

STERLING FOREST

HEARING
BEFORE THE
SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

H.R. 2741

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE FUNDS TO THE PALISADES INTERSTATE PARK COMMISSION FOR ACQUISITION OF LANDS IN THE STERLING FOREST AREA OF THE NEW YORK/NEW JERSEY HIGHLANDS REGION

H.R. 3107

TO DIRECT THE SECRETARY OF THE INTERIOR TO MAKE MATCHING CONTRIBUTIONS TOWARD THE PURCHASE OF THE STERLING FOREST IN THE STATE OF NEW YORK, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC
MAY 26, 1994

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H.R. 2741, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE FUNDS TO THE PALISADES INTERSTATE PARK COMMISSION FOR ACQUISITION OF LANDS IN THE STERLING FOREST AREAS OF THE NEW YORK/NEW JERSEY HIGHLANDS REGION; AND, H.R. 3107, TO DIRECT THE SECRETARY OF THE INTERIOR TO MAKE MATCHING CONTRIBUTIONS TOWARD THE PURCHASE OF THE STERLING FOREST IN THE STATE OF NEW YORK, AND FOR OTHER PURPOSES

THURSDAY, MAY 26, 1994

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

The subcommittee met, pursuant to call, at 9:01 a.m., in room 1324, Longworth House Office Building, Hon. Bruce F. Vento (chairman of the subcommittee) presiding.

STATEMENT OF HON. BRUCE F. VENTO

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order.

This morning we are meeting to hear a couple of measures dealing with the Sterling Forest, one introduced by Bob Torricelli and one by Congresswoman Roukema. I understand that similar measures have been introduced on the Senate side. The three bills—and that is the source of the companion bill, Senate bill. So there are three bills in the Congress.

[Text of the bills, H.R. 2741 and H.R. 3107, follow:]

103D CONGRESS
1ST SESSION

H. R. 2741

To authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of lands in the Sterling Forest area of the New York/New Jersey Highlands Region.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1993

Mr. TORRICELLI (for himself, Mr. GILMAN, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of lands in the Sterling Forest area of the New York/New Jersey Highlands Region.

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. FINDINGS.**

4 The Congress finds that:

5 (1) By Interstate Compact (Chapter 170 of the
6 Laws of 1937 of the State of New York; Chapter
7 148 of the Laws of 1937 of the State of New Jer-
8 sey) and by Resolution of the 75th Congress (H.J.

1 Resolution 445), the Palisades Interstate Park Com-
2 mission was formed in 1937.

3 (2) The Palisades Interstate Park Commission
4 is the only interstate park management agency in
5 the United States and is responsible for the manage-
6 ment of 23 parks and historic sites in New York and
7 New Jersey, consisting of 82,000 acres. More than
8 8,000,000 national and international visitors per
9 year seek outdoor recreational opportunities in the
10 Palisades Park System. The management of these
11 sites is consistent with standards maintained by the
12 National Park Service.

13 (3) Sterling Forest is a biologically diverse
14 17,500 acre corporate-owned open space property on
15 the New York/New Jersey border. The property is a
16 highly significant watershed area for northern New
17 Jersey, and an important outdoor recreational asset
18 in the Northeastern United States. Clean drinking
19 water flows from the property into a reservoir sys-
20 tem which serves 25 percent of the population of the
21 State of New Jersey. Twenty-seven rare and endan-
22 gered wildlife species have been identified at Sterling
23 Forest by The Nature Conservancy. The land sup-
24 ports a mixed hardwood forest, wetlands, lakes, gla-

1 ciated valleys and ridge lines, and is strategically lo-
2 cated on a north-south wildlife migratory route.

3 (4) The Appalachian Trail, administered by the
4 National Park Service, passes through Sterling For-
5 est. Sterling Forest shares a common boundary with
6 the 51,680 acre Harriman/Bear Mountain State
7 Parks in which the first segment of the Appalachian
8 Trail was constructed in 1923. If protected, Sterling
9 Forest would greatly enhance the Appalachian Trail
10 and would become the largest park created in the
11 Northeastern United States since World War II.

12 (5) Sterling Forest is located in the most dense-
13 ly populated metropolitan region in the United
14 States, and is a very critical open space buffer for
15 a large urban population. A 14 percent growth rate
16 is projected for the region in the next 20 years.

17 (6) Lands held and managed by the Palisades
18 Interstate Park Commission in the State of New
19 York traditionally remain on the tax rolls. Taxes are
20 paid by the State.

21 (7) Stewardship and management costs for
22 lands in the Palisades Park System traditionally are
23 paid by the States of New York and New Jersey.

24 (8) The Palisades Interstate Park Commission
25 is committed to a willing seller—willing buyer trans-

1 action with the corporate owners of Sterling Forest.
2 Use of eminent domain authority is not anticipated,
3 nor would it be acceptable to the Palisades Inter-
4 state Park Commission.

5 (9) In establishing the Federal Agencies Pro-
6 gram for the Land and Water Conservation Fund,
7 the Congress specified the need to address the in-
8 creasing demand for the creation of recreation areas
9 of national significance easily accessible to large cen-
10 ters of the population, and to provide a partial basis
11 for financing the extension of Federal recreational
12 facilities in the East and Midwest.

13 (10) Given the nationally significant watershed,
14 outdoor recreational, and wildlife attributes of Ster-
15 ling Forest, the demand for park open space in the
16 Northeastern United States, the lack of open space
17 in the densely populated New York-New Jersey-Con-
18 necticut Tri-State Region, and the presence of a
19 willing seller and a federally chartered interstate
20 park management agency, there is clear Federal in-
21 terest in acquiring land in Sterling Forest for per-
22 manent protection of watershed, recreational, and
23 wild flora and fauna open space.

1 **SEC. 2. AUTHORIZATION.**

2 (a) **FUNDING.**—In order to enhance protection of wa-
3 tershed, outdoor recreational, wildlife habitat, and Appa-
4 lachian Trail values in the Sterling Forest area of the New
5 York/New Jersey Highlands Region, there is hereby au-
6 thorized to be appropriated to the Secretary of the Interior
7 for transfer to the Palisades Interstate Park Commission
8 (hereinafter in this Act referred to as the “Commission”)
9 for fiscal year 1995 not more than \$35,000,000 to be used
10 by the Commission for purposes of acquiring an undevel-
11 oped, open space tract of land presently owned by the
12 Sterling Forest Corporation. Such sums shall remain
13 available for expenditure through fiscal year 1999.

14 (b) **PROPERTY TAXES.**—Nothing in this Act shall be
15 construed to authorize the United States Government, or
16 relieve the Commission and the State of New York of any
17 obligation otherwise imposed under New York State law,
18 to pay property taxes or provide for the costs of steward-
19 ship and management of any lands located in the State
20 of New York which may be acquired through this author-
21 ization.

22 (c) **MANAGEMENT.**—The Commission shall hold and
23 manage all property acquired with funds made available
24 under this Act for the purposes referred to in subsection
25 (a).

103D CONGRESS
1ST SESSION

H. R. 3107

To direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1993

Mrs. ROUKEMA introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York, and for other purposes.

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. MATCHING CONTRIBUTIONS TOWARD ACQUI-**
4 **SION OF STERLING FOREST, NEW YORK.**

5 (a) GENERAL AUTHORITY.—The Secretary shall
6 make a matching contribution to the Palisades Interstate
7 Park Commission for the acquisition of Sterling Forest
8 by the Commission, and interests in Sterling Forest by
9 the Secretary, in accordance with this section. The amount

1 of the matching contribution shall be one dollar of Federal
2 moneys for each dollar of non-Federal funds received by
3 the Commission from a non-Federal source and dedicated
4 to the acquisition of Sterling Forest. The total Federal
5 contribution under this section may not exceed
6 \$25,000,000.

7 (b) ACQUISITION ON A WILLING SELLER BASIS.—
8 Federal funds may not be used pursuant to this section
9 to purchase any portion of Sterling Forest without the
10 consent of the owner thereof.

11 (c) INTERESTS ACQUIRED BY UNITED STATES.—The
12 acquisition of Sterling Forest pursuant to this section
13 shall reserve to the United States conservation easements
14 and rights of public access in and to Sterling Forest, as
15 determined by the Secretary, equivalent to conservation
16 easements held by the United States as described in sec-
17 tion 7(k)(2) of the Cooperative Forestry Assistance Act
18 of 1978 (16 U.S.C. 2103c(k)(2)).

19 (d) PROPERTY TAXES.—Nothing in this section shall
20 be construed to authorize the United States Government,
21 or relieve the Commission and the State of New York of
22 any obligation otherwise imposed under New York State
23 law, to pay property taxes or provide for the costs of stew-
24 ardship and management of any lands located in the State

1 of New York which may be acquired pursuant to this sec-
2 tion.

3 **SEC. 2. NEW JERSEY PORTION OF STERLING FOREST.**

4 (a) **GENERAL AUTHORITY.**—The Secretary shall
5 make a matching contribution to Passaic County, New
6 Jersey, toward the outstanding amount owed for the lands
7 described in subsection (b), as specified in the consent
8 judgement in the case of County of Passaic against MPS
9 Corporation, Sterling Forest Corporation and Sterling
10 Forest Development Corporation (Docket No. W-55820-
11 88) entered on September 1, 1993. The amount of the
12 matching contribution shall be one dollar of Federal mon-
13 eys for each dollar of non-Federal funds paid by Passaic
14 County, New Jersey, toward such outstanding amount.

15 (b) **LANDS DESCRIBED.**—The lands referred to in
16 subsection (a) are approximately 2,070 acres of lands con-
17 demned by Passaic County, New Jersey, on October 31,
18 1988, and the subject of the case referred to in subsection
19 (a).

20 **SEC. 3. DEFINITIONS.**

21 For the purposes of this Act—

22 (1) the term “Sterling Forest” means the area
23 located in the New York portion of the New York-
24 New Jersey Highlands Region that comprises ap-
25 proximately 17,530 acres and is owned on the date

1 of enactment of this Act by the Sterling Forest Cor-
2 poration;

3 (2) the term "Commission" means the Pali-
4 sades Interstate Park Commission established by
5 interstate compact (Chapter 170 of the Laws of
6 1937 of the State of New York; Chapter 148 of the
7 Laws of 1937 of the State of New Jersey) and ap-
8 proved in 1937 by joint resolution of the Congress
9 (Chapter 706; 50 Stat. 719); and

10 (3) the term "Secretary" means the Secretary
11 of the Interior.

○

Mr. VENTO. And I know that Senator Bradley was planning on being here. I saw him on the Morning News. And so I am sure he is on his way. But perhaps, the elevators around here don't work too well, so we will get started and hopefully he will show up before we get to the Park Service and other Administration witnesses.

These matters are of interest to a significant number of Members. Ben Gilman is present this morning, and, of course, Mo Hinchey invited me to New York, and the first thing that we were viewing was the parks and forests that are part of the Palisades Interstate Park Commission role. It has long set aside important lands for conservation.

I was impressed with it. The significance, of course, of the parcels that are being discussed, the Sterling Forest, is the headwater area of a watershed which supplies drinking water to millions of residents in New Jersey.

And, it is interesting to note that often the establishment of national forests in the West were set aside specifically for the watershed and the use of the watershed for potable drinking water by the various communities in the West. So it is, I suppose, not surprising that the same sort of phenomenon has occurred, but it is not something we always think about when we think about Manhattan or New Jersey.

The presence of such a large undeveloped tract close to a major metropolitan area, some 30 or 35 miles away, depending upon the testimony that I have looked at last night and the experience I had, in my view, of course, it underlines its importance in terms of recreation and preservation in that area.

I think we have to be very careful in defining what the appropriate Federal role would be for such an initiative to set aside such lands, and I know that my colleagues are eager to work on that, those from New Jersey and New York.

I share the concerns of the Park Service about their role and the precedent that this legislation would set, and I think, as I said, we need to articulate that and define that carefully.

A part of the problem is simply the lack of a vigorous stateside LWCF—Land and Water Conservation Fund. And if that were in a more rigorous state, we could look to that to be of more assistance to these two States in terms of their goal, but it isn't today.

I sympathize with my colleagues who think the stateside of the LWCF is inadequate, and furthermore, share the observation that States in the East have not fared as well historically with regards to a draw on the national Land and Water Conservation Fund monies, as Western States have fared better in terms of the distribution of those funds simply because of the presence of national forests, BLM lands, and, of course, parks.

And so I think we are working, that is to say, Chairman Miller and myself and staff have been working to try and look at ways to invigorate both the Federal and State side of the LWCF, but that is some way out. Restoring that will not be an easy task.

In the meantime, I have to deal with the difficult problems that are presented to the committee in this legislation. Today's hearing will be an opportunity to help clarify and define not only the appropriate role of the Federal Government but also the role of the State

and local governments and the private and philanthropic communities in protecting and preserving this valuable property.

Considering the price range of the acquisition, I am convinced that the only way it will happen is if there is considerable contributions from a number of different sources, including some of the groups that may be represented here today.

[Opening the statement of Mr. Vento follows:]

OPENING STATEMENT
CONGRESSMAN BRUCE F. VENTO
HEARING ON H.R. 2741 AND H.R. 3701, STERLING FOREST
MAY 26, 1994

THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS WILL COME TO ORDER. TODAY THE SUBCOMMITTEE IS HOLDING A HEARING ON TWO BILLS TO AUTHORIZE FUNDING FOR ACQUISITION OF LANDS IN NEW YORK KNOWN AS THE STERLING FOREST. THESE BILLS ARE H.R. 2741 INTRODUCED BY REP. BOB TORICELLI AND H.R. 3701 INTRODUCED BY REP. MARGE ROUKEMA. A COMPANION BILL HAS BEEN INTRODUCED IN THE SENATE BY SENATOR BRADLEY.

THE FACT THAT THREE BILLS HAVE BEEN INTRODUCED BY MEMBERS OF NEW JERSEY'S CONGRESSIONAL DELEGATION FOR ACQUISITION OF LAND IN NEW YORK IS AN INDICATION OF THE UNIQUE NATURE OF THIS PROPOSAL. I VISITED STERLING FOREST LAST NOVEMBER AT THE INVITATION OF OUR SUBCOMMITTEE COLLEAGUE MAURICE HINCHEY AND WAS SURPRISED THAT SUCH A LARGE UNDEVELOPED TRACT OF LAND STILL EXISTED WITHIN 30 MILES OF DOWNTOWN MANHATTAN. I WAS IMPRESSED WITH THE NATURAL RESOURCES AND RECREATIONAL OPPORTUNITIES ASSOCIATED WITH THE PROPERTY, AND WITH THE SIGNIFICANCE OF THE FOREST AS A WATERSHED WHICH SUPPLIES DRINKING WATER TO MILLIONS OF NEW JERSEY RESIDENTS. I WAS ALSO IMPRESSED WITH THE FINE JOB THAT THE PALISADES INTERSTATE PARK COMMISSION HAS BEEN DOING IN MANAGING THE VARIOUS PARKLANDS IT OWNS IN THE VICINITY OF STERLING FOREST.

THE PRESENCE OF SUCH A LARGE UNDEVELOPED TRACT SO CLOSE TO A MAJOR METROPOLITAN AREA HAS APPROPRIATELY AWAKENED THE INTEREST OF ELECTED OFFICIALS, CONSERVATION ORGANIZATIONS AND OTHERS WHO SEE THIS AS A REMARKABLE OPPORTUNITY TO PRESERVE A PIECE OF LAND FOR FUTURE GENERATIONS. WHILE I AGREE THERE IS AN IMPORTANT

OPPORTUNITY HERE, I BELIEVE WE MUST BE CAREFUL TO DEFINE THE APPROPRIATE FEDERAL ROLE IN THIS PROJECT. I SHARE THE CONCERNS OF THE NATIONAL PARK SERVICE ABOUT THE PRECEDENT THAT THIS LEGISLATION WOULD SET. THERE ARE HUNDREDS OF IMPORTANT LAND ACQUISITION PROJECTS WITHIN THE BOUNDARIES OF EXISTING NATIONAL PARK UNITS WHICH HAVE BEEN WAITING FOR YEARS AND EVEN DECADES TO GO AHEAD BUT HAVE NOT BECAUSE OF LACK OF FUNDING IN THE LAND AND WATER CONSERVATION FUND (LWCF). THIS BILL REACHES INTO THE FEDERAL SIDE OF LWCF FOR A PROJECT WHICH SHOULD BE HANDLED BY THE STATE SIDE OF THE FUND. I REALIZE THAT THE PRESENCE OF THE APPALACHIAN TRAIL, THE FEDERAL CHARTER GIVEN TO THE PALISADES COMMISSION, AND THE BI-STATE IMPORTANCE OF THIS ACQUISITION ARE BEING USED TO PROVIDE SOME JUSTIFICATION FOR FEDERAL INVOLVEMENT IN THIS PROJECT, AND I LOOK FORWARD TO DISCUSSING THESE ASPECTS MORE THIS MORNING. I CERTAINLY SYMPATHIZE WITH MY COLLEAGUES WHO THINK THE STATE SIDE OF LWCF IS INADEQUATE TO THE TASK AT HAND, OR WHO FEEL THAT THE EASTERN STATES HAVE NOT FARED AS WELL AS WESTERN STATES IN THE DISTRIBUTION OF THESE LWCF DOLLARS. I FEEL THE SAME WAY AND HAVE BEEN TRYING TO ADDRESS THIS PROBLEM IN BOTH THE AUTHORIZING AND APPROPRIATIONS COMMITTEES OF CONGRESS. I AM WORKING WITH CHAIRMAN MILLER ON TRYING TO REINVIGORATE BOTH THE FEDERAL AND STATE SIDES OF THE LWCF AND WOULD LIKE TO ASK MY COLLEAGUES FOR THEIR HELP IN RESTORING THIS VITALLY IMPORTANT RESOURCE CONSERVATION PROGRAM. IN THE MEANTIME I HAVE TO DEAL WITH THE DIFFICULT PRECEDENT THIS LEGISLATION WOULD SET AND THE LIKELIHOOD THAT PROPOSALS TO TAP INTO THE FEDERAL SIDE OF THE FUND FOR STATE PROJECTS WOULD COME FROM ALL OVER THE COUNTRY.

TODAY'S HEARING WILL BE AN OPPORTUNITY TO HELP CLARIFY AND DEFINE NOT ONLY THE APPROPRIATE ROLE OF THE FEDERAL GOVERNMENT, BUT ALSO THE ROLE OF STATE AND LOCAL GOVERNMENTS AND THE PRIVATE AND PHILANTHROPIC COMMUNITIES IN PROTECTING AND PRESERVING THIS VALUABLE PROPERTY. CONSIDERING THE PRICE RANGE OF THIS ACQUISITION I AM CONVINCED THAT THE ONLY WAY IT WILL HAPPEN IS IF THERE ARE CONSIDERABLE CONTRIBUTIONS FROM A NUMBER OF SOURCES INCLUDING MANY OF THE GROUPS REPRESENTED HERE TODAY. I LOOK FORWARD TO HEARING THE TESTIMONY OF THE WITNESSES THIS MORNING.

DO ANY OTHER MEMBERS WISH TO MAKE OPENING STATEMENTS?

Mr. VENTO. Anyway, Congressman Hansen, did you have any opening comments?

STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. Yes. Thank you, Mr. Chairman.

It is my understanding that the 17,500-acre Sterling Forest tract is located entirely within Orange County, New York, which is ably represented by Ben Gilman, who is the ranking member of the Committee on Foreign Affairs. Consequently, I basically intend to defer to Mr. Gilman, who was elected to represent the people of Orange County.

As someone representing a district 2000 miles away, I wonder what right I have to get involved in the minutiae of this matter. But similarly, I would hope that other members of this subcommittee from New York defer to the Utah delegation on matters affecting detailed boundaries and acreage of land in our State.

However, I do have some questions that hopefully will be answered by today's witnesses. First, what new data or scientific evidence leads the National Park Service to support spending \$17.25 million at Sterling Forest when they opposed identical legislation at a Senate hearing last week?

Second, what is the real market value of the 17,500-acre tract? Although we have a willing seller, is the \$150 million to \$200 million price range that was established by Mr. Kostmayer's 1992 hearing, is that still valid?

Third, what credible studies demonstrate that development of Sterling Forest will adversely affect the watershed and drinking water of New Jersey?

Fourth, if the Federal Government contributes a 25 percent share, do we have ironclad assurances from the States of New York and New Jersey and private parties that they could fund the remaining 75 percent?

Finally, at a time when the National Park Service has unfunded backlogs of over \$7 billion, can we afford to help purchase a State park for one of America's wealthiest States?

I look forward to getting the answer to these questions before we do the markup.

Mr. Chairman, I have got a discharge petition on products liability of light aviation that I have been working on for years and years, so I am going to go over and do that.

Mr. VENTO. We probably could do mankind a service by keeping you here. But I appreciate the gentleman's presence and his interest, and that of his staff.

We are proceeding early this morning because there are conflicts for myself and Congresswoman Roukema in terms of a housing markup. Mo Hinchey is going to be by to step in and take over after the first hour or so, but I thought that I would get through the Members and the main witnesses.

But you are, obviously, familiar with the issue, and we appreciate your continued work on it with them.

Without objection, all the statements of witnesses and members in their entirety will be made part of the record. That is, their statements, not every document that they might have to drag along with them. In any case, we will make that part of the record.

In the event that we print it, it becomes relevant and important, so that we not reprint things that are already in print. We have been guided this way because of one of our mentors, Mo Udall, in terms of how much we print and what we shouldn't print.

In any event, we are pleased to welcome—I see Bob Torricelli and Ben Gilman are both here. I haven't seen other Members, but as they come in we will try to accommodate their schedules.

Ben and Bob, why don't you both come to the witness table at this time. And, as I have mentioned, your statements have been made a part of the record, without objection. We will give you a few minutes to introduce the topic and hopefully by then the other Members will arrive and we can hear from them.

**STATEMENT OF HON. BENJAMIN A. GILMAN, A U.S.
REPRESENTATIVE FROM NEW YORK**

Mr. GILMAN. Thank you, Mr. Chairman, and it's a pleasure to be before your committee. And I want to thank both you and Mr. Hansen for your opening remarks and for your very salient review of this issue.

And we thank you too, Mr. Chairman, for having taken the time to come up to our beautiful area in the Hudson Valley and take a firsthand look at the Sterling Forest properties.

As we all know, the measure authorizes Federal appropriations of up to \$35 million to the Palisades Interstate Park Commission for land acquisition at Sterling Forest. And I am pleased that many of the directors and the chairman of the Palisades Park—Interstate Park Commission—are here today, accompanied by Bob Binnewies, the Executive Director of Palisades Interstate Park Commission, as well as having Robert Thomson, Chairman of the Sterling Forest Corporation here, and Ms. Joan Davidson, Commissioner, New York State Office of Parks, so that we can get right to the meat of all of this and be able to analyze just where we are going.

Sterling Forest, as we all know, is a tract of undeveloped lands totaling over 17,000 acres—17,500—located in my congressional district in Orange County, New York, and we are very proud of the Sterling Forest lands, probably the last virgin territory outside of the metropolitan area, just on the edge of the metropolitan region, within an hour's commuting distance to New York City.

Currently, the forest is home to some 400 families, a number of corporate and research facilities, as well as a great deal of wildlife in that area, and the scenery, as you know, is spectacular, bordering on the Hudson River Valley.

The landowner, the Sterling Forest Corporation, has for the past 40 years provided great land management and conservation techniques that have kept Sterling a unique land resource, and throughout these years the corporation has always been a willing seller of this tract and remains so right up to this day, as I am sure the officers of the Sterling Forest Corporation will relate to you during their testimony.

The corporation has been actively involved in negotiations during the past few years with the Palisades Interstate Park Commission regarding the acquisition of a significant portion of this property. And, as you may be aware, Palisades Interstate Park Commission has since its inception, in 1937, served as a respected and com-

petent bi-State manager of numerous parks and historic sites throughout New Jersey and New York.

Accordingly, establishing the Commission as manager of any property that may be acquired from Sterling Forest does make good sense.

As we are all aware, the Sterling Forest Corporation is currently proceeding forward with its plan to develop—to make development on 25 percent of the lands that are available. The corporation in forming its plan has produced a development design that is first class, a design that is balanced between growth and conservation, one that pays particular attention to the needs of the region, and one that aims at protecting the majority of the Sterling sensitive lands.

I have long supported the Sterling Forest Corporation development plan and I still do, urging a balance between economic development and protection of the environment.

I know my good colleague from New Jersey, Mr. Torricelli, has been very much concerned about the water supply that comes out of this region and how that affects New Jersey, and I think that is certainly worthy of attention.

However, the question, I believe, is not whether we support the development plan, but instead whether we as representatives of the Federal Government support securing funds to acquire Sterling Forest for its management as a recreational and protected land resource. And by supporting the measure that has been jointly co-sponsored by Mr. Torricelli, Mr. Hinchey and myself, H.R. 2471, we have agreed that Sterling Forest is worth such a Federal allocation to assist in the Sterling lands protection.

And, in order for the property to be purchased from the Sterling Forest Corporation, a partnership in funding has to be obtained, and that has to include funding from all levels of government as well as from the private sector.

Accordingly, Mr. Chairman, it is my understanding that private resources have been earmarked and that New York State has included Sterling on its list of parcels in its 1994-1995 executive budget that are eligible for land acquisition funds from the newly enacted Environmental Protection Fund.

Moreover, I have been apprised that the Palisades Interstate Park Commission has secured adequate funding from noteworthy private foundations that assist in this acquisition. And I believe, as my good colleague from New Jersey will indicate, there is some contribution to be made by the State of New Jersey.

I believe it is imperative that any plan for acquisition include a reimbursement of property tax for local municipalities. Whenever the Federal Government steps in and places a burden on local government, I think we should be in a position to explore how we can ease that burden.

It is now time for the Federal Government to enlist its support for this natural resource, and this can be accomplished with the Land and Water Conservation Fund, a fund that has provided maximum support for important and worthy land acquisition purchases throughout the Nation, initiatives that you have been so intensely involved in over the years.

Mr. Chairman, an opportunity now exists to continue this program's worthy purpose, and I am confident that the committee will work towards that end.

And I again thank the committee for the opportunity to speak in support of H.R. 2741, and I hope the committee will find it within its province to be able to be supportive.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you for your statement.

I am going to have Bob introduce his statement. Then maybe I will have a few questions, Ben, I don't know. I hope you can stay for that.

Mr. GILMAN. Yes.

Mr. VENTO. If you can't, I would understand.

Mr. GILMAN. Be pleased to, Mr. Chairman.

Mr. VENTO. Welcome. Congressman Torricelli is the major sponsor this year of the initial measure on this matter. We are pleased to welcome you, Bob, and your statement for the record.

**STATEMENT OF HON. ROBERT G. TORRICELLI, A U.S.
REPRESENTATIVE FROM NEW JERSEY**

Mr. TORRICELLI. Thank you, Mr. Chairman, very much. And I want to thank Congressman Gilman for his leadership on this issue. Without his support, indeed this legislation would not have been possible.

And thank you, Mr. Chairman, for holding this hearing, and indeed for taking the time, the considerable time to go to see the Sterling Forest and understand the importance of this issue for our own region.

You, Mr. Chairman, and members of the committee, are in a very unique position. No one before you in a position of influence in the Federal Government has made an investment to save large tracts of land and make an environmental contribution in the New York Metropolitan Area, and no one who follows you will ever have this chance again.

This is the last opportunity in the New York Metropolitan Area to save a large acreage of virgin land; 17,000 acres that by chance 300 years after the City of New York began large-scale development is still available.

It is, of course, important simply because it is undeveloped and provides recreational and wildlife refuge. But also for those of us in the State of New Jersey it is vital to the quality of our water. Twenty-five percent of the citizens of the State of New Jersey draw their drinking water from reservoirs that are fed directly from the Sterling Forest. The health consequence is the quality of water will be directly influenced if instead of virgin forest this 17,000 acres becomes parking lots and housing tracts.

In an important statement Forest Service only 3 years ago concluded in its study that there would be severe and adverse environmental consequences if we were to lose that land. This legislation is a direct result of that study.

And indeed, the State of New York and the State of New Jersey have not waited for this Congress. The State of New Jersey has already purchased each and every acre within our own State's boundaries that is available.

The Palisades Park Commission, a bi-State agency, has already been in negotiations and done planning for acquisition and maintenance. The State of New York has already begun to set aside resources to make its own contributions. We have not waited for the Federal Government. Both States have proceeded aggressively.

The consequences of this, not simply to a few communities, but the entire region, cannot be overestimated. Twenty million people live within a 2-hour drive of this park.

Mr. Chairman, I have in my 12 years in this Congress on more occasions than I can recall listened patiently to the arguments of people from States as varied as Alaska, California, Texas, to the needs of their citizens. Sometimes they wanted greater contributions for parkland preservation, sometimes they wanted less. I always tried to be deferential. I cannot recall in any instance a representative of the State of New York or New Jersey coming to this Congress with a proposal of this or even a much lesser magnitude. This is our only request.

To put it in context, in these years the State of California which is 3.3 times larger in area, has received 8.33 cents per capita from Land and Water Conservation Funds, while the State of New York has received 50 cents. Land and Water Conservation appropriations per State in the last 5 years has averaged 27 million. For the State of New York, it has been 9 million, while California received \$248 million.

Indeed, this \$35 million that we are seeking from the Federal Government for the State of New York is seen as being a singularly large contribution. But the Santa Monica National Recreation Area in California has received \$142 million.

This is the only contribution that we have sought. We have seen, indeed, in the State of New Jersey contributions compared to the State of California, maybe in a ratio of 50 to 1 in recent years.

Nor are we asking the Federal Government to do all or disproportionately to make the contribution. The Park Service is recommending a \$17 million contribution. That means the majority of funding would still come from the State of New York and the State of New Jersey. The Federal share would be a minority.

And for those who wonder whether it is still a worthwhile investment, I would draw your attention to a singular statistic. If the Sterling Forest is developed, the cost to the City of Newark alone for water purification is estimated at \$50 million. The City of Newark alone will have to spend more money for water preservation than the entire cost of preserving the Sterling Forest.

Mr. Chairman, I cannot argue more strongly the importance of this issue to every citizen in our region: the outer limits of suburban sprawl, a last chance at a great recreational facility, a last chance at wildlife preserve, and our only chance at water purity.

All of us, I think, when you check our records, have been there time and again for this entire country. This is not some remote forest on the outer reaches of Montana, Alaska, or Texas, where citizens may drive for hours and once or twice in their life have a chance to see great expanses of forest. This is within the reach of a great percentage of American families, and this for all of us, it bears repeating, is our last chance. I strongly urge your support.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you, Bob, for your forceful statement.
[Prepared statement of Mr. Torricelli follows:]

TESTIMONY OF REP. ROBERT G. TORRICELLI
BEFORE THE HOUSE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
MAY 26, 1994

Mr. Chairman, members of the committee, thank you for holding today's hearing on HR 2741, legislation to authorize federal appropriations for the permanent protection of Sterling Forest. Thank you also for allowing me to testify. I am proud to be the sponsor of HR 2741, which is cosponsored by a bipartisan group of 19 Members from New Jersey and New York.

The rationale for this legislation is clear: development of Sterling Forest would be an unmitigated environmental disaster for generations of citizens in New York and New Jersey, and it would result in the loss of the last remaining significant open space for the most populated region of our country. Unfortunately, the threat of development is both real and imminent.

The New Jersey portion of Sterling Forest -- 2,000 acres -- has already been acquired by the state by eminent domain. However, the remaining 17,500 acres of the forest, in Orange County, New York, are owned by a consortium of European Investors which has proposed the construction of 14,000 housing units and 8 million square feet of office, research, light industrial and retail space.

This development plan would have disastrous environmental consequences. Of particular concern would be the threat to New Jersey's water supply. The watershed value of this land is outstanding, contributing clean water to ten major reservoirs which supply drinking water to millions of homes in New Jersey. One of those reservoirs provides clean drinking water to over 80 New Jersey cities and towns and 25% of the state's population. If developed, Sterling Forest would add more than five million gallons of treated sewage daily to interstate streams, a portion of which would flow directly into the water supply system for northern New Jersey.

Another intolerable impact of development would be its effect on recreational opportunity in our region of the country. Sterling Forest is located in the most densely populated metropolitan region of the United States, with close to 20 million people living within a one to two hour drive. It is the last remaining open space for this enormous segment of our population, and the last line of defense against urban sprawl. The need for recreational opportunity in our region is highlighted by the fact that parklands of the Palisades Interstate Park Commission hosted 7 million people in 1990, almost three times the number of people who visited Yellowstone National Park during the same year.

The good news is that the owners of Sterling Forest have expressed a willingness to sell the land. In fact, negotiations have been ongoing with the Palisades Interstate Park Commission for the past 18 months. While no formal agreement has been reached, it appears that a deal is reachable if the Federal Government agrees to contribute an appropriate portion of the money.

My legislation would authorize an appropriation of up to \$35 million for the purchase of land owned by the Sterling Forest Corporation. We believe that the \$35 million, when combined with funding from the States of New Jersey and New York and the private sector, as well as the \$3 million that Congress appropriated in 1992 under the Forest Legacy program, should be enough to purchase all 17,500 acres.

I was pleased to learn that the National Park Service has taken another look at this issue since last week, when it expressed opposition to a Federal contribution to land purchases in Sterling Forest at a Senate hearing. That development was completely unexpected, as Interior Secretary Babbitt, when he visited Sterling Forest last fall, had nothing but praise for our efforts to preserve the forest.

Today, the Park Service will express its support for an authorization of \$17.5 million to add parcels in Sterling Forest to the Appalachian Trail corridor. It is my understanding that the testimony will also point to the possibility of securing additional funding from the State side of the Land and Water Conservation Fund.

I am encouraged by the Park Service's change of heart, and I look forward to working with the Clinton Administration to develop a means of acquiring all 17,500 acres of Sterling Forest. However, before concluding, I would like to address some of the concerns raised by the Park Service at last week's hearing, and in its testimony again today.

First, there is the question of whether appropriations for Sterling Forest should come from the Federal side of the Land and Water Conservation Fund. While it is true that there is a large backlog of LWCF land purchases, I have difficulty accepting the argument that this land should not be considered a priority purchase.

The National Forest Service has already performed a detailed study of the Highlands Region, and has clearly indicated that there is a Federal interest in contributing to the purchase of Sterling Forest. In addition, the Park Service is already actively in the process of purchasing lands owned by the Sterling Forest Corporation under its Appalachian Trail program, and the Federal Government has already appropriated \$3 million for acquisition in Sterling Forest under the Forest Legacy program. It may be true that this land is not an existing unit of the National Park System, but a clear Federal interest in preserving Sterling Forest has been established.

Then there is the question of cost. It is obvious that \$35 million is a great deal of money. However, we are not asking for this money all at once. Indeed, we believe that an arrangement can be worked out with the owners that would enable us to seek appropriations over a period of years. The Park Service has also ignored the fact that we firmly believe we will be successful in obtaining commitments from the states of New Jersey and New York, as well as the private sector, to contribute close to \$25 million to the purchase price.

But even more important, we believe that it is time for our region of the country to share in the benefits of the Land and Water Conservation Fund. The LWCF has been used almost exclusively to fund projects in the West, despite its stated mandate to address the increasing demand for the creation of recreation areas of national significance in all regions of the country.

- * Over the last five years, California has received over 25 times the LWCF funding that New York has received.
- * California is 1.65 times larger in population than NY, and 3.3 times larger in area. However, California received \$8.33 per capita from the LWCF over the past five years, while New York received only \$.50.
- * The average total of LWCF appropriations per state over the past five years is \$27 million. New York has received only \$9 million, while California received \$248 million.
- * One California site, the Santa Monica National Recreation Area, has received \$142 million for land acquisition since 1978.

Of course, one reason that LWCF funds go disproportionately to western states is that there is so much more pristine wilderness there to purchase. But that is why we must preserve Sterling Forest. When the rare opportunity arises to preserve pristine lands in the Northeast, we simply cannot afford to waste it.

Finally, there is the issue of precedent. Concerns have been raised that if this legislation is enacted, then other states will rush to similarly take advantage of the Federal side of the LWCF. But that argument ignores the fact that the legislation requires the Secretary of Interior to transfer Federal funds for Sterling Forest to the Palisades Interstate Park Commission, which will actually purchase and manage the land. We consider this to be a major selling point of our legislation, and it is clearly not precedent-setting.

The PIPC is a federally chartered agency which does an outstanding job managing 23 parks and historic sites in New York and New Jersey. PIPC has been involved in efforts to preserve Sterling Forest for several years, and it makes sense to capitalize on its expertise and managerial ability. This arrangement should be appealing to the Park Service and the committee because maintenance and management costs, as well as local tax payments, would be assumed by the State of New York, instead of the Federal government.

Quite simply, I fail to see the concern about precedent because what we are proposing is unique. There is no other Federally chartered bi-state commission like the PIPC. There is no other available tract of forest land that we know of that is so important to the environment and the fiscal health of **two** states. There is no other opportunity to preserve valuable land at a reasonable price in a region of the country that has been greatly underserved by Federal land acquisition programs.

Mr. Chairman, the opportunity to permanently preserve and protect for future generations a forest as magnificent as Sterling Forest comes once in a lifetime. All of the components that are necessary for the preservation of Sterling Forest now exist: a willing seller; an administrative agency that is eager to manage the land; two state governments that wish to protect the land and are willing to contribute money to purchase it; bipartisan support from two congressional delegations; and even a favorable recommendation from the U.S. Forest Service.

The only thing that we lack is a commitment from the Federal government to contribute its share of the purchase price. Certainly, with the billions of dollars we have spent to preserve land in the West, we can find \$35 million to protect one of the last vestiges of open space in the Northeast. The legislation before us today will secure that commitment, and I urge the Committee to support it.

Mr. VENTO. We have been joined by Congressman Hinchey. I don't know if he had an opening statement. Maybe it would be appropriate at some time if we can hear from you on this particular topic early in the hearing.

Mo.

STATEMENT OF HON. MAURICE D. HINCHEY

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

First, let me apologize for missing the opening statement of my friend and colleague Ben Gilman, and for coming in in the middle of the statement by my other friend and colleague, Mr. Torricelli.

I think that this is an extraordinary initiative. I think it is an example of cooperation between two States and both parties here in the House of Representatives of the people representing this part of our country.

As was said in the statements of both Mr. Gilman and Mr. Torricelli, this is an extraordinarily unique piece of geography. It represents the last significant area of open space in the Metropolitan New York Region, and indeed in that part of our country.

It is adjacent to Bear Mountain, the Bear Mountain part of the Palisades Interstate Park Commission, which represents an example of cooperation between the two States of New Jersey and New York. A park that is visited by roughly about four times the number of people who visit Yellowstone on an annual basis, just to give you an idea of the need for recreation that exists in this part of the country. And, of course, that need will be met in part by this acquisition if we are successful in achieving it.

But beyond its value as an example of the need to preserve open space, as an opportunity for recreation, as a habitat for a number of species, several of which are threatened and endangered.

Beyond all that, it also represents as Mr. Torricelli has said in his statement just a few moments ago, an opportunity for us to protect and preserve an extraordinarily important watershed which provides the water supply for several hundred thousand people at a minimum living in Northern New Jersey, and that number, of course, can only grow.

New Jersey is the most densely populated of all of the 50 States. Its population continues to increase, and the need for a potable water supply will also grow over time.

So this area represents a watershed the likes of which just isn't available anywhere else in the Northeast. So it's extremely important for us to protect it, Mr. Chairman, for that reason as well.

Also, it has the support, this initiative has the support of local citizens, people in the communities there, in both New York and New Jersey, want to see this area protected. It has a large, overwhelming amount of local support. I mentioned the quality of the property, and I think that that cannot be overemphasized. This is a unique area of open space.

The Appalachian Trail runs through the northern part of Sterling Forest. The Federal Government, as you know, Mr. Chairman, owns and manages many other sections of the Appalachian Trail in the Shenandoah and Great Smokey Mountain Parks. So what we are suggesting here has a variety of interesting, and I think important, precedent.

So I am delighted to be a sponsor of this initiative with my two friends and colleagues, Mr. Gilman and Mr. Torricelli. This is a bipartisan initiative representing the needs of both States as perceived by its Representatives here in the House.

We are delighted that the Park Service has taken another look at this question and recently reversed itself with regard to the appropriateness of the Federal Government's participation in this purchase. And my understanding is that they are prepared to commit something in the neighborhood of \$17.5 million.

This is a large parcel. It is 17,500 acres or more, and if we let this opportunity slip through our fingers, it is an opportunity the likes of which we will not have again. If this property is developed, we will regret it. But more importantly, those who come after us in future generations will even more deeply regret the fact that we failed to act.

This is something I think, Mr. Chairman, that we absolutely must do. And I also want to say in closing that I very deeply appreciate your interest in this subject, and the example of your interest has been—the examples have been manifold, but I just want to mention one, and that is the fact that you took time to come and see this area for yourself. I was pleased and privileged to have the opportunity to participate with those who were able to show it to you, and I just want to express my deep appreciation to you for that.

Mr. VENTO. I appreciate your arrangements and your reception and help and others that facilitated that. And I am sure that they would be willing to do that for other Members that are interested. I would hope that they would, in terms of taking a look at the parcel, if they feel that they must do so, although I think that the vivid descriptions provided by Ben Gilman and by Bob Torricelli is very, very helpful.

Let me just say I wanted by way of courtesy to permit Congressman Hinchey to make some statements, rather than put him down there with you to get his words in. He is going to take over here about ten o'clock when I have to go back to the Housing Subcommittee markup.

But the problem, of course, we face in 1994 is different than the halcyon days of when we were putting \$400 million and \$500 million a year into LWCF, and the State side has really been atrophied, but the formula distribution of that is skewed to States that have more public land and public land agencies.

The unfortunate issue here, of course, and the reason that there is less money that flows is because we don't have a lot of large land parks in New Jersey and/or in New York. But I think that under the aegis of a partnership and the efforts today, everywhere we find we do have that we find a substantial State contribution when we are working on the Everglades, when we are working on other areas.

Now, we are looking to try to develop a working relationship with the States, with the local governments, with the nonprofits to accomplish the goals, and that is precisely I think what has to be melded together here in order to make that work.

And I am aware that while the legislation sort of says we need the 35 and we will give it to this compact to manage, that is to say

the Palisades Interstate Park Commission to manage, that in essence shows that some of the details are not as precise as what we want. And I think we can work that out because there are common objectives between what we would want to see happen with public funds and what needs to happen.

The Park Service, has developed a rationale in terms of trying to build this around the Appalachian Trail, because that is one of their units, and they don't want to get involved in a precedential grant to the States for this conservation purpose.

But it just impresses me what we don't know about setting aside land in terms of landscapes, the importance of them, which you mentioned the watersheds, the recreational value, 35 miles from New York. But there is just a whole host of other things in terms of air quality and other factors that 17,000 acres of growing hardwood Eastern forest provides.

So there is a lot here to be accomplished, and clearly it is in an area where it needs to be done and we need to do our part. It should be a top priority.

So I am committed to work with you in terms of achieving that. But it is not going to be easy in the budget context and where we are going. And the problem, in terms of what you are looking for in the legislation, what Congressman Roukema is looking for, is about half the funding to come from the Federal level. Is that fair to say, Bob?

Mr. TORRICELLI. That would be approximately right.

Remember, Mr. Chairman, that at \$17.5 million, however, since we have a willing seller in the negotiations, it is clear this would be paid over a period of years. So, indeed, while we get \$17.5 million authorized, given the availability of State funds which can be used initially, we have a considerable period of time in which to pay this money, so it is not nearly as onerous as it appears.

Additionally, Mr. Chairman, I think the Park Service may have missed an opportunity in its recommendations in that part of what we were seeking to do by using the Palisades Interstate Park Commission is that the purchase would be made in their name, which has the advantage to the Federal Government in that the Federal Government would be left with none of the maintenance costs.

We were trying to ease the burden on the Federal Government and make this more acceptable. Instead they seem to have, at least in part, declined our offer and want to accept the financial burden. We were trying to help.

On their rationale, however, Mr. Hinchey—by the way, whose arrival in this Congress—we could not have come this far with this if we had not been fortuitous enough to have his service in the Congress as a part of this team—makes the valuable point on the Appalachian Trail, this committee and this Congress many years ago before any of us made a commitment that with the development of the Northeast the Appalachian Trail would remain. The citizens would still be able to walk within mountain passes and through forests undisturbed.

Make no mistake, if this land is lost, that commitment through all these decades will be lost, and the Sterling Forest after hundreds of miles of walking the Appalachian Trail within visible sight will be office buildings. So this isn't just adding to an environ-

mental commitment. We will be losing an old commitment if we don't save this land.

Mr. VENTO. I think there is a certain relationship between it. The Park Service understands it, for this corridor, but they obviously have more difficulty in terms of the other rationalization.

But I understand the operation and maintenance, property tax differential—these are concepts that we deal with all the time in terms of payment in lieu of taxes. In fact, there is a major effort in the committee now to raise the amount of payment-in-lieu-of-taxes ceiling from 100 to 200 million for public land we have in various States.

Mr. TORRICELLI. And the Park Service, in my judgment, has missed an opportunity in doing this and easing the Federal burden. But in any case, we have a period of years here to work with, so I think it can work reasonably well with the budget problems.

In terms of the precedent that they have cited as well, I know of no other interstate agency of this type. So we may be creating a precedent but it would be addressing it with a single application.

Mr. VENTO. Yes, there is one. There is the Columbia Gorge. That would have been true until about at least 4 or 5 years ago when we set up the Columbia Gorge. It is there, and they are doing a remarkable job in terms of what is happening. And of course, it is completely a Forest Service unit.

There was a lot of discussion. It was a lot of work. In fact, I just visited that site. So Columbia Gorge is a compact much like the compact that you have here. In fact, we set in motion a much broader role because of the significant public ownership of land in that area.

And it is interesting. They are receiving a considerable amount of support for various types of development within that context, and a land classification system.

One of the points I think that Congressman Gilman had made, and he had an excellent statement, as is always the case with Ben Gilman, a very thoughtful statement, was the issue of development taking place in just a portion of it, and that while he was not adverse to that, he has yielded to and is willing to work for the preservation and the dollars here, which I commend him for that.

One of the concerns I have is once these developments take place then it seems as though it is just a matter of time before they include maybe a little modification of the zoning to include additional parcels and development occur, and then, of course, we don't—that is only determined—I suspect, determined by anyone in the private sector. It isn't even determined by the same corporation or company because they have a way of moving around and changing who owns the stock and who doesn't.

In fact, this company, the Sterling Forest, the organization that has owned it has gone through a number of changes. So the only way to really in a sense deal with this, if we want to, in perpetuity, as the Park Service says, is to, in fact, gain the type of fee ownership control or easements that will prevent that.

Ben, did you want to comment?

Mr. GILMAN. Yes, Mr. Chairman, and I thank you. I am going to have to run on to another meeting.

Mr. VENTO. Yes.

Mr. GILMAN. But I did want to note that Sterling Forest Corporation has indicated they would not be developing any more than 25 percent of the entire tract, and the other, the remainder would be for recreational purposes and for preservation of water and whatever else is needed to be done.

And I also want to note for my colleagues who came in after the testimony that this is not just a Federal Government appropriation that we are seeking. We have two States who will be contributing, both New York State, and you will be hearing from one of the Commissioners from New York State, and of course this testimony, and the State of New Jersey as well as Palisades Park Commission and the private sector.

I understand there is already an offer of some \$25 million from the private sector to assist in the acquisition of these lands, and New York State I think is talking in the range of about \$15 million. I think New Jersey is still reviewing their proposal.

So there will be a number of contributors from all directions. So it is a joint enterprise, an enterprise which I think makes a lot of sense and will not put too much of a burden on the Federal Government.

Mr. Chairman, we can't thank you enough for your interest in this.

Mr. VENTO. Well, we appreciate your presence, Ben.

Jimmy Duncan is here. Do you have any questions of our colleagues?

I know Ben has to go. I appreciate you staying as long as you have, Ben.

Mr. GILMAN. Thank you.

Mr. DUNCAN. Well, I would just say thank you to Mr. Gilman for coming, and I do have a couple of questions that I wanted to ask, but I can ask them—

Mr. VENTO. We can wait for the Park Service, or Bob Torricelli, whatever.

Mr. DUNCAN. One question, or two questions Mr. Gilman has just answered. I wondered what the percentage of the land that was going to be developed under the Sterling Park proposal was, and they tell me 25 percent. So the land wouldn't be lost even under the private development plan. It would still be, basically, a park or open-space-type area.

I am wondering, though, Congressman Torricelli, how much do you think the total cost is going to be? You said that the Federal Government share would be a minority share, but I have a newspaper article here from just a few days ago in which they estimate that the cost be around 40 million.

Mr. TORRICELLI. There are still negotiations, so it is not concluded. But you are probably looking at \$40 million to \$50 million.

Mr. DUNCAN. All right. And if we put up 35 million, then we would be putting up substantially the bulk of it. Does the bill—the paper I have says the bill calls for \$30 million to \$35 million from the Federal Government.

Mr. TORRICELLI. Well, first, remember that part of it was already purchased by the State of New Jersey. Two thousand acres we already bought, so that is not included in this acreage.

Mr. DUNCAN. Two thousand of the 17,500?

Mr. TORRICELLI. Two thousand, but two thousand of the most expensive acreage because it is closest to the lines of development. The Park Service has recommended 17.5 million that they would like to do. If the cost is 50, I would have liked to have seen us do 35 with the States picking up the remainder of the acreage.

The Park Service, as you know, is going to ask for 17.5, which means that the bulk of this would be private and State. It becomes, I think, somewhat of a model. I don't know how many forests we have saved in this Nation where a majority, or even a significant portion of the money was from private donors and States, but I suspect it is relatively small. We would be high on the list of those, and this would be somewhat of a model.

Mr. DUNCAN. Well, all of the Great Smokey Mountains National Park in Tennessee was paid for by the State.

All right, let me ask you this. You mentioned damage to the watershed area. Are there any studies that you know of showing that—any scientific studies showing that there would be damage if this private plan developing 25 percent of this area—

Mr. TORRICELLI. This Congress appropriated \$200,000 four years ago for a study by the Forest Service that indicated there would be adverse water quality impacts in the development of the land.

Mr. GILMAN. If I might add to that, Mr. Duncan, the corporation is undertaking extensive hydrologic studies to try to make certain that whatever development occurs they will try to protect that water supply. So there is intense interest in trying to preserve the water supply for the State of New Jersey.

Mr. DUNCAN. I am told, though, that that \$200,000 Forest Service study did not recommend purchase of this land. Is that correct?

Mr. TORRICELLI. Presented as one of the options. That you could develop it differently or you could preserve it or you could get easements on it. But they come to the conclusion that there would be an adverse impact.

Let me say, finally, that there may be some who will argue that it should be further studied or we can take additional time. Make no mistake about it. There isn't any time.

The only reason we are able to be discussing this purchase today is because of the last recession. The value of the land was held down. The market potential is not what it might have been. With economic recovery, the demand for housing and more office space in the region, if this is not done very soon it will never be done.

Mr. DUNCAN. Thank you very much.

Mr. GILMAN. Mr. Duncan.

Mr. DUNCAN. Yes?

Mr. GILMAN. If I might add too, I am reminded by some of our folks who are here with us today that the corporation has offered 75 percent of the undeveloped lands would be offered to any environmental group by way of conservation easements to make certain there is not going to be any violation in the future of protecting the environment.

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

Mr. VENTO. Now, there are different ways to protect it. I think the conservation easements or easements on the total land might cost as high as 90 percent of the fee simple value of the land. That

has been our experience. Plus they have to be monitored extensively, and so it adds an extra administrative expense to it.

Mr. Dickey is here. Do you have any—I know Ben Gilman is anxious to leave. Bob Torricelli has been very generous with his time.

Gentlemen, Mr. Dickey indicates he has no questions. Thank you both.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. TORRICELLI. Mr. Chairman, a parting comment, if I could, because I know you are going to hear from the Park Service. There is this unusual situation where the Park Service before the Senate gave some testimony that at best questioned what we were attempting to do in this purchase. I want only to add that in November, in November the Secretary of the Interior, Mr. Babbitt, visited the Sterling Forest and pledged himself and his Department to the purchase. We hold him to his word.

His statement was proper. It was reasoned. Nothing has changed in the interim. And I know the Department in spite of the fact that they have some ways they think we might do this better will share the commitment to ensure that the Sterling Forest is preserved.

Mr. VENTO. Well, thanks. Thanks, Bob.

We value the autonomy and independence of the Park Service, and I think it has never been better served by the examples of trying to bring all of us to what the common problems are and challenges that we face here. But I think that they are addressed, and I think that, frankly, the goals of the Park Service can be enhanced with this work as proceeding with regards to the Highlands.

Thank you very much.

Mr. TORRICELLI. Thank you very much.

Mr. VENTO. We are pleased to be joined by Senator Bradley. We appreciate you coming by. It obviously underlines the importance of this matter and this Sterling Forest to the subcommittee, Senator.

Your statement has been made part of the record by unanimous consent. Please proceed with your comments.

STATEMENT OF HON. BILL BRADLEY, A U.S. SENATOR FROM NEW JERSEY

Senator BRADLEY. Mr. Chairman, let me thank you for the opportunity to come before the subcommittee today, and let me, of course, thank you for your leadership generally on issues related to parks and the environment and open space. It is always a great pleasure for me to know that you are here and that you have the best public interest at heart.

I think that Congressman Torricelli has probably covered the importance of Sterling Forest to the New Jersey-New York region. It is one of those unique assets, which if we lose it now will be lost forever.

As you know, last week we had a hearing on this bill in my subcommittee in the Senate Energy Committee, and at that hearing I believe that there was a convincing case made that the Sterling Forest represents really the highest priority for land acquisition.

The kind of messages that came out of that hearing conveyed that Sterling Forest has a really critical habitat and has critical interstate watershed values. It protects a national park unit of

international significance, which is the Appalachian Trail. In fact, the Appalachian Trail goes right through the Sterling Forest.

It is a parkland accessible to tens of millions of Americans, in an area otherwise too dominated too by pavement. I make the point that the Delaware Water Gap National Recreation Area is visited by more people every year than visit Yosemite. It is not because it has more natural attributes. It is because it is an open space in the middle of millions of people. And Sterling Forest has those same kinds of attributes, really tenfold.

Lastly, it is directly threatened by the near-term development in the area. You will hear that, if Sterling Forest is not set aside now, that there will be development, and you will have the Appalachian Trail going through an area that could end up with subdivisions or some other kind of development. I don't think any of us want that to happen.

At the hearing last week I believe a convincing case was made that Sterling Forest is a unique instance for the reasons that I have stated and there is a clear need for Federal involvement and a Federal interest. The critical shortage of habitat that has been documented by the U.S. Fish and Wildlife Service. The Federal Government has been acquiring habitat of similar characteristics to the Sterling Forest at a newly established national wildlife refuge, the Walkill Refuge, only about 20 miles away.

I have already mentioned the Appalachian Trail, and the Federally-authorized PIPC.

I return one last time, however to the issue of water supply, and I think it is enormously important. As you know, I am Chairman of the Water and Power Subcommittee in the Senate. Now that Subcommittee has jurisdiction over all of the water west of the Mississippi River. I have been trying to get the Bureau of Reclamation into New Jersey, but haven't managed to do that yet jurisdictionally.

But the point is that as a result of that assignment I have learned quite a bit about the relationship between water and the Federal interest. And the Sterling Forest tract is truly a crucial watershed to more people than live in any of 13 States, or many of the States that the Bureau of Reclamation has jurisdiction over.

Does anyone here believe that if the water supply of the State of Montana or the State of Wyoming or the State of South Dakota—the entire State—were seriously threatened the Federal Government wouldn't contribute about \$35 million the remedy? Of course not. The Federal Government would be there to help contribute to try to avoid that.

The fact is that ten times or 100 times this amount could very well be forthcoming.

Now, that only underlines the importance here. We had one testimony, one witness in the subcommittee last week point out that in one city you would have about a \$50 million expenditure if you had a problem with the watershed.

Now, I have been working personally with the Park Service and the Department of Interior to try to refine the legislation. I am gratified that the Administration, while not an unconditional endorsement of the bill today, represents a fairly positive response to the issues that I have raised. And I will continue to work with

them as well as with this committee, I hope, to see a full and appropriate commitment to safeguarding the Sterling Forest tract.

You are going to hear today from New York and New Jersey. They are ready to endorse. And I might say they are ready to endorse this legislation with their wallets. In other words, they are not coming down here to say, "Look. We just want to have money." They are saying, "Look. We will put up some money. We will put up a big chunk of the money to try to do this."

But because it is a bi-State entity, a by-State entity that essentially would be managed by a Federally chartered entity, that it is enormously important that we have the Federal Government involved. The States are ready to go. What is needed, what has to happen is really Federal leadership, and I hope that we will be able to give that, and I look forward to working with you to try to achieve that objective.

[Prepared statement of Senator Bradley follows:]

HEARING STATEMENT

SENATOR BILL BRADLEY

STERLING FOREST AND NEW JERSEY WATERSHED PROTECTION ACT
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
U.S. HOUSE OF REPRESENTATIVES

MAY 26, 1994

Mr. Chairman, I am pleased that today you are holding these hearings on legislation to allow the preservation of the Sterling Forest. Although located entirely in New York, the area affected by this bill represents some of the most important New Jersey watershed still left undeveloped and in private hands.

Sterling Forest represents the largest unbroken, undeveloped tract of forest land still remaining along the New York-New Jersey border. This 20 square mile parcel represents a complete range of wildlife habitat, hills, and wetlands. It is home to a large number of threatened and endangered species. The Forest is crossed in the North by the Appalachian Trail and is easily accessible by the 1 of every 12 Americans that lives within a 2 hour drive of its boundaries.

Most important for New Jersey, though, are the billions of

gallons of fresh, clean drinking water that flow from its boundaries. The Monksville/Wanaque reservoirs, which draw from the Sterling Forest Watershed, serve one in four New Jerseyans. Let me be perfectly clear: I am talking about the water supply for roughly 1.5 million Americans. To threaten this watershed is to threaten the livelihood and well-being of an extraordinary number of my constituents.

Of great concern to me and my constituents are development plans for this region. One proposal offered by the Sterling Forest owners calls for over 14,000 homes and 8 million square feet of commercial space to be built by 2020. Even if this development were concentrated in the least environmentally critical and most accessible tracts, this construction will irrevocably alter this land. You can't move 100,000 people into a pristine 10-square-mile parcel and predict a minor impact on the environment.

This bill is a necessary step if we are to protect this habitat and watershed. It allows an appropriation of up to \$35 million for land acquisition. Furthermore, it designates the Palisades Interstate Park Commission (PIPC) a federal commission created in 1937, to manage this land.

One of the issues that has to be addressed in any expansion to park land is management. We all know how taxed is the National Park Service. The presence of the PIPC eliminates any

concerns over competence and capability. Right now, the PIPC manages 23 parks which spread over 82,000 acres and host in excess of 8,000,000 visitors annually. The PIPC has the interest and the track record necessary to give us all a level of comfort that these Sterling Forest tracts, once acquired, will be well managed and protected.

As you know, last week we had a hearing on this bill before the Senate Energy Committee. At that hearing, I believe a convincing case was made that the Sterling Forest represents the highest priority target for land acquisition:

- it has critical habitat and interstate watershed values;
- it protects a National Park unit of international significance, the Appalachian Trail;
- it is parkland accessible to tens of millions of Americans in an area dominated by pavement; and
- it is directly threatened by near-term development and loss.

At that hearing, I believe a convincing case was made that this was a unique instance, with a clear need for federal involvement and a federal interest. The critical shortage of habitat has been documented by the US Fish and Wildlife Service and the US Forest Service. The federal government has been acquiring habitat of similar characteristics to the Sterling Forest in a newly established national wildlife refuge, the Walkkill Refuge, about twenty miles away. I have already

mentioned the Appalachian Trail and the federally authorized PIPC. And I return one last time to the issue of water supply.

Mr. Chairman, as you know, I am the Chairman of the Senate Subcommittee on Water and Power. Over the past few years, I have learned quite a bit about the relationship between water and the federal interest. This Sterling Forest tract is crucial watershed to more people than live in any one of thirteen states. Does anyone here believe that if the water supply of the state of Montana or Wyoming or South Dakota were seriously threatened that the federal government wouldn't contribute \$35 million towards a remedy? The fact is that ten times or one hundred times this amount would be forthcoming.

I have been working personally with the Park Service and the Department of the Interior to refine this legislation. I am gratified that the Administration testimony, while not an unconditional endorsement of the bill, represents a fairly positive response to the issues that I've raised today. I intend to continue to work with the Administration as well as this Committee to see a full and appropriate commitment to the safeguarding of this tract.

You will hear today that both New York and New Jersey are ready to endorse -- with their wallets -- this project. We are ready to go. What is needed, what **has to happen**, is federal leadership and federal support.

I urge you to consider this legislation and act positively and with all possible speed.

Mr. VENTO. Thanks, Senator Bradley. I commented before you arrived that very often national forests were developed and designed to, in fact, protect watersheds for Western communities. And, in fact, the land was sometimes donated or set aside, put in the hands of the Forest Service largely because they didn't trust their own States or communities not to develop it. So they actually had accomplished their watershed protection for potable drinking water.

And that is not just in one instance. In fact, we just got through going through, if you recall the Cedar Watershed outside of Seattle, combining and putting it back under the control of the City of Seattle. The Forest Service wasn't too happy about that, I might add. There are interminable turf wars that go on.

The Sterling Forest, in my judgment, has been sort of a de facto forest in public land use for a long time, and the Sterling Corporation and its predecessors, its antecedents, had, in fact, taken pretty good care of it. I think now we are faced with the prospect, the real prospect of high buck development.

You know, it is sort of emblematic that the community of Tuxedo, which is, of course, associated with the affluence and the wealth of the area, is in the same area. That is a nice community. We flew over it when I was there with Congressman Hinchey and noticed it. They have some beautiful million dollar, millionaire homes.

But it isn't really what I am all about or what we are about in terms of providing opportunities, recreational opportunities, opportunities to visit areas close to home. I mean that really in a sense renew the spirit and provide a stake for all of the community in some of what is good about this Nation, its national resources. So I am very concerned about that.

I know that through the generosity and the philanthropy that occurred that made various parts of the Palisades Interstate Park complex, a couple of parks have been put together and I think greatly enhanced the quality of life for a significant population in that area. People that come from a background more like mine and maybe others.

So I very much think that we have an obligation on the part of the Park Service to refocus in terms of what we can do. We started that. We haven't done a very good job in following through in places like gateway and other types of urban recreation areas.

We are really at a crisis stage here, and I think it really is because we are reacting rather than being proactive in terms of some of these matters. And we really have to get ahead of it.

But I think that to lose this opportunity would be a disgrace on the Congress and public policymakers to let this slip away, in the development to be nibbled away, in the end to be something less than what it needs to be. And we need all of these types of hardwood forest areas in the East.

We also have problems, as you know, in other areas which are less populated in the East in terms of the New England area where forests are now being sold off, and some of the key areas and resources, the riparian areas and the more desirable areas turned into second homes and so forth for those that can afford them.

So I am very much committed to try and resolve this in a way that is consistent that doesn't do violence to the role of the Park

Service. But I certainly think that we have enough of a breadth of mission in the Park Service to embrace and to come up with a solution to work in partnership with the States and with the State parks to achieve the goals here. I think it is a very reasonable policy path to proceed.

It is not really a minefield of problems of precedent that are visited upon us, unless we are frozen into some kind of configuration based on a 1916 law which, in fact, of course, the Park Service has long departed from in a very positive way. We don't have bleachers in Yellowstone to watch the bears feeding anymore. There are a lot of positive things that we have done to bring along a policy.

I don't think that the preservation of 17,000 acres in which the Park Service would be intimately involved greatly offends me if I have to go do that in some other place again and do it in a partnership with the State and with a State park, with other types of private sector. In fact, we intend to do quite a bit of that based on the legislation.

This is a bigger bite, a different problem. It is a crisis. It is a de facto. We have got to make certain that we do what we can to deliver this in a rationale way to preservation for the folks.

Well, listen, I know that you have to leave shortly, and I did want to get—by way of a statement, tell you where I was coming from, and others, because I have to leave shortly too for another markup. Mo Hinchey is going to take over. But I do appreciate your being here.

Congressman Duncan is present along with Congressman Dickey. Did you have any questions of Senator Bradley?

Senator, I know you will be available. We very much appreciate your work and leadership on the Energy and Water Committee in the Senate. You have done great work with our chairman and we look forward to working with you on this and other matters in the future.

Thank you very much.

Senator BRADLEY. Thank you very much, Mr. Chairman. Thank you for the courtesy of allowing me to testify.

Mr. VENTO. You are welcome. Thank you.

Senator BRADLEY. And for your comments on the subject in question.

Mr. VENTO. You are welcome. Thanks. At this point, hearing no objection, I will insert other member statements into the record.

[Prepared statements of Mrs. Roukema and Senator Lautenberg follow:]

Remarks of
THE HONORABLE MARGE ROUKEMA
 in SUPPORT of Federal Assistance
 For the Preservation of Sterling Forest
 In the NY/NJ Highlands Region
 May 26, 1994

Mr. Chairman:

I want to thank you and the entire Subcommittee on National Parks, Forests, and Public Lands for convening this Sterling Forest hearing and allowing me this opportunity to express my strong support for the immediate preservation of this most critical resource. Recently, I have been very encouraged by the growing consensus and commitment among state and local officials, as well as public interest groups and concerned private citizens, to save Sterling Forest from the harmful effects of extensive development.

Naturally, I was absolutely astounded by the negative testimony offered last week by the National Park Service's North Atlantic Regional Director, Marie Rust, before the Senate Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests. With so little open space remaining in the densely populated New York metropolitan area, I find it inconceivable that the National Park Service (NPS) would determine that preservation of Sterling Forest is of no interest to the federal government!

Fortunately, the Secretary of the Interior, Bruce Babbitt, and the NPS have had a swift and welcome change of heart. It is my understanding, the NPS is once again supporting preservation of Sterling Forest and is prepared to recommend that \$17.5 million be made available for land acquisition along the Appalachian Trail. While I am disappointed the NPS is maintaining its opposition to the \$35 million authorization contained in H.R. 2741, and the \$25 million authorization in my own legislation H.R. 3107, I am encouraged by the NPS's new spirit of cooperation, and I am looking forward to working with the Secretary and the NPS on this issue in the coming months.

Situated along the New York-New Jersey border, Sterling Forest is the largest privately-owned tract of undeveloped forest land in the New York metropolitan area. In fact, the U.S. Forest Service's New York/New Jersey Highlands Regional Study concluded one in twelve Americans lives within a two hour travel radius of Sterling Forest. The study also recommended that immediate action be taken to preserve Sterling Forest, identifying its 17,500 acres as the centerpiece of the entire New York/New Jersey Highlands greenway.

Furthermore, Sterling Forest provides Appalachian Trail access, numerous recreational opportunities, rich forest resources, and a habitat for many threatened and endangered species. Protection of the Appalachian Trail is clearly a federal interest since Congress appropriates funding for its maintenance and preservation each fiscal year. The report language accompanying the Interior appropriations for fiscal year 1994 authorized some of the appropriated amount to be used to purchase land in Sterling Forest.

The critical need to preserve Sterling Forest extends far beyond aesthetics and open space, however. Sterling Forest is an integral part of the northern New Jersey watershed. **Over 80 New Jersey municipalities depend upon the continued integrity of Sterling Forest for clean drinking water!** There can be no question that reasonable measures to ensure clean drinking water for one-quarter of New Jersey's population deserve federal support.

The Sterling Forest Corporation's proposed development level of 14,500 housing units and 8 million square feet of commercial space will undoubtedly lower water quality in the Monksville and Wanaque Reservoirs, both of which are major drinking water supplies for northern New Jersey. Moreover, acres of paved surface area will exacerbate flooding problems in the northern portion of the already flood-prone Passaic River drainage basin, possibly resulting in loss of life and extensive property damage.

The Honorable Marge Roukema
 Thursday, May 26, 1994
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The primary legislation being considered by the subcommittee today, H.R. 2741, which I fully support, authorizes a total federal share of \$35 million for purposes of acquiring the Sterling Forest property. H.R. 2741, like my own similar legislation H.R. 3107, does not place an additional burden, outside of a one-time contribution, on the already over-extended and under-funded NPS budget by delegating responsibility for managing Sterling Forest to the Palisades Interstate Park Commission (PIPC). Furthermore, under terms of both bills, the PIPC would be responsible for payment of applicable property taxes, in accordance with New York law, and the expenditure of federal funds may only take place on a willing-seller basis.

The PIPC is an established, federally-chartered, bi-state regional authority created in 1937 for purposes of managing sensitive lands which straddle the New York-New Jersey border in a cooperative fashion. The PIPC has a proven land management record, as it currently manages 23 parks totalling over 82,000 acres in the tri-state region. PIPC management of Sterling Forest would limit the federal government's fiscal liability, and provide regional management, which was overwhelmingly favored during public comment sessions held in connection with the NY/NJ Highlands Study.

The Sterling Forest Corporation has indicated its willingness to sell the Sterling Forest property to the PIPC. However, it is not possible for the PIPC to negotiate a final purchase agreement with the Sterling Forest Corporation absent concrete funding commitments from the federal government, the states of New York and New Jersey, and substantial private contributions.

If the NPS firmly believes it cannot recommend the use of Land and Water Conservation Fund money for acquisition in the non-Appalachian Trail remainder of Sterling Forest, I would strongly urge the Park Service and Secretary Babbitt to work with me, and other interested members of Congress, to establish a special federal matching fund program. Such a fund could be used to encourage and reward private fund-raising efforts in time-sensitive land acquisition situations similar to what we are facing in Sterling Forest. Applying this progressive concept to the program outlined in my own Sterling Forest legislation, H.R. 3107, federal matching funds, up to \$25 million, would be provided, on a dollar-for-dollar basis, for each non-federal dollar raised by the PIPC.

Any forthcoming state funds would qualify for federal matching under this legislation, but most importantly, H.R. 3107 provides a substantial federal reward for private fund raising efforts. Use of federally-matched private donations to purchase Sterling Forest is not only fiscally responsible, but it will expedite preservation of Sterling Forest by eliminating obstacles and delays inherent in the legislative process.

Finally, my bill requires the federal government to retain an easement, or equivalent title, to Sterling Forest as a safeguard in the unlikely event that the PIPC were to be disbanded. I believe a safeguard of this type is very important since it ensures that Sterling Forest will always remain in pristine condition, and that northern New Jersey's watershed will never be compromised by development in Sterling Forest.

Regardless of which legislative vehicle the subcommittee chooses, any forthcoming federal funding for preservation of Sterling Forest would compliment previous appropriations included in the Department of the Interior and related agencies appropriations for fiscal year 1993 and 1994. The fiscal year 1993 Interior appropriations provided \$3 million, through the Forest Legacy Program, to be used for acquisition of critical lands in Sterling Forest. The fiscal year 1994 Interior appropriations permitted funding available for the Appalachian Trail to be used for acquisition in Sterling Forest, provided the acquisition is consistent with the revised Appalachian Trail plan.

The Honorable Marge Roukema
Thursday, May 26, 1994
Page Three

New Jersey Governor Christine Todd Whitman has conditionally pledged New Jersey's half of the \$3 million to Sterling Forest. Furthermore, it is my understanding, New York Governor Mario M. Cuomo has requested that Sterling Forest be placed on the list of threatened lands eligible for funding under the state Environmental Protection Fund as part of his 1994-1995 Executive Budget.

If all the funding from the two federal appropriations is made available, the current federal contribution totals roughly \$4 million. With these previous appropriations, additional federal appropriations, and solid contributions from New York and New Jersey, I believe an agreement between the Sterling Forest Corporation and the PIPC can be consummated. So much of our taxpayers' money is dedicated to open space preservation in the western states. Now is the time to bring some of that money back to the New York metropolitan area.

Mr. Chairman, I urge the subcommittee, in the strongest possible terms, to expeditiously adopt the \$35 million authorization measure before us today. A timely federal contribution to the continuing state and private efforts is essential to bringing the preservation of Sterling Forest to an effective conclusion.

I hope this Congress will continue to move forward with the preservation of Sterling Forest. The prospect of substantive cooperation between the federal government and the states of New Jersey and New York is very encouraging and should serve as a model for public land preservation in these fiscally difficult times.

Mr. Chairman, on behalf of the citizens of New Jersey's Fifth Congressional District, I want to thank you for this opportunity to lend my support to the preservation of Sterling Forest.

TESTIMONY OF SENATOR FRANK R. LAUTENBERG
H.R. 2741 -- Sterling Forest Legislation
House Subcommittee on National Parks, Forests and Public Lands
May 26, 1994

Good morning. I appreciate the opportunity to testify today in support of H.R. 2741, which authorizes the Federal government to provide up to \$35 million to purchase land, through the Palisades Interstate Park Commission, in the Sterling Forest area of the New York/New Jersey Highlands region. We need this bill to preserve the largest pristine private land area in the most densely populated metropolitan region of the United States.

Protection of Sterling Forest, like the Highlands region, is critically important. Sterling Forest sits on the New Jersey and New York border, within a two hour drive for more than 20 million people. Two thousand acres on the New Jersey side were acquired by the State by eminent domain. The tract of land on the New York side, some 17,500 acres, is owned by a private corporation and is under constant threat of development. We all are familiar by now with the Corporation's plans. Development of the scope that the Corporation intends would have obvious environmental consequences in any area. In this area, those consequences include the destruction of Sterling Forest.

We heard last week that the National Park Service was against the bill, principally because it does not view Sterling Forest to be a priority. I ask you, how can the largest pristine area closest to New York City, under imminent threat of development, in the most densely populated region in the country, not be a priority? How can it, with its watershed providing clean fresh drinking water for millions of New Jerseyans, with its diverse ecosystem and proximity to the Appalachian Trail not be a priority?

I am also told that the \$35 million proposed for federal contribution to the effort scared some bureaucrats off. I certainly support the need to examine every budget item and oppose those that are not worthy. However, some investments are worth it. This one is.

Moreover, the Palisades Interstate Park Commission, a well respected bi-state authority with a charter from the federal government, is prepared to assume management of the Forest. It is also prepared to assume the tax burden. This absolves the Federal government from those major responsibilities. The National Park Service should rest easy knowing that.

I understand that the compromise worked out in the last few days would expand the authority of the Appalachian Trail corridor to include Sterling Forest, and that the National Park Service would be required to produce a plan outlining its proposal for purchasing the Forest to be attached to the Appalachian Trail. I also understand that the Park Service would allow \$17.5 million to go toward the purchase of the Sterling Forest, not \$35 million, as designated in this bill.

I am encouraged by the National Park Service's turn around. I am also encouraged by what I understand to be support by the various stakeholders. However, I am concerned that the proposed amount will not be enough to cover the purchase of the Forest. My primary concern is that the Forest be purchased in whole, rather than in piecemeal.

The PIPC will continue to negotiate with private and public parties in an effort to strike a compromise with the current owners of Sterling Forest. A compromise is possible. But we need the backing of the Federal government to make it happen.

Mr. Chairman, I appreciate the opportunity to appear here today and look forward to working with you to get a bill passed that adequately protects Sterling Forest.

Mr. VENTO. We are pleased to welcome the Park Service witness, who is a long-time and outstanding superintendent, Michael Finley, now acting associate director.

I understand that his title will be changing again. But I don't know if I am at liberty to announce that yet, Mr. Finley, but I want to congratulate you on this. I am sure you will do well in this new role.

Mike, why don't you go ahead and present your testimony. We will hear from the Forest Service after you have concluded.

STATEMENT OF MICHAEL FINLEY, ACTING ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DON KING, ACTING PROJECT MANAGER, APPALACHIAN TRAIL PROSPECT

Mr. FINLEY. Okay. Thank you, Mr. Chairman.

I would ask that the entire testimony be submitted for the record and I will just summarize pertinent points.

Mr. Chairman, it is a pleasure to appear here before you today to present our views on H.R. 2741 and H.R. 3107, bills that authorize the Secretary of the Interior to provide Federal funds to the Palisades Interstate Park Commission for the acquisition of lands in the Sterling Forest area of the New York-New Jersey Highlands.

Mr. Chairman, we do not support these bills as introduced. However, we offer an alternative proposal which we believe would protect a portion of the Sterling Forest and allow for a cooperative approach to management and protection of the area.

If enacted, H.R. 2741 authorizes the Secretary of Interior to provide up to \$35 million to the Palisades Interstate Park Commission to acquire an open tract of land in the Sterling Forest to be administered by the Commission. H.R. 3107 would direct the Secretary to provide up to \$125 million in matching funds to the Palisades Interstate Park Commission to acquire lands in the New York portion of the Sterling Forest and an unspecified amount of matching funds to New Jersey toward the outstanding amount owed for the lands condemned by the county in 1988.

Located in the State of New York, this is the largest unbroken, undeveloped tract of private land in New York. It is crossed by 6 miles of the Appalachian Trail. It is the home of a wealth of natural and cultural and recreational resources. Collectively, its values are of national importance.

Currently, there are proposals which have been offered for large-scale development of the Sterling Forest. Thus the Palisades Interstate Park Commission is an appropriate entity to be a partner in management and protection with the National Park Service under our proposal.

Mr. Chairman, the goals of this proposal are worthy and we agree with the bill sponsors that the Sterling Forest holdings have regional and national importance. They offer excellent opportunities for recreation near a major metropolitan region, again including the Appalachian Trail.

Our concern is one of priorities and precedence. The lands of the Sterling Forest are not a unit of the National Park System. And with a current background of land acquisition of some \$1.1 billion, including a backlog of \$22 million in Fire Island National Seashore

in New York, \$15 million backlog in the Appalachian Trail, a \$3 million backlog in the Upper Delaware Scenic and Recreational River in New York, and a \$5.4 million backlog in the Upper Delaware River area, we should not divert what limited funds are available to acquire important national parklands to projects that are outside the system.

We feel that it is not justifiable because of the precedent it would set. As this committee is well aware, the adequacy of the Land and Water Conservation Fund to meet present and future open space protection needs is the subject of intense investigation and discussion. The use of the Federal side of the Land and Water Conservation Fund money for this project cannot be considered independently of that debate.

We certainly sympathize with the concern to protect this resource. While we cannot support this proposal as introduced, we would support an alternative designed to protect a portion of the Sterling Forest in Federal ownership and then subsequently in cooperative management in order to protect the identified National Park Service interest in this area.

The Appalachian Trail, which long has been recognized as an important unit of the National Park System, runs through the forest. There are important natural and viewshed resources within the Sterling Forest that would be an appropriate addition to the Appalachian Trail.

Mr. Chairman, we would support legislation that modified the boundaries of the Appalachian Scenic Trail, increase the acquisition ceiling for the Trail and provide for Federal acquisition and management as a part of the National Park System of those lands located within the expanded trail corridor within the Sterling Forest.

This is an appropriate national objective. Expansion of the Appalachian Trail corridor would be feasible and appropriate as a part of an effort to obtain a larger protection goal for the Sterling Forest lands and a support for a cooperative ecosystem management approach.

The Trail cuts across the New York portion of the forest lands adjacent to the existing corridor on the north and the south, many of which are in the view of the Trail, would be obvious additions.

We could not support a Federal contribution to this project that exceeds 35 percent of the entire project cost out of the Federal side of the Land and Water Conservation Fund. However, this still allows further contribution from the State side.

In light of our understanding of the current expectations of the total acquisition costs to the Sterling Forest at approximately \$70 million, we would be prepared to support an authorization of \$17.5 million for the acquisition by the National Park Service of Appalachian Trail corridor lands, assuming that corridor boundaries were expanded within the Sterling Forest area and the overall Appalachian National Scenic Trail acquisition ceiling were increased by at least \$17.5 million.

This addition to the Trail would be a Federal acquisition of appropriate interest in land but could be managed as a partnership either with the Palisades Interstate Park Commission, State or local interests.

Mr. Chairman, we would be happy to supply the committee with a specific proposal within the parameters outlined in this statement. In addition, Mr. Chairman, the remaining portions of the Sterling Forest would qualify for matching grants to the State under the State side of the Land and Water Conservation Fund within the limits of any appropriations to that portion of the fund.

If authorized, this project would have to compete with other projects for availability of limited Federal funds.

In conclusion, as we stated, we cannot support passage of these bills as they pre-empt other very important decisions about the future of Land and Water Conservation Fund, are inconsistent with longstanding policy that the Federal side and the Land and Water Conservation Fund should be used only for acquisition of Federally owned lands, and do not offer the level of specificity required to assure the partnership they envision.

I would be happy to answer any questions.

[Prepared statement of Mr. Finley follows:]

STATEMENT OF MIKE FINLEY, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 2741 and H.R. 3107, BILLS TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE FUNDS TO THE PALISADE INTERSTATE PARK COMMISSION FOR THE ACQUISITION OF LANDS IN THE STERLING FOREST.

MAY 26, 1994

Mr. Chairman, it is a pleasure to appear here today to present our views on H.R. 2741 and H.R. 3107, bills to authorize the Secretary of the Interior to provide Federal funds to the Palisades Interstate Park Commission for the acquisition of lands in the Sterling Forest Area of the New York New Jersey Highlands.

Mr. Chairman, we do not support these bills as introduced, however we offer an alternative proposal which would protect a portion of the Sterling Forest.

If enacted, H.R. 2741 authorizes the Secretary of the Interior to provide up to \$35 million to the Palisades Interstate Park Commission (Commission) to acquire an open space tract of land in the Sterling Forest, to be administered by the Commission. H.R. 3107 would direct the Secretary to provide up to \$25,000,000 in matching funds to the Palisades Interstate Park Commission to acquire lands in the New York portion of Sterling Forest and an unspecified amount of matching funds to Passaic County, New Jersey toward the outstanding amount owed for the lands condemned by the County in 1988. The Palisades Interstate Park Commission is an interstate compact with a Federal charter established in 1937, and operates in the vicinity of the Sterling Forest. It manages 80,000

acres in 23 parks with an annual visitation of 9 million visitors.

Located in the State of New York, this is the largest unbroken undeveloped tract of private forest land in the New York - New Jersey metropolitan area. It is located 35 miles from Manhattan and is within a 1-2 hour drive of 1 in 12 Americans. The 17,500 acre parcel includes a complete range of wildlife habitat. It is very important to the protection of the regional water supply, as the lands are an important part of the Monksville / Wanague reservoirs watershed.

As the Santa Monica Mountains form the edge defining the Los Angeles basin, the Highlands serve that function for the New York area. Crossed by 6 miles of the Appalachian Trail, it is the home of a wealth of natural, cultural and recreational resources. Collectively, it's values are of national importance.

Currently, there are proposals which have been offered for large scale development of the Sterling Forest, thus the Palisades Interstate Park Commission has expressed a desire to acquire the property as an addition to its holdings.

Mr. Chairman, the goals of this proposal are worthy, and we agree with the bill sponsors that the Sterling Forest holdings have regional and national importance. They offer excellent opportunities for recreation near a major metropolitan region,

including 6 miles of the Appalachian Trail. Furthermore, the Palisades Interstate Park Commission has a long and distinguished reputation for being a leader in resource protection, with its holdings of some 23 parks which spread over 82,000 acres.

Our concern is one of priorities and precedent. The lands of the Sterling Forest are not a unit of the National Park System. With a current backlog in land acquisition of some \$1.1 billion we should not divert what limited funds are available to acquire important National Park lands to projects that are outside the System. We feel that it is not justifiable because of the precedent it would set. As this Committee is well aware, the adequacy of the Land and Water Conservation Fund to meet present and future open space protection needs is the subject of intense investigation and discussion. The use of the Federal side of the Land and Water Conservation Fund money for this project cannot be considered independently of that debate.

We certainly sympathize with the concern to protect this resource. While we cannot support this proposal as introduced we would support an alternative designed to protect a portion of the Sterling Forest in Federal ownership in order to protect the identified National Park Service interest in the area. The Appalachian Trail, which long has been recognized as an important unit of the National Park System, runs through the forest. There are important natural and view shed resources within the Sterling

forest that would be an appropriate addition to the Appalachian Trail.

Mr. Chairman, we would support legislation that modified the boundaries of the Appalachian National Scenic Trail, increased the acquisition ceiling for the trail, and provided for Federal acquisition and management as part of the National Park System of those lands located within the expanded trail corridor in Sterling Forest. This is an appropriate national objective. Expansion of the Appalachian trail corridor would be feasible and appropriate as part of an effort to obtain a larger protection goal for Sterling Forest lands. The trail cuts across the New York portion of the forest. Lands adjacent to the existing corridor on the north and the south, many of which are in view of the trail would be obvious additions. We could not support a Federal contribution to this project that exceeds 25% of the entire project cost.

In light of our understanding of current expectations of the total acquisition cost of the Sterling Forest at approximately \$70 million, we would be prepared to support an authorization of \$17.5 million for the acquisition by the National Park Service of additional Appalachian Trail corridor lands, assuming that corridor boundaries were expanded within the Sterling Forest area and the overall Appalachian National Scenic Trail acquisition ceiling were increased by at least \$17.5 million. This addition to the trail would be a Federal acquisition of appropriate interest in land but

could be managed as a partnership either with the Palisades Interstate Park Commission, State, or local interests.

Mr. Chairman, we would be happy to supply the committee with a specific proposal within the parameters outlined in this statement. In addition, Mr. Chairman, the remaining portions of the Sterling Forest would qualify for matching grants to the State under the State side of the Land and Water Conservation Fund, within the limits of any appropriations to that portion of the fund. If authorized, this project would have to compete with other projects for the availability of limited Federal funds.

In conclusion, we cannot support passage of these bills as they preempt other very important decisions about the future of the Land and Water Conservation Fund, are inconsistent with longstanding policy that Federal side Land and Water Conservation Funds should be used only for acquisition of Federally owned lands, and do not offer the level of specificity required to assure the partnership they envision. However, we would support our alternative approach as an appropriate partnership with other Federal, state and local agencies in the protection of this resource. This position does not signal a lack of interest in the protection of the entire Sterling Forest, rather we raise the question concerning what is the best methodology to serve as a partner in the protection of this area and to utilize National Park Service land acquisition funds to protect those resources which have a clear and direct

relationship to units of the National Park System, which in this case is the Appalachian Trail.

I would be happy to answer any questions you may have.

Mr. VENTO. Yes. Thank you very much.

We have some bells, so we have to go. And then I won't be able to return, and I regret that.

I want to again point out that Congresswoman Roukema has submitted testimony. She is one of the sponsors of the measures and today's events with regard to housing and other responsibilities made it impossible for her to be here, although we had hoped by starting the hearing early it would facilitate that. But I want to make sure that her statement gets put in the record.

She is a good friend and a strong supporter of the measures before us, and I intend to work closely with her as well as the other members who have introduced this legislation to come to a conclusion.

Associate—Mr. Finley—these titles are getting me down. But the concern here is that this would be wider, the breadth of land purchased would be significant in this area, wider than what we normally have in terms of the Appalachian Trail. But it would then maintain the type of forested experience that is intended when people would be moving through the Appalachian Trail. Is that right?

Mr. FINLEY. Absolutely.

Mr. VENTO. Currently the Appalachian Trail goes through some of the other State parks around here that are managed by Palisades Interstate Park Commission?

Mr. FINLEY. I can't answer that specifically, Congressman.

Mr. VENTO. Well, I look at Bob Binnewies. He says yes.

Mr. FINLEY. All right. I believe that.

Mr. VENTO. And so I mean they do. So obviously they have, in fact, donated, since we can't buy anything from a public entity. They have obviously given you an easement or some sort of arrangement through those areas, which is appropriate.

And I just wanted to point that out because but for the fact that the Park Service, we couldn't facilitate this without some sort of cooperation in terms of maintaining the Appalachian Trail, it comes to us where there is a private ownership. Have we purchased the easement that we have now across this particular land, do you know?

Mr. FINLEY. We are in the process of acquiring lands in the Sterling Forest right at this moment.

Mr. VENTO. So we don't have it. We had the \$6 million. Is that what you are using, the \$6 million, that was appropriated or is that separate?

Mr. FINLEY. Partially. Partially. In that area.

Mr. VENTO. Yes. And so you would intend to exercise the authority to use that \$6 million throughout the Appalachian Trail; is that right?

Mr. FINLEY. That is correct. That was our understanding up to this point.

Mr. VENTO. So you are saying the \$17.5 would do something extraordinary here that we would have to authorize?

Mr. FINLEY. We would envision that a \$17.5 million would bulge the area of the Appalachian Trail in the vicinity of the project as proposed. We can envision the management much as this trail is. I think the Appalachian Trail is probably the best example of pub-

lic-public, public-private partnerships in a cooperative management approach that we have in the system.

Mr. VENTO. What is the use of the Appalachian Trail right now, do you know?

Mr. FINLEY. You have me at a disadvantage. But I do have the Project Manager here with me, Mr. King, and I am sure that he—

Mr. VENTO. Yes. If you would like to ask him to join you, I think it might be helpful. We are operating on sort of a short string here, Mr. King.

Mr. FINLEY. This is Mr. Don King, who is currently the Acting Project Manager and is in charge of land acquisition for the Appalachian Trail project.

Mr. VENTO. Welcome. And thanks for your work on our behalf, Mr. King.

Mr. KING. Thank you.

Mr. Chairman, we don't have exact statistics on the number of users for the Appalachian Trail, but we generally estimate between 3 and 4 million users per year.

Mr. VENTO. One of the other issues here that really relates to park policy that I just want to kind of lay out, I don't know if you can answer these, but if we get involved in money and doing things outside of this Trail corridor, which I know that you are not testifying to, would it be advisable to have reverts on that, and for the national government, whichever entity ended up doing it, holding easements on some of the land insofar as we had made an investment?

Mr. FINLEY. We think that if anything were likely to happen you would need the same type of criteria and protections that you have out at the State side of the Land and Water Conservation Fund.

Mr. VENTO. So we should have easements and actions in perpetuity. I didn't see these represented in the legislation, but perhaps I missed it.

One of the interesting dilemmas here, of course, is that in purchasing this we end up picking up the operation and maintenance and supervision and so forth that is necessary. Well, for instance, for law enforcement. The Appalachian Trail, sadly, because it runs through so many urban areas has had some difficulties with that, has it not, Mr. Finley?

Mr. FINLEY. Well, I will ask Mr. King to respond specifically. That partnership and the maintenance provided by the clubs and the cooperation with local law enforcement has kept the operational costs of the Appalachian Trail very low in terms of Federal investment.

Mr. KING. Yes. We are very fortunate to have a delegation agreement with the Appalachian Trail Conference to do most of the daily maintenance of the Appalachian Trail through volunteers. The law enforcement does present a problem, but in certain areas we have delegated, through cooperative agreements, delegated the management of the lands to other entities such as State government. And we currently have an agreement with the State of New Jersey to take care of some of the Trail lands also.

Mr. VENTO. And hopefully, that would be possible here. So in other words, that particular arrangement insofar as it would inure

to the benefit of the Federal Government could be achieved here, I guess, with the proper cooperative agreement.

I just wanted to point out that we started out with the State owning the land and the process that they had been involved in and a posture that we would otherwise start with regards to this.

Well, I am very concerned about trying to deal and address those precedents that you talked about, Mr. Finley, and we will be paying close attention to those. I don't know if we can get perfection, but I think that the ultimate goal here is so significant in terms of the population and the people involved that it might do well, as we write a new chapter in terms of park partnerships to, do it carefully so that we are certain not to end up with a plethora of proposals that completely eclipse the primary mission of the Park Service.

I hear what you are saying, and obviously, the safest way to do that is just to stick with what we have done in the past. But I think we are going to have to break some new ground in the process of accomplishing the goals intended.

I have also received the testimony, my staff points out, of Senator Frank Lautenberg from New Jersey. Senator Lautenberg is obviously vitally interested in this issue. I think there is a lot of support for it.

This kind of overwhelming support, again, I think should underline to the Park Service and all the members on the committee the urgency in terms of finding a satisfactory policy of presentation whether it is the Park Service or the Forest Service that ends up I frankly think because the Appalachian Trail, because of the State park. Generally we push the Park Service where others dare not go because we don't have forests there or BLM lands or Fish and Wildlife Service areas.

So it is important that you become really the principal cooperators and collaborators in these partnerships, Mr. Finley. And I am sure it is apparent to you in more than one way to do that and to retain the essence of the Park Service.

We have to recess to vote. So we will do so, and when we return, Mr. Finley, you will have to take over.

Thank you all, and thank you for your understanding with my absence.

Mr. FINLEY. Thank you, Mr. Chairman.

[Recess].

Mr. HINCHEY [presiding]. Good morning again, ladies and gentlemen. I am sorry for the interruption, but these votes will occur from time to time during the course of our hearing here. We should now have, however, perhaps an hour or so at least before the next interruption, we hope. And with that in mind we would like to proceed.

Mr. Finley.

Mr. Finley, I want to thank you very much for your testimony, and also for stating the Federal interest in at least some of our objectives here, and we appreciate that very much.

I just have a couple of questions that I would like to direct to you. Early in your testimony you state that the National Park Service wants to "protect a portion of Sterling Forest in Federal ownership" and later you say that the Federal—you refer to Fed-

eral acquisition of an appropriate interest in the property. What I would like to try to achieve is a clarification.

Are you proposing Federal fee ownership of the land or do you support an alternative arrangement such as acquisition of an easement?

The difference is extremely important for the affected communities, and the sponsors of the bill are also very interested in those communities' concerns. So if you could attempt to shed a little more light on that we would appreciate it.

Mr. FINLEY. Just a moment Mr. Chairman, if I can consult. Just a second.

[Pause].

Mr. FINLEY. Mr. Chairman, obviously, as you know, many of these proposals are tentative and the boundaries have shifted. We have done both, and in the case of the Appalachian Trail. But in this particular case we had talked when we prepared the testimony as owning a large portion in fee.

Mr. HINCHEY. So your testimony then is it could be both. I mean you have us at a disadvantage. You know, we don't know exactly the interest in the lands that we would be acquiring and so forth. We have the option, as you know, to do both, and there might be a combination recommended.

Okay. Well, that is fair, and I think it is particularly fair in light of the fact that it is clear that the Park Service is looking at this issue very carefully. You are examining it and reexamining it and I appreciate that that will result in a condition where your position is somewhat in flux at the moment. That is very appropriate and we appreciate your very careful and conscientious concern for this activity.

Your statement also makes several references to a concern for precedent. Has the Park Service used funds from the Land and Water Conservation Fund to acquire easements or development rights as opposed to fee ownership in other places? Is it considering similar acquisitions elsewhere? And if so, would such an arrangement here break some precedents that you feel are in place? And also, is your chief concern about the precedent here based on the fact that the bill does not make explicit reference to an easement?

Mr. FINLEY. We have several concerns. Certainly the major concern is the separation, the clear identity and separation of the Federal side of the Land and Water Conservation Fund and activities undertaken to reduce our backlog and not competing with the need to protect Park Service lands and interest in lands throughout the National Park System. Obviously, this is one more competition for us to be able to accomplish those needed goals.

We think it is appropriate that this type of activity take place on the State side. What we have proposed is a partnership where we would again be protecting the existing Federal interest where the Appalachian Trail runs through the Sterling Forest. You could, so to speak, say we would bulge the Appalachian Trail in that area to form this partnership.

In terms of the National Park System and whether this has been a precedent either specifically authorized or not, we would like to submit that for the record, to investigate and respond to you in

writing. I would hate to give you an inaccurate statement at this time based on my knowledge.

Mr. HINCHEY. Thank you very much. I appreciate that. It is an important question for us and we would like to look at it more carefully.

Mr. HINCHEY. And we also appreciate the fact that it is important to honor traditions. This is an institution that does that, of course, on a routine basis. But it also occurs to some of us from the East that while it has been very appropriate for the Park Service to pay so much attention to those lands that had been acquired at earlier times in the West, that there has been some, one might say, not neglect, but the lack of concern for similar environmental resources in the eastern part of the country.

And what we are trying to do in this particular instance is to focus at least a part of the Park Service's attention on the need to direct some of our resources in this part of the Nation. And that is in part what this bill is all about. I am sure you appreciate that.

Mr. FINLEY. Well, we do, Mr. Chairman, and that is why we prepared our testimony the way we did and that we are prepared to support a cooperative venture and protect the Sterling Forest in any way we can within the limits described in the testimony.

Mr. HINCHEY. Thank you. We also appreciate that the Park Service acknowledges a Federal interest in Sterling Forest, and I can understand expressed concerns about the cost of acquisition of the property.

However, I am also interested in knowing whether the Park Service took into account the potential savings to the Federal Treasury of the management arrangement proposed in this bill. If the Park Service purchased and managed the property in perpetuity its total expenses would be much higher than they would be in this particular case. I think you would agree with that, would you not?

Mr. FINLEY. I would agree with that as an overall statement for units throughout the National Park System. But as I indicated earlier, the national—the Appalachian Trail Project Office that administers the Trail in cooperation with the clubs and other cooperative ventures is very small in terms of cost versus benefit.

I will ask Mr. King to give you an outline of the staff. I don't believe there is more than five Federal employees in the Appalachian Trail Office.

Mr. KING. Yes, that is correct. We have four or five people in our management office, and the management is delegated through the Appalachian Trail Conference, which does the management through volunteers.

We do have agreements in certain States where we also have transferred management of land administratively to other States to help us manage our property. We have an agreement, for instance, with the State of New Jersey. So there is authorization under the National Trail System Act to do that sort of thing.

Mr. HINCHEY. Mr. Finley, you make several references in your statement to the Park Service concerns about adding to your acquisition backlog list, even when there is a clear Federal interest in a property, as you acknowledged that there is in this particular property, Sterling Forest.

Is NPS supporting or proposing other additions to that backlog this year? And if you are, could you tell us the sum total of those recommendations?

Can you make any comparisons between this proposal and other proposals you are supporting in terms of their accessibility to people, their likely visitorship, the value of the property in terms of the recreational opportunities that it may provide for specific numbers of people?

Now, you may not be able to answer these questions either particularly at this moment, but to the extent that you can. And to the extent that you may not be able to, of course, we would appreciate it in writing.

Mr. FINLEY. Well, we will respond in writing for the record. The Administration is supporting the California Desert, as you know. It is supported as a unit of the National Park System. It is a large recreational area adjacent to large urban populations in Southern California, certainly not as close as the Sterling Forest may be to New York.

That is why we believe that the formula that we offer keeps us consistent. They will both be Federal projects. They would both be considered additions to existing units—well, not additions. In the case of the California Desert bill it is additions to Joshua Tree National Monument and Death Valley Monument and the creation of a new unit.

So, to the extent that the California Desert bill has two additions it is consistent to our approach to the Sterling Forest issue and the Appalachian Trail where it is an addition to the Federal interest on the Appalachian Trail.

But we will complete the record for you as to other park system units' expansions or authorizations that we are supporting this year.

Mr. HINCHEY. Okay. Thank you.

Also, if you would, I would appreciate your examining this question as well. The Park Service has now stated its interest, the Federal interest in this property. It stated a commitment up to a certain level. This is an activity that is going to be carried on now in all probability by the Federal Government and two States and perhaps some private interests as well.

Now, that combination of resources may or may not be able to achieve total acquisition of this property, and therefore the benefits which would flow, the long-term benefits which would flow from acquisition of this property, and I think we all recognize what those long-term benefits are.

I would particularly focus—among all of them I would particularly focus on the value of the watershed and the appropriateness of a Federal interest in protecting that watershed, and also the cost of attempting to rehabilitate the water supply if it should become deteriorated as a result of development that might occur on this property as a result of our failure to make the proper acquisition.

So what I would ask that you do is to examine that question. Examine if from the point of view of what the benefits might be if we are able to achieve only partly, only part acquisition rather than the acquisition of the entire acreage.

Mr. FINLEY. We will do that, Mr. Chairman, and we will submit those to you in writing.

Mr. HINCHEY. Specifically, in your testimony you made a comparison between Sterling Forest and the Santa Monica Mountains, a comparison that I think all of us who are familiar with this can appreciate. Can you tell us what the sum total of the authorization for acquisition at Santa Monica is? Why would NPS recommend a substantially smaller commitment here?

Mr. FINLEY. I will supply the land acquisition ceiling for the record. The statistics I have with me on the backlog of land acquisition in Santa Monica Mountains is \$86 million.

Mr. HINCHEY. What was that figure, please?

Mr. FINLEY. Eighty-six million.

Mr. HINCHEY. Eighty-six million?

Mr. FINLEY. Yes, sir. And I am informed that \$125 million is the ceiling. Is that correct? As I remember, the last time I dealt with that issue it was \$125 million.

Mr. HINCHEY. Okay.

Mr. FINLEY. We will substantiate that and submit it to you for the record.

Mr. HINCHEY. No, I don't mean to quibble with that, and I think that that is very appropriate. And I think that it should be encouraged, and I personally encourage it, that level of commitment on the part of NPS for that particular acquisition.

I would just ask that the Park Service look at these two properties and make some judgments with regard to the appropriateness of the level of commitment that is made to one vis-a-vis the other in terms of their value, in terms of the public acquisition, in terms of the sensitivity, in terms of the long-term benefits that will flow from the acquisition of both. I think that kind of comparison could be helpful to all of us.

Mr. FINLEY. We will be pleased to do that for you, Mr. Chairman.

Mr. HINCHEY. We have also heard quite a bit of talk from the Park Service in the past year about a new emphasis on partnerships. This bill clearly proposes a partnership arrangement, one that would seem to work to the interest of the Park Service by freeing it of management expenses. Yet your statement is hedged throughout in many ways. Instead of some of the forward-looking comments we have been hearing about new visions and new ways of doing business you have emphasized concern with precedent.

Would the Park Service, since you acknowledge the strong Federal interest in the property at Sterling, would the Park Service be more enthusiastic or willing to make a larger commitment if there were no partnership involved, and if the full cost of acquisition and management were to fall on NPS?

The reason I ask this is that I just sense from your testimony your reluctance to reduce your costs in comparison, for instance, with the Santa Monica Mountains or with Golden Gate.

Mr. FINLEY. We believe that the proposal that was set forth in the testimony speaks to partnerships beyond our boundaries. It speaks to a recognition on behalf of the National Park System that we can't protect park system units alone, unilaterally, that we must engage in partnerships with agencies and the private sector to protect park units.

The approach we have taken in the testimony is to do just that. It is the best of a broad ecosystem management approach. It says that this area is important. It does have significance to the region, to the States and to the Appalachian Trail, and that we would be pleased to enter into a partnership. We are looking beyond the boundaries of the Appalachian Trail, and saying, Yes, it is important to the values of the Appalachian Trail to be protected.

You can't have many more partners than you do already in the Appalachian Trail managing it. So I would say that while we speak of precedent, and we are not prepared to support the bills as introduced, we are looking forward.

This is what the Department is now asking the Park Service and other bureaus to do is work beyond our boundaries, and we think these proposals are right in line with the Secretary's thinking.

Mr. HINCHEY. Well, I'm very happy to hear you say that because we had very much in mind the Secretary's thinking both in terms of the statements that have been made by the Park Service and by the Secretary himself over the course of his tenure there, and also the statements that he made when he was kind enough to come and visit us and to examine this property firsthand.

Also, the language in the bill seeks to accommodate what we perceive at least to be the interest of the Park Service in the establishment and the fostering and nurturing of these partnerships, and so we have attempted to lay out a framework by which that could be comfortably achieved.

So therefore it is with a certain chagrin that we hear the reluctance of the Park Service to embrace our efforts in the way that they were intended to be offered. In any case, I know that you will be continually looking at this, Park Service will, because of the fact that it is a new direction in a sense and asks the Park Service to be, perhaps, a little bit bold and to look at its responsibilities in a somewhat slightly different way.

I know you will be continuing to examine that and we appreciate that very much.

Mr. FINLEY. Well, our commitment still stands, Mr. Chairman, that we will continue to work with you and the committee and the other constituents concerned with this on a solution that will meet the Administration's concerns and yours.

Mr. HINCHEY. Thank you very much, Mr. Finley. We appreciate it.

Mr. FINLEY. Thank you, Mr. Chairman.

Mr. HINCHEY. Our next witness is Ms. Joan Comanor, who is the Deputy Chief for State and Private Forestry with the U.S. Forest Service, Department of Agriculture.

Ms. Comanor, welcome.

STATEMENT OF JOAN COMANOR, DEPUTY CHIEF FOR STATE AND PRIVATE FORESTRY, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Ms. COMANOR. Thank you, Mr. Hinchey.

Mr. HINCHEY. I understand that this is your maiden voyage.

Ms. COMANOR. That is correct.

Mr. HINCHEY. We are very happy and delighted that we have the opportunity to participate in it with you.

Ms. COMANOR. Thank you.

Thank you for the opportunity to share with you what we in the Forest Service have learned about the New York-New Jersey Highlands region, and more specifically the Sterling Forest. We will defer to the Department of the Interior as to the Administration's position on the two bills under consideration today.

What I would like to do in my remarks, which I will summarize, is to highlight two things: the study that we were asked to do at the request of Congress, and then conclude with some thoughts about the role the Forest Service might play in the Highlands area.

As a preface for describing the study, I would like to just mention that a key function of the State and Private Forestry programs, which I am responsible for, is to provide technical assistance and support, working with other levels of government in joint efforts to protect and manage environmental legacies such as those found in the Highlands region.

What I would like to share with you first is some information about the study that was conducted, and then some of the findings as highlights. The 1990 farm bill called for the USDA Forest Service to conduct a study of the New York-New Jersey Highlands area. Congress appropriated \$250,000 for the study in fiscal year 1991. The study was coordinated by our field office, the Northeastern Area Office of State and Private Forestry.

Public participation was a key feature of the endeavor, and public consensus guided the study process. Most importantly, the final report represents a consensus of the concerns, visions and goals of the majority of the participants. The final report was issued in April 1992.

A little bit about the Highlands area itself. As we have heard described, over 1.1 million acres, largely non-Federal-owned land, primarily ridges and valleys. It is an area of major significance, rich in both natural and cultural resources.

Among the highlights of the area, there is more than 147,800 acres of open space, hosting 8 million recreational visitors yearly, quality drinking water for over 3.8 million residents, 500,000 acres of wildlife habitat, and, of course, historic links to the American Revolution and the Civil War.

As we have also heard this morning, it is in the backyard of the Nation's largest metropolitan area and within a one to two hour drive of one in 12 Americans.

The Highlands offers the last opportunity to provide shape and form to the New York-New Jersey Metropolitan Region, delineating where the pavement ends and nature begins. Approximately two-thirds of the study area currently serves as an effective "green belt," and if protected it can continue to provide a vital resource to the metropolitan area.

The Highlands study identified six important areas that are of significance for four primary reasons: they are relatively undeveloped contiguous forest lands; they provide key water resources such as public surface water supplies, watersheds and wetlands; key wildlife habitat; and important recreational and cultural opportunities. Three of those six areas are of primary importance and in need of immediate conservation strategies. They are the Sterling Forest Wanaque Watershed, Wyanoke Highlands, the Pequannock

Watershed, and the Farney Highlands, and I would like to give you a brief description about each of those three areas, starting with the Sterling Forest-Wanaque Watershed-Wyanoke Highlands.

This large area of 725,000 acres includes the Sterling Forest at 17,500 acres. The Sterling Forest, owned by one single landowner, is one of the largest parcels of relatively undeveloped private forest land.

The Pequannock Watershed at about 55,000 acres is owned by the City of Newark, New Jersey, and it is a major portion of that city's water supply. It is the largest tract of relatively undeveloped land with a single owner in the entire Highlands area.

And thirdly, the Farney Highlands at about 50,000 acres is an area also of great importance for wildlife and water quality.

Among the other findings the study highlighted that the Highlands faces the immediate prospect of unprecedented urbanization and change, and that has been a pattern for the past 25 years, and it documented an estimate that by the year 2010 another 32,000 acres are likely to be converted to urban and residential uses. We feel without appropriate planning the environmental legacy of the area is at significant risk.

I would like to share with what the people recommended as a result of what they learned in the study. The study developed some management goals and they are based on a vision of the people from the region, and that vision I would like to quote an excerpt of their views as documented in the study.

The established uniqueness of the forested area known as the Highlands shall remain intact through a comprehensive multiple-use management strategy. This strategy shall produce goods and services within the resource limits of its environmental carrying capacity.

The study identified 25 major goals that would result in the management, use and protection of the Highlands area, and those were to manage the future growth, maintain an adequate supply of water, conserve contiguous forests, provide appropriate recreational opportunities, and promote economic prosperity that is consistent with the first four goals.

The study went further and identified conservation strategies through which these goals could be attained and identified about 90 conservation strategies.

I would like to share with you information about the Forest Legacy Program which is under the authority of the Forest Service. The 1990 farm bill established a provision for the Forest Legacy Program. It is based on acquiring perpetual conservation easements from willing private landowners, and use of the Forest Legacy Program is one of the conservation strategies outlined in the Highlands study area as a way to help conserve the Sterling Forest and the other important forest lands.

Through a Federal-State cost share, the Forest Legacy Program can help conserve forests, and it represents an important tool as an incentive for overall land stewardship. Site-specific goals of the Forest Legacy Program are determined by interested States and must be approved by the Secretary of Agriculture. A statewide assessment of need and identification of specific forest legacy areas are the first key steps to begin implementation of the program.

In 1993 appropriations, Congress provided \$3 million "for the acquisition of lands on a willing seller basis for Sterling Forest or other critical properties in the New York-New Jersey Highlands," and we use the Highlands study report itself as the assessment of need for the region, that first step in the implementation of the program.

However, the cost acquisition of the Sterling Forest, assuming a willing seller, goes far beyond the current capabilities of the Forest Legacy Program. Accordingly, the available funds will be used only for those highest priority tracts within the larger forest legacy areas like the Sterling Forest.

At this time no specific tracts within the Sterling Forest or other parts of the Highlands study area are under firm negotiations for conservation easements.

In conclusion, the Highlands area of New York and New Jersey offer a unique opportunity to balance population growth and rural lifestyles. However, the conservation strategies need to be implemented to ensure this balance. Without these strategies, there is a significant risk that important forested areas like the Sterling Forest will lose their environmental legacy.

The Forest Service as part of the Department of Agriculture has an important role in the Highlands region and in other similar areas throughout the country where urbanization and traditional forest uses are in conflict.

The Highlands study identified several roles that the Forest Service could play. These included representation on a regional council providing direct technical assistance, and providing financial assistance through established cooperative programs which we administer, such as the Forest Legacy Program, rural community assistance, stewardship, and urban and community forestry programs.

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

[Prepared statement of Ms. Comanor follows:]

STATEMENT OF JOAN COMANOR
DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the

Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
United States House of Representatives

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to share what we in the Forest Service have learned about the New York-New Jersey Highlands Region and, more specifically, the Sterling Forest. We defer to the Department of the Interior as to the Administration's position on the two bills being considered today.

A key function of the State and Private Forestry program of the Forest Service is to provide technical assistance to state and local governments in joint efforts to protect and manage the environmental legacy found in areas such as the New York-New Jersey Highlands.

Congress Calls for a Study

The 1990 Farm Bill called for the USDA Forest Service to conduct a study of the New York-New Jersey Highlands Region.

To accomplish the study, Congress appropriated \$250,000 for fiscal year 1991.

The study was coordinated by the Northeastern Area, a Forest Service State and Private Forestry field unit with headquarters in southeast Pennsylvania. Public participation was a key feature of this endeavor and public consensus guided the study process. Importantly, the final report represents a synthesis of the concerns, visions, and goals of the majority of the public participants.

The Highlands Study Area

The New York-New Jersey Highlands Study Area, 1.1 million acres of largely non-Federally owned Appalachian ridges and valleys stretching from the Hudson to the Delaware River, is a landscape of major significance, rich in natural resources and recreational opportunities. The area includes:

- * 147,800 acres of public open space hosting 8 million recreational visits each year;
- * Quality drinking water for over 3.8 million residents;
- * Over 500,000 acres of wildlife habitat; and,
- * A significant, historical link to the American Revolution and Civil War

Still largely forests and farmlands, the New York-New Jersey Highlands are virtually in the backyard of the Nation's largest

metropolitan area. The 31-county region is home to about 20 million people and approximately 1 in 12 Americans live within a 1-2 hour drive of the highlands.

The Highlands offer the last opportunity to provide shape and form to the New York-New Jersey Metropolitan Region, delineating where the pavement ends and nature begins. Approximately two-thirds of the study area currently serves as an effective greenbelt. If protected, these ridges and valleys will continue to serve as a vital resource to the metropolitan area and the entire Appalachian chain.

Important Large Forested Areas

The Highlands Study identified six important areas that are of significance because they are relatively undeveloped contiguous forested lands; that meet key water resources such as public surface water supplies, watersheds and wetlands; key wildlife habitat; and important recreational and cultural opportunities. Three of these are of primary importance and in need of immediate conservation strategies. They are:

- * Sterling Forest-Wanaque Watershed-Wyanokie Highlands
- * Peguannock Watershed
- * Fanny Highlands

The following is a brief description of these important forested areas.

Sterling Forest-Wanaque Watershed-Wyanokie Highlands - This 75,000 acre area includes the Sterling Forest (17,530 acres). The Sterling Forest, owned by a European consortium and managed by the Sterling Forest Corporation, is one of the largest parcels of relatively undeveloped private forest land with a single owner in the Highlands region.

Pequannock Watershed - About 55,000 acres, the Pequannock Watershed is owned by the City of Newark, New Jersey and protects a major portion of the city's water supply. It is the largest tract of relatively undeveloped forest land with a single owner in the Study Area.

Farny Highlands - About 50,000 acres, the area is very important for wildlife habitat and water quality.

Land Use Changes

The Highlands face the immediate prospect of unprecedented urbanization and change. Over the last 25 years, the amount of urban land in the tri-state region of New York-New Jersey-Connecticut has increased by 60 percent. New suburbs are being wrapped around old suburbs in ever-expanding rings of development. It is estimated by the year 2010, another 32,000 acres will be converted to urban and residential uses. Without appropriate planning, the environmental legacy of the area is at significant risk.

The People's Vision

As mentioned earlier, public consensus guided the study. The management goals of the area are based on a vision of the people from the region. Their vision is based on the principle of balanced uses and sustainability which is expressed in the preamble to the study. It says:

...The established uniqueness of the forested area known as the Highlands shall remain intact through a comprehensive multiple-use management strategy. This strategy shall produce goods and services within the resource limits of its environmental carrying capacity.

Most of the people from the region feel that the wooded slopes, abundant wildlife, clear streams, fresh air, country settings and solitude at the edge of the nation's largest metropolitan area offer a significant opportunity.

Highlands Goals

The study outlined five goals to help manage, use and protect the Highlands Area. These are:

1. Manage future growth
2. Maintain an adequate supply of water
3. Conserve contiguous forests

4. Provide appropriate recreational opportunities
5. Promote economic prosperity (that is consistent with goals 1-4)

These goals can be implemented through Conservation Strategies. About 30 Conservation Strategies were identified in the Study.

The Forest Legacy Program

The 1990 Farm Bill also included a provision for a Forest Legacy Program. The Forest Legacy Program is based on acquiring perpetual conservation easements from willing private landowners. Use of this program is one of the Conservation Strategies outlined in the Highlands Study to help conserve the Sterling Forest and other important forest lands. Through a Federal-state cost-share, the Forest Legacy Program helps conserve forests and represents an important tool as an incentive for overall land stewardship.

The site specific goals of the Forest Legacy Program are determined by interested states and approved by the Secretary of Agriculture. A state-wide Assessment of Need and the identification of Forest Legacy Areas are the first key steps to begin implementation of the program.

Forest Legacy and Sterling Forest

In the 1993 Appropriations Bill, Congress provided \$3,000,000 "...for the acquisition of lands, on a willing seller basis, for Sterling Forest or other critical properties in the New York-New Jersey Highlands." The Highlands Study sufficed as an Assessment of Need for the region.

The cost acquisition of the Sterling Forest, assuming a willing seller, goes far beyond the current capabilities of the Forest Legacy Program. Accordingly, available funds will be used only for those highest priority tracts within the larger Forest Legacy Areas, like the Sterling Forest. At this time, no specific tracts within the Sterling Forest or other parts of the Highlands Study area are under firm negotiations for conservation easements.

Conclusions

The Highlands area of New York and New Jersey offers a unique opportunity to balance population growth and rural life styles. However, specific Conservation Strategies need to be implemented to ensure this balance. With such strategies, there is a significant risk that important forested areas, like the Sterling Forest, will lose their environmental legacy.

In conclusion, the Forest Service, as part of the Department of Agriculture, has an important role in the Highlands region and in other similar areas across the country where urbanization and more traditional forest uses conflict. The Highlands Study

outlines this role, including representation on a regional council, direct technical assistance and financial assistance through established cooperative programs--such as Forest Legacy; Rural Community Assistance; Stewardship; and Urban and Community Forestry programs.

This concludes my prepared remarks. Mr. Chairman, I would be pleased to answer your questions at this time.

Mr. HINCHEY. Well, I want to thank you very much for coming here today and for giving this testimony. And thanks too to the Forest Service for doing what seems to be, on the basis of your testimony, a very comprehensive and well-organized study.

Ms. COMANOR. Thank you.

Mr. HINCHEY. We appreciate that. And we will be looking at it, of course, in more detail. I very much appreciate your testimony.

Let me just ask you a couple of questions, if I may. First of all, what has happened with the \$3 million earmarked for Sterling Forest acquisition? Has anything been done with that money so far?

Ms. COMANOR. The money is being held in reserve while we are trying to see if we have an opportunity for firm negotiations. Again, it is only a small portion of the total funds that would be needed to provide—to purchase a conservation easement. But it will be held until such time as it becomes apparent that there is no possibility within the Sterling Forest. Then we would look at other areas—the next highest priority area in the entire Highlands region.

Mr. HINCHEY. Thank you. Your testimony focuses on the important aspects of Sterling Forest for the people who live—millions of people who live—in that part of the country, and in part, it focuses on the need to protect and preserve the watershed. Did the study say in any detail the extent to which water quality in New Jersey would be diminished as a result of certain development that might occur on that 17,000 acres or so?

Ms. COMANOR. I can't speak specifically to New Jersey, but the study overall did document in a chapter called "Consequences of Change: Impact of Change on Resources." Water resources were highlighted as an area that deserved close attention, and it called attention to the fact that the area is characterized by steep ridges, that the soil, the geology, and with the activities that come with development certainly would have an impact on water quality in the area through just the normal sewage treatment, disposal, disturbance of the soil, and those sorts of activities. That was very much identified as a concern.

Mr. HINCHEY. That was identified as a concern. Did the report go into any additional detail, however, with regard to the kind of deterioration in the water quality that might occur, and the kind of steps that might need to be taken, and the cost of those steps should that deterioration take place?

Ms. COMANOR. It did document some estimates that I gather were provided by the participants from New Jersey. For example, it cited officials at the Water Supply Commission of New Jersey estimating that additional water treatment steps would be necessary at the Monksville and Wanaque Reservoir system, and it documented other areas of specific concern that additional water quality treatment would be necessary to address anticipated impacts.

Mr. HINCHEY. Okay. Thanks.

Just from the point of view of historical precedent—you may not be able to answer this question now, but if you would provide it to me later, I would appreciate it. How many of the national forests were established in whole or in part as a means of protecting watersheds?

Ms. COMANOR. That was one of the driving forces in the Organic Act that was enacted in 1997 for the Forest Service. A number of the Eastern forests in particular were established with that concern in mind.

I could document for the record more specifically, but I know that was also very much a driving factor in the establishment of a number of the national forests in the Eastern United States.

Mr. HINCHEY. Yes. I would appreciate it if you would. We know, for example, in New York that the State set aside the Adirondack Preserve and the Catskill Preserve specifically with the need to protect watershed in mind. There were other considerations as well, but that was a major and a specific concern.

So, if you could document for us the extent to which and specifically which national forests were set aside either in whole or in part as a means of protecting and preserving watersheds we would appreciate that.

Ms. COMANOR. We would be pleased to.

Mr. HINCHEY. Thank you very much.

[The information follows:]



United States
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Agriculture

Forest
Service

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Washington, DC 20090-6090

Reply To: 1510

Date: JUN 22 1994

Honorable Bruce F. Vento
Chairman, Subcommittee on National
Parks, Forests and Public Lands
U.S. House of Representatives
812 O'Neil House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On May 26, 1994, we had the opportunity to provide testimony before your subcommittee on bills H.R. 2741 and H.R. 3107, regarding future management of the Sterling Forest.

During the hearing, we were asked to what extent concerns for the protection of water resources were a key factor in the establishment of National Forests. More specifically, we were asked how many National Forests were established for this reason.

Under the provisions of the Organic Administration Act of June 4, 1897 (Ch 2, 30 Stat. 11, as amended; 16 U.S.C. 475), and the Weeks Act of March 1, 1911 (P.L. 61-435, Ch. 186, 36 Stat. 961, as amended; 16 U.S.C. 515), 155 National Forests have been established. The authority in the Organic Administration Act is conditioned so that: "...no National Forest shall be established except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows..." The authority in this Act underlies the proclamation of National Forests established from the public domain, primarily in the West.

The Weeks Law, which affects purchased lands primarily in the East, contains a similar provision. It says: "...The Secretary of Agriculture is hereby authorized and directed to examine, locate and purchase such forested, cutover, or denuded lands within the watersheds of navigable streams as in his judgement may be necessary to the regulation of the flow of navigable streams or for the production of timber."

In reviewing original Presidential Proclamations and Executive Orders on a number of early National Forests, the specific reasons for their establishment are not listed. Hence, we cannot state with certainty which were established for water and water-related purposes. However, we are convinced that water



Caring for the Land and Serving People

FS-6200-28b(3/92)

Honorable Bruce F. Vento

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resources played a significant part in the establishment of most, if not all, National Forests in accordance with enabling legislation.

Thank you for your continuing interest in the Sterling Forest and the New York/New Jersey Highlands Region.

Sincerely,

JACK WARD THOMAS
Chief

PANEL CONSISTING OF J. MARTIN CORNELL, PRESIDENT, PALISADES INTERSTATE PARK COMMISSION, ACCOMPANIED BY BOB BINNEWIES, EXECUTIVE DIRECTOR OF PALISADES INTERSTATE PARK COMMISSION, AND NASH CASTRO, FORMER DIRECTOR; JOAN K. DAVIDSON, COMMISSIONER, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION; ROBERT E. THOMSON, CHAIR, STERLING FOREST CORPORATION; JIM HALL, ASSISTANT COMMISSIONER, NATURAL AND HISTORIC RESOURCES, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY; AND DEAN C. NOLL, FORMER CHIEF ENGINEER, NORTHERN JERSEY DISTRICT WATER SUPPLY COMMISSION

Mr. HINCHEY. Our first panel consists of Mr. J. Martin Cornell, who is president of the Palisades Interstate Park Commission, and he is accompanied by Mr. Bob Binnewies, who is the executive director of the Palisades Interstate Park Commission; also, Mr. Robert Thomson, who chairs the Sterling Forest Corporation; Ms. Joan K. Davidson, who is the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation; Mr. Jim Hall, the Assistant Commissioner, Natural and Historic Resources for the New Jersey Department of Environmental Protection and Energy, and Mr. Dean Noll, the Northern New Jersey District Water Supply Commission.

Ladies and gentlemen, welcome very much. Mr. Cornell, would you like to begin?

Mr. CORNELL. Yes. Thank you.

STATEMENT OF J. MARTIN CORNELL

Mr. CORNELL. Mr. Chairman, I know you are familiar with the property involved and I want to extend to the other members of the committee an invitation, formal invitation, on behalf of the Palisades Interstate Park Commission to visit the park which is adjacent to the Sterling Forest tract. I know that Chairman Vento has been there, and we appreciate the fact that he did visit the site.

Mr. Chairman, I have submitted formal testimony, but I would like to summarize the testimony here today, if I may.

The Palisades Interstate Park Commission was established back in 1900, and it was formalized by a compact between the States of New Jersey and New York in 1937, which was then approved by Congress. The Constitution of the United States provides in Article 1, Section 10, that States cannot enter into compacts without the specific authorization of Congress, which was done.

And I point this out for the specific reason of establishing the fact that the Palisades Interstate Park Commission has a very unique status and it is different from other agencies, and for that reason I do not think that there would be any precedent established in using the funds as proposed in the bill for this type of agency. Because in effect the Palisades Interstate Park Commission is cloaked with a Federal authority and is in a sense a Federal agency.

Mr. HINCHEY. So the Federal Government has been directly involved with the Palisades Interstate Park Commission from its very inception, now almost 100 years.

Mr. CORNELL. Correct. And I think that this will remove the issue of precedent from the entire matter, and I think this would make a situation which is very distinguishable from other situations which I think and I would hope that the National Park Service would recognize as being a situation that is not going to establish a precedent which would adversely impact other similar situations that might come before the committee.

The Palisades Interstate Park Commission has been in operation for over 90 years. It has a very skilled staff. Bob Binnewies, who is here with me, to my left, is the present executive director. We also have here with us Nash Castro, who was the prior director of the Palisades Interstate Park Commission. Bob Binnewies was the superintendent of Yosemite Park and Nash Castro was the regional director of the park system here in Washington, D.C., for a number of years. Between them they have about 55 years of service in the National Park Service, and they have brought skill and diligence and dedication to running and operating Palisades Interstate Park Commission for many, many years.

The Park Commission has the oldest historic site at Newburgh, New York, which was Washington's headquarters, which was designated back in 1850.

Back in 1923 the Palisades Park Commission actually constructed the first portion of the Appalachian Trail which traverses through the Palisades Park system. The trailside museum which was established many years ago has been used as a model by the National Park Service for other museums of that type throughout the country.

I point these things out to you, Mr. Chairman, to illustrate that the Palisades Interstate Park Commission with its experience and its long history is an entity which is more than capable of managing skillfully and carefully the Sterling Forest tract if we are able to acquire it.

Not only that, but it will remove, as has been said here before, the cost of managing that facility, because that will be undertaken by Palisades Park Commission and the funds will be flowing from the State of New York. So that is a reason why these types of partnership arrangements are absolutely essential to provide for the ongoing management of the park.

I must admit to you, Mr. Chairman, that we were quite perplexed and discouraged by some of the comments that were made by the National Park Service. We would like to suggest to the committee that because of the unique status of the Palisades Interstate Park Commission and because of its long history of skillful management of parks that there should be a partnership arrangement developed which would permit the Palisades Interstate Park Commission to acquire the property in its entirety. We would be more than willing to enter into any types of agreements with the National Park Service to be sure that the Federal Government had a direct and potent input into the management of the park to meet whatever criteria were established and to provide for a reporting system and whatever other details would be appropriate so that the Federal Government was going to play a direct role in the operation of the tract of land as far as its management is concerned.

So the partnership concept is one that should be pursued, and we would suggest and urgently promote that there be a new vision and that there be an effort made to try something new and unique with this particular tract because of the bi-State nature of the tract, because of the history and legacy of the Palisades Park Commission this would permit a partnership. But we think that it should be turned around and that the actual fee title to the property should be vested in the Park Commission rather than in the National Park Service, so that the management can be carried out in the manner that we have in the past.

I would like to emphasize, Mr. Chairman, that this is a once in lifetime opportunity to acquire this property. It cannot wait for years of discussion and further elaboration on other programs or plans. It cannot wait for the funds to dribble out through some other source from the National Park Service in acquisition.

It has got to be done now. It has got to be done within the next 12 months or it is going to be lost. We know that the property is potentially going to be developed in the very near future. The plans are on the drawingboard. And if we don't act now the property will be lost. And we urge you to provide the funds that are necessary.

The State of New York and the State of New Jersey have indicated their willingness to provide funds for acquisition. Private sources have also indicated that they would provide funds for acquisition. But we need the assistance of the Federal Government with these appropriations to be able to make this project work. I again urge you, in conclusion, that it is something that is desperately needed to occur immediately rather than sometime in the future.

I thank you for the opportunity to testify.

Mr. HINCHEY. Thank you, Mr. Cornell. I think you appropriately emphasize the urgency of this activity and the appropriateness of the Park Commission as the agent to manage this property once we succeed in effectuating the purpose and the purchase, and also the appropriate nature of this purpose and purchase involving the Federal Government. I think those points are very well made in your testimony. I appreciate that.

Mr. CORNELL. Thank you.

[Prepared statement of Mr. Cornell and addendum to testimony follow:]

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
HEARING ON H. R. 2741
MAY 26, 1994

CHAIRMAN VENTO AND MEMBERS OF THE SUBCOMMITTEE. MY NAME IS MARTIN CORNELL. I AM THE PRESIDENT OF THE PALISADES INTERSTATE PARK COMMISSION. THE COMMISSION WAS FORMED IN 1900 AND LEGALLY REORGANIZED BY AN INTERSTATE COMPACT IN 1937 TO ASSUME PARK AND HISTORIC SITE MANAGEMENT RESPONSIBILITIES, AS AUTHORIZED BY THE LAWS OF THE STATES OF NEW YORK AND NEW JERSEY, AND BY JOINT RESOLUTION OF THE 75TH CONGRESS.

THE UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, REQUIRES THE CONSENT OF CONGRESS FOR A COMPACT BETWEEN TWO STATES. THIS CONGRESSIONAL ACT CLOAKS THE PALISADES INTERSTATE PARK COMMISSION WITH A FEDERAL MANDATE, CREATING A UNIQUE BI-STATE PARK SYSTEM.

THE COMMISSION NOW OWNS AND MANAGES 81,000 ACRES OF PARKS AND HISTORIC SITES, INCLUDING WASHINGTON'S HEADQUARTERS AT NEWBURGH, NEW YORK, OFFICIALLY DESIGNATED AS THE NATION'S FIRST HISTORIC SITE IN 1850. THE FIRST SEGMENT OF THE APPALACHIAN TRAIL WAS CONSTRUCTED BY THE COMMISSION AT BEAR MOUNTAIN PARK IN 1923. THE TRAILSIDE MUSEUM, ALSO AT BEAR MOUNTAIN, SERVED AS THE MODEL FOR CONSTRUCTION OF THE FIRST NATIONAL PARK SERVICE NATURE

MUSEUM AT YOSEMITE IN 1928, AND, WAS ALSO THE MODEL FOR THE NOW FAMOUS SONORAN DESERT MUSEUM, NEAR TUCSON.

WE ARE PROUD OF THE EARLY ASSISTANCE PROVIDED TO THE NATIONAL PARK SERVICE AND OTHER FEDERAL AGENCIES BY THE COMMISSION, AND EQUALLY PROUD THAT OUR PRESENT EXECUTIVE DIRECTOR, BOB BINNEWIES, AND HIS PREDECESSOR, NASH CASTRO, HAVE, BETWEEN THEM, FIFTY-FIVE YEARS OF NATIONAL PARK SERVICE EXPERIENCE. AMONG THEIR VARIOUS ASSIGNMENTS, BOB BINNEWIES SERVED AS SUPERINTENDENT OF YOSEMITE, AND NASH CASTRO AS REGIONAL DIRECTION OF THE WASHINGTON, D.C., NATIONAL CAPITAL REGION.

I APPEAR BEFORE THIS SUBCOMMITTEE TODAY TO URGE THE FORMATION OF A FINANCIAL PARTNERSHIP LINKING FEDERAL AND STATE GOVERNMENTS WITH THE PRIVATE SECTOR TO ALLOW FOR THE ACQUISITION AND CONSERVATION OF STERLING FOREST, A 17,500-ACRE PRIVATELY OWNED PROPERTY CONTIGUOUS TO COMMISSION-OWNED PARKLANDS AND IN THE HEART OF THE NATIONALLY SIGNIFICANT NEW YORK/NEW JERSEY HIGHLANDS REGION.

THE NEED TO CONSERVE STERLING FOREST HAS BEEN ELOQUENTLY DEMONSTRATED BY OTHERS HERE TODAY. IT IS CLEAR THAT THE WATERSHEDS, WILDLIFE HABITAT, SCENERY, AND HISTORIC VALUE ARE WORTHY OF THE MOST CONCERTED ACTION BY THE CONGRESS AND THE STATES OF NEW YORK AND NEW JERSEY TO ACCOMPLISH THE PERMANENT PROTECTION OF THIS SUPERB NATURAL RESOURCE.

IN THE 1960'S, PEOPLE BECAME AWARE THAT THE NATURAL WORLD WAS DETERIORATING AROUND THEM. BY 1991, A GALLUP POLL FOUND THAT 71 PERCENT OF THE U.S. PUBLIC AGREED THAT PROTECTION OF THE ENVIRONMENT SHOULD BE GIVEN PRIORITY, AND 73 PERCENT FELT THAT THE GOVERNMENT WAS NOT WORRIED ENOUGH ABOUT THE ENVIRONMENT.

ONE OF THE CRUCIAL ISSUES RAISED IS THE RATIONALE AND JUSTIFICATION FOR SEEKING FEDERAL LEADERSHIP AND FINANCIAL PARTICIPATION TO ACQUIRE THIS LAND.

FIRST, THERE IS THE QUESTION OF PRIORITY. DOES STERLING FOREST RANK AS A HIGH PRIORITY LAND CONSERVATION PROJECT ON THE NATIONAL SCENE? THE CONGRESS CONFIRMED THIS PRIORITY TWO YEARS AGO WHEN IT APPROPRIATED \$3 MILLION IN FOREST LEGACY FUNDING FOR THE NEW YORK/NEW JERSEY HIGHLANDS REGION, WITH EMPHASIS ON STERLING FOREST. THIS APPROPRIATION IS BEING HELD BY THE U.S. FOREST SERVICE SPECIFICALLY TO ACQUIRE LANDS AT STERLING FOREST. THE NATIONAL PARK SERVICE IS IN ACTIVE NEGOTIATION WITH THE STERLING FOREST CORPORATION TO BUY LAND AT LITTLE DAM LAKE, ADJACENT TO THE APPALACHIAN TRAIL, AND HAS IDENTIFIED AN ADDITIONAL 2,000 ACRES OF CORPORATE-OWNED LAND FOR ACQUISITION. THESE PROPERTIES ARE PART OF STERLING FOREST.

THE ACTIONS OF THESE TWO MAJOR FEDERAL LAND MANAGEMENT AGENCIES IS CONSISTENT WITH THE HIGH PRIORITY PLACED ON THE PROTECTION OF STERLING FOREST BY THE STATE OF NEW YORK'S OPEN

SPACE PLAN, THE STATE OF NEW JERSEY'S SKYLANDS STUDY, AND THE 1992 U.S. FOREST SERVICE STUDY OF THE NEW YORK/NEW JERSEY HIGHLANDS REGION.

THE NEXT ISSUE IS ONE OF IDENTIFYING THE FEDERAL INTEREST. A SERIES OF QUESTIONS ASKED OF THE NATIONAL PARK SERVICE REPRESENTATIVE AT THE RECENT SENATE HEARING ARE INSTRUCTIVE. SENATOR BRADLEY ASKED WHETHER THE PROXIMITY TO MILLIONS OF PEOPLE, SCARCITY OF HABITAT, CRUCIAL IMPORTANCE OF WATERSHED, THREAT OF MASSIVE DEVELOPMENT, AND PROTECTION OF THE APPALACHIAN TRAIL CORRIDOR SHOULD PROMPT HIGH PRIORITY ATTENTION TO THE PROTECTION OF STERLING FOREST. THE NATIONAL PARK SERVICE'S REGIONAL DIRECTOR, MARIE RUST, ANSWERED YES TO ALL THESE QUESTIONS, CONDITIONAL UPON THERE BEING A FEDERAL INTEREST.

THERE IS UNQUESTIONABLY A FEDERAL INTEREST IN ACQUIRING STERLING FOREST. THE CONGRESS IS BEING ASKED TO AUTHORIZE APPROPRIATIONS OF UP TO \$35 MILLION FOR THE ACQUISITION OF THESE LANDS. THE PALISADES INTERSTATE PARK COMMISSION HAS CONSISTENTLY SUGGESTED THAT THESE APPROPRIATIONS COME FROM THE FEDERAL SIDE OF THE LAND & WATER CONSERVATION FUND. WE HAVE DISCUSSED THIS MATTER, IN DETAIL, WITH SECRETARY OF THE INTERIOR BRUCE BABBITT AND NATIONAL PARK SERVICE DIRECTOR ROGER KENNEDY. DIRECTOR KENNEDY GAVE US STRONG ENCOURAGEMENT, AND PLEDGED HIS SUPPORT.

PUBLIC LAW 88-578, WHICH ESTABLISHED THE LAND & WATER CONSERVATION FUND, RESULTED FROM RECOMMENDATIONS MADE BY THE OUTDOOR RECREATION RESOURCES REVIEW COMMISSION, CHAIRED BY ONE OF OUR EMERITUS COMMISSIONERS, LAURANCE S. ROCKEFELLER. THE LAND & WATER CONSERVATION FUND IS IDEALLY SUITED TO RESPOND TO THE CRISIS LOOMING AT STERLING FOREST. THE FUND WAS AUTHORIZED, "TO ASSIST IN PRESERVING, DEVELOPING, AND ASSURING ACCESSIBILITY TO ALL CITIZENS - - - SUCH QUALITY AND QUANTITY OF OUTDOOR RECREATION RESOURCES AS MAY BE AVAILABLE AND ARE NECESSARY AND DESIRABLE FOR INDIVIDUAL PARTICIPATION IN SUCH RECREATION AND TO STRENGTHEN THE HEALTH AND VITALITY OF THE CITIZENS OF THE UNITED STATES."

FEDERAL INTEREST IN A PROJECT OF THE SCALE, COMPLEXITY, AND GEOGRAPHIC LOCATION OF STERLING FOREST IS CLEARLY AUTHORIZED BY THIS LAW. THE FUND WAS ESTABLISHED TO "ASSIST," TO RESPOND TO "AVAILABILITY," AND TO PROVIDE FOR THE HEALTH AND WELL BEING OF OUR CITIZENS. THE LAND IS AVAILABLE BECAUSE THE STERLING FOREST CORPORATION IS A WILLING SELLER. PROTECTION OF THE STERLING FOREST WATERSHED AND PROTECTION AGAINST FURTHER AIR POLLUTION (THE LANDS BEING LOCATED IN THE NEW YORK METROPOLITAN AREA NON-ATTAINMENT ZONE) ARE HIGHLY IMPORTANT HEALTH CONSIDERATIONS. MILLIONS OF VISITORS TO THE PALISADES PARK SYSTEM CONFIRM THE OUTDOOR RECREATIONAL POTENTIAL OF STERLING FOREST.

FEDERAL SIDE L&WCF APPROPRIATIONS TRADITIONALLY HAVE BEEN MADE AVAILABLE TO THE NATIONAL PARK SERVICE, U.S. FOREST SERVICE, BUREAU OF LAND MANAGEMENT, AND U.S. FISH & WILDLIFE SERVICE. I EMPHASIZE THE WORD, "TRADITIONALLY." WE WOULD BE DELIGHTED IF THE CONGRESS DESIGNATED STERLING FOREST AS A NATIONAL PARK, ACQUIRED IT OUTRIGHT, AND THEREAFTER PAID THE ANNUAL MAINTENANCE AND STEWARDSHIP COSTS, BUT IN THIS ERA OF TIGHT BUDGETS AT FEDERAL AND STATE LEVELS, A FEDERAL/STATE FINANCIAL PARTNERSHIP SEEMS THE ONLY LOGICAL COURSE FOR A PROJECT OF THE SCALE OF STERLING FOREST.

THE LAW ALLOWS THE CONGRESS FLEXIBILITY IN THE USE OF FEDERAL SIDE FUNDS. CONGRESS HAS EXERCISED THIS FLEXIBILITY FOR LARGE SCALE PROJECTS IN WHICH THE FEDERAL INTEREST IS CLEAR. UNLIKE THE STATE SIDE ARM OF THE L&WCF, WHICH IS DESIGNED FOR LOCAL GRANTS AND SMALLER SCALE 50-50 MATCHING LAND ACQUISITION PROJECTS SOLELY OF STATE IMPORTANCE, CONGRESS HAS THE POWER TO USE ITS FINANCIAL DISCRETION ON THE FEDERAL SIDE OF THE L&WCF TO ASSURE THAT NATIONALLY SIGNIFICANT LANDS ARE PROTECTED FOR THE PUBLIC INTEREST. STERLING FOREST IS LOCATED IN THE MOST DENSELY POPULATED AREA OF THE UNITED STATES. IT IS IN THE FEDERAL INTEREST TO PROTECT THE QUALITY OF LIFE FOR THESE CITIZENS.

NO UNUSUAL PRECEDENT WILL BE ESTABLISHED BY USING FEDERAL SIDE L&WCF APPROPRIATION FOR LAND ACQUISITION BY THE PALISADES INTERSTATE PARK COMMISSION, WHICH WAS CREATED BY CONGRESS. THE PIPC IS A ONE-OF-A-KIND INTERSTATE PARK MANAGEMENT AGENCY. THE PIPC HAS, IN THE PAST, AND WILL, IN THE FUTURE, HONOR ITS SPECIAL RELATIONSHIP WITH THE FEDERAL GOVERNMENT, AND PARTICULARLY THE NATIONAL PARK SERVICE. WE WOULD BE MORE THAN WILLING TO ENTER INTO A MANAGEMENT OVERSIGHT AGREEMENT WITH THE APPROPRIATE FEDERAL AGENCY TO ASSURE THAT STERLING FOREST IS PROVIDED PROPER STEWARDSHIP. THE PIPC HAS A RECORD OF OUTSTANDING STEWARDSHIP FOR OVER NINETY YEARS AND WE ARE CONFIDENT THAT OUR EXCELLENCE WILL CONTINUE, WITH THE GUIDANCE AND SUPPORT OF THE STATES OF NEW YORK AND NEW JERSEY.

NEW YORK AND NEW JERSEY HAVE MADE A FINANCIAL COMMITMENT TO THIS LAND ACQUISITION CHALLENGE. FURTHER, NEW YORK WILL COMMIT TO THE ANNUAL PARK MANAGEMENT COSTS OF WHAT WILL BECOME THE LARGEST PARK CREATED IN THE NORTHEASTERN UNITED STATES IN THE LAST HALF-CENTURY.

IN RECENT YEARS, CONGRESS HAS APPROPRIATED IN THE RANGE OF \$300 MILLION PER YEAR FOR FEDERAL SIDE L&WCF LAND ACQUISITION PROJECTS. DURING THE LIFE OF THE FUND, OVER \$8 BILLION HAS BEEN APPROPRIATED FOR FEDERAL SIDE PROJECTS. WE ARE ASKING FOR APPROPRIATIONS OF \$35 MILLION, SPREAD OVER TWO TO THREE YEARS.

STATE AND PRIVATE FUNDS WILL BE ADDED TO THIS FOR THE ACQUISITION OF THESE LANDS FOR THE ENHANCEMENT OF THE QUALITY OF LIFE FOR GENERATIONS OF AMERICANS.

WE URGE THIS COMMITTEE TO SUPPORT THE FULL AMOUNT REQUESTED OF \$35 MILLION. WE HAVE ONLY A MOMENT OF TIME TO CONCLUDE THIS ACQUISITION. WE DO NOT HAVE THE OPPORTUNITY TO DO A LITTLE NOW, AND A LITTLE LATER. PROPERTY VALUES, A WILLING SELLER, MARKET DYNAMICS, WATERSHED CONSERVATION, AND THE PUBLIC INTEREST DICTATE THE URGENT NEED TO ACT NOW, TO SAVE STERLING FOREST.

J. MARTIN CORNELL, PRESIDENT
PALISADES INTERSTATE PARK COMMISSION

May 26, 1994

STERLING FOREST, HOUSE HEARING

ADDENDUM TO CORNELL TESTIMONY

THE NATIONAL PARK SERVICE HAS TESTIFIED, TODAY, THAT IT RECOGNIZES THE NATIONAL IMPORTANCE AND SIGNIFICANCE OF STERLING FOREST. NEEDLESS TO SAY, WE WHOLEHEARTEDLY AGREE, AND STRONGLY APPLAUD THE SERVICE'S ENDORSEMENT.

WE ALSO WELCOME NATIONAL PARK SERVICE SUPPORT FOR FEDERAL FUNDING FOR THE STERLING FOREST ACQUISITION EFFORT. WE MUST TAKE EXCEPTION, HOWEVER, TO THE SPECIFICS OF THE SERVICE'S FUNDING STRATEGY.

THE SERVICE CONTINUES TO INSIST THAT A FEDERAL APPROPRIATION TO THE PALISADES INTERSTATE PARK COMMISSION "IS NOT JUSTIFIED BECAUSE OF THE PRECEDENT IT WOULD SET." AS I HAVE TESTIFIED, THE PIPC EXISTS ONLY WITH THE AUTHORITY OF THE CONGRESS. WE ARE THE ONLY INTERSTATE PARK MANAGEMENT AGENCY IN THE NATION. WE BELIEVE THAT THE PIPC IS IN THE BEST POSITION TO CONDUCT NEGOTIATIONS WITH THE STERLING FOREST CORPORATION. THE SERVICE'S CONCERN OVER "PRECEDENT" HAS CAUSED IT TO PROPOSE A VASTLY COMPLICATED, AND PERHAPS UNWORKABLE, BIFURCATED ACQUISITION STRATEGY. IF THE "PRECEDENT" ISSUE WERE TO BE REMOVED, AS IT SHOULD BE, I DOUBT THAT ANY OF THE NATIONAL PARK SERVICE REALTY SPECIALISTS WOULD RECOMMEND OTHER THAN A SINGLE-BUYER, SINGLE-SELLER APPROACH TO THIS ACQUISITION FOR ALL THE

OBVIOUS REASONS; PER ACRE COST, EFFICIENCY, CLEAR COMMUNICATION WITH THE SELLER, AND CLOSURE WITHIN A REASONABLE TIME FRAME.

IF NECESSARY, THE NATIONAL PARK SERVICE COULD BE INCLUDED AS A PARTNER TO THE PIPC IN H.R. 2741, RATHER THAN SEEK SEPARATE APPROPRIATIONS THROUGH A GENERAL APPALACHIAN TRAIL AUTHORITY WHICH, IN THE PAST, HAS NOT INCLUDED EAR-MARKED APPROPRIATIONS OR ACQUISITIONS OF MORE THAN A FEW HUNDRED FEET FROM THE TRAIL, ITSELF. INCLUDING THE NPS IN H.R. 2741 WOULD MEET ITS CONCERNS FOR ASSURED PARTNERSHIP IN THE PROJECT, USE OF FEDERAL FUNDS, AND STEWARDSHIP.

WE ARE PERPLEXED, TOO, BY THE NPS PROPOSAL THAT A FEDERAL CONTRIBUTION OF NO MORE THAN 25% BE MADE TO THE ACQUISITION PROJECT, LIMITED TO A TOTAL AMOUNT OF \$17.5 MILLION. THESE SEEMINGLY ARBITRARY LIMITATIONS GREATLY REDUCE THE CHANCES FOR SUCCESS IN THE ACQUISITION EFFORT. H.R. 2741 ALREADY LIMITS FEDERAL FINANCIAL INVOLVEMENT TO NOT MORE THAN \$35 MILLION. WE ANTICIPATE THAT WE MUST FULLY JUSTIFY AND DEFEND AN ACQUISITION AGREEMENT TO THE CONGRESS, AS WELL AS TO BOTH STATES, AND PRIVATE CONTRIBUTORS BEFORE THE AGREEMENT IS FINALIZED. WE URGE THAT THE \$35 MILLION AUTHORIZATION LEVEL BE RETAINED. WE BELIEVE THAT A TRUE AND EQUITABLE FINANCIAL PARTNERSHIP WILL EXIST, THANKS TO THE LEADERSHIP OF CONGRESS, AND THAT THE NATIONAL PARK SERVICE CAN BE AN ACTIVE PARTNER WITH THE PIPC TO ACHIEVE A COMMON GOAL.

Mr. HINCHEY. Mr. Binnewies?

Mr. BINNEWIES. Mr. Chairman, I will wisely defer for the moment to Commissioners Davidson and Cornell. But I will be happy to answer questions.

Mr. HINCHEY. Thank you.
Commissioner Davidson?

STATEMENT OF JOAN K. DAVIDSON

Ms. DAVIDSON. Thank you, Mr. Chairman. I too am going to defer the statement and put it in the record.

I listened with the greatest admiration to your eloquent and learned statement earlier this afternoon, and also to the wonderful statements of Congressman Torricelli and Gilman. No one could say it better than all of you have. And for my agency, the State Parks of New York, we just enthusiastically endorse what you have said.

I was very impressed too with Congressman Vento's thoughtful comments, and remember with great pleasure meeting him at that lovely event that you organized at Hyde Park not so long ago.

I think what I have to contribute here, in line with what you have said and what Mr. Vento said, is that one of the remarkable aspects of this venture, this undertaking is its cooperative nature which is so important. Talk about living up to precedence, I think that we are now at the point of establishing a new precedent with this kind of cooperation.

And what I want to say, which I think is perhaps the contribution to the conversation that I can add is that I think a new element has entered the picture here that should, perhaps, be a big boost forward toward a resolution, and that is, I think, the very clear and strong commitment of our Governor, Governor Cuomo, who now believes in this project very strongly, and to attest to that he has, as you know, committed up to \$15 million to pushing this forward.

Now, that I think is something new in the picture. I think it is very important. It is symbolic, and I think a major contribution, if I may say so.

I think New York also contributes to the picture what Mr. Cornell has described so well, the experience, the talent and the very strong ability to manage on the part of the Palisades, which, of course, is a unique and a special, you know, across the border organization.

It is also part of New York State's park system. So I can vouch for its genius in managing and what it would bring, and for the benefit of everyone to have it under the aegis of the PIPC.

So, I am very happy to answer questions and join Mr. Binnewies, and also our Deputy Commissioner Henry Teppett is also here, who would be happy to help answer questions.

So, I thank you very much for holding this important hearing.

Mr. HINCHEY. Well, Joan, thank you very much for your testimony, for being here, and for your continued good work. We appreciate it very much.

[Prepared statement of Ms. Davidson follows:]



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 The Governor Nelson A. Rockefeller Empire State Plaza
 Agency Building 1, Albany, New York 12238

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 TDD: 518-486-1699

HOUSE NATURAL RESOURCES COMMITTEE
 SUB-COMMITTEE ON NATIONAL PARKS,
 FORESTS AND PUBLIC LANDS

HEARING ON H.R. 2741

TESTIMONY BY JOAN K. DAVIDSON
 COMMISSIONER
 NEW YORK STATE OFFICE OF PARKS,
 RECREATION AND HISTORIC PRESERVATION

MAY 26, 1994

Chairman Vento and members of the Sub-Committee, my name is Joan Davidson, and I am the new Commissioner of the New York State Office of Parks, Recreation and Historic Preservation. I am honored to participate in these important proceedings as the representative of Governor Mario M. Cuomo.

I appear before you today with a clear, heartfelt and urgent message: Sterling Forest must be saved, and the federal government should join as a full and equal partner in a historic compact with the States of New Jersey and New York to accomplish this great work.

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We in New York State are justifiably proud of our network of urban and rural parks, forest preserves, and historic sites. Over the past two centuries, our park system has been built upon a foundation of truly extraordinary and absolutely irreplaceable properties-- those crown jewels that gleam not only for us, but for the entire nation as well. These include Niagara Falls Reservation State Park, the Adirondack Park, Central and Prospect Parks -- those Olmsted masterpieces in New York City -- and the Catskill Forest Preserve. These resources were protected for the use and enjoyment of the state, the nation and the world because visionaries from time to time rose up, wise and courageous enough to seize upon a once-in-a-lifetime opportunity. In Sterling Forest, we have what may well be the last such opportunity in our time. This property, too, has inherent national standing. It is for us now to honor future generations as our predecessors honored us, with a new determination to act nobly in the public interest.

-3-

The reasons for protecting Sterling Forest are compelling. The property is vast, some 17,500 acres. It contains verdant forest, stunning scenery, lakes, wetland, streams, and enormous biological and topographic diversity-- all located within the most densely populated metropolitan region in the United States.

Let me briefly discuss the most significant specific reasons for saving Sterling Forest:

Water-- Perhaps Sterling Forest's most important resource is its water. Sterling Forest's watershed provides clean, safe drinking water for 2,000,000 residents of the New York-New Jersey metropolitan region. The Forest could protect forever the water supply of 80 New Jersey communities and 25% of the State's population. For this benefaction, the effort to protect Sterling Forest is supported by both States and both political parties.

-4-

Clean Air -- Sterling Forest is also critical to our efforts to comply with federal clean air regulations. If the extensive development proposed by the Sterling Forest Corporation for the Forest is allowed, air quality and public health could be undermined. Furthermore, compliance with clean air regulations would become prohibitively expensive for the entire New York metropolitan region, which includes part of the states of New York, New Jersey and Connecticut.

Outdoor Recreation -- The range of recreational opportunities that Sterling Forest will bring into being is dazzling, beginning with the enhancement of the Appalachian Trail. An extensive and absolutely critical section of the Trail passes directly through the Forest. Sterling Forest will provide outdoor recreation to millions of people from several northeastern states, and, as Parks Commissioner, I do not use the phrase "millions of people" lightly! The

-5-

Forest adjoins and, under this bill, would become an integral part of the Palisades Interstate Park System, our unique, federally chartered bi-state park authority. The Palisades Park System accommodated more than 8,000,000 visitors last year, four times the level of visitation to Yellowstone National Park.

Biodiversity -- In an era of distressing news about declining biodiversity on a national and global level, the protection of Sterling Forest would be a beacon of hope. The forest harbors an incredibly diverse range of plants, animals and ecological communities, including 60 migratory bird species and 27 species of animals listed as rare or endangered in New York State. Furthermore, the protection of the Forest would help reverse a destructive pattern of land fragmentation in the northeast by providing a continuous wildlife migration corridor stretching from the New Jersey Highlands to the Catskills and the Hudson River Valley.

-6-

Cooperative effort -- These hearings on Sterling Forest signal a fully cooperative effort, involving the States of New York and New Jersey, the federal government and private sources of funding. Congressman Vento, you will remember that Governor Cuomo, on March 8, wrote to you and your colleagues in the New York and New Jersey congressional delegations, saying "I urge your support for an important bipartisan effort to protect the last significant tract of privately owned open space in the New York Metropolitan Region. To recognize the dream of protecting this magnificent resource, all levels of government, as well as the private sector, must join together in partnership. To signify New York's commitment, I have included Sterling Forest on the list of parcels in my 1994-95 Executive Budget that are eligible for land acquisition funds from the newly enacted Environmental Protection Fund."

-7-

I am pleased to tell you that Governor Cuomo has asked me to convey to you that, to the extent that acquisition of Sterling Forest exceeds the \$35 million dollars that we are asking the federal government to provide, New York State will commit up to \$15 million dollars as funds become available from our newly enacted Environmental Protection Fund.

Now the challenge is to the federal government. Seldom has New York turned to the Congress for financial assistance to protect major landscapes: this is an exceptional and a special case for several reasons. Sterling Forest's quality and its potential as a national resource, as well as the threat posed by the imminent development of the property, all render it, we devoutly believe, worthy of significant federal funding.

-8-

I also want to point out that New York and New Jersey have very little federally-owned land, and have traditionally received significantly less assistance from the federal Land and Water Conservation Fund (LWCF). The figures are dramatic. In the last five years, the LWCF has provided 25 times more support to the State of California than to New York State; \$248 million has been appropriated for California, compared with \$9 million for New York. In Fiscal Year 1991 alone, a total of \$56 million was provided to California through the LWCF; \$1.3 million went to New York. We are also aware that many western public officials and residents oppose the Federal Government's purchase of additional lands in their region -- we in New York feel just the opposite. New York both wants and urgently needs federal participation in the creation of Sterling Forest.

-7-

It seems appropriate to suggest that the moment is at hand for the Congress to restore a sense of balance to the LWCF funding equation in the interest of the 20 million residents of the New York-New Jersey metropolitan region.

House Resolution 2741, firmly express the need for a Federal-State partnership to protect Sterling Forest. In the name of fairness, in the name of the kind of vision that democracy depends on, and in the name of the public benefit, Governor Cuomo and I strongly support appropriations from the Federal side of the Land and Water Conservation Fund to the federally chartered Palisades Interstate Park Commission (PIPC) for Sterling Forest acquisition purposes. In New York, the PIPC is an arm of my agency, and thus represents both the state and the federal interest.

-10-

In conclusion, the Federal Government, New York State and New Jersey together face the chance to make a critical land acquisition; an opportunity they must not fail to grasp. A willing seller is ready to enter into serious, detailed negotiations. As I stated earlier, Governor Cuomo has committed up to \$15 million dollars for acquisition costs above the \$35 million dollars we are asking the federal government to provide.

The reasonable—and effective financial partnership here proposed will be rewarded by the tangible, immediate betterment of life for millions of city-bound citizens in two great states, and sooner or later, by the betterment of life for all Americans.

-11-

Representing the State of New York and its Governor, I am here today to reiterate New York's firm commitment to the protection of Sterling Forest. The State of New Jersey is also poised to commit funds to this project. In addition, just yesterday I received the exciting news that, also pending federal and state involvement, another \$5 million in private foundation funding may be available for the purchase of Sterling Forest.

Now it is time for Congress to rise to these challenges by enacting H.R. 2741, authorizing up to \$35 million in federal LWCF expenditures for Sterling Forest, and to proceed with the appropriations that this legislation will authorize.

All New Yorkers profoundly hope that you will do so -- without delay -- and I thank you for holding this important hearing today.

Mr. HINCHEY. Mr. Thomson?

STATEMENT OF ROBERT E. THOMSON

Mr. THOMSON. Thank you, Mr. Chairman, members of the committee. My name is Robert E. Thomson, Chair of the Sterling Forest Corporation. I am accompanied here today by Louis Heimbach, our president, who is seated with me.

I appreciate the opportunity to testify about our company's plans for the 17,500 acres of lands which we have. We and many of our neighbors think this is the right time and the right place for our comprehensive plan for the preservation and development of the Sterling Forest community. It offers a far more attractive alternative than the suburban sprawl that is eating up other parts of Orange County, New York, and Northern New Jersey.

And while there is strong local support in our area for further development of our property, there are certainly those who would prefer to see the property purchased largely using public funding. That judgment has to be made in Washington, Albany and Trenton. But if that decision is made and backed up with funding that is certain, we are willing to sell at a fair price.

However, we continue to believe our comprehensive plan offers the best alternative for our property's future. There has been expressed concern, articulated again here today, particularly in New Jersey, on the impact further development will have on water supplies south of our property. It simply isn't true, as some have suggested, that our development plan would endanger the supply and quantity of water leaving our property and flowing into New Jersey or that the North Jersey District Water Supply Commission would have to spend millions of dollars for additional water treatment plants.

In our water quality studies we investigated the key water-related issues. To conduct these extensive scientific studies, we retained a number of engineering and scientific firms, including HydroQual, Inc., which is located in Mahwah, New Jersey. HydroQual applied highly advanced analytical state-of-the-art procedures it had developed to assess water quality impacts for a number of government agencies.

These studies use data obtained from the North Jersey District Water Supply Commission and from sampling done by HydroQual with the assistance of the Commission. With this data HydroQual was able to realistically project the degree to which our plan would affect water quality in Northern New Jersey.

Let me be clear. Extensive scientific studies based on field testing, additional research and computer-aided analysis have been done by HydroQual, Inc., nationally recognized water quality experts. HydroQual's conclusion: advanced wastewater treatment of the point sources and state-of-the-art management of nonpoint sources will provide protection of water quality in the downstream reservoir.

Projected water quality flowing from Sterling Forest lands during and upon full development of the comprehensive plan will meet all relevant New York and New Jersey water quality standards, and, in fact, will be of a higher quality than the diversion waters that are presently pumped into the North Jersey District Water Supply

Commission reservoirs from the Ramapo, Pompton and Passaic Rivers.

This is particularly so in view of the fact that other watersheds constitute more than 80 percent of the contributing drainage area to the North Jersey District system.

Our studies further provide no evidence or even suggestion that increases in water supply capital costs will result from the Sterling Forest project. To date, no scientific or other evidence has been produced by anyone to dispute those conclusions.

With the permission of the Chair, I would like to submit for the record the Freedom of Information Act request made in April of this year to the North Jersey District Water Supply Commission seeking their studies of the impact and assessment of the standards on water quality. The word came back from their attorney, and I will read it because it is very simple, "Please be advised that we have caused a search to be made for the documents you have requested and have found none. I trust this responds to your inquiry. Very truly yours. Richard T. Phillips, counsel for the North Jersey District Water Supply Commission."

[The documents follow.]

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APR - 4
April 1, 1994

North Jersey District Water
Supply Commission
One F.A. Crechio Drive
Wanaque, NJ 07465

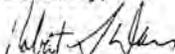
To Whom it May Concern:

Pursuant to the New Jersey Right to Know Act, N.J.S.A. § 47:1A-1 et seq., I request that the North Jersey District Water Supply Commission (the "Commission") provide me with copies of all studies or analyses conducted by or for the Commission or its employees with respect to the effect(s) of construction of the proposed project known as the Sterling Forest Comprehensive Plan. Without limiting the generality of the foregoing, I specifically request copies of all such studies or analyses having to do with the impact of such construction on water quality and/or water supply.

In the event that the Commission denies this request in whole or in part, I request that I be informed promptly of the reasons for the denial, that documents be identified with sufficient specificity to permit a decision whether or not to appeal from the denial, and that I be informed whether any responsive documents not provided to me have previously been made available to or had their contents disclosed to persons not employed by the Commission.

I authorize you to incur expenses of up to \$250 in connection with this request, and ask that you telephone me at the number printed above if you require clarification of the request or if the sum authorized is likely to be insufficient. Thank you very much for your help.

Sincerely,


Robert S. Davis

cc: Steven Mairella, Esq.

4122-1100

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TELECOPIER (212) 765-1828

April 7, 1994

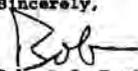
BY TELECOPIER

Steven Mairella, Esq.
Sterling Forest Corporation
R.R.#1, Sterling Lake Road
Tuxedo, NY 10987

Dear Steve:

I received a call yesterday from Jerry Notta, the General Manager of the North Jersey District Water Supply Commission. He told me (to be followed by a letter) that the Commission has conducted no studies or analyses of Sterling Forest impacts. The only data they have is the monitoring data they collect regularly.

Sincerely,


Robert S. Davis

DECOTIS, PHILIPS & LUNDSTEN

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MEMBER OF NEW JERSEY'S NEW YORK BAR

April 12, 1994

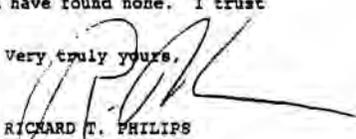
Robert S. Davis, Esq.
Berle, Kass & Case
45 Rockefeller Plaza
New York, New York 10111

Re: Starling Forest

Dear Mr. Davis:

We are general counsel for the North Jersey District Water Supply Commission and have been forwarded your letter of April 1, 1994. Please be advised that we have caused a search to be made for the documents you have requested and have found none. I trust this responds to your inquiry.

Very truly yours,



RICHARD T. PHILIPS

RTP:ibp

Mr. THOMSON. Now, we heard several other things today concerning water, and I would like to just do a little fact checking for the moment. First, I recognize that Congressman Torricelli is an extremely powerful Congressman. But no matter how powerful he is, he is not going to be able to move our land into the Newark Watershed. We are not in the Newark Watershed.

Secondly, I would point out that the Forest Service representative acknowledged that the source of their statements was someone from the North Jersey District Water Supply Commission.

To complete the link, I would like to point out to this committee that at the Senate hearing last week, Dean Noll, representing the North Jersey District Water Supply Commission, acknowledged that the statements that he had made concerning the need for additional water treatment facilities related to new standards that may be in the future established at the Federal or State level and did not specifically relate to impacts of the Sterling Forest development.

And in addition, you can see that there are no studies that were done by the Commission to backup any such assertions were any made in the past.

Next, having talked a little about water quality, I would like to just clarify a couple of facts on the Appalachian Trail situation.

First, the Appalachian Trail quarter through Sterling Forest is today in fee ownership. The National Park Service has filed a notice of condemnation to establish valuation—they have not filed yet the taking—to deal with augmentation to that trail. But they have a complete network in fee simple through the northern portion of our property.

Third, I would like to just discuss very briefly, because I think we all recognize that this is not the place to handle the negotiations with regard to valuation, but I think it is interesting to look at the history.

In 1989 there were congressional hearings and at that hearing the persons advocating acquisition of the property indicated that the value—the property could be had in total for \$25 million to \$35 million. In 1992, we had a hearing and the property was indicated in those hearings to be worth \$35 million to \$45 million. Now, last week at the Senate hearing the value was stated to be between \$50 million and \$60 million. And now we have the written testimony from the National Park Service establishing a \$70 million price. I certainly on behalf of Sterling Forest Corporation like the trend.

And again, we are not going to negotiate value here, but I would point out that the lands in New Jersey were acquired by Passaic County, an agreement reached in September of last year that established the price of \$4,400 an acre. Now that property—and that is a fact, it is on the public record.

Now the question then arises, what is the relative value of that property versus the property in New York? I can assure you from the standpoint of a company that is interested in an intelligent development of its property, number one, it is much more rugged and undevelopable—and less developable than the property in New York; number two, it does not have, as does our property in New York, an existing complete impoundment of water supply on the site; number three, there are no utilities to the site as there are

with our property in New York; number four, it is essentially a landlocked site, it does not have a four-lane State highway through it or two two-lane county routes traverse it, as does our New York property; and, number five, it is much further removed from the interstate transportation system and the railroad system that is directly adjacent to Sterling Forest.

This is, of course, part of the basis upon which we as the owners of the property continue to insist that it is worth far more than the estimates that have been provided publicly to this committee to date.

Now lastly—and I appreciate the indulgence of the committee—I just want to clarify the ownership potential if there is no acquisition of the 76 percent of the property that we have committed to remain in permanently protected open space and we say forever remove from the possibility of development.

I believe it was Chairman Vento who correctly expressed a concern: Well, what happens if 20 or 30 years from now somebody changes their mind? And that is very understandable. But Sterling Forest Corporation has said previously, and I reiterate again today, when we receive the approvals for the implementation of our comprehensive plan for the towns of Warwick, Tuxedo, and Monroe, we will make those lands available to local, State, or national public entities for donation. Absent that, because obviously, as we have heard today many concerns expressed about the administrative costs, if it is not the desire of these entities to receive these properties, we will place them in a 501(c)(3) Federally tax-exempt conservancy organization, we will provide funding for that conservancy to maintain the properties, and we will issue conservation easements to anybody that is legally entitled to receive them—conservation groups, State agencies, or Federal agencies. With multiple conservation easements and with a secure source of funding for the maintenance of the land, we stand confident that the property can be forever removed from the possibility of development.

Thank you for your patience.

[Prepared statement of Mr. Thomson follows:]

Statement of Robert E. Thomson
on Behalf of Sterling Forest Corporation

Presented at a Hearing on H.R.2741
(authorizing funds for acquisition of land owned by
Sterling Forest Corporation)

Subcommittee on National Parks, Forests and Public Lands
U.S. House of Representatives Committee on Natural Resources

Thursday, May 26, 1994

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Topical Outline

- I. Special Property = Special Responsibility
- II. Scientific and Technical Studies
- III. Water Quality Protected
- IV. The Right Time for the Right Plan

Recommendation: The best alternative is implementation of the Sterling Forest Corporation's Comprehensive Plan to set aside 76 percent of Sterling Forest's lands as permanent open space, protect a vast part of the natural environment and all sensitive ecological areas, create new homes and jobs for the local community and be protective of New Jersey's water supply -- at no cost to the taxpayer. But if the decision is made to publicly acquire some or all of Sterling Forest's lands, Sterling Forest Corporation is a willing seller at a fair price.

Mr. Chairman and Members of the Committee:

My name is Robert E. Thomson, chair of the Sterling Forest Corporation.

I appreciate the opportunity to testify today about my company's plans for its 17,500 acres of land located in the Orange County, New York towns of Tuxedo, Warwick and Monroe, about 40 miles north of Manhattan.

While the property is largely undeveloped, more than 400 families live in private homes and about 2,000 people are employed at a number of corporate research and office facilities, including our own. It is traversed by several miles of a 4-lane highway, by two county routes, and by two major interstate electrical transmission line corridors.

Today, the general public has access to a range of recreational activities on the property, including hunting, fishing, hiking and skiing.

Special Property = Special Responsibility

We recognize that the special nature of the property gives us a special responsibility. So from the beginning, we wanted to set a new standard for environmental planning and open space. It's what the community wants, and it makes good business sense for us.

We set out to have our plan flow from the land and the environment, and we have taken extraordinary -- even unprecedented -- measures to create a plan that strikes a careful balance between the needs of the public and the environment.

As a result, our "Comprehensive Plan for the Preservation and Development of the Sterling Forest Community" dedicates 76 percent of the property -- more than 13,000 acres -- as permanently protected open space, while providing environmentally-integrated housing, recreational areas and commercial facilities on the remainder. More than 12,600 acres of the open space will be devoted to nature preserves that retain and protect critical wildlife habitats, plant communities and wetlands. When our plan is approved, all this open space will happen at no cost to taxpayers.

It's a plan that the American Planning Association says ... "reads like a textbook of good planning, with provisions for open space, energy-efficient

transportation, affordable housing and economic development."

Scientific and Technical Studies

I want to tell you a little more about the detailed scientific and technical studies we made of key environmental factors associated with the development, because I think it relates directly to the environmental interests of this subcommittee, and will help correct some of the misinformation that has been issued about the effect of our Plan on local water quality.

In 1989 -- uniquely, even before we started preparing our plan -- we assembled a team of environmental scientists, engineers, and technical experts to explore and help us understand such issues as water supply, water quality, slopes, soils, animal life and wetlands.

Our goal was to know our property, its environment and its ecology better than anyone else, before drafting our plan for further development. I think our Comprehensive Plan, which was completed in 1991, reflects the thoroughness and effectiveness of this process.

Water Quality Protected

There has been some concern expressed -- particularly in New Jersey -- on the impact further development will have on water supplies south of our property.

It simply isn't true as some have suggested that our development plan would endanger the supply and quality of water leaving our property and flowing into New Jersey, and that the North Jersey District Water Supply Commission would have to spend millions of dollars for additional water treatment plants.

In our water quality studies prior to the drafting of our Comprehensive Plan, we investigated key water-related issues -- from wastewater treatment and non-point source runoff to flood control.

To conduct these extensive scientific studies, we retained a number of engineering and scientific firms including HydroQual, Inc., a leading environmental engineering firm specializing in the analysis of natural water systems and wastewater treatment processes. In its studies, HydroQual -- which is located in Mahwah, New Jersey -- applied the highly advanced analytical procedures it had developed to assess water quality impacts especially

algae in Long Island Sound and in the Chesapeake Bay. These procedures are state-of-the-art and have been applied in studies for a number of government agencies.

These studies used data obtained from the North Jersey District Water Supply Commission, and from sampling done by HydroQual with the assistance of the Commission. With this data, HydroQual was able to realistically project the degree to which our plan would affect water quality in Northern New Jersey.

As a result, our Comprehensive Plan outlines carefully-designed flood control measures, and details privately-funded state-of-the-art watershed protection and wastewater-management techniques which meet the relevant water quality standards of both New Jersey and New York.

Let me be clear. Extensive scientific studies based on field testing, additional research and computer aided analysis has been done by HydroQual, nationally recognized water quality experts. While the concern is understandable, HydroQual's conclusion:

Advanced wastewater treatment of the point sources and state-of-the-art management of non-point sources will provide protection of water quality in the downstream reservoir. The projected water quality flowing from Sterling Forest lands, during and upon full development of the Comprehensive Plan, will meet all relevant New York and New Jersey water quality standards, and in fact, will be of a higher quality than the diversion waters presently pumped to the NJDWSC reservoirs from the Ramapo, Pompton and Passaic Rivers.

Changes in water quality in the water supply reservoirs downstream of Sterling Forest's project area are projected to be minor compared with existing conditions. This is particularly so in view of changes that may occur due to future development in the other water sheds that feed these reservoirs and the fact that those water sheds constitute more than 80% of the contributing drainage area to the NJDWSC system.

Our studies provide no evidence, or even suggestion, that increases in water supply capital costs will result from Sterling Forest's project.

To date, no scientific or other evidence to dispute these conclusions has been produced by anyone, and this includes the North Jersey District Water Supply Commission.

The Right Time for the Right Plan

Our Comprehensive Plan provides significant open space protection, water quality protection, new jobs, affordable homes and economic growth.

We and many of our neighbors think this is the right time and the right place for the Comprehensive Plan. It offers a far more attractive alternative than the suburban sprawl that is eating up other parts of Orange County, New York and northern New Jersey.

We are in the process of securing local approvals for our Comprehensive Plan. Later this year, we anticipate release of the Plan's Draft Environmental Impact Statement by the New York State Department of Environmental Conservation, and we will continue to promote public knowledge and discussion, because we believe that correct information and broad understanding will lead to good decisions.

While there is strong local support in our area for further development on our property, there also are those who would prefer to see the property purchased, largely using public funding. That judgment has to be made by Washington, Albany and Trenton. If that decision is made, and backed up with funding that is certain, we are willing to sell at a fair price. However, we continue to believe our Comprehensive Plan offers the best alternative for our property's future.

Thank you for your time and I'd be glad to answer any questions.

Mr. HINCHEY. Mr. Thomson, thank you very much.

Is there any other testimony?

Mr. HALL. I'll go next. I'm Jim Hall from New Jersey.

Mr. HINCHEY. Oh, yes, Mr. Hall, please.

STATEMENT OF JIM HALL

Mr. HALL. I will summarize my comments as well.

From the State of New Jersey we have expressed an interest and desire to work with all of the other parties involved here in the preservation of Sterling Forest. I think there have been many comments placed on the record—I have full testimony that will go into the record as well—that express the values of this property, express the concerns of urbanization in the area and how that has threatened open space and fragmentation of forested habitat and water supplies.

These losses to open space are predicted to continue, and most disturbing is the pattern of urbanization that is creeping across the part of the metropolitan area that has functioned as a de facto greenbelt to one in 12 Americans that live in this region. It is here in this sweep of forested lands that arch across northern and western counties of New Jersey into the southern central counties of New York where resources lie that protect and provide the metropolitan region with water supplies, clean air, ecological diversity, and recreational opportunities. Sterling Forest lies nearly dead center in this arch of open space.

Among the many important environmental features that have been outlined here today, they have been studied over the years ad infinitum, and there are many reports on the record which are voluminous, and each and every one of those reports that have come about have indicated one clear and emphatic response, and that is that Sterling Forest should be preserved.

The State of New Jersey has long recognized the importance of this tract of land, its headwaters to the Wanaque and Monksville watershed which flow from Sterling Forest Tract, and development of this area could seriously threaten drinking water supply for many thousands of our citizens.

Concern for this threat was a strong factor in New Jersey's and Passaic County's decision to acquire over 2,000 acres of Sterling Forest Tract that lie within New Jersey's side of the border. Protection of water quality and quantity in our reservoirs is a critical concern to New Jersey. Ultimately our State's economic viability and vitality will be determined by the ability of our natural environment to support and sustain our growth, growth that is appropriate in rural, suburban, as well as revitalizing our cities.

The State of New Jersey has been prioritizing and acquiring open space in the Highlands Region generally in this context of greenway planning. Through State and local projects, New Jersey has spent and committed nearly \$40 million of open space funding for the Highlands generally, and, as noted, in association with Sterling Forest Tract through Passaic County, we have committed nearly \$9 million.

Further, New Jersey has committed to Sterling Forest acquisition its entire share of the U.S. Forest Service appropriation under Forest Legacy Funds for 1993, and the State stands ready to ex-

plore other options for funding assistance to ensure the Sterling Forest Tract is, in fact, preserved and will do so in a cooperative venue.

I know that the congressional delegations from the States of New York and New Jersey are concerned with ensuring that our States grant a fair distribution of Federal funding for open space acquisition. It has been noted, our comparisons between the Eastern Seaboard and the western States show great disparity. New York, New Jersey, Connecticut together have been appropriated less than 2 percent of the total Federal Land and Water Conservation Funds over the last six years. That is less than 2 percent of dollars for more than 10 percent of the country's population. In fact, all of New England only accounts for 11 percent of the total appropriations. In contrast, western States have been appropriated nearly 45 percent of these funds in that same period of time, with California alone receiving 20 percent.

As you noted, for years the Federal Government has been encouraging States to enter into innovative partnerships with local governments, nonprofit groups, and foundations to protect our natural lands. We have been doing just that, and the opportunity has been crafted by New York, New Jersey, and Palisades Interstate Park Commission to create a unique partnership with the Federal Government. If Congress wishes to make a meaningful difference in the future of 20 million Americans of this region, now is the time and Sterling Forest is the place to do so.

The forest and open spaces of suburbanizing States are vanishing, and the impacts of these losses are dramatic. The people of New York and New Jersey look towards Congress not to lead us but to walk with us as a partner towards a sustainable, economic, and environmentally balanced future for our region. Whichever path is taken at this juncture is one which we will not likely be able to retrace. It is for this reason that Federal support for the preservation of Sterling Forest is particularly timely and critical.

The issue is clear. Preservation of Sterling Forest is in our regional as well as our national interest, and we urge the support of H.R. 2741.

Thank you.

[Prepared statement of Mr. Hall follows:]

House Natural Resources Committee
Sub-Committee on National Parks, Forests, and Public Lands

H.R. 2741

May 26, 1994

Testimony of Jim Hall, Assistant Commissioner
New Jersey Department of Environmental Protection and Energy

Mr. Chairman and Members of the Sub-Committee, my name is Jim Hall, Assistant Commissioner in the New Jersey Department of Environmental Protection and Energy. I thank you for giving me the opportunity to represent the State of New Jersey's interests here today on this important issue before you.

These discussions regarding the ultimate fate of Sterling Forest are of not only critical importance to New Jersey, but the entire New York metropolitan region. The New York/Connecticut/New Jersey metropolitan region is home to over 20 million people. Population growth in this region has been moderate, only six percent in the last 25 years. However, the urbanized lands of this region have increased by an astonishing sixty percent over the same time period. What that means, plain and simple, is that we are consuming our open spaces, forested lands and agricultural areas at an alarming and ecologically threatening rate.

The losses of open spaces are predicted to continue. Most disturbing is that the pattern of urbanization is creeping across that part of the metropolitan area that has functioned as a defacto greenbelt to the one in twelve Americans that live in this region. It is here, in this sweep of forested lands that arch across the northern and western counties of New Jersey into the south central counties of New York, where the resources lie that protect and provide the metropolitan region's water supplies, clean air, ecological diversity, and recreational opportunities.

Sterling Forest lies nearly dead center in this arch of open spaces. Sterling Forest is the single largest tract of relatively undeveloped forested land held by one private owner. It's important environmental features have been researched, studied, documented and scrutinized, ad infinitum over the course of the last ten years. The record of public review and comment is impressive and voluminous. State and regional studies have been conducted by New Jersey, New York, the Palisades Interstate Park Commission and the Regional Plan Association. The U.S. Forest Service undertook the Highlands Regional Study and Congress itself conducted hearings on Open Space in Urban Corridors held on one occasion in Tuxedo, New York, a neighboring village to Sterling Forest. In each and every public study and review process one emphatic conclusion has been reached in regard to Sterling Forest - preserve this acreage as open space.

The State of New Jersey has long recognized the importance of this tract of land. The headwaters of the Wanaque/Monksville watershed flow from the Sterling Forest tract. Development of this area could seriously threaten the drinking water supply for many thousands of our citizens. Concern for this threat was a strong factor in the State of New Jersey's and Passaic County's decision to acquire the 2,070 acres of the Sterling Forest tract that lay on the New Jersey side of the border.

Protection of water quality and quantity in our reservoirs is a critical issue in New Jersey. For example, a moratorium on the sale of lands held for water supply protection has been in effect for six years. New Jersey is not alone in its desires to proactively protect reservoirs. All across New England, states are drafting laws to protect watershed lands, and open space planners are mindful of the priority these properties warrant.

Ultimately, our state's economic vitality will be determined by the ability of our natural environment to support and sustain our growth - growth that is appropriate in rural and suburban areas as well as in revitalization of our cities. New Jersey has adopted a State Development and Redevelopment Plan which will help guide us in achieving our goals. In this Plan, growth is directed away from environmentally sensitive areas, towards town centers and existing infrastructure. Agricultural areas and forested lands are to be protected and linked in a series of greenways. These greenways will serve to bound sprawl and provide for recreation as well as serving to protect an ecological balance.

The State of New Jersey has been prioritizing and acquiring open space lands in the Highlands Region within the greater regional context of greenway planning. The achievement of contiguous, publicly owned tracts of open space reaching from New Jersey's border with Pennsylvania across New York and into Connecticut is a very practical and very necessary task before us. Through local and state projects, New Jersey has spent or committed nearly \$40.0 million of open space funding for the Highlands region over the last few years. Further, New Jersey committed to a Sterling Forest acquisition its entire share of the U.S. Forest Service appropriation of Forest Legacy funds for 1993. We are also prepared to explore other options for possible funding assistance to ensure that the Sterling Forest tract is preserved.

Representatives from the Palisades Interstate Park Commission and the State of New York will detail to you their institutional and financial commitments on this parcel. Nonprofit conservation groups will outline the critical environmental resources of the tract and their efforts to preserve and protect these resources. Regional planners will emphasize to you that the area's demographic and economic dynamics will ultimately fracture the expanses of open space tenuously still perched in this region. Much of the testimony, mine included, will reemphasize the public's, the conservationists' and the states' interest in Sterling Forest. It is ultimately up to the Congress of the United States to recognize and act upon the national interest enveloping 17,500 acres of forested lands in Orange County New York.

I know that the congressional delegation from the States of New Jersey and New York are concerned with ensuring that our states be granted a fair distribution of federal funding for open space acquisition and management. Our region is densely populated and the opportunities for creation of dramatic new National Parks or National Forests may not exist here as they do in the vast expanses of some of the western states. We are not talking about millions of acres of wilderness here. But for the people of this region, every one of the 17,500 acres of Sterling Forest is critical.

In New Jersey there are 10 people for every acre of publicly owned open space, only 3 percent of which is federal. Likewise, in New York, the federal government has purchased less than 3 percent of New York's open spaces. New York, New Jersey and Connecticut rank among the bottom five states for total federally owned open space per capita.

Additionally, New York, New Jersey and Connecticut together have been appropriated less than 2% of the total federal Land and Water Conservation Fund acquisition dollars over the last six years. That is less than 2% of the dollars for more than 10% of this country's population. In fact, all of New England only accounts for 11% of the total appropriations. In contrast, the Western states have been appropriated nearly 45% of these funds. California, all by itself, has had nearly 20% of the total appropriations directed its way.

Out west 1 million acres of preserved open space may make headlines. Here, for us, every few acres of preserved open space plays an important role, defining our community character and protecting our ecological resources. But if there is such a thing as a basic economic theory it is this -- scarcity drives up the price of a commodity. Finding adequate financial resources to purchase our valued and valuable open spaces is always challenging. That is one reason why the northeastern states have become increasingly creative in our protection strategies.

For years the federal government has been encouraging states to enter into innovative partnerships with local governments, nonprofit groups and foundations to protect our natural lands. We have been doing just that and the opportunity that has been crafted by New York, New Jersey and the Palisades Interstate Park Commission is a unique example of a partnership the federal government should help to sponsor.

If congress wishes to make a meaningful difference in the future of the 20 million Americans of this region, now is the time and Sterling Forest is the place to do so. The forests and open spaces of suburbanizing states are vanishing and the impact of these losses are dramatic. The people of New York and New Jersey look toward congress, not to lead us, but to walk with us, as a partner, towards a sustainable economic and environmentally balanced future for our region.

Whatever path is taken at this juncture is one we will not likely be able to retrace. It is for this reason that federal support for the preservation of Sterling Forest is particularly timely and critical. The issue is clear - preservation of Sterling Forest is in our regional as well as our national interest.

Mr. HINCHEY. Thank you, Mr. Hall.
Mr. Noll.

STATEMENT OF DEAN C. NOLL

Mr. NOLL. My name is Dean Noll. I am the recently retired chief engineer of the North Jersey District Water Supply Commission, after 43 years with that group.

In the 1920's, the North Jersey Water Commission followed the lead of the Romans and went upstream into the headwaters of the Passaic Basin to get above the sources of pollution. We built the Wanaque Reservoir at that time. In the last 10 years, we have spent over \$100 million in resource development and water treatment plants. Today, 25 percent of New Jersey's population receives water from either the Monksville or the Wanaque Reservoir.

Hierarchy of water resource management source protection is the most reliable guard against pollution. The New York Academy of Medicine just a few years ago came to that same conclusion when they were investigating the effects on development in the New York City watersheds.

Facing us today we have a proposal of an actual city being located about two miles above our reservoirs. This would be a city of 35,000 or 50,000 people, 8 million square feet of commercial development.

Yes, we realize that Sterling Forest has made computer studies and guestimates and projections as to what would happen based on today's current standards. However, we know that these standards are frequently being changed. Many of the pollutants that we are looking at today we didn't even know about 10 years ago. Cryptosporidium, giardia, volatile organic chemicals, synthetic organics, disinfection by-products, all of these have come about very recently and I am sure are not included in much of the work that is being done. We don't even know what we will be treating for 10 years down the line because, as our ability to measure different constituents becomes more acute, we can go down into finer and finer concentrations.

When we asked the Sterling Forest group would they give a commitment of no degradation of the streams, their answer was, "No, we will meet the current standards." Those standards are constantly being changed. Will it require us to spend more money for water treatment plants? We don't know. We don't know what the Federal guidelines are going to be 10 years down the line. We know that they are getting more and more stringent all of the time.

We also know that the arsenal of chemicals that we use to combat some of these things is constantly being decreased. We can't use the volumes of chlorine that we used to use for bacteria control. We can't use copper sulfate in the same way as we used to for control of algae in the reservoirs because of the Federal standards on lead and copper. So without knowledge of where we are going to be in the future, we have to rely on source protection.

The wonder of Sterling Forest is that it exists at all so close to centers of population, but this is brought about primarily because of its topography, steep slopes, which, when developed, will cause silt to flow into the streams. The heavily forested area gives protection against that kind of pollution today.

The sewage treatment plants that are going to be built on this watershed will be discharging approximately 3 million gallons a day into our facilities. These will have to be very sophisticated sewage treatment plants. It will require technicians with a high degree of knowledge. They come not cheaply. Will the municipalities be willing to spend the necessary money to hire the type of technicians that are required to operate these sewage treatment plants?

Finally, we have the nonpoint sources of pollution, everything that goes on the land from herbicides and pesticides and fertilizers on the lawns to drippings from the automobiles, crank case oils, anti—various items of pollution that we are now capable of measuring that will be coming down to us, swept down the gutter directly into the stream through piping without benefit of overland flow where the land actually absorbs some of this material and holds it back.

The topography which has prevented farms from being built, development from coming in there, makes it bad for development but good for hikers, for hunters, for campers, and for watershed properties.

What are our future generations going to ask us? Are they going to say, "Didn't you know enough to protect your sources of water supply?" I hope we give them the right answer.

Thank you.

[Prepared statement of Mr. Noll follows:]

CONGRESSIONAL HEARING
on
STERLING FOREST

PRESENTATION
OF THE
NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

by
DEAN C. NOLL, P.E.

MAY 26, 1994
WASHINGTON, D.C.

TESTIMONY - STERLING FOREST

Mr. Chairman and distinguished Committee Members:

Thank you for the opportunity to present our views to Congress in support of S. 1683 and H.R. 2714 to authorize and appropriate \$35 million toward the acquisition of the 17,500 acres of forest land in New York State at the border with New Jersey known as Sterling Forest and for the opportunity to give testimony concerning one of the most compelling issues of our time -- protection of our environment by preserving open space and the quality of our drinking water supplies.

My name is Dean C. Noll, P.E., former Chief Engineer of the North Jersey District Water Supply Commission. The Commission was created by an act of the New Jersey Legislature in 1916 to develop, produce, treat and maintain adequate sources of potable water, in compliance with state and federal regulations, to meet the present and future needs of New Jersey residents. Nearly 2 million people, 25 percent of the population of New Jersey living in 90 northern New Jersey municipalities, receive water from our two reservoirs, the Wanaque and Monksville, having a combined capacity of over 36 billion gallons.

The 29 billion gallon Wanaque Reservoir was completed in 1928 for the municipalities of Paterson, Passaic, Clifton, Kearny, Glen Ridge, Montclair, Bloomfield and Newark. As consumption grew, additional storage was required, and in 1987 the 7 billion gallon Monksville Reservoir was completed for the benefit of Bayonne, Bloomfield, Cedar Grove, Kearny, Wayne, Newark and Nutley and the Hackensack Water Company.

In the past 10 years, the Commission has spent over \$100 million in expansion of its treatment facilities and in development of its water resources and reservoirs. These projects are evidence of our total commitment to fulfill our obligations to the citizens of New Jersey to supply them with pure, potable water and to protect these water sources for future generations.

Our two reservoirs receive water from a 94 square mile watershed, portions of which extend across the state line into New York. Approximately 20 percent of our watershed is in the New York portion of Sterling Forest. The source of this water supply includes the most northern portion of the Passaic River Watershed, in which Sterling forest is located and includes the Ringwood Creek and Jennings Creek, which flow south into New Jersey. If the proposed development were to take place, these water courses would be in jeopardy of pollution and thereby threaten to degrade our water supply. The NJDWSC, therefore, has a great interest in any activities taking place on this tract of land.

In our review of the report on Conceptual Alternatives distributed by Sterling Forest Corporation, we note that the study concludes that 51 percent of this rugged and naturally scenic site is potentially developable. It appears that the remaining 49 percent is either wetlands or has extremely steep slopes. The Sterling Forest's "Principles Based Concept" to no one's surprise, produces the greatest number of housing units and the greatest population density. The

Corporation is quick to point out that this concept is "compatible with the Corporation's desire to realize a fair economic return on its property". According to the report 75% of the total land under this proposal would remain "open" land. Their definition of "open" includes community parks, golf courses, and ski runs as well as land remaining in its natural state, land which will no longer have the continuity of large tracts but land which will be cut into smaller blocks by this development and the required access roads. All concerned must ask themselves, "Is development of this area the best use of this property?" Certainly not environmentally and probably not even from an economic viewpoint when all of the costs and effects, both short-term and long-term are factored in.

The NJDWSC's primary concern is the pollution that would result from the development of this land and from the potential population of 35,000 to 50,000 people that may be dwelling thereon, as well as the 8 million square feet of commercial buildings. The Sterling Forest Corporation envisions development of up to 5 million gallons a day of surface water supply from the lakes and reservoirs that are on the land to meet the demands of the residents and commercial properties. This water would be used domestically and commercially and returned to the streams in the form of treated sewage. Nearly 2 million gallons per day would be diverted out of the watershed and discharged into the Ramapo River. The remaining 3 million gallons per day would flow into streams making up the Ringwood Creek, many of which now go dry during drought, would have even less natural flow in them after this development due to the fact that the reservoirs would no longer overflow in the summer since they would be lowered by domestic consumption. We would expect that New York would insist on a very high degree of sewage treatment, since the discharge from the sewage treatment plants would be into intermittent streams, i.e., streams that dry up in periods of low runoff. This then raises the question of ownership and operation of these complex sewage treatment plants. Are the local municipalities or any other entity such as home owners' associations, going to be willing to assume ownership and operation of these complex and sophisticated sewage treatment plants? Are they going to be willing to pay the required salaries of the highly-trained technicians, and the laboratory, chemical and maintenance costs associated with these plants to protect the water resources of the water users across the state line?

It is not only the discharge from these sewage treatment plants that gives us cause for concern, but the products of erosion, the mud and silt that will wash down into the streams during development of these steep slopes when buildings are constructed and roads are installed and the natural protective vegetation is destroyed. This silt can clog stream beds, cover gravel bottoms and adversely change the character of the stream and type of biota it will support. After development, we are concerned with the urban non-point pollution from runoff from the roads, the parking lots and the lawns which will carry oils, salt, fertilizers, herbicides and pesticides among other things into these high-quality streams.

Roads require drainage systems with a goal of moving storm water rapidly through a pipe to a stream. In so doing, flushing all of the pollutants that have accumulated on driveways, gutters and streets down the catch basins into the drainage pipes and to the stream, joining air borne pollutants that have settled as dust on rooftops; lawns are flushed of pesticides, herbicides and fertilizers; pet feces, road salts and petroleum products are all added to this polluting mix that

enter the stream from the pipe without benefit of natural filtration and absorption by the soil and vegetation.

We classify this brew as "non-point" pollution which does not require discharge permits and has no quality standards applied to it and may be worse to the life of the stream than untreated domestic sewage.

Even if best management practices are applied in an attempt to control this type of pollution, it has been shown that traditionally the facilities are not well maintained and soon become nearly useless.

Thus, we must recognize that in the hierarchy of water resource management, source protection is the most reliable method available to safeguard drinking water quality and quantity. A study by the New York Academy of Medicine, in response to growing concerns about New York City's drinking water quality, stated that reliance primarily on filtration to remove infectious agents is an inadequate method of protection. This study dealt with a region not far from Sterling Forest and indicated that contaminants in water supply if not properly controlled could cause health problems of epidemic proportions. The issues and recommendations from this report include:

1. *The perceived threats to water quality are primarily biological due to increasing sewage flows in watershed areas, inadequate treatment of these flows, and a realization that increased populations of microbes, some being chlorine-resistant, exist in this sewage. Chemical contamination due to household chemicals, agricultural chemicals, road salts, and possibly industrial chemicals is increasing due to watershed development. At the same time, despite existing controls, wetlands that could serve as sinks for these contaminants continue to disappear.*
2. *The historical waterborne diseases, such as typhoid and cholera, are no longer considered a current threat because of the effectiveness of time delay in reservoirs, chlorination, and other forms of disinfection. Instead, the threat arises from emergence of chlorine-resistant agents, such as cryptosporidia and giardia, and the contribution of chemical and metal contaminants that can effect the health of the public.*
3. *The primary approach to controlling these threats should be the time-tested methods of prevention by source protection, i.e., specific limitations on activities in the watershed with an emphasis on limiting discharges and establishing buffer zones near reservoirs, streams and wetlands followed by multiple barriers against threats that evade the protective measures applied in the watershed. No known technology can completely substitute for these preventive measures in providing safe water.*

We have to ask ourselves -- does it make sense to locate a city of 35,000 to 50,000 people with commercial facilities just above two of the major water supply reservoirs in the State of New Jersey; reservoirs that supply water to 25 percent of the State's population? These reservoirs were located upstream above the sources of pollution and the water is transported to the cities

in huge aqueducts much the same as the Romans did 2,000 years ago. Now the Sterling Forest Corporation proposes to move the source of pollution, i.e., their development, above the reservoir. What kind of logic is this?

Since we cannot move the reservoirs, is the answer to build more treatment facilities and use more chemicals? The water supply industry join with the New York Academy of Medicine in recognizing that the best defense against pollution is a multi-barrier approach, with protection of the source water being one of the most important aspects in the system. Of course, treatment and filtration facilities and the use of chemicals will remain, but these cannot obviate the necessity of keeping the source water as clean as possible.

The dirtier the source, the more chemicals are required and the larger the filtration plant must be. As our ability to measure smaller and smaller amounts of pollution in our waters increases, we are finding new pollutants that we were unconcerned with or unaware of even 20 years ago: Pollutants such as various synthetic organics, giardia, cryptosporidium and disinfection byproducts.

In many cases, chemicals like chlorine which has been the most widely used disinfectant are now recognized as being sources of possible carcinogens when they combine with pollutants in the source water forming disinfection byproducts (DBP). We are now finding that other disinfectants such as ozone may have their own DBPs. Source protection is vital!

The water supply industry is caught between the hammer and the anvil. The Federal Government is telling the industry to reduce the use of chlorine, to reduce the DBP and at the same time, deal with waters in which we are finding concentrations of new pollutants due to our increased ability to measure smaller and smaller concentrations and our ability to identify new pollutants. The same water once classified as clean is now considered polluted.

Since the enactment by Congress of the Clean Water Act, we have learned that control of point sources of pollution alone do not provide us with high quality water. We have come to realize that non-point sources of pollution are not only major pollutants of our rivers and streams but that this diversified source is most difficult to identify and control.

Standards and classifications for stream quality have been established by both New York and New Jersey; however, the parameters leave much to be desired since they do not include many pollutants for which there are currently no standards. A policy of "non-degradation" apparently is not acceptable to either New York or New Jersey, but this along with control of non-point sources is what would be required to maintain the quality of these streams in their current conditions.

In order to assure that our water supplies remain of high quality and adequate quantity, the NJDWSC has been involved in efforts to establish better water quality standards with the States of New York and New Jersey which would respond to the recommendations presented by the New York Academy of Medicine. The Academy recognized that "a practical system must be established for limiting development of land adjacent to the reservoirs, tributaries, streams, and

wetlands." They emphasized that "This may ultimately lead to the need for the State to purchase that land..."

Thus, as a part of the NJDWSC's appraisal of those watershed lands which drain into our water supply reservoirs, we have unanimously passed a resolution on August 20, 1993 in support of the acquisition of the 17,500 acre Sterling Forest lands. In addition, we are pleased to present for the record, a copy of New Jersey Assembly Resolution No. 68, which memorializes the Congress of the United States to enact proposed federal legislation to acquire and permanently maintain as open space that area of the State of New York known as Sterling Forest and was passed by a vote of 74-0 by the New Jersey Assembly on April 25, 1994.

The axiom that pollution does not recognize any boundaries is well demonstrated by the potential impact of the proposed development of Sterling Forest. The contamination of New Jersey's water supplies would require the expenditure of millions of New Jersey taxpayer dollars. New York would be under no obligation to contribute to corrective actions unless costly and cumbersome legal actions were undertaken. Thus, having Congress appropriate funds for the preservation of Sterling Forest would not only preserve a national treasure, but it would avoid major future expenditures to correct water pollution problems.

While technology has achieved wonders in this world, no substitute exists for the ability of the natural system when it functions efficiently. The head waters of the streams and rivers feeding New Jersey's primary water supply find their beginnings in Sterling Forest. Seeking to protect our water supply is a necessity on which the health of our total society is dependent, but it is not only the reservoir supplies that would be protected by purchase of this property but the entire run of the streams and the biota they support. To be able to appear before Congress today and still identify 17,500 acres of watershed lands so close to the New York Metropolitan area is an opportunity to be taken with great enthusiasm.

One of the most remarkable aspects of Sterling Forest is that it exists in an unfragmented block of 17,500 acres so close to so many people. However, the topography of this vast forest, rugged, steep, wet and rocky has protected it from development in the past; characteristics that are good for animals, birds, reptiles, hunters, hikers and especially watershed lands but characteristics that make it difficult to farm or develop.

We have an opportunity to preserve this multifaceted jewel, but this opportunity may soon pass. For years we have seen huge expenditures of federal dollars to preserve lands in the West. Is not this area entitled to some of the same considerations?

On behalf of the North Jersey District Water Supply Commission and the people it serves, we urge you to take swift action to adopt S. 1683. Thank you.

/ged
5/12/94

64-20-24 01/5/70 FROM ASSEMBLY MANUSCRIPT

TO 41/10/1970/2750

FOG

*Adopted
4/25/94 -
Earth Day in
Trenton*

AN ASSEMBLY RESOLUTION memorializing the Congress of the United States to enact proposed federal legislation to acquire, and permanently maintain as open space, that area of the State of New York known as Sterling Forest.

WHEREAS, The New Jersey Legislature has often recognized the need to assure clean and adequate drinking water supplies for the people of New Jersey; and

WHEREAS, The New Jersey Legislature, in accordance with the mandate provided by the people of New Jersey, continues to support initiatives that would provide open space and outdoor recreation and preserve ecosystems and wildlife habitat; and

WHEREAS, Sterling Forest, a 17,500 acre site in the State of New York, is under consideration for acquisition and permanent preservation by the Palisades Interstate Park Commission; and

WHEREAS, The Palisades Interstate Park Commission is a respected, competent bi-state manager of parks and historic sites, has served in such capacity for almost a century, and has operated under a federally approved compact since 1937; and

WHEREAS, Nearly 100 percent of the land in Sterling Forest affects the watersheds that supply water to two million people in the State of New Jersey; and

WHEREAS, The acquisition of Sterling Forest would protect the high quality and quantity of raw water supplies for the Monksville and Wanaque Reservoirs, which are managed and operated by the North Jersey District Water Supply Commission; and

WHEREAS, This water supply is of major importance to the health and well-being of the people and the economy of the State of New Jersey; and

WHEREAS, Legislation currently pending in the Congress of the United States would authorize a federal appropriation of up to \$25 million to the Palisades Interstate Park Commission for land acquisition at Sterling Forest, New York; now, therefore,

BE IT RESOLVED by the General Assembly of the State of New Jersey:

1. The Congress of the United States is memorialized to enact proposed federal legislation to acquire, and permanently maintain as open space, that area of the State of New York known as Sterling Forest.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, every member of Congress elected from the State of New Jersey and from the State of New York, the Governor of the State of New Jersey, the Governor of the State of New York, the Palisades Interstate Park Commission, the North Jersey District Water Supply Commission, and the Passaic River Coalition.

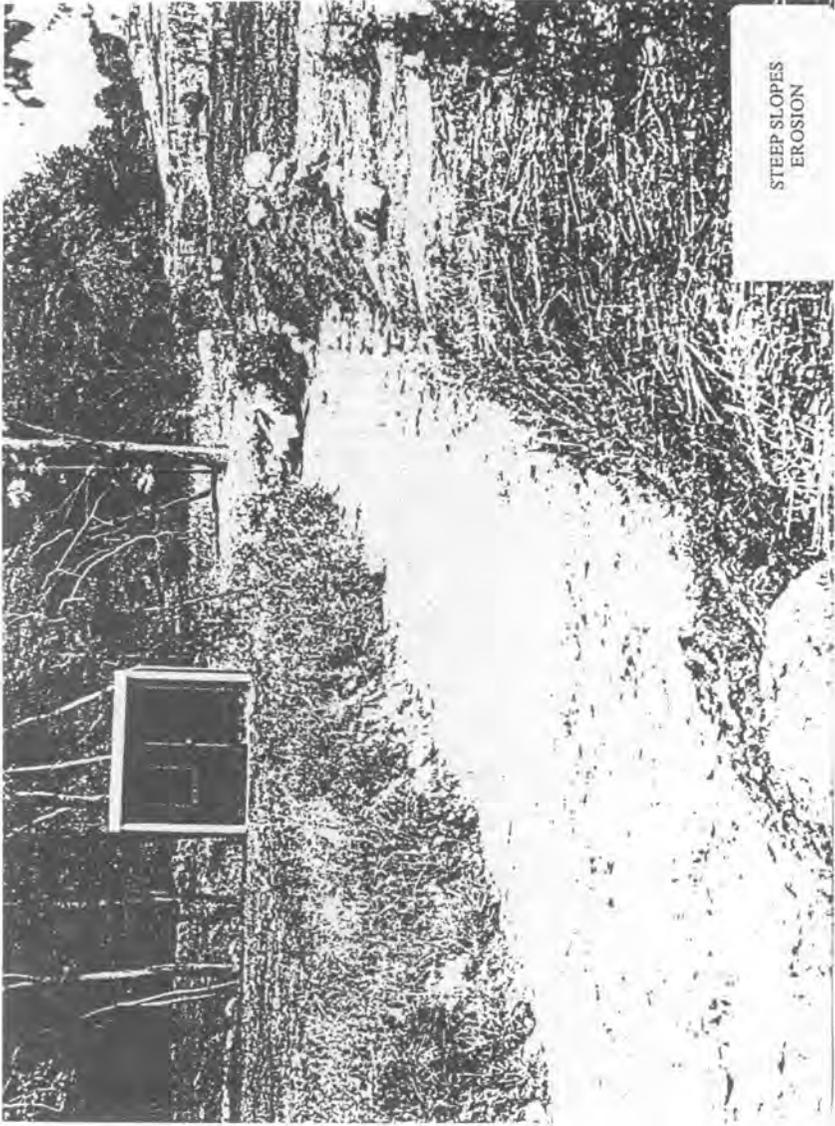
STATEMENT

This resolution would memorialize the Congress of the United States to enact proposed federal legislation to acquire, and permanently maintain as open space, that area of the State of New York known as Sterling Forest.

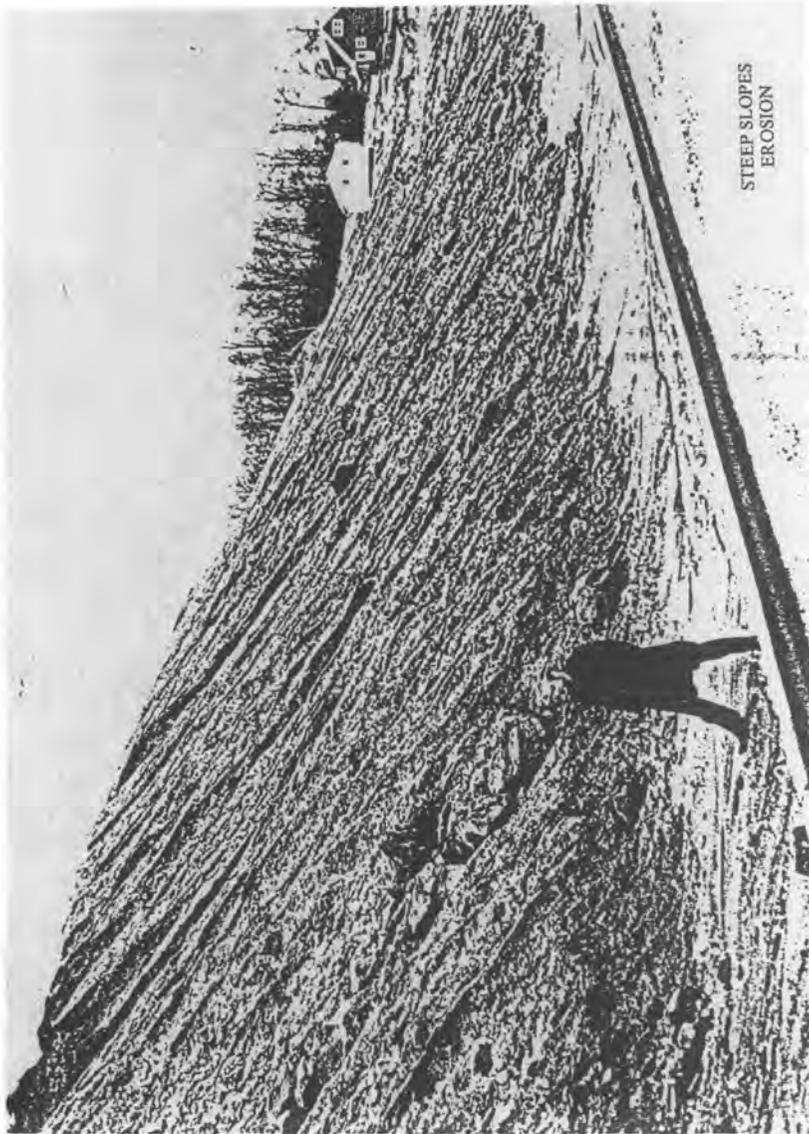
Sterling Forest, a mostly privately owned tract of open space approximately 20,000 acres in size located in southern New York and northern New Jersey, is one of the last major undeveloped areas in the New York City metropolitan area. Two important northern New Jersey drinking water sources, the Monksville Reservoir and the Wanaque Reservoir, are fed by streams with headwaters in Sterling Forest, and these reservoirs supply drinking water to almost two million people. Sterling Forest is imminently threatened with large-scale development that is likely to have severe environmental consequences and threaten water supplies such as the Monksville and Wanaque reservoirs.

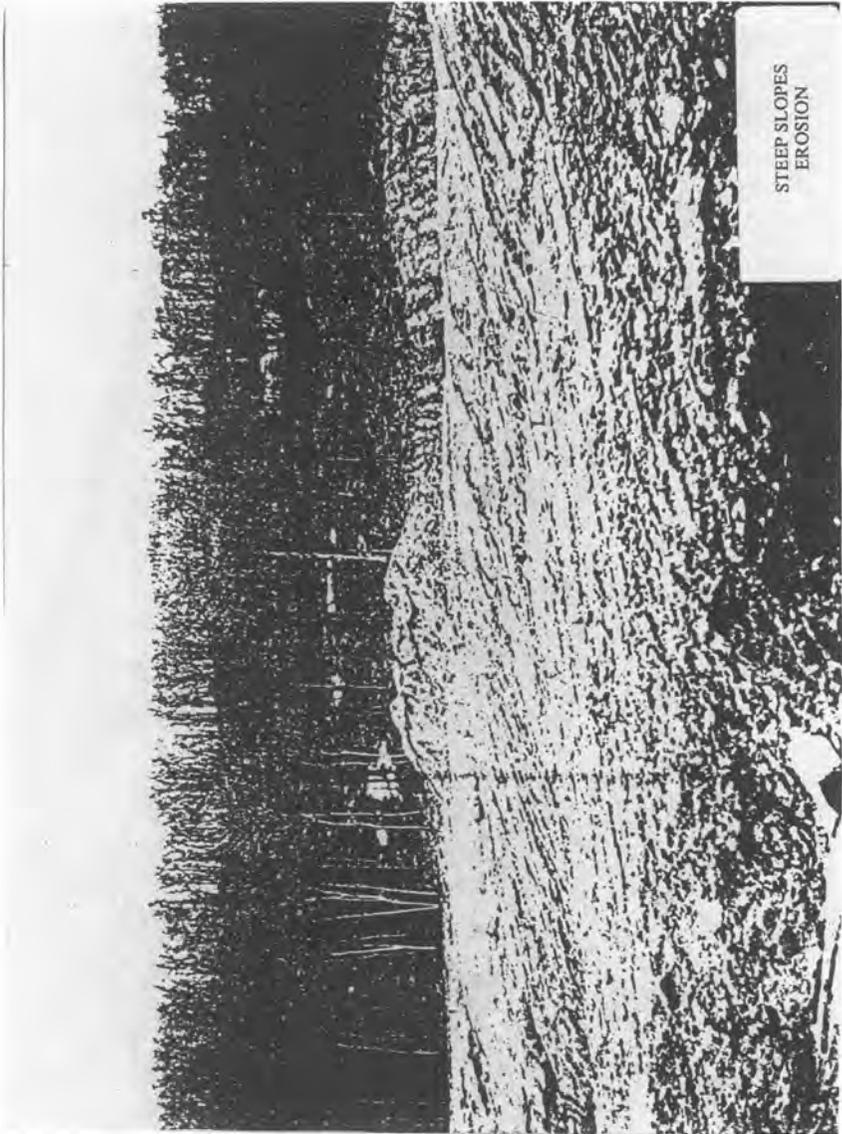
The State of New Jersey has already taken action to acquire the approximately 2,000 acres of Sterling Forest lying within New Jersey, but the major portion of the forest, consisting of about 17,500 acres, lies within New York. Recent studies conducted by the States of New Jersey and New York and by the United States Forest Service all recognize the importance of protecting Sterling Forest. Legislation has been introduced in Congress by members of the New Jersey and New York congressional delegations that would authorize up to \$35 million to be used to commence the process of acquiring Sterling Forest for preservation and management as a park by the Palisades Interstate Park Commission.

Memorializes U.S. Congress to save Sterling Forest.



STEEP SLOPES
EROSION

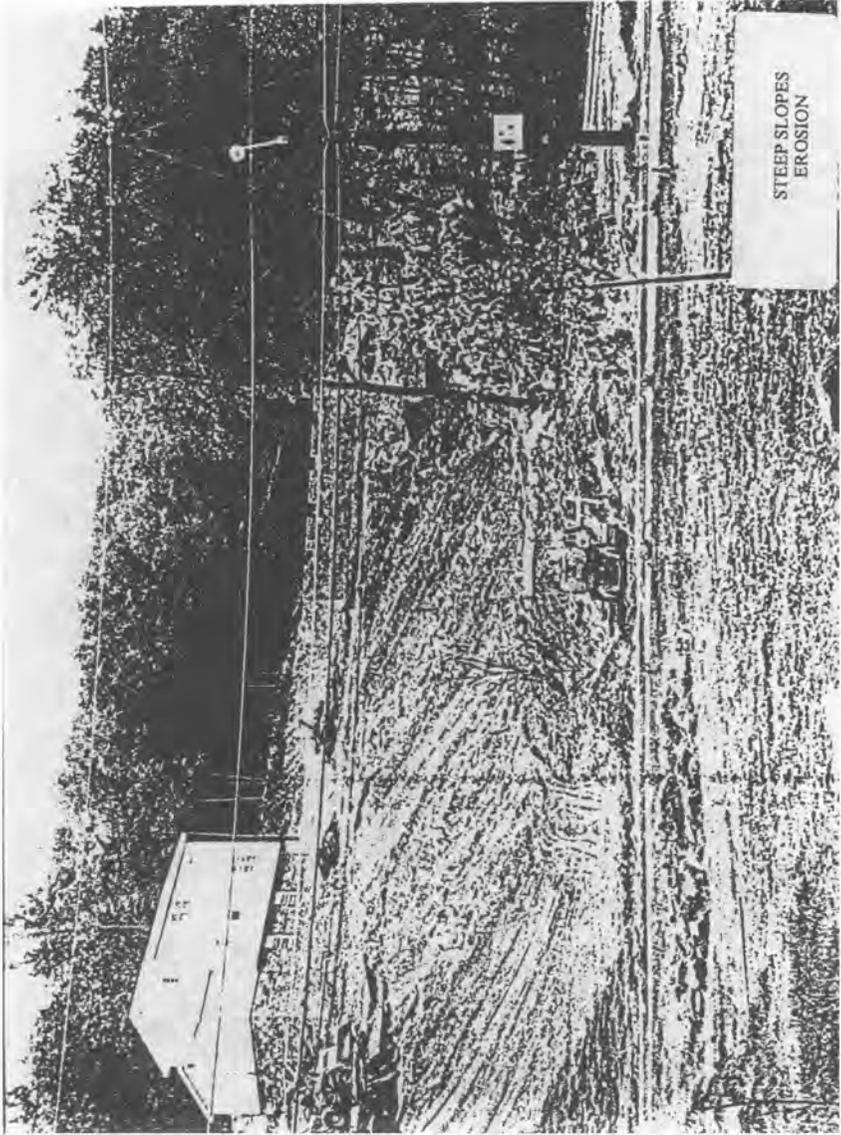




STEEP SLOPES
EROSION



STEEP SLOPES
EROSION



Mr. HINCHEY. Thank you very much, and I think that the points that you make are obviously very important.

There are a number of people who think about this thing on a regular basis, the issue of water, who contend that the major issue of the 21st century is going to be the availability of potable water supplies as well as water supplies for other purposes including recreational purposes, and it is, I would agree, absolutely incumbent upon us to be as prudent as we possibly can in providing the appropriate husbandry of this particular resource, the value of which is extraordinary now and just inestimable for the future.

Mr. NOLL. I have left this series of colored photos which show what happens when this land is developed. While we don't have specific studies, I think that these types of photos show us more vividly than any kind of a study what can happen to your land when it is developed.

Mr. THOMSON. Mr. Chairman, if I might, I would point out, as Mr. Noll has just said, that they have no specific studies, and by virtue of the size of the acreage we have been able to stay away from the steep slopes as far as development areas are concerned because this has been something we have planned from the start. We didn't do our environmental studies at the back end of the process which is typically the way it is done by a lot of development companies, we started with the process of researching the land and the development.

We began those studies in 1989, and when you have 17,500 acres, somewhere between 51 and 65 percent of it developable, and when you are only developing on 25 percent of the land, you don't have to use every square inch in order to have an excellent development project.

So we have been able in most cases to handle mitigation by avoidance, and certainly with the nonpoint source plans that we are now studying as a part of the environmental impact study with the DEC of the State of New York as the lead agency, this will be one of the major issues that obviously will be addressed in that study.

Mr. NOLL. Could I ask Mr. Thomson if development of ski runs would not require clearing of steep lands.

Mr. THOMSON. I would point out to Mr. Noll that presently—first, that the ski area presently exists at Sterling Forest. It has four lifts and seven runs, and I would be more than happy to have him come up as my guest this season and see it. It already exists. It would not involve new lands. There might be one new run created.

I am not even frankly sure, Dean, if that is in your watershed district.

Mr. HINCHEY. When you talk about the ability to preserve and protect the water quality subsequent to development of the property as you envision it, did you have in mind the standards that are under review currently by the Environmental Protection Agency as well as legislation that is pending here in the House, or did you have in mind those standards which exist currently as of this moment?

Mr. THOMSON. We took into mind the standards that are under study. New York has just gone through a study of a revision of the

standards. We didn't use the old standards, we did all our studies on the new standards.

Mr. HINCHEY. When you say new standards, what standards are they precisely?

Mr. THOMSON. The standards that the New York State Department of Environmental Conservation—the upgrading of streams both within our area and outside of it. They have upgraded—

Mr. HINCHEY. You are talking about the streams themselves now, the quality of the streams, the classification of those streams?

Mr. THOMSON. That is correct. They have been upgraded. The two that flow out—directly out of our property into New Jersey are James Creek and the Ringwood River. Both of those have been upgraded, and the upgraded standards were the ones that we studied.

Mr. HINCHEY. Existing municipalities now are in the process of reexamining the availability of water quality within their impoundment areas. New York City is going through that process in the Catskills, as you know. Did your studies take in mind the standards that would pertain consistent with those kinds of use that are going on with regard to the New York City situation and other municipalities across the country?

Mr. THOMSON. Well, first of all, we are not in the New York watershed.

Mr. HINCHEY. No, I know that. I understand you are not in the New York watershed. But the purpose of my question is simply this. The question arises with regard to the effect of your contemplated development on the quality of water which would flow into the Wanaque Reservoir and the other impoundment areas that provide water supply for several million people in northern New Jersey. Those standards are under review currently.

Municipalities across the country have been told by the EPA, in effect, either provide for extensive and expensive filtration systems or do something now to protect your watershed so that you can ensure high water quality in the future.

What I am asking you, Mr. Thomson, is, did you have in mind standards that exist currently today, or did you have in mind those higher standards which are in the process of being promulgated through the EPA with regard to the impact of development on the water quality on the Wanaque and other reservoirs?

Mr. THOMSON. We will meet, because we will have to, by law, whatever standards are established by the EPA, by the State, or whatever agency. As far as I know, we have studied the level of standards that the State of New Jersey and the State of New York says are protective, and they have just gone through this upgrade process, and the State of New Jersey was quoted in the Bergen Record recently as saying with regard to the standards adopted by the State of New York, "We got everything we wanted. We couldn't ask for anything different because we don't impose higher standards in our own State."

Mr. HINCHEY. Who said that?

Mr. THOMSON. I can get you the citation, but it was a gentleman from—I believe he was from the New York DPEP.

Mr. HINCHEY. I have no doubt that you would do what you say you would do with regard to the development that you are con-

templating on your property, but what I am concerned about is the effect on the water supply for those people who live south of you.

Mr. THOMSON. That is exactly what I am talking about.

Mr. HINCHEY. No, but you are saying to me that you will do everything that you have to do to protect water supply in your—

Mr. THOMSON. No. I am saying the water supply of the North Jersey District Water Supply Commission.

Mr. HINCHEY. So that if it results in the future as a result of your development that the Environmental Protection Agency says to the people who draw their water from the Wanaque Reservoir—say, for example, that as a result of development that has taken place in the Sterling Forest region, it now appears that the municipalities that draw their water from Wanaque will have to build extensive filtration systems, are you saying to me that your corporation is in a position now that you will provide the resources to build those filtration systems subsequently?

Mr. THOMSON. I am absolutely confident in our science and the research that has been done, and the research conclusively demonstrates that such will not be the case.

Mr. HINCHEY. I must tell you, I have absolutely no confidence in science whatsoever.

Mr. THOMSON. Well, that is very fine—

Mr. HINCHEY. I know that we know from experience—we know from experience that scientific standards change, and we also know from our experience that scientific reports somehow mystically tend to reflect the views of those who have commissioned the scientific reports rather than those who live out in the objective world. We see those things happening just in our normal experience.

So I am just concerned, not that you will do something which you know to be contrary to the best interests of people, but in the future that it may turn out—and I would argue that it is almost likely to turn out—that at some point the EPA will say to the people who get their water from this watershed that they are going to have to build filtration systems because for some reason the responsible parties, whether they be public or private, failed to adequately protect the watershed.

Mr. THOMSON. They haven't now.

Mr. HINCHEY. You are not going to at that point volunteer to pay for the cost of those filtration plants, are you?

Mr. THOMSON. Congressman, the situation is this. You put water into a stream, and it flows into a reservoir. Your test is what you put in the stream and what goes into the reservoir. If what we are putting into the stream meets the standards and the projected future standards that are established by the appropriate Federal and State agencies to be protective of the water, then we have met the test that we are required to meet.

Now the New Jersey—the North Jersey District Water Supply Commission presently treats its water. It is not like the New York system that is trying to handle it by total source protection. They already have sewage treatment plants that deposit directly into the streams that flow into the reservoir. We manage three of them ourselves already. So you are not talking about a watershed that is virgin here, and, as I said in my testimony, at final buildout, the water that we put into the streams will be of far higher quality

than the water they are presently taking into the system through the pumpback program.

Now let me say this. Dean Noll correctly stated the issue, and you are getting at it. The question is, are you comfortable with state-of-the-art waste water treatment plants, which is what a significant majority—you know, if the standards of source protection, if you want to establish that nationwide, you are going to be buying up an awful lot of developed property around the country, and you are going to be changing the philosophy of how water is handled in this country.

Mr. HINCHEY. We are doing that currently. The philosophy is changing.

Mr. THOMSON. I have said I am a willing seller at a fair price, and so the issue is, are you satisfied when you have a situation where you meet the standards that are established by the agencies as saying they are protective of the water quality, or do you want source protection?

We are saying the best we can do, folks, is to meet the standards that are established today based on the best information that is available as to what is protective. If you feel there should be a different standard, if you want to go with the source protection approach, that is perfectly acceptable to us, and that is why we have said we are a willing seller at a fair price, and that is the public policy question.

Mr. HINCHEY. No, I understand all of that. I am just trying to determine for the record the extent, the quality, and character of your commitment, and I appreciate what you have said, which is circumscribed around my question.

Mr. THOMSON. Look. We are about any given year, depending on the pumpback—we are somewhere today between 11 and 15 percent of the water that goes into the North Jersey District reservoirs. I am not going to commit to build their waste water treatment plants—excuse me—Dean, I apologize—their filtration plants, when we are a very small percentage of the water situation and when, as I have already testified, the quality of the water that we will be delivering will be far higher than water that is presently taken into their system and run through their filtration system.

I might also say, one of the other questions is what happens to the future of the reservoirs, and that we have extensively studied, and that will be available, and, on our scientific studies, we have made all our scientific studies to date publicly available in order to be criticized and reviewed, and to date we have received no comments about the critical nature of these studies.

We are looking forward to the additional research that will be made public as a part of the environmental impact review process, and we look forward to that study going through the same level of public scrutiny and challenge that all our studies to date have gone through.

Mr. HINCHEY. OK. All of that is clear, and we appreciate that very much.

Yes, Mr. Noll.

Mr. NOLL. Congressman, I believe we are talking about two different standards here. One of them is the stream standard, and the other is the drinking water standard. The stream standards are the

ones that Mr. Thomson is speaking to, and they are different than the drinking water standards that we may be obliged to meet in the future as well as today.

With regard to sewage treatment plants, we know that when you have sewage treatment plants you have failures. In fact, one of the plants on the Sterling Forest property, the NYU plant, had six violations in the past year, violations primarily with regard to bacterial discharges. So we see that these are not 100 percent all of the time.

Mr. HINCHEY. Thank you.

Mr. Binnewies, did you want to respond?

Mr. BINNEWIES. Mr. Chairman, not on this point, but I do have a comment about National Park Service testimony if that would be appropriate at this time.

Mr. HINCHEY. Yes please.

Mr. BINNEWIES. I believe, in listening to the National Park Service testimony, that Mr. Finley was suggesting that an acquisition by the National Park Service in the vicinity of the Appalachian Trail would not cause the National Park Service to assume significant management costs for that property after the fact. He brought emphasis to the great volunteer effort that exists along the Appalachian Trail Corridor now in terms of providing stewardship for that corridor area from Georgia to Maine.

As you well know, we in the Palisades Interstate Park Commission also accommodate an important segment of the Appalachian Trail within Herman and Bear Mountain State Parks, and that trail too along with other trail systems is maintained very adequately and in good style by volunteers.

But the National Park Service, if I understand the testimony correctly, is proposing the acquisition of several millions of dollars worth of land, meaning several thousand acres of land in the vicinity of the Appalachian Trail in Sterling Forest.

Our operating budget within the commission is approximately \$12 million a year. We maintain law enforcement organizations in New York and in New Jersey, a large maintenance staff, we hire hundreds of summertime employees, and have a permanent staff of about 269 people. The management responsibility for lands in Sterling Forest would be the equivalent to management responsibilities for places like Minewaska State Park. You are very familiar with that particular park and with Herman and Bear Mountain Park as well.

Our general estimate at the moment, should Sterling Forest be acquired and become a major new park in the northeastern part of the United States, our estimate at the moment is that the annual management costs will be in the range of \$500,000 to \$600,000 per year.

I believe that the National Park Service and Mr. Finley in testimony earlier this morning did not quite understand or have knowledge of the complicated nature of managing these lands well beyond the Appalachian Trail Corridor itself, and I just wanted to make the point that, through the legislation as proposed, the State of New York through the Office of Parks, Recreation and Historic Preservation, the Palisades Interstate Park Commission, are committing to these management responsibilities permanently once the

acquisition takes place, and we believe therefore that it would be important to pursue the legislation as currently being considered to invite the National Park Service, through the legislation or otherwise, to have an oversight role to work with the Palisades Interstate Park Commission in detail but to vest the management responsibility and stewardship of these lands in the Palisades Interstate Park Commission.

Mr. HINCHEY. Thank you very much.

Thank you, lady and gentlemen. We appreciate your testimony very much. Thank you.

PANEL CONSISTING OF JOHN A. HUMBACH, CHAIR, STERLING FOREST COALITION; DAVID N. STARTZELL, EXECUTIVE DIRECTOR, APPALACHIAN TRAIL CONFERENCE; AND, DAVID F. MOORE, EXECUTIVE DIRECTOR, NEW JERSEY CONSERVATION FOUNDATION

Mr. HINCHEY. Our second panel this morning consists of Mr. John Humbach who chairs the Sterling Forest Coalition; Mr. Peter Martin, the town supervisor of Monroe, New York; Mr. David Startzell, executive director of the Appalachian Trail Conference; and Mr. David Moore, the executive director for the New Jersey Conservation Foundation.

If any or all of those folks are with us, we would appreciate them coming forward.

Is Mr. Martin here? No, I don't think he is.

Okay, Mr. Humbach.

STATEMENT OF JOHN A. HUMBACH

Mr. HUMBACH. Thank you, Mr. Chairman.

While we have heard a lot about the natural resource values of Sterling Forest, the 30 square miles of woodlands, lakes, wetlands, the critical habitat, wildlife habitat in our region, according to the U.S. Forest Service study, a key link and a green interstate corridor running from the Delaware to the Hudson, and of course the water supply for 2 million people, or a part of that water supply, it is hardly surprising that in the last couple of years or so four separate studies have concluded that Sterling Forest is very important open space for our region or that it ought to be preserved, that it ought to be a high priority for acquisition, these studies, being the New York State Open Space Plans, the New York/New Jersey Skylands Greenway Task Force established by Governor Kean, the U.S. Forest Service study, and a separate study by the prestigious and influential Regional Plan Association.

The glory of Sterling Forest is, of course, its sheer size and extent, to have such a large and unfragmented natural ecosystem so close to the home of so many as a place of resort from the congestion, tensions, and annoyances of day-to-day urban life. By any rational regional planning, we leave this marvelous natural preserve right in the midst of the homes of 20 million people just as it is forever.

However, so far, regional planning concerns, rational or otherwise, have had little to do with the development and planning for Sterling Forest. Essentially the sole impetus for converting Sterling Forest into a new urban center is the private business needs of the

European investors who own the controlling interest in Sterling Forest. It is they who want to put the new city there, the 35,000 to 40,000 people, the 20,000 employees, and the sewage treatment plants that pour between 3 and 6 million gallons per day into waters that eventually become the water supply in northern New Jersey.

The Sterling Forest situation is a classic case of what is wrong with our system of land use plans, letting a group of people who don't live in the area, have no stake in the area, will not have to live with the outcomes there, make the decisions for the next directions and places for growth and development. That is what passes for long-term land use plans in most of the United States.

But quite apart from the loss of important environmental resource values, large-scale development in Sterling Forest would simply reinforce destructive postwar patterns of development, leaving the cities behind by channeling economic vitality to the urban periphery.

Public dollars in support of development ought to be invested to revitalize existing urban centers rather than diverted to transportation and other big budget infrastructure improvements that are necessary to support large-scale developments at the exurban fringe.

The question has come up, what is the Federal interest, what is the national interest, in preserving Sterling Forest? And there absolutely is such an interest. In carrying out a national land use strategy, it is crucial, first of all, that we recognize and act upon the need to maintain an appropriate balance of developed land uses and natural open space uses in every region of the country. The retention of substantial chunks of natural open space is especially important in urban corridors because that is where the people are. Wild places we need most to retain are the places close to home.

For most of us in the east, a trip to Yosemite or Yellowstone will be a once-in-a-lifetime experience, a wonderful experience, but nevertheless it is the natural places within a weekend's reach that count the most. We are talking maybe just about quality of life, but the quality of the lives of the American people is no trifling matter, and, on the contrary, this should be one of the utmost concerns of a national land use strategy.

Another national interest I could mention is that embodied in the Clean Water Act and the Safe Drinking Water Act, the policy against degradation of streams and to protect drinking water sources for the American people.

I just don't think there is any possible way to have a large-scale development in Sterling Forest without eventually having an impact on the drinking water supply that originates there. I don't know that there is any precedent of a watershed that has been extensively developed with the waters that originate in that watershed, the water bodies that result in streams remaining or retaining their pristine character.

The problem is not the machinery. I believe that Sterling Forest Corporation has done these studies and will buy the state-of-the-art machinery, the best that money can buy, but it is the human factor, the human factor and the long-term maintenance, the long-term local political willingness to maintain that machinery.

Large-scale development of an area like Sterling Forest means that the people who rely on that water are forced to trade in their naturally clean and reliable sources of drinking water for permanent dependency on Government maintained treatment machinery.

The current efforts in Congress to relax the protections of the Safe Drinking Water Act, because localities and other water treaters, water purveyors, complain that the present standards are too expensive, give me absolutely no confidence in the standards providing the protections, give no assurance on this point.

And then there is the Federal interest in clean air. Sterling Forest is in a severe nonattainment area for ozone. Increased commuter traffic into and out of Sterling Forest as a result of a large-scale development is exactly the opposite of what is needed to achieve Federally mandated clean air standards prescribed under the Clean Air Act. And then, of course, there is the Federal interest in preserving the areas around the Appalachian Trail.

But more generally, Sterling Forest should be a legitimate matter for Federal concern for the same reason that any land protection project should be a legitimate matter for Federal concern, and normally that is because a Federal role is the only effective and available means to assure that recognized and important public interests are given the proper weight in the determination of the proper outcome, and that is precisely the rationale for a Federal role in preserving Sterling Forest.

In light of the magnitude of the project, in light of the fact that it is an interstate project in both its impacts and its benefits and indeed in light of the fact that the need for preservation is a direct result of international commercial pressures in the world marketplace, for all of these further reasons as well as those mentioned earlier, it is appropriate for a prominent Federal role in the preservation, and for all of these reasons I hope that the House of Representatives will adopt H.R. 2741 and authorize the full \$35 million for the protection of Sterling Forest.

Thank you.

[Prepared statement of Mr. Humbach follows.]

TESTIMONY OF
PROFESSOR JOHN A. HUMBACH
Chairman, Sterling Forest Coalition
at
A HEARING OF
THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OF THE
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
regarding
STERLING FOREST
on
May 26, 1994
1324 Longworth House Office Building
Washington, D.C.

c/o Pace University School of Law
78 North Broadway
White Plains, New York 10603
914-422-4239

Mr. Chairman:

Thank you for the opportunity to make this presentation to your subcommittee on the potential for preserving the 17,500 acres of Sterling Forest in New York.

The Sterling Forest Coalition is an association of local, regional and national conservation organizations that are committed to the preservation of Sterling Forest. Founded 6 years ago, the purpose of the coalition is to facilitate and coordinate its constituent organizations' efforts in preserving Sterling Forest. The combined membership of coalition members exceeds, in the metropolitan New York region alone, 60,000 members.

Only 40 miles from mid-Manhattan, Sterling Forest is the largest undeveloped private tract of natural lands remaining in the metropolitan New York City area. For more than 200 years, Sterling Forest's wooded hills, lakes, meadows and wetlands have survived unspoiled at the edge of the nation's greatest city. It remains a green oasis within the expanding urban belt, a key link in the Delaware-to-Hudson interstate greenway corridor, a last remnant of the great mid-Atlantic forests that covered our region at our nation's birth. Its lakes and streams are pure. Its native wildlife is abundant. It also remains a source of dependable and naturally clean drinking water for 2 million people in northern New Jersey. These key regional environmental values are at risk.

Today, Sterling Forest is owned by overseas investors. The best profit strategy for Sterling's foreign owners is suburban development of as much of Sterling Forest as economically feasible. Already, the foreign owners' local representatives are well along in the process of getting the necessary approvals to convert the forest into a new urbanized center of 35,000 or more. Even though the owners assure us that approximately 75% of Sterling Forest will remain "open," the unhappy fact is that the forest's buildable acreage is not all compact or near the forest edge. Anything approaching "maximum" development would destroy Sterling Forest as we know it, effectively fragmenting it into a number of lesser woods.

There is no sound regional planning reason to fragment Sterling Forest and establish a new city in its place. The location's terrain is far from ideal for urbanization. The already overburdened transportation links would need major new public investments in improvements. And, most importantly, there are plenty of other sites--places that lack the unique and special regional values of Sterling Forest--where carefully planned new communities might better be located.

On the contrary, as a matter of sound regional planning, allowing the conversion of Sterling Forest into a new city of 35,000, plus 8 million sq. feet of commercial/industrial space, would be a major planning mistake. Quite apart from the loss of important environmental resource values, a development of such a scale in the suburban "donut" around the urbanized NYC metropolitan center would simply reinforce the destructive post-war patterns of "leaving the cities behind"--channelling economic vitality to the periphery. Public dollars that would be better invested to revitalize urban centers ought not be diverted to the transportation expenditures

and other big-budget infrastructure projects that will be required to support large-scale developments in the exurban fringe. And, perhaps most importantly of all, we should not be building in the reservoir watersheds, such as Sterling Forest, on which the people of a great metropolitan region depend for their water supply.

The impetus to develop Sterling Forest is not, however, a product of regional planning. It does not result from region-wide studies or planning determinations on a regional scale. To the contrary, the prestigious Regional Planning Association has concluded that all or most of Sterling Forest ought to be preserved. The proposal to develop Sterling Forest occurs now for one simple reason: A group of foreign investors, people who have no personal stake in our region or its longterm future, happen to see the suburban development of Sterling Forest to be their own best private business strategy.

The proposals to develop Sterling Forest, and to transform forever this exceptional natural resource so near the homes of so many millions, is a classic case of what is going wrong with our nation's land-use policy. I know of no other industrialized democracy in the world where the major growth-pattern decisions for cities and population centers are legally consigned, as in the case of Sterling Forest, to the ultimate control of privately-oriented interests--and, in this case, foreign interests to boot. It is an important and fundamental question whether Sterling Forest is the right place to steer a substantial part of the New York metropolitan region's population and growth over the next 2-3 decades. This is a decision that will have major impacts on the future and vitality of our nation's largest population center. It is illogical that such a decision should be driven by the private business desires of people who neither reside in the region nor must live with the outcomes there. Yet, that is the only realistic alternative to the proposals, in the bills now pending, to provide for the permanent preservation of Sterling Forest for the benefit of all of the people of our region.

It is likely that, in the fairly near future, much of the Sterling Forest lands will be in public ownership, if only because geological and environmental constraints may prevent saturation development on an economically viable basis. Sterling's overseas owners themselves indicate that they foresee actual development of only about 25% of the existing forest landbase. This does not mean, however, that there is no need to take action now to preserve Sterling Forest.

The specialness and glory of Sterling Forest is the size and extent of its essentially unbroken natural lands so close to the homes of so many. If, as proposed, a new urban center of 35,000 or more, plus 8 million sq. feet of commercial/industrial space, is built in Sterling, these unbroken natural lands will be forever lost to fragmentation as core forest areas become little more than buffering between the subparts of a new suburban landscape. Fragmented woodlands are very different ecological areas from the expansive unbroken forest and wetlands that are now Sterling Forest. Without action to preserve in the very near term, instead of getting an ecologically coherent and environmentally valuable permanent preserve, the public may simply end up as buyer of last resort for developers' leftovers.

Four major regional impacts of pursuing the development of Sterling Forest are immediately apparent: First, the inevitable forest fragmentation effects of the proposed development will constrict, alter and degrade the forest's traditional high-grade wildlife habitat, recreational space and natural character. Second, development in the North Jersey Water Supply watershed will force 2 million people to give up a historically reliable source of clean, safe drinking water in exchange for permanent dependency on government-maintained sewage treatment machinery. Third, Sterling Forest is in a "severe" non-attainment area for ozone, and the increased commuter traffic induced by development will work against the effort to achieve federally mandated clean air standards prescribed under the Clean Air Act Amendments of 1990. Fourth, construction in Sterling Forest, especially in the owner's projected Phase One, will place new roads and residences in close proximity to the Appalachian Trail, a congressionally designated and federally owned National Scenic Trail that runs across the northern portion of Sterling Forest.

1. **Forest Fragmentation Effects** -- The most obvious effects of the projected private development of Sterling Forest will be to convert thousands of acres of natural woodlands to rather densely populated urbanized zones. Although current planning calls for retention of roughly 75% of Sterling Forest as open space, an "Illustrative" map distributed by the Sterling Forest Corporation shows more than 100 separate, discrete areas or chunks of development distributed within the forest. Extensive portions of the surface area that is shown in green (forest) are, in reality, nothing more than buffers interlaced among the chunks of development. This network of green membranes would be quite considerable if lumped together. As a latticework, however, it no more retains the open, wild character of Sterling Forest than wooded medians in a divided highway.

It is crucial that, carrying out a national land use strategy, we remember and act upon the very important consideration of maintaining appropriate balances of developed land uses and natural open spaces in every region of the country. Our nation was founded in an abundance of wilderness, but the wild places are now mostly gone--especially near the great population centers of the northeast. Even as these natural areas have disappeared, however, Americans' appreciation for them has steadily grown. Every year, tens of millions of hikers, hunters, fishermen, campers, wildlife watchers and others seek to enjoy our remaining natural lands. Just being in such places is restorative, a source of spiritual renewal. Such intangibles are hard to measure or define, but for the millions who seek to sojourn among the works of nature on a temporary leave from the tensions, commotion and clamor of modern life, the need is as real as any other. The issue is quality of life, but the quality of American lives is no trifling matter.

The retention of natural open space in urban corridors is particularly critical because that is where most of the people are. The wild places we need must be places close to home. For most, a trip to Yellowstone or Yosemite always will be a once in a lifetime experience. It is the wilderness within a weekend's reach that counts. It is, however, precisely these local natural lands that are under greatest pressure for absorption into the developing urban sprawl. Sterling Forest, with its 30 square miles of wooded ridges, lakes and trails an hour or so from Manhattan, now teeters on the edge of urban absorption.

2. **Watershed Effects** -- The little mountain streams that rise in Sterling Forest flow, only a few miles across the state line to the south, into the great Wanaque-Monksville reservoir system. The present development planning for Sterling Forest would add between 3 and 6 million gallons of treated sewage (sometimes called "gray water") to these and other New Jersey drinking water sources each day. This is on top of the road chemicals, lawn fertilizers, illegal storm-sewer dumping (like crankcase oil) and other "non-point source" contaminants that can also threaten the longterm quality of these water supplies.

Some water engineers dismiss concerns about raw water quality, pointing out that contaminants can be removed and pathogens can be dealt with by disinfection. There are, however, problems. Cleaning up compromised drinking water supplies is, for one thing, very expensive. Moreover, an increased need for disinfection usually means adding larger doses of chlorine to the water, and chlorination itself has dangers, specifically, higher risks of bladder, intestinal and rectal cancer as well as a greater frequency of birth defects.¹ Purely as a matter of sound regional planning, it seems the height of folly to allow degradation of a regional water resource on the theory that somebody else can always "clean it up again." Why impose such new risks and costs on residents of northern New Jersey?

As a matter of pure technology there may be ways to place large-scale developments in watersheds without causing serious declines in stream water quality, but so far we do not seem to have found them. Technologies exist, but they are expensive, and experience shows that the practical political ability to tax and maintain the technological fixes is a matter of some doubt. The current efforts in Congress to relax the stringent protections of the federal Safe Drinking Water Act are a case in point.

The large-scale development of Sterling Forest means that 2 million people in New Jersey will be forced to trade their naturally clean sources of drinking water for permanent dependency on government maintained treatment machinery. Development will simply make it that much more difficult--and expensive--to achieve compliance with the federal policies embodied in the Safe Drinking Water Act and the Clean Water Act.

3. **Clean Air** -- Sterling Forest is located in a "severe" non-attainment area for ozone under the federal Clear Air Act. In this severe non-attainment area, the Clean Air Act strongly discourages ozone pollution growth and calls for an offset of 1.3 to 1 for any that occurs. Clean Air Act § 182 (d)(1)(A), 42 USCA § 7511a (d)(1)(A).

¹ Analysis of a recent study indicated that "people drinking chlorinated water had a 21 percent greater risk of getting bladder cancer and a 38 percent greater risk of getting rectal cancer than those who drank non-chlorinated water." **NEW YORK TIMES**, July 1, 1992. Another recent study conducted by the U.S. Public Health Service in northern New Jersey found that "chlorination by-products" may increase the risk of birth defects. **Gannett Westchester Papers**, December 17, 1992. Other studies, reported by the U.S. Agency for Toxic Substance and Disease Registry, also showed "evidence of an association between chlorinated drinking water and cancer of the bladder, large intestine, and rectum." **Bureau of National Affairs Environmental Reporter**, March 3, 1989, at 2351.

Pollutants from cars are more than half of the problem, and the biggest uncontrolled cause of air pollution growth is the tremendous growth in our region's total "vehicle miles traveled" (VMTs). This rapid increase in VMTs is directly related to the increased automobile commutation that is necessitated by continuing extension and expansion of growth and development activity outside of existing urbanized areas and into the surrounding countryside.

According to the Regional Plan Association, during a recent 20 year period the amount of developed land in the NYC metropolitan area increased 30% even while the population increased only 5%. Clearly, in our region population growth is not the pressure point but rather the relentless spread of population across the countryside. Scattering new residential and business development across the countryside means that people drive many more miles to work, they cannot easily carpool and they cannot conveniently get to their jobs on trains or other transit.

In addition to the impacts of people commuting out of Sterling Forest, there is also concern about estimated 8-10,000 new jobs that are projected to be filled in Sterling Forest by people new to the immediate area's work force but who will be unable to afford housing in Sterling Forest itself. Where will those 8-10,000 new jobholders live who cannot afford or accommodate their children in Sterling Forest's higher-cost, fewer-bedroom housing stock? The answer appears, from the owner's transportation study, to be that these lower-income, larger school population families will live in the communities surrounding Sterling Forest--a regional impact ranging from adjacent towns all the way to Morris County, NJ.

Developments such as that proposed for Sterling Forest, that will result in substantial new vehicular commutation both into and out of the development tract, are exactly the wrong regional planning prescription for reducing VMTs and achieving compliance with the federal policies embodied in the Clean Air Act.

4. **Protecting the Appalachian Trail** -- The Appalachian Trail is a congressionally designated National Scenic Trail that runs across the north quarter of Sterling Forest. It is in Sterling Forest that the trail comes nearest to a large metropolitan area its entire 2144 mile length. Hillside and ridgetop housing developments near the trail will provide the new residents with "million-dollar" vistas over permanently protected trail corridor landscape, views whose protection was purchased at taxpayer expense. The views from the National Scenic Trail itself, by contrast, may be degraded by rows of condos, stacks of multifamily dwellings and other structures. The federal ownership and stake in the Appalachian Trail lands is itself a significant federal interest supporting federal participation in the effort to preserve Sterling Forest.

CONCLUSION

The 17,500 acres of Sterling Forest in New York constitute a natural asset of outstanding quality that has long provided superb recreational opportunity, wildlife habitat and a safe, dependable source of public water supply serving nearly 2 million people. Located in the nation's largest metropolitan region, less than 40 miles from the heart of our nation's most populous urban center, Sterling Forest is a most worthy subject for a federal role in a cooperative effort to achieve permanent preservation in the public interest.

Mr. HINCHEY. Thank you, Mr. Humbach.
Mr. Startzell.

STATEMENT OF DAVID N. STARTZELL

Mr. STARTZELL. Thank you, Mr. Chairman.

I will apologize in advance if some of my remarks appear to be preaching to the choir. I am certainly aware and appreciative of your interest and leadership on this issue and indeed your sponsorship of this legislation along with Mr. Torricelli and Mr. Gilman.

Nevertheless, for the record, I am Dave Startzell, executive director of the Appalachian Trail Conference, and I am pleased to support H.R. 2741.

Although I share many of the concerns expressed here this morning, as you might guess, I am especially concerned about the future of Sterling Forest as it relates to the Appalachian National Scenic Trail. As you know, about six miles of the trail extend through the northern portions of the forest and afford visitors a range of hiking opportunities from stream banks on the shores of Little Dam Lake to mixed hardwoods and occasional stands of cedar and hemlock, a profusion of wildflowers and mountain laurel, and sweeping overlooks from various outcroppings and ledges.

Although this setting is significant in its own right, it is, of course, all the more remarkable because of its proximity to the metropolitan areas of New York and New Jersey. This section also represents one of the oldest sections of the Appalachian Trail. Initially constructed in 1924, it has a prominent place in the 70-year history of America's most successful long-distance trail product.

Earlier this morning, just a few moments ago, Mr. Thomson representing Sterling Forest Corporation attempted to assure us of his organization's sensitivity in approaching future development of the forest. But with all due respect to Mr. Thomson, can anyone in this room seriously doubt that a proposal to effectively create a new town of 35,000 residents will change the extraordinary and all too fragile character of this property? Can anyone seriously doubt that 14,000 new dwelling units and millions of square feet of commercial space will adversely affect the quality of its surface waters and aquifers or that the roadways and utilities and infrastructure necessary to support such massive development will irreparably fragment the woodland and wetland habitats that exist within the forest? And can anyone seriously doubt that the construction of the very first phase of proposed development of Sterling Forest involving more than 4,000 dwelling units within a few hundred feet of the Appalachian Trail will forever alter the visitor's experience there? I think not, Mr. Chairman. I think not.

We also learned this morning that the National Park Service and the administration remain troubled by the so-called Federal interest in this property. I submit, Mr. Chairman, that by any criterion you choose to apply, Sterling Forest would compare favorably with virtually any unit of the National Park Service, the National Forest System, or the National Wildlife Refuge System. Given the forest's proximity to the major population centers, its diversity of natural and cultural resources, its significance to the Appalachian Trail, and its prominence within the broader Hudson Highland Region,

can there be any doubt about the legitimacy of Federal participation in this project? Again, I think not.

On the contrary, Mr. Chairman, in my view, Sterling Forest is a shining example of precisely why the Congress in 1965 created the Land and Water Conservation Fund. While the administration remains squeamish about the appropriate Federal role in this project, I do not suffer those misgivings. In my mind, such an objection represents little more than a technicality, and I find it difficult to accept that through the collective wisdom of this committee and the administration the Federal interest in this project cannot be clarified or simply be declared to exist.

No, Mr. Chairman, I suspect the real issue here is not insufficiency of interest, the real issue is money. Admittedly, \$35 million is not exactly small change, particularly in view of the dwindling appropriation levels in recent years on the Land and Water Conservation Fund, but many Members of Congress and the administration who have decried those reduced levels also have suggested that if the Federal Government hopes to play a continuing role in preserving and managing our Nation's resources, we must seek out new approaches and new partnerships.

With the financial commitments offered by the affected States and an offer of long-term management by the Palisades Interstate Park Commission, I submit, Mr. Chairman, that you have before you an outstanding example of precisely the kind of partnership that the Congress and the administration should be encouraging.

Mr. Chairman, I urge you and your colleagues to extend protection along this section of the Appalachian Trail. I urge you to preserve the many other resources that exist within Sterling Forest, and I urge you to embrace a new partnership toward the preservation and management of this magnificent resource. In short, Mr. Chairman, I urge you to adopt H.R. 2741.

Thank you.

[Prepared statement of Mr. Startzell follows:]

Statement by: David N. Startzell, Executive Director
Appalachian Trail Conference

For: Hearings before the House Subcommittee on National Parks, Forests and Public Lands
re: H.R. 2741

Date: May 26, 1994

Mr. Chairman:

In behalf of the Appalachian Trail Conference, I am pleased to testify today in support of H.R. 2741; a bill authorizing the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of lands in the Sterling Forest area of New York and New Jersey.

The Appalachian Trail Conference (ATC) is a private, nonprofit, educational organization founded in 1925 to promote the establishment, maintenance, and preservation of the Appalachian Trail. The conference is a federation of 32 affiliated hiking and outing clubs each of which maintains some portion of the Appalachian Trail, and their more than 70,000 members. In addition, the conference supports an independent membership base of approximately 24,000 individuals.

The Appalachian Trail project, which dates back to the early 1920s, is recognized as a remarkable example of private-citizen action in the public interest. The initial route of the trail was constructed almost entirely by volunteers between 1922 and 1937. Since that time, volunteers affiliated with the conference have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities, such as privies, bridges, signs, and parking areas. More recently, as a result of a unique 1984 agreement between the National Park Service and ATC, the conference has accepted management responsibility for more than 95,000 acres acquired by the park service along the trail. ATC, through its network of club affiliates and many thousands of volunteers, is now responsible for virtually all phases of "park" operations, including access control, structures management, public health and safety, and natural and cultural resources management. In 1993, more than 3,900 volunteers contributed more than 137,000 hours of labor along the trail.

The Appalachian Trail is a continuous, marked footpath that traverses the Appalachian mountain chain from central Maine to northern Georgia for a distance of 2,155 miles. The footpath and its associated resources form a greenway extending along much of the eastern United States and connecting more than 75 public land areas in 14 states, including six other units of the national park system and eight units of the national forest system, as well as many state park, forest, and game-management units. Virtually every mile of the trail is within easy access of a major population center, and some portion of the trail is within a day's drive of two-thirds of the population of the United States.

As the longest unit of the national park system, the Appalachian Trail provides opportunities for millions of visitors each year to traverse and experience countless wild, scenic, and pastoral settings. It also affords opportunities for continuous long-distance hiking that are unparalleled anywhere else in the world. An estimated three to four million visitors enjoy some portion of the trail each year, ranging from leisurely strolls to weekend outings and extended backpacking excursions, ranking the trail among the most heavily visited units of the national park system.

In addition to its recreational qualities, the Appalachian Trail and its associated corridor represent an extraordinary legacy of natural and cultural resources. For example, the trail, due to its great latitudinal extent, passes through four of the seven primary forest habitats of North America. Moreover, recent natural-diversity inventories conducted by the Appalachian Trail Conference and a variety of state natural-heritage programs have identified more than 1,090 occurrences of rare, threatened,

or endangered plants and animals at more than 300 sites along the approximately 60 percent of the trail's route that has been surveyed to date. These findings have led a number of natural scientists to conclude that the trail and its protective corridor or greenway will play an increasing role in ensuring continuing biological diversity in the eastern United States against a tide of declining habitats and increasing forest fragmentation.

Passing along the crests of the East's highest mountains, across many of its most prominent rivers, and through more than 20 congressionally designated wilderness areas, the scenic resources along the trail are no less significant.

Last year marked the silver anniversary of the passage of the National Trails System Act. As you may recall, that act designated the Appalachian Trail as the nation's first national scenic trail and authorized federal land acquisition to establish a permanent route and protective corridor for what then, as now, was America's most prominent long-distance hiking trail. Although the authorization was established more than 25 years ago, it was not until 1978 that significant appropriations from the Land and Water Conservation Fund were made available for federal land acquisition along the trail. Nevertheless, the Appalachian Trail project surely must rank as one of the most successful examples of what can be achieved through the vision and determination of the Congress, the affected federal agencies, and the private sector, represented by the Appalachian Trail Conference and our club and individual volunteer affiliates.

With the strong support of the Congress and several administrations, both the National Park Service (NPS) and the U.S. Forest Service (USFS) have made truly remarkable progress in this long-term program: Since 1978, the NPS has acquired more than 2,170 parcels of land, encompassing more than 93,800 acres in 11 states, and protected a permanent right-of-way and associated resources along 590 miles of the trail. Similarly, the U.S. Forest Service has acquired more than 40,000 acres within the proclamation boundaries of the eight national forests crossed by the trail and protected more than 135 miles of right-of-way. As a result, while in 1978 more than 800 miles of the trail were located on private lands, often in areas with inferior natural or recreational qualities, including more than 200 miles along roads, today only 47 miles remain unprotected. In other words, the trail project is now 97 percent complete.

Although our progress in the Appalachian Trail project has been largely successful in fulfilling our long-term goal of a protected footpath from Maine to Georgia and in creating the longest publicly owned greenway in the world, already we are learning that, in some instances, the protective corridor surrounding the trail, which typically averages 1,000 feet in width, may be insufficient in some areas to preserve significant natural, scenic, and cultural resources associated with the trail. Nowhere is that realization more clearly demonstrated than along the approximately six-mile segment of the Appalachian Trail that extends through the Sterling Forest area of New York. Before describing our concerns there further, however, it may be instructive to consider some of the many significant characteristics of the Sterling Forest.

Sterling Forest consists of approximately 20,000 acres of land. Most of the forest, about 17,500 acres, is situated in Orange County, New York, primarily within the towns of Tuxedo, Warwick, and Monroe, while another approximately 2,000 acres extends over the border into Passaic County, New Jersey, and the boroughs of Ringwood and West Milford.

The property represents the largest undeveloped, privately owned parcel in the New York metropolitan area. The majority of the property, more than 17,000 acres, is managed by Sterling Forest Corporation, a subsidiary of Home Insurance, a New Hampshire corporation that was acquired some years ago by Trygg-Hansa Holding AB, a Swedish insurance firm.

The property possesses a broad assortment of natural, scenic, and cultural features. The forest landscape is characterized by steep ridges and valleys running in a generally southeast-to-northwest direction. Considered part of the Hudson Highlands, among the oldest mountain ranges in the Northeast, elevations there range from 450 feet to more than 1,380 feet. Partly as a result of glacial scouring, the area also is pocketed with several lakes and many wetlands and is further subdivided by numerous streams.

Forest types range from the predominating mixed hardwoods, including oaks, maples, hickories, and birches, to occasional stands of hemlock and white cedar, particularly in the lowland areas, while the understory consists mainly of mountain laurel and blueberries. The many wetlands and bogs scattered throughout the property also yield a number of unusual plant species, including carnivorous varieties, such as pitcher plants and sundews, highly uncommon elsewhere in southeastern New York.

As a result of this mixture of habitats, the property is home to a broad assortment of animals, including deer, raccoon, gray and red fox, opossum, beaver, coyote, otter, and other small mammals, and also affords important regional habitat for black bears. A considerable assortment of bird species is present, ranging from upland and woodland varieties to wetland dwellers, various raptors, and other migratory species. In addition, the forest provides refuge for a number of threatened and endangered species, including the Eastern wood rat, timber rattlesnakes, and the northern cricket frog.

The forest is significant to the human population of the region as well. Once a major source of iron, mines and smelting operations within the property played a prominent role in both the Revolutionary and Civil wars. Moreover, at least 11 archeologically significant sites, dating to 10,000 B.C., have been identified on the property. The streams and underlying aquifers there provide a significant source of high-quality water, particularly for more than two million residents of northern New Jersey. And, the area provides many recreational opportunities for the region's population, including a variety of trails for hiking, cross-country skiing, and snowshoeing, as well as access for fishing and hunting.

Most prominent among these recreational resources is the six-mile segment of the Appalachian Trail, which passes through the northern portion of the property and includes a variety of hiking environments, from stream valleys to sweeping overlooks, such as those afforded at Mombasha High Point. This also is the oldest section of the Appalachian Trail constructed across privately owned lands. It is a portion of a segment extending between Arden and Greenwood Lake that was initially constructed in 1924 and connected to the first segment of the trail in Bear Mountain State Park. This segment also represents the closest point along the 2,100-mile trail to the nation's densest population center—the heart of New York City is only an hour's drive away.

For many Appalachian Trail hikers passing through the area, the setting they find there, including panoramic vistas from the ridgecrests, a profusion of wildflowers and blueberries, woodland solitude, and passages along bubbling brooks and shimmering ponds, is all the more remarkable due to its proximity to the metropolitan areas of New York and New Jersey. It simply is hard to imagine that such an experience is still possible so close to the urban environment. It also is difficult to imagine that this remarkable environment could be radically altered within a few years by current proposals to develop the property on a massive scale.

Sterling Forest Corporation has proposed the creation of 14,000 dwelling units, housing an estimated 35,000 residents, and an additional 8 million square feet of new commercial development. Among the earliest phases of the proposed development is construction of more than 4,100 new dwelling units, housing an estimated 13,000 new residents, within a few hundred feet of the Appalachian Trail.

The National Park Service has acquired a basic trail corridor, averaging 1,000 feet in width and totaling approximately 660 acres along this trail segment. In addition, negotiations are continuing between the park service and the Sterling Forest Corporation to acquire another approximately 120 acres in the vicinity of Little Dam Lake to provide additional protection of this highly scenic area. Never-

theless, the relatively narrow protective corridor surrounding the Appalachian Trail is bordered on the south by another ridge series, including Sterling and Prospect mountains, where the Sterling Forest Corporation has proposed to construct several thousand dwelling units clustered in three "hamlets."

The proposed hamlet developments would have a profound effect on the trail's environment and on the experience of the trail visitor. Many of the new houses would be situated on the hillsides overlooking the lowland sections of the trail route or paralleling the ridgecrest portions of the route. Thus, much of the viewshed from the trail that presently is undisturbed could be blanketed with housing units. Associated road improvements and utility rights-of-way also may impact or even penetrate portions of the trail corridor. In addition, the development plan envisions a number of new connector trails between the hamlets and the trail corridor that could lead not only to a dramatic increase in hiking use of the footpath, but also to incompatible activities, such as motorized and equestrian uses.

In addition to concerns associated with the affected section of the Appalachian Trail, the Appalachian Trail Conference shares the concerns of many conservation and community-based organizations in the region over the effects of other aspects of the proposed development on water quality, habitat fragmentation, and the over-all ecological integrity of the property.

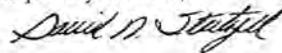
Although a number of alternatives have been proposed over time to preserve various portions of Sterling Forest, such piecemeal approaches fall short of providing broad conservation of the many resource values associated with this property. Preservation of Sterling Forest is a challenge that cries out for a comprehensive approach and H.R. 2741 appears to offer such a solution.

H.R. 2741 would authorize up to \$35 million in federal funds to support acquisition by the Palisades Interstate Park Commission of substantially all of the Sterling Forest property. In addition, the states of New York and New Jersey have indicated a willingness to contribute significant funding toward the project. Finally, H.R. 2741 envisions long-term management of the property by the Palisades Interstate Park Commission, thus removing any recurring liability for operating expenditures by the federal government. In other words, H.R. 2741 is predicated on a partnership approach to preserving and managing this nationally significant property.

Given the serious backlog in congressionally authorized federal land-acquisition projects and the increasing difficulty of federal agencies to adequately manage existing public lands, the partnership envisioned in H.R. 2741 appears to represent a new and creative approach for overcoming the limitations of direct federal acquisition and management while at the same time providing for the conservation and sensitive management of this unique resource.

Again, in behalf of the Appalachian Trail Conference, I am pleased to support H.R. 2741.

Respectfully submitted,



David N. Startzell
Executive Director
Appalachian Trail Conference

Mr. HINCHEY. Thank you very much, Mr. Startzell.

We have now less than 10 minutes before the next vote, but I think it is possible for us to conclude this hearing with Mr. Moore's testimony rather than holding things up and having to come back. So I would like to try to do that.

Mr. Moore.

STATEMENT OF DAVID F. MOORE

Mr. MOORE. I have submitted formal testimony for you. I will summarize that as quickly as I can.

I represent the New Jersey Conservation Foundation, a citizens-supported organization in New Jersey, and also the Highlands Coalition, which is an organization consisting of over 50 organizations whose membership exceeds 300,000 individuals. We are united under a banner to protect the New Jersey-New York Highlands.

You have already heard from the Forest Service about the study and the conclusions that they drew about the Highlands. You have also heard that it is important to protect Sterling Forest, and we strongly support that goal.

Sterling Forest has been identified by the Highlands Coalition as one of the Highlands's treasures, and we have attached a map to the testimony to indicate where it fits within that scheme. The preservation of Sterling Forest in its entirety is essential to maintain the integrity of the Highlands Region, so we strongly support H.R. 2741.

In relation to the National Park Service testimony which I heard this morning and was apparently provided last week as well, it doesn't seem to be logical, with all the Federal agencies that are involved already in the Highlands, that the National Park Service need be concerned about being the lead agency in this acquisition.

The national significance of Sterling Forest, in spite of my compatriot, is far more broad than the Appalachian Trail alone. The critical resources that are there, the unbroken contiguous forest, the watershed and the ecosystem as a whole, its proximity to such an urban population, clearly make it important far above and beyond the trail linkage.

However, even at that, one thing that has not been mentioned in testimony is, the National Park Service has already been involved with their River and Trail Conservation Assistance Program in providing assistance in the whole of the Highlands in connecting the various trail systems that are now there together with the Appalachian Trail. Their work is ongoing right now in New Jersey. There are literally thousands of miles of footpaths and trails that are available and maintained that need to be linked together in the New York-New Jersey Highlands, and they have been busy working at that.

Mr. Hall also mentioned the inequity of the Land and Water Conservation Fund system, and I am sure you are familiar with that. Here H.R. 2741 offers an opportunity to redress that. It offers the chance to begin a major national resource preservation effort in the Highlands which is the front yard, the well, and the lungs, of the megalopolitan strip that we know is under tremendous development pressure now.

Congressman Vento suggested that we get ahead of what was going on. The Highlands Coalition is advocating exactly that. We have proposed and called for a National Forest National Reserve in the New York-New Jersey Highlands to protect water supplies of forest and wildlife resources that we have already talked about. It would involve a comprehensive plan for the region to assure management coordination between both public and private entities. It would protect watersheds, protect forests, protect and enhance the economic revitalization of local communities, maintain the private interests in both agriculture and forestry, and find a way which we think is possible for local governments to take part in this process.

Time is running out for the Highlands. We urge you to report favorably on this legislation.

[Prepared statement of Mr. Moore follows:]

New Jersey Conservation Foundation

300 Mendham Road, Morristown, N. J. 07960

201-539-7540

Statement of David F. Moore
Executive Director, New Jersey Conservation Foundation
Chair, The Highlands Coalition

on H.R. 2741 and H.R. 3107
Bills to authorize/direct the Secretary of the Interior
to provide funds for the acquisition of Sterling Forest
in the New York/New Jersey Highlands Region

National Parks, Forests and Public Lands Subcommittee,
House Natural Resources Committee
Washington, D.C.
May 26, 1994

Mr. Chairman and Members of the Committee:

My name is David F. Moore, and I am here representing the New Jersey Conservation Foundation and the Highlands Coalition.

The New Jersey Conservation Foundation (NJCF) is a statewide nonprofit conservation organization and land trust. NJCF had its genesis in the fight to save what is now the Great Swamp National Wildlife Refuge in 1960. One of our most significant accomplishments is the pivotal role we played in the creation of the Pinelands National Reserve in 1978.

The Highlands Coalition is an alliance of more than fifty national, state, regional and local citizens' organizations representing over 300,000 individuals.

With over 30 of our groups based in the Highlands, we have a solid grassroots foundation, as well as the support of the Appalachian Mountain Club, the League of Women Voters, the Garden Club of America, the New Jersey State Federation of Sportsmen's Clubs, National Audubon Society chapters, the Sierra Club and The Wilderness Society.

We have united under a common banner to preserve the land, the water and the nationally significant biological and historical resources of the Highlands region.

We appreciate the opportunity to address before you the issue of the preservation of America's most important, most critical and most threatened metropolitan greenspace.

The Highlands physiographic region between the Hudson and the Delaware Rivers, encompassing approximately 1.1 million acres in the states of New Jersey and New York, was found by the 1992 U.S.D.A./Forest Service New York-New Jersey Highlands Regional Study to be "a landscape of national significance."

The Forest Service found that "The Highlands face the immediate prospect of unprecedented urbanization and change," resulting in "deteriorating quality of drinking water and diminished drinking water supplies; loss of farms, wildlife habitat and close-to-home recreational opportunities; ...impact on management of public lands; loss of natural and cultural landscape heritage; and worsening air quality..."

The New Jersey-New York Highlands, lying within two hours travel of 20 million -- 1 in 12 Americans -- provide open space and recreation for the nation's most heavily populated metropolitan region.

Over four million in New Jersey rely on surface and groundwater from the Highlands -- equivalent to the population of seven states (Alaska, Connecticut, Delaware, North Dakota, South Dakota, Vermont and Wyoming).

Within 40 miles of Manhattan, the forests of the Highlands are home to black bear, beaver, bobcat, river otter and native trout as well as 23 state threatened and endangered species of wildlife.

Sterling Forest is the largest privately held tract in single ownership in the Highlands region. It has been identified by the Highlands Coalition as one of the Highlands "Critical Treasures." (See attached map.)

The preservation of Sterling Forest in its entirety is essential to maintain the integrity of the Highlands region.

We strongly support H.R. 2741, introduced by Representatives Torricelli, Gilman and Hinchey, authorizing \$35,000,000 in federal funds to assist with acquisition of lands in the Sterling Forest area of the New York/New Jersey Highlands Region.

The language of H.R. 3107 does not improve upon the conservation goals and opportunities addressed by H.R. 2741.

To the contrary, although a bi-state and private partnership with any federal acquisition funding is certain -- a de-facto match -- setting an upper limit of \$25,000,000 on the federal contribution would be extremely unwise.

The task of public acquisition of Sterling Forest must be done, and the authorizing legislation should enable adequate

funds to be made available to make success possible, and not merely provide lip-service to the concept.

The Appalachian National Scenic Trail follows the spine of the Highlands in New York, passing directly through Sterling Forest on its way to New Jersey, where it crosses the Highlands on its way to the Delaware Water Gap NRA.

We have heard that the National Park Service proposes as an alternative that \$17.5 million be authorized for acquisition by NPS of an expanded Appalachian Trail corridor within the Sterling Forest area. While acquisition of these lands is commendable and necessary, it is not sufficient.

The national significance of Sterling Forest and the Highlands is far broader than the Appalachian Trail. All of Sterling Forest must be acquired in order to assure the survival of the most critical resources: the unbroken contiguous forests, the watersheds, the ecosystem.

The National Park Service has already been involved in a broader program in the Highlands. Its River and Trail Conservation Assistance program has been providing technical assistance to NJCF, the Highlands Coalition and the New York-New Jersey Trail Conference over the past two years for the development of a Highlands Trail traversing the length of the Highlands through New Jersey. The Highlands Trail will link up with the Appalachian Trail, as well as with many local trails.

Other federal agencies have indicated interest in the Highlands as well. In 1991, the U.S. Fish and Wildlife Service prepared a "Pilot Study on the Feasibility of Protecting the Beaver Brook Area in... Morris County, New Jersey." The Beaver Brook area forms the headwaters of one of the five rivers which flow from the "Fanny Highlands," a critical forested watershed region in the New Jersey Highlands.

Millions of acres in the Southern Appalachians are protected by a string of 11 national forests and parks north through West Virginia, while in New England, the Green and White Mountain National Forests offer nearly a million and a half acres of public open space. But the federal government has so far failed to take the same type of steps in the mid-Atlantic region.

The situation is even less equitable when comparisons are made with public lands in the West. And the distribution of Land and Water Conservation Fund monies has been as inequitable as the existing public lands base.

H.R. 2741 offers an opportunity to begin to redress the inequities suffered by the mid-Atlantic region.

H.R. 2741 offers an opportunity to begin a major natural resource preservation effort in the Highlands, the front yard, the well and the lungs of megalopolis.

The Highlands Coalition has recently called for the creation of a new national forest or national forest preserve in the New Jersey-New York Highlands, in which critical core areas requiring preservation would be acquired in order to protect public drinking water supplies, contiguous forests, wildlife habitat and biodiversity, and recreational opportunities.

In addition, in order to protect the public investment in this public land, and to assure long-term natural resource protection of the private lands surrounding it, the Coalition has called for the creation of a Metropolitan Watershed, Flood Control and Recreation Reserve within a bi-state "greenline" encompassing the Highlands physiographic region from the Hudson to the Delaware River.

A comprehensive plan for the region needs to be created, as well as a system to assure management coordination on both the public and the private lands within the reserve. A broad range of management tools, designed to accommodate a wide variety of situations, would be employed to ensure appropriate watershed and forest protection. Programs would foster the economic revitalization of local communities, while in farmland and forest areas agriculture, environmentally compatible forestry, and ecotourism would be encouraged.

Time is running out for the Highlands. The most recent information indicates that open space in the Highlands is being lost at the rate of 5,000 to 10,000 acres per year, and that was in a "down" economy.

The Sterling Forest Corporation is going about the business of gathering local permits and thereby raising the cost of acquisition. The land is slipping away, and with it the chance to take farsighted actions for which present and future generations will thank us.

The negotiations for Sterling Forest should be left in the hands of PIPC, which has been pursuing this issue for the past several years. The Park Service proposal could unnecessarily complicate and slow down progress made thus far, as well as potentially raising the total price for acquisition.

The time to act is now.

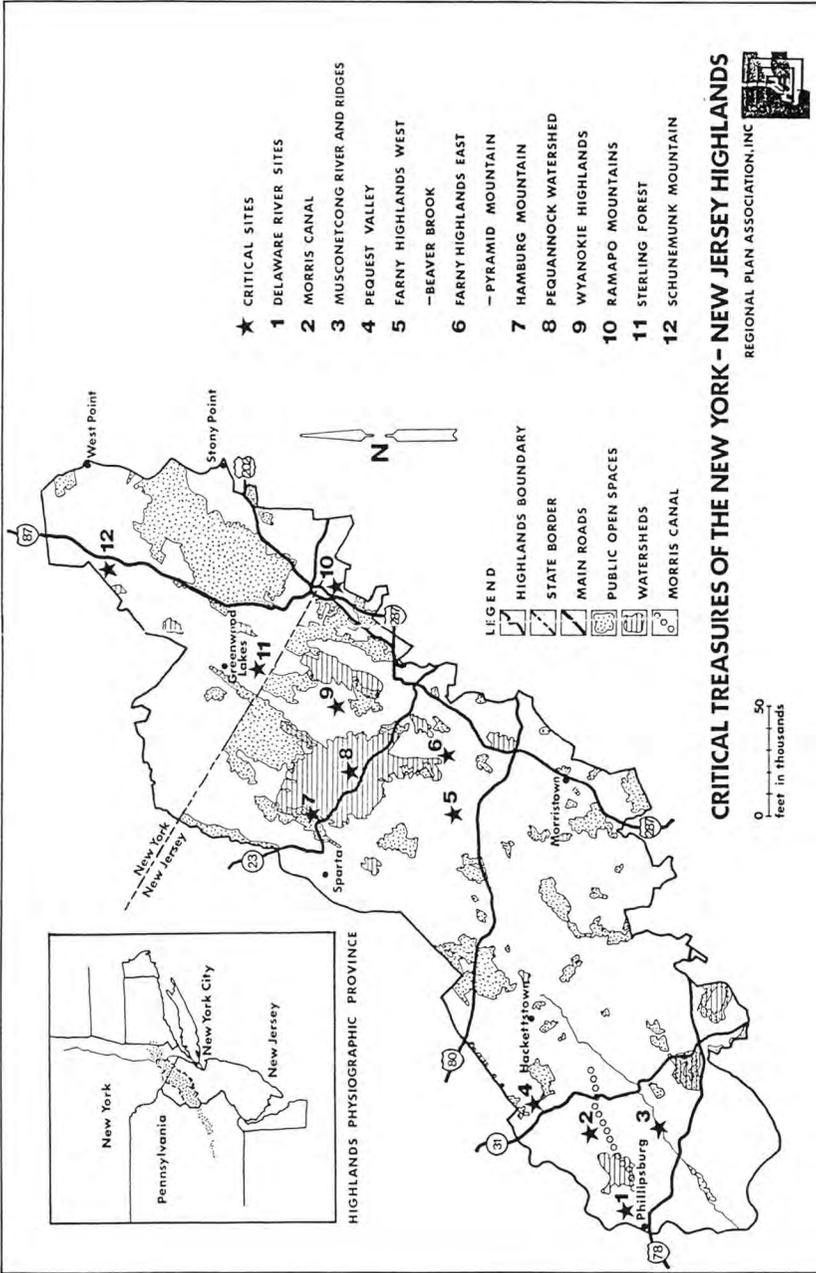
We urge this committee to report favorably on H.R. 2741 as drafted. Thank you.

THE HIGHLANDS COALITION

300 Mendham Road, Morristown NJ 07960
 PH (201) 539-7540 FAX (201) 539-9439

Appalachian Mountain Club
Archaeological Society of New Jersey
Association of New Jersey Environmental Commissions
Citizens for Controlled Development
Citizens for Quality Environment (Sparta, NJ)
Committee to Save Pyramid Mountain
East Jersey Trout Unlimited
Environmental Defense Fund
Fairview Lake and Watershed Conservation Foundation
Farmy Highlands Watershed Coalition
Friends of Pyramid Mountain
Garden Club of America, New Jersey Committee
Highlands Audubon Society
Highlands League for Conservation and Preservation
Hudson River Sloop Clearwater
Hunterdon Heritage Conservancy
Institute for Environmental Studies, Ramapo College of New Jersey
League of Women Voters of New Jersey
League to Save Open Space
Monclair Bird Club
Morford Conservation Company
Morris County Park Commission
Morris Highlands Audubon Society
Morris Parks and Land Conservancy
Musconetcong Watershed Association
New Jersey Audubon Society
New Jersey Conservation Foundation
New Jersey Environmental Lobby
New Jersey Public Interest Research Group (NJPIRG)
New Jersey Rail Trails
New Jersey Recreation and Parks Association
New Jersey State Federation of Sportmen's Clubs
New York-New Jersey Trail Conference
North Jersey Highlands Historical Society
Orange Environment, Inc.
Passaic River Coalition
Paulinskill - Pequest Watershed Association
P.O.W.W.W. (Protect Our Wetlands, Water and Woods)
Ramapo River Committee
Sierra Club, New Jersey Chapter
Skylands C.L.E.A.N., Inc.
South Branch Watershed Association
Sterling Forest Coalition
Summit Nature Club
The Wilderness Society
Tourne Valley Coalition
Trust for Public Land
Upper Raritan Watershed Association
Upper Rockaway River Watershed Association
Watershed Watch
West Branch Conservation Association

David F. Moore, Chair - Dennis Miranda, Vice Chair - Thomas Gilmore, Secretary - Wilma E. Frey, Coordinator
 4/22/94



Mr. HINCHEY. Well, I thank you all very much. You know how committed we are to trying to achieve this purpose. We think it is a very, very important one. It is noble in its objective, and we are going to do everything we can to try to bring it to a fruitful conclusion, and we thank you all very much for being with us at this hearing. Your testimony has been very, very helpful to our enterprise. Thank you very much.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

APPENDIX

MAY 26, 1994

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

Honorable Bruce F. Vento
Chairman, Subcommittee on National Parks,
Forests, and Public Lands
U. S. House of Representatives
812 O'Neill House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for inviting the Forest Service to testify at the May 26, 1994, hearing on HR 2741 & 3107. Ms. Comanor's testimony outlined the Forest Service's involvement in the New York/New Jersey Highlands Study, including the Sterling Forest. I would like to reinforce her testimony by expressing my personal support for addressing the concerns identified in the Highlands Study, especially the critical areas such as Sterling Forest.

Congress had the foresight in the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize the New York/New Jersey Highlands Regional Study. The 1.1 million acres of the Highlands provides quality drinking water, public recreation, wildlife habitat, and historical sites within a 2-hour drive of 20 million people.

The study confirmed what many already knew - that the presence of large forested areas, of which Sterling Forest is the best-known - at the interface of the rural/suburban transition zone, offers an unparalleled opportunity to conserve forests for current and future generations. The study showed the compelling need for action to protect key areas as part of a broad Highlands conservation strategy.

The Department is helping and can continue to make a strong contribution to conservation through the programs it offers private forest and agricultural landowners. Just as the Forest Service served as the catalyst for the Highlands Study, it is ready to serve as a coordination point for a Highlands conservation strategy. Not only are areas such as Sterling Forest valuable, but other private lands can contribute to resource conservation when communities and landowners participate in Forest Legacy, Rural Community Assistance, Stewardship, and Urban and Community Forestry programs. We support coordinated conservation of the Highlands to meet present and future needs.

Honorable Bruce F. Vento

2

We would like to offer our assistance in any way. We look forward to working with you.

Best personal regards,

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lyons', written over the typed name and title.

James R. Lyons
Assistant Secretary
Natural Resources and Environment



June 3, 1994

Robert L. Thomson
Director
Chief Executive Officer

The Honorable Bruce F. Vento, Chairman
National Parks, Forests, and Public Lands
812 O'Neill House Office Building
Washington, DC 20515

RE: H.R. 2741

Dear Congressman Vento:

At the hearing on H.R. 2741 held on May 26, 1994 there was one point raised upon which Sterling Forest Corporation (SFC) was specifically asked to provide additional information. Additionally, another issue came up at the hearing to which we wish to respond.

The issue about which we were asked to supply additional information concerned an exchange between Congressman Hinchey and me involving the level of stream classifications in New York. I indicated at the hearing that New Jersey officials were on record as indicating that "we've gotten everything we've asked for" with regard to the recent reclassifications that New York is placing on streams coming out of Sterling Forest and flowing into New Jersey. I was asked to supply the source of that statement. The source was an article in The Record of Bergen County, New Jersey of December 29, 1993. I have enclosed a copy of that article and have taken the liberty of highlighting the key section which is found on the article's continuation page.

The second item about which I wish to comment concerns a statement made by one of the witnesses that one of the wastewater treatment facilities operated by South County Utilities (an SFC subsidiary) had been out of compliance with applicable standards six times in the last twelve months. Specific reference was made to the facility which receives affluent from one of the New York University laboratories for which we provide such utility service. According to the president of South County Utilities, James Riley, we have a perfect compliance record stretching back several years. We conduct all required periodic testing and a search of our records indicates no compliance failures nor have we been notified of any by the New York State Department of Environmental Conservation, the applicable regulatory agency.

The Honorable Bruce F. Vento
June 3, 1994
Page 2

I would very much appreciate it if this letter and its attachment could be made part of the record of the hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert E. Thomson". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert E. Thomson
Chair

RET:sew
Attachment

cc: The Honorable Benjamin A. Gilman

WEDNESDAY, DECEMBER 29, 1993

The Record

Friend of the People It Serves

N.J. wasting shot at cleaner water? Urged to press N.Y. on streams

By BRUNO TEDESCHI
Staff Writer

The Ringwood River and Jennings Creek meander through lush valleys and thickly forested foothills in some of New York's most beautiful back country before flowing into North Jersey's reservoirs.

Aside from the discharges of a few small, private sewage-treatment plants into the Ringwood, the two waterways are essentially free of pollution.

A proposal to upgrade the classification of the two streams is quietly wending its way through the New York bureaucracy. Critics say New Jersey environmental officials are blowing an opportunity to ensure that the waterways remain clean forever by not demanding that New York give them an even cleaner classification.

New Jersey, however, says it has no right to ask New York for tougher standards than its own.

Current regulations require that water quality along most of the two waterways in New York be clean enough for fish to live in. The reclassification calls for making the waterways even cleaner — clean enough for fish to breed in —

WHAT IT MEANS

New York will soon reclassify two waterways that feed into North Jersey reservoirs. With development pending along the waterways, New Jersey environmentalists and water company officials fear that lax reclassification could negatively affect the region's drinking water.

but stops short of requiring drinking-water quality.

Because of that, critics including private watchdog groups and North Jersey water officials say New York is shortchanging North Jersey by not proposing tougher standards that would prevent discharges of sewage and other pollutants. They also argue that the New Jersey Department of Environmental Protection and Energy, which has had input in the classifi-

See **WATER** Page A-6

WATER: N.J. urged to seek upgrade

From Page A-1

cation process, isn't fighting hard enough to protect water quality at its source.

"The New Jersey DEPE failed to take the opportunity to insist on a higher classification," said Louisa C. Spencer, a staff attorney with the Environmental Defense Fund in New York. "The new classification of those rivers is inadequate to protect the drinking water in New Jersey over the long term."

"New York is sabotaging New Jersey's drinking water supply," said Jeff Tittel, a Ringwood environmentalist. "New Jersey has to take a strong stand to protect the streams of the state. We're burying our head in the sand if we think what's going on in New York isn't going to affect our drinking water."

New York has essentially four categories of cleanliness for rivers and streams, based on dissolved solids, dissolved oxygen, acidity, and coliform bacteria, found in animal waste. The highest category is drinking quality, followed by bathing, then fish propagation, and finally the lowest level, clean enough for fish to live.

Water from the waterways in question feeds the Monksville and Wanago reservoirs, eventually supplying drinking water for more than 2 million people in North Jersey. With 13,170 new homes and 8 million square feet of office space proposed for the area in New York, what gets discharged into those waterways could alter the Garden State's water supply.

The Environmental Defense Fund wants New York to give the water the highest classification, which would ban the discharge of pollutants. That position also is advocated by officials at the North Jersey District Water Supply Commission, operator of the two reservoirs, who say the DEPE should try to prevent discharges for all rivers that are sources of drinking water.

"What would you rather have flowing into your reservoir — treated sewage effluent or water from pristine streams?" asked Dean C. Noll, who retired this year as chief engineer of the water supply commission after 43 years.

But DEPE officials say they got exactly what they requested from the New York Department of Environmental Conservation — a match with New Jersey laws, which do not ban discharges.

"We worked for years to get

New York to upgrade these waters," said Merideth Lavery, an environmental scientist with the DEPE. "We've gotten everything we've asked for."

Because New Jersey's own regulations allow discharges into the Ringwood River and Jennings Creek, Lavery said it would be inappropriate for the DEPE to ask New York to ban discharges from sewage plants and other industrial sources.

But in New Jersey, both rivers pass through state lands and do not have any points of discharge.

New York faced a tougher opponent than New Jersey when it tried in the mid-1980s to reclassify several rivers and streams that drained into Connecticut.

Connecticut's laws ban supplies from using water tainted by sewage and other pollutants, said Glenn Thornhill, president of Stamford Water Co. He said Connecticut battled New York for several years to win a classification preventing any discharges into New York rivers that drain into Stamford's reservoirs.

"We felt it was New York's obligation to raise their standards up to those in Connecticut," Thornhill said.

Despite having been under the lowest classifications, the Ringwood River and Jennings Creek have remained almost free from pollution because of their remoteness. Jennings Creek is about a mile east of Greenwood Lake in Sterling Forest. The Ringwood River runs almost parallel about two miles east of Jennings Creek.

In requiring all rivers in the state to meet a drinking-water standard similar to New York's, New Jersey's laws still provide leeway for treated discharges of pollutants from sewage-treatment plants and industrial users.

Typically, a sewage-treatment plant's discharges are contaminated with small amounts of coliform bacteria and other trace contaminants. Industrial and sewage plants remove the bulk of such pollutants, but usually not enough to make the effluent drinkable. Before river and reservoir water reaches the tap, it is cleaned at treatment plants with filtration and chlorine.

And that's where New Jersey water experts such as Jerry J. Notte, general manager of environmental engineering at the North Jersey District Water Supply Commission, part company with the current way water is protected.

They argue that treatment no longer can be the sole answer, given the high cost of operating and maintaining such plants, growing concern over cancer-causing by-products of chlorine, and the problem of disposing of post-treatment sludge that often is contaminated with heavy metals.

"Treatment as a cure-all for every type of degradation is no longer the approach that should be taken," Notte said. "The Nineties approach is watershed protection."

That approach would collide with the interests of other major players. If New York bans discharges into the Ringwood and Jennings waterways, officials say, it would be virtually impossible to build in Sterling Forest, 17,500 acres of land in southeastern Orange County.

The owners of Sterling Forest are proposing 13,170 homes and 8 million square feet of office space. The development would discharge up to 3.4 million gallons a day of treated sewage into the Ringwood River.

With public funding of regional sewerage a thing of the past, developers and the government agencies that regulate them often have no option but creation of small sewage-treatment plants that discharge into local waterways.

Robert E. Thomson, chairman and chief executive officer of Sterling Forest Corp., said the request for even stricter regulations is nothing more than a thinly veiled attempt by environmentalists to block development.

"We haven't seen any scientific data to make the classification higher than what is being proposed by New York," Thomson said.

Currently, the last 100 feet of both waterways in New York differ in categorization from the greater parts. Those strips are held suitable for "contact recreation and any other uses except as a source of water supply for drinking." They would be upgraded one notch, to drinking-water standards.

Cesare Mantredi, regional water engineer with the New York DEC, said the higher designation for the last 100 feet will force officials to maintain especially tight standards upstream to ensure that water is safe for drinking by the time it reaches the state line.



May 31, 1994

The Honorable Bruce F. Vento, Chairman
National Parks, Forests, and Public Lands
812 O'Neil House Office Building
Washington, DC 20515

Re: H.R. 2741

Dear Chairman Vento:

As Supervisor of the Town of Tuxedo, New York, I request that this letter be made part of the record of the hearing concerning H.R. 2741. This hearing was held on May 25, 1994.

The Sterling Forest planned integrated development has raised many issues. Although the New York State Department of Environmental Conservation is the lead agency, the Town of Tuxedo is the most impacted stake holder, since most of the Sterling Forest land lies within our boundaries. It is for this reason that our position must be considered before any decisions to buy the property are reached.

The Town Board of Tuxedo has unanimously authorized me to strongly voice our concerns on this matter. It is vital to the economic viability of our community that the tax base represented by the Sterling Forest lands not be lost. As it appears at this time, the efforts to appropriate monies for a buy out do not make adequate provision to guarantee ongoing payments to the municipalities and school districts that depend so heavily on this source of revenue.

As supervisor of the Town of Tuxedo, I have a basic trust and responsibility to protect the vital interests of the town's residents. With a population of only 3,000 people, many of whom are retired, the prospect of further erosion of our tax base is cause for great alarm.

Please note for the record that the Town of Tuxedo requests that its fiscal interests be considered among the key impacts of any proposed purchase of Sterling Forest lands. It is also requested that input from our town government be made part of

AREA CODE 914

SUPERVISOR — 351-2265

TOWN CLERK — 351-4411

TOWN COURT — 351-5665

ASSESSOR — 351-5000

RECREATION — 351-5696

BUILDING DEPT. HIGHWAY DEPT. — 351-4421

HIGHWAY GARAGE — 351-2594

TOWN CLERK'S FAX NUMBER — 351-6594

SUPERVISOR'S FAX NUMBER — 351-2194

the public record of any hearings held for the purpose of considering acquisition of the site. It must also be noted that should this tract be purchased, the new owner must be required to pay the local taxes or commensurate payments in lieu of taxes to all affected entities.

The New York DEC has employed consultants to consider financial impacts of the proposed project. Sterling Forest Corporation has assured the affected municipalities and school districts that a tax positive condition will occur if their plan is approved. These consultants can be a valuable resource to both state and federal agencies considering this issue. I urge that they be used as a resource.

The long term financial stability of our municipality and our residents will be affected by the outcome of this issue. Serious attention to the local fiscal impacts must be part of any final decision. Your consideration is appreciated.

Sincerely,



Joseph J. Ribando
Supervisor

CC: Town Clerk
Town Board
Senator Joseph Holland
Assemblywoman Nancy Calhoun
Dr. Herbert R. Fliegner, Tuxedo UFSD

Responsible for 1,100 miles of foot-trails, including the original section of the Appalachian Trail.



MEMBER ORGANIZATIONS

Adirondack Mountain Club
 Albany Chapter
 Rockerbocker Chapter
 Long Island Chapter
 Mid-Hudson Chapter
 Multigan Chapter
 New York Chapter
 North Jersey Chapter
 Ramapo Chapter
 Schenectady Chapter
 Adult Exploring Club
 Adirondack Co-Women
 Appalachian Mountain Club
 New York/North Jersey
 Boy Scouts of America
 Bergen Council
 Neversink League, O.A.
 Troop 95
 Troop 216
 Troop 402
 Troop 475
 Campfire Environmental Team
 Camp Wyanoke Commission
 The Catskill Center
 Catskill 3500 Club
 Orange Mountain Club
 College Alumni Hiking Club
 Country Dancer New York
 Cragmen Association, Inc.
 Essex County Trailwalkers
 Finger Lakes Trail Conference
 Fire Rock Rescue Nature Association
 Fox Music Society of New York
 Friends of the Shawangunks
 Frost Valley Trailwalkers
 German-American Hiking Club
 Green Mountain Club
 New York Section
 Housatonic Hiking Club
 Hudsonian Association
 Interstate Hiking Club
 Long Island Greenway
 Trail Conference
 Metropolitan Canoe & Kayak Club
 Metropolitan Ramblers Association
 Mineral Sp. Club
 Mohawk Valley Hiking Club
 Mohawk Preserve
 Monticello County Park Commission
 Murray Hill Canoe Club
 Nature Hiking and Outdoor Club
 New York Hiking Club
 New York Mycological Society
 New York Ramblers
 Outdoor Bound
 Outdoor Club of South Jersey
 Outdoors Club
 Paradise Nature Association
 Projectors of Five Oak Wood
 Ramsey Contemporary Hiking Club
 Rip Van Winkle Hikes
 Snowshoers
 Spring Club
 Atlantic Chapter Outings
 Laramie Chapter
 Mid-Hudson Chapter
 North Jersey Chapter
 Sandyside
 Somerset County Hikers
 Star Trekker Company
 Sundance Outdoor Adventure Society
 Taconic Hiking Club
 Tarrytown Club
 Trail Swappers Ski Club
 Union County Hiking Club
 University Outing Club
 U.S. Trail Conference
 Valley Stream Hiking Club
 Vernon H. S. Outdoor Club
 Vermont Township Environmental Comm.
 Woman's New Preservation Corp.
 West Ecology Center
 Westchester Trails Association
 West Jersey Hiking Club
 Vermont Area
 Woodland Trail Walkers



232 Madison Avenue • New York, NY 10016 • (212) 685-9699

Written Testimony of JoAnn Dolan, Executive Director New York-New Jersey Trail Conference

before the
 Subcommittee on National Parks, Forests, and
 Public Lands

of the
 House Natural Resources Committee

concerning
 H.R. 2741

May 26, 1994

On behalf of the New York-New Jersey Trail Conference, I thank you for this opportunity to present our views on H.R. 2741. We strongly urge this committee to authorize no less than \$35 million in federal funds to the Palisades Interstate Park Commission for the purpose of acquiring land in the Sterling Forest area of the New York/New Jersey Highlands.

If the National Park Service's position -- to cut this authorization in half -- is the chosen position, then you must in conscience ensure that all of the authorities of the National Park Service are extended for purchase of Sterling Forest property, including eminent domain, and that the authorization be clearly intended as a special Appalachian Trail acquisition, and not in place of other AT acquisitions.

Again, we urge authorization for not a penny less than \$35 million. Sterling Forest represents, on many scores, qualities that are traditionally of federal interest. In addition, a great deal of work has been expended to form a special partnership which offers the federal government a unique opportunity to support a project that is backed up by two states and the private sector.

We speak to you as volunteers and citizens. The New York-New Jersey Trail Conference is a non-profit group responsible for maintaining over 1,100 miles of hiking trails. In addition, we are part of a national network of volunteers -- the backbone of management for the 2,100-mile Appalachian National Scenic Trail.

The NY-NJ Trail Conference has signed legal cooperative agreements with the National Park Service, the state park systems of New York and New Jersey, and with the Palisades Interstate Park Commission as the managers for the Appalachian Trail in NY and NJ. Conference members volunteer tens of thousands of hours each year in trail work. NY-NJ Trail Conference volunteers come from our 85 member clubs plus 9,500 individual members, representing over 70,000 people.

The NY-NJ Trail Conference was formed in 1920 as it began developing and maintaining trails for lands managed by the Palisades Interstate Park Commission. That partnership still exists - stronger than ever - along with other park agencies in both states.

In 1923 the NY-NJ Trail Conference built the very first section of the Appalachian Trail. The Trail began in Bear Mountain Park and extended to private land from Arden to Greenwood Lake (which is the Sterling Forest corridor).

For over 70 years Sterling Forest has buffered this original section of the Appalachian Trail.

Our remarks, however, do not just represent the trail community. The Trail Conference is a co-founder of the **Sterling Forest Coalition** and was a beginning member of the **Sterling Forest Work Group** -- now grown into the **Public-Private Partnership to Save Sterling Forest**. Therefore, we respectfully speak for the groundswell of grassroots groups that have banded together to ensure that Sterling Forest's resources are protected.

STERLING FOREST WITHIN THE NY-NJ HIGHLANDS

Just 40 miles from New York City, lies a green buffer -- 20,000 acres of Sterling Forest.

The central location of Sterling Forest makes it the keystone of a vast New York-New Jersey Highlands corridor of forests, streams, reservoirs, trails and farmlands.

If Sterling Forest is developed as planned, creating a city of 35,000 people, the Highlands Region effectively will be severed in half. Habitat will be seriously fragmented and a rich source of dependable, naturally clean drinking water will be compromised. A dream for future generations will be destroyed.

WHY STERLING FOREST REPRESENTS A FEDERAL INTEREST

- * **Proximity to the most densely populated region in the United States.** A very concerned public feels the federal government has abandoned their environmental and recreational needs in this region.

- **Protection of a \$143 million federal investment in the Appalachian Trail to date.** Planned development in Sterling Forest will create the most damaging impact to the Trail from Maine to Georgia.
- **Scarcity of habitat in the most densely populated region of the United States.**
- **Historical and Archeological significance.**
- **Interstate water concerns.** The drinking water for two million New Jersey residents will be profoundly affected by the action taken on Sterling Forest property in New York.
- **Threat of massive development.** Citizen's quality of life, economy, clean air and clean water are threatened by the development plan and both states will find it more difficult to comply with federal regulations.
- **The Constitution of the United States required a Federal Resolution by Congress for creation of the Palisades Interstate Park Commission bi-state compact of 1937, creating the only interstate park management agency in the United States.**

No one town, no one county nor one state should take full responsibility for the future of Sterling Forest. It requires leadership from all of the above and, because of the regional and national issues it raises, it requires leadership and action on the federal level.

The Appalachian Trail

The Appalachian Trail through Sterling Forest is the closest of any trail section to the most populated area in the United States.

The surrounding towns of Tuxedo, Monroe, Warwick and Chester are especially proud and proprietary about the Trail and it is a highly valued community resource for them. We see from field observation that there is an increasing number of school children and families using the Trail. For example, through outreach programs we are finding 150 local community people signing up for workshops of limited capacity. (Workshops include the study of butterflies, frogs and salamanders, birds, history, and so forth.) Whatever the user "traffic" along the Appalachian Trail, whether it's a long-distance hiker or a family outing to a waterfall, the important point is: The Appalachian Trail in the Sterling Forest region has remained remarkably pristine and provides a sorely needed sanctuary for those people who choose to use it.

Cultural

Sterling Forest was first surveyed in 1735 and has a rich historical background. Archeological studies and artifacts reveal Indian settlements here. The great iron chain used in the Revolutionary War to block the British fleet at West Point was forged in Sterling Forest and the Sterling Furnace has been preserved. The 14 Sterling Mines constituted a major early American Industrial center. Much of the history of the Highlands is under pavement. We cannot afford to lose more, for this is a national loss.

Forest Fragmentation

Sterling Forest is habitat to threatened and endangered species. The central location of Sterling Forest makes it the keystone of a vast New York-New Jersey Highlands corridor of forests, streams, reservoirs, trails and farmlands. Sterling Forest centrally links 100,000 acres of unbroken forest lands, essential for sustaining important wildlife in the Highlands. (For an example, see attached Memorandum on "Golden-Winged Warbler and Sterling Forest").

Water

Much has been said about the interstate issue of Sterling Forest's watershed lands in New York effecting the drinking water for 2 million residents in New Jersey. A foreign investment company that owns Sterling Forest land in the State of New York plans to add almost 5 million gallons of treated sewage to New Jersey drinking water sources each day. This is on top of the residual non-point source contaminants that will also be added to water supplies that drain into the NJ Wanaque\Monksville reservoir system.

The federal government has taken a strong role in water protection in other parts of the United States, and water has now become a crisis issue for us. This, together with concerns for compliance with the Clean Water Act, make it more urgent that federal funding assist us for Sterling Forest. Funding toward watershed protection will be far less costly than cleaning up our water sources due to development in the future.

Near the turn of the century, in Theodore Roosevelt's first message to Congress, he had announced that "the forest and water problems are the most vital domestic problems facing the American people". Today, citizens of the Highlands could not agree more. Now we urge political leaders in the federal government to take a leadership role in protecting Sterling Forest.

CITIZENS' RESPONSE

Since the 1920's there have been several major concept plans to preserve the New York-New Jersey Highlands region. Many local people feel that this is the last chance to protect the Highlands region because of severe building development pressures that their towns are succumbing to.

Local

Over the years a variety of surveys have been conducted among residents of the communities surrounding and within Sterling Forest, in order to determine their attitude toward development of the Forest. Over three quarters of the respondents felt that the development of Sterling Forest would negatively impact their quality of life, air quality and water quality, as well as lead to tax increases.

Regional/National

By an Act of Congress the Secretary of Agriculture was authorized to conduct a study "of the region known as the New York-New Jersey Highlands... including the Sterling Forest in Orange County, New York". The study was conducted by the USDA Forest Service and completed in 1992. Most of you are aware of this report and the issues that were confronted.

A series of 8 public session groups, where citizens were invited to respond to the draft study, drew an overwhelming response. Three basic desires were expressed:

- * Preservation of the natural resources of the Highlands. Fears were expressed concerning the destruction of water, wildlife habitat, landscape, recreational opportunities, prehistoric and historic sites.
- * The preservation of Sterling Forest as a critical step toward the larger Highlands mission.
- * A federal government level of involvement to assist in the protection of the Highlands.

The public sessions were for many the beginning, rather than the ending of recommendations for the Highlands region. Many grass roots groups sprung up ranging from several towns forming "Friends of Sterling Forest" groups to an "Alliance For A National Forest". Over 13,500 people signed petitions calling for federal government involvement in protecting the forest resources within the Highlands, including Sterling Forest.

A tremendous grass roots movement has spurred the creation of many groups coordinating their efforts to preserve Sterling Forest, and work in partnership with PIPC and state agencies to address concerns about the welfare of the Highlands. Among the many supporting groups are some listed below:

- * The Public-Private Partnership to Save Sterling Forest (see list attached)
- * The Sterling Forest Coalition (see list attached)
- * The national trail community
- * The Highlands Coalition
- * Alliance for a National Forest
- * Orange County Planning Board
- * Warwick Friends of Sterling Forest
- * Warwick Conservation Board
- * Monroe-Woodbury Friends of Sterling Forest
- * Monroe Conservation Committee
- * Rockland County Environment Management Council
- * Rockland County Environmental Association
- * Town Supervisor of Monroe
- * Orange County Land Trust
- * Ringwood Town Council
- * Tuxedo Residents Action Coalition
- * Tuxedo Taxpayers Association
- * Sterling Forest Resources

As one of the many organizations, the Trail Conference has "put their money where there mouth is" over a ten year period. Right now we join others --unfortunately to spend several hundred thousand dollars in independent analysis to assure that the draft environmental impact statement required by Sterling Forest Corporation does not neglect to address important environmental concerns. Frankly, we'd much rather put our money into acquisition!

CITIZENS' RECOMMENDATION

The coalitions and grass roots groups strongly urge you to authorize \$35 million toward acquisition of Sterling Forest. We see this as a **minimum** requirement of federal involvement to see Sterling Forest protected.

Palisades Interstate Park Commission has been the leader over the years in an unflagging effort to create a financial package that would include funding from the federal government, and the states of New York and New Jersey, with the balance of funding responsibility coming out of the private sector.

If the federal government fails to authorize sufficient funds, the risk of losing Sterling Forest is high. The loss of Sterling Forest, because of its strategic location and size, will unalterably degrade the entire remaining Highlands and set the course for its fate.

A week-long conference of indigenous people from around the world met in Stony Point, New York to bring together traditional leaders from indigenous communities, international assistance organizations and businesses to evaluate issues of common concern. The purpose was to assist tribal communities to preserve and protect their cultural traditions and the environment. On Thursday, May 19, leaders of the Indigenous People broke from their conference to join in the effort to preserve Sterling Forest. In a ceremony to "bless the land" known as Sterling Forest, tribal leaders from the United States, the Amazon, New Zealand and other places came to lead the blessing. It took place by Little Dam Lake on the Appalachian Trail in Sterling Forest.

So at this time, we the citizens, ask for the House of Representatives to listen, and take heed, and authorize \$35 million dollars for Sterling Forest in the Highlands.

MEMORANDUM

TO: OLIVIA
 CC: STERLING FOREST FILES
 FROM: JIM CURATOLO
 DATE: 18 FEBRUARY 1994
 RE: GOLDEN-WINGED WARBLER AND STERLING FOREST

I REVIEWED THE CHAPTER ON GOLDEN-WINGED WARBLERS BY JOHN CONFER, ITHACA COLLEGE, IN MIGRATORY NONGAME BIRDS OF MANAGEMENT CONCERN IN THE NORTHEAST BY THE USFWS. I THEN CALLED HIM AND WE DISCUSSED THE IMPORTANCE OF STERLING FOREST TO GOLDEN-WINGS IN PARTICULAR AND ITS IMPORTANCE TO A LANDSCAPE-WIDE PROTECTION PROGRAM.

GOLDEN-WINGED WARBLERS ARE GROUND-NESTERS THAT NEED SMALL PATCHES OF EARLY SUCCESSIONAL HABITAT SURROUNDED BY FOREST. THERE ARE TWO SOURCES OF THIS HABITAT: THE EARLY SUCCESSIONAL STAGES OF ABANDONED FARMLAND AND SMALL NATURAL OPENINGS THAT OCCUR IN AREAS THAT HAVE A MIX OF SWAMPS AND FOREST.

IT APPEARS THAT GOLDEN-WINGS DO BEST WHEN THIS PATCHINESS OCCURS OVER A RATHER WIDE AREA. AS THE FARMLAND REVERTS TO FOREST BLUE-WINGED WARBLERS ARRIVE AND SLOWLY OUTCOMPETE THE GOLDEN-WINGS AS THE HABITAT CHANGES. THE STERLING FOREST AREA IS TRULY UNIQUE BECAUSE IT HAS A STABLE, NATURAL PATCHINESS THAT PROVIDES HABITAT FOR BOTH GOLDEN-WINGS (SWAMPS) AND BLUE-WINGS (FOREST). DR. CONFER STRESSED THAT THIS AREA WAS TRULY UNIQUE AND IMPORTANT DUE TO THE HABITAT AND ITS LARGE SIZE. I THINK THIS IS THE PERFECT EXAMPLE OF HOW AN INTACT LARGE LANDSCAPE HAS MANY SUBTLE FUNCTIONS THAT ARE LOST AS HABITAT IS FRAGMENTED THROUGH DEVELOPMENT.

IN THE LATEST SYMPOSIUM ON NEOTROPICAL BIRDS, THE USFWS, USING GIS TECHNOLOGY, ANALYZED THE HABITAT FOR 133 BIRDS IN THE NORTHEAST AND CONCLUDED THAT GOLDEN-WINGS WERE IN THE TOP TWO OF SPECIES IN MOST SEVERE JEOPARDY.

IN SUMMARY YOU CAN DESCRIBE STERLING FOREST AS A LARGE LANDSCAPE THAT CONTAINS THE RIGHT MIX OF STABLE NATURAL PATCHINESS THAT PROVIDES A LONG-TERM REFUGIA FOR GOLDEN-WINGED WARBLERS. THE ARGUMENT CAN BE MADE THAT CHANGES IN THE LANDSCAPE THAT AFFECT THIS PATCHINESS OR INCREASE THE OCCURRENCE OF PREDATORS (CATS, FOR INSTANCE) OR PARASITES (COW-BIRDS) CAN ALTER THESE FUNCTIONS. I THINK THIS EXAMPLE CAN BE USED BOTH AT THE SPECIES LEVEL AND AT THE ECOSYSTEM LEVEL.

JOHN CONFER WAS VERY HELPFUL AND I'M SURE WOULD BE GLAD TO DISCUSS THIS FURTHER AT (607) 274-3978. HE ALSO MENTIONED THAT MEMBERS OF THE FEDERATION OF US BIRD CLUBS WAS VERY INTERESTED IN STERLING FOREST. A CONTACT IS BERNA (?) LINCOLN, SOMMERS, NY (914) 277-8264.

PUBLIC- PRIVATE PARTNERSHIP TO SAVE STERLING FOREST

Laurance Rockefeller, Chairman

- * Palisades Interstate Park Commission
- * NY State Office of Parks, Recreation & Historic Preservation
- * New Jersey Governor's Authority Unit
- * National Park Service - Appalachian Trail Project
- * North Jersey District Water Supply Commission
- * Adirondack Mountain Club
- * Appalachian Mountain Club
- * Appalachian Trail Conference
- * Environmental Defense Fund
- * Hudson River Valley Greenway Council
- * National Audubon Society, Northeast Region
- * Natural Resources Defense Council
- * New Jersey Audubon Society
- * New Jersey Conservation Foundation
- * New York-New Jersey Trail Conference
- * New York Parks & Conservation
- * Open Space Institute
- * Orange County Land Trust
- * Orange Environment
- * Passaic River Coalition
- * Regional Plan Association
- * Scenic Hudson
- * Sierra Club - New Jersey
- * Sierra Club - Atlantic Chapter
- * Sterling Forest Coalition
- * Sterling Forest Resources
- * The Nature Conservancy, Lower Hudson
- * Trust for Public Land

STERLING FOREST COALITION

John Humbach, Chairman

- * Adirondack Mountain Club
- * Appalachian Mountain Club
- * Appalachian Trail Conference
- * Citizens for the Land, Environment & Neighborhoods
- * National Audubon Society
- * New York City Audubon Society
- * New York-New Jersey Trail Conference
- * New York Parks & Conservation Association
- * Orange County Audubon Society
- * Orange Environment
- * Rockland County Conservation Association
- * Sierra Club, Atlantic Chapter
- * Sierra Club, New Jersey Chapter
- * Sierra Club, New York City Group
- * Sierra Club, North Jersey Group
- * Sierra Club, Ramapo/Catskill Group
- * Sierra Club, Rockland Committee
- * Sterling Forest Resources
- * Sugar Loaf Community Foundation
- * Warwick Friends of Sterling Forest

Lummi Indians bless Sterling Forest land

By KRISTEN GEORGI

Record Correspondent

STERLING FOREST — As geese flew overhead and rain fell on a canopy of leaves yesterday, tribal leader Ken Cooper sang and beat on a skin drum:

"The earth is calling our name,
The trees are calling out in pain.
Hear their cry. Oh, feel their pain,
The earth is calling our name."

Cooper, of the Lummi Indians of the Pacific Northwest, invoked the spirits of the land and water to preserve Sterling Forest from development.

It was all part of a "blessing of the land" ceremony that tribal leaders organized yesterday along the Appalachian Trail at Little Dam Lake. A conference of Indian leaders from around the world is meeting in Stony Point this week; the blessing came in conjunction with the conference.

Chief Johnny White Cloud of the Otae/loway tribe in Oklahoma offered a prayer to Mother Earth, on behalf of the Indian ancestors who had been forced to leave their homelands and travel west.

Standing along the bank of the lake, Chief White Cloud talked about the Indian's reverence for life. He entreated the spirits to listen, calling to them with a bamboo whistle borrowed from the Navaho. He urged that the forests and waters of Sterling Forest's 17,500 acres not become an "asphalt jungle".

"If we only save our own backyard we are as guilty as those who are the land

destroying land," Cooper said. "We've had our chance. Now we are worried about the seventh generation, those who come after us."

The blessing comes at a crucial time in the forest's history. This week, the Clinton Administration said it opposes using federal money to help acquire Sterling Forest for public use.

The property is owned by the Sterling Forest Corp., which is proceeding with seeking approvals to develop the land, under its comprehensive plan. In testimony, Robert E. Thomson, Sterling's chairman, told a U.S. Senate subcommittee that 76 percent of the property would remain open space.

Thomson said he did not know about yesterday's ceremony.

"You mean they were trespassing?" Thomson said. "They didn't contact us about their plans."

A \$35 million bill in the Senate toward the purchase of Sterling Forest was opposed by government officials in hearings on Tuesday. The National Park Service said that its park system should take priority for land acquisition money.

The company says it is willing to sell to the government and forgo development, if a fair price can be reached. While environmentalists and New York officials support a public acquisition, money for it is not available, at least so far. No firm price has been discussed, but estimates of the cost are in the tens of millions.

Spirits soar

Tribal leader chief Johnny Whitecloud, left, of the Otae/loway Indians joins Ken Cooper (Chadaskadum), tribal elder of the Lummi Indians of the Pacific Northwest, in a ceremony to bless Sterling Forest. Story, page 18.



CHRIS RAMIREZ/The Record

**AUDUBON COUNCIL OF NEW YORK STATE
A CONFERENCE OF NATIONAL AUDUBON CHAPTERS**

*c/o National Audubon Society
Northeast Regional Office
1789 Western Avenue
Albany, New York 12203
(518) 869-9731*

May 19, 1994

Honorable Bruce Vento
House Subcommittee on National Parks,
Forests, and Public Lands
812 O'Neil House Office Building
Washington, DC 20515

Re: Comments for the Record on HR-2741

Dear House Subcommittee:

The following represents the position of the Audubon Council of New York State, and the National Audubon Society, regarding authorization of 35 million dollars to the Palisades Interstate Park Commission for acquisition of Sterling Forest Land.

We strongly support this legislation.

Testimony already received by you has no doubt indicated the importance of Sterling Forest as a wildlife corridor; and the harm that fragmentation of this tract of forest would do to wildlife particularly those species requiring deep woods. We add our concerns on these issues.

We bring to your attention too our concern about the harmful effects that development in this area would have on air quality in the entire New York Metropolitan region, to Southeastern New York, nearby New Jersey and even Pennsylvania. This area and nearby Harriman State Park act as the "lungs" of the region to buffer and purify air coming out of Greater New York. Development, even fragmentation, would be the same as removing one lung from a body.

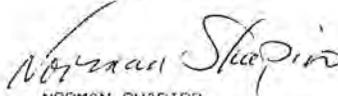
Also, there is the issue of the economic damage that development would do to surrounding towns and school districts. Orange County, New York is already in great need of infrastructure improvement particularly regarding solid waste and sewage. The addition of 14,000 homes with the possible build-out population of 50,000 people spells economic disaster.

NEW YORKERS COMMITTED TO CONSERVATION

Important to the neighboring State of New Jersey is the effect that proposed development of the Sterling Forest would have on drinking water quality. It is clear that any development would cause the water quality to deteriorate.

For the foregoing reasons, from protection of animal life and plants which is a major concern of Audubon to the affects on infrastructure and economics of the area, we respectfully urge approval of HR-2741.

Very truly yours,

A handwritten signature in cursive script that reads "Norman Shapiro". The signature is written in dark ink and is positioned above the typed name.

NORMAN SHAPIRO
123 Newport Bridge Road
Warwick, New York 10990

STERLING FOREST RESOLUTION

WHEREAS, Sterling Forest is the largest undeveloped private tract of land in downstate New York, and

WHEREAS, Sterling Forest, straddling the New York-New Jersey border, includes over 18,000 acres of forests and water bodies with outstanding scenic areas, wetlands, biological diversity and unique habitats.

THEREFORE, BE IT

RESOLVED, that the Audubon Council of New York opposes any development of the Sterling Forest, and

RESOLVED, that the Audubon Council of New York State supports acquisition of the Sterling Forest by use of federal and state funds via the passage of H.R. 2741/S. 1683 which authorizes up to 35 million dollars of federal funds for this purpose and the use of New York State's Environmental Protection Fund.

RESOLVED, that the Audubon Council designates Norm Shapiro to continue to review, comment on and be involved in the scoping/EIS process for Sterling Forests on behalf of the Council and the National Audubon Society.

Moved by Rockland County Audubon Society.
Adopted on March 26, 1994.

Tuxedo Union Free School District

TUXEDO PARK, NEW YORK 10967

Telephone: 914-351-4786

DR HERBERT R. FLIEGNER
Superintendent of Schools

JOSEPH P. ZANETTI
Business Administrator

CARMINE J. ANTONELLI
High School Principal

DR. JAN P. HAMMOND
Elementary Principal

DENIS M. PETRILAK
Dean of Students

June 2, 1994

The Honorable Bruce F. Vento, Chairman
National Parks, Forests, and Public Lands
812 O'Neill House Office Building
Washington, D.C. 20515

Attn: Mr. Sandy Scott

Re: H.R. 2741

Dear Mr. Vento:

Recent news stories suggest that the government of the United States, in concert with the governments of New Jersey and New York may purchase Sterling Forest from its present owner, the Sterling Forest Corporation. While the aim, to preserve some of that land as a park is laudable, the proposed ownership by government will place an enormous additional burden on the other taxpayers of the Tuxedo school district unless provisions are made to protect Sterling Forest as a significant revenue source for the school district.

The current landholder, the Sterling Forest Corporation, is a major taxpayer and revenue source for the Tuxedo Union Free School District. In the 1992-93 school year that corporation contributed \$260,713 (amounting to 7.7% of the district's total tax levy) to the Tuxedo public schools in taxes. This makes Sterling Forest Corp. one of the largest single taxpayers to our school district. The figure for 1993-94 is even larger (\$270,099). With plans for development this amount is anticipated to increase and to be an essential component of the revenues the district counts on in future years.

It is imperative for the Tuxedo Union Free School District that the contemplated land acquisition by the U.S. and any State governments take into account the potentially negative impact on local taxing authorities. We request, therefore, that any agreement for the acquisition of this land by State and National governments include provisions for the continued payment of revenues in lieu of taxes to local jurisdictions. The Board of Education of the Tuxedo Union Free School District urges you to assure that the potentially crippling effect of such a serious loss of revenues be avoided by appropriate provisions in any purchase agreement for Sterling Forest lands.

Honorable Bruce F. Vento
June 2, 1994
Page - 2 -

The Tuxedo Union Free School District can ill afford to lose more revenues after the already damaging State Aid reductions we have experienced since the 1990-91 mid-year State Aid cuts. Local residential taxpayers are already making every possible sacrifice to enable schools to operate. Any additional reduction in revenues from existing sources would have devastating effects on our schools.

We suggest that further erosion of school district revenues must be avoided by responsive and responsible actions by representatives in Washington and Albany. Please help us preserve and protect the quality of our children's education.

We request that this letter be made part of the record of the hearing concerning H.R. 2741 that was held on Wednesday, May 25, 1994.

Sincerely yours,


Herbert R. Fliegner
Superintendent of Schools

HRF/mlk

cc: Board of Education
Honorable William Bradley
Honorable Nancy Calhoun
Honorable Benjamin A. Gilman
Honorable Joseph R. Holland
Mr. Joseph Ribando, Town Supervisor
Mr. Robert E. Thomson, Chair SFC



JOSEPH G. RAMPE
 COUNTY EXECUTIVE

June 1, 1994

Mr. Bruce F. Vento, Chairman
 National Parks, Forests, and Public Lands
 812 O'Neill House Office Building
 Washington, D.C. 20515

RE: H.R. 2741

Dear Mr. Vento:

I write to you in regard to the possible acquisition of Sterling Forest.

As Supervisor in the Town of Warwick, my concern was for Town tax dollars and now as County Executive my concern is for County tax dollars. I urge you to make sure that whatever land that may be purchased with federal funds somehow remains on the tax rolls either through direct payment or pilots.

As I have also stated before, I feel very strongly that the organization that would be a fitting and proper steward of this land is the Palisades Park Commission and I highly recommend them.

Please include this letter as part of the record of the hearing concerning H.R. 2741 held on May 25, 1994.

Sincerely,

Joseph G. Rampe
 Orange County Executive

cc: Supervisor Edgar A. Houston, Town of Warwick
 Supervisor Joseph J. Ribando, Town of Tuxedo
 Supervisor Mike Frerichs, Town of Monroe
 Robert Binnewies, Palisades Interstate Park Commission
 Sterling Forest Corporation

MONROE-WOODBURY CENTRAL SCHOOL DISTRICT

EDUCATION CENTER, CENTRAL VALLEY, NEW YORK 10917 / (914) 928-2321 / FAX: (914) 928-9337

TERRENCE L. OLIVO
Superintendent of Schools

DR. LOUIS A. CICOTA, JR.
*Assistant Superintendent
 for Instruction*

JAMES E. LEWIS
*Assistant Superintendent
 for Business*

FRANK L. MOSCATI
*Assistant Superintendent
 for Personnel*

May 31, 1994

Mr. Bruce Vento
 House Natural Resource Committee
 National Parks, Forest & Public Lands
 812 O'Neil House Building
 Washington, D.C. 20515

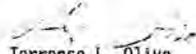
Dear Chairman Vento:

It has come to the district's attention that the federal government is seriously considering the acquisition of a large tract of the Sterling Forest property currently owned by the Sterling Forest Corporation of Tuxedo, New York.

As a public school district heavily dependent on real property tax for the support of our educational program, should the federal government purchase the above referenced land, I urge you to provide a mechanism for payment in lieu of taxes (PILOT) to taxing authorities that currently depend on tax payments from this property. To do otherwise would unfairly burden local taxpayers who would, of necessity, assume the additional obligation of absorbing such tax and thereby locally subsidize, in effect, the federal holding.

Please give this matter your most serious consideration. While one can recognize the value of the preservation of this spectacular forest, education must be our highest priority.

Sincerely,


 Terrence L. Olivo
 Superintendent of Schools

TLO:ig

cc: Honorable Benjamin Gilman
 Mr. Alexander Scott
 Board of Education



COUNTY OF ROCKLAND
ENVIRONMENTAL MANAGEMENT COUNCIL

Allison-Paris County Office Building
New City, New York 10956
Tel(914) 638-5709
638-5708
Fax(914) 638-5090

C. SCOTT VANDERHOEF
County Executive

DIANE GRUSKIN
Executive Director

June 8, 1994

BY FAX: 202/225-0449

Hon. Bruce Vento
House Subcommittee on National Parks, Forests
and Public Lands
812 O'Neill House Office Building
Washington, DC 20515

RE: COMMENTS FOR THE RECORD ON HR-2741
AUTHORIZATION OF \$35 MILLION TO THE PALISADES INTERSTATE PARK COMMISSION
FOR Acquisition OF STERLING FOREST LANDS

Dear Congressman Vento:

The Rockland County Environmental Management Council supports HR-2741. We urge the House Subcommittee on National Parks, Forests and Public Lands to release this legislation for review by the full Committee on Natural Resources. Please keep the proposed \$35,000,000 intact.

We support the preservation of Sterling Forest because of the vast riches it provides to the quality of life in the Highlands region of New Jersey and New York. Clean air and water, healthy outdoor recreation, unfractured habitat for flora and fauna, as well as buffers to urban expansion are permanent values far surpassing the short term benefits of development. Development offers a future of congestion, loss of natural resources and increased costly demands on community services - with resultant higher tax burdens for all.

Thank you for your consideration.

Very truly yours,

Diane Gruskin

Diane Gruskin

cc: EMC; Hon. C. Scott Vanderhoef; Hon. Benjamin A. Gilman
John Gebhards, Sterling Forest Resources
Robert O. Binnewies, Palisades Interstate Park Commission



PRINTED ON RECYCLED PAPER

Testimony of

Barnabas McHenry, Commissioner

Palisades Interstate Park Commission

and Chair of Hudson River Valley Greenway Communities Council
before the House Subcommittee on National Parks, Forests, and
Public Lands of the Energy and Natural Resources Committee

May 26, 1994

H.R. 2741

Chairman Vento and members of the Subcommittee

It is an honor and a pleasure to participate in these hearings. I am a Commissioner of the Palisades Interstate Park Commission and the chair of the Hudson River Valley Greenway Communities Council and appear to support H.R. 2741 for the benefit of the citizens of the States of New York and New Jersey.

The States of New York and New Jersey have a common goal in purchasing and protecting Sterling Forest and it is particularly appropriate that this goal be reached through the mechanism of a federal challenge to New York and New Jersey to match monies from the Land and Water Conservation Fund.

New York needs this recreational land as an addition to the Harriman-Bear Mountain complex that serves as a park for many millions of city dwellers. Our park system provides a much needed expansion space for these city dwellers, and if you would visit Harriman Park on any Saturday or Sunday this summer you would see a diverse population representing every ethnic group in our metropolitan area. It is for these citizens that we in New York ask for federal assistance in acquiring a substantial portion of Sterling Forest. Isn't this a better alternative than the Brobdingnagian housing

development to be erected by the Swedish investors?

It may be useful to set forth some financial factors that support the Palisades Interstate Park Commission case for acquisition of Sterling Forest. It has already been demonstrated that federal assistance will generate generous support from the States of New Jersey and New York that would not occur but for this timely federal financial intervention. But there is much more to be said and I will detail just three important factors.

First there are the annual operating costs for the Sterling Forest park that will be annexed to the existing Harriman and Bear Mountains park already managed by the Palisades Interstate Park Commission and which incidentally abuts the federal properties that make up the United States Military Academy. (The Department of Defense owns approximately 17, 000 acres on the north side of our park properties).

We estimate that it will cost about \$561,000 annually to manage this splendid addition to the Palisades Park - 7 full time employees, 31 seasonal employees and \$150,000 for supplies and equipment. Not one penny of this will be paid by the National Park Service or in fact any agency of the Federal Government. The State of New York will pay all of these operating costs.

Second, There is the payment in lieu of taxes. This is not strictly a federal matter but it is vital to the three towns in which the Sterling Forest Corporation owns this real property. In 1991 the Corporation paid taxes of \$1,111,939 on 17,530 acres to the towns of Monroe, Tuxedo and Warwick. The State of New York for the Palisades Interstate Park Commission will continue to pay real property taxes to those towns at the same rate as if the property were privately owned. In fact, this Commission paid a total of \$6,569,153.83 last tax year to towns in the New York counties of Rockland, Orange, Ulster and Sullivan. But what if the Sterling Forest properties were purchased by the National Park Service? The payment in lieu of taxes to the three towns would be movie money at best.

Third Private support. We can now say that the sum of \$5,000,000 will be made available from the extraordinary resources of a distinguished private foundation if the acquisition is completed with the appropriate federal assistance. We believe this is the largest single foundation grant made available for a recreational parkland purchase.

In conclusion we are enthusiastic, committed and equipped for this project. The addition of Sterling Forest to the Harriman Bear Mountain Park will be the largest addition to a state park in the United States since World War II.

Please make it happen.

Honorable Bruce Vento
House Committee on National Parks,
Forests and Public Lands
812 O'Neill House Office Bldg.
Washington, DC 20515

Helmut E. Nimke, P.E.
RD-1 209 Deerpath Road
Tuxedo, NY 10987
914-351-4502

SFHR2741

1 June 1994

Honorable Bruce Vento:

Re: HR-2741 Sterling Forest

This letter and the enclosed are intended as comments for the record, regarding the HR-2741 hearing which your committee recently held.

The present initiative to authorize \$35 million to the Palisades Interstate Park Commission for acquisition of lands in Sterling Forest, Orange County, New York, deserves the endorsement of your committee and urgent passage.

I have been directly involved for many years with the effort to rescue Sterling Forest. As resident of Sterling Forest for 25 years, as Diplomat of the American Academy of Environmental Engineers, as member of Planning Board of the Town of Tuxedo (1983-1989), as Councilman Town of Tuxedo (1990-1993), and as member of Orange County Board of Health, my concerns for the protection of the Forest in the public interest have reflected my professional credentials as well as my public responsibilities. The attached material is testimony.

During the past 6 years a very substantial body of work has been done, as published studies, regarding the ever more urgent need to preserve regional land assets, in sustainable condition, as essential public interest investment. As many others, I have directly participated in this work and devoted time and energy to an objective too long neglected. These studies, reports and committee recommendations, pertaining to the "Highlands Region" and Sterling Forest in particular, are already in the record and represent a very large body of responsible work deserving a place in your record. I can assemble that bibliography if you wish.

The effort to save Sterling Forest and, presently, the testimonial aspect of your hearing and consideration, has appropriately engaged the participation of many very large organizations dedicated to environmental protection. It would seem undeservedly that Tuxedo's citizenry has been absent any testimonial representation. The attached Summary of Questionnaires is intended to correct that misconception. While official Tuxedo has ignored this data, and has already granted Sterling Forest development "Concept Approval" (I alone voted no), this Summary deserves the regard of every official agency and elected official responsible for rational land and resource protection of Sterling Forest and the region.

I urge the rapid passage of HR-2741 and the subsequent actions to assure that Sterling Forest is saved. Also that this region receives its deserved and overdue attention in land and resource protection as derived from available federal funding and appropriation. The nation can find no better public investment.

Sincerely yours,
Helmut E. Nimke
Helmut E. Nimke, P.E.

HELMUT E. NIMKE, P. E.
CONSULTING ENGINEER
RD-1 209 DEERPATH ROAD
TUXEDO, N.Y. 10987
U.S.A.
914-351-4502

2 October 1989

Testimony offered to:

The U.S. House of Representatives Subcommittee on General Oversight and Investigation, U.S. House of Representatives Committee on Interior and Insular Affairs, the Honorable Peter H. Kostmayer Chairman; at the Tuxedo town hall regarding the Sterling Forest Greenway:

My name is Helmut E. Nimke. I have been a resident of Sterling Forest for 20 years at RD-1 209 Deerpath Road, Tuxedo, NY 10987. I am a Professional Engineer, designated Diplomat of the American Academy of Environmental Engineers, and a member of the Planning Board of the Town of Tuxedo. I am a proponent of the preservation of major portions of Sterling Forest as part of the regional Greenway plan.

I thank you for this opportunity to be heard and also for the dedication and interest which brought you to Tuxedo.

The public beneficial use of Sterling Forest has been considered for at least 20 years. Time has not benefited the economics necessary to its accomplishment. Time has however benefited and proven the scope and merit of the arguments which justify this undertaking as a public benefit. Time has also proven the urgency of action.

Regional growth and environmental insult is stressing the natural resources of the area in painful ways. The limits of water resources and waste effluent discharge capacity are already being reached in cases of overdevelopment. New Loads are swamping earlier uses and demand.

Rational development and growth in the Tuxedo region can only be assured in the long term if the watershed, wetlands and streamways of the Sterling Forest tracts, and those adjacent, are fully preserved.

Rep. P.H. Kostmayer

-2-

Nimke 2 October 1989

These resources define the future of Tuxedo. Encroachment on or attenuation of these resources will quickly constrain economic development by making impossible infra-structure demands.

Environmental, ecological and social factors appropriately dominate the arguments supporting preservation of lands in the public interest. I share those convictions. They have been ably expressed by the many organizations here represented. My participation in their activities, as directed at Sterling Forest, has been related to the liaison committee of The Sterling Forest Coalition, and the Regional Plan Association. No better expression of the full meaning and justification for major public acquisition of Sterling forest can be found than in their publications. Most notably in the RPA "Sterling Forest: An Interstate Planning Challenge" and the status paper by JoAnn and Paul Dolan dated 5 February 1987, "Sterling Forest Project: Concept Plan and Status." The extraordinary work of the many organizations working in the public interest is vast and of quality.

It is frustrating that the mass of effort dedicated to Sterling Forest preservation has had so little direct support from elected officials. There is a poverty of understanding of the full meaning and value inherent in this very special case. While environmental bond resources pass us by, "development" demands are about to bid our objective out of reach, and possibly, out of existence. In bond application, there are certainly other needs, opportunities and economic limits. Yet, there are very special values in Sterling Forest of public interest.

What the case needs now is urgent resolution. The Federal and State authorities must act jointly on what is truly an interstate necessity. New Jersey has already acted wisely in respect to preservation of its primary watershed. The planning delay by Sterling Forest is a tardy consideration in making the Greenway case. That has already been done in full measure by its proponents. There is no need for the delay of further study.

Rev. P.H. Kostmayer

-3-

Nimke 2 Oct 1989

I have participated in meetings of the Orange County Planning Department, the New York State DEC and other major State agencies. These have considered the issue in joint meetings in Goshen. County planners have prepared a draft map. The Orange County Executive has issued a statement which unfortunately links proposed Thruway exit 15A with the Greenway. There is not, and should not be, a connection. Locally, the potential tax implications are being considered. There are some 134 parcels in the Sterling Forest holdings. Some are in forest preserve status. The 1988 tax yield to Tuxedo of all present Sterling lands in Tuxedo was about \$110,000. School taxes of several school districts are roughly \$500,000. Warwick taxes are in addition. The full tax impacts need detail definition in order to establish the level of revenue compensation claim. In any case, it is arguable that sacrifice of Sterling Forest taxes need not add to the taxpayer's burden in the same measure as irrational and uneconomic "development" would. It has been clearly demonstrated everywhere that infrastructure demands of "development" have never reduced unit taxes.

The issue of local tax economics and real costs is crucial to the community and demands the clarity of analysis. However, the basic justification rests in the Greenway philosophy of environmental benefit and resource protection. The long range costs of neglect or disregard of this side of the Greenway coin will compromise our future in ways for which money is no cure.

Despite studied recommendations from many agencies and organizations of responsible interest, little if anything has been accomplished. There has been a welding together of those concerned in their conviction and dedication to this task and crucial opportunity. As one of the few testifying who live in Sterling Forest and have a local civic responsibility, early and positive action on this issue is my recommendation. That must start with a council of Federal, State, County and local officials to provide a funding base, commitment and policy to accomplish what must be done; not "if" but rather "how."

I share the hope of the many that this hearing will stimulate real action, appropriate to real urgency. To that end, offer you my aid.

Helmut E. Nimke
Helmut E. Nimke, P.E.

Sterling's growth plan leaves Tuxedo undefined

The Sterling Forest Corporation intends to have others build a new city in the wrong place. As urgencies attend "concept approval" of the project, plain speaking is necessary.

Official Tuxedo is enchanted, along with most politicians, by the prospect of sewer funds. Relatedly, it will assure a golden rain of "tax dollars." Tuxedo wants to bask in that rain. There will be drought instead. Services and administrative and school budgets soak up "surpluses" quicker than Bounty on a counter spill. Does Sterling's tax benefit yardstick measure tomorrow's or cost already in view of the irrefutable loss of increasingly critical regional assets?

Sterling's new city has a footprint of more than 35,000 people, 14,000 residences, mega commercial space and 55,000 parking spaces for 35,000 cars and trucks. It will fragment and transform an inestimable environmental wide as a liability. 84 is a reluctant axis of an agreement. Two or more golf courses will bless the watershed and as water demanding "open space." "Town Center" development is focused on Route 17A, the Indian Reservoir watershed and the public cost bonus of Thruway exit 13A, here is more.

It is already adjacent P.E. Tuxedo, on I-287, development — already granted generous zoning, and defined — with another golf course and Tuxedo's (DECC) is fully doesn't intend to. The taste of rateables, aided by an outdated master plan and deficient zoning, determine the menu. In fear of litigation in defense, Tuxedo has abandoned even more zoning changes its Planning Board recommended already. The Planning Board's recommendation is a first phase of 400 residential units without any commercial counterpart.

After that appetizer, Tuxedo hungers for the Sterling center. Tuxedo will become more a bedroom community

Helmuth E. Nimke, P.E. is a consultant for the Town of Tuxedo and diplomate, American Association of Engineering Engineers.

'my view' Helmuth E. Nimke

while taxing "affordable" housing for young and old into the hereafter. Tuxedo will be made a golf capital while tax pressures dislocate those not paying attention. We could use some affordable housing instead of Tuxedo ever gets away in concept approval.

Tuxedo's Town Board will soon grace Sterling's application with concept approval to satisfy an unwarranted mandate for rapid adoption. Selecting from a menu of requirements and conditions, the Town Board will satisfy its appetite for "necessary" growth. Concept approval is the best of all worlds. It will allow the developer to attempt public interest acquisition. It will define the legal and legal context for the duration, binding Tuxedo's — but rarely the developer's — options.

Having crowed itself "lead agency" in Sterling's environmental review, Tuxedo is content to delay such considerations as secondary to concept approval by engaging in a legal contest with the state Department of Environmental Protection. The DEC's role is to determine the form lead agency responsibilities. Usually, Tuxedo has no expense in this cause. The DEC may be part of the problem, but Tuxedo is not part of the solution. The DEC's charter is in the record. Tuxedo has yet to declare Sterling a "critical environmental area," its deserved environmental identity under the environmental review process.

In this inordinate regional issue, Tuxedo's claim to lead agency status: Tuxedo's name and record is completely wrong rather than right. Tuxedo's name and record alone rule would not have given Tuxedo a toxic dump at \$1.2 million in public cost to date. Tuxedo could support home rule attention, yet deserved, to Cutchin and the Indian Reservoir, the Ramapo River, exit 13A, I-287, or to define affordable housing absent bond or tax support.

This is not for The Record's reporters. Enough attention

is given local apostates of the great god growth, who tell us he gives all things good. Why does it hurt so much? The decade's 13.3 percent county growth denuded dumpsites on streams and wetlands, stressed water resources, flooded basins, sewage burdens, prisons, malls, hospitals, and universities. It has left behind a trail of pollution that has cost more of the same, really a solution.

Growth may be addictive economics, even painfully inevitable, but it cannot be made public interest virtue by the economic dogma. We must learn to measure the real growth, not just the growth in the wrong place, however profitable. The responsibility for the growth is not on the all will be better given yet greater devotion. Will they bond that, in comprehensive and regional terms, or even the soap bubble durability sworn by Sterling?

Growth will continue to change where and how we live. It will diminish the quality of both, while increasing real income. We better direct our democratic energy if the growth is to be a benefit. Many are increasingly troubled by what we're leaving the future as environmental debt and ever worthless dollars.

Dedicated efforts are defining regional value and rational growth directions; with poverty funding and political aid. The Regional Plan Association, New Jersey's "Rockland County Task Force," the "United Highlands Planning Study," the "New York State Planning Council," the "Second Century Plan," the Hudson River Valley Greenway Council and NYSDRC's "Conserving Open Space" have concluded that regional directions should be set by a compass other than undifferentiated growth and that land protection deserves urgent support as public investment. This is true of environmental values and pragmatic public interest economics. They're twins.

Several of these studies urge public acquisition of Sterling's land. The Regional Plan Association, New Jersey's Sterling's Plan, at local halls and libraries in Tuxedo, Warwick and Monroe. There is no more significant agenda than regional environmental welfare and its economic consequence.

Attend town and planning board meetings. Address your elected officials. Our future has been designed by others long enough. They're still at it. *HN*

SFSURVY554

A SUMMARY OF DOCUMENTED ATTITUDES
OF LOCAL RESIDENTS
TOWARD THE DEVELOPMENT OF STERLING FOREST

Prepared by Sherri Neuwirth
Senior Vice President and General Manager
EQUIFX

for

Sterling Forest Resources
7 Spring Rock Drive
Goshen NY 10924

As edited and transcribed by
Helmut E. Nimke, P.E.
RD-1 209 Deerpath Rd., Tuxedo, NY 10987

MARCH 1994

NOTE: Sterling Forest Resources represents a consortium of public interest organizations dedicated to the preservation of Sterling Forest as a regional treasure and concerned with the environmental implications of the development proposed by the Sterling Forest Corporation.

The proposed development of Sterling Forest as a new city, as opposed to its preservation as an increasingly important treasure, has drawn much deserved attention. The roster of concerned organizations grows as the issue is brought to increasingly urgent focus. In this it may seem that local expression of citizen interest, concern and reaction is and has long been absent. Since that is demonstrably not the case, the objective of this report is to summarize local reaction already in the record, as measured by several surveys, yet never before reported in composite. A reference bibliography of these surveys is provided herein.

Over the years, various surveys have been conducted among residents of the communities surrounding and within the Town of Tuxedo and Sterling Forest, in order to determine their attitude toward development in general and of the Forest in particular. In every case, these surveys had superior statistical validity. The following is the first summary of the findings of these surveys made to date.

A. THERE IS STRONG COMMUNITY SUPPORT FOR LAND PRESERVATION.

* Three quarters (74%) of those responding to Seanator Holland's 1992 Legislative Survey expressed this view.

* Nearly three quarters (72%) of those responding to a 1989 League of Women Voters survey of Tuxedo residents considered land preservation to be VERY IMPORTANT.

B. MOST OF THOSE RESIDING IN AND AROUND STERLING FOREST PREFER THEIR QUIET, RURAL SETTING.

* Of the Tuxedo residents responding to a 1992 survey sponsored by TRAC, 87% felt that Sterling Forest, as it exists today, enhances their lives.

* In the massive 1970 survey sponsored by the Tuxedo Planning Board (TPB) as basis for a Town Master Plan, Tuxedo residents were asked what they liked best about their town. Their most frequent responses were:

- a. The rustic/rural country setting.
- b. The quaint/small town/unpopulated/uncongested lifestyle.
- c. The natural beauty/woodlands/open space.
- d. The privacy/peaceful/quiet character of the community.

* Asked in the same survey what they liked least about the Town, a frequent response was the poor roads and congestion (an indication that many felt that it was already too crowded).

* In response to questions in the 1970 TPB survey about the preferred character of the community in the next 20 to 30 years, MORE THAN ONE-THIRD stated that they preferred that the area remain undeveloped/rural. MOST (84%) favored the use of planning and zoning techniques to ensure the preservation of the Town's natural beauty.

Frequently mentioned techniques for doing this included:

- a. Air and water pollution controls (71%).
- b. Greenbelts (49%).
- c. No construction on ridgelines (43%).

C. THESE EXPRESSIONS TRANSLATE INTO MAJORITY SUPPORT FOR THE PRESERVATION OF STERLING FOREST.

* THREE QUARTERS of those responding to the 1992 TRAC survey indicated opposition to Sterling Forest Corporation's proposed development.

* TWO-THIRDS of the Tuxedo residents responding to the 1989 League of Women Voters (LOWV) survey rated the preservation of Sterling Forest as VERY IMPORTANT.

* IN ADDITION, TWO-THIRDS of those responding to the 1989 LOWV survey favored State and/or Federal acquisition OF PART OR ALL OF STERLING FOREST.

* EIGHTY PERCENT (80%) of those responding to NYS Senator Levy's 1990 Legislative Survey favored setting aside two-thirds of the Sterling Forest tract for parkland.

* EIGHTY FIVE (85%) of Tuxedo residents responding to a 1989 survey, sponsored by the Town Supervisor, favored acquisition of a substantial portion of Sterling Forest land for a Greenway. FURTHERMORE, THREE-QUARTERS of those favoring a Greenway preferred limited public use, primarily for:

- Hiking (71%), Fishing (62%), Picnicing (46%), Boating (46%),
- Swimming (44%), Horseback riding (41%), and Camping (38%).

D. THERE IS SKEPTICISM WITH REGARD TO PROPER CONSIDERATION OF COMMUNITY ISSUES AND THE PUBLIC INTEREST IF THE FOREST IS DEVELOPED. These issues include wetlands and environmental degradation, water quality and supply, sewage disposal, tax revenues, roads, infrastructure and services, and sewer and water services. Preservation is regarded as the most economical and beneficial long term direction.

* MORE THAN ONE HALF (55%) of Tuxedo residents surveyed in the 1989 LOWV survey doubted that the Sterling Forest Corporation could (or would) adequately address these issues if they were to develop the Forest. A like number (57%) questioned the adequacy of local zoning laws to provide protection. FIFTY ONE PERCENT (51%) concluded that development would cost Tuxedo more than it would help. ONLY THIRTY SEVEN PERCENT (37%) concluded otherwise.

* IN TOTAL, THREE QUARTERS of these residents felt that people who do not live in the area should not be determining the development and type of community nature for the future of Tuxedo and the surrounding area.

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(4)

March 1994

* Concerns about taxes were also expressed by those responding to the 1992 TRAC survey. THREE-QUARTERS of these residents expressed the view that the development proposed by the Sterling Forest Corporation would lead to tax increases despite general assurances otherwise by the Corporation. EIGHTY SIX PERCENT (86%) felt that assurances given to the Town by the Corporation to absorb any tax increases due to development had no basis and could not be guaranteed.

* THREE-QUARTERS of the Tuxedo residents surveyed by TRAC also felt that the development of Sterling Forest would negatively impact the quality of their lives. Specifically; most indicated that the development would NEGATIVELY IMPACT AIR QUALITY (80%) AND WATER QUALITY (76%).

REFERENCES

1. June 1992 survey of Tuxedo residents sponsored by the Tuxedo Residents Action Coalition (TRAC). 360 responses were received; a 23% response rate.
2. 1992 Legislative Survey conducted by NYS Senator Joseph Holland in December 1991. 4000 responses were received from constituents of the 38th District.
3. 1990 Legislative Survey conducted by NYS Senator Eugene Levy (deceased).
4. Survey of Tuxedo residents, sponsored by the Laurel Ridge/Clinton Woods Residents Association and the League of Women Voters (LOWV), in October 1989. 185 responses were received.
5. April 1989 townwide survey of Tuxedo residents conducted by the Town Supervisor. 130 responses were received, recorded, but never generally reported.
6. November 1970 survey of Town of Tuxedo residents conducted by consultants Candeub, Fleissig and Associates for the Town of Tuxedo Planning Board, as Master Plan data base. 325 responses were received; A 40% RESPONSE RATE.

NOTES: Telephone surveys of Tuxedo residents conducted by consultants to the Sterling Forest Corporation, prior to 1993, as to attitudes regarding Sterling Forest development, have never been reported to the public.

Neither Tuxedo's Planning Board nor its Town Board have compiled the above data nor acted to satisfy the expressed objectives of their public.

The documents reviewed for this summary were provided to Sterling Forest Resources by Helmut E. Nimke, P.E., Past Planning Board Member and Past Councilman, Town of Tuxedo.

17 New Street
Bloomfield, N.J. 07003-3603
May 19, 1994

Hon. Bruce Vento
House Subcommittee on National Parks, Forests,
and Public Lands
912 O'Neill House Office Building
Washington, D.C. 20515

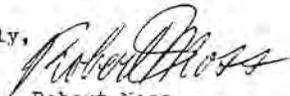
Dear Representative Vento:

I wish to enter comments for the Record on HR-2741, the authorization offunds for the purchase of Sterling Forest.

It is critical to the environment of the New York metropolitan area that the purchase of Sterling Forest be fully funded. Sterling Forest is a key link in the forested highlands that stretch from the Hudson River across northern New Jersey. These highlands are essential to the region's supply of clean air, clean water, wildlife, scenic beauty, and the availability of recreation to 30 million people. Since the negative impacts of the development of Sterling Forest transcend state boundaries, this is a prime opportunity to rectify the imbalance in Federal funding for land acquisition between the Northeast and other parts of the country.

Equally important, the development of Sterling Forest will severely impact the viewshed from the Appalachian Trail, a National Scenic Hiking Trail. Attachments 1 - 4 illustrate the development areas which will be visible from two viewpoints: the lookout near Cindy Linda Lake, and Mombasha High Point. Direction in degrees from north is shown at the top, the angle of vision from horizontal is shown at the side, and the ~~red~~-shaded areas will contain houses and office buildings. The nature of the Appalachian Trail will be destroyed.

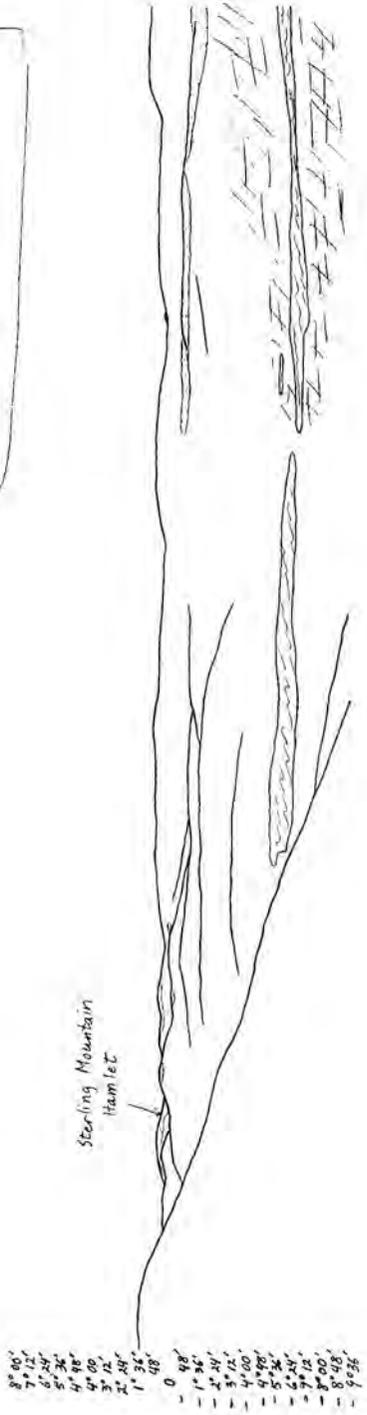
Thank you for your attention. Sincerely,


Robert Moss

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Cindy Linda Lake Lookout 1190'

Public Comment on HR 2741
 by Robert Weiss
 Attach 2



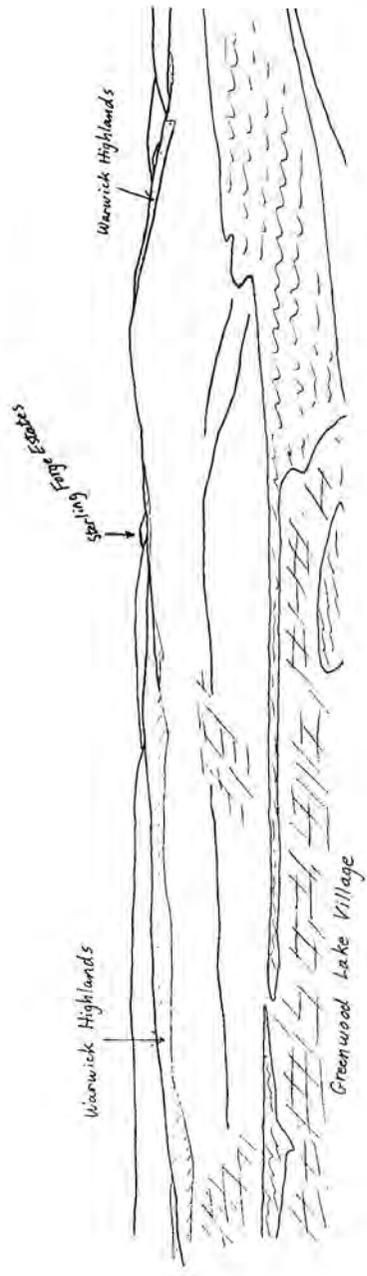
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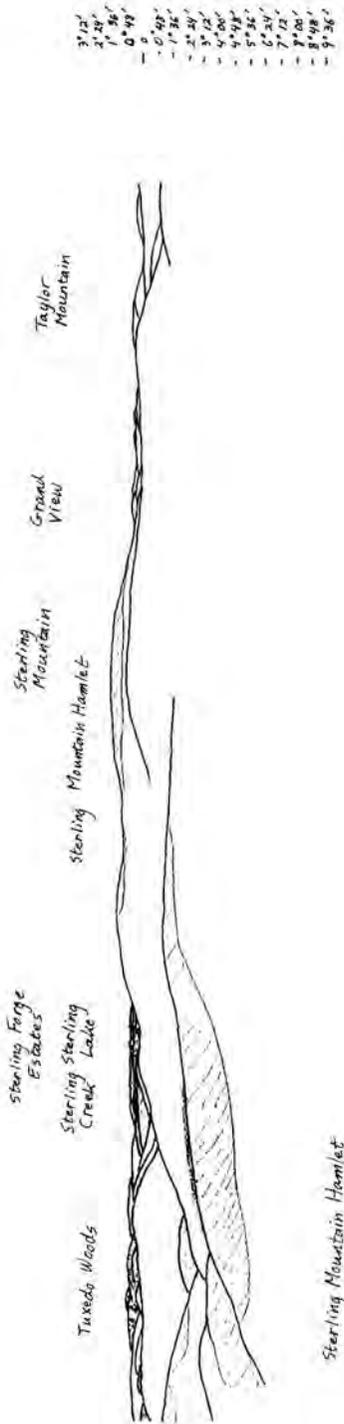
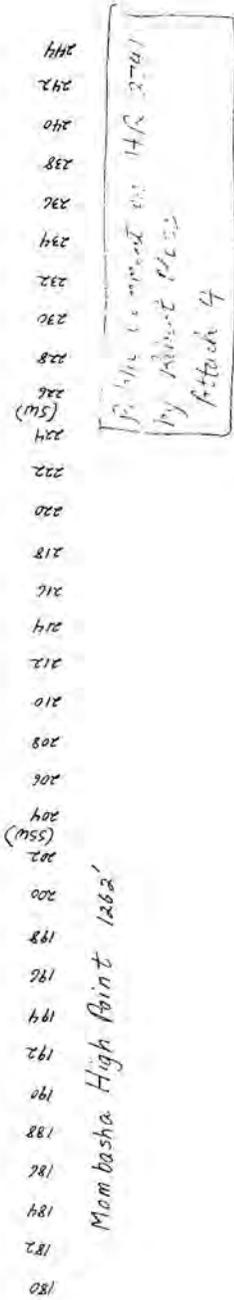
Public Comment on HR 274
at Recent Press
Interview

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Cindy Linda Lake Lookout 1190'

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National Parks and Conservation Association



May 26, 1994

PAUL C. PRITCHARD

President

The Honorable Bruce Vento
Chairman
Subcommittee on National Parks,
Forests, and Public Lands
812 O'Neill House Office Building
Washington, DC 20515

Dear Mr. Chairman:

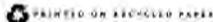
On behalf of the over 400,000 members of the National Parks and Conservation Association, I am writing in support of protecting and preserving the Sterling Forest in the New York-New Jersey Highlands. NPCA is America's only private nonprofit citizen organization dedicated solely to protecting, preserving, and enhancing the National Park System. Founded in 1919, NPCA is celebrating its 75th anniversary as an organization of "Citizens Protecting America's Parks."

As you know, Sterling Forest is the largest unbroken tract of private forest land in the New York-New Jersey metropolitan area. Its 17,500 acres are home to a wide variety of wildlife and the forest is an important part of the regional watershed. Equally important, Sterling Forest is within an hour drive from Manhattan and is traversed by 6 miles of the Appalachian Trail. However, its resources are now threatened by a 14,000-unit housing development, and a planned 8 million square feet of commercial, office, and light industry space.

While we agree with the need to protect the forest, we do not support the approaches outlined by H.R. 2741 and H.R. 3107, bills which would authorize federal assistance to the Palisade Interstate Park Commission in order to purchase the 17,500 acres. However, we do share the concern of the bill's sponsors, the Palisades Interstate Park Commission, and other conservation organizations which have expressed support for these initiatives.

NPCA supports the revised testimony of the National Park Service which was presented to you at the today's hearing on this issue. Expansion of the Appalachian Trail in this area would be a worthy addition to the National Park System, and would demonstrate a federal commitment to preserving the most nationally significant portion of the Sterling Forest. This is a reasonable compromise.

1776 Massachusetts Avenue, N.W., Washington, D.C. 20036-1904
Telephone (202) 223-NPCA(6722) • Fax (202) 659-0650



The Honorable Bruce Vento
May 26, 1994
Page 2

NPCA is very concerned about the precedent that would be set by H.R. 2741 and H.R. 3107 with respect to the Land and Water Conservation Fund. Circumventing the LWCF process by authorizing funds from the federal-side to finance a state-owned area sets a dangerous precedent. While NPCA finds that certain parts of Sterling Forest possess national significance, the entire resource does not. This does not mean the entire Sterling Forest does not merit protection from development, but it does mean that the federal commitment should be only to the area with national significance.

The controversy surrounding the proposed development of the Sterling Forest is a case study in why the LWCF is not working. When a property of this nature in such close proximity to America's largest metropolitan area is threatened by development, the solution should not be to raid the federal-side of the LWCF. But given the inadequacies of the state-side of the LWCF, no one can blame the members of the New Jersey and New York delegations for trying to protect this area.

In conclusion, NPCA concurs with the National Park Service's proposal to expand the Appalachian Trail in this area and leave it to the states to conserve the remainder. We urge your support for such an initiative.

Best regards,

○

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