private property concerns.

Mr. RADANOVICH. Here to speak on H.R. 4530 is Ms. Becky Anderson, the Executive Director of HandMade in America. Welcome, Ms. Anderson.

STATEMENT OF BECKY ANDERSON, EXECUTIVE DIRECTOR, HANDMADE IN AMERICA, ASHEVILLE, NORTH CAROLINA

Ms. ANDERSON. Thank you. I will shift your attention to the Eastern part of the United States now. In our testimony here, I am going to speak and my colleague beside me will speak to the natural resources of our area and I am going to speak to the cultural resources of this area that we present for heritage designation.

I would certainly be remiss if I did not start with the original culture, which was the Cherokee culture. History brings back the Cherokee 11,000 years, with a culture that included a permanent village, cornfields, dances, games, ceremonies, the sacred fires, council houses, and a social organization based on a clan system which exists today. From the 1750's to the 1850's, the Cherokee were the first to develop a written language, a written constitution, representative government, and they were the first of the Indian nations to have a bilingual newspaper.

Today, they are a living legacy in our region. There are currently 10,000 members of the Eastern Band of the Cherokee who reside on the reservation there and in Western North Carolina. They are the only Federally recognized tribe in the State of North Carolina and they have the largest population of the Cherokee Indian outside of the reservation in Oklahoma. They are a living legacy in that they provide examples every day of their culture and their heritage and their history to us.

Two that I am going to mention to you include the Cherokee Museum, one of the best in the nation, not only exemplifying their history but working all day, every day, in education programs, outreach, exhibitions, festivals, and events that educate the visitor and

the members of the tribe of their history, and then the remote community of Snowbird, which today still speaks in two dialects of the Cherokee language and adheres to all of the traditions and ceremonies of and practices of the Cherokee. We have documented these over a series of over 50 hearings into a book that will be published this fall on the heritage of the Cherokee, documenting 100 sites and 17 events.

In addition to the Cherokee culture, I would like to speak to the craft heritage of our region. It was influenced by the Cherokee, whose pottery began somewhere around the Puopic Age, and today it is noted for their basketry and their beadwork. They were the first to establish the first Native American craft cooperative in the United States.

Our region is home to both the beginning of the traditional craft movement in this country and the contemporary craft movement. In the traditional craft movement, we have the oldest continuing folk school operating, the John C. Campbell Folk School. We have the second oldest guild in the United States, the Southern Highland Guild, which operates the oldest continuing craft shop, Allenstand, which is located on our Blue Ridge Parkway. It is home to the Penland School of Craft, one of the foremost schools in our nation. If you are a professional craftsperson, at some time in your career, you will spend time at Penland.

The contemporary movement for this country was established in the 1940's when the Bauhaus was disbanded in Germany and craftspeople and artists moved to Black Mountain, North Carolina, to establish the Black Mountain College, which became America's think tank for a period of time.

And last but not least, Haywood Community College was the first community college in the United States, 30 years ago, to establish a degreed program in the making, marketing, and business of craft. Today, that program is emulated in 30 of our States in their community college system.

But this is a living legacy. There are over 4,000 craftspeople who live in our region. It is the third largest concentration in the United States, behind New York City and the Hudson River Valley and the San Francisco Bay area. They contribute $122 million a year to our region's economy. We have helped them by establishing the first heritage guidebook in North Carolina of the Craft Heritage Trail system that is now being used by 13 other States to develop a heritage tourism program.

And finally, I would be very remiss if I did not bring to your attention the traditional music of our region, whether it is string band, bluegrass, unaccompanied ballad singing, the Piedmont blues, or shape note singing and the sacred music venue. We are home to the Blue Ridge Music Center built by the National Park Service on the Blue Ridge Parkway to carry forward this tradition. The National Endowment for the Arts has awarded its prestigious National Heritage Fellowship to 12 of our traditional musicians, the largest number in the United States and is the home of the oldest folk festival, located in Asheville, the Mountain Dance and Folk Festival.

But it is, again, a living legacy. Tonight, on June the 13th in one small rural county in North Carolina, four places will be alive with

music. The Bluff Mountain Music Festival will have 50 entries of people singing on the mountain. At the Depot in Marshall, there will be people doing the traditional clogging dance and square dancing of the region. The Junior Appalachian Musicians Program will train young musicians in string band music at Walnut School. And Doc Watson, the foremost traditional musician of our time, will be playing at a concert tonight. His last festival 2 weeks ago drew 77,000 people and contributed $12 million to our region's economy. Thank you.

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

[The prepared statement of Ms. Anderson follows:]

Statement of Becky Anderson, Executive Director, HandMade In America, Asheville, North Carolina

Craft Heritage

The study area is home to over 4,000 craftspeople, both full-time professionals and second-income producers who contribute $122 million annually to the region's economy. This concentration of craftspeople is the third largest in the United States surpassed only by New York City/Hudson River Valley and San Francisco Bay Area. The region is the origin of both the traditional craft movement (1800s - early 1900s) and the contemporary craft movement (1940s) in the United States. Three of the country's most famous craft schools are found in the region, attracting hundreds of students and craftspeople to settle in places such as the John C. Campbell Folk School at Brasstown, Haywood Community College at Waynesville, and Penland School of Craft at Penland. In addition to the large guild, the Southern Highland Craft Guild, there are numerous small local guilds for weavers, spinners and quilters.

The region's first craft influence was by the Cherokee Indians resulting from the region's wealth of natural resources. The resources included honeysuckle, river cane and white oak for baskets; willows for furniture; silver bell and rhododendron for making canes; and the country's largest variety of wood for carving bowls, spoons and statues. Natural dyes were derived from wild pokeberries, blueberries, black walnuts, yellow root and numerous other plants. Kaolin clay for pottery is of such high quality that English tableware manufacturer Josiah Wedgwood used it to make his famous Queensware. A Wedgwood dinner service of Macon County clay graced the tables of Catherine the Great.

As previously stated in this study, the arrival of the Scotch–Irish in the early 17th century dominated the development of the region's heritage and culture. It is their influence in the region's music, arts, language, dance and craft that has dominated until recent years. In the beginning, craft was created for function—clothes, furniture, farm implements, dishes and utensils. In the isolated sections of the mountains, family farms supplied many of their own needs; and what was produced by tradespeople elsewhere was often domestic work life in the mountains. Older forms of domestic weaving, pottery, basketry and other folk crafts survived long enough to be written about, organized and cast in an altered form for the modern age. While not all these crafts were unique to the region, what was unusual about them was their persistence after they had disappeared in the remainder of the country.

As the industrial revolution took place in the early 1900s, two major influences on craft and architecture were directly credited to George Vanderbilt, son of Cornelius Vanderbilt of shipping and railroad fame, and Edwin Grove, entrepreneur and inventor of Grove's Chill Tonic. When construction began on the Biltmore House, it became apparent that European craftsmen would be needed to do the work. Over 1,000 individuals contributed to the construction of the house, including stonecutters, woodworkers, masons, sculptors, carvers, carpenters, tile-makers, glaziers, blacksmiths, painters, and their apprentices. After construction of the house, many remained in Asheville where their legacy lives on in the city's architecture, housing, churches, streetscapes, stone carvings and ironwork.

In addition, Edith Vanderbilt organized Biltmore Industries, a training school for young men and women in mountain crafts, particularly woodcarving and weaving. The industry continued for 70 years. During its heyday, 40 looms wove products that garnered an international reputation. In the early "80s, the industry was closed, and currently, the Biltmore Homespun Museum operates at its location.

Just as the study area fostered the traditional craft movement in the United States, so has it served as the national site for the origin of the Contemporary

Crafts Movement. The Black Mountain College initiated this movement in the 1930s–1950s. The college was founded in 1932 by John Andrews Rice and located in Black Mountain, near Asheville. It was a small liberal arts school with a then radical approach to the educational process. It attempted to bring together the concepts of individual creativity and community responsibility to form an environment of mutual inspiration. The college struggled through 24 years of existence until closing in 1956. Principle leaders were Rice, Annie and Joseph Albers, and Charles Olsen. It was at the college that the Albers introduced contemporary design influenced by the German Bauhaus movement, often reflected in Annie Albers' weaving. The college served as a seminal atmosphere for many of the 20th century's important figures in the arts including Buckminster Fuller, Kenneth Noland, Jonathan Williams, Robert Rauschenberg, Mare Cunningham, Ed Dorn, Arin Siskind, Alfred Kazin and many others.

Craft Heritage Trails Project

A 1994 economic impact study sponsored by HandMade showed that craft contributed $122 million per year to the region's economy. Based on these assets and the educational needs of the region, HandMade has focused on the development of entrepreneurial, educational and community revitalization efforts for craftspeople and citizens.

"The Craft Heritage Trails of Western North Carolina——Working with craftspeople, business owners, chambers of commerce, the Host organizations, tourism offices, state and local governments, and the Eastern Band of Cherokee Indians, HandMade produced the first heritage tourism guidebook for North Carolina. A series of seven driving trails takes visitors to more than 400 historic craft sites, private studios, shops and galleries, historic lodgings and restaurants featuring local cuisine. A total of 40,000 guidebooks have been sold to date. Shops and gallery owners have increased sales by 24 percent. Seventy-three percent of trail visitors have spent over $200 for crafts.

HandMade will continue to market their craft trails through updating and continued publication of their guidebook. This publication is already in its second printing and continues to grow each year, both in content and in distribution. The overall marketing and advertising program will help to promote the guidebook to visitors.

HandMade has plans to explore new marketing arenas, such as High Point Furniture Show and converting closed schools to training facilities and studio incubators. In addition, they are in the process of developing package tours and itineraries for group tours. They are currently working with Smithsonian Tours to accomplish this goal.

Plans are on the drawing board to expand use of Craft Across Curriculum program to teach math, science, and language arts in the public schools, develop apprenticeships in craft studios, and offer training in marketing and business planning for craft entrepreneurs

TRADITIONAL MUSIC

Western North Carolina is home to music traditions of national, and even international, significance. Distinctive styles of stringband music, bluegrass, unaccompanied ballad singing, blues, and sacred music such as unaccompanied lined-out hymn singing, shape note singing, and gospel music have developed and flourished in the Southern Appalachians of North Carolina and surrounding states over many generations.

Ralph Rinzler, creator of the Smithsonian's Festival of American Folklife held annually on the Washington Mall, acknowledged the cultural importance of western North Carolina when he described it as "one of the richest repositories of folk song and lore in the southeastern United States." The state first attracted the attention of folk song collectors in the early decades of the twentieth century, when British scholar Cecil Sharp visited the Southern Appalachians to document ballad singing. His English Folk Songs of the Southern Appalachians, a monumental work that first appeared in 1917, documented more ballads and singers in North Carolina than in any other state in the southeast.

Like Sharp, other music scholars and collectors including Rinzler, Robert W. Gordon and Alan Lomax from the Library of Congress, Frank C. Brown of Duke University, folk singer Pete Seeger, and Frank and Anne Warner, among others, have been attracted to the region to document the artistry of western North Carolina's traditional musicians. Their recordings, along with commercial releases by record companies that date back to the 1920s, constitute an astounding archive that documents deep community music traditions and extraordinary individual artistry. The recordings of some musicians from the region, such as Doc Watson, Frank Profitt, Bascom Lamar Lunsford, and Etta Baker, have proved so powerful that audiences across our

country and throughout the world have embraced the music and even journeyed to North Carolina to hear it.

The National Park Service recognized the wealth and vitality of these traditions when it established the Blue Ridge Music Center on the Blue Ridge Parkway near the North Carolina and Virginia state line. The Interpretive Plan for the Center notes that southern Appalachian folk music and dance are among our nation's richest traditions, testifying to "the creativity of people from the region" and recording "the cultural history of mountain communities over generations." In further acknowledgment of the importance of the music traditions of the Blue Ridge, the National Endowment of the Arts has awarded prestigious National Heritage Fellowships to twelve traditional musicians from western North Carolina and Virginia.

History

The development of the music heard in the region today began prior to the Revolutionary War. Parties of Germans, Scotch–Irish, and English "border people" moved down the Valley Road from Pennsylvania into western Virginia and North Carolina during the colonial era. These groups brought ballads, instrumental dance tunes, and hymns from their diverse homelands. Some of this music survives today in forms that are recognizable as "old country" traditions. However, musical exchange between communities proved particularly potent over time. Eventually music of Southern Appalachians changed into something altogether new as people moved and settled together.

The influence of African culture is particularly important to the development of musical traditions in the region. The European settlers who journeyed down the Valley Road encountered African Americans brought as slaves to foothills farms and plantations when land closer to the coast was worn out by the unrelenting planting of tobacco. In the Southern Appalachians, the musical concepts from Europe and Africa were fused into whole new ways of thinking about, and playing, music. The banjo, an African instrument, was combined with the European fiddle to form a uniquely American ensemble—and create a sound that would eventually shape blues, bluegrass, and Country and Western music, among other genres.

Many different styles of religious songs and congregational singing developed in western North Carolina churches throughout the 1800s, and many of them continue in use. One of the older styles—practiced by whites, blacks, and Cherokees—had unaccompanied congregational singing of hymn texts to traditional ballad melodies. Where congregations had few hymn books or could not read, a song leader would "line out" or chant a line or two of the text, then pause while the congregation repeated that text singing a familiar hymn tune, sometimes in a highly ornamented version. Such singing is practiced by Primitive Baptists and German Baptist Brethren still.

Early Methodists developed another style of unaccompanied song that could be caught easily by ear. Their camp-meeting and revival spirituals had texts with repeated lines and choruses and often used melodies derived from traditional dance tunes. Shape-note hymnbooks—ones that used a special shape for each note of the scale to facilitate sight reading—picked up both of these repertories but arranged them for three- or four-part unaccompanied choral performances. Singing masters taught rural people how to read this musical notation, and the song settings came into use both in church worship and in periodic singing conventions. The most popular of these books in the Blue Ridge were William Walker's The Southern Harmony and Musical Companion (1835) and his The Christian Harmony (1867), the latter still used in "singings."

In Primitive Baptist churches today, and in Methodist and other churches for many years, musical instruments were not allowed. The churches did not find them authorized by the New Testament or disliked their association with dissolute behavior, so the church singing was unaccompanied and stood in contrast to much of the music in the secular world outside. By the twentieth century yet another style of singing entered both black and white mountain churches, up-tempo gospel songs performed with pianos, guitars, and other instruments, together with solo performances by featured groups.

Blue Ridge Music Trails

Traditional music continues to thrive in mountain communities of western North Carolina. Cultural specialists who surveyed the region in 1999 to create a resource inventory for a heritage tourism project called the Blue Ridge Music Trails found a variety of public venues where traditional music is presented on a regular basis. Fiddlers' conventions, large and small, are held on many weekends throughout the spring and summer months. Community centers, restaurants, old school houses, campgrounds, and VFW halls are the sites of weekly gatherings of musicians and

local residents. Presentation ranges from "picking sessions," where the relationship between musicians and listeners is relaxed and informal, to seated concerts staged at numerous "hometown oprys." African American and European American churches host shape-note singings and welcome all who love this old form of unaccompanied harmony singing.

In addition to this grassroots infrastructure for presenting traditional music, regional colleges and universities have embraced regional culture and offer programs and events where folklorists and cultural specialists supplement performances of traditional music with interpretation. Western Carolina University in Cullowhee produces "Mountain Heritage Day," an annual festival that attracts large audiences to hear traditional music, eat regional foods, and buy crafts. Mars Hill College and Warren Wilson College in North Carolina organize traditional music "camps" where musical instruction is offered along with concerts and workshop performances. Wilkes Community College sponsors MerleFest, a festival that focuses upon the talents of Doc Watson, one of our nation's best-known traditional musicians. In 2001 this event attracted an audience of 77,000 and brought an estimated twelve million dollars into the economies of local communities.

Music traditions in western North Carolina continue to evolve. Young people in mountain communities learn to play traditional music through informal apprenticeships with relatives and friends, by attending community musical events, and by taking more formal lessons offered in after-school programs. Colleges that offer traditional music camps and workshops provide scholarships so that promising young musicians in the region can learn from experienced players. People from outside of the state are moving to Asheville, Boone, and other towns in an effort to be part of North Carolina's community of traditional musicians. They are bringing new musical ideas and styles to the older traditions and are attracting an enthusiastic young audience to the music. North Carolina's musical traditions continue to be highlighted in popular culture through films like Songcatcher and in best-selling novels such as Charles Frazier's Cold Mountain.

The Blue Ridge Music Trails is bringing national attention to the vitality and richness of traditional music in western North Carolina. Through a guidebook and website visitors can find venues where they traditional music is experienced in its community settings. These publications include descriptions of the venues and the communities where they are located, information on the roots and development of Appalachian musical traditions, profiles of individual musicians, and extraordinary documentary photography.

Educational programs have developed alongside the guidebook and website. Lesson plans and activities that use traditional music to teach the fourth grade curriculum are now under development in public schools in four western North Carolina counties. The teachers and administrators piloting this program are supported by faculty in the School of Education at the University of North Carolina at Chapel Hill and staff at the North Carolina Arts Council. The Arts Council has also committed funds to expand the Junior Appalachian Musicians program (JAM). This after-school programs use local traditional musicians to teach fifth through eighth graders to play traditional music. This year, with NEA Challenge America funds, the Arts Council provided grants to four local rural arts agencies to launch JAM programs.

Projects are also underway to make documentation of the region's finest traditional musicians—now preserved in archives that not easily accessible to the public—available through sound recordings issued with interpretive notes and historic photographs.

CHEROKEE HISTORY AND CULTURE

The Cherokees, unlike most other people living in the Southern Appalachians, believe they have always been here. Their myths and legends mention Pilot Knob in the Shining Rock Wilderness area near the Blue Ridge Parkway as the home of Kanati and Selu, the first man and woman, and they refer to the Kituwah mound site near Bryson City, North Carolina as the site of the mother town of the Cherokee people.

Whatever their origins, it is clear that members of the Eastern Band of Cherokee Indians are descendants of people who have been in the region for a long time. The archaeological record reveals a period of human habitation in the southern Appalachians dating back more than 11,000 years. According to linguists, the Cherokee language, which is part of the Iroquoian language family, emerged as a separate distinct language by at least 1500 BC, and by 1,000 AD a distinctively Cherokee way of life had emerged. By that point, Cherokee people had established cultural patterns that continue to influence their communities. These included permanent villages, cornfields and gardens, dances, games, ceremonies, the sacred fire, council

houses, social organization based on a clan system, and a well developed system of beliefs and practices.

Europeans entered the outskirts of their territory as early as 1540 when Hernando deSoto's expedition passed through, and by the 1650s, Cherokees had also met the British and had begun growing peaches and watermelons acquired through trade. After 1700, the full impact of European contact became evident in cultural exchange, trade goods, intermarriage between Cherokee women and Scots traders, and trips to England by Cherokee leaders. On the negative side, contact also resulted in smallpox epidemics that decimated the population, military campaigns that destroyed Cherokee towns, and the loss of Cherokee territory through treaties.

Between 1759 and 1839, the Cherokees made a remarkable recovery from defeat and devastation. They became a civilization with written language, schools, churches, farms, business enterprises, a written constitution, representative government, and a bilingual newspaper—a period historians call the Cherokee Renaissance. Missionaries also entered their lives. Moravians, Presbyterians, Congregationalists, Baptists, and Methodists offered Cherokees education in English, religion, farming, and domestic arts.

Cherokee accomplishments did not protect the Cherokees from removal, however. In 1838 Federal soldiers and state militia began moving most of the Cherokee nation to Indian Territory in Oklahoma. Among those who remained in North Carolina were some who had successfully applied for citizenship and others that hid in the mountains. A few others escaped from the Trail of Tears or walked back to the mountains of western North Carolina from Oklahoma. About a thousand in all managed to avoid removal. Many members of the Eastern Band of Cherokee Indians today are their descendants.

Although Cherokee political and social institutions were severely disrupted by the removal, the Eastern Cherokees maintained rich cultural traditions. Two dialects of the Cherokee language continue to be spoken and the tribe actively supports language preservation efforts. Cherokee traditional artists have received recognition at state and national levels for their outstanding work. Cherokee music and dance, not as widely known as Cherokee crafts, include older ceremonial dances and songs that exist alongside the fancy dances and drum groups associated with more modern powwow celebrations. Bluegrass and country music coexist with hymn singing and other sacred song traditions that contribute to the musical life of Cherokees.

Cherokee Heritage Trails Project

The Cherokee Heritage Trails project recognizes the heritage and traditional culture of the Eastern Band of Cherokee Indians as one of the most compelling and important stories of the Appalachian region. Like the Blue Ridge Music Trails project, it takes a regional, interstate approach that combines sustainable economic development and cultural conservation. The trail's focus on traditional culture is one that holds unusual promise for being both educational and economically sustainable as it seeks out undervalued cultural assets such as significant Cherokee traditions, authentic tradition bearers, historic sites, and historically important collections that the Eastern band and local mountain communities want to make more accessible.

Although the project encompasses regions of North Carolina, Tennessee, and Georgia that constituted the old homeland of the Cherokee, the project draws mainly on the expertise and participation of members of the Eastern Band, who constitute a majority of the Cherokee Heritage Trails task force and who have worked enthusiastically with other project partners since the project began. In addition to identifying existing venues where tribal members could tell their own stories and interact with visitors, the task force recommended adding sites throughout the region to further enrich the cultural interpretation of an area already noted for its scenic beauty and recreational opportunities. On the basis of cultural inventories developed for the project, the task force eventually approved, and sought approval from, more than 100 sites and 17 events in North North Carolina, Tennessee and Georgia for inclusion in the Cherokee Heritage Trails.

In developing the trail system, the task force identified six regional interpretative centers for the project. The main "hub" is the town of Cherokee, North Carolina, located at the southern end of the Blue Ridge Parkway and at the heart of the Qualla Boundary Cherokee Reservation. This area is home to approximately 10,000 members of the Eastern Band of Cherokee Indians, North Carolina's only Federally recognized tribe and the largest population of Cherokee Indians outside the Cherokee Nation in Oklahoma. Cherokee, North Carolina, has been a tourist destination for many years, but its tourist attractions have often obscured the fact that hundreds of Cherokee artists still practice distinctive traditions of woodcarving, pottery, basketweaving, music, storytelling and other traditional arts.

The institutional home for this project is the Museum of the Cherokee Indian, which not only offers a historical overview of the Cherokee, but also develops the theme of "Cherokee People Today" as it guides visitors in their explorations of sites in and around the town of Cherokee and along the Blue Ridge Parkway. Under the energetic and imaginative leadership of its current director Ken Blankenship, the museum was entirely renovated and a new award-winning exhibit constructed in 1998 that combines artifacts, graphics, text, and computer-generated images to tell the story of the Cherokee people from 11,000 years ago to the present day. The museum's focus is not simply historical, however. Through its staff (almost all are members of the Eastern Band) and through its educational and outreach programs, festivals, and workshops, the museum regularly brings its visitors together with many of the best local Cherokee artists.

The Snowbird Cherokee community and the story of one of its important leaders, Junaluska, provide the interpretive focus for the Junaluska Memorial and Museum in Robbinsville, North Carolina. Here visitors will not only receive an orientation to the area but may also meet Cherokee people, hear the Cherokee language spoken, and learn about some of the most traditional Cherokee practices. As an outgrowth of the Heritage Trails project, the museum has been awarded funding to develop a medicine trail on the museum grounds and to produce an interpretive video about the medicine trail and the Cherokee Snowbird community.

The Cherokee Historical Museum in Murphy, North Carolina is developing an exhibit focused on the places and events in the Murphy area related to Cherokee culture and the Trail of Tears. Known to the Cherokee as "the place of the leech," Murphy still figures in Cherokee legend. At the junction of the Valley and Hiwassee Rivers, Tlanusi, the giant leech, once lived and snatched Cherokee children who came close to the riverbank. About four hundred members of the Eastern Band still live on 5,575 acres scattered throughout Cherokee County, near the old Cherokee communities and homesteads of Tomotla, Grape Creek, and Hanging Dog. Scenic drives and side trips from Murphy take visitors to the locations of old Cherokee town sites and mountain trails, including the National Millennium Trail segment of the Unicoi Turnpike.

The town of Franklin, North Carolina plans to host interpretive centers for visitors exploring the sites and stories of more than a dozen Cherokee villages that existed along the Little Tennessee River and its tributaries in the 18th century. Franklin itself is on the site of the old Cherokee town of Nikwasi, and the Nikwasi Mound, once the spiritual center for this area, still stands—close to its original height" in downtown Franklin. The Scottish Tartans Museum, which focuses on the history of the tartan, includes an exhibit of the Cherokees' relationship with the Scots and the Scots–Irish traders. Near Franklin, the Smoky Mountain Host Visitors Center will provide information about the Cherokee heritage of the area as well as an overview of the project and other tourist-related information. A series of scenic drives outlined in the guidebook will allow visitors to explore and interpret the lands surrounding Franklin.

Initial products of the Cherokee Heritage Trails include (1) the Cherokee Artist Directory, a guide to more than 50 Cherokee artists who offer public presentations of Cherokee culture published in 2001 by the Museum of the Cherokee Indian in collaboration with the North Carolina Arts Council and the Cultural Resources Division of the Eastern Band of the Cherokee Indian; (2) a website at www.CherokeeHeritageTrails.org, which serves as a guide to visitors and includes online purchasing information for trail-related materials; and (3) the Cherokee Heritage Trails Guidebook, now in process at the University of North Carolina Press with a projected publication date of winter 2002. The guidebook will identify and thematically connect culturally important Cherokee sites and provide interpretation that includes the Cherokee perspective.

Agricultural Heritage

The Cherokee and their ancestors have lived in WNC for thousands of years. They farmed the fertile bottomlands along streams and rivers where periodic flooding enriched the soil. The men burned forested areas to open up small clearings and fertilize the soil—a method known as slash and burn. Women were the primary farmers, planting corn, beans and squash together in large mounds or hills of earth. This method ensured good drainage during wet months, simplified weeding and provided uniform spacing for crops. At the Oconaluftee Indian Village in Cherokee, herb gardens and nature trails reveal trees used for canoes and multiple plants used for healing. Seventy-five percent of medicinal plants known to grow in the United States grow in the region. Most revered of all crops was "selu" or corn around which the Green Corn Ceremony the tribe's most solemn annual function evolved.

In the late 1700s, English, German, Scotch–Irish, French, Welsh and African settlers came seeking land and more prosperous lives. Settlers farmed lands previously cultivated by the Cherokee or cleared small amounts of "new ground," readily adopting the agricultural practices of Native Americans. Their small self-sufficient farms, often called "scratch ankle" farms, provided for the basic needs of food, clothing and shelter as well as foods hunted and gathered from the forests. They introduced a European pattern of raising livestock both for food and trade. Cattle and sheep foraged on pastures or on grassy balds while pigs roamed the forests and orchards. This pattern did not require much attention from farmers busy raising crops and clearing land. Thus, mountain farmers combined cultural patterns of growing crops and raising livestock.

Currently, farming patterns are demonstrated and preserved at several sites around the region. The Mountain Farm Museum at the Oconaluftee Visitor Center in Cherokee depicts the early 1900s farming lifestyle with its collection of historic log buildings moved to the site in the 1950s. In addition, farm animals move freely about the grounds and in barns filled with antique farm implements. The Miller Century Farm in Ashe County is a microcosm of Blue Ridge agricultural heritage. This fifth generation farm continues to produce corn, molasses, wheat and cattle using antique farm tools. Currently, its produce is grown in greenhouses for year-round production. The Historic Johnson Farm in Henderson County, a 19th-century tobacco farm, features 15 acres of grassy fields, forests and a barn-loft museum containing early farm artifacts.

After the Civil War, WNC experienced great changes as a result of industrialization, urbanization, and railroad construction. New rail lines opened the region to extraction companies changing the landscape and the economy. Land purchased for timber and mining companies, and for inclusion in national forests and parks decreased the amount of property left for farming. Farms decreased in acreage and in number. By the 1930s, farmers were growing specialized crops as tobacco to earn cash. Following World Wars II, many people never returned to the farm, or if they did return it was with different expectations. Technological developments during the war led to new pesticides, herbicides and automated equipment along with more involvement from the Federal Government in technical assistance and subsidies.

A symbol of this change wrought by the industrial revolution was the construction of the Biltmore Estate. The 75-acres of gardens at the estate, designed by landscape architect Olmsted, are internationally renowned for annual and perennial displays of tulips, daffodils, roses, dogwoods and azaleas. Each spring, the annual Festival of Flowers provides a Victorian celebration of gardens. In 1983, the Biltmore Estate Wine Company was established. The first vineyards, planted in 1971, contained French–American hybrids followed by vinifera plantings a few years later. After years of experimentation and research the Winery opened in 1985 with state-of-the-art production technology. It is considered to be the most visited winery in the world, with over 500,000 visitors annually.

In the foothills, the Town of Valdese is home to Waldensian emigrants from Italy, whose ancestry dates back prior to the religious Reformation. Many present-day descendants still live within the original settlement and reflect their heritage in festivals, dramas, museums and churches. The Villar Vintners Winery is maintained by descendants of the original families. Concord and Niagara grapes are fermented and bottled into light, different dry, semi-sweet and sweet wines producing more than 4,000 gallons each year. Although many of the grapes are grown in New York's Finger Lake region, a demonstration vineyard now produces 200 gallons annually and has begun purchasing grapes from local farmers.

Today's farmers are exploring a combination of strategies including diversifying crops, preserving farmland and increased marketing to the regional community. Vegetable crops, ornamentals, Christmas trees, mushrooms and trout farming have become part of the diversification. Farmers are producing crops in greenhouses, growing hydroponic lettuce, cultivating herbs, planting native botanicals such as ginseng and golden seal, and managing pick-your-own businesses. Farming for the region's future will be a cultural evolution. Thus, the region's agricultural heritage of working the land will continue to be a basic element in its culture and national identity.

The Study Area contains the largest number of specialty crop farms in North Carolina. At Perry's Water Gardens in Macon County, 13 acres of walking trails provide a study of thousands of blooms at the largest aquatic nursery in the United States. In Graham County, at the end of the "road to nowhere," a Jersey Dairy is one of four licensed cheese facilities in WNC where the Yellow Creek Pottery and Cheese produces cheddar and jalapeno varieties as well as a working pottery studio. The Posey Hollow Farm in Polk County produces a variety of vegetables and a kitchen manufacturing facility for jams, jellies, pickles, relish, chutneys, honey and

hot sauces. The Sandy Mush Herb Nursery typifies many of these specialty crop farms with five water gardens, 80 varieties of herbs, shrubbery and trees.

Farms, Gardens, and Countryside Trails of Western North Carolina Project

In January of 1998, HandMade in America organized a criteria-setting meeting in which citizens from 17 public and private interests established criteria for sites to be included in the "Farms, Gardens and Countryside Trails of Western North Carolina." A total of 11 community meetings with over 100 citizens resulted in the identification of agricultural and horticultural resources in their communities. The guidebook features over 450 sites of farms, gardens, orchards, farmer's markets, vineyards, nurseries with demonstration gardens, garden art shops, bed and breakfasts with garden areas, restaurants featuring local produce, walking trails, nature attraction and agricultural heritage sites.

The HandMade in America Website, wnccrafts.org, will provide information for trail-related products and publications. In addition, links will be made to travel and tourism venues for the region's farming community, and the agri-trails project has received funding from the Appalachian Regional Commission and Golden Leaf Foundation to develop business, marketing, and hospitality training for trail participants. It is anticipated that a series of cluster modules for training will develop along each of the six trails. Other products include the development of tours and weekend itineraries for visitors with an emphasis on educational programs.

The tours and itineraries being developed include bonsai or perennial garden weeks, weekend gardening and cooking schools combos such as "Garden to Table" and "Seeds to Sauce," packages for family and child-oriented vacations at the farm, and educational curriculums for third and fourth graders to be used in school systems throughout the region.

Mr. RADANOVICH. Now, we will move on to Betty Huskins of AdvantageWest here to speak on the same bill, I presume. Thank you.

STATEMENT OF BETTY R. HUSKINS, VICE PRESIDENT, PUBLIC AFFAIRS AND CORPORATE DEVELOPMENT, ADVANTAGEWEST NORTH CAROLINA, FLETCHER, NORTH CAROLINA

Ms. HUSKINS. Yes. Mr. Chairman, I am Betty Huskins, Vice President of AdvantageWest, and we are a public-private regional commission in the mountains of North Carolina. I am pleased to testify today on behalf of AdvantageWest and all of our partners who work diligently to preserve and celebrate our heritage.

I am going to shorten my remarks today because I can see that you have a busy schedule, and in the interest of time, I would just like to refer to you a document that you have in front of you which is actually the feasibility study that we have conducted for this designation.

In reference to the comments made by the National Park Service, we are not asking for funding or assistance to be able to conduct that feasibility study. We have been working in our region for the last 6 years to prepare for this designation and we have our original organizations working cooperatively. We have secured resources to be able to carry this project forward and we also have the support of not only the General Assembly in the State of North Carolina, but also our Governor, and that is all documented in this document.

And last, I would like to tell you that I was asked to deliver this beautiful book to you today from the Chief of the Cherokee, and you also should have that in front of you. That is a new publication hot off the press, and you have the first copies in your hands here today. We believe that we will be able to carry out the feasibility

study requirements, and if you look in the back, you will see that we have answered all the questions. We also believe that we would be able to get the designation even if the new legislation which you are considering right now were in place at this time, because we have met all those requirements.

Thank you. I appreciate being here today.

Mr. RADANOVICH. Very well. Thank you very, very much, and the book looks gorgeous.

[The prepared statement of Ms. Huskins follows:]

Statement of Betty Huskins, Vice President—Public Affairs & Corporate Development, AdvantageWest North Carolina

Mr. Chairman, I am Betty Huskins, vice president of AdvantageWest a public/private regional commission in the mountains of North Carolina. I'm pleased to testify today on behalf of AdvantageWest and all of our partners who work diligently to preserve and celebrate our heritage.

Much of my life's work has been in tourism within our region, and I've watched as national and international interest in the culture, heritage and landscape of the North Carolina mountains has grown in volume and stature. From 1995—2000, we saw the economic impact of tourism in our region increase an impressive 23 percent, to a total of $1.7 billion, not including the revenue from the Cherokee Indian Reservation, as gauged by Tourism Industry of America. It's also worth noting that Charles Frazier, best-selling author and western North Carolina native, earlier this year received an $8 million advance and $3 million film deal—the largest advance ever paid for a work of fiction for a follow-up to his New York Times Best–Seller Cold Mountain. Frazier's first book and current project are both works of historical fiction based in the North Carolina mountains.

This demonstrates the interest our region and its culture today receive, but why? World travelers, tourists, consumers, governments, scholars, historians and our own citizenry recognize, embrace and guard our rich heritage, its products, and its origins—the mountains themselves. A Natural Heritage Area Designation would further enhance our ability to protect, preserve and promote the heritage and culture that marks our region as a national treasure. Indeed, I believe that a National Heritage Area Designation is needed to ensure perpetually that the national and international attention our heritage already receives makes our region strong, and does not endanger this same heritage and its origins.

The mountains of North Carolina are among the oldest mountains on Earth and have played a prominent role in shaping the people, plants, and animals living in the region since long before the first colonial settlers arrived in our great nation. The unique range of plant and animal life reflects the most biologically diverse temperate-climate environment on the planet. The terrain boasts some of the highest mountains and the deepest gorge east of the Mississippi River.

Unique among the original colonies, the land of western North Carolina—its bounty and its barriers—has been the single most defining factor in the colonization of the mountains and the creation of our mountain heritage and culture.

Our unique geography has shaped the patterns of human activity in this region by creating a culture having grown in isolation for many years. The culture of the region is rich in the traditions of "handmade" crafts, unique mountain music and dance, mountain folklore and storytelling—all shaped by the influence of the native Cherokee and Scotch–Irish settlers.

Through it all, the mountains have promised hope and opportunity for those who would make the journey. The natives who first settled here, Spanish explorers in search of gold, and Europeans fleeing tyranny and famine, all had their hopes fulfilled by this enchanted land. Even early American entrepreneurs found their fortunes in the virgin timber and precious minerals.

Centuries before Europeans landed on the continent, the Cherokee Indians had developed an advanced early civilization in this region. Much of what went into creating the distinctive mix of arts and crafts, music and dance, language and lore that makes up our mountain culture was influenced by the Cherokees and based on their own accomplishments.

Since the mid–16th century, Spaniards, French, British, Africans, and Scandinavians have lived in the mountains, but it was the influence of the Scotch–Irish that gave our cultural heritage much of the unique character it has today. Once in America, many of the Scotch–Irish traveled south through the Cumberland Gap, and

ended up in the mountains of North Carolina, where they combined their European traditions with traditions they discovered among the Cherokee.

The language, religion, arts, crafts, and music of the Scotch–Irish all proved to be lasting influences on the mountain culture. Settlers who followed added texture to the cultural heritage of the region and brought a renewed appreciation of its natural resources. What has emerged over the centuries is an intricate and exciting legacy that all of America deserves to learn about and enjoy.

With its bounty of natural and cultural treasures, western North Carolina is a prime candidate for US. Park Service designation as a National Heritage Area. The region has a number of natural and cultural heritage sites that are already recognized as being of national significance, including the Great Smoky Mountains National Park, the Blue Ridge Parkway, Mount Mitchell, Grandfather Mountain, Whiteside Mountain, Joyce Kilmer Memorial Forest, Linville Gorge Wilderness, the New River, the Nantahala River, Roan Mountain, and Fontana Lake—just to name a few. The people, organizations, and government entities in the region have already taken important steps and made significant accomplishments to preserve natural and cultural heritage—building a solid foundation for making significant advances as a National Heritage Area.

These individuals and groups have established productive, partnering relationships over the past decade and developed state, local, and private funding sources to match Federal dollars. The partners have identified clear and achievable objectives for preserving the region's natural and cultural heritage. They have specified a professional and responsible management group, outlined workable business plans, and established a working timeline for their projects. Thus, the region stands poised to realize its goal of establishing a unique heritage identity to encourage others to enjoy its resources and learn about this important part of the fabric of a greater American natural and cultural heritage.

Receiving official designation as a National Heritage Area would do much to help the people of Western North Carolina realize this noble goal—something that would benefit Americans everywhere.

Mr. Chairman, we respectfully thank you and members of this Committee for the support you have already demonstrated during this hearing, and stand ready to assist you in any way during this process.

Thank you.

Mr. RADANOVICH. Ms. Lara Larramendi Blakely, Mayor of the city of Monrovia, Monrovia, California, welcome to the Committee, here to speak on H.R. 2534, moving from the East Coast to the West Coast.

STATEMENT OF LARA LARRAMENDI BLAKELY, MAYOR, CITY OF MONROVIA, CALIFORNIA

Ms. BLAKELY. Good morning. I was going to say that, and further South.

[Laughter.]

Mr. RADANOVICH. And further South.

Ms. BLAKELY. Not North. Mr. Chairman and Ranking Member Christensen and distinguished members of this Committee and audience, thank you for the opportunity to testify before you today on behalf of H.R. 2534.

You mentioned that I am the Mayor of the city of Monrovia, but I also wear a couple of other hats. I am President of the San Gabriel Valley Council of Governments, which worked very strongly with then-Senator Hilda Solis, now our Congresswoman, to create the Lower Los Angeles and San Gabriel Rivers and Mountains Conservancy, which is the subject area of this feasibility study.

This conservancy was created back in 1999 to enhance urban open space and a habitat for the enjoyment and appreciation of present and future generations. As we go into our next century, we have tremendous challenges before us to preserve what we have and restore the rivers and some of our watersheds, and my

colleague on the conservancy, Rick Ruiz, talked about how he is lucky to be here today to testify.

So one of the things that we are looking for is to work on revitalizing both Los Angeles and the San Gabriel River and also acquiring open space in the San Gabriel Mountains, which is something very important. We have a lot of development pressures along the foothills, development pressures along the rivers, and we would certainly like to take a look at some of those developments in relation to enhance and benefit the rivers.

There is a groundswell of residents of our diverse communities within this conservancy territory in the proposal to be studied that is looking for recreational opportunities, environmental opportunities, and also economic opportunities that come with the designation, whatever that may be, as a result of the study.

It is very important to preserve the quality of life of our mountains and rivers because it is very important to our residents. The Congresswoman talked about the density in terms of livability, sustainable communities, three to four acres per 1,000 individuals, and the fact that in this conservancy territory, we are looking at approximately less than half-an-acre for 1,000 people. The population of Los Angeles County is increasing tremendously and it will certainly be a benefit to all of our communities to increase the opportunities for recreation and for environmental awareness of this area as we proceed into the next 10 years and 20 years and more.

We welcome the Secretary to consult with our conservancy and the appropriate State agencies and the local communities in order to conduct this study. One of the uniqueness of our conservancy, the Rivers and Mountains Conservancy, is that it respects the principles of local control for the local jurisdictions, the city and the county. It also respects property rights in terms of it does not have the right of eminent domain.

The cities and the property owners are partners. We are partners in our efforts currently with a couple of the Federal agencies that are non-voting members of our conservancy, the Forest Service and also the Army Corps of Engineers and we are working together.

We hope that this study, if you choose to approve it, and we strongly encourage that you do, continues that partnership to benefit an area that is of great significance and importance to the communities within the San Gabriel Valley and Los Angeles County. Thank you.

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

[The prepared statement of Ms. Blakely follows:]

Statement of The Honorable Lara Larramendi Blakely, Mayor, City of Monrovia, California

Mr. Chairman, Ranking Member Christian–Christensen, distinguished Members of this Committee and audience, thank you for the opportunity to testify before you today on this bill, H.R. 2534.

My name is Lara Larramendi Blakely. I am the Mayor of the City of Monrovia, CA, President of the San Gabriel Valley Council of Governments, and Vice–Chair of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, also know as the Rivers and Mountains Conservancy.

H.R. 2534, the "Lower Los Angeles River and San Gabriel River Watershed Study Act of 2001" authorizes the Secretary of the Interior to conduct a special resource study of the suitability and feasibility of potential designation and the establishment of a National Park within the boundaries of the Rivers and Mountains Conservancy. The linked watersheds of the San Gabriel and Los Angeles Rivers drain

approximately 1,513 square miles from the San Gabriel Mountains to the Pacific Ocean and is home to more than 7 million people.

The Rivers and Mountains Conservancy was created via SB 216 (Solis) and AB 1355 (Havice) in 1999 to preserve and enhance urban open space and habitat for the enjoyment of, and appreciation by, present and future generations.

As we proceed into the next century, we have unprecedented challenges before us. We all have a unique opportunity to make a big difference in our communities and improve our quality of life. That opportunity is the challenge to preserve our precious local environment, our beloved rivers and mountains.

The preservation of the upper and lower San Gabriel River and the San Gabriel Mountains is a pressing yet timeless issue. John Robinson writes in The San Gabriels (late 1880's), "Contrary to popular belief, it was not an aesthetic love for the mountain scenery or recreational desires that set in motion the crusade for forest preservation. These motives came much later. It was a real fear of watershed destruction, expressed by valley agricultural and civic interests, that led to the Federal protection of Southern California forest and brush lands in the late 1880's." The Angeles National Forest and the San Gabriel River were set aside for this purpose. One hundred years later, it is time we do our part to continue the preservation of these valuable resources for future generations.

As the economy has strengthened, development pressures have become critical along the San Gabriel Mountain foothill communities. Cities are experiencing the potential destruction of important hillside lands that are critical for wildlife preservation, open space, and low impact recreational and educational uses.

All along the Foothills, it is vital to preserve hillside lands that provide valuable watershed for numerous blue-line streams. The value of the surrounding upland habitats is enhanced by the presence of the riparian and other wetland habitats. These habitats provide water for a variety of wildlife species including mammals, reptiles, amphibians, and many species of resident and migratory birds.

It is important to conserve hillside lands that contain a wealth of habitats, such as chaparral, coastal sage scrub, riparian woodland, oak and sycamore woodlands, and alluvial fan scrub. It is also important to conserve hillside lands as these habitats provide foraging, breeding, resting areas for raptors, coyotes, badgers, skunks, possums, raccoons, rodents, mountain lions, bobcats, mule deer, gray foxes, California black bears and other native and migratory wildlife species.

These ecological communities provide valuable habitats for the resident and migratory birds, insects, mammals and other native animals and plants. These habitats also serve as movement corridors for wildlife. People may live in particular cities and communities, but wildlife needs a biological linkage or movements corridors along the foothills. These habitat and wildlife corridors need to span the foothill cities to provide adequate range and survival options for wildlife.

As development pressures increase, there is a groundswell of residents that are advocating preservation of our hillsides and our rivers. Local conservancies have been created by our residents to acquire and preserve these precious resources. Preserving the quality of life that our mountains and rivers afford is important to all our residents. Studies conducted on usage of the San Gabriel Mountains show that the southeast area residents of Los Angeles County frequently use these recreational areas. A Sustainable Cities Program sponsored by USC (University of Southern California) recommends 3–4 acres of open/green space per 1,000 people. In the San Gabriel Valley, the reality is less than one half acre per 1,000 people is dedicated opens and/or green space. As Los Angeles County grows, the opportunities for recreation in our mountains and along our rivers must also continue to grow.

We welcome the Secretary to consult with our San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the appropriate State agencies and local government entities. Our conservancy was created on the principle of respecting the local jurisdiction and the rights of the property owners. We are partners in providing good stewardship of our natural resources.

Again, thank you for the opportunity to address you today. I strongly encourage an "aye" vote on H.R. 2534.

Mr. RADANOVICH. Is anybody wishing to ask questions? Ms. Solis, do you want to go first?

Ms. SOLIS. Yes. Thank you, Mr. Chairman.

The question I have goes back to Mr. Ruiz. He talked about his upbringing in the lower part of the Los Angeles River, but could you elaborate on plans that you are now undertaking with the

other State conservancy there with respect to the San Gabriel River and maybe kind of shed some light on things that are going on there?

Mr. RUIZ. Yes. Thank you very much. There are some very important things that are going on along the San Gabriel River and I wish we had an opportunity to let everybody see the maps that we have along the wall over there.

We had a presentation from some of our consultants that are working on our land use plans just about a week ago and that map shows a series of small green dots moving up the rivers that indicate new parks that are being proposed or worked on and existing parks. So we are beginning to see that there is a string of projects all the way up and down the rivers that are beginning to sort of make this vision of river parkways and environmental habitat restoration, recreational opportunities, a reality.

Probably one of the most important projects that we are working on is called the Duck Farm. It was a 54-acre piece of land adjacent to the San Gabriel River that was recently purchased by the Trust for Public Land with the understanding that our conservancy is going to buy that and then manage it after putting together a plan for the various types of uses that it might be best suited for. That is the kind of thing that we are going to be engaged in as a conservancy on into the future, but this is probably our first real opportunity to dig in with something very substantial.

It is adjacent to the river. We can use it for wetland habitat restoration. We can use it for recreational opportunities, picnicking, probably not active recreation like soccer or basketball or some of those things, because those other opportunities exist right nearby. But it is a great piece of property and it just shows exactly the kind of thing that we are trying to do, bringing the various agencies together, L.A. Public Works, the Federal agencies that manage the upper rivershed, the cities, which, as Ms. Blakely said, it is very important that the cities get involved with these issues, as well.

Ms. SOLIS. Thank you.

Mr. RADANOVICH. Thank you.

Mr. Ruiz, since we are talking about another issue in Montana about private property and these designations, on your map of this particular area, is there private property included in the study areas?

Mr. RUIZ. I believe there is. I think the—and Ms. Blakely may be able to talk better to this point, but the agreement going forward, not only on the conservancy but with the cities that would be involved in any study of a national park, there is an understanding that there is not going to be eminent domain within the power of national park. We do not have it as a conservancy because the cities are very careful to guard their jurisdiction and their rights to manage their communities and we think that is appropriate. That is a central principle of our conservancy and we hope that will be part of any study because we believe it would need to be part of the principle of any kind of national park or other national designation.

Mr. RADANOVICH. Thank you.

Ms. Blakely, can you expound on something for me. It was mentioned that there is a lack of recreational opportunities in that particular area, and yet you do have, as mentioned, the Angeles National Forest, Seal Beach National Wildlife Refuge, Santa Monica Mountains National Recreation Area, which all is within a short drive, I think, for people to have access in the area. Do you believe you need more even though you have those?

Ms. BLAKELY. Yes, we need more. A short drive, it is relative in regards to time. In Southern California, in some of our areas, you are talking about an hour by car. Many individuals in our communities do not have private vehicles and they use public transportation in regards to that.

We were talking about the disparity in terms of the amount of acres per 1,000 in population that is desirable. There is a great need. Santa Monica Mountains Recreation Area, if I recall, there are just a couple of small pockets, maybe in the city of Whittier, out in Diamond Bar. So they are in very extreme corners of this conservancy area, but yes, we need more.

Mr. RADANOVICH. Help me deal with something. In Yosemite, we have a facility called the Heche Heche Dam, which flooded a gorgeous valley similar to Yosemite Valley for water for San Francisco, so there is a dam that is managed inside the park and I know that there are flood control dams, I think, if I am not mistaken, on both the San Gabriel and Los Angeles Rivers.

Ms. BLAKELY. Correct.

Mr. RADANOVICH. But I guess the problem I have is I think, if I am not mistaken, it is the San Gabriel River that is almost all cement now.

Ms. BLAKELY. No.

Ms. SOLIS. If the gentleman would yield—

Mr. RADANOVICH. Yes, go ahead and clarify it for me.

Ms. SOLIS. Yes. In fact, some of the photos that I passed out earlier to the members of the Committee—

Mr. RADANOVICH. Which I have here.

Ms. SOLIS. Yes, they are the San Gabriel Valley, and I would say, if anything, the San Gabriel River is probably the most widely open and accessible river that is still, and almost in its current status that it probably was thousands of years ago, if not, maybe hundreds.

I would say that one of the provisions that I am taking on in this bill is that we not obstruct any flood channel or flood control program that is already in place. In fact, the bottom of the flood control district portion in the San Gabriel Valley, which is only like four miles, is actually open. The bottom is still natural. So it is just the sides.

And on the sides of that flood channel, there is still open space there. Some of it is owned by some of our utilities. Some of it is run now by nurseries, and I am sure that we would honor whatever rights that people would want to use the area for, or if they want to sell it, then that would also be an option, to have possibly bike trails and horse trails, because there is also horse trails that currently exist along portions of the river.

Mr. RADANOVICH. It is the lower Los Angeles River that is channelized, that is all cement?

Ms. SOLIS. Yes, and along there, as Mr. Ruiz said earlier, there is already ongoing activities, and this map probably is not a good view, but if you were to take a closer look at it, the lower L.A. River portion, there are already parks and small pocket urban parks that are already in place that are coming about because people feel so compelled that they want to have open space, because even a playground yard is cemented. Their only access is maybe alongside a portion of the undeveloped area along the L.A. River.

So people have been working on this for about the last 15 years that I am aware, and it is more to preserve what is there and, hopefully, allow for flexibility for potential restoration, recreation, because we are talking about families. It is very different, the makeup of the San Gabriel area from, say, the Santa Monica-Malibu area, which, as I said earlier, is not as densely populated. So folks in our area, I think, will pay. The tax-paying dollars go in now to use some of the parks that are there. They want to have this available for their kids.

Mr. RADANOVICH. Are there any plans to take out all the concrete out of the river if it does become a national park?

Ms. SOLIS. No. No. And that is not even an issue—

Mr. RADANOVICH. Well, it should be. If you want national park status, you should be getting the cement out of there.

Ms. SOLIS. Part of our negotiations with the local municipalities, even in the creation of the State conservancy, was to allow for that to continue, and that is why local control is a big part of this bill.

Mr. RADANOVICH. OK. I am going to take the Chairman's prerogative. I am going to ask a couple more questions and then, if I may, go ahead and turn it over, if you do not mind.

Mr. Tureck, you mentioned that you are a cattle rancher. I am not sure if you own private land or you run cattle on public land, but if you are selling cattle and you are forced to sell cattle to only one person when you are ready to take your cows to market, do you call that a willing seller?

Mr. TURECK. Let me respond by saying, of course not, but there is nothing now that says that these ranchers have to sell to the government, either.

Mr. RADANOVICH. Yes, but if you are concerned about—you are in business for profit and you have got cattle and you are ready to sell to somebody, if you are restricted to only sell it to one person, that does restrict your right to be able to earn as much as you can off those cattle, does it not?

Mr. TURECK. Of course, but there is nothing that says that the people who own land have to sell to one person, or have to sell to the government. They can sell to whomever they want.

Mr. RADANOVICH. Well, by the designation on this monument, the only way that they can sell it is to the Federal Government.

Mr. TURECK. No. No. The Federal Government can bid on that land. My assumption is, landownwers will sell it to the highest bidder. There is nothing that says that they have to sell to the government.

Mr. RADANOVICH. So if somebody was going to sell it with the idea that this was going to be in the monument in perpetuity, do you view that as being a devaluation of the property? I mean, you are restricting it. Sooner or later, it is going to be owned by the

Federal Government. Why would somebody be interested in buying that property if they knew that, sooner or later, the Federal Government was going to be involved in it?

Mr. TURECK. I think you are making an assumption that I am not sure is valid, and that is that, sooner or later, the government is going to own it. It could change hands many times, as it has now.

35,600 of these 81,000 privately-owned acres are already in the Wild and Scenic River. They were included in that 26 years ago by a Congress that felt that their land management agency would not go out, and condemn it, even though there were some condemnation powers in it. 26 years later, the land is still in private hands. I think there has been one purchase made that I know of down there by the Federal Government. I think it was for a camp site.

But what happens is, if the Federal Government purchases any of those 39,000 private acres, they become a part of the Wild and Scenic River. That is, I think, pretty much hard proof that a lot of these places that have those acres down there in that 39,000 have sold and resold. There is no guarantee that the government is going to buy this.

Mr. RADANOVICH. Let me explain. If, perhaps, Mr. Rehberg's legislation did pass and those private properties were left out of the monument and there were negotiations between the government as being one of many people who could purchase the property and it was purchased by the Federal Government and then included by legislation, which would have to come to the Congress, to include that land within the wilderness, do you see any problem with that process at all?

Mr. TURECK. Yes. I think, first of all, the incentive for the government to purchase, on behalf of the American people is going to decline. That incentive is going to be gone. As long as those lands automatically become a part of the monument, I think there is a greater incentive to take those sites that are of historical relevance and to bid on them, especially those sites that might be lost if they are sold to private landowners.

Mr. RADANOVICH. I would like to bring a case in point. In Sequoia National Park in my district, there was a Dylan Grove. It was a piece of private property, I think about 5,000 acres, that adjoined the boundary of Sequoia National Park. It was never included in the park and it was held in private hands. A nature conservancy group, a conservation group bought the property and proposed that the National Park Service lines be drawn to include this grove because the people who bought it were willing to offer it to the government for that particular purpose, and that thing worked very, very smoothly and it did not take anything to have those lines redrawn.

It would be my proposition to you that that method protects much more the willing seller aspect and private property ownership than does designating—putting a cloud, I think, basically a cloud of title over a piece of property and then putting the eventual notice that someday that property is going to have to be in Federal land ownership. Those types of negotiations to re-include private property that is being offered to the Federal Government work very easy in this Congress.

Thank you very much. I am going to turn the gavel over to Mr. Rehberg, as I have another meeting I need to go to, but thank you for being here.

I recognize Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

I do not have any questions on H.R. 2534 or H.R. 4530, but I do appreciate all of you being here and I appreciated listening to your testimony and your beautiful books. They are really neat. We in the West sometimes think that we live in the prettiest part of this country, but the more I get around it and the more I travel across it, I find out that every part of it is just as uniquely beautiful and that really is some gorgeous country you have all got.

Thank you, Mayor, for being here. I know it is a long way to travel and we appreciate it any time any local officials are able to come out and offer testimony here, so thank you.

I would just tell the Chairman now that I was thinking of supporting his legislation and then I have seen these books, and I know that there are pretty books on Montana, but I have not seen any—

[Laughter.]

Mr. SIMPSON. Let me ask a couple of questions along the same line that the Chairman was, Mr. Tureck, on this Missouri Breaks legislation. You say you are a public land rancher. Do you own any private land within—

Mr. TURECK. Oh, yes. In fact, our private land is checkerboarded within public lands.

Mr. SIMPSON. Do you have private lands within the borders of this newly designated Missouri Breaks?

Mr. TURECK. No, I am 25 miles out. I am up on what they call Arrow Creek, and it is probably about 25 miles as the crow flies.

Mr. SIMPSON. So this designation really does not affect your private lands?

Mr. TURECK. No, it does not.

Mr. SIMPSON. Do you think it is legal to include private lands, given the 1906 Antiquities Act, legal to include private lands within the designation of a national monument?

Mr. TURECK. It is my understanding that it is. I am not a lawyer, but after talking to lawyers and talking to those who have dealt with the Antiquities Act, that is my understanding.

Mr. SIMPSON. I have been working on the Antiquities Act for quite some time, and it is an Act, quite frankly, that I support, the original intent of what the Antiquities Act was. I repeat, the original intent of what the Antiquities Act was. Could you tell me what the eminent threat was that required this designation to be made on January 17, I think, a few hours before the President left office, that included 377,000 acres in this designation?

Mr. TURECK. Can I do a quick personal history of my involvement with it?

Mr. SIMPSON. Sure.

Mr. TURECK. Would that help?

Mr. SIMPSON. Sure.

Mr. TURECK. I was the Chairman of the RAC, or the Montana Resource Advisory Council of the BLM. In 1999, Secretary Babbitt flew out, and as the Chairman, they asked me to be on the river

with him and Senator Baucus and, of course, his entourage of press that follows Senators and Representatives and Secretaries wherever they go.

Mr. SIMPSON. Senators.

[Laughter.]

Mr. TURECK. I talked to the Secretary about it. Historian Stephen Ambrose was there at that same time. Stephen Ambrose had proposed that this become a national park. I went pale, and I had no feelings about this in any way, shape, or form at that time. In fact, I probably approached more of the jaundiced view.

The Secretary of the Interior asked the RAC to go ahead and take hearings and find out what the people of Montana really—how they felt about this area, and we are a consensus council, so the only thing we can really do is talk about what people agree on. That is what consensus councils are for.

After we get through that, those areas of disagreement are going to have to be resolved by those people in power. All we do is provide information that we as Americans, or we as Montanans, hold in common, and with Representative Rehberg's proposed consensus council at the national level, I support that legislation completely. But what it is going to do is tell what people agree on. It is not going to resolve all the problems. Where there is disagreement, those in power are still going to have to exert their duties.

Over time, these hearings, and this is in my report, I am not going to repeat it, but it became evident that people held a lot of things in common about this place, rancher, farmer, recreationist, hiker. A lot of people came out and spoke. It is unbelievable, in a rural State like Montana, when you can hold these kind of hearings and have this many people either respond in written form or come out and testify in a public setting.

But in this process, what they held in common was they wanted to see this area remain as it is. They wanted to see it remain wild.

Now, I live in Montana and something is happening in Montana and its wildness is slowly and methodically eroding away. We have been discovered. If you look at the Gallatin Valley where I grew up as a child, if you look at Livingston, there are no wild places left much anymore. If you even look where I ranch and farm outside of that, most of the farms and ranches selling there now are selling for recreation and being pulled out of production.

So I looked at this mass of public land out there and over time said, yes, I think it needs to be protected, and maybe one of the ways of protecting it is to put a designation around it. But we as a RAC did not recommend that.

Mr. SIMPSON. Mr. Chairman, I would ask unanimous consent if I could ask a couple more questions.

That is interesting, and I appreciate what you do. I have been involved in a lot of these things in Idaho, but the question was, what was the eminent threat, not what did people want or anything else, because the Antiquities Act is a specific piece of legislation which gives any President the authority to go out and unilaterally, without input or with input, decide to do it, to declare a national monument, but there are certain restrictions on it.

They have to use the smallest amount of space possible or land possible in order to make the designation, to protect the resources

that they are trying to protect. It has to be under some type of eminent threat, and what I am asking is, in using the Antiquities Act to declare a national monument here, they did not have to go through Congress, which is by Constitution given the authority to determine land use in this country, but they did not have to go through the Congress, they did not have to debate any of the issues which we are now having to come back and correct, and that has happened in a designation in Idaho and we have a bill over in the Senate correcting some of the things, and they did not have to bring this map forth.

When you talk about gerrymandering going through redistricting, this would make any map of redistricting look like it had straight lines. This is the craziest thing I have ever seen, and I do not know how they go down. I am sure that every line on the boundary is absolutely essential, but it is interesting how we come along and all of a sudden there are a couple of Native American lands in here that, by golly, we are going to draw the map to exclude them, but right next to it is a private landowner and a State land, but the heck with them. We are going to include them.

And you go throughout here and you do not—and this is the weirdest thing I have ever seen. Even though I support, and I think Congressman Rehberg does, protecting the Missouri Breaks, but there are private landowners in here, and in this country, private landowners have some rights.

And you said during your testimony that you think that this bill does harm. Harm to who, to the private landowners? To the Federal Government? To the Missouri Breaks? Who does it harm? If you take this private land out of this monument, there is nothing that prevents the Federal Government at some point in time to enter into negotiations with a private landowner and say, you know, we would like to include this at some point in the Missouri Breaks and we think it would be a good addition and we are going to offer you some money for it. They might get offers from somebody else, but then the Federal Government purchasing that and at some point including it in the Missouri Breaks if they want to.

What advantage does it have having it in the Missouri Breaks now unless the pressure is, we are going to put restrictions on you, whether it is through access to your private lands or use of your private lands, and I can tell you that I have seen it happen in other places, so that eventually, you become a willing seller whether you want to be a willing seller or not because you do not have full use of your private lands.

I have seen places in Idaho that are inholdings of timber where the guys want to go in and they want to do some salvage timber. They want to cut some of their trees. But in order to get the trees out, they have got to take it across Forest Service lands. The Forest Service does not want them to cut those trees, so all they do is deny them use of taking a logging truck across their land.

The Federal Government has a great deal of control if you are an inholder, and all we are trying to do is say, private landowners have some rights here. I know that is a long question.

[Laughter.]

Mr. TURECK. A number of things. OK. First of all, I think there are threats. I think the Lewis and Clark Bicentennial is going to

have an impact on the area. The fact there are more people going to be moving in, purchasing land. We do not know what the use of that. There are plans within the monument on restricting certain kinds of motorized use. You begin to plan as a unit. Once you draw boundaries around this, you plan as a unit, not the private land, but the public land.

Now, when you said at the end here, and this—well, there are two things, but one thing that bothers me is that you said that they could restrict the access to the land. Taking their land out of the monument is not going to assure that access any more than having it in the monument. That does not address it.

Mr. SIMPSON. So what is the difference of whether you have it in or out then?

Mr. TURECK. The very simple thing is it saves the—is that lands of historical significance that fit within the integrity of the monument itself, that help enhance it, if they come to sell are more likely to be bid on and incorporated in without an act of Congress. It becomes something automatic, and I think Congress has more to do than do this all the time.

Mr. SIMPSON. I would just say, it does not take an act of Congress for the Federal Government to purchase that land now. We appropriate $500, $600, $700 million every year to go to the Land and Water Conservation Fund where they buy private land every year. In fact, in Idaho in the Sawtooth National Recreation Area, they go in and purchase easement rights of cattle grazers up there and have been purchasing those for a long time, and quite frankly, I support it and we will have them purchased out before too long. But it has been part of the process since the beginning.

Mr. TURECK. I think within Montana, and once again, I am going to put myself out here on a limb, there was a bill a few years back to buy the PN Ranch. The PN Ranch was actually offered to the Federal Government and the BLM and it was going to be purchased. That money was actually approved, and I am not sure if it was Representative Hill at that time or Senator Burns or both of them, but actually had that money pulled.

Now the PN has the boundaries drawn around it. It is historically a very significant place. It is where the Judith River and the Missouri River comes together. It has one of the best cottonwood riparian areas left, because the Missouri River riparian areas, the cottonwoods are quite threatened, not because of ranching but because of dams and so on.

If that comes for sale now and it is within the monument, my argument is that it will be more likely to see support. It had support before, by the way. It was just pulled out at the behest of a Montana Representative that—

Mr. SIMPSON. Well, that could happen whether that land is in the monument or out of the monument.

Mr. TURECK. It could. I am just saying it is less likely.

Mr. SIMPSON. I see my time is up, Mr. Chairman, if I might have some more afterwards.

Mr. REHBERG. [Presiding.] Thank you.

Ms. Solis?

Ms. SOLIS. Thank you, Mr. Chairman.

I just want to thank the witnesses that came out to speak on behalf of my bill and all the other witnesses that came. I appreciate the book. It is very nice. We have a similar one on the river in San Gabriel Valley. I will be happy to share that with members.

[Laughter.]

Ms. SOLIS. I am sorry that Mr. Radanovich, our Chair, left, but I did find something I did want to mention and kind of provide for the record, and that is that the lower part of the L.A. River, while he asked his question if it was completely cemented, actually, only 5 percent of the lower L.A. River is cemented, and that is the portion that we want to include in the study. And then the San Gabriel River, which runs approximately 640 square miles, only 26 percent of that, four miles, is actually covered by any kind of cement on both sides. So I did want to clarify for that for the record.

I again thank the witnesses and also the Committee. Thank you.

Mr. REHBERG. Thank you.

Mr. Tureck, in this Committee, words kind of matter, so I just want to clarify some of the things you said. You said that my legislation takes away the chance to include land in the monument. How?

Mr. TURECK. Automatically.

Mr. REHBERG. How does it take away the chance?

Mr. TURECK. OK. I should have said automatically becoming part of the monument. I apologize.

Mr. REHBERG. OK. So we could still go through the process and—

Mr. TURECK. You could—

Mr. REHBERG. I will reiterate what Congressman Simpson said, and that is the fact that every year, this Congress appropriates well over $500 million to purchase lands throughout the United States, and, in fact, Conrad and I both supported this last year the purchase of the Taylor Fork down in Gallatin County, which is a little over $7 million worth of property.

I am aware of a landowner within the Missouri Breaks that wants to sell property. It only costs about $1 million. He has come forward to Conrad and I asking our support in introducing that legislation to appropriate the funds to purchase the property to include in the monument. We will do that.

So this legislation in no way, shape, or form limits or prohibits a person's opportunity to have their land included in the monument. All it requires is they come to Congress and ask for the money, which they would have to do anyhow.

Mr. TURECK. But what this legislation does is that when those—I argue that those lines we are drawing, recognizing either the landscape or the historical or cultural importances, OK, and I cannot turn around and defend every one because I am going to have to take this as a matter of faith on some. Some things, I can mention.

Mr. REHBERG. As Chairman of the RAC, did you have an opportunity to see the map before the proclamation?

Mr. TURECK. No, but let me finish my statement first, if I may. What it does is the monument as it stands now recognizes, OK, by including those lands, that they are important either landscape, historical, cultural, and so on. That is why they were included to begin with. They are an integral part of the integrity of that

monument to the degree that they express those very values the monument was created for.

Now, to answer the second part of your question, when Secretary Babbitt came to Montana, he had a map that was what we call the segregation map, and I happened to end up—I had not seen that, but I ended up where Senator Burns came out and held a meeting in Fort Benton and they brought that map out that he had drawn and there was great ado about the segregation order, and, of course, the segregation order, basically all it did was stop any Federal land from changing hands during a limited period of time, 2 years. But he rescinded that order.

That map very closely follows this map, and that is all I can tell you. I did not see, I had nothing to do with the input of that in its direct sense, OK. I guess my guess was, every rancher saw that and saw that those lines had been drawn 2 years before.

You have to remember, the ranchers refused to participate. They came and testified to the RAC, there will be no monument. When the Secretary came to Montana he asked the ranchers to sit down with other groups interested in creating a monument and drawing boundaries. They met in Stanford, Montana. I happened to arrange the meeting room. I did not go because I did not feel it was my place, as I was the RAC Chairman. And they walked away, all of them saying, we have nothing in common. There will be no monument.

So the ranchers simply started out with the idea there was going to be no monument. They never came to the table to talk about, how can we create one? Now, this is what we are doing.

Mr. REHBERG. In your written testimony, you said President Clinton's proclamation was based on the findings of the RAC. First of all, there were 15 members of the Resource Advisory Committee, the RAC. How many of those were landowners within the boundary designation?

Mr. TURECK. At that time, because I brought that today for some strange reason, and so there were none. Actually, landowners that are now inside the monument are involved with the RAC. I had been encouraging people to get involved with the RAC before, because I said these are public lands issues, and I had been encouraging people from that particular area. But let me give you the structure of the RAC that considered this, OK.

It was made up of seven ranchers and farmers out of 15.

Mr. REHBERG. None of which owned property inside the boundaries.

Mr. TURECK. No. I said there was—I said nobody owned property. Out of that seven, five were public lands ranchers, OK—

Mr. REHBERG. Again, none within the boundaries of the monument.

Mr. TURECK. Sure. That has been established. I admitted that. It was never a question. I think ranchers' interests were very well represented.

Mr. REHBERG. Except landowners that owned property inside the boundaries of the monument.

Mr. TURECK. What you are saying is that public lands ranchers outside the monument have a different set of values than public lands ranchers within the monument and I have to disagree.

Mr. REHBERG. No, what I am saying is you say that you can better manage somebody else's property that you do not own. You can make a better management decision as to whether their property ought to be included when yours was not included.

Mr. TURECK. We did not make that recommendation their property should be included.

Mr. REHBERG. Well, then how can you in your written testimony say that President Clinton's proclamation was based on the findings of the RAC, and you say in your written testimony that a consensus was reached on private property issues, yet the final RAC report clearly indicates that no consensus was reached.

Mr. TURECK. Oh, private property issues was that private property rights would be respected. That was our statement, and that is exactly what he said and that is exactly what the President did in the proclamation. Private property rights will not be violated. They are respected.

Mr. REHBERG. I have the report to the Secretary dated December 1999 from the RAC Committee in which it says, "Motions approved with full consensus," "Motions without full consensus," and then on page 16, "Issues not covered." "With adhering to the tight schedule of submitting the report to the Secretary, we were unable to completely all address all issue and management recommendations that need to be considered for the Missouri Breaks. The following are issues that we had brainstormed and were unable to address, but we feel they must be considered in your final decision: Private property, boundary issues, and Federal land holdings increase."

The three things that my bill addresses tries to answer and tries to clarify, your consensus council could not address the issue. It was not covered in your recommendation.

Mr. TURECK. In all respect, Representative Rehberg, we talked those issues. We knew that people of Montana had disagreements on a number of these issues. We, therefore, as a consensus council, could not come to that. We told them that. That is what that says. Those, as anybody knows, those in power are going to make some hard decisions.

You are not disagreeing with the consensus council. You are disagreeing with what the Secretary recommend to the President and he did under the Antiquities Act. And so what they did, you are trying to undo from there. It has nothing to do with—we knew there was—

Mr. REHBERG. All I am responding to, Mr. Tureck, is your comment in your written testimony that says a consensus was reached on private property issues.

Mr. TURECK. And said private property rights will be respected.

Mr. REHBERG. That is not what the final report says. It says it is included under the issues not covered, private property, mixed landownership combined.

Let me move on. Mr. Tureck, in one instance of your testimony, you state, "Let me assure you that the boundaries of the monument were created in accordance with the Antiquities Act to include the least possible amount of land consistent with proper care and management of the monument." Yet in another part of your testimony, you directly contradict that statement by explaining that private property was included not for proper care of the monument, but so

that significant historical, cultural, wildlife, or landscape qualities could be purchased by the United States and reserved as part of the monument.

You cannot have it both ways. Either the Antiquities Act was used to pick just the smallest amount of land possible, or it was done by drawing lines around private property so that in the year 2050 or whatever, we could, as a Federal Government, own that property.

Now, BLM in their testimony, and maybe you want to refute what they said, said that they had no knowledge or proof that the BLM ever intended that the additional property be added to the monument, but in your testimony, you say there was. Which is true? Do we believe the BLM or your testimony? Was the discussion of the RAC, or the understanding of the Secretary is that those lines would be drawn around private property so that someday, that property could be owned by the Federal Government?

Mr. TURECK. I would assume—I am going to have to interpret the Secretary here, and simply what the Secretary is saying, or what the President is saying, please, because it is the President's proclamation in the end, not the Secretary's—is saying that in the resources that we are trying to protect, there are private lands and those private lands are integral to the monument. They have such things as the trails I mentioned, the Nez Perce Trail, the Bullwhacker, and so on landscape-wise. I cannot go through each one.

But the President felt those enhanced and were the smallest thing within what he was trying to protect. Now, we are arguing about what was he trying to protect and I cannot—I guess we could be here days making that argument and I do not think it would go anywhere because I am not sure of everything.

I have to say that they had an image and I think that comes out probably within the management—as that management plan unfolds, that will become part of it. But I am not privy to every piece of why—every line they drew. Some, I do understand. I do understand, I think, why we included, let us say, the PN, most of it. I think I do understand why they include the Bullwhacker Trail and why they included Cow Island and those places like that, because they represent a part of our heritage.

And the upper part of that monument, that first line coming down, that narrow, narrow part, all of that was in there. That is why all those private lands were in there. Nothing was added there that I know of. Where the private lands were added and it has an impact is where you see that larger mass there at the bottom, OK, but nothing-but that upper part of that, that Fort Benton coming down, that was an integral part of the Wild and Scenic, and I have no idea how your legislation is going to affect the Wild and Scenic.

Mr. REHBERG. It does not. It does not address it at all, and so again, I go back to Congressman Simpson's question. What was the imminent danger? If the Lewis and Clark Bicentennial is going to have this huge effect, the effect would probably be on the river, and if the river was already included in the Wild and Scenic and this legislation does not address it, again, what was the imminent danger that Congressman Simpson alluded to?

Mr. TURECK. I would disagree it is only going to be on the river. I think there is more and more activity off the river and more and more historical sites for their importance are being recognized off the river. My land is off the river and it is impacted more every year, and so is the public land that I have the privilege of grazing on impacted more every year.

But let me reverse that and ask the question, if that 30—what your legislation is really going to do, then, in the end, is only affect 38,000 acres or so. It is not really going to affect 81,000, because the other are still in there, you are saying. Am I right?

Mr. REHBERG. The legislation, for your knowledge, would protect private property rights, and I am going to come down on the side of private property rights every single time.

Congressman Simpson, do you have additional questions?

Mr. SIMPSON. Not a question. Again, I want to thank all of you for being here, and I know that we have kind of been concentrating on Missouri because the others are studies. But this really demonstrates one of the problems with the Antiquities Act. As I said earlier, it is an Act I support in its original intent, but it has been abused, not by Republicans, not by Democrats, by Presidents, because Congress has given too much authority to the Administration and then let them do that.

A President does not have the right just to declare a monument because he thinks it is cool. There are certain provisions that he has to follow and certain things he has to do and certain requirements that are followed. For him to unilaterally go out without any input from the Congress—I mean, we do not even require him to hold one hearing, to talk to one person. But we allow him to create a national monument to protect certain historic and geologically significant areas, and that is a heck of a power we have given them.

As they use it to do things like this, or the Craters of the Moon expansion in Idaho—which I supported—I told them I would run legislation to do it, but they wanted to do it through a national monument status.

But how this ought to be working is by first doing a study, as these individuals are doing, to look at the area, to get people involved, to come to some consensus on some of these things, to address some of the problems that we are now having to address right here that should have been done long before this was ever considered for this type of designation, and that is the problem that the Antiquities Act as it is currently used is creating, and I think it is creating some real distrust between the public and those people that would like to protect some of these areas. Frankly, I think most of the public would like to protect these areas. But how you go about it is important, and just declaring it is not the way to do it.

Thank you, Mr. Chairman.

Mr. REHBERG. Mr. Pilcher, just so you do not feel lonely and left out, I will ask you a couple of questions. Were you aware, at the time of the designation, did Governor Martz support or oppose the Missouri River Breaks designation as it existed with the boundary lines?

Mr. PILCHER. Mr. Chairman, I think it is pretty well known that the Governor has steadfastly opposed the designation from its first discussion, as has the Montana legislature in—

Mr. REHBERG. I was going to ask you that. The Montana legislature, have they taken an official position as the elected representatives for the entire State of Montana?

Mr. PILCHER. On two separate occasions, the entire legislature did, in fact, adopt a resolution in opposition to the designation as a monument.

Mr. REHBERG. Were the Stockgrowers actively involved in the formation of the monument boundary?

Mr. PILCHER. To the best of my knowledge, Mr. Chairman, the only people involved in the delineation of the monument boundary were BLM officials.

Mr. REHBERG. In Montana or in Washington or in a combination?

Mr. PILCHER. It is my understanding that it was initially drawn, as I indicated, by a small group of BLM officials meeting in a conference room in Billings around a table with a map and a magic marker.

Mr. REHBERG. I thank you both. In fact, I thank all the panel, and I apologize for not including you. If you want to get into the middle of a Montana natural resources discussion, we would love to have you get involved.

[Laughter.]

Mr. REHBERG. If I might, I will ask Ms. Huskins a couple other questions. In your meetings with local groups and individuals, did you find that there were concerns from private property owners within the proposed Heritage Area, and are there other groups that have expressed concern over the designation of the area?

Ms. HUSKINS. None whatsoever, Mr. Chairman. We have had nothing but tremendous support within our region.

Mr. REHBERG. The proposed area includes a large portion of North Carolina, 25 counties in the Western part of the State. Why is it necessary to designate such a large region?

Ms. HUSKINS. Well, that region is actually joined together by the Blue Ridge Parkway and the cultural events that take place in that region actually take place in the mountains and they have logical reasons for working together.

Mr. REHBERG. Again, I want to thank all of you for taking time out of your busy schedules to travel all the way to Washington. We know what an inconvenience that can be.

If there are no further questions, since I am all that is left, I thank all the witnesses for their testimony and the Committee stands adjourned.

[Whereupon, at 12:32 p.m., the Subcommittee was adjourned.]

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