

**STATEMENT OF BRUCE BABBITT  
SECRETARY OF THE INTERIOR  
BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON  
NATIONAL PARKS AND PUBLIC LANDS  
ON H.R. 2795,  
THE SHIVWITS PLATEAU NATIONAL CONSERVATION  
AREA ESTABLISHMENT ACT  
October 19, 1999**

Mr. Chairman and Members of the Committee, I welcome the opportunity to appear here today to discuss special designation for the Shivwits Plateau region of Northern Arizona, an area of marvelous natural beauty and cultural value. While the legislation before you would establish a National Conservation Area in name, it does not adequately describe the unique resources which make the area worthy of the designation, and would not provide protections adequate to ensure the long-term preservation of the area. For these reasons, I must oppose the bill as drafted, and if passed in this form by the Congress, would recommend that the President veto H.R. 2795.

First let me introduce you to the Shivwits Plateau. The Plateau lies in the Arizona Strip, bounded to the south by the Grand Canyon National Park and the Lake Mead National Recreation Area. Those of you who are, like myself, Westerners would immediately recognize the Plateau's quintessential Western character.

The landscape includes magnificent cliffs, stunning vistas and a mosaic of pinyon-juniper and ponderosa pine communities. Within the region are found extensive cultural resources, including prehistoric archeological sites and historic ranching sites. The ecological resources are irreplaceable, with both abundant and unique wildlife and plant species contributing to the rich variety. Wildlife includes the Parashant trophy deer herd, bald eagles, peregrine falcons, California condors, wild turkey, and desert bighorn sheep. The ecosystems present, from the Mt. Trumbull and Parashant Ponderosa Pine ecosystems to a part of the Mojave Desert, provide a broad sampling of the West that challenged our forefathers. This overwhelming diversity of life and landscape is part of the special character of the Shivwits.

The description I have provided might suggest a patchwork landscape, varying rapidly as one moves through it. This is far from the case. The Plateau is defined most clearly as "Western" by open space. The vast space, with room for solitude and contemplation, is as much a part of experiencing the Shivwits as any species or artifact. The overwhelming diversity of landscape is seen in the distance, and on foot or horseback one moves only slowly to a place dramatically different from where one started. The combination of variety and vastness found is archetypically Western, increasingly rare, and worthy of protection.

We believe it is necessary to protect not simply beauty, or nature, or recreational space - though the Shivwits provides all of those in abundance. This is one of the few remaining places where we can confront the frontier, wide-open and formidable, much as early settlers faced it. This

meeting of land and people was repeated across the West and shaped the psyche of the region, and the Nation. Protecting the Shivwits, not as discrete display pieces but as a grand whole, allows the power of the place to touch the visitor.

We believe the Shivwits Plateau deserves a level of protection that reflects the values we find there, protecting not just land and wildlife but also the culture of the region. The traditional uses of the land are an important factor in the history and, we believe, the future of the region. These lands have historically supported local economies and will continue to do so. Protection, and subsequent management, should preserve those experiences of the Shivwits Plateau which are most defining. For example, grazing and hunting should continue under special designation status. At the same time, those who are willing to make the effort should be able to find pristine conditions and profound solitude. Careful planning will be required to provide for visitation while maintaining these qualities.

The Grand Canyon, south of and adjacent to the Shivwits Plateau, is one of the crown jewels of our public lands. The Shivwits Plateau, like a setting for that jewel, provides protection and enhances the Grand Canyon parklands. Protection of the Shivwits Plateau would complement the values of the Canyon and ensure its isolation from encroaching development to the north. Additionally, the Shivwits Plateau provides for a range of uses and experiences that the Park Service holdings alone cannot support.

I have no doubt that the authors of this legislation share my desire to see the Plateau protected and enhanced for the benefit and enjoyment of present and future generations. Unfortunately, I do not believe the proposed legislation provides the resource protections required. Our concerns were expressed by my office in a July 13, 1999, letter to Congressman Stump, the sponsor of H.R. 2795. Our letter provided draft legislative language, a description of the resources in the area, and copies of other national conservation area statutes. After reviewing H.R. 2795, however, I am disappointed to find that our concerns have not been addressed.

I have several basic concerns with this proposed legislation. First, it does not establish a management standard adequate for long-term protection of the unique resources of this area. The absence of such a provision unacceptably dilutes--indeed is fundamentally inconsistent with--the concept of a National Conservation Area (NCA). Section 103(a), for example, speaks equivalently of "development" as well as "protection" of the area. Section 103(c) speaks of a plan for the "administration and use" of the area which is "designed to ensure the protection of existing uses." Section 104(a) would forbid alteration in "existing authorized uses or rights to use" the area. All this appears designed to make protection of existing uses and future development of the area the dominant management guide.

In the last thirty years, Congress has established eight NCAs on BLM-managed lands. (A ninth, to establish the Gunnison Gorge NCA, is on its way to the President.) These areas are special places that enjoy substantial local, regional and national support. As their very title indicates,

each is managed for the dominant purpose of conservation, though many of them support a variety of uses.

The first BLM NCA, the King Range in Northern California, was created by Congress in 1970, at the very dawn of the modern environmental movement, six years before the Federal Land Policy and Management Act became law, when public lands were still being legally held temporarily pending their disposal. In a bipartisan burst of farsightedness, the King Range legislation called for the area to be managed for, among other uses, "ecological balance" and "scientific study." BLM's second NCA, in the California Desert, was incorporated in FLPMA, and established as a dominant management purpose the "protection" and "maintenance of environmental quality" of the area. BLM's third NCA (Steese in Alaska, included in the Alaska National Interest Land Conservation Act (ANILCA) in 1980), contained a similar protective mandate. More recent NCAs have generally sharpened that focus on long-term protective management, while still allowing an array of land uses.

My point is simply that the label "National Conservation Area" ought not to be carelessly used. To append it casually to a place on the map, without providing substantive management direction, is not good public policy.

To the contrary, an NCA must stand for something if it is to be meaningful. That something is a long term emphasis on resource conservation.

Accordingly, NCA legislation ought to describe the important values and resources in the area, and to include a management standard that mandates conservation, protection and enhancement of the resources of the area.

As Congress has refined that concept based on actual experience, legislative language outlined in the first attachment to our July 13 letter (which I also attach to this testimony) has become typical of NCA legislation. No less is required for this area of the Arizona Strip.

My second basic concern is that several features of this legislation actually weaken protections in existing law, and/or expand the rights and privileges of public land users beyond what rights and privileges they enjoy on other public lands. Such weakenings and expansions are extraordinary in legislation that purports to create a National "Conservation" Area. These provisions are inconsistent with NCA status, and would make it difficult if not impossible to protect sensitive, valuable resources for which the area would be established.

For example, section 106 (d) (2) appears to require mineral leasing and extraction of nonleasable minerals, activities which have traditionally been within the discretion of the Secretary. Furthermore, section 104(d) requires maintenance of "all roadways, jeep trails and paths" in the area, and section 109 requires certain routes to be improved, with absolutely no regard for coherent management planning or protection of the area's remote nature. A portion of one of these routes is not even within the proposed NCA, but is instead in the Tuweep area of Grand

Canyon National Park. The Grand Canyon General Management Plan, formulated after considerable public involvement, places a high value on the remoteness of the Tuweep area, and provides that the roads in the Tuweep area shall be maintained in their current primitive condition, to ensure that visitors will be able to continue to experience solitude in this area.

The grazing section (104(e)) is another example of expanding or creating new rights not found on other public lands. We fully support grazing in the area. We have previously provided to you draft legislative language (a copy of which is attached to this testimony) that would allow for its continuation once the area became an NCA. Our proposed language would carry forward into the NCA the same laws and regulations that the BLM follows in administering grazing on other lands under its management. This bill does not do that. Instead, section 104(e) contains language that would establish a unique set of protections for livestock permittees in this area, requiring the Secretary to permit grazing at no less than 1998 levels, to give permittees "unrestricted" access, and to "guarantee" permittees "the right to," among other things, "create new improvements." This is inconsistent with the practice not only in other NCAs, but on other public lands generally.

My third general area of concern is that this legislation fails to provide this NCA with permanent protection from new mineral activities and from disposal under various public land laws. The legislation should withdraw the lands from all forms of entry, appropriation and disposal under the public land laws, from location, entry and patent under the mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing. We provided such withdrawal language (drawn from other NCA statutes) in attachment 3 to our July 13 letter. It is also attached to this testimony.

My fourth area of concern is that the proposed legislation contains several sections that would foster giveaways of public land and public money, held by all the taxpayers of the Nation, without any commensurate benefit. One of these is section 105 which allows landowners still in possession of their property and whose use has not been infringed to claim a legal taking and seek compensation; and section 202, which simply directs the Secretary, without any rationale, to convey valuable public lands to Tribal and local governments. I cannot, and will not, support this government giveaway.

Finally, the bill would remove 150,000 acres within the boundaries of the Lake Mead National Recreation Area from administration by the National Park Service and have it administered by the Bureau of Land Management. Under the authorities that would apply to this new area, this 150,000 acres would be subjected to a far greater degree of grazing, mining, and other activities than it is presently subjected to as part of Lake Mead National Recreation Area. There is no need for such a change. In fact, BLM and NPS have successfully forged a close relationship in managing these adjoining lands. The bill would make management of these lands more controversial, would reduce the level of protection for natural resources currently managed as part of a National Park unit, and would not be in their long term best interests.

I am strongly committed to protecting the spectacular array of natural and historic resources of the Arizona Strip. There are few places left where one can confront the land as our predecessors did. There are few landscapes as thought-provoking. This is a land which must be protected for future generations. As currently drafted, H.R. 2795 will not provide that protection.

NCA designation is reserved for those public lands entrusted to the BLM which are of special and extraordinary value. Designation must go beyond providing a name for an area on the map. It must be accompanied by substantial and enforceable resource protection. To create an NCA in name only is inconsistent with the threshold for NCA designation and is not something that I, as Secretary, can support. I hope my testimony here today assists you in moving toward adequate protection of these resources for present and future generations.

**Attachment 1 – Draft**

The Congress finds that the public lands managed by the Bureau of Land Management and the National Park Service within the Grand Canyon-Parashant area

- (1) are a remote and primitive landscape containing a spectacular array of scientific and historic resources;
- (2) contain a collection of geologic wonders, including a well-exposed stratigraphic sequence of Cambrian through Triassic sedimentary rocks, with a rich and diverse fossil record;
- (3) contain archaeological and historic sites ranging from National Register Eligible properties to isolated prehistoric artifacts of scientific interest;
- (4) contain outstanding biological resources, including a ponderosa pine ecosystem in the Mt. Trumbull area which is important for scientific research.

**Management**

The Secretary, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, shall, subject to valid existing rights, manage the conservation area to conserve, protect, and enhance the resources described above, and further described in the document entitled "Further Description of Resources in Proposed Conservation Area," in accordance with this subchapter, and other applicable laws.

## Further Description of Resources in Proposed Conservation Area

The Grand Canyon Parashant conservation area's remote and primitive landscape contains a spectacular array of scientific and historic resources. This unspoiled, natural area remains a rugged frontier, much of it archaeologically unexplored, providing a precious opportunity for scientific study. The area has a long human history as well. It is a place where one can view the relics of hunter-gatherers of the Archaic Period and pueblos of the Ancestral Anasazi Period, along with the artifacts from the Southern Paiutes and the historic Euro-American settlers that used the area for logging and ranching and whose descendants continue to do so today. The proposed conservation area offers outstanding opportunities for study by archeologists, anthropologists, geologists, historians, and biologists.

The area contains a wealth of geologic wonders, including a well-exposed stratigraphic sequence of Cambrian through Triassic sedimentary rocks, containing a rich and diverse fossil record. The Cambrian, Devonian and Mississippian formations (Muav Limestone, Temple Butte Formation and the Redwall Limestone) are exposed at the southern end of the lower Grand Wash Cliffs. The Pennsylvanian and Permian formations (Calville Limestone, Esplanade Sandstone, Hermit Shale, Toroweap Formation and the Kaibab Formation) are well exposed within Parashant, Andrus and Whitmore Canyons, tributaries to the Grand Canyon, and on the Grand Gulch Bench. The Triassic Chinle and Moenkopi Formations are exposed on the Shivwits Plateau. The formations are displayed in colorful and scenic cliffs and mesas capped by Tertiary volcanic rocks. Numerous basalt flows with more than 30 cinder cones, ranging in age from 1,000 to 9 million years old, are found in the Mt. Trumbull, Toroweap Valley and Whitmore Canyon areas. Ice caves and lava tubes exist within the flows. The purple, pink and white shale, mudstone and sandstone of the Triassic Chinle Formation are exposed in Hells Hole, their closest exposure to the Grand Canyon.

A prominent geological feature of the area is thousands of sinkholes, formed by the dissolution of gypsum within the Kaibab and Toroweap formations, which are associated with numerous caves. A unique feature is olivine deposits on the Southern Uinkaret Plateau, which were used as a temper in prehistoric Ancestral Puebloan ceramics. The area also contains breccia pipes formed from the collapse of caverns in the Mississippian Redwall Limestone, creating vertical pipe-like structures filled with breccia. Fossils are abundant throughout the area. Among these are large numbers of invertebrate fossils, including bryozoans and brachiopods located in the Calville limestone of the Grand Wash Cliffs, and brachiopods, pelecypods, fenestrate bryozoa, and crinoid ossicles in the Toroweap and Kaibab formations of Whitmore Canyon. There are also sponges in nodules and pectenoid pelecypods throughout the Kaibab formation of Parashant Canyon, and twenty springs and seeps located at Mt. Trumbull, Mt. Logan, Pigeon Canyon, Snap Canyon, Parashant Canyon, and Andrus Canyon.

The proposed conservation area contains numerous geologic faults, including the Dellenbaugh fault that cuts basalt flows six to seven million years old, the Toroweap fault which has been active within the last 30,000 years, the Hurricane fault which forms the Hurricane Cliffs and extends over 150 miles across northern Arizona and into Utah, and the Grand Wash fault which bounds the west side of the Shivwits Plateau and has approximately 15,000 feet of displacement across the

proposed area. The Grand Wash Cliffs consist of lower and upper cliffs, separated by the Grand Gulch Bench. Remote points on the plateau rim, including Burnt Canyon, Twin Point, Suicide Point, Kelly Point, Andrus Point and Whitmore Point, have spectacular views of the entire western section of the Grand Canyon.

There is a wealth of archaeological and historic sites, ranging from prehistoric artifacts of scientific interest to National Register-eligible properties. The area has a long human history. Current evidence indicates it was utilized by small numbers of hunter-gatherers during the Archaic Period (7000 B.C. to 300 B.C.). Population and utilization of the area increased during the Ancestral Puebloan (Anasazi) Period from the Basketmaker II Phase through the Pueblo II Phase (300 B.C. to 1150 A.D.), as evidenced by the presence of pit houses, habitation rooms, agricultural features, and pueblo structures. Population size decreased during the Pueblo III Phase (1150 A.D. to 1225 A.D.). Southern Paiute groups replaced the Pueblo groups and were occupying the area at the time of Euro-American contact. Archeological sites in the area include large concentrations of ancestral Puebloan (Anasazi or Hitsuksinom) villages, a large intact Pueblo II village, and numerous archaic period, ancestral Puebloan, and Southern Paiute sites. These sites can contribute to our understanding of prehistoric inhabitants, including settlement patterns, resource utilization, and subsistence strategies; paleo-environmental reconstruction and how changes in the paleo-environment influenced prehistoric occupation and use of the area; the westward expansion of Ancient Puebloan groups (Virgin Anasazi) across the Arizona Strip and down the Virgin River into southern Nevada; Ancient Puebloan social structure and trade networks; abandonment of the area by the Ancient Puebloans; and expansion and ethnohistoric use of the area by Southern Paiute groups.

The sites in this area are distinguished from many other prehistoric resources because there has been relatively little vandalism. Most of the cultural resources discovered in this area are in good condition and offer excellent opportunities for scientific study and public interpretive and educational opportunities. There is also a likelihood of finding many other sites in the area, for these remote lands contain some of the least archaeologically explored and understood areas under federal protection anywhere in the lower 48 states. Vast sections of land have yet to be inventoried, even at a simple reconnaissance level. These undocumented sites may be of significant scientific value worthy of preservation and future study.

The area contains an abundance of other historic sites. Ranching in the area began in 1879 with the Parashawnt Ranch, established to supply the needs of the town of St. George and the nearby Grand Gulch mining operations. Other cattle and sheep ranching operations followed. Numerous homesteads date to the early 1900s. The increase in operations resulted in greater competition over water rights, eventually leading to consolidation and control of the area by a few well established ranching operations. Ranch structures and corrals, fences, water tanks and the ruins of sawmills are scattered across the area, and tell the stories of these remote family ranches and the lifestyles of early homesteaders.

There are also many other historical sites in the area. The Temple Trail Wagon Road was used to haul ponderosa pine timbers from Mt. Trumbull to construct the St. George Mormon Temple in

the 1870s. There is a historic Civilian Conservation Corps spike camp with foundations and archaeological deposits from the 1930s on the north side of Mt. Trumbull. There are several old mining sites dating from the 1870s. The remote and undeveloped nature of the proposed conservation area permits the study and experience of these historical sites in a context close to the original.

The area also contains outstanding biological resources. Remoteness, limited travel corridors and low visitation have all helped to preserve the area's important ecological values. The proposed conservation area is at the junction of two physiographic ecoregions; the tropical/subtropical Mojave desert region and the Semi-Desert/Arizona-New Mexico Mountains Colorado Plateau region. Individually, these regions contain diverse ecosystems, ranging from stark, arid desert to complex and dramatic higher elevation plateaus, tributaries and rims of the Grand Canyon. Riparian corridors link the plateau to the Colorado River below, allowing wildlife movement and plant dispersal. The Shivwits Plateau is in an arid environment with between 14-18" of precipitation a year. Giant, prehistoric Mojave yucca are spread out in undisturbed conditions. Wildlife in the area is characterized by a diversity of species, including a trophy-quality mule deer herd, Kaibab squirrels, and wild turkey. There are numerous threatened or endangered wildlife species, including the American Peregrine falcon, the bald eagle, the Mexican spotted owl, the California condor, the desert tortoise, and the southwestern willow flycatcher. There are also candidate or sensitive wildlife species, including the spotted bat, the western mastiff bat, the Townsend's big eared bat, and the goshawk. There are two federally recognized sensitive rare plant species, the *Penstemon distans* and the *Rosa stellata*.

The ponderosa pine ecosystem in the Mt. Trumbull area is another biological resource of scientific interest. An effort is ongoing to restore the ponderosa pine ecosystem logged between 1870 and 1960 to healthy, sustainable conditions. This long-term effort involves many cooperative research projects being undertaken by scientists from the BLM, Northern Arizona University, the Arizona Game and Fish Department, and others. Thus far, eight restoration units, comprising approximately 1,200 acres, have been or are in the process of being treated either by harvesting trees for wood products, thinning of smaller trees, prescribed burning and re-seeding, or by a combination of these techniques. This opportunity for scientific study includes: research on the restoration of grasses, wildflowers, and shrubs; insect response to ecological restoration; effects of high intensity fire; dendroclimatic reconstruction; fire history; modeling forest structure change; long-term persistence and stability of presettlement pine groups; wilderness restoration; potential wilderness treatment; soil characteristics and soil seed bank; effects of thinning and sprouting on Gambel oak; butterfly response to ecosystem restoration; passerine bird studies; response of small mammal communities and sin nombre virus; and numerous biological studies, including studies on reptiles, Abert's Kaibab squirrel, mule deer, turkeys, forest dwelling bats, and migrant songbirds.

## Attachment 2 – Draft Grazing Language

The same laws and regulations followed by the Bureau of Land Management in issuing and administering grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the conservation area. The Bureau of Land Management shall continue to issue and administer grazing leases within the Lake Mead National Recreation Area consistent with the Lake Mead National Recreation Area authorizing legislation.

UNITED STATES PUBLIC LAWS  
100th Congress - Second Session  
Convening January 25, 1988

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**DATA SUPPLIED BY THE U.S. DEPARTMENT OF JUSTICE. (SEE SCOPE)**  
Additions and Deletions are not identified in this document.

PL 100-696 (S;2840)  
November 18, 1988

An Act to provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Arizona-Idaho Conservation Act of 1988".

**TITLE I -- SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA**  
**ESTABLISHMENT OF SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA**

**SEC. 101. (a) ESTABLISHMENT.** -- "16 USC 460xx" In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established in the San Pedro Riparian National Conservation Area (hereafter in this title referred to as the "conservation area").

**(b) AREA INCLUDED.** -- The conservation area shall consist of public lands as generally depicted on a map entitled "San Pedro Riparian National Conservation Area -- Proposed" numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

**(c) MAP.** -- As soon as is practicable after enactment of this title, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this title referred to as the "Secretary") with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map shall have the same force and effect as if included in this title. Such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

**MANAGEMENT OF CONSERVATION AREA**

**SEC. 102. (a) GENERAL AUTHORITIES.** -- "16 USC 460xx-1" The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this title and, where not inconsistent with this title, by the provisions of the Federal Land Policy and Management Act of 1976 (hereinafter in this title referred to as "FLPMA").

**(b) USES.** -- The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 103 of this title. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use.

or closing portions of the conservation area to public use.

(c) **WITHDRAWALS.** -- Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto.

(d) **WATER RIGHTS.** -- Congress reserves for the purposes of this reservation, a quantity of water sufficient to fulfill the purposes of the San Pedro Riparian National Conservation Area created by this title. The priority date of such reserve rights shall be the date of enactment of this title. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

(e) **ENFORCEMENT.** -- Any person who violates any provision of this title or any regulation promulgated by the Secretary to implement this title shall be subject to a fine of up to \$10,000, or imprisonment for up to one year, or both.

#### MANAGEMENT PLAN

SEC. 103. (a) **DEVELOPMENT OF PLAN.** -- "16 USC 460xx-2" No later than 2 years after the enactment of this title, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure protection of the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreation resources and values of the conservation area.

(b) **RECOMMENDATIONS.** -- The Secretary shall, in the comprehensive plan referred to in subsection (a), develop recommendations to Congress on whether additional lands should be included in the conservation area.

(c) **COOPERATIVE AGREEMENTS.** -- The Secretary may enter into cooperative agreements with appropriate State and local agencies, pursuant to section 307(b) of FLPMA, to better implement the plan developed pursuant to subsection (a).

(d) **RESEARCH.** -- In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters including the environmental, biological, hydrological, and cultural resources of the conservation area, pursuant to section 307(a) of FLPMA.

#### ADVISORY COMMITTEE

SEC. 104. (a) **ESTABLISHMENT.** -- "16 USC 460xx-3" The Secretary shall establish a San Pedro Riparian National Conservation Area Advisory Committee, whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required pursuant to section 103 of this title.

(b) **REPRESENTATION.** -- There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

#### LAND ACQUISITION

SEC. 105. "16 USC 460xx-4" The Secretary may acquire lands or interests in lands within the boundaries of the conservation area by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added

to the conservation area shall require the consent of the owner of those lands or rights.

## REPORT TO CONGRESS

SEC. 106. "16 USC 460xx-5" No later than five years after the enactment of this title, and every ten years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on the implementation of this title. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this title.

## AUTHORIZATION

SEC. 107. "16 USC 460xx-6" There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

### - TITLE II - CITY OF ROCKS NATIONAL RESERVE ESTABLISHMENT OF CITY OF ROCKS NATIONAL RESERVE

SEC. 201. (a) "16 USC 460yy" There is hereby established the City of Rocks National Reserve (hereinafter referred to as the "reserve"), in order to preserve and protect the significant historical and cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve.

(b) The reserve shall include approximately fourteen thousand three hundred and twenty acres as depicted on the map entitled "Boundary Map, City of Rocks National Reserve, Idaho" numbered P30-80.005 and dated October 1987. The map shall be on file in the offices of the National Park Service, Department of the Interior and the Offices of the Governor, State of Idaho.

(c) Within six months after the enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall file a legal description of the reserve designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (b). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and the offices of the Governor of the State of Idaho.

## PLAN AND MANAGEMENT OF RESERVE

SEC. 202. (a) "16 USC 460yy-1" To achieve the purpose of this title, the Secretary, acting through the National Park Service, in cooperation with appropriate State and Federal agencies; local units of government and local residents shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to --

- (1) public use and development;
- (2) historic and natural preservation; and
- (3) private use subject to appropriate local ordinances designed to protect the historic rural setting.

(b) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives and to the Governor of the State of Idaho.

Citation  
 PL 101-628, 1990 HR 2570  
 (Cite as: 104 Stat 4469, \*4474)

Found Document

Rank 1 of 1

Database  
 US-PL-OLD

(I) ALAMO DAM.--Nothing in this title shall be construed to affect the operation for flood control purposes of the Alamo Dam located on the Bill Williams River.

#### SEC. 102. AREAS RELEASED.

Excepting for the Baker Canyon area (AZ-040-070), and the approximately 57,800 acres of public land as generally depicted on a \*4475 map entitled "Cactus Plain Wilderness Study Area" dated February, 1990, the Congress hereby finds and directs that all public lands in Arizona, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 not designated as wilderness by this title, or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirement of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

### TITLE II--DESIGNATION OF THE GILA BOX RIPARIAN NATIONAL CONSERVATION AREA

< < 16 USCA § 460ddd > >

#### SEC. 201. DESIGNATION AND MANAGEMENT.

(a) PURPOSES.--In order to conserve, protect, and enhance the riparian and associated areas described in subsection (b) and the aquatic, wildlife, archeological, paleontological, scientific, cultural, recreational, educational, scenic, and other resources and values of such areas, there is hereby established the Gila Box Riparian National Conservation Area (hereafter in this title referred to as the "conservation area").

(b) AREAS INCLUDED.--The conservation area shall consist of the public lands generally depicted on a map entitled "Gila Box Riparian National Conservation Area" dated February 1990, and comprising approximately 20,900 acres.

(c) MAP.--As soon as practicable after the date of enactment of this Act, a map and legal description of the conservation area shall be filed by the Secretary with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map shall have the same force and effect as if included in this section. Copies of such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) MANAGEMENT OF CONSERVATION AREA.--(1) The Secretary shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including the resources and values specified in subsection (a), pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this title.

(2) The Secretary shall allow only such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established. Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads specifically designated for such use as part of the management plan prepared pursuant to subsection (g).

(e) WITHDRAWAL.--Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

\*4476 (f) WATER.--(1) Congress hereby reserves a quantity of water sufficient to fulfill the purposes, as specified

in subsection (a), for which the conservation area is established. The priority date of this reserved right shall be the date of enactment of this Act.

(2) The Secretary and all other officers of the United States shall take all steps necessary to protect the right reserved by paragraph (1), including the filing by the Secretary of a claim for the quantification of such right in any present or future appropriate stream adjudication in the courts of the State of Arizona in which the United States is or may be joined and which is conducted in accordance with the McCarran Amendment (43 U.S.C. 666).

(3) Nothing in this title shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of Arizona on or before the date of enactment of this Act.

(4) The Federal rights reserved by this title are specific to the conservation area located in the State of Arizona designated by this title. Nothing in this title related to reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto.

(5) Nothing in this title shall be construed to impair or conflict with the implementation of the authorization contained in section 304(f) of Public Law 90-537, approved September 30, 1968.

(g) **MANAGEMENT PLAN.**—(1) No later than two years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the conservation area (hereinafter in this title referred to as the "management plan") in order to fulfill the purposes for which the conservation area is established. The management plan shall be developed with full public participation and shall include provisions designed to assure protection of the resources and values (including the resources and values specified in subsection (a)) of the conservation area.

(2) The management plan shall include a discussion of the desirability of the inclusion in the conservation area of additional lands, including the lands not in Federal ownership that are contiguous to the boundary of the conservation area (as depicted on the map referenced in subsection (b) or as hereafter adjusted pursuant to subsection (h)) and within the area extending two miles on either side of the centerline of Eagle Creek from the point where Eagle Creek crosses the southern boundary of the Apache National Forest to the confluence of Eagle Creek with the Gila River (this area is hereafter referred to in this title as the "Eagle Creek riparian area").

(3) In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate State and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976.

(4) In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, and other characteristics, resources, and values of the conservation area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976.

(h) **ACQUISITION AND BOUNDARY ADJUSTMENTS.**—(1) Subject to the limitations set forth in paragraph (3), the Secretary is authorized to \*4477 acquire non-Federal lands or interests therein within the boundaries of the conservation area or within the Eagle Creek riparian area.

(2) The Secretary is authorized to adjust the boundaries of the conservation area so as to incorporate within the conservation area any lands or interests within the Eagle Creek riparian area that may be acquired after the date of enactment of this Act as well as public lands within that portion of the Eagle Creek riparian area west of the centerline of Eagle Creek that the Secretary finds appropriate in order to properly manage such acquired lands as part of the conservation area. Any lands or interests so incorporated shall be managed as part of the conservation area.

(3) No lands or interests therein owned by the State of Arizona or any political subdivision of such State shall be acquired pursuant to this subsection except through donation or exchange, and no lands or interests within the

conservation area or the Eagle Creek riparian area shall be acquired from any other party or entity except by donation, exchange, or purchase with the consent of the owner of such lands or interests.

(i) **NO BUFFER ZONES.**—The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area to the extent consistent with other applicable law.

(j) **ADVISORY COMMITTEE.**—The Secretary shall establish an advisory committee to advise the Secretary with respect to the preparation and implementation of the management plan. Such advisory committee shall consist of seven members appointed by the Secretary. One member shall be appointed from among recommendations submitted by the Governor of Arizona, one member shall be appointed from among recommendations submitted by the Graham County Board of Supervisors and one member shall be appointed from among recommendations submitted by the Greenlee County Board of Supervisors. The remaining members shall be persons recognized as experts in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the purposes for which the conservation area is established.

(k) **REPORT.**—No later than five years after the date of enactment of this Act, and at least each ten years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the implementation of this title, the condition of the resources and values of the conservation area, and the progress of the Secretary in achieving the purposes for which the conservation area is established.

(l) **ENFORCEMENT.**—Any person who violates any regulation promulgated by the Secretary to implement the provisions of this title shall be subject to a fine in accordance with applicable provisions of the Sentencing Reform Act of 1984, or imprisonment of not more than 1 year, or both such fine and imprisonment.

(m) **AUTHORIZATION.**—There are hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this title.

**\*4478 TITLE III--DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE  
UNITED STATES FISH AND WILDLIFE SERVICE**

**SEC. 301. DESIGNATION AND MANAGEMENT**

**< < 16 USCA § 1132 NOTE > >**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) certain lands in the Havasu National Wildlife Refuge, Arizona, which comprise approximately 14,606 acres; as generally depicted on a map entitled "Havasu Wilderness" and dated March 13, 1990, and which shall be known as the Havasu Wilderness;

(2) certain lands in the Imperial National Wildlife Refuge, Arizona, which comprise approximately 9,220 acres, as generally depicted on a map entitled "Imperial Refuge Wilderness" and dated March 13, 1990, and which shall be known as the Imperial Refuge Wilderness;

(3) certain lands in the Kofa National Wildlife Refuge, Arizona, which comprise approximately 510,900 acres, and certain other public lands comprising approximately 5,300 acres which are hereby added to and incorporated within such refuge (and which shall be managed accordingly), all as generally depicted on a map entitled "Kofa Wilderness" and dated August 1, 1990, and which shall be known as the Kofa Wilderness; and

(4) certain lands in the Cabeza Prieta National Wildlife Refuge, Arizona, which comprise approximately 803,418

(Original Signature of Member)

106TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

## IN THE HOUSE OF REPRESENTATIVES

Mr. KOLBE introduced the following bill; which was referred to the Committee

on \_\_\_\_\_

### A BILL

To establish the Las Cienegas National Conservation Area  
in the State of Arizona.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the  
5 "Las Cienegas National Conservation Area Establishment  
6 Act of 1999".

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1 (b) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

- 3 Sec. 1. Short title, table of contents.
- 4 Sec. 2. Definitions.
- 5 Sec. 3. Establishment of Las Cienegas National Conservation Area.
- 6 Sec. 4. Management of conservation area.
- 7 Sec. 5. Management plan.
- 8 Sec. 6. Acquisition of lands in the conservation area.
- 9 Sec. 7. Coordinated management.
- 10 Sec. 8. Withdrawal.
- 11 Sec. 9. No buffer zones.
- 12 Sec. 10. Water.
- 13 Sec. 11. Reporting requirements.
- 14 Sec. 12. Enforcement.
- 15 Sec. 13. Authorization of appropriations.

3 SEC. 2. DEFINITIONS.

4 In this Act:

5 (1) CONSERVATION AREA.—The term “con-  
6 servation area” means the Las Cienegas National  
7 Conservation Area established pursuant to section 3.

8 (2) MANAGEMENT PLAN.—The term “manage-  
9 ment plan” means the management plan for the con-  
10 servation area required under section 5.

11 (3) PUBLIC LANDS.—The term “public lands”  
12 has the meaning given the term in section 103(e) of  
13 the Federal Land Policy and Management Act of  
14 1976 (43 U.S.C. 1702(e)).

15 (4) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

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1 SEC. 3 ESTABLISHMENT OF LAS CIENEGAS NATIONAL CON-  
2 SERVATION AREA.

3 (a) ESTABLISHMENT; PURPOSES.—In order to con-  
4 serve, protect, and enhance for the benefit and enjoyment  
5 of present and future generations the unique and nation-  
6 ally important aquatic, wildlife, archaeological, paleon-  
7 tological, scientific, cultural, recreational, educational, sce-  
8 nic, and riparian resources and values of the public lands  
9 described in subsection (b), there is hereby established the  
10 Las Cienegas National Conservation Area in the State of  
11 Arizona.

12 (b) AREAS INCLUDED.—The conservation area shall  
13 consist of approximately 83,100 acres of public lands lo-  
14 cated in portions of Pima, Santa Cruz, and Cochise Coun-  
15 ties, Arizona, as generally depicted on the map entitled  
16 "Las Cienegas National Conservation Area—Proposed",  
17 numbered AZ-LC-NCA-001, and dated \_\_\_\_\_.

18 (c) MAP AND LEGAL DESCRIPTION.—As soon as  
19 practicable after the date of the enactment of this Act,  
20 the Secretary shall submit to Congress a map and legal  
21 description of the conservation area. The map and legal  
22 description shall have the same force and effect as if in-  
23 cluded in this Act. Copies of the map and legal description  
24 shall be on file and available for public inspection in the  
25 Office of the Director of the Bureau of Land Management,

1 Department of the Interior, and in the appropriate office  
2 of the Bureau of Land Management in Arizona.

3 (d) DISCREPANCIES.—The Secretary may correct clerical  
4 and typographic errors in map and legal description  
5 prepared under subsection (c). In case of any discrepancy  
6 between or among the map, the amount of acreage stated  
7 in subsection (b), or the legal description submitted by the  
8 Secretary, the map shall control any question concerning  
9 the boundaries of the conservation area.

10 SEC. 4. MANAGEMENT OF CONSERVATION AREA.

11 (a) IN GENERAL.—The Secretary shall manage the  
12 conservation area in a manner that conserves, protects,  
13 and enhances its resources and values, including the re-  
14 sources and values specified in section 9(a), pursuant to  
15 the Federal Land Policy and Management Act of 1976  
16 (43 U.S.C. 1701 et seq.) and other applicable law, includ-  
17 ing this Act.

18 (b) AUTHORIZED USES.—

19 (1) IN GENERAL.—The Secretary shall allow  
20 only such uses of the conservation area as the Sec-  
21 retary finds will further the purposes for which the  
22 conservation area is established.

23 (2) MOTORIZED VEHICLES.—Except where  
24 needed for administrative purposes or to respond to  
25 an emergency, use of motorized vehicles in the con-

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1 servation area shall be permitted only on roads and  
2 trails specifically designated for such use as part of  
3 the management plan for the conservation area.

4 (c) HUNTING.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 the Secretary shall permit hunting within the con-  
7 servation area in accordance with the laws of the  
8 State of Arizona.

9 (2) TIME AND PLACE REGULATIONS.—After  
10 consultation with the Arizona Game and Fish De-  
11 partment, the Secretary may issue regulations des-  
12 ignating zones where, and establishing time periods  
13 when, hunting shall not be permitted for reasons of  
14 public safety, administration, or public use and en-  
15 joyment.

16 (d) PREVENTIVE MEASURES.—Nothing in the Act  
17 shall preclude such measures as the Secretary determines  
18 necessary to prevent devastating fire or infestation of in-  
19 sects or disease within the conservation area.

20 SEC. 5. MANAGEMENT PLAN.

21 (a) PLAN REQUIRED.—Not later than two years after  
22 the date of the enactment of this Act, the Secretary shall  
23 develop a comprehensive plan for the long-term manage-  
24 ment of the conservation area in order to fulfill the pur-  
25 poses for which the conservation area is established. The

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1 management plan shall be developed with full public par-  
2 ticipation and shall include provisions designed to assure  
3 protection of the resources and values (including the re-  
4 sources and values specified in section 3(a)) of the con-  
5 servation area.

6 (b) CONTENTS.—The management plan shall include  
7 the following:

8 (1) An implementation plan for a continuing  
9 program of interpretation and public education  
10 about the resources and values of the conservation  
11 area.

12 (2) A proposal for administrative and public fa-  
13 cilities to be developed, or improved at a level com-  
14 patible with achieving the resource objectives for the  
15 conservation area and with the other proposed man-  
16 agement activities to accommodate visitors to the  
17 conservation area.

18 (3) Cultural resources management strategies  
19 for the conservation area, prepared in consultation  
20 with the Arizona State Historic Preservation Officer,  
21 with emphasis on the preservation of the resources  
22 in the conservation area and the interpretive, edu-  
23 cational, and long-term scientific uses of these re-  
24 sources, giving priority to the enforcement of the Ar-  
25 chaeological Resources Protection Act of 1979 (16

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1 U.S.C. 470aa et seq.) and the National Historic  
2 Preservation Act (16 U.S.C. 470 et seq.) within the  
3 conservation area.

4 (4) Wildlife management strategies for the con-  
5 servation area, prepared in consultation with appro-  
6 priate departments of the State of Arizona and  
7 using previous studies of the area.

8 (5) Livestock grazing management strategies,  
9 prepared in consultation with appropriate depart-  
10 ments of the State of Arizona.

11 (6) Recreation management strategies, includ-  
12 ing motorized and nonmotorized dispersed recreation  
13 opportunities for the conservation area, prepared in  
14 consultation with appropriate departments of the  
15 State of Arizona.

16 (c) COOPERATIVE AGREEMENTS.—In order to better  
17 implement the management plan, the Secretary may enter  
18 into cooperative agreements with appropriate State and  
19 local agencies pursuant to section 307(b) of the Federal  
20 Land Policy and Management Act of 1976 (43 U.S.C.  
21 1737(b)).

22 (d) RESEARCH ACTIVITIES.—In order to assist in the  
23 development and implementation of the management plan,  
24 the Secretary may authorize appropriate research, includ-  
25 ing research concerning the environmental, biological,

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1 hydrological, cultural, and other characteristics, resources,  
2 and values of the conservation area, pursuant to section  
3 307(a) of the Federal Land Policy and Management Act  
4 of 1976 (43 U.S.C. 1737(a)).

5 **SEC. 6. ACQUISITION OF LANDS IN THE CONSERVATION**  
6 **AREA.**

7 (a) **AUTHORITY TO ACQUIRE.**—Subject to the limita-  
8 tions set forth in subsections (b) and (e), the Secretary  
9 is authorized to acquire non-Federal lands or interests  
10 therein within the boundaries of the conservation area by  
11 donation, exchange for Federal lands outside the conserva-  
12 tion area, or purchase.

13 (b) **STATE LANDS.**—No lands or interests therein  
14 owned by the State of Arizona or any political subdivision  
15 of the State may be acquired under subsection (a) except  
16 through donation or exchange for Federal lands outside  
17 the conservation area.

18 (c) **PRIVATE LANDS.**—No privately owned lands or  
19 interests therein may be acquired without the consent of  
20 the owner of the lands.

21 **SEC. 7. COORDINATED MANAGEMENT.**

22 The Secretary shall coordinate the management of  
23 the conservation area with that of surrounding State and  
24 Federal lands in such a manner as best to meet the  
25 present and future needs of the American people.

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1 SEC. 8. WITHDRAWAL.

2 Except as specifically authorized in this Act, and sub-  
3 ject to valid existing rights, all public lands within the con-  
4 servation area and all lands and interests therein which  
5 are acquired by the United States after the date of the  
6 enactment of this Act for inclusion in the conservation  
7 area are withdrawn as follows:

8 (1) From all forms of entry, appropriation, or  
9 disposal under the public land laws (including  
10 amendments thereto).

11 (2) From location, entry, and patent under the  
12 United States mining laws (including amendments  
13 thereto).

14 (3) From disposition under all laws (including  
15 amendments thereto) pertaining to mineral and geo-  
16 thermal leasing.

17 SEC. 9. NO BUFFER ZONES.

18 Congress does not intend for the establishment of the  
19 conservation area to lead to the creation of protective pe-  
20 rimeters or buffer zones around the conservation area.  
21 The fact that there may be activities or uses on lands out-  
22 side the conservation area that would not be permitted in  
23 the conservation area shall not preclude the activities or  
24 uses on those lands up to the boundary of the conservation  
25 area to the extent the activities or uses are consistent with  
26 other applicable law.

STATEMENT OF BRUCE BABBITT,  
SECRETARY OF THE INTERIOR  
BEFORE THE  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
OVERSIGHT HEARING ON FINAL REGULATIONS EXPANDING FEDERAL  
MANAGEMENT OF SUBSISTENCE FISHERIES IN ALASKA  
OCTOBER 26, 1999

Mr. Chairman and Members of the Committee, I appreciate the opportunity to testify before you today on the final regulations invoking federal management of subsistence fisheries in Alaska. On October 1 of this year, the Secretary of Agriculture, Dan Glickman, and I implemented these final regulations. This action was taken to comply with the Ninth Circuit Court's decision in the *Katie John* case and to uphold our responsibilities to provide a priority for subsistence uses of fish and wildlife on the Federal lands in Alaska under Title VIII of the Alaska National Interest Lands Conservation Act. Mr. Chairman, I had hoped that it would never be necessary to implement these regulations. While we have continued to support the purposes and intent of Title VIII, it has always been the goal of the Department of the Interior to return management of subsistence to the State of Alaska as soon as the State was in compliance with the provisions of ANILCA. We also had hoped the Alaska State legislature would give Alaskans the opportunity to resolve the subsistence fisheries issue by placing a resolution for a constitutional amendment before the Alaska voters. Unfortunately a small minority of legislators (8) refused to let the people of Alaska resolve this impasse between federal and state law. This refusal has led to the need to implement these final regulations to invoke federal management of subsistence fisheries in Alaska.

Mr. Chairman, I clearly recognize that you, as a Senator from Alaska, have serious concerns about this development. I share many of your concerns and my desire is to

work with you, the other members of the Alaska Delegation, the Governor, and the people of Alaska as we proceed to implement these regulations.

As you know, the purpose of Title VIII is to ensure the continuation of the opportunity for subsistence uses by rural residents of Alaska consistent with sound management principles and the conservation of healthy populations of fish and wildlife. Since 1990, this has been our sole focus in managing the subsistence priority for hunting on federal lands in Alaska. I assure you that this will continue to be our only purpose as we enter this new arena of managing subsistence fisheries. Let me be clear, we will not use these new fisheries regulations for any other purpose than those outlined in Title VIII. We have no intention to use these new regulations to "block exploration, development, access, and recreation on Alaska lands" as has been suggested.

We are committed to an approach that minimizes disruption to existing fisheries management. Federal subsistence regulations largely mirror existing state regulations. The Federal Subsistence Board and participating agency staff have been reaching out to the State, local communities, Regional Advisory Councils, and the public to ensure local participation in decision making.

Our goal is to maximize cooperation and minimize duplication. We want to use existing Alaska expertise and resources wherever possible. We are cooperating with Alaska Native organizations, the State and other affected organizations as we carry out our new responsibilities.

Over 60% of the \$11 million Congressional appropriation will go to new fisheries resource monitoring. In large part monitoring projects will be implemented through ANILCA Section 809 cooperative agreements with the State, Alaska Native organizations

and other organizations with fisheries expertise in Alaska. We have an important opportunity to add more scientific data and new research to fisheries management in Alaska.

I would now like to address the specific issues that you've raised:

1. What will be the impact on State, private, and Native lands alongside the more than 200 million acres of National Park Service lands, National Wildlife Refuges, National Forests, and other federal conservation system units representing more than 60% of Alaska's waters?

We believe that there will be little or no impact on State, private, and Native lands adjacent to the federal lands in Alaska. Inasmuch as Congress directed that the opportunity for a subsistence priority be provided on federal lands and waters, this is exclusively what the federal regulations address. Regulation of fish and wildlife on non-federal lands and waters is not intended or provided for in these regulations. To the extent that any "extra-territorial" applications might be considered in the future, there will be an extensive public process for evaluating any such proposals, as described later in this testimony.

2. How will the Department ensure the health and viability of Alaska's fishery resources?

Title VIII of ANILCA indicates that the subsistence priority is to be exercised "consistent with sound management principles, and the conservation of healthy populations fish and wildlife...." The Federal Subsistence Board, made up of the Alaska directors of the Fish and Wildlife Service, National Park Service, Bureau of

Land Management, Bureau of Indian Affairs, and the National Forest Service, which acts on behalf of Secretary Glickman and me, has rigorously followed those guidelines for the past 10 years. They have utilized scientific information and data from both federal and state biologists and managers and information from local people. The Board has a history of placing restrictions and making closures, even on subsistence users, when necessary to protect the viability of populations. The federal agencies implementing this program have entered into a number of cooperative studies with the Alaska Department of Fish and Game and Native organizations in order to gain the best and latest resource information on which to make regulatory decisions. We anticipate this effort will continue and even be expanded with increased responsibility for subsistence fisheries on federal waters. As we have developed our budgets for fisheries, we have set aside 60% of these new funds for resource and harvest monitoring and analysis.

3. What is meant by the Department when it states, the regulations "...acknowledge existing authorities of the Secretaries to intervene off of federal lands and waters to protect subsistence harvests on federal lands and waters?"

This statement acknowledges the rarely-used authority to extend jurisdiction off of federal lands and waters to protect a designated purpose (in this case the subsistence priority) of federal lands and waters. This authority has been upheld by the courts in Minnesota v. Block, 660 F.2d 1240(8th Cir.1981). Because most subsistence fisheries target salmon that migrate long distances from marine areas into the coastal streams and great rivers of Alaska, this authority might be necessary to insure that the subsistence priority in Title VIII is upheld. Marine commercial fisheries harvest large numbers of salmon bound for these rivers where substantial subsistence fisheries occur. There needs to be some assurance that

these fish will reach both their spawning destinations as well as the subsistence fisheries within federal jurisdiction. We know that the Alaska Department of Fish and Game and the Alaska's Board of Fisheries are already doing a good job to insure both subsistence and conservation goals are met. I expect that this will continue and this authority will never have to be exercised. I can assure you that if we are petitioned to use these powers, there will be a thorough analysis of all relevant scientific and other information, as well as extensive deliberations and discussions with the State and all interested parties before any application of such authority. It would be my intention to work closely with and exhaust all available remedies within the control of the fisheries authorities, both state and federal, with the primary management responsibility for those fisheries outside federal waters that might be the concern of such petitions.

4. What are the budgetary impacts on the federal government to implement these regulations?

We intend to implement the first year of management, FY 2000, within the authorization provided by Congress in FY 1999. That amount is \$11 million. The first \$1 million was distributed on June 1 to be used for planning and preparation. The remaining \$10 million was released on October 1. Of the latter amount, \$3 million was allocated to the Department of Agriculture for use by the Forest Service. The remaining \$7 million was distributed among the four Interior agencies, the U.S. Fish and Wildlife Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs. We anticipate the need for additional funding for FY 2001 as the program enters its second year. While federal assumption of subsistence fisheries management is a significant undertaking requiring an increase in core staffing in all five bureaus, we plan on using

the expertise of the Alaska Department of Fish and Game, Alaska Native organizations, and others to minimize a large federal organization. Contracts and ANILCA section 809 Cooperative Agreements with these organizations, especially for conducting resource and harvest monitoring activities, will help reduce the budgetary impacts on the Federal government.

5. What role will the State of Alaska and the Alaska Department of Fish and Game play in the implementation of these regulations? Will the State have some type of veto authority over decisions?

As we have implemented the management of wildlife under Title VIII during the past ten years, the State of Alaska has played a significant role in the federal program. Both the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service, which serves as the lead agency for the Federal Subsistence Program, have appointed liaisons to facilitate coordination and cooperation. Federal staff routinely exchange and share data and information, share responsibilities for funding or conducting wildlife surveys, and provide opportunities for review of analyses of regulatory proposals with Alaska Department of Fish and Game officials. The State has been invited to participate actively at all Federal Subsistence Board meetings where regulatory decisions were made. State fish and game staff have made it a common practice to attend and provide technical support to the ten federal Regional Advisory Councils. There have been rough spots at times given the conflicting mandates under which we operate. However, overall there has been good cooperation between the State and federal agencies. My desire is that we will continue to have very close cooperation and coordination as we move into this new arena of subsistence fisheries management. Recognizing that there will be overlapping jurisdictions

between federal and state fisheries management, efforts are currently underway to develop a Memorandum of Understanding (MOU) and other protocols with the Alaska Department of Fish and Game. Our discussions with State officials indicate that they agree with this need for cooperation and for a mechanism for delineating an understanding of our shared and divergent responsibilities, mandates, and methods of resolving potential conflicts in management. This MOU should outline broad areas for mutual cooperation and coordination of various aspects of managing the State's fisheries resources. The areas we want to address in this MOU include resource and harvest monitoring, sharing technical information, managing fisheries in-season, coordinating regulatory processes and schedules, and strengthening communication and coordination between the federal and state advisory committees and councils. Working with the State we want to develop more specific protocols for all of the areas mentioned for the MOU.

Regarding your question about veto authority for the State, it would be illegal for me to relinquish my responsibilities under Title VIII to the State, unless, of course, the State comes back into compliance. Neither ANILCA nor any other law allows the State to exercise veto authority over the federal subsistence regulations or the regulatory decisions made by the Federal Subsistence Board.

6. What involvement will the Alaska public have on decisions regarding the interpretation and implementation of the regulations?

To respond to this question I need to go back a few years. Shortly after the *Katie John* decision in 1995, we began the rulemaking process that culminated in the publication of the final rule on January 8th of this year. You are aware that this has been a long process punctuated by four Congressional moratoria that delayed

implementation of the regulations for over four years, all for the purpose of allowing the State legislature more time to resolve the impasse. During this time we continued to keep this issue in the public view. In 1996 we published an Advanced Notice of Rulemaking which outlined the broad areas to be addressed in the fisheries regulations. They were opened for public comment and 30 public hearings were held around the State of Alaska. We also briefed and sought comment from the ten Regional Advisory Councils in public forums throughout the State. Then later in 1997, we published the Proposed Rule and again sought public comment and conducted 11 public hearings, as well as the ten Regional Advisory Council meetings, throughout Alaska. The Proposed Rule was also the subject of numerous forums orchestrated and hosted by a variety of interest groups in Alaska. In short, there were numerous opportunities provided for the public to engage in discussions and decisions regarding the interpretation and implementation of the fisheries regulations. We gave serious consideration to the many comments we received during this extensive process.

Now as we move forward, the public will be afforded every opportunity to participate in an annual regulatory process which reviews and revises existing subsistence fisheries regulations. The federal implementing regulations specifically identify the ten Regional Advisory Councils to serve as a forum for the collection and expression of opinions and recommendations on matters related to the subsistence taking of fish and wildlife resources on public lands. These Regional Advisory Councils are composed of residents living within each region. Annually, there is an opportunity for the public to propose changes to the regulations. Those same proposals are subject to full public scrutiny and comment. The Regional Advisory Councils, in open public meetings around the State, develop recommendations to the Federal Subsistence Board on each

proposal. The Federal Subsistence Board deliberates each proposal in an open forum after receiving public testimony as well as recommendations from the Alaska Department of Fish and Game and the Regional Advisory Councils. Additionally, there are mechanisms in place to provide for the reconsideration of any Board decision and for the Board to take action out of the normal regulatory cycle in order to protect the resource or accommodate resource users in unusual circumstances.

I hope that I have covered your concerns in responding to these questions.

In closing, I repeat that I am committed to working with you, Mr. Chairman, the other members the Alaska Delegation, the Governor, the Department of Agriculture, and the people of Alaska, not only to work cooperatively in implementing these regulations, but also to continue our quest to resolve this matter and return unified management of fish and wildlife to the State of Alaska. I am directing the Interior agencies implementing this program to avoid creating an expansive bureaucracy and, where appropriate, to use the existing capacities and expertise of the State and others, such as Native organizations, to achieve the purposes of Title VIII. I do not savor this responsibility, nor the complexities and difficulties of dual federal and state management of fisheries. However, I fervently believe that we are on the right course in protecting the rights of the rural people of Alaska, particularly Native Alaskans, to continue their time-honored customs and traditions that are closely tied to the land and resources of your great state. Thank you again for this opportunity to testify before you.

This concludes my testimony. I would be happy to answer your questions.

**STATEMENT OF BRUCE BABBITT  
SECRETARY OF THE INTERIOR  
BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES COMMITTEE**

**MARCH 1, 2000**

I am pleased to be here today before the Energy and Natural Resources Committee to present the fiscal year 2001 budget for the Department of the Interior.

The 2001 budget is a visionary budget that is designed to benefit all Americans with a focus on three areas: enhancing opportunities for Native Americans; protecting great places and building stronger communities through Lands Legacy; and taking care of what we have.

**Budget Overview**

The Department's 2001 request for appropriations is \$9.2 billion, an increase of \$979.9 million above the amounts provided in 2000. An estimated \$2.2 billion will be provided in permanent appropriations.

The request for appropriations includes \$8.4 billion, an increase of \$946.2 million, for programs funded in the Interior and Related Agencies Appropriations Bill; and \$841.0 million, an increase of \$33.8 million, for programs funded in the Energy and Water Development Bill. The budget also includes a 2000 supplemental request of \$110.8 million for emergency contingency fire costs and the highest priority damages caused by Hurricanes Floyd, Dennis and Irene.

**The First Americans: Stewardship, Investment, Hope**

In his July 1999 visit to the Pine Ridge Indian Reservation in South Dakota, President Clinton increased America's awareness of the critical needs in Indian Country. The President's visit and his imperative to "begin this new century by honoring our historic responsibility to empower the first Americans" signal a commitment to support Indian self-determination and the government-to-government relationship with Indian Nations. The 2001 budget proposes \$9.4 billion across the government for Native American programs. Within the Department of the Interior, the budget proposes \$2.2 billion for BIA programs that will honor our responsibilities and empower the first Americans. The budget provides the largest increase ever for school construction and addresses priorities identified by the Tribes themselves, including: safe communities, improved housing, adequate educational facilities, and sound management of trust resources.

The Federal government has a unique and historical responsibility for the education of over 50,000 Indian children. BIA operates 185 day and boarding schools, many of which are located on remote and isolated reservations. BIA's 2001 request includes \$300.5 million for education construction, repair, and

maintenance programs; an increase of 126 percent over the amount provided for these programs in 2000. This increase is needed to replace and repair facilities that have serious health and safety deficiencies and to provide Indian children with the basic resources that are critical to student learning. To address school operations needs, the 2001 budget includes \$506.6 million for operation of schools, an increase of \$39.7 million over 2000. This increase in funding includes \$6.8 million for the Family and Child Education Program to improve children's readiness for school and adult literacy, and \$8.2 million for a pilot therapeutic treatment program that will focus on the needs of high-risk students at boarding schools.

In 1997, we worked with Attorney General Janet Reno and developed a four-year initiative in collaboration with tribal leaders to combat rising crime rates in Indian Country. As a result of this initiative we are seeing real progress. Over the past two years BIA and the Justice Department have hired additional officers and investigators, are replacing dilapidated detention centers, strengthening tribal court systems, and improving programs for at-risk children. The 2001 budget includes increases of \$18.8 million for BIA to continue this initiative and strengthen core law enforcement functions, upgrade radio systems, and improve detention center services. The Department of Justice is requesting an increase of \$81.8 million to support tribal law enforcement programs.

Over 100,000 Indian families are in desperate need of better housing but cannot qualify for assistance through the Department of Housing and Urban Development because they cannot meet minimum income requirements. The 2001 budget doubles funding for the Housing Improvement Program, requesting an increase of \$16.3 million for housing repairs, replacement, and renovation.

The 2001 budget includes an increase of \$4.0 million to implement fundamental changes to BIA's internal management and administrative systems based on recommendations of the National Academy of Public Administration. Funding will be used to address highest priority improvements at central and field office locations that will strengthen planning, budgeting, finance, human resources, and information resources management.

Early in this Administration I made a commitment to resolve the decades-old trust fund management issue and promised to fix it on my watch. Our 2000 budget request for the Office of the Special Trustee was fully funded, and as a result, we are making progress in implementing much-needed reform efforts. Conversion of individual Indian accounts to the new trust fund accounting system will be completed by May. We have piloted the Trust Asset and Accounting Management System in one location and we expect to begin deploying the land title functions of the system to other locations this April.

The 2001 budget includes a comprehensive proposal to continue ongoing trust management improvements, institute permanent and lasting changes in trust management functions in BIA, and resolve land ownership fractionation, which is one of the root causes of trust management problems. The reforms in this area continue to be my highest management priority for the Department. A total of

\$58.4 million is requested for trust management improvements under the Office of the Special Trustee in 2001. This is a reduction of \$6.9 million from 2000, reflecting one-time computer acquisition costs. The 2001 budget requests a \$35.1 million increase for BIA trust management functions, including real estate services, probate, cadastral surveys, and land titles and records programs. These increases are absolutely crucial to ensure that the trust management improvements we are implementing are institutionalized and maintained in the long term. The 2001 budget also includes \$12.5 million to expand the Indian Land Consolidation program. In 1999, BIA implemented a pilot program on three reservations in Wisconsin and by the end of 2000 will have acquired over 36,000 fractional interests in allotted Indian lands. The 2001 request will allow us to acquire up to 40,000 additional fractional interests.

While the Department is well underway in reforming our trust fund management systems, we also need to examine the past to ascertain whether income for IIM accountholders was properly credited, maintained and distributed to and from their IIM accounts. We will publish shortly a Federal Register notice to gather information from IIM account beneficiaries and the public to determine the most reasonable methods for providing account holders with information to evaluate their accounts and determining whether there are discrepancies due to past management practices. Before doing so, however, we will seek an order from the Judge in the *Cobell* litigation authorizing the Department to communicate with the plaintiff class.

### Lands Legacy

One of America's most cherished icons, President Theodore Roosevelt, understood the compelling need for land protection and embraced a visionary, long-term approach to conservation that led to creation of the first national wildlife refuge at Pelican Island in Florida and designation of the Grand Canyon as a National Monument. President Roosevelt believed that we must work together to leave this land "an even better land for our descendents than it is for us."

Based on the idea that we need to reinvest in the preservation and renewal of resources, the Land and Water Conservation Fund provides a secure source of funding for land acquisition. On an annual basis \$900 million is deposited into the Fund, primarily from Outer Continental Shelf rents and royalties, for acquisition. In practice we have diverted much of the Fund to deficit reduction. The Lands Legacy proposal makes good on the promise Congress made in 1964 when it created the Land and Water Conservation Fund. The President's budget, by creating a new budget category, would end this practice. Funds could only be spent on Lands Legacy programs and could no longer be diverted to other priorities.

The first step in creating a legacy for our children is the identification and protection of pristine peaks, unspoiled beaches, and verdant prairies. In many of these places we have a one-time opportunity to preserve the matchless wonders of nature before they fall victim to development. With ever-widening

opportunities to communicate through the internet and via satellite, the geographic barriers that once limited access to wide open spaces no longer exist, and it is becoming more and more difficult to find these pristine, unspoiled landscapes. Not surprisingly, many of our prized parks, refuges, public lands, and open spaces that provide recreation and other benefits for local communities are now at the borders of suburbia and are being impacted by encroaching development. We are fortunate to have within our grasp the right economic conditions and public support to take action - now. It is our imperative. If we do not, our children will wonder why we squandered an opportunity to leave a permanent and lasting legacy.

Will Rogers said it best: "Invest in land - they're not making any more."

The President's Lands Legacy Initiative builds on our 2000 achievements and expands efforts to preserve America's great places. The 2001 budget includes \$1.4 billion for Lands Legacy government-wide and \$735.0 million for Department of the Interior programs. A new budget category is proposed to provide dedicated, protected discretionary funding for this initiative. In this request only the Federal acquisition and State Conservation Grant programs will be funded from the Land and Water Conservation Fund.

The 2001 budget requests \$450.0 million for Federal land acquisition, including \$320.0 million for acquisition programs in the Department. Funding will be used to complete purchases in the California desert and continue acquisition of Civil War battlefields, the Florida Everglades, the Lewis and Clark Trail, and the Northern Forest. In addition to these areas, the 2001 budget requests funding for the New York - New Jersey watershed where acquisition will protect the last vestiges of wetlands and uplands that serve as stopover sites for migratory birds and buffer refuges from the impacts of rapidly growing suburbs. Proposed acquisitions in the Lower Mississippi Delta will protect areas that are rich in cultural, historical and ecological values, and vital to our continued efforts to restore wildlife and fisheries. In Southern California acquisition will protect unique ecosystem types and endangered species, archeological finds and fossil deposits, and expand community access to recreational opportunities and outstanding scenery.

Land acquisition is a key component to many of our landscape-scale restoration initiatives. Restoration of the South Florida ecosystem is one of the most significant environmental initiatives of our lifetime. Historically, this ecosystem contained some of the most diverse habitats on earth, but deprived of sufficient water supplies it can no longer support a diverse array of wildlife. The 2001 request for land acquisition includes \$80.0 million for acquisition in South Florida and the Everglades. Of this amount \$47.0 million is for a matching grant to the State of Florida to continue acquisition for restoration purposes. The request also includes \$33.0 million that will be used to complete acquisition of Big Cypress National Park and Preserve and to add 1,870 acres to national wildlife refuges to preserve habitat that is critical to wildlife and important to ongoing restoration efforts.

As we continue acquisitions to safeguard our national parks, refuges, and public lands that will preserve the magnificent views of Yellowstone's Grand Canyon and the Grand Tetons, we must also be attentive to the needs for open space in our own backyards. The public is demanding that we tend to the small parcels and pockets of open space that provide recreational opportunities, reduce suburban sprawl, and revitalize urban areas. In New Jersey voters have been able to secure a multi-year commitment for funds to acquire these important green spaces and are looking for a partnership commitment from the Federal government. The 2001 budget includes \$150.0 million, funded from the Land and Water Conservation Fund, for State Conservation Grants. Funded for the first time since 1995, the 2000 appropriation included \$41 million for this program. Using these grants, communities will leverage resources and acquire open spaces and develop outdoor recreation areas. In the past, these grants have been used by states and communities to acquire areas such as Point Dune State Beach in California. This locally operated park 18 miles west of Santa Monica features cliffs, secluded coves and tidal pools, and its headlands offer views of migrating California gray whales between November and May.

The Urban Parks and Recreation Recovery program creates and renews close-to-home recreation opportunities that strengthen economically distressed urban communities and positively impact at-risk youth and the safety of our cities. The 2001 budget request includes \$20.0 million that will be used to enhance urban park and recreation areas that have deteriorated to the point where health and safety are endangered. Grants will be provided to state and local governments that will leverage grant funding with public and private sources, building local support and commitment for the protection and management of neighborhood parks. For the first time since 1995, the Congress provided funding for this program, appropriating \$2.0 million in 2000. Grants will be allocated to sponsor projects such as Indianapolis's Youth Conservation Corps, a program in which inner-city youth renovated a neighborhood park and constructed an ecological pond utilizing funds provided by area businesses.

The 2001 budget requests \$65.0 million, an increase of \$42.0 million for grants to states and local governments to conserve species through the Cooperative Endangered Species Conservation Fund. This program provides communities with flexible approaches and resources to use in resolving the conflicting demands caused by economic growth, increasing population, and declining habitat. Through the development of Habitat Conservation Plans, implementation of candidate conservation agreements, safe harbor agreements, and other means these communities are able to assure the protection of imperiled species and assist in their recovery.

Since 1991, the FWS has worked in partnership with Canada, Mexico, State and local governments, farmers and other private landowners, Tribes, and non-profit conservation groups to conserve wetlands through the North American Wetlands Conservation Fund. Nearly 13 million acres of wetlands and associated uplands in Canada and the U.S. have been protected, and an additional 25 million acres in Mexico have benefited from similar conservation actions. A total of \$727 million has been provided by partners to match the \$288

million provided from the Fund in support of these projects. The 2001 budget includes \$30.0 million, an increase of \$15.0 million over 2000, to restore breeding grounds, resting and over-wintering areas for waterfowl and migratory species and wetland dependent wildlife. In combination with partnership contributions, this request translates into a minimum of \$60 million in wetlands restoration projects and associated benefits.

The 2001 request for Lands Legacy includes \$100.0 million for a State Non-Game Wildlife Grants program. Through this program funds will be provided to States, Tribes, and territories for activities that will conserve and restore non-game species including planning, monitoring and conducting inventories, restoring habitat, acquiring land, and increasing opportunities for non-game wildlife recreation. This program will address non-game species protection and restoration needs that have not been addressed through existing programs and will respond to public demand for increased access to non-game recreational opportunities. An estimated 62.9 million nature enthusiasts currently spend over \$29.2 billion a year in pursuit of these activities. Projects will include restoring habitats favored by songbirds and other non-game species and protection of key stopover points for migratory songbirds.

The Department is committed to providing relevant science to decision-makers at all levels of government and strengthening their ability to protect valuable natural resources, identify optimal lands for acquisition, design effective land use and development strategies, develop efficient transportation systems, and mitigate natural hazards. A \$50.0 million State Planning Partnerships program in the USCS 2001 budget will provide State and local decision-makers and Federal resource managers with geospatial data, earth science information, and tools such as GIS. This request includes \$10.0 million for an expanded Urban Dynamics Program to assist city and regional land use planners in developing plans for community growth that will resolve potential land use conflicts. The State Planning Partnerships proposal also includes \$10.0 million for predictive modeling and decision support systems for Federal and State natural resource managers to improve their effectiveness. Finally, \$30.0 million is requested to work collaboratively with local communities, States, and others to improve data sharing and access to spatial data and maps. These funds would be made available to local communities through competitive matching grants and other cooperative agreements under the Community/Federal Information Partnership program. Efforts sponsored by the Federal Geographic Data Committee, such as the Cooperative Agreements Program, and other efforts such as the Ohio View project, have demonstrated the usefulness of information sharing among Federal, State, and local organizations and universities for decision-making purposes.

### **Taking Care of What We Have**

During my tenure as Secretary, we have worked diligently to strengthen and rebuild the operational programs of the land management agencies. Despite budget cutbacks and limitations in discretionary appropriations, a constant theme in negotiations on the budget has been to take care of what we have and

uphold our responsibility for stewardship of the land, natural resources, and facilities.

Since 1993, we have grown the operating accounts of the National Park Service, Fish and Wildlife Service, and Bureau of Land Management by \$851.1 million, or 43 percent. This compares to the 19 percent growth rate for appropriations for the Department of the Interior in this same time period. These operational funding increases have been focused on building bench strength in the field and improving the delivery of programs to the public and not on building a bureaucracy. We have maximized efficiency by working collaboratively with our partners, encouraging volunteerism, fostering programs like the Youth Conservation Corps; and holding Federal staffing to the minimum required. Consider that the 2001 budget increases staffing by only two percent while the increase in funding is 12 percent. Even with the increases sought in this budget, the Department's staffing will be more than 10 percent below our 1993 base.

The 2001 budget continues this theme of taking care of our operational programs with increases totaling \$214.3 million for the land management agencies in order to safeguard the integrity of the Nation's parks, refuges, and public lands. Funding is targeted to address operational needs, resolution of specific land management issues, and repair and rehabilitation of facilities.

**Bureau of Land Management.** Over the last decade, BLM has transformed itself into a model of multiple use management, emphasizing conservation while protecting the access rights of a diverse group of customers. The budget proposes a \$76.5 million increase in the bureau's primary operating accounts to continue and expand its quiet successes including: collaboration with 24 independent Resource Advisory Councils to bring about changes to livestock grazing practices and applying new standards to conserve western lands; implementing the Northwest Forest Plan in order to allow for timber production while protecting sensitive species; and fulfilling a vision for preservation of public lands such as the Grand Staircase-Escalante National Monument in Utah and the Headwaters Forest Reserve in California.

The designation of monument status recognizes the biological, archeological, and geological significance of areas that stand out from the landscape because of exceptional beauty, and geographic and historical value. In 1908 Teddy Roosevelt designated the first monument, the Grand Canyon. The Grand Canyon-Parashant National Monument protects the entryway to the Grand Canyon and extends protection for the deep canyons, mountains, and isolated buttes that extend from the Canyon along the Colorado River plateau. Clearly, President Roosevelt recognized the need to protect the Grand Canyon, but even he could not have anticipated the need to extend protection to the surrounding area and the urgency driven by population expansion and development that is transforming so much of the western landscape.

Arising from this series of designations is a newly emerging BLM conservation system, that alongside national parks and national wildlife refuges, will constitute an enduring part of our public land heritage. Establishing a new

model for conservation, our management of these areas will maintain traditional relationships with the surrounding communities. At Grand Staircase Escalante we responded to the challenge by Governor Leavitt and the communities of southern Utah, agreeing that visitor centers and other visitor service facilities could be located in surrounding communities to continue the historical link between the landscape and community life.

Improved management of national monuments, national conservation areas, wild and scenic river corridors, and other places are a focus of BLM's 2001 budget. An increase of \$16.0 million will allow BLM to focus on stabilizing and restoring existing resources and enhancing recreational and educational opportunities at officially designated areas. Funding for the three new monuments, Grand Canyon-Parashant National Monument, Agua Fria National Monument, and California Coastal National Monument is included in this request.

The 2001 budget also includes an increase of \$19.0 million to improve land use planning and begin a multi-year process to update resource management plans. This planning effort will allow the bureau to be more responsive to use authorization requests and ensure sustainable use. Another land management priority that is addressed in BLM's budget request is \$9.0 million to tackle one of the most difficult management issues - the explosive growth of wild horses. Today's herds are almost 75 percent above appropriate herd management levels and populations continue to increase at about 20 percent per year. BLM is proposing to increase removals, adoptions, and gelding and, where necessary, implement a long-term strategy to reach appropriate herd management levels by 2005.

**National Park Service.** Careful stewardship of National parks is essential to protect scenic vistas and cultural resources, mitigate the effects of air and water pollution, and support fish and wildlife populations, while accommodating increasing visitor use. The 2001 budget includes an increase of \$90.3 million for operation of the National Park Service. Included within this request is \$24.0 million for special park increases to address specific program needs at 72 parks, three trails, and for the U.S. Park Police. Funds will be directed to parks with new responsibilities, priority operations and maintenance needs, and to improve the visitor experience. Examples of specific park increases include improving the employee safety program at Yosemite National Park in California; operating a new information plaza at Grand Canyon National Park in Arizona; and improving cultural and natural resource management at the Tallgrass Prairie National Park, Kansas.

The operational increase for NPS also includes \$18.0 million for the Natural Resource Challenge, a five-year program launched in 2000 to improve the management of natural resources in parks. Funding is requested to accelerate efforts to acquire basic data on natural resources and monitor the condition of parks. Funding will be used for control of invasive species in 13 parks to restore healthy, functioning ecosystems and to initiate water quality monitoring at 12 networks of parks. At the Great Smoky Mountains National Park efforts to

control alien species of plants and fish that are destroying native vegetation and habitat will be increased. Parks will restore habitat for endangered and threatened species, including two endangered nesting birds at Haleakala National Park in Hawaii, and foxes faced with extinction at Channel Islands National Park in California.

**U.S. Fish and Wildlife Service.** The 521 unit National Wildlife Refuge system is a national network of lands and waters devoted to the conservation, management, and restoration of fish, wildlife, and plants. This system of over 93 million acres is important to the long-term survival and restoration of the nation's wild resources providing important breeding, feeding, and stopover areas for migratory birds; nursery areas for important commercial and sport fisheries; and refugia for native plant species. Approximately 34 million visitors enjoy wildlife watching, photography, hiking, educational programs, and other activities on refuges. The 2001 budget includes an increase of \$19.9 million for refuge projects that will protect wildlife, improve habitat, and provide improved educational opportunities for the public. This request continues our efforts to be stewards of the refuge system. Since 1996, we have increased funding for refuge operations and maintenance by \$113 million or 67 percent.

One of our greatest successes is the creation of flexible and innovative programs that make the Endangered Species Act work for people and wildlife. We have developed a conservation framework that utilizes habitat conservation planning, safe harbor agreements, candidate conservation agreements, and other programs in order to permit sound economic development and protect imperiled species. Examples of our specific accomplishments include:

- Candidate conservation agreements in the southwest have kept species including the Pecos pupfish and Arizona bugbane off the endangered species list.
- Streamlining the Section 7 consultation process for timber sales in the Pacific Northwest has reduced timeframes by 50 percent.
- Habitat conservation plans have been put in place that protect salmon and bull trout.
- The gray wolf and California condor have been reintroduced and are flourishing. A recent Tenth Circuit Court of Appeals ruling eliminates the threat of removal for the Yellowstone wolves and their offspring.
- Bald eagle populations are proposed for downlisting from endangered to threatened.

The 2001 budget includes \$115.3 million for the endangered species program, an increase of \$7.0 million. Funding will be used to develop 42 candidate conservation agreements, work on 550 habitat conservation plans, consider an additional 27 species reclassifications and delisting actions, and develop an additional 10 safe harbor agreements. These varied programs offer a full range of alternatives to states, local governments, and communities for conservation of species and resolution of competing demands.

The protection of refuge lands, endangered and threatened species, and migratory birds demands the vigilance and skills of a cadre of law enforcement officers that are trained in the latest techniques in detection and interdiction of wildlife violators. The 2001 budget includes an increase of \$12.6 million to better train and equip FWS law enforcement personnel and expand the agent work force to defend wildlife against criminals that are becoming increasingly sophisticated and well equipped.

Title VIII of the Alaska National Interests Lands Conservation Act protects the subsistence harvest rights of rural residents of Alaska. For these Alaskans, subsistence harvests form the foundation for a way of life and are essential for meeting economic, social, and cultural needs. To uphold our responsibilities to provide a priority for subsistence uses, the budget includes \$12.9 million for the Department to fully implement the court-ordered Federal takeover of the subsistence fisheries program in Alaska. In addition, the Forest Service is requesting \$5.5 million for its program responsibilities. The Department's request includes \$5.4 million for program management and coordination and \$7.5 million for resource and harvest monitoring. We will utilize the expertise of the State, Native organizations, and others and contract with them for resource and harvest monitoring.

**Safe Visits.** The Department manages an extensive infrastructure of administrative and public use buildings, housing, roads and trails, dams, bridges, water and wastewater systems, schools, laboratories, and other facilities. Some of these facilities are over 100 years old and many are located in remote locations.

The Department instituted a comprehensive Safe Visits to Public Lands initiative to bring consistency and accountability to management of the Department's infrastructure, and to focus funding on the highest priority maintenance and construction needs. We will soon issue a comprehensive report on the status of projects funded in 1999.

The 2001 request for Safe Visits is \$1.2 billion, an increase of \$134.6 million or 13 percent, over 2000. The budget includes \$570.3 million for maintenance and \$601.3 million for construction to accelerate repairs to Indian schools, replace six Indian schools, repair and replace facilities in parks, refuges and other Interior properties. Included within the request is \$9.2 million to conduct condition assessments on a five-year cycle. These condition assessments will establish a baseline of current conditions of facilities and provide a thorough evaluation of repair and rehabilitation needs. The budget also includes \$4.3 million to continue the development and implementation of maintenance management systems that will provide reliable, consistent information to facilities managers.

**Bureau of Reclamation.** The budget request for BOR is \$801.0 million, an increase of \$33.1 million over the 2000 level. The request provides an increase of \$29.7 million for facility operation, maintenance, and rehabilitation. Within this amount is an increase of \$11.9 million for the Dam Safety Program, to protect the downstream public by ensuring the safety and reliability of BOR dams. The

budget provides funds for several large projects currently under construction including: \$33.7 million for the Central Arizona Project, \$23.6 million for the Mni Wiconi Project in South Dakota, and \$17.4 million for the Garrison Diversion Unit in North Dakota. The budget also includes \$22.0 million for water reclamation and reuse projects, and \$16.0 million for the recently enacted Rocky Boy's Indian Water Rights Settlement.

A Federal-State partnership has been working with stakeholders since 1995 to develop a comprehensive, long-term solution for California's Bay-Delta. CALFED, a consortium of ten Federal and four state agencies, is leading this effort to resolve uncertain water supplies and competing water needs, aging levees, declining habitat, and threatened water quality. The 2001 budget includes \$60.0 million for the California Bay-Delta Restoration Program including \$36.0 million for ecosystem restoration and \$24.0 million for the Federal share of projects to improve water use efficiency and water supply reliability. Funding is requested in BOR's budget, but will be transferred to participating Federal agencies based on plans developed by CALFED.

**Other Programs.** The 2001 request continues Outer Continental Shelf regulatory and environment research programs that limit negative consequences that could result from exploration and production in sensitive offshore lands. The 2001 budget request for MMS programs totals \$130.2 million. These MMS programs also collect revenues that finance one-half of the costs of the Department's programs.

Through the Abandoned Mine Reclamation Fund we provide grants to states and Tribes to reclaim previously mined lands. On an annual basis this program restores approximately 9,000 acres to productive use and reduces threats to public health and safety. An increase of \$15.3 million from the Fund will allow the reclamation of an additional 1,000 acres. Of this increase, \$2.0 million will be available for the Appalachian Clean Streams initiative. This program brings together Federal and local resources to restore stream habitat and water quality by reducing acid mine drainage, and thereby improving water quality for local communities and restoring habitat for species such as the Appalachian brook trout. With this increase, an estimated 46 new projects will be initiated.

Finally, I ask that you consider operational needs for other Departmental priorities including the Solicitor's Office, our new Inspector General, and Departmental Management. For these offices, we are requesting uncontrollable cost increases and funding for ongoing litigation support provided by the Solicitor's Office, to expand the capability of the IG's audit and investigation function, and for Departmental Offices to address important needs in electronic data security and improved financial accountability.

This concludes my prepared statement. I will be happy to answer any questions you may have.

**Statement of Bruce Babbitt**  
**Secretary of the Interior**  
**House Resources Committee**  
**Subcommittee on National Parks and Public Lands**  
**H.R. 2941, Las Cienegas National Conservation Area Establishment Act**  
**and**  
**H.R. 3676, Santa Rosa and San Jacinto Mountains National Monument Act**  
**March 16, 2000**

Thank you for inviting me to testify today regarding H.R. 2941, the Las Cienegas National Conservation Area Establishment Act and H.R. 3676, the Santa Rosa and San Jacinto Mountains National Monument Act. Both of these areas, Las Cienegas in the southern part of my home state of Arizona and the Santa Rosas in Southern California are much deserving of the recognition and the meaningful protections that are inherent in National Conservation Area (NCA) and Monument designations.

The Administration can support Congressman Kolbe's Cienegas bill if some important modifications are made to the legislation and if the current strengths of that bill are not weakened. Congresswoman Bono's legislation to designate the Santa Rosa and San Jacinto Mountains as a National Monument unfortunately fails in many critical respects to provide necessary protections. Should it be sent to the President as currently written, I would recommend that the President veto the bill. We remain hopeful that major modifications can be made to the bill so that it will be worthy of the name National Monument.

Mr. Chairman, it comes as no surprise to you that I am a strong supporter of NCAs and Monuments. However, I will not support proposals that simply establish a hollow designation at the expense of resource protection. Two weeks ago in this subcommittee you held a hearing on H.R. 3605 which would create the San Rafael National Conservation Area. The litmus test, which your bill met, for new National Conservation Areas (NCAs) and Monuments is that they must provide meaningful protection and they cannot weaken protections that currently apply to the lands.

Critical elements of a Monument or NCA include: a land and mining withdrawal, off highway vehicle (OHV) use limitations, and language which charges the Secretary to allow "only such uses" as further the purposes for which the monument is established. In addition, we cannot consent to any language that represents a step backward from current management. I'd like to discuss with the subcommittee how each of these bills addresses these important criteria.

**H.R. 2941, Las Cienegas National Conservation Area Establishment Act**

The proposed Las Cienegas NCA straddles southeastern Pima County, northeastern Santa Cruz county and portions of Cochise County along the Babocomari River only 46 miles southeast of downtown Tucson. Pima County's burgeoning population, expected to exceed one million in

2010, places extraordinary demands on the landscape. Congressman Kolbe's Las Cienegas NCA proposal is one important part of a community effort to address these demands. In 1999, Pima County developed the Sonoran Desert Conservation Plan which combines short-term actions and long-range planning to "ensure that our natural and urban environments not only coexist but develop an interdependent relationship, where one enhances the other." This is a grassroots movement to save and preserve what is best of the Sonoran Desert, and an important element of the plan is an NCA for the Empire-Cienega area.

After many years of efforts to protect the Empire Cienegas area by numerous groups, the Bureau of Land Management (BLM), in 1995, formed the Sonoita Valley Planning Partnership (SVPP), which is made up of Federal, state and local governments and agencies, private landowners and a variety of constituency groups. Through the SVPP significant collaborative work on a management plan for the area has been accomplished. This work will be a key component of any future land use planning for the proposed NCA. The Sonoran Institute prepared a report in March of last year entitled, "Cienega Creek Watershed-Proposed National Conservation Area Assessment," which addresses many local concerns and is the result of substantial public involvement at workshops and open houses held in local communities.

However, the efforts to protect this area predate these planning efforts. The BLM took over management of the Empire and Cienega ranches and portions of the Rose Tree Ranch in June 1988, through a land exchange valued at more than \$30 million. This farsighted acquisition of 45,000 acres of land has set the stage for today's hearing. Without this important acquisition, these lands of sweeping vistas and tall lush grasslands, filled with a rich diversity of wildlife and rare native fishes, were slated for yet another housing development of 30,000 homes. Today, this high desert basin is a showcase for what these lands may have looked like before the intrusion of western man. Grasses, some as high as six feet, are the dominant feature of the land. Giant cottonwoods are interspersed along the creek banks. Willows, velvet ash, oaks and junipers are scattered throughout the area. One of the few year-round, free-flowing streams in the entire state, Cienega Creek is a rare and welcome site in this desert landscape.

Cattle were probably introduced into the area in 1698, when Father Eusebio Francisco Kino drove a herd of 160 cattle to a small mission near the present-day town of Patagonia, Arizona. Unlike some areas where cattle have meant disaster for the native grasses and healthy landscape, here good range management has resulted in healthy rangelands. A continued commitment to responsible grazing is an important element in the proposed NCA.

Three rare native fish, the Endangered Gila topminnow, the Gila Chub, and the Longfin dace are endemic to Cienega Creek. Not only are the native fish rare but there are no introduced fish within Cienega Creek, further enhancing the unique qualities of this rare Southwest river habitat. An astounding 170 species of birds have been spotted in this bird watchers' paradise. A wide variety of game species and smaller non-game mammals are abundant throughout the area.

Historic and prehistoric use of this area is well established. Evidence of human settlement goes back at least 5,000 years, and settlement of later Hohokam and Sobaipuri people is well documented.

The guiding force behind more recent development of the area was Walter L. Vail, rancher, entrepreneur and successful businessman. Begun in 1876, as a 160-acre ranch, by 1905 the Empire Ranch included more than 1,000 square miles of southern Arizona. The original four-room adobe house, built in 1874 (later expanded to 22 rooms), is part of the proposed NCA. It is currently being stabilized through the assistance of the Empire Ranch Foundation, a group of private citizens dedicated to collaborative management of the Empire-Cienega Resource Conservation Area with the BLM. Currently, the Foundation is focusing on preserving the historic Empire Ranch buildings, and interpreting both historic and current ranching life in southeast Arizona for the public. In 1999, the ranch house restoration project was the recipient of a \$95,300 "Save America's Treasures" Millennium grant from the White House Millennium Council.

The Cienega Valley holds prehistoric treasures as well. In 1997, the University of Arizona, and the Arizona Sonora Desert Museum excavated the remains of a previously unknown dinosaur species – the Sonorasaurus, a large plant-eater that roamed the area during the Jurassic period.

Congressman Kolbe's legislation recognizes that this significant western landscape and the important natural and cultural resources it encompasses need and deserve meaningful protections. His bill contains the critical elements of an NCA that I have discussed: mineral and land withdrawals, OHV restrictions, and "only such uses" language. Additionally, except for the provisions that I will discuss, it does not contain significant management restrictions which would impair the BLM's ability to protect this important resource. We will oppose any and all provisions that would make management under NCA designation less protective than under current management.

There are some significant concerns with this legislation which need to be addressed. Attached to this testimony is our list of recommended amendments to Congressman Kolbe's bill as introduced, and I'd like to briefly discuss the most significant of these.

First and foremost, we are seriously concerned about the provisions in section 6 relating to land acquisitions. As written, the bill would prevent willing sellers (either the state or a private individual) from selling their lands within the conservation area to the Federal government. This provision makes it far more difficult for the Federal Government to protect these important lands within the conservation area and unfairly denies an individual the right available to all other property owners to dispose of their lands as they see fit. We are eager to work with Congressman Kolbe and the Committee to develop acceptable language.

Furthermore, a provision also in section 6 states that land exchanges completed within the NCA "shall not reduce the tax base within the State of Arizona." This provision is unnecessary, would

be impossible to administer, and must be stricken. Land exchanges under the Federal Land Policy and Management Act (FLPMA) are for equal value. However, it is often impossible to find pieces of property with identical values. Therefore, the regulations governing land exchanges allow equalization payments, by either the government or the proponent of the exchange, in amounts up to 25% of the value of the Federal lands. As a practical matter, land exchanges are not possible without being able to trade land that is not of identical value. Moreover, to require the BLM to determine effects on the tax base of Arizona is unnecessary. When land leaves Federal ownership through an exchange with a private party, it is almost always used for commercial development-- in such a case the value of the land will increase and property taxes paid will increase. Finally, the BLM is ill-equipped to take on such a time-consuming, and costly project as tracking land values after lands leave public ownership. I do not believe that the State of Arizona wishes the Federal government to be a party to its system of property tax assessment.

Another provision of the bill that seriously requires amendment is section 10 regarding water. We agree with Congressman Kolbe that a water right should be reserved for this NCA. However, in order to avoid confusion, or intent other than what we believe is, and should be, the intent, we recommend modifying section 10(a) to read as follows:

Congress hereby reserves a quantity of water sufficient to fulfill the purposes, as specified in subsection 3(a), for which the conservation area is established to be administered according to the procedural requirements of the State of Arizona.

Other provisions that we would recommend modifying include clarification of provisions on access, overflights, buffer zones and future leases. We believe these proposed changes significantly clarify the intent of the legislation and would greatly facilitate the future manageability and protection of the conservation area. We would be delighted to work with Congressman Kolbe and the Committee staff to resolve these issues and finalize the map before markup.

The Empire-Cienegas area of southeastern Arizona deserves special protection and, with the amendments we strongly urge, it will have that protection. I believe that an NCA under BLM management is the correct designation for this important and beautiful area.

#### **H.R. 3676, Santa Rosa and San Jacinto Mountains National Monument Act**

The Santa Rosa and San Jacinto Mountains, covering 272,000 acres in this Monument proposal, is an area of great contrasts. Nowhere else can you find the juxtaposition of outstanding biological, scenic, cultural and recreation values bordering a rapidly growing population center and world class resort destination. Much of the growth and prosperity of the Coachella Valley is a result of its proximity to these great natural areas and that growth, some would say urban sprawl, is now the biggest threat to its preservation.

The unique combination of extraordinary natural values of the Santa Rosa and San Jacinto Mountains adjacent to a growing urban complex have long been recognized as deserving special

protection. In 1990 Secretary Manuel Lujan designated the Santa Rosa Mountains as a National Scenic Area. A cooperative effort among the BLM, State and local governments, private organizations, and property owners took the first steps to protect 194,000 acres with this administrative designation. It has become clear today that the existing designation does not provide the necessary long-term permanent protections we need to ensure that future generations visiting the Santa Rosas will still be able to see a Golden Eagle soar over it, a Peninsular Ranges Bighorn Sheep clamber through it or a Desert Tortoise crawl across it. A National Monument designation can provide that insurance. Early in 1999 a local, grass-roots effort was initiated to seek support for just such a National Monument designation. Responding to this call, I made the first of several visits in August 1999 to begin listening to the local community on how best to protect the area.

The resource values in this special area are as diverse as any area that the Federal government manages. The area is home to five distinct "life zones" from Sonoran Desert to Arctic Alpine resulting in an exceptionally diverse biological population. Over 500 species of plants and a suite of Federally listed threatened and endangered species call the Santa Rosas home. Premier among these is the Federally endangered Peninsular Ranges Bighorn Sheep whose population has plummeted so that today only about 300 remain. Desert oases, natural hot springs, and verdant riparian areas dot this landscape.

Likewise the cultural and archaeological resources of the region abound. A number of sites sacred to the Agua Caliente Band of Cahuilla Indians whose ancestors inhabited most of the area are within the proposed monument. Networks of trails connect village sites, campsites and other areas of importance to the Tribe. The Tribe continues to manage portions of the proposed Monument within its reservation boundaries.

Recreational use of the Santa Rosas is and should continue to be an important use of the mountains. Hiking, biking, camping and horseback riding are all legitimate uses which should and can continue in a way compatible with meaningful protection of the region.

Let me state again, the litmus test for new National Conservation Areas (NCAs) and Monuments is that they must provide meaningful protection and they cannot diminish any protections that currently apply to the lands. While there are some positive provisions in this bill, which do provide meaningful new protections, the bill also undermines current management prescriptions. In the long run these adverse provisions would undermine the long term viability of this national treasure.

As I noted earlier in my testimony on H.R. 2941, critical elements of a Monument include: a land and mineral withdrawal, off highway vehicle (OHV) use limitations, and language which charges the Secretary to allow "only such uses" as further the purposes for which the monument is established. This bill has those provisions and we support them. Unfortunately, these strong management elements are undermined by other provisions contained in this legislation. The net result would be that our ability to manage these lands in an environmentally sound fashion would

take a step backward from current management. I'd like to take a few minutes of the subcommittee's time to highlight a few of the most onerous provisions.

It is appropriate to have reasonable buffer zone language in legislation such as this. I recognize the Congresswoman's concerns about growth in the Coachella Valley and they are legitimate. It is not our intent that the Monument designation should affect activities and uses on lands outside the monument boundary. However, the buffer zone language in section 3(e) could significantly impair appropriate management of lands inside the Monument. Reasonable buffer language can be found in any number of other bill's including the San Rafael NCA bill, H.R. 3605, heard by this Committee just two weeks ago and supported by the Administration.

As I have stated repeatedly, now is the time to protect these lands. We cannot wait another year or another three years. Section 4(c), "Interim Management" could prevent us from taking interim steps imperative to preventing resource degradation until the management plan is completed in three years. This is unacceptable. Under current law and the current management plan, we do not have such restrictions. Additionally this language could be interpreted as preventing us from taking important actions, such as the mineral withdrawal authorized by this bill, until completion of the management plan.

Yet another provision that takes us backward rather than forward is section 5(e) which gives a single special interest far-sweeping rights that they do not currently hold. Under current law, the granting of rights-of-way through these lands is a discretionary act of the Bureau of Land Management. Decisions on whether or where to grant these rights-of-way are handled by the BLM field office. That decision making process includes consideration of resource protection needs and public involvement before any decisions to approve, alter or deny such requests are made. Were it not for section 5(e) none of this would change, current valid existing rights-of-ways would continue and future proposals would continue to be handled by the BLM as I have described. However, section 5(e) removes the BLM's discretion and could be interpreted as forcing the BLM to grant rights-of-way without consideration of potential resource degradation. This is completely unacceptable.

Another significant concern with the bill is the water language in section 5(f). This section contains sweeping language not contained in any other law dealing with public lands. The Advisory Council established in section 7 grants seats to special interests such as the Building Industry Association and the Sierra Club. Generally reserving seats on an Advisory Council for Indian tribes that have an interest in the Monument, for conservation groups, local governments and the user community is appropriate, but legislatively mandating which, among the private interest groups, gets the nod is bad policy.

Mr. Chairman, there are, unfortunately, other problems with this bill as well. This important public lands legislation is not irretrievable, but it will require extensive amendment to reach a level of acceptability to the Administration. We are willing to work with the Forest Service,

Congresswoman Bono and the subcommittee to address these serious issues before the bill proceeds to markup.

Throughout the Coachella Valley of California, groups and individuals across a wide interest spectrum are devoting countless hours to further the proposition that this exceptional natural treasure should be a National Monument. There is an overall consensus that this magnificent resource must be protected. I do not want to let them down and I know Congresswoman Bono shares my feelings. I hope together we can reach an agreement to make this legislation something this Administration can support. This very special area deserves nothing less.

**Conclusion**

Mr. Chairman, I support NCA and Monument legislation, but I will not support legislation that does not live up to minimal standards. It is not enough to draw a line around some lands and give them a name—they must be significant lands and they must have new and meaningful protections without stepping back from current levels of protection.

PROPOSED MODIFICATIONS TO H.R. 2941

section 4(a), page 4, line 19

strike "or future" and at the end of line 21 add the following: "Future leases and agreements must be consistent with the purposes of this Act."

section 4(b)(2), page 5, lines 9-11

strike lines 9-11, and add a new subsection 4(b)(3) and renumber the ensuing subsections "(3) ACCESS.— Nothing in this Act shall be construed to prohibit reasonable access to private or state lands within or outside the boundary of the conservation area."

section 4(b)(3), page 5, lines 15-18

On line 15 strike all after "military operations or missions; . . ." through the end of line 18.

section 5, page 7, line 8

at the end of line 8, insert the following "but not be limited to,"

Section 6(a)(1), page 9, lines 22-23

strike "only in the case of conservation easements or as provided by paragraph (2)(B)"

Section 6(b)(1), page 12, lines 1-4

strike "only in the case of conservation easements"

strike "Exchange under this subsection shall be for land of equal value and shall not reduce the tax base within the State of Arizona."

Section 6(b)(2), page 12, lines 8-9

strike "Except as provided in paragraph (3), no privately owned land or interest therein may be purchased."

Section 6(c), page 12, line 21

add at the end of line 21 "upon acquisition, lands shall be managed as a part of the conservation area."

Section 7, page 13-14, lines 25-1

strike "even if such activities can be seen, heard, or detected from within the conservation area"

section 10(a), pages 14

on lines 7-8, strike the phrase "according to the laws and rules of the State of Arizona." and on line 10, after establish insert the phrase "to be administered according to the procedural requirements of the State of Arizona"