

NATIONAL PARK SERVICE REFORM

HEARING

BEFORE THE

SUBCOMMITTEE ON

NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

H.R. 3709

TO REFORM THE PROCESS FOR THE STUDY OF AREAS FOR POTENTIAL
INCLUSION IN THE NATIONAL PARK SYSTEM, AND FOR OTHER PUR-
POSES

H.R. 1508

TO PROVIDE FOR THE REFORMATION OF THE NATIONAL PARK SYSTEM,
AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC
APRIL 19, 1994

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**H.R. 3709, TO REFORM THE PROCESS FOR
THE STUDY OF AREAS FOR POTENTIAL IN-
CLUSION IN THE NATIONAL PARK SYSTEM,
AND FOR OTHER PURPOSES; AND, H.R. 1508,
TO PROVIDE FOR THE REFORMATION OF
THE NATIONAL PARK SYSTEM, AND FOR
OTHER PURPOSES**

TUESDAY, APRIL 19, 1994

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

The subcommittee met at 10:00 a.m. in room 1324 of the Longworth House Office Building, Hon. Bruce 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.

Today we are hearing two bills related to processing designated units of the National Park System. The Park Service of course is charged with the management of the Nation's most precious natural, cultural, and historic resources.

Three hundred and sixty-seven areas make up the National Park System, and of course they are diverse. These areas are known throughout the world. Each year many, many people—260 million people—visit these areas, and their number is growing.

The bills before us are a serious effort to strike at the heart of what is in the Park System and what should be in the Park System. As such, I would think that it would be of obvious intense interest to the Administration and to the National Park Service in terms of their views on such issues and sharing those views before the committee.

The bills have different approaches. Obviously they are different as they are for a different purpose and a different focus in terms of what they seek to do.

[Text of the bills, H.R. 3709 and H.R. 1508, and background follow:]

103D CONGRESS
1ST SESSION

H. R. 3709

To reform the process for the study of areas for potential inclusion in the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. VENTO introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reform the process for the study of areas for potential inclusion in the National Park System, 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. SHORT TITLE.**

4 This Act may be cited as the "National Park System
5 New Area Study Reform Act".

6 **SEC. 2. STUDY OF NEW PARK SYSTEM AREAS.**

7 Section 8 of the Act of August 18, 1970, entitled "An
8 Act to improve the Administration of the National Park
9 System by the Secretary of the Interior, and to clarify the
10 authorities applicable to the system, and for other pur-

1 poses" (16 U.S.C. 1a-1 and following) is amended as
2 follows:

3 (1) Insert "GENERAL AUTHORITY.—" after
4 "(a)".

5 (2) Strike the second through the seventh sen-
6 tences of subsection (a).

7 (3) In the last sentence of subsection (a) insert:
8 "(d) AUTHORIZATION OF APPROPRIATIONS.—" be-
9 fore the last sentence.

10 (4) Redesignate subsection (b) as subsection (e)
11 and insert "NATIONAL PARK SYSTEM PLAN.—" be-
12 fore the first sentence.

13 (5) Insert the following after subsection (a):
14 "(b) STUDIES OF AREAS FOR POTENTIAL ADDI-
15 TION.—(1) At the beginning of each calendar year, the
16 Director of the National Park Service shall submit to the
17 Committee on Natural Resources of the House of Rep-
18 resentatives and to the Committee on Energy and Natural
19 Resources of the United States Senate a list of areas rec-
20 ommended by the Director for study for potential inclusion
21 in the National Park System.

22 "(2) In developing the list to be submitted under this
23 subsection, the Director shall give consideration to those
24 areas that have the greatest potential to meet the estab-
25 lished criteria of national significance, suitability, and fea-

1 sibility. The Director may also consider the public use
2 potential of the areas, their interpretive and educational
3 potential, the costs associated with adding any area, the
4 rarity of the resources associated with an area, and the
5 integrity of, and the threats to, those resources. The Di-
6 rector shall also give special consideration to themes, sites,
7 and resources not already adequately represented in the
8 National Park System. No study of the potential of an
9 area for inclusion in the National Park System may be
10 carried out except as provided by specific authorization of
11 an Act of Congress.

12 “(c) REPORT.—Within 3 years following the date of
13 enactment of specific legislation providing for the study
14 of an area for potential inclusion into the National Park
15 System, the Director shall transmit to the Committee on
16 Natural Resources of the House of Representatives and
17 to the Committee on Energy and Natural Resources of
18 the United States Senate a study of the potential of that
19 area for inclusion in the National Park System. Each
20 study under this section shall be prepared with appro-
21 priate opportunity for public involvement and shall con-
22 sider whether the area under study—

23 “(1) possesses nationally significant natural,
24 cultural, or recreational resources, and

1 “(2) is a suitable and feasible addition to the
2 system.

3 Each such study shall also consider whether direct Na-
4 tional Park Service management or alternative protection
5 by other agencies or the private sector is appropriate for
6 the area. Each such study shall contain, without alteration
7 by any other officer or employee of the United States, the
8 recommendations of the Director regarding the preferred
9 management option for the area. Recommendations and
10 additional views may also be submitted, separately from
11 the recommendations of the Director, by the Secretary of
12 the Interior, the Director of the Office of Management and
13 Budget, or the National Park System Advisory Board, or
14 any combination thereof’.

103^D CONGRESS
1ST SESSION

H. R. 1508

To provide for the reformation of the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1993

Mr. HEFLEY (for himself, Mr. GALLEGLY, Mr. YOUNG of Alaska, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the reformation of the National Park System, 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. SHORT TITLE.**

4 This Act may be cited as the "National Park System
5 Reformation Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the National Park Service was created in
9 1916 and is charged by Congress to provide for pro-
10 ~~tection and~~ **ll** ~~tection and~~ management of nationally significant

1 natural, cultural, and recreational resources
2 throughout the country;

3 (2) the National Park System has now ex-
4 panded to incorporate over 360 diverse units and is
5 continuing to expand;

6 (3) in the 75 years since the National Park
7 System was established, certain units have been
8 added to the System which have resulted in perma-
9 nent financial commitments on behalf of the Federal
10 Government for areas which lack national signifi-
11 cance, suitability, or feasibility and diverting funds
12 from deserving units of the National Park System;

13 (4) while the National Park Service has com-
14 pleted a number of broad natural and cultural theme
15 studies as well as numerous site-specific studies, it
16 has no systematic plan or program to ensure that
17 the most important areas are considered for addition
18 to the National Park System; and

19 (5) in addition to refinement of the National
20 Park System, there exists a serious need to
21 strengthen National Park Service programs with re-
22 spect to providing assistance in the management of
23 natural, cultural, and recreational resources which
24 do not belong in the National Park System.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) The term "Commission" means the Na-
4 tional Park System Strategic Planning Commission
5 established by section 101.

6 (2) The term "Secretary" means the Secretary
7 of the Interior.

8 **TITLE I—DEVELOPMENT OF A**
9 **COMPREHENSIVE PLAN FOR**
10 **THE FUTURE OF THE NA-**
11 **TIONAL PARK SYSTEM**

12 **SEC. 101. NATIONAL PARK SYSTEM STRATEGIC PLANNING**
13 **COMMISSION.**

14 (a) **ESTABLISHMENT.**—There is hereby established
15 the National Park System Strategic Planning Commission
16 whose purpose shall be to develop a long-term plan to out-
17 line a direction for the National Park System.

18 (b) **MEMBERS.**—The Commission shall consist of 13
19 members appointed by the Secretary based on consultation
20 with constituencies representing each of the areas of ex-
21 pertise referred to in paragraphs (1) through (12). Each
22 of the Commission members shall have substantial experi-
23 ence in the member's area of expertise and understanding
24 of the National Park System and shall be free of economic
25 conflict of interest in terms of employment or other eco-
26 nomic benefit which the member would expect to receive

1 solely by virtue of the member's service on the Commis-
2 sion. Of the members of the Commission—

3 (1) one shall be a recognized expert in botany;

4 (2) one shall be a recognized expert in wildlife
5 ecology;

6 (3) one shall be a recognized expert in the field
7 of natural systems;

8 (4) one shall be a recognized expert in
9 geomorphology;

10 (5) one shall be a recognized expert in Amer-
11 ican history;

12 (6) one shall be a recognized expert in archaeol-
13 ogy;

14 (7) one shall be a recognized expert in historical
15 architecture;

16 (8) one shall be a recognized expert in anthro-
17 pology;

18 (9) one shall be a recognized expert in social
19 science with expertise in outdoor recreation;

20 (10) one shall be a recognized expert in protec-
21 tion of private property rights;

22 (11) one shall be a representative of a national
23 conservation group;

24 (12) one shall be a representative of park rec-
25 reational users; and

1 (13) one shall be the Director of the National
2 Park Service, *ex officio*.

3 (c) CHAIR.—The Commission shall elect a chair from
4 among its members.

5 (d) VACANCIES.—Vacancies occurring on the Com-
6 mission shall not affect the authority of the remaining
7 members of the Commission to carry out the functions of
8 the Commission. Any vacancy in the Commission shall be
9 promptly filled in the same manner in which the original
10 appointment was made.

11 (e) QUORUM.—A simple majority of Commission
12 members shall constitute a quorum.

13 (f) MEETINGS.—The Commission shall meet at least
14 quarterly or upon the call of the chair or a majority of
15 the members of the Commission.

16 (g) COMPENSATION.—Members of the Commission
17 shall serve without compensation as such. Members of the
18 Commission, when engaged in official Commission busi-
19 ness, shall be entitled to travel expenses, including per
20 diem in lieu of subsistence, in the same manner as persons
21 employed intermittently in government service under sec-
22 tion 5703 of title 5, United States Code.

23 (h) TERMINATION.—The Commission established
24 pursuant to this section shall terminate 90 days after the

1 transmittal of the report to Congress as provided in sec-
2 tion 104.

3 **SEC. 102. STAFF OF THE COMMISSION.**

4 (a) **LIMITATION ON NATIONAL PARK SERVICE**
5 **STAFF.**—The Commission may hire staff to carry out its
6 assigned responsibilities. Not more than one-half of the
7 professional staff of the Commission shall be made up of
8 current employees of the National Park Service.

9 (b) **STAFF OF OTHER AGENCIES.**—Upon the request
10 of the Commission, the head of any Federal agency may
11 detail, on a reimbursable basis, any of the personnel of
12 such agency to the Commission to assist the Commission.

13 (c) **EXPERTS AND CONSULTANTS.**—Subject to such
14 rules as may be adopted by the Commission, the Commis-
15 sion may procure temporary and intermittent services to
16 the same extent as authorized by section 3109(b) of title
17 5, United States Code, but at rates determined by the
18 Commission to be advisable.

19 **SEC. 103. POWERS OF THE COMMISSION.**

20 (a) **IN GENERAL.**—The Commission shall for the pur-
21 pose of carrying out this title hold such public hearings,
22 sit and act at such times and places, take such testimony,
23 and receive such evidence as the Commission deems advis-
24 able.

1 (b) BYLAWS.—The Commission may make such by-
2 laws, rules, and regulations, consistent with this title, as
3 it considers necessary to carry out its functions under this
4 title.

5 (c) DELEGATION.—When so authorized by the Com-
6 mission any member or agent of the Commission may take
7 any action which the Commission is authorized to take by
8 this section.

9 (d) MAILS.—The Commission may use the United
10 States mails in the same manner and upon the same con-
11 ditions as other departments and agencies of the United
12 States.

13 **SEC. 104. DUTIES OF THE COMMISSION.**

14 (a) PREPARATION OF PLAN.—The Commission shall
15 prepare a plan to outline the direction of the National
16 Park System. The plan shall be designed to guide the Na-
17 tional Park System for the next 10 to 20 years. This plan
18 shall include the following:

19 (1) A statement of goals and objectives for use
20 in defining the role of the National Park System in
21 preserving our national heritage, relative to other ef-
22 forts at the Federal, State, local, and private levels.

23 (2) Detailed criteria to be used in determining
24 which natural and cultural resources are appropriate
25 for inclusion within the National Park System.

1 (3) Identification of what constitutes adequate
2 representation of a particular resource type and
3 which aspects of the American heritage are ade-
4 quately represented in the existing National Park
5 System or in other protected areas.

6 (4) Identification of appropriate aspects of
7 American heritage not currently represented in the
8 National Park System.

9 (5) Priorities of sites which should be added to
10 the National Park System in order to provide more
11 complete representation of our Nation's heritage, in-
12 cluding an outline for completion of the National
13 Park System with respect to natural areas.

14 (6) The role of the National Park System with
15 respect to such topics as preservation of industrial
16 America, preservation of nonphysical cultural re-
17 sources, and provision of outdoor recreation opportu-
18 nities.

19 (7) Identification of those areas which are more
20 appropriately managed outside the National Park
21 System based on such factors as duplication within
22 the National Park System, better representation of
23 a particular resource type under management of an-
24 other entity, lack of significance, lack of manage-

1 ment feasibility, cost, and lack of visitor accessibil-
2 ity.

3 (b) CONSULTATION.—During the preparation of the
4 plan under subsection (a), the Commission shall consult
5 with the Secretary of the Interior, the Governors of af-
6 fected States, the National Park System Advisory Board,
7 affected units of local government, State and local re-
8 source management and recreation organizations, schol-
9 arly organizations, park inholders, and such other inter-
10 ested parties as the Commission deems advisable. These
11 consultations shall also include appropriate opportunities
12 for public testimony and comment.

13 (c) TRANSMITTAL TO THE SECRETARY AND CON-
14 GRESS.—Not later than 2 years after the date that funds
15 are made available to carry out subsection (a), the Com-
16 mission shall transmit the plan developed under this sec-
17 tion simultaneously to the Secretary and the Committee
18 on Interior and Insular Affairs of the United States House
19 of Representatives and the Committee on Energy and
20 Natural Resources of the United States Senate.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are hereby authorized to be appropriated not to exceed
23 \$500,000 to carry out the purposes of this section.

1 **SEC. 105. TERMINATION OF NATIONAL PARK SERVICE MAN-**
2 **AGEMENT AT NONESSENTIAL NATIONAL**
3 **PARK SYSTEM AREAS.**

4 (a) **TERMINATION OF NATIONAL PARK SERVICE**
5 **MANAGEMENT.**—The Secretary shall—

6 (1) terminate National Park Service Manage-
7 ment at all park areas as recommended by the Com-
8 mission in the report transmitted to the Secretary
9 pursuant to section 104;

10 (2) initiate all such actions not later than 2
11 years after completion of the report and shall com-
12 plete termination of National Park Service manage-
13 ment at all areas no later than 5 years after comple-
14 tion of the report;

15 (3) before taking any action with respect to dis-
16 posal of any surplus real property or facility located
17 at any park, consult with the Governor of the State
18 and the heads of the local governments and any in-
19 terested nongovernmental entities for the purpose of
20 considering any plan for the use of such property by
21 State or local governments or nongovernmental enti-
22 ties; and

23 (4) carry out this title without regard to any
24 provision of law restricting the use of funds for pur-
25 poses as outlined in section 105 as may be included
26 in any authorization or appropriation Act.

1 (b) EXCEPTION.—The Secretary may not carry out
2 any action under section 105 if, within the 60-day period
3 beginning on the date on which the Commission submits
4 its report to Congress, a joint resolution rejecting all rec-
5 ommendations of the Commission for termination of Na-
6 tional Park Service management of park areas is enacted.
7 The days on which either House of Congress is not in ses-
8 sion because of an adjournment of more than 3 days shall
9 be excluded in the computation of such 60-day period.

10 (c) APPLICABILITY OF OTHER LAW.—(1) The provi-
11 sions of the National Environmental Policy Act of 1969
12 (42 U.S.C. 4321 et seq.) shall not apply to—

13 (A) the actions of the Commission, including se-
14 lecting the parks which the Commission recommends
15 for termination of National Park Service manage-
16 ment under this title and making its report to the
17 Secretary and the committees under section 104;
18 and

19 (B) the actions of the Secretary in establishing
20 the Commission and in transmitting the report to
21 the committees under this section.

22 (2) The provisions of the National Environmental
23 Policy Act of 1969 shall apply to the actions of the Sec-
24 retary during the process of terminating National Park
25 Service management of a park after such park has been

1 selected by the Commission. In applying the provisions of
2 such Act, the Secretary shall not have to consider—

3 (A) the need for terminating National Park
4 Service management at a park which has been se-
5 lected by the Commission; or

6 (B) alternative parks other than those selected.

7 (3) A civil action for judicial review, with respect to
8 any requirement of the National Environmental Policy Act
9 of 1969 to the extent such Act is applicable to this title,
10 may not be brought later than the 60th day after the date
11 of such action or failure to act.

12 (d) DISPOSAL OF PROPERTY.—(1) The Adminis-
13 trator of General Services shall delegate to the Secretary,
14 with respect to excess and surplus real property and facili-
15 ties located at a park identified in section 105—

16 (A) the authority of the Administrator to dis-
17 pose of surplus property under section 203 of that
18 Act (40 U.S.C. 484); and

19 (B) the authority of the Administrator to grant
20 approvals and make determinations under section
21 13(g) of the Surplus Property Act of 1944 (50
22 U.S.C. App. 1622(g)).

23 (2)(A) Subject to subparagraph (A), the Secretary
24 shall exercise authority delegated to the Secretary pursu-
25 ant to paragraph (1) in accordance with—

1 (i) all regulations in effect on the date of the
2 enactment of this title governing utilization of excess
3 property and disposal of surplus property under the
4 Federal Property and Administrative Services Act of
5 1949; and

6 (ii) all regulations in effect on the date of the
7 enactment of this title governing the conveyance and
8 disposal of property under section 13(g) of the Sur-
9 plus Property Act of 1944 (50 U.S.C. App.
10 1622(g)).

11 (B) The Secretary, after consulting with the Adminis-
12 trator of General Services, may issue regulations that are
13 necessary to carry out the delegation of authority required
14 by paragraph (1).

15 (C) The authority required to be delegated by para-
16 graph (1) to the Secretary by the Administrator of Gen-
17 eral Services shall not include the authority to prescribe
18 general policies and methods for utilizing excess property
19 and disposing of surplus property.

20 (e) REPORTS.—As part of each annual budget re-
21 quest for the Department of the Interior, the Secretary
22 shall transmit to the appropriate committees of Congress
23 a schedule of actions to be carried out under this title in
24 the fiscal year in which the request is made and an esti-
25 mate of the total expenditures required and cost savings

1 to be achieved by each such closure and of the time period
2 in which these savings are to be achieved in each case,
3 together with the Secretary's assessment of the environ-
4 mental effects of such actions.

5 **SEC. 106. TRANSFER OF FUNDS FROM PARK AREAS WHERE**
6 **NATIONAL PARK SERVICE MANAGEMENT IS**
7 **TO BE TERMINATED.**

8 All funds appropriated or otherwise made available
9 for operation of park areas identified in section 105 shall
10 remain available for allocation to other units of the Na-
11 tional Park System.

12 **SEC. 107. LIMITATION ON ESTABLISHMENT OF NEW AREAS**
13 **OF THE NATIONAL PARK SYSTEM.**

14 Until the Commission transmits its report to Con-
15 gress in accordance with section 104 of this title, the Sec-
16 retary may not implement any legislation establishing new
17 units of the National Park System, except for areas stud-
18 ied by the National Park Service pursuant to a specific
19 congressional authorization enacted prior to the date of
20 enactment of this Act.

1 **TITLE II—NEW AREA**
2 **ESTABLISHMENT**

3 **SEC. 201. NEW AREA STUDIES FOR UNITS OF THE NA-**
4 **TIONAL PARK SYSTEM.**

5 (a) **IN GENERAL.**—The Secretary shall undertake
6 and submit to the appropriate committees of Congress re-
7 ports of such new area studies as are herein or may here-
8 after be authorized by Congress for the purpose of deter-
9 mining the feasibility and suitability of designating areas
10 for addition to the National Park System and any feasible
11 alternatives to such action. The Secretary shall undertake
12 both site specific and thematic studies. All such studies
13 shall be made in consultation with affected agencies at the
14 Federal, State, and local levels, public and private organi-
15 zations and concerned landowners and users. Each study
16 shall be completed in compliance with the National Envi-
17 ronmental Policy Act of 1969 and with an appropriate
18 level of public involvement, including public meetings in
19 the vicinity of the study area.

20 (b) **FACTORS.**—All new area studies referred to in
21 this section shall consider each of the following—

22 (1) whether the resource is nationally signifi-
23 cant in that it represents one of the most important
24 examples of a particular resource type in the coun-
25 try,

1 (2) whether similar resources are already pro-
2 tected in the National Park System or in other Fed-
3 eral, State, or private ownership,

4 (3) whether the unit is of appropriate configu-
5 ration to ensure long-term resource protection and
6 visitor use,

7 (4) whether any other management entity
8 would be more appropriate,

9 (5) public use potential,

10 (6) resource integrity,

11 (7) cost-effectiveness of such designation associ-
12 ated with both acquisition and annual operation, and

13 (8) socioeconomic impacts of any designation.

14 (c) CONGRESSIONAL TESTIMONY.—When submitting
15 testimony or other recommendations to Congress regard-
16 ing any potential addition to the National Park System,
17 the Secretary shall specifically address all factors required
18 to be considered under subsection (b).

19 (d) REPORTS TO CONGRESS.—Within 18 months
20 after the date that funds are made available for the study
21 of an area designated pursuant to subsection (d), the
22 President shall transmit to the Congress a report of such
23 study. Each such report shall indicate the suitability and
24 feasibility of authorizing the area as a unit of the National
25 Park System and any feasible alternative to such action.

1 The report shall identify a preferred alternative and also
2 discuss any contentious issues related to each alternative
3 considered.

4 **SEC. 202. PRIORITY LIST OF POTENTIAL PARK SYSTEM AD-**
5 **DITIONS.**

6 (a) LIST.—The National Park Service shall develop
7 and maintain a single list of units in order of their numeri-
8 cal priority for potential addition to the National Park
9 System. This list shall be initially comprised of areas for
10 which the agency has completed adequate new area studies
11 which are consistent with the plan developed under section
12 104. The list shall be updated and republished periodi-
13 cally.

14 (b) ESTABLISHING PRIORITIES.—In addition to the
15 factors referred to in section 201(b), the Secretary shall
16 consider each of the following in establishing priorities for
17 inclusion of new areas in the National Park System—

18 (1) imminence of any threats to the resource or
19 nature of ongoing degradation,

20 (2) extent to which similar resources are pro-
21 tected by the National Park Service or by another
22 entity,

23 (3) cost escalation factors,

24 (4) level of local and general public support,
25 and

1 (5) any other factors deemed appropriate by the
2 Secretary.

3 (c) TRANSMISSION OF PRIORITY LIST TO CON-
4 GRESS.—At the beginning of each Congress, the Secretary
5 shall transmit to the Speaker of the House of Representa-
6 tives and to the President of the Senate, a copy of the
7 most recent numerical priority list prepared under this
8 section. In addition, the Secretary is encouraged to peri-
9 odically transmit any recommendations for new area stud-
10 ies which he deems appropriate. Such recommendations
11 should be based on an objective preliminary review of such
12 proposals.

13 (d) CONGRESSIONAL TESTIMONY.—When submitting
14 testimony or other recommendations to Congress concern-
15 ing any new additions to the National Park System, the
16 Secretary shall include the priority ranking of the area
17 on the nationwide priority list.

18 **SEC. 203. REPEAL OF EXISTING STATUTE.**

19 Section 8 of the Act entitled “An Act to improve the
20 Administration of the national park system by the Sec-
21 retary of the Interior, and to clarify the authorities appli-
22 cable to the system, and for other purposes”, approved
23 August 18, 1970 (16 U.S.C. 1a-5), is amended by striking
24 out the first through the seventh sentences of subsection
25

1 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated \$1,000,000
 3 for each fiscal year to carry out this title. Half of these
 4 funds shall be allocated for planning purposes and the
 5 other half shall be allocated for expansion of the congres-
 6 sional support services. These funds shall be in addition
 7 to any funds authorized by Congress for specific studies
 8 directed by Congress.

9 **TITLE III—ENHANCED NA-**
 10 **TIONAL PARK SERVICE TECH-**
 11 **NICAL ASSISTANCE PROGRAM**
 12 **FOR PROTECTION AND MAN-**
 13 **AGEMENT OF NATURAL, CUL-**
 14 **TURAL, AND RECREATION**
 15 **SITES**

16 **SEC. 301. ESTABLISHMENT OF THE AMERICAN HERITAGE**
 17 **SITE SYSTEM.**

18 (a) **IN GENERAL.**—In order to better protect natural,
 19 cultural, and recreational resources of national or State
 20 significance which do not belong in the National Park Sys-
 21 tem, there is hereby established the American Heritage
 22 System. This program is intended to provide recognition
 23 for a diversity of special places of American Heritage.
 24 These American Heritage Sites will range in complexity
 25 from relatively small sites comprised of a single historic
 26 structure to geographic regions and landscapes. In these

1 larger landscapes, the pursuit of economic opportunity and
2 enhancement of the quality of life of residents will often
3 be at least as important as stewardship of natural and
4 cultural resources.

5 (b) ADMINISTRATION.—These sites would be admin-
6 istered by State and local governments as well as private
7 entities in partnership with private landowners and com-
8 munity organizations, with technical assistance from the
9 Federal Government. Federal funds will be available on
10 a matching basis only, but shall not be used for either
11 land acquisition or for day-to-day operations and manage-
12 ment. The Secretary shall establish broad criteria and
13 guidelines governing the selection and management of
14 American Heritage sites.

15 (c) ESTABLISHMENT PROCESS.—The National Park
16 Service shall establish a grant program to conduct studies
17 of sites for potential designation as American Heritage
18 sites as follows:

19 (1) When the National Park Service receives a
20 request for funding by a project proponent, the
21 agency shall conduct a preliminary investigation of
22 the site, in conjunction with other State and local
23 entities, to determine if any further Federal involve-
24 ment is appropriate.

1 (2) If the site is found to merit further consid-
2 eration for potential designation, the Secretary shall
3 provide a grant to the project proponent to carry out
4 the study. The National Park Service may provide
5 technical assistance during the study process upon
6 the request of the State or local government.

7 (3) Based on a review of the study, the Sec-
8 retary shall periodically submit proposals for des-
9 ignation of American Heritage sites to Congress.

10 (d) PLAN OF OPERATIONS.—After designation, the
11 primary managing body (identified in the legislation des-
12 ignating the site) shall prepare a plan of operations which
13 shall be transmitted to the Secretary.

14 (e) ASSISTANCE.—As part of the plan implementa-
15 tion, special Federal technical and financial assistance
16 would be granted during a specified period (not to exceed
17 10 years), after which time the project would be expected
18 to rely on other funding sources, including other existing
19 Federal assistance programs. In addition, the Secretary
20 shall periodically conduct on-site evaluations of the site to
21 ensure its continued operation in conformance with guide-
22 lines of the Secretary.

23 (f) DIRECTOR OF PROGRAM.—The American Herit-
24 age Program shall be under the direction of a Deputy Di-
25 rector for Non-Federal Conservation and Recreation.

1 **SEC. 302. DEFINITION OF NATIONAL PARK SYSTEM.**

2 Section 2(a) of the Act entitled "An Act to facilitate
3 the management of the National Park System and mis-
4 cellaneous areas administered in connection with that Sys-
5 tem, and for other purposes", approved August 8, 1953
6 (16 U.S.C. 1c), is amended to read as follows:

7 "SEC. 2. (a)(1) The 'National Park System' shall in-
8 clude both designated areas and affiliated areas which are
9 administered by the Secretary of the Interior through the
10 National Park Service in accordance with a specific Act
11 of Congress.

12 "(2) Designated areas of the National Park System
13 are those areas with Federal land ownership and where
14 the National Park Service has primary responsibility for
15 the management and protection of the site.

16 "(3) Affiliated areas are those areas which are ad-
17 ministered on a partnership basis with Federal and non-
18 Federal funds. Federal involvement typically includes
19 technical assistance and may also include Federal support
20 for daily operation of the area and Federal land acqui-
21 sition authority for a specified period of time."

**Background on H.R. 3709 and H.R. 1508,
National Park Service Reform**

H.R. 3709, National Park System New Area Study Reform Act:

The designation of a new unit of the National Park System is a power reserved to Congress. In making these decisions, Congress relies on the National Park Service for its evaluations about the level of national significance, suitability and feasibility of an area for being designated as a national park unit. Between 1976 and 1981 the National Park Service had a program of identifying high priority candidates for study. This program was terminated in 1981. Since 1981, Congress has directed a number of studies of specific areas in authorizing legislation and appropriations earmarks. In 1992 the National Park Service revived their new area study program and for the first time in twelve years they requested funds for studying several areas.

Several problems have been identified with the current new area study process. First, there are three separate sources for new area studies. These sources are the National Park Service itself, the authorizing committees and the appropriations committees. There is no agreed upon process for ranking the priority of these studies, nor is there adequate funding to get all of them done. Because studies usually take two to three years, some studies are delayed indefinitely or are started and stopped in midstream because all available funding in a particular fiscal year was earmarked for another study. The quality of the studies ranges widely, as does the level of review and scrutiny by the Washington office of the National Park Service. Studies often come to Congress without any preferred action, even if the National Park Service believes that a proposed area does not meet the established criteria.

H.R. 3709 would amend section 8 of the Act of August 18, 1970 (commonly known as "the General Authorities Act) to require that all new area studies be authorized by Congress through an authorization process. It would apply to any study conducted by the National Park Service which may result in action by Congress to establish a new national park system unit, affiliated area or major expansion of an existing unit. It does not cover projects or studies that provide technical assistance to state or local governments or studies addressing wild and scenic rivers, national trails system units or wilderness areas. The bill requires the National Park Service to submit on January 1st of each year a list of new area studies they would like to undertake. This list would contain the highest study priorities of the National Park Service. Congress would then have to enact legislation directing the National Park Service to conduct specific studies. The National Park Service would have three years from the date of enactment to complete the studies. The studies would be conducted using the national significance,

suitability and feasibility criteria currently defined in the NPS management policy guidebook. The studies would be forwarded directly to the authorizing committees of Congress by the Director of the National Park Service with a recommendation regarding the preferred management option for the area. Additional comments from the Department of the Interior, the Office of Management and Budget and the National Park Service Advisory Board may also be submitted but they must be separate from the recommendations of the Director of the National Park Service.

H.R. 1508, National Park System Reformation Act

Over the years, the mission of the National Park Service has evolved in many directions. Beginning with Yellowstone National Park in 1872, parks were established almost exclusively for their natural values until 1933 when the first historical parks were added to the system. In the 1960's came recreation areas. In the 1970's came urban park areas and cultural parks.

H.R. 1508 attempts to address the lack of a overall plan for the expansion of the National Park System. Title I provides for development of a strategic plan, which has a primary goal of identifying the direction for the agency over the next 10 to 20 years. The plan would be used to refine the mission of the agency, identify existing gaps in the National Park System and identify areas inappropriate for retention in the National Park System. It prohibits the Secretary from establishing new units of the System until the Commission authorized by the legislation transmits a report to the Congress. Termination of National Park Service involvement would be accomplished at sites identified by the Commission using the base closure model. Any funds generated by closing parks would be redirected to other park areas.

Title II establishes a comprehensive program for establishing new park areas. It requires the National Park Service to maintain a list of units in order of their numerical priority for potential addition. This section directs the National Park Service to consider all relevant factors in any new area studies and provides that all proposals for addition to the National Park System be prioritized.

Title III authorizes an expanded technical assistance program through the establishment of the American Heritage Site System. This program is designed to give Federal planning and technical assistance to certain non-Federal areas for a specified period of time.

Mr. VENTO. I should think that issues like this would be first nature to any organization that has as its major mission the management of Parks.

That is why I am disappointed that, until 7:00 p.m. last night, I did not receive the testimony from the National Park Service in terms of their views.

Repeatedly I have spoken to the issue of the Rules of the committee requiring having the testimony to the committee 24 hours before the committee announcement.

We in fact had announced the hearing early in April to have that testimony available. I will tell you candidly, given the nature and the seriousness of the topic, I do not think that there should be any problem in terms of presenting to the committee the studied views of the professionals in the Park Service on such matters and so that I have to come in this morning and find on my desk at 9:00 o'clock a twice-faxed copy of the Park Service testimony.

It seems to me that it does not represent as serious an effort as the topic before us in terms of the matter. That is what it means to me. The message that gives to me is that this is a topic of secondary importance to the Park Service.

Candidly, I think that is disappointing in terms of the seriousness with which this proposal is being presented by the sponsors and by the preparation for the hearing.

So I think no more need be said, other than the fact that in the future if testimony is not here 24 hours before the committee meeting, the Park Service will have the privilege of doing the clean-up work. And I do not care who is presenting the testimony.

Mr. Hansen.

STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. I thank you, Mr. Chairman.

Today the committee will be considering legislation of critical importance to the future of the National Park System, by all accounts the World's preeminent Park system.

Mr. Chairman, I thank you for holding the hearing on this important issue and I commend Mr. Hefley for his efforts and courage in introducing this forward-thinking measure.

There are a few inescapable facts which confront us as we consider this legislation today:

First, the Park Service is loved by both the public and members of Congress, most of whom would like to have a park in their district, regardless of the merit.

Second, the Agency is facing a huge shortfall in funding to take care of existing obligations.

Third, if recent history is a test, it is safe to conclude that Congress will continue to designate new Park areas and that some kind of a case can be made for virtually every potential site.

Fourth, the National Park Service addresses legislative proposals on a piecemeal, case-by-case basis. I sometimes wonder about the vision of what we can see coming from the Parks.

I honestly believe that we are at a crossroads with respect to the future of this Agency. We can either continue down the same path of authorizing without restraint, appropriating without regard to agency priorities, and operating on the totally reactionary basis due

to the lack of a legislative program; or, we can change that direction, as Mr. Hefley has suggested.

These problems are very real. I would hope that those of us with an interest could set aside differences and turf and work together.

In that regard, I am pleased that Director Kennedy has made time on his schedule to be with us today. I hope that after he gets through reciting the words of the bureaucrats, which have been approved through the system, he will feel free to dialogue with us on how to address the important issues.

Mr. Chairman, a national park system, like a federal government, cannot do everything for everyone. We must prioritize. If we do, we may be able to do an adequate job of protecting the Yellowstone, the Yosemite, the Everglades, the Zions, the Bryces, and the other great parks which were envisioned when the Park Service was established over 75 years ago.

Thank you, Mr. Chairman.

Mr. VENTO. Mr. Hefley.

STATEMENT OF HON. JOEL HEFLEY

Mr. HEFLEY. Thank you, Mr. Chairman.

Mr. Chairman, I very much appreciate us holding hearings on this important subject. More so than the bill I have before us today, the issue is important.

As you and I have talked so many times before, these are issues that should not be partisan. These are issues that we should sit down around a table as people of good will and try to find answers to.

As I have been on this committee now for the last two or three years and we have had so many park proposals come before us for new parks at the same time that we have had the Park Service come to us pleading with us to put the resources in to maintain the parks that we have, and we have got to make some decisions.

We have got to prioritize.

We have got to do things a little differently.

I think the basic goals that you would have and that I would have and that Mr. Hansen would have and that Mr. Kennedy would have are probably the same. It is a matter of what approach you use to reach those goals.

I think today's hearing gets at the core of what this subcommittee is supposed to be about. the management and the future of the national park system.

Our park system is the envy of the World. Grand Canyon and Yellowstone are attractions that around the world exceed Disney Land or Disney World in people's minds. They want to come to the United States and see these great wonders.

People abroad envy the range of resources, both public and private, that we devote to preserving natural and cultural sites. But we can sense something is not right with the park system.

There is a backlog of construction, maintenance, acquisition that runs into the billions. There are past horror stories about leaking roofs at such hallowed shrines as Independence Hall in Philadelphia. There are continued health and safety shortfalls at some of our other parks. This compromises the admitted backlog.

Future needs such as replacing housing at Glacier National Park could double or triple the figure.

Now Director Kennedy has suggested that some parks may have to be closed.

I hope we will use today's hearings to begin addressing what the park system should be. The park system has been without an official mission statement since its founding. I believe the National Park Service should present Congress with a cohesive master plan for carrying out its mission.

In the absence of such a plan, Congress has often added parks wily nilly that sometimes are of no merit, and that the Nation simply cannot afford.

I also hope we will examine a radical idea, the idea that perhaps someone besides the Park Service can run some of our parks.

The federal government should preserve and run sites like Theodore Roosevelt in North Dakota, or Fort Necessity in Pennsylvania that are remote and would not be preserved otherwise, but what about parks like Mount Rushmore? What possible harm could a private management contractor bring to that site under the proper supervision from the Park Service of course?

Private management might enable Gutzon Bovglum's vision to be completed.

What about the Grand Canyon?

Perhaps a contractor could charge per carload and make it pay, and at the same time take some of the burden off the Park Service.

The list goes on.

Why is the Park Service managing the Baltimore-Washington Parkway and the George Washington Parkway?

Why are we running a cultural center with the Park Service at Wolf Trap?

Fiscal common sense demands that we ask such unthinkable questions. Every dollar spent on parks like these is one dollar not spent on protecting our less popular but nationally important sites.

Every dollar spent on parks like these is no longer available for maintaining what we have, or for providing decent housing for Park Service employees.

And given the fiscal realities, is closing a park more politically palatable than finding someone else who can run it?

For instance, we are reminded right here at home that Mt. Vernon and Monticello are not run by the Park Service; they are run by private interests who have done a very good job of it over the years.

One of our witnesses, Mr. Winks, has said in the past that the park system is the Nation's history book. If that is true, then we need an outline for that book in order to proceed rationally.

We need a process by which the Park Service can tell us what is needed, what we can afford, and what are the justifications for these recommendations.

We need to decide what the mission of the National Park Service and the national park system is and what it is not.

I believe the bills before us are a step in the right direction.

Lastly, I would like to recognize the work of our former colleague, Bob Lagomarsino, on this issue. Bob carried this idea as

the ranking member of this subcommittee for many years, and cared as much about the park system as anybody.

He spent his last year here in Congress trying to get money for the prevention of the degradation of the Channel Islands and found himself competing with a raft of other requests, many much less worthy than his own.

In conclusion, Mr. Chairman, I would like to stop on that point, and I look forward to the hearings, and I look forward to a bipartisan discussion and hopefully resolution of this problem in the coming weeks.

Thank you, Mr. Chairman.

Mr. VENTO. Are there any other opening statements?

[No response.]

Mr. VENTO. The rules with regard to the submission of testimony require 50 copies of statements 24 hours before the hearing by all witnesses. None of the witnesses today have complied with that.

It is not merely just sending a faxed copy. I expect that we have enough work to do without copying faxed copies. So I would just remind you this in terms of dealing with this.

This legislation is at the very core of what the Park Service is about, as has been indicated here, and I am really struck by the fact that there has been this type of response today. One witness's testimony hardly even discusses the issue.

As you can see, there is a lot at stake in terms of an issue like this, and that is why I have responded the way I have. So I expect these rules to be followed in the future. I will not take testimony from anyone that does not have testimony here 24 hours ahead of time.

We put out the agenda weeks ahead of time for minority and majority members and for witnesses to be apprised of what we are doing.

So with that being said, I have a lot of comments about some of the statements that have been made this morning, but I am going to do that in the questioning process so we can get down to the substance of this and invite forward the people that have some understanding.

We are pleased to welcome Director Kennedy.

Without objection, all statements in their entirety will be made a part of the record, and opening statements will be made a part of the record.

My complete opening statement should go in the record also.

[Prepared statements of Messrs. Vento, Hansen, and Hefley follow:]

CONGRESSMAN BRUCE F. VENTO
OPENING STATEMENT
H.R. 3709, NEW AREA STUDIES AND
H.R. 1508, NPS REFORM ACT
APRIL 19, 1994

THE SUBCOMMITTEE WILL COME TO ORDER. TODAY WE ARE HEARING TWO BILLS WHICH RELATE TO THE PROCESS OF DESIGNATING UNITS OF THE NATIONAL PARK SYSTEM.

THE NATIONAL PARK SERVICE IS CHARGED WITH THE MANAGEMENT OF THE NATION'S MOST PRECIOUS NATURAL, CULTURAL AND HISTORICAL RESOURCES. THE 367 AREAS WHICH MAKE UP THE NATIONAL PARK SYSTEM ARE A DIVERSE COLLECTION OF PARKS, HISTORIC SITES, MEMORIALS, MONUMENTS, SEASHORES, BATTLEFIELDS, PARKWAYS AND TRAILS. THESE AREAS ARE KNOWN THROUGHOUT THE WORLD FOR THEIR SCENIC BEAUTY AND HISTORICAL SIGNIFICANCE. EACH YEAR, THE AREAS WHICH MAKE UP THE NATIONAL PARK SYSTEM ARE VISITED BY OVER 260 MILLION PEOPLE, AND THIS NUMBER GROWS EVERY YEAR.

CONSIDERING THE EXCEPTIONAL QUALITY OF OUR NATIONAL PARKS, IT IS OUR OBLIGATION TO ENSURE THAT ONLY OUTSTANDING RESOURCES ARE ADDED TO THE NATIONAL PARK SYSTEM. THIS IS ESPECIALLY TRUE IN AN ERA OF FISCAL CONSTRAINT AND LARGE DEMANDS ON THE EXISTING PARK SYSTEM. HOWEVER, I DO NOT AGREE WITH THOSE WHO SAY THAT OUR NATIONAL PARK SYSTEM IS COMPLETE AND THAT NOTHING ELSE SHOULD BE ADDED. IN OUR NATIONAL PARK SYSTEM, SEVERAL IMPORTANT LAND FORMS AND THEMES OF AMERICAN HISTORY ARE UNDER-REPRESENTED OR NOT REPRESENTED AT ALL. THE NATIONAL PARK SYSTEM NEEDS THE ABILITY TO EXPAND IN ORDER TO REFLECT THE PROGRESSION OF HISTORY AND TO RESPOND TO A RAPIDLY GROWING POPULATION. IN EXPANDING THE SYSTEM, HOWEVER, GREAT CAUTION MUST BE EXERCISED IN ORDER TO MAKE

SURE THAT ONLY HIGH QUALITY RESOURCES ARE INCLUDED. THIS CONCERN IS BIPARTISAN, AND IT IS SHARED BY CONGRESS, THE ADMINISTRATION AND THE AMERICAN PEOPLE.

THE BILLS ON THE SUBCOMMITTEE AGENDA TODAY SEEK TO IMPROVE THE PROCESS BY WHICH WE ADD NEW AREAS TO THE NATIONAL PARK SYSTEM. THE BILLS DIFFER IN APPROACH, BUT THEY SHARE SOME SIMILARITIES. H.R. 1508, INTRODUCED BY OUR SUBCOMMITTEE COLLEAGUE MR. HEFLEY, PROVIDES FOR THE DEVELOPMENT OF A STRATEGIC PLAN FOR THE NATIONAL PARK SERVICE, CREATES A "PARK BASE CLOSING COMMISSION", ESTABLISHES A COMPREHENSIVE PROGRAM FOR ESTABLISHING NEW PARK AREAS AND ESTABLISHES AN AMERICAN HERITAGE SITE SYSTEM. I WILL DEFER TO MR. HEFLEY TO PROVIDE A MORE FULL EXPLANATION OF HIS BILL IN HIS OPENING REMARKS.

THE SECOND BILL ON THE AGENDA IS H.R. 3709, THE NATIONAL PARK SERVICE NEW AREA STUDY REFORM ACT, WHICH I INTRODUCED LAST NOVEMBER. THE BILL MAKES SEVERAL IMPORTANT CHANGES TO THE CURRENT PROCESS FOR STUDYING NEW AREAS FOR POTENTIAL ADDITION TO THE NATIONAL PARK SYSTEM. FIRST, IT WOULD REQUIRE THAT ALL NEW AREA STUDIES BE AUTHORIZED BY CONGRESS THROUGH AN AUTHORIZATIONS PROCESS, AFTER RECEIVING A LIST OF NEW AREA STUDY PRIORITIES FROM THE NATIONAL PARK SERVICE. STUDIES WOULD HAVE TO BE COMPLETED IN THREE YEARS AND WOULD HAVE TO CONTAIN THE MANAGEMENT ALTERNATIVE PREFERRED BY THE NATIONAL PARK SERVICE. IF AN AREA DOES NOT MEET THE ESTABLISHED CRITERIA, THE STUDY SHOULD CLEARLY SAY SO. BY IMPROVING THE STUDY PROCESS, CONGRESS WILL HAVE BETTER INFORMATION ON WHICH TO RELY ON WHEN MAKING DECISIONS ABOUT NEW AREAS. THIS BILL WOULD ALSO ELIMINATE THE CONFUSION SURROUNDING

THE MULTIPLE SOURCES OF NEW AREA STUDY REQUESTS WHICH RESULT IN DELAYS, STARTS AND STOPS AND OTHER PROBLEMS.

DO ANY OTHER MEMBERS HAVE OPENING STATEMENTS?

**STATEMENT OF
THE HONORABLE JAMES V. HANSEN
HEARING ON H.R. 1508/H.R. 3709
NPS REFORMATION ACT
APRIL 19, 1994**

Mr. Chairman, today the Committee will be considering legislation of critical importance to the future of the National Park System. By all accounts, the world's pre-eminent park system. Mr. Chairman, I thank you for holding a hearing on this important issue and I commend Mr. Hefley for his efforts and courage in introducing this forward-thinking measure.

There are a few inescapable facts which confront us as we consider this legislation today. First, the Park Service is loved by both the public and Members of Congress, most of whom would like to have a park in their District,

regardless of merit. Second, the agency is facing a huge shortfall in funding to take care of existing obligations. Third, if recent history is a test, it is safe to conclude that Congress will continue to designate new park areas and that some kind of a case can be made for virtually every potential site. Fourth, the National Park Service ~~has no plan or vision for its future, and~~ addresses legislative proposals on a piecemeal, case-by-case basis.

I honestly believe that we are at a crossroads with respect to the future of this agency. We can either continue down the same path of authorizing without restraint, appropriating without regard to agency priorities and operating on a totally reactionary basis due to the lack

of a legislative program or we can change that direction as Mr. Hefley has suggested. These problems are very real and I would hope that those of us with an interest could set aside differences in turf and work together.

In that regard, I am pleased that Director Kennedy has made time on his schedule to be with us today. I hope that after he gets through reciting the words of the bureaucrats which have been approved through the system, he will feel free to dialogue with us on how to address these important issues.

Mr. Chairman, the National Park System like the Federal government cannot do everything that everyone

wants. We must prioritize. If we do, we may be able to do an adequate job of protecting Yellowstone, Yosemite, Everglades and the other great parks which were envisioned when the Park Service was established over 75 years ago.

STATEMENT OF REP. JOEL HEFLEY
BEFORE THE
HOUSE NATURAL RESOURCES SUBCOMMITTEE
ON PARKS, FORESTS AND PUBLIC LANDS

On

H.R. 1508, the National Park System Reformation Act

and

H.R. 3709, the National Park System New Area Study Reform Act

Tuesday, April 19, 1994

Mr. HEFLEY. Mr. Chairman, today's hearing gets to the core of what this committee is all about -- the management and future of the National Park System.

Without question, our Park System is the envy of the world. Disney World may top America's attractions for foreign visitors but the Grand Canyon and Yellowstone have to be near the top of the list as well.

Many of the countries those foreign visitors come from have ministries of art and culture wholly devoted to such things. Yet they still speak almost enviously of the wide range of groups and resources -- both public and private -- that we devote to preserving our natural and cultural sites.

Despite all of this, I think we can all sense that there is something wrong with our park system. A few years ago, the roof on Independence Hall was leaking and operational funds were so limited that the Park Service proposed closing the Skyline Drive for six months out of the year. Those problems have been rectified but many park continue to show health and safety shortfalls and the Park Service's admitted backlog on construction, maintenance and acquisition runs into the billions. I say admitted because there are items that we know are coming -- such as housing as Glacier

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National Park -- that have the potential to double or treble that backlog. Lately, Director Kennedy has suggested some parks may have to be closed.

At the same time, there are undoubtedly subjects or areas that should be included in the park system that are not. I have, for some time, wanted to see something done to mark America's space program. I didn't support it, but the idea of a tallgrass prairie park has been around for years and, to this day, has not been resolved. In the absence of a coherent master plan, Congress charges around, willy-nilly, creating parks we cannot afford and, in some cases, which have no merits.

During today's testimony, I would like to examine a radical idea -- that the operation of some of our national parks can be turned over to state, local or private operators.

Let's think the unthinkable for a minute. Probably no one could turn a profit running Theodore Roosevelt National Monument in North Dakota. Like many western parks, it's in the middle of nowhere and its historical importance attracts just a few Teddy Roosevelt buffs. In such cases, the federal government should step in and do what it can.

But what about Mount Rushmore? Unthinkable? Ask yourself what possible harm could come from private management of Mount Rushmore. It's a manmade attraction in the middle of an area almost wholly dependent on tourism. The people come in droves. It's possible private management could even allow Gutzon Borglum's vision to be completed.

Or what about the Grand Canyon? Millions of visitors come from all over the world and pay 10 dollars a carload to see this

Hefley --- Page Three

natural wonder. Would they stop if a contractor upped that fee? Would the resource be harmed if Native Americans were given a freer rein to develop tourism along the North Rim?

The list could go on -- why is the Park Service managing the B-W Parkway or the George Washington Parkway? Why are we spending billions in the Santa Monica Mountains to create an urban park for LA?

I am not proposing a return to the grand old days of James Watt or to unnecessarily scare my colleagues on the other side of the aisle. Admittedly, these are radical ideas, unthinkable ideas and possibly politically impossible. But every dollar we spent on parks like these or on parks of questionable merit is a dollar not spent on protecting or acquiring less popular but nationally important sites, such as those sites related to space program or the Civil War or whatever. Every dollar spent there is no longer available for maintaining what we have or for providing decent housing for park service employees. Is closing a park more politically possible than finding someone else who can run it?

One of the witnesses we hoped would be here today, Robin Winks, has called our National Park System the nation's history book. (He has also continually spoken of a list of 20 parks he feels could be closed; I hope we can pry some of those suggestions out of him today) If his analogy is true, then we need an outline for that book in order to proceed rationally. We need a process by which the Park Service can tell us what is needed, what it can afford and the justifications for those recommendations. We need to decide what the mission of the National Park Service and the

Hefley --- Page Four

National Park System is and what it is not. I believe the bills before us today are a step in that direction.

Before closing, I'd like to recognize the efforts our former colleague, Bob Lagomarsino, who first developed this bill in the last Congress. As many of you know, Bob served for years as ranking member of this subcommittee, was responsible for creation of the Channel Islands National Parks and cared as much about our Parks System as anybody. He spent much of his last year in Congress trying to get money to prevent the degradation of the Channel Islands and found himself competing with a raft of other requests, many of which had less merit than his own.

Thank you, Mr. Chairman. I look forward to hearing from today's witnesses.

STATEMENT OF ROGER G. KENNEDY, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY WARREN BROWN, CHIEF, PLANNING AND PROTECTION DIVISION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, AND JUDY HART, LEGISLATIVE AFFAIRS SPECIALIST, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. KENNEDY. Mr. Chairman, I am bringing with me, if I may, Mr. Warren Brown who is the Chief of the Park Planning and Protection Division on my right; and Judy Hart, who is the Legislative Affairs Specialist.

I want to open by expressing the profound and earnest apologies of the National Park Service to this committee for this violation of both your procedures and the orderly process of government.

There is no excuse to offer.

The pale explanation is that so many people—and I do not offer this as an excuse but as a simple statement of fact—so many people care about this subject matter that, without recognizing the degree to which the simple orderly process and the respectful relationship to Congress was violated by the procedure, they lobbed in their suggestions considerably later.

I myself, and it is not exculpation, had completed by views and expressed them several weeks ago on this matter because it is of central significance to the welfare of the national park system.

I apologize to you and to the committee for the outcome for which I am nonetheless responsible since I am the witness who brings these matters before you.

I will strive with every device at my command, including a little pointed humiliation, to address myself to trying to get our work done in a way that represents a respectful relationship to the Congress of the United States.

So I hope that the committee will accept the apologies of the National Park Service for this violation of its procedure.

If I may, Mr. Chairman, I would like to enter my formal testimony.

I should perhaps say in deference to Mr. Hansen's appropriate comment "cur" formal testimony, and get on to some more informal comments of my own.

In general, we are in full and enthusiastic support of the intentions manifested by all the legislation before us—which is to attempt a rational process by which the National Park Service would address its future and reflect upon its current condition.

We all concur that it is our professional obligation to come to you stating our priorities with some sophisticated or at least scrupulous sense of what the resources that are likely to be ours imply in those selections of priorities.

We need to know what is possible or likely to be possible for us to do within any reasonable set of budgetary limitations, and we all want to achieve that.

We also want to avoid the current condition which in fact places the National Park Service in the position of attempting to produce our studies of new areas with three—not one—sets of priorities or proposals.

There are those that arise from the appropriations process.

There are those that work their way into the authorization process.

And they are two separate streams in fact.

And the third of course are those that arise from the Park Service's own set of priorities.

Everyone in this room knows that the areas that we study each year are those that are requested of us or legislated toward us, as well as those that we would ourselves initiate.

In this year of the 24 in progress, 7 are those which essentially arose from the organic life of the National Park System; 7 were directed by authorizing legislation; and 10 were directed by appropriations committee actions.

I myself do not regard that as a problem lying in the legislative process alone.

I believe that it arises from the failure on the part of the National Park Service fully to articulate its objectives and to state what it thinks it ought to be doing with sufficient force so that when the National Park Service's appropriations and authorization requests come to you we have done so in a way which both withstands intrusion and states what we care about and what we think the country ought to care about most.

Now as once again all of you who are more deeply experienced at this than I am know, it was for many years starting in 1976—and I assume well before that—the practice of the Director of the National Park Service, representing the Service, to present studies for what needed to be added.

That practice, as I understand it, was essentially abandoned during the 1980s and recommenced in 1990, really.

In 1991 we began seeking to restate our priorities, stating their significance and their rarity, the categories that any of us would suggest, in recognition that the Nation learns as it goes about both those natural areas that ought to be in national park systems, because we learn more about the biological needs of this country and indeed the World.

We know we do not know everything to begin with. And of course more obviously, we reassess our history as we go forward.

If we did not reassess our history and change our sense of what belongs in the national park system, we would not have *Brown vs. Board of Education*, we would not have Manzanar, and we would not have Martin Luther King in the system because we would have terminated a consideration of what is appropriate for American history sometime in the 1920s or 1930s.

So we need to keep on learning.

We support, vigorously, H.R. 3709 because we think that forces all of the significant players—ourselves and the appropriate committees—to have a respectful dialogue before we come forward to you finally with a clearly articulated and understandable set of priorities.

We do have an amendment that we would propose which simply would require essentially that the Department of the Interior get its act together before we come to you, which is referred to in the lamentably late testimony as the paragraph just before you reference to H.R. 1508, which simply as I understand it sees to it that

the Director comes forward and the Secretary come forward with the same set of recommendations.

My sense of that is that that would eliminate the possibility of an end run after the professionals in the Park Service had done their work, and it would mean that you would at least get a coherent statement out of the Department of the Interior before you—as just one more step toward trying to get some consolidated views.

Let me comment if I may, quickly, on H.R. 1508.

It seems to me and to the Service that it is really our obligation as professionals to be performing a much more vigorous task of stipulating our sense of where we are and where we ought to be than we now do.

We are, as you know, moving in the history field since 1990 to do that.

We do that I think respectably well with regard to the more traditional green parks, those areas that are primarily related to large natural areas.

We think we should do that.

Further, as recent actions on our part suggest we are not afraid of coming to you suggesting what in the museum world would be called “de-accession” and might in this field be called “divestiture.”

While our relationship to the Kennedy Center is by no means a divestiture, it does represent a policy on our part that there are certain kinds of activities that the National Park Service does not need to manage and should not, and that someone else should.

I understand that there were two preceding instances in which the Service itself recommended that there be Parks taken out of the System—one in Kansas and Maralargo in Florida.

It is my view that the Director of the National Park Service should be directed by you to undertake a serious, internal inquiry, reporting to you at some appropriate point as to what the Park Service itself feels it should be doing to recognize the current inventory of Parks, and in the light of contemporary circumstances.

But I do not think it would be good management for there to be an independent body created at this time while we are in the process of completing a set of both legislated initiatives and initiatives commenced on the part of the Service itself to get its act together with regard to what its priorities ought to be.

I feel very strongly that the National Park Service in recent years, particularly at Vail and thereafter, has commenced an extraordinary process of self-correction which has involved many, many people in the Service—by many people, I mean thousands of people in the Service—to try to define what the National Park Service ought to be and do, and where it should do its work.

My feeling is that the National Park Service or any other large bureaucracy should be encouraged in that process of self correction. That is a good thing for large bureaucracies to do.

It has taken a lot of courage for a lot of people in the Park Service to get on with that and to work at it and take it seriously.

My strong feeling is that that is a process that should not have the wind taken out of it in any serious way by adding to it any external board or committee that would be doing the work—and I would fear on a fairly uninformed and hurried basis—that the Park Service itself should do.

My second reason, quite aside from the language that is in the formal testimony, for thinking so is that having had a little experience with base closures myself, having spent a good deal of time worrying about the consequences of such closures with regard to the Presidio, it is my very strong feeling that circumstances are radically dissimilar.

There is not the kind of change in national circumstances and national defense strategy which led I believe to the base closing process; nor is there in the military establishment the kind of re-examination of mission underway internally leading to a real comprehensive re-examination of the functions of the Service and how it should be performed that there is currently in the National Park Service.

Everybody in this room knows as well that quite aside from the subject matter before us which has to do essentially with geography, where do you do it? How do you do it?

We are also in an intensive process involving many, many people in the professional management of the National Park Service in which we are attempting to reexamine how we go about our business most efficiently, where we conduct our business most efficiently—some people call it “down sizing,” some people call it “reinventing government”—but inherent in it is an examination of what our primary activities should be, where they should be carried out, and by whom.

All of those therefore represent I think a set of internal initiatives that I suggest be honored.

I would be glad to try to respond to your inquiry.

[Prepared statement of Mr. Kennedy follows.]

STATEMENT OF ROGER G. KENNEDY, DIRECTOR, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL
PARKS, FORESTS, AND PUBLIC LANDS, HOUSE COMMITTEE ON NATURAL
RESOURCES, CONCERNING H.R. 3709 AND H.R. 1508 BILLS TO REFORM THE
PROCESS FOR STUDYING AREAS FOR POTENTIAL INCLUSION IN THE NATIONAL
PARK SYSTEM, AND OTHER PURPOSES

April 19, 1994

I am pleased to be here today to comment on two bills, H.R. 3709 and H.R. 1508, intended to reform the system for conducting studies of potential new units of the National Park System. We appreciate the fact that the Committee has turned its attention to this issue. We support H.R. 3709, with one amendment I will discuss in my testimony. We do not recommend the enactment of H.R. 1508.

H.R. 3709

H.R. 3709 would repeal our general authority to conduct studies provided in Section 8 of the act of August 18, 1970, as amended. Instead we would submit an annual list of study recommendations to the Congress and this list would be legislatively authorized before the studies begin. We would support H.R. 3709 if amended to remove language that infringes policymaking responsibilities of the Secretary and the President.

In 1976 Congress directed that we monitor the welfare of areas that exhibit qualities of national significance and that we conduct

studies on those that have potential for inclusion in the National Park System. For the next several years we had an active study program responding to the Congressional requirement that we forward a list of at least 12 potential new parks each year. In 1981 the administration proposed a bill and budget to eliminate our study program. Between 1981 and 1990 NPS undertook a few studies, in response to specific instructions from Congress. Then, in 1991, we began once again to identify our own priorities, using a ranking system that considers significance, rarity, public use potential, educational potential, resource integrity/risks, public support, costs, availability of data, suitability, feasibility, and special initiatives.

In 1991 our priority list was forwarded to Congress with our annual budget request, but more than \$2 million was specially directed or added on for studies that we had not proposed. In recent years our priorities have been somewhat more successful in influencing the directions for our study program. Right now we have 24 studies in progress: 7 of these are sites that NPS identified as a high priority, 7 were directed by authorizing legislation, and 10 were directed by appropriations committee actions.

It is difficult to undertake professional analysis of resources efficiently or effectively when we are working on three different sets of instructions and priorities. H. R. 3709 would provide a way for the National Park Service to work with the authorizing and

the appropriating committees to reach a common understanding of what areas should be studied for potential inclusion in the park system. This means to establish individual authorizations has been in place and worked well for wild and scenic rivers and national trail system studies. The same approach would certainly be appropriate for studies of potential new parks.

Studies of this kind are the best defense against expansion of the park system into areas that fail to meet established standards for significance, suitability, and feasibility. Our files contain more than 290 studies done since the 1930s on areas that have not been added to the park system. Between 1970 and 1990 only about one in every four of the 175 studies that we completed became the subject of legislation to create a new park unit. We agree that our studies must reflect the highest professional standards, offer clear findings on resource significance, suitability and feasibility, and offer Congress a range of alternatives for protecting resources within or outside of the National Park System.

We suggest that H.R. 3709 and its legislative history be clear that the definition of "new area study" is limited to projects that apply clearly articulated and understandable criteria for significance, suitability and feasibility and consider alternatives for establishment of new National Park System units. This definition in H.R. 3709 should exclude other planning tasks such as studies of potential boundary adjustments for existing National

Park Service units as required in our General Management Plans under Public Law 95-625. Also excluded should be studies of themes or individual sites to determine eligibility for designation by the Secretary of potential National Historic Landmarks and National Natural Landmarks, and regional resource assessments or other data collection to identify candidates for complete "new area studies." We agree that complete studies of potential new parks should be legislatively authorized, but we must retain authority to conduct brief site investigations to determine if further study is really necessary and how a candidate rates in our priority ranking system.

As currently drafted, H.R. 3709 curtails the discretion of the Secretary and the President to develop Administration policy pertaining to the National Park System. We recommend that Section 2 of H.R. 3709 be amended by deleting the provisions found on page 4, lines 6 through 14, that (1) authorize the Director to submit recommendations to the Congress without review by the Secretary or the President and (2) only allow the Secretary or others to submit recommendations separately.

H.R. 1508

H.R. 1508 reflects a more encompassing approach to the future growth of the park system by establishing a commission to prepare a comprehensive plan. Generally patterned after the model applied previously to the military base closures, the commission would recommend termination of NPS management of certain sites as well as

areas for potential expansion. H.R. 1508 also would establish a new area study priority list in numerical order and authority for enhanced technical assistance to heritage sites.

We feel that the approach outlined in H.R. 3709 and other pending bills is preferable to that of H.R. 1508. In testimony on March 22, I outlined our own proposal for a heritage areas partnership program that expands considerably on the ideas contained in Title III of H.R. 1508. Several other heritage partnership proposals including H.R. 3707 are under consideration, and if such a program is established we could expect it to address many of the demands we now face for new "park" studies and authorizations where other forms of technical, planning, and financial assistance are more appropriate.

We strongly oppose the establishment of the commission outlined in H.R. 1508. The National Park Service recognizes our need periodically to examine our park units and activities to determine any no longer significant. Rather than establish a new commission to review the composition of the National Park System and recommend possible areas for "termination" we feel that this task should be undertaken by the National Park Service itself. Its obligation is periodically to reassess its means to fulfill the Organic Act of 1916 as amended, including the best locations in which to do it. We would be pleased to work with this subcommittee as to establishment of new areas, and as to any deauthorization of

existing areas which may be justified.

As for undertaking a comprehensive plan for the future growth of the park system, several steps are already underway in this direction. The Vail agenda reflects a strategy for moving the National Park Service forward to meet the challenges of the 21st century. Our thematic framework for natural resources was last updated in 1990 and we are continuing to update our approach to management of the National Park System along ecosystem lines. In response to directions of the Congress, we are in process of revising our thematic framework for history.

I will be pleased to answer any questions you might have.

Mr. VENTO. Thank you, Director Kennedy.

Let me say that I am embarrassed by your apology with regard to testimony, because I know that you made the effort, but, there is no apology due to me. It is basically to the Park Service and to the role that it might play legislatively that has been done the injury by such activities.

Mr. KENNEDY. Yes, sir.

Mr. VENTO. Obviously I am angry.

Mr. KENNEDY. So am I, Mr. Chairman. We share that emotion this morning.

Mr. VENTO. So I just want to get started. Obviously we want to work together, but we do need to get these matters in a timely fashion so that staff and others can give them the attention that they deserve so that we are all better prepared for the hearing.

I do appreciate the cooperation.

With the type of legislative load that we have, we rely on the support from the land management agencies including the Park Service, I cannot get it done on sort of a fly-by-the-seat-of-your-pants' basis, nor can staff. So we need your cooperation.

So I hope you will carry that message back to whoever, if it is OMB or whoever it is. This is not a new problem, but I think it is one that can be resolved.

Mr. KENNEDY. Mr. Chairman, I will carry that message back with, I cannot say delight, but with vigor.

Mr. VENTO. Let me say at the outset, and I hope that my colleague, Mr. Hefley, is in attention at my words, because I want to say that I think—

Mr. HEFLEY. As always, Mr. Chairman.

Mr. VENTO. Well, I do not know that that is always necessary nor do I demand that much attention, but I want to say that I think there is a need for a process to review the existing units of the Park Service.

You offer a rather independent attempt to do this, and the circumstance is that we cannot do it in the absence of some sort of commissioner outside the service or within the legislative process; that we need in essence to have this on a track where it is not dealt with legislatively and/or administratively within the Park Service, but that has not been tried systematically to my knowledge, has it?

Director Kennedy, has there been any instance where the Park Service has been given a direction to review the units of the park system and to make recommendations to the Congress in the past?

Mr. KENNEDY. Not to my knowledge, Mr. Chairman.

I know of instances which are ad hoc in which it has in fact done so.

Mr. VENTO. Well I do not think there is any question. In fact, we have a park unit right now that we are going to deauthorize. We do not talk about it very much as a deauthorization because it does not taste very good, and that is the Kennedy Center.

Mr. KENNEDY. Yes, sir. Precisely. And, yes.

Mr. VENTO. But I think the point that I want to make—and of course everyone is entitled to their own opinion—but the fact is that there has not been such analysis to ask the professionals in the Park Service what we ought to do.

Now the second point, Joe, and I want to again make this because I think it gets at the heart of, what you were talking about "sitting around the table and we are sitting around the table right now.

One of the other points is the issue of if you are going to propose and are going to achieve the removal or the change of status of a unit that is designated, then I think my view is that you have to solve the other person's problem.

You have to help them solve their problem.

You cannot paint them into a corner and then ask them to get out of it without getting paint on themselves.

The point is that you have to have some means that that unit or that area can be dealt with either by the state or by somebody else.

Mr. KENNEDY. Sure. We see that exactly alike. That is the other half of our obligation because it would not have gotten there if some set of significant persons had not regarded it as serious. Therefore, we do not want to leave it as an orphan.

Mr. VENTO. No, that is right. Now I do not know, maybe it does not fit whatever the Park Service's mission is, but it does not need to deal with "significance" or the value of it; it just might be the ownership issue.

The second issue, if you want to achieve this, is it is not going to be a black and white slam dunk. If you really want to be successful in the process, I would think to optimize your success you would have some way to in fact facilitate the transfer back.

If you can get the Smithsonian or you can get the Kennedy Board to pick up the pieces and move forward with it, so much the better, but that is sort of an unusual situation that facilitates the process.

So I would think that in terms of this, in terms of asking the Director, I heard you ask, and I hope that others did, the request that you would like to be instructed to in fact do such work—

Mr. KENNEDY. Yes, sir.

Mr. VENTO [continuing]. In terms of evaluating what is in the system and to make some recommendations concerning it.

Mr. KENNEDY. Mr. Chairman, yes. We would like to be told to be professionals with regard to our obligations. They include what ought or ought not to be in the system. We should do that.

Further, the National Park Service does not exist as an isolated body of persons. We are or should be in regular discussion and contact with other people who do the same kind of work.

Historic preservation and biological maintenance, eco system management and all that stuff is a set of connections between us and other professionals. When the question becomes what happens to the former unit, we ought to be professionally competent, more than anybody else, to assist in that process intelligently.

We do not have to invent somebody. We ought to know about that, because we ought to be in pretty good touch with those people in Heritage areas and others. That ought to be what our business is.

Mr. VENTO. Well, I agree. There is a lot more to Congressman Hefley's bill than that, but as I look at it I think that is the most important provision.

Other provisions in terms of numerically trying to weigh what is and is not for quantification of what should be prioritized in terms of consideration for a park it seems to me is I think a good intention but I find it a problem in terms of trying to give the proper weight and quantification to this in terms of guiding the process.

Director Kennedy, do we have such a system available now within the Park Service where you can give numerical values to—

Mr. KENNEDY. No, sir. Nor do I think it would be easily achieved. These are very subtle matters, frequently. We do rank-order the order in which we want to do things, but with respect to the importance of existing units, unless I am all wrong about this, I do not think the mind of man or woman has reached that, has it?

Mr. VENTO. You have with you your legislative specialist and others. Would you reintroduce them? I know of course Ms. Hart.

Mr. KENNEDY. Yes. Warren Brown is our Chief—

Mr. VENTO. What is Warren's last name?

Mr. KENNEDY. B-R-O-W-N, Brown.

Mr. VENTO. Oh. Pardon me.

Mr. KENNEDY. Chief of Park Planning and Protection Division. Mr. Brown will tend to know more about the existing process by which we plan for inclusion than I do.

Mr. VENTO. Well, obviously in both bills there is a lot I want to make certain we give proper attention to. They set up a commission which has a life expectancy of something like two or three years.

So, you can correct me if I am wrong, or staff can, but the point is that the first thing they are supposed to do is develop a strategic plan to guide the national park system in the next 10-20 years.

Do we have such a plan right now?

Mr. KENNEDY. We have a planning process underway which is close. It would not meet all those criteria, but we are in the process of developing—in fact, we are pretty well along with a restatement of plans.

As any businessman knows, those change. We learn, and they will change.

Mr. VENTO. And you stated that. I just wanted to point out that, I do not know, is there some disagreement with this plan—

Mr. KENNEDY. No, sir.

Mr. VENTO. Do you have this out for public comment?

Do you take public comment?

Is it open to Park Service and other individuals, Members of Congress, who want to comment on it?

Mr. KENNEDY. Sure.

Mr. VENTO. Have you had a lot of controversy over the plan?

Mr. KENNEDY. No.

Mr. VENTO. You do not want a lot of controversy, but my point is that it is really a question here of charging somebody with something.

Mr. KENNEDY. No.

Mr. VENTO. Is there a reason—

Mr. KENNEDY. What we do is, we try to get our planning staff together to reformulate how we are going about our business, essentially as a way of reminding us what it is we do so that we can pay attention to it.

It pulls you out of the bureaucratic daily stuff and gets you to thinking about what you are doing.

Mr. VENTO. I know that the various theme studies and the various information that the plan is based on; for instance, we in fact occasionally have instructed for a new view or do a new theme study or other things—

Mr. KENNEDY. Sure.

Mr. VENTO [continuing]. But it identifies. In other words, it looks through all the parks to see if all the natural areas are represented.

Mr. KENNEDY. What are you doing? It says.

Mr. VENTO. One of the things I find sort of ironic is that when they pulled the teeth out of the Park Service in the early 1980s in terms of then following through, the logical consequence to all of this is that you then would have a program that you would be recommending certain units to be added or certain actions to be taken. Not necessarily units; maybe some being deauthorized. I don't know.

As you say, that seems to have been an ad hoc process, the deauthorization, to say the least to me. There has never been as much enthusiasm in the Park Service as for the deauthorization as there is for the designation, I think it is safe to say.

I think the point would be scored for Mr. Hefley—

Mr. KENNEDY. Yes, sir.

Mr. VENTO [continuing]. So I do not think there is any disagreement about that.

But I do think that one thing that was lacking was sort of the teeth to move ahead.

Of course in the early 1980s when that occurred, when then-President Reagan and his Secretary of Interior Mr. Watt decided to eliminate the commissions and other groups making recommendations, did it in fact stop the deauthorization of new units?

Mr. KENNEDY. It did not.

Mr. VENTO. It did not seem to, no.

As a matter of fact, I think we ended up, instead of with a guided program, we ended up with an unguided missile in terms of what might be happening, which I think the landscape is abundantly clear as to what the status has been of that in terms of a multi-headed piece that has erupted.

Well let me stop and let my colleagues join in because I do intend for this to be a wide-ranging discussion of the views of the Director and others.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

I think the chairman has made some excellent points there and they have worked both ways when he asked the question about 1508, do you have some of the authority already vested in the Park or in your Director's position.

What does H.R. 3709 have in it that you cannot do now? It is just the same question, really. You came out in enthusiastic support for H.R. 3709. Is there anything in there that you cannot do now?

It makes some good suggestions in here I believe for studies of area for potential additions and a report on line 12 of page 3.

Is there anything there you cannot do now, Mr. Kennedy?

Mr. KENNEDY. I would have to say, Mr. Hansen, that we do not do it now.

Now I will turn to my colleagues with regard to the legal answer to that. I welcome this because if we need to be chevioted into a position in which it is assumed that we and the authorization and the appropriations sides of this House would arrive at as close to a concurrent view as to what the criteria ought to be and stick with them, but—

Mr. HANSEN. It does highlight it. I would agree to that. And maybe it brings it to your attention and makes it more of a top priority item, I agree, but I do not know what you would have under that measure that you cannot do now.

Mr. KENNEDY. May I turn to my lawyer here for a moment?

Ms. HART. Mr. Chairman, Members, I think the key difference is that the Park Service would be unable to do a study unless it was authorized under this process and that would, as the Director is saying, bring the process to a head. It would force cooperation and discussion. That does not always happen now.

Mr. VENTO. Would the gentleman yield?

Mr. HANSEN. I would be happy to yield to the Chair.

Mr. VENTO. Well, I want to be brief, but I just want to elucidate on that because they provided me with the studies that are in process since 1989, I believe, and of course the gentleman and I have been on the committee and I have chaired it since that point, and I would like him to look at this.

You would find very few studies; in fact, I think you can count them on two hands. The numbers might be a little more than that, but on two hands that we have actually legislatively provided.

Most of the others have been from self-initiation of the Park Service and/or through all of our friends on the appropriations committee that have decided what types of studies ought to be done.

So I just think in terms of eliminating three-quarters of the studies, you would probably—

Mr. KENNEDY. Mr. Chairman—

Mr. VENTO. I would like to put that in the record. The gentleman is yielding to me, so I cannot let you respond, but the gentleman from Utah can let you respond.

Mr. HANSEN. Well, thank you. Let me just say, the Chairman just mentioned my point. He said "through self-initiation of the Park Service" you have done things in the past. I have read many of those studies. I am quite confident you could do all of them without H.R. 3709.

I am not taking issue with H.R. 3709. I just feel—

Mr. VENTO. We are limiting them, though.

Mr. HANSEN. I know you are now, but up to this point was my question.

Also, I take respectful disagreement with you on the idea that you could do it within your own service. Possibly you can, but you have not is the point that comes up.

Sitting on the Armed Services Committee for many years also the Armed Services say let us bring in all the Generals and Admirals and say, now, gentlemen, which base shall we close?

Admiral Kelso, we want to do away with your Carrier Battle Groups. You have 15. We do not see any reason for it. If you want to hear a beautiful presentation of all the threats that we have around the world and the strength of a Carrier Battle Group.

And General McPeak on the Strategic Wings and Tactical Wings and what they are doing to keep America and the Free World safe.

Pretty soon it is not the idea of—it is the idea of procedure we are talking, not the idea of the beauty of what Mother Nature gave us; not the idea of the old Soviet Union and/or Bosnia or North Korea, it is the procedure we brought up when we did the base closing bill to establish a procedure in statutory law that would say this is how we do it.

Of course I think you have the procedure, if I may respectfully say so. We do not put a Park on the books in my 14 years on this Committee that you or someone in front of you would come in, and he has the procedure to say, yes, or no, I do not want it.

In fact, to my knowledge I am still waiting for the first "no." Everyone, whether he is a Democrat from an Administration that is headed by the Democrats, or Republicans, it is all 'yea, it is a great idea, put it on the books.'

Therefore, I think the opening remarks that we came up with regarding the amount of parks that you have—but at the same time no one is saying they are giving you much more money to do it. You would just spread yourself a little thinner.

And as we have discussed, ad nauseam, the infrastructure of the Parks suffer because of that.

No one on this Committee, to my knowledge, is against Parks. I think we all buy the idea that they are beautiful and wonderful. But I would just like to know—and I have never had this—what is the criteria of a Park?

I understand it is not in the statutory language. It is in the eye of the beholder.

Mr. KENNEDY. Well there is of course the fundamental charter, Mr. Hansen, that does stipulate a set of generally stated criteria.

We can close, surely, and we should bring to you language which we think closes the gap between that very general language in the fundamental charter as amended, and a more diffuse recognition that our criteria for inclusion do alter and should over time.

Once again to make the point about Martin Luther King and Manzenar, we should alter the application of those criteria as we learn to evolve in this country, but the gap is clearly too great between the generality and the application of change.

It is clearly too great.

I think that the purpose of Mr. Vento's bill is to interpose a process that would eliminate the surplusage of studies that get initiated until there is a consensus between the authorizing process—a practical application of the appropriations process—and us before we start launching a multitude of new studies.

As I understand it, that is the intention here.

Mr. HANSEN. But you consider the intention of H.R. 3709, that possibly included in that in the study that it talks about on page 2 and the report on page 3, that some of these things were to be included in it?

Surely there must be some criteria for establishing a park other than just that somebody feels a burning in his bosom that it is there. And even for the danger of that, I think we have a great analogy in the 1964 wilderness bill where it talks about what constitutes wilderness.

Well I think there is an Eastern and a Western definition. It talks about roads. I have asked environmental groups. Give me the definition of wilderness under the 1964 Act.

I have yet to have one answer. They do not even know what it is. "Untrammelled by man, as if man was never there," all that criteria that establishes it; yet, they have come up with things that go right over the top of cities, roads, and cattle ponds, and reservoirs and the whole nine yards.

So even what we did in that bill does not seem to hold down Congress's great enthusiasm for putting all the West in. Wait until they see all of my bill putting all of the East in. I think I will look forward to doing that. [Laughter.]

But anyway, be that as it may, I would hope that somewhere in this thing as we redefine this, which I agree with my chairman and I agree with you should be done. I am not trying to be an obstacle here; I just think Mr. Hefley has come up with some stuff you can grab and get hold of and is concrete.

That is what I like about both of these bills. We are at least making a step into it, which I think is very important at this time, rather than to just let this thing float along and let every congressman who has a burning in his bosom put the next pile of manure in as a national park. And I think some of them do not fit much more than that, if I may respectfully say so, Mr. Chairman.

Mr. VENTO. That is all right.

Well, if you will yield just briefly, I do not want to take up time when I know others are waiting, but they have the criteria for the parks. They put out a brochure in color. It is quite elaborate and talks about the national significance/suitability/feasibility and management options, and goes to the procedures.

In fact, probably we do not follow the procedures.

We jump around a lot because, some of the rules are made for Congress to break. But they have done their work. I think that—I am asking some tough questions of my colleague's bill, and you are of mine, and that is fine, but I am not that antagonistic. I am just trying to boil this down to what we need to do and what we do not need to do in terms of assessment. That is my purpose.

Mr. HANSEN. Well if I may just say so, just to appreciate your comment, but most of that, you know, there is nothing in law.

Mr. VENTO. No, no. I think what the Director was saying is that there is obviously a refinement in terms of what Park policies were as an example, or if we even looked into what is a "park."

Because a lot of things that went in in 1916 probably even some of those could be looked at as perhaps not filling the role of a park in 1994, believe it or not. [Laughter.]

I think Mr. Hinchey was next on our side, and then we will get to Mr. Hefley who is one of the major actors here.

Mr. Hinchey.

Mr. HINCHEY. Thank you very much, Mr. Chairman. I am sorry for being late.

Mr. VENTO. Well we are happy to have you here and hope you can stay with us.

Mr. HINCHEY. Well, thank you. I intend to do so for some time, at least.

Director Kennedy, it is nice to see you, sir.

Mr. KENNEDY. Thank you.

Mr. HINCHEY. I assume that there is a list somewhere of potential areas that would be included in the national park system.

Is that true?

Do you have such a list?

Mr. KENNEDY. Yes, sir. There is a list of those that are now being studied, which is a pretty good—which provides a fairly comprehensive ranking of the likelihood of their becoming so included.

In my—I cannot remember whether it is the formal or informal—testimony I noted that more parks have entered in the last couple of years from appropriations or authorization than from Park Service initiative.

So we cannot be altogether clear as to what parks are going to make it even into the resource study process. That has got to be the discipline which we are all trying to affect here is a three-way discipline not a one way discipline.

Mr. HINCHEY. Is that a new phenomenon, that appropriations would act in that way? And if so, is it based upon a certain backing up perhaps of activities within the agency itself?

Mr. KENNEDY. I think it is fair to say, though my colleagues may differ, that the vacuum is entered by the Congress when there is insufficient occupancy of that vacuum by the Agency.

Mr. HINCHEY. Very nicely put, sir.

Mr. KENNEDY. Thank you. [Laughter.]

Mr. HINCHEY. And that list that you have, is that list ordered in any sense of priorities from the Agency's point of view?

Mr. KENNEDY. Yes, sir. In the sense that there is a clustering of what looks like about 10, 15 that are our highest priorities, they are in that kind of clustering you cannot rank-order them one, two, three, four, five, six, seven, because they all have different qualities.

Then there is a lower cluster for lower priority. And somewhere near the bottom, things that we think are nice but not critical.

Mr. VENTO. If the gentleman would yield, I think the problem is that Congress does not pay any attention to that numerical order.

Mr. KENNEDY. That is true.

Mr. VENTO. That is another issue of course that becomes very important to go through all this process and then it does not receive the attention or the value it deserves.

Mr. KENNEDY. We welcomed this process that is proposed in 3709 because it interposes an additional disciplinary step, a sphincter in this process that we think is very healthy to the organism.

Mr. HINCHEY. So in spite of the fact that the 3709 would repeal your general authority to conduct these studies on your own generally—

Mr. KENNEDY. Yep.

Mr. HINCHEY [continuing]. You think that that is a good idea?

Mr. KENNEDY. Yes, sir. Usually in a bureaucracy we would like to be inhibited; because if we are so inhibited because we have got

to reach some agreement with other people who be players in any case, it will bring everybody perhaps to a higher level of intensity of application.

Mr. HINCHEY. Right. If you get everybody on the same page, generally, hopefully they will be working toward the same objective.

Mr. KENNEDY. That is the effort, sir. Yes.

Mr. VENTO. If the gentleman would yield to me further—and I do not mean to keep interposing the members—but I think the issue I wanted to make and Mr. Hansen was talking about, is this is the procedure we used for Wild and Scenic Rivers.

And of course those can also be designated administratively through a state process, but it works for that. So we are using it for both those particular purposes.

So it is a system that works and I think has served the Park Service and other agencies pretty well in their areas. And of course I expected if we were to do this that we would have probably an omnibus bill that included perhaps more studies as recommended by the Park Service or administration for study.

Today the process is really if there are funds appropriated from the appropriations committee, and they actually then earmark money for many, many such studies, some of which were requested by the Park Service but it is completely administrative and an appropriation function that is relatively minor when you look at the legislative function. Not more than 25 percent really have a hearing.

The light of day is a good anesthetic, as Justice Holmes said, or in paraphrasing Justice Holmes.

I thank the gentleman for his patience.

Further questions?

Mr. HINCHEY. It is my pleasure, Mr. Chairman.

I assume what we are trying to do here, among other things, among other noble objectives, is one which would involve the legislative body early on in this process so that the studies actually come to some fruition and something really happens out of it.

Mr. VENTO. Well, I think the gentleman is looking at me. I do not know about the Director, but I think the Director's testimony indicates that only about one in four studies actually results in a designation.

Is that correct?

Mr. KENNEDY. That is right, sir.

Mr. VENTO. Director Kennedy.

Mr. KENNEDY. That is right.

Mr. VENTO. So, happily, some review does help in terms of cur-tailing activities today. It is not automatic that because of a study there is a designation. I do not know whether it was Mr. Chandler's testimony or if I have gotten it mixed up.

Mr. KENNEDY. But whosever testimony it was, it is right. That is the outcome.

Of course another not inconsiderable objective here is that there is a lot of time and taxpayers' money spent on a whole lot of studies that do not need to get studied because they are not going to make it, and should not.

As a consequence, with H.R. 3709 there is going to be some tax savings. We are not going to do some work, which will be a good thing.

Mr. HINCHEY. Too many studies are being made.

Mr. KENNEDY. Yes. They do not wind up in the system, anyway. So that it would be a healthy thing if we were to diminish the expenditure of professional time doing work which will not have an outcome anyway.

Mr. VENTO. Mr. Hinchey, had you finished?

Mr. HINCHEY. Yes.

Mr. VENTO. Well I think sometimes a study is cheaper than a designation, however. [Laughter.]

There is a purpose served by it, believe me, in terms of the opportunity, but I have often thought that in terms of providing the money for a study or for some other activities that we end up loading up those who are advocates with all sorts of numbers, and dollars, and resources to keep a process going forward.

So it also has the effect of giving a certain momentum which is not—I am probably giving away all my insights here and I will probably face a harder time the next time I have a study up here that people do not like, but it does give incentive, and with real dollars, the efforts to go forward in terms of designation. So it does create a problem.

My concern is, as I said to Mr. Hansen, that if you deal with one side in the deauthorization—which obviously is very important—you need to also deal with the intake side of it pretty effectively. Otherwise, you are going to keep bringing into the park other units that—and I think we need to do it more specifically.

So I think probably most would agree now after listening to this that at least the idea that I picked up from Scenic and Wild is one that ought to be incorporated in whatever we do.

Mr. Hefley, I hope you agree with that.

Mr. Hefley, thanks for your patience.

Mr. HEFLEY. I thank you, Mr. Chairman.

Mr. Kennedy, I did not grow up in a well-to-do family. We could not afford fancy vacations as I grew up, but we could afford a car and a rack on top with our tent on top of it.

Almost every summer we would take off on the highways visiting our Nation's parks. Being from the West, of course we thoroughly covered the West, but we also went from Florida to Maine and all over the country visiting the parks.

It instilled in me a deep love for the crown jewels of our park system across this country and a deep appreciation for the Park Service.

Many times when I am holding town meetings on health care these days I will ask the question of Bill and Hillary's health care proposal which would put health care in the hands of the federal government and I ask them. How many things can you think of that you are real tickled about the way the federal government does them?

It usually gets a laugh, and they cannot think of very many things that they are really pleased with the way the federal government does—we fight wars pretty well, once we get geared up for

it—but there is not very much else that the American public are just thrilled with the way the business is done.

But the one thing I have always thought that the federal government did very well was parks, and that comes out of my childhood. But I have been increasingly disappointed at the box we put you in.

I am not criticizing you here. We put you in a box. We say that Revere Beach that has been I guess a Boston public beach, but all of a sudden that needs to be a federal park of some kind because somehow immigrants 100 years ago used to go there and sun bathe. So that is important to the Nation that we preserve that.

Or, Steamtown. A more contrived park you could not imagine. It is taking money from the crown jewels to go to something like Revere Beach or Steamtown; or McKinley's in-laws' home because McKinley's home is no longer there, and so we want something to recognize McKinley.

Or, the Truman farm that has mostly been divided and had very little significance to Truman anyway.

You are fighting with this every day, and it is coming from us. We are telling you that you have to manage these as parks, but there are only so many dollars.

Not only that, there are the old parks. There are some of the parks that had real significance at sometime in our history. For instance, I live in an area in my home state of Oklahoma where there used to be, and I do not know if—you know, I have not even looked it up lately to see if it is still a national park, but Sulfur, Oklahoma, used to be a national park.

Is it still?

Mr. KENNEDY. It is the opinion of the three of us that it is not. [Laughter.]

Mr. HEFLEY. Well, that is good if it is not.

Mr. VENTO. Revere Beach is not a park, either; not yet.

Mr. HEFLEY. No, but we fight it practically every year.

Mr. VENTO. The gentleman does not favor it, I take it? [Laughter.]

Mr. HEFLEY. That is right.

But I remember as a child, after visiting all these wonderful parks in the system, I would go to Sulfur, Oklahoma in my home state—and I want to be proud of that—but what that was was a recognition of the mineral waters that were there that were very important in an earlier day when people went to soak in mineral waters, but are not really important to the people of today, and there are not very many people that want to go do that.

Somehow or other we have to have a priority system so that you can have the resources—you visit Yellowstone today and you find roads that need repair. You will find guardrails that need repair. You find all kinds of things that simply are not being done.

We need to somehow develop a system to prioritize these things so that you have the resources to do well what you are trained as a professional to do.

So that is the purpose of my bill.

Mr. KENNEDY. Sure.

Mr. HEFLEY. It may not be a perfect approach to it. I think, in a sense, you and the chairman are zeroing in on one very small

section of one title to be critical of, but there is a lot else in that bill.

It seems to me that somehow or other we have to arrive at a priority system.

For instance, there are 4.5 million acres of National Park Service land in the Mojave-Sonorian Desert ecosystem, and yet the administration has endorsed adding several million more acres to that at the very same time, the very same administration, that is talking about cutting 1,300 positions from the Park Service.

Now maybe those 1,300 positions need to go. Maybe you do not need them. But how can we continue to add to you and not provide you the resources to do it?

There ought to be some kind of a logical process. You rank every year when you submit your request to OMB. You rank. You rank by number. You rank by priority.

So somehow or other there is a ranking system, but it is not translated into what actually comes out the other end of the pipe often.

I think there is good, Mr. Chairman, in both these bills, and there are probably some problems in both of them as well.

What I would propose, after we have had the testimony today, is that we sit down together and we try to pull out the good in both these bills and whatever other ideas that come up out of the hearing today, and we try to come up with a solution to this problem. Not a "Democratic" solution, not a "Republican" solution, but a solution to the problem, because it is a longstanding problem and, no matter what we say about it, it is not something that we have done anything about very well.

We still do the same routines year after year after year. Like you say, Revere Park is not a park yet, but every year it is on our plate for consideration.

Some of these go through every single year, and you have to deal with them. You are not going to tell us today what you call us when you have to deal with them, but I bet it is not pleasant. [Laughter.]

So somehow or other we need to work with you and we need to work with each other and we need to solve this thing.

Would you agree?

Mr. KENNEDY. Yes, sir.

Mr. HEFLEY. Your answers are much shorter than my—

[Laughter.]

Mr. HEFLEY. But I want you to know, Mr. Kennedy, I have studied at the feet of the chairman so long that I have learned to make those kind of speeches—

[Laughter.]

Mr. HEFLEY [continuing]. And we are getting closer together all the time. [Laughter.]

Thank you, Mr. Kennedy.

Thank you, Mr. Chairman.

Mr. VENTO. Well I hope it is not too confusing. [Laughter.]

I appreciate the gentleman's good humor and the work that he and the minority staff have done on the proposal. Hopefully we will be able to accomplish something.

I do not do hearings and things normally unless we want to do something to work on this.

Mr. Duncan has been patient, as well.

Mr. DUNCAN. Thank you, Mr. Chairman.

Director Kennedy, I have read before that the Park Service has a \$5.6 billion backlog in capital projects, and a 37-year backlog. Are those figures reasonably accurate, or have they been raised or lowered?

Mr. KENNEDY. Mr. Duncan, my general answer to you is, yes. Nonetheless, it is our obligation as professional people, professional managers, to readdress those kinds of numbers.

I expect that in the course of the next 6–12 months we will have undertaken a comprehensive review with a rigorous effort to assess the true magnitude of two kinds of backlogs, the physical condition of the properties in general, and also the actual degree to which the National Park Service's housing requirements can be supported with some precision.

Mr. VENTO. Would the gentleman yield to me on that number?

Mr. DUNCAN. Yes.

Mr. VENTO. Just for the record, Director Kennedy, to both the Secretary and you as Director, I have suggested that this particular figure seems to be—

Mr. KENNEDY. Yes, sir.

Mr. VENTO [continuing]. One of undetermined origin.

Mr. KENNEDY. Yes.

Mr. VENTO. I would like to know the basis. I know that the GAO had done some work for the Committee and came up with a \$2 billion backlog. Now I think it is suggested that it may be closer to \$3 billion in 1994. But I do not know of the genesis of the other number, and I still stand—

Mr. KENNEDY. Mr. Chairman and Mr. Duncan, I am not sure sitting here this morning how precise I could be beyond what I have tried to say, but it is essential to us—to you and to us—that we and the Office of Management and Budget and the GAO reach some sensible number that we can all use and be confident about.

I am more confident than I was yesterday that we are going to get toward that within a reasonable period of time. We all want that. The number needs to be refined and supportable.

Mr. VENTO. I think for the record, if you would, provide whatever the current status is so at least I would know.

Mr. KENNEDY. Yes, sir. I will strive to do better than that for you.

Mr. VENTO. And for Mr. Duncan, it includes inholdings, the value of inholdings, and it is important to know that.

Mr. KENNEDY. Yes, sir.

[The information follows:]

The current "backlog" for acquiring private lands within the current boundaries of NPS units is \$1.2 billion. This estimate does not include parks in Alaska where most of the non-Federal lands are Native selection that may change from time to time. Also excluded from this estimate are recent additions to Everglades National Park and Big Cypress National Preserve where research on a large number of ownerships is still underway. This total "backlog" should be considered to be an educated guess and is not based on appraisals of individual tracts or complete information about ownerships of mineral interests.

Attached is a summary of the backlog estimates for construction programs, including employee housing. This information was forwarded to the authorizing and appropriations committees of Congress by letter of February 22, 1994.

NPS BACKLOGS/ SERVICEWIDE PRIORITIES

The National Park Service currently maintains two Servicewide Priority Listings for construction, one contains road, bridge and tunnel projects eligible for funding under the Federal Lands Highways Program (FLHP) and the other listing contains all "Non-FLHP" eligible projects, that is, it contains building, utilities and resource protection related projects normally requested through the Service's Line Item Construction Account.

The Service also maintains an "outyear backlog" of other identified construction needs (both FLHP and non-FLHP projects together) which do not carry Servicewide priority rankings. This third list can be considered a listing of less urgent construction needs.

The three listings cumulatively total \$5,629,143,000. The NPS Line Item Priorities Total \$1,693,285,000. The FLHP-Eligible listing Totals \$1,288,132,000, and the un-prioritized listing totals \$2,647,866,000.

(\$ IN MILLIONS)

OBJECTIVE	NPS LINE ITEM PRIORITIES	NPS FLHP PRIORITIES	NON-RANKED PROJECTS	NPS GRAND TOTAL
HEALTH & SAFETY NEEDS:	533	243	381	1,157
RESOURCE PRESERVATION NEEDS:	560	60	463	1,183
REPAIR/REHAB OF EXISTING FACILITIES:	188	719	936	1,843
NEW FACILITIES, NEW OR DEVELOPING PARKS:	127	223	434	784
ADDITIONAL FACILITIES, ESTABLISHED PARKS:	152	42	433	628
TOTAL:	1,660*	1,287*	2,647*	5,595*

* -A few projects in each category are currently missing objective codes, therefore these totals do not exactly match those given above.

*A separate listing of NPS Employee Housing needs totalling \$540,915,000 has been prepared. Some, but not all, of the housing construction needs on this report are also on the Servicewide Priority listing or the non-prioritized backlog listing. The NPS has not yet cross-referenced this housing list against housing projects on the newer priority lists, but it is estimated that projects totaling about \$350-\$400 million from this housing construction listing represent projects already identified on the other construction listings.

Mr. DUNCAN. Well whatever the figure is—

Mr. KENNEDY. It is big.

Mr. DUNCAN. Whatever the figure is, Director Kennedy, you know that there is a tremendous battle for government dollars by all departments and agencies today, and your administration is trying to hold down the deficit and reduce federal employment and so forth.

What I am wondering about, do you think it is more important for the Park Service at this stage to take better care of what you now have—I think it is 367 units or something similar to that—is it more important for the Park Service to take better care of what it now has? Or is it more important for the Park Service to expand?

Mr. KENNEDY. Mr. Duncan, the temptation is to respond simply to that inquiry by saying, yes, sir, it is more important to take care of what we have got than to add anything.

I think that you would probably agree with me that that is an overwhelming necessity, but we are as a country constantly learning about ourselves historically and otherwise, and therefore there may be some units which in the face of those backlogs should be added to represent our evolving sense of who we are as a Nation.

My own sense of it is that that is more likely to be true on the historical side than on the biological or environmental side. But also reserving the right to learn, I would agree with you, sir.

Mr. DUNCAN. What did you mean when you said a few minutes ago when you said that you “want to be inhibited”?

Mr. KENNEDY. Oh, Yes, sir. We would like the Congress on the appropriation and authorization side to help us not to have to undertake a lot of new studies of a lot of places that are Congressionally ordained, so that we do not find ourselves back with you again having been told to study something, developing the rationale for it, and then find ourselves having to support it.

Mr. DUNCAN. Let me ask you this. You know, the national government, the federal government, has a national debt of some \$4.5 trillion now and everybody says that is a tremendous problem, and it is a very dangerous thing for the future of our country.

All of the cities would tell you that they are strapped for funds. All of the state governments would tell you the same thing. And yet, most of the states have balanced budget requirements and they do not have nearly the indebtedness that the federal government has, and the same could be said for most of the cities.

What it really amounts to is that the cities and the states, while short of funds, and while they do not have everything they want, they are in much better financial shape than is our federal government.

What I am wondering, sir, is. Would you be willing to consider recommending that some of these areas that fall entirely within a particular city, or fall within a particular state, that they could perhaps be better cared for by remaining under city or state, under local or state control?

For instance, Mr. Hefley just mentioned the Revere Beach. There are many other areas.

Do you understand what I am getting at?

Mr. KENNEDY. Yes, sir, I think I do.

Mr. DUNCAN. Do you take that into consideration?

Mr. KENNEDY. Yes. It is central to our view of the evolution of the national park system that we do not have to own everything we care about.

Mr. DUNCAN. right.

Mr. KENNEDY. We participate in heritage areas—

Mr. DUNCAN. It is not your goal just to take over everything—

Mr. KENNEDY. No, sir.

Mr. DUNCAN [continuing]. That you possibly can take over?

Mr. KENNEDY. No, sir. In fact, that is why we are so enthusiastic about the whole notion of Heritage Areas. It means that we can participate in, help other folks to study and learn, but we do not need to own the merchandise. That is not our objective.

Mr. VENTO. If the gentleman would yield to me, I think that—there was a point that I wanted to make—if the gentleman would yield?

Mr. DUNCAN. Yes.

Mr. VENTO. I do not want to interrupt your thought, but the point being of course that this comes under the category of being able to, as new areas come and we have pressure put on us, you can then limit the involvement of the Park Service. It is not just because they are not nationally significant, but the fact is that very often they are in private ownership or have other goals.

Mr. KENNEDY. Sure. Or some state or municipality is managing them very well, and we are for that. We do not want to acquire just to federalize places.

Many very important places, as the gentlemen have earlier referred to, are either in private hands or state or municipal hands and should stay there.

Mr. DUNCAN. Well you know for instance that there is a movement on now to turn the entire Presidio into a national park. That includes a pet cemetery, and a bowling alley, and a run-down movie theater.

Do you feel that it is appropriate? Do you think those are areas of national significance—the pet cemetery and the bowling alley and the movie theater?

Mr. KENNEDY. I do not have a view about the pet cemetery, and I am not even sure whether the pet cemetery would stay a pet cemetery in national hands.

I do have a strong view that the Presidio does belong as a National Park, sir.

Mr. DUNCAN. Let me ask you this. You say in your testimony, you say the National Park Service recognizes our need periodically to examine our park units and activities to determine any no longer significant. Rather than establish a new commission to review the composition of the national park system and recommend possible areas for termination, we feel that this task should be undertaken by the National Park Service itself.

Has the Park Service let's say in the last ten years, have you done that? Have you recommended any areas for termination?

Mr. KENNEDY. Yes, sir, in effect we have, but I want to give you two parts of an answer, if I may.

First of all, we have not done that comprehensively and we should, and we would like you to tell us to do it. That is clearly

an obligation on our part to you to review what belongs in the national park system.

That is my larger response.

Within that, I cannot give you the dates within which the two units that have been—that are no longer parts of the national park system—have been eliminated. There is Maralago and there is a place in Kansas, and Georgia O’Keeffe. I am sorry, there are three. Plus, the Kennedy Center which is not a deaccession but a rearrangement of ownership and management which is in effect something quite equivalent to that.

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

Mr. VENTO. Thank you.

Thank you, Mr. Duncan.

One of the issues of course is that—and I think you have observed this and I mentioned it when we talked about the Heritage Areas—is that with the absence of the Park Service in terms of recommendations in the early 1980s and the expanding of the commission, it was sort of nature abhors a vacuum and something rushed in to fill it.

Many Members of Congress, as an example—and, guess what, some of the Members proposals are out of the fertile minds of the National Park Service from various areas. I am really impressed with the creativity of the National Park Service regions and superintendents to empower their appropriations members and others with the wealth of details which concern the National Park Service—significant and insignificant within their districts—aided and abetted by the State Historic Preservation Office and many others.

And of course who is left to challenge these particular ideas? Me. But actually, I am very social and I would welcome some help.

Mr. KENNEDY. Mr. Chairman, we warmly respond to that invitation. That is why we support H.R. 3709.

Mr. VENTO. The senior Senator in the other body obviously from time to time I have received some calls from him on various matters, but I really do think we need the help in terms of what is coming in and what should be brought in, and probably some way to systematically deal with the issues before us.

One of the provisions, as I recall looking through Mr. Hefley’s bill, is to completely eliminate the ability during the pendency to actually consider new units to the system.

Steve is going to have to help me here.

“ . . . limitation in establishment of new areas . . . until the commission transmits its report to Congress.” So we would really be in a hiatus.

It seems to me though that we need to find some other leverage in terms of getting the Park Service to do what they are told to do on occasions. Because just suggesting that we want you to look at this in terms of deauthorization is really an unpleasant task for the Park Service, as it is for Members of Congress.

We certainly do not like to get into those types of matters. I have frankly very often tried to limit the appropriations or the maintenance and the other types of activities in terms of these proposals, but it has been very difficult.

Let me give you an example of why I am saying that just asking you or charging you with this task is not adequate.

In the 101st Congress we asked the Park Service, or required the Secretary to conduct a systematic and comprehensive review of the boundaries of units of the National Park System and priorities.

Of course the idea was to try to get ahead of the curve in terms of what is being recommended.

Now the general management plan calls for the review of boundaries in most park units. This was not an effort to try to expand the size of the boundaries, but simply to look at such things as the watersheds or what normally should be included in terms of an ecological unit in the case of natural areas, or something just as fundamental as what is administratively feasible.

In fact, I think some of the units were developed on a pragmatic sense but not always looking at the science, and some situations have changed since they were established. We were sort of inundated, frankly, with a lot of boundary changes.

I think especially of the park in Colorado, the Rocky Mountain Park, where you constantly have suggestions for boundary changes. It is sort of a moving target.

This is beyond just the minor authority that is extended to the Park Service for most of the natural units, which makes good sense in terms of boundary changes, but these are actually changes sometimes because of opportunity. But we would like to do that on a systematic basis.

The Park Service was asked within one year to evaluate the proposed changes and to establish criteria to do that.

Mr. Galvin actually was working on this when I called him in because of something specifically that I worked through. Can you give me any report on that?

I see you referring to Mr. Brown on this particular topic.

Mr. BROWN. Mr. Chairman, the Park Service did develop criteria for boundary adjustments. Those criteria and a guideline to explain how they should be used was transmitted to Congress to your attention in February of 1993.

Mr. VENTO. Of 1993? And what is the status of putting that to use?

Mr. BROWN. It is being used in our general management planning and in boundary studies for individual parks. Sojaro National Monument is one example of a boundary resource inventory that applied those criteria, and that information was forwarded to Congress.

But those criteria have been integrated into our planning process and are being applied on a regular basis.

Mr. VENTO. The issue though is they were supposed to have a specific number of parks. I think the agreement was that they were supposed to make recommendations on a specific number of park boundaries each year.

Have any of those recommendations been transmitted in terms of the end product?

Again, we are going through the whole study but we do not seem to get the end product.

I understand you have incorporated the process into your process, but have we actually received any product?

Mr. BROWN. They are being addressed. The issue of boundary adjustments is being addressed on an individual basis in the general management plans.

I could check on the status of those and provide some information for the record for you about exactly how many boundary adjustments applying to those criteria have been identified in the last few years.

Mr. VENTO. Well boundaries is one aspect of it. Your report was also to contain a comprehensive listing of all authorized but unacquired lands within the exterior boundaries of these units.

Has that been done?

Mr. BROWN. We will have to check with the Budget Office and find out what work and what progress has been made on that.

[The information follows:]

The National Park Service forwarded to Congress a list of unacquired lands within currently authorized boundaries by letter of February 22, 1994. This transmittal responded to the requirements of Section 1213 of Public Law 101-628.

With respect to Boundary adjustments, NPS currently has more than 50 general management planning projects underway or scheduled to begin in Fiscal Year 1994. We expect that between 12 and 15 of these projects will address significant questions about boundary adjustments. However, our regional offices have identified more than 100 potential boundary adjustments in park units and these suggestions will be evaluated against the boundary adjustment criteria in the years ahead as we progress with our legislative program.

Bills introduced in previous sessions of Congress called for comprehensive boundary studies for all parks or studies on a specific number of parks, but these proposals were not enacted. The direction in Public Law 101-628 (Sections 1216 and 1217) was limited to the development of criteria for boundary adjustments and the application of those criteria to any proposals made by the Secretary after November 28, 1990.

Mr. VENTO. I take it that some of this really relates to the question that Mr. Duncan was raising with regards to backlog. As an example—Mr. Duncan has left now—but we asked for an analysis and evaluation of current and future needs of each unit of the Park Service for resource management, interpretation, construction, and operation and maintenance, personnel, housing, and estimates of the cost thereof.

And the Director's statement or answer speaks for itself in terms of the preciseness of that. We may have asked for this ourselves. Obviously if we asked the GAO we have numbers and we know what they mean, but I was interested in the Park Service being more actively engaged in this system.

My concern is that it took a lot of blood, sweat and tears, you might say, to get this into law. When we did it, it was not an easy process. It went into one of those comprehensive bills at the end of the session in which I had some Civil War Battlefield studies and some other things that other people wanted in order to get it done.

The boundary issue is the major issue, but I will give you a copy of this, Mr. Director, so that you can take a closer look at this public law and review this.

I am suggesting that basically while I favor the Park Service doing this as opposed to setting up a commission which may have a short time span—

Mr. KENNEDY. Yes, sir.

Mr. VENTO. I think maybe some guidance in this is necessary, but I do think there is a need here. You know, there is a question of why we cannot carry forward on this. We have to think of some way to get leverage to accomplish it.

I am concerned that that has not happened in the past all the time. I think we need to give a little more assurance that there will be in fact some serious effort with regards to this matter, an unpleasant matter.

Mr. Hinchey, did you have further questions of the Director?

Mr. HINCHEY. No.

Mr. VENTO. What is the reason that studies come to the Congress without a preferred alternative?

We actually asked for that of course in the legislative language as well here.

In the past it has been the practice to have three or four alternatives on a study and had not preferred an alternative. I thought it was your intention to change that?

[Pause.]

Mr. KENNEDY. Mr. Chairman, in consultation with my colleagues I put the same question you put. It was my understanding that we were now coming to you with a preferred alternative.

I do know of one instance where I have testified recently in which that alternative was erased somewhere in the reviewing process, but I assure you that we will strive to get one there. It is a healthy thing for us to do.

Mr. VENTO. Well, I think the concern is that it comes to us in testimony.

Mr. KENNEDY. Certainly.

Mr. VENTO. I am not saying you do not have a position. You have a position when you come here. But it is not in the study.

Mr. KENNEDY. Yes, sir, and it should be so.

Mr. VENTO. I think the point is that if there is a technical problem here—and as my next follow-up question we suggest there may be a technical problem; that is to say that each alternative must have an environmental assessment, or an EIS.

Mr. KENNEDY. Yes.

Mr. VENTO. If that is the case, then, can we reasonably do one EIS and extrapolate out so that we do not face that particular expensive problem in the study process?

Mr. KENNEDY. I would like to give you a detailed response to that inquiry because my understanding is the same as yours, and I am baffled as to why we are not in compliance.

Mr. VENTO. Well I think you probably are in compliance. I think the question is what we want to put into law. Are you uncomfortable with the legislation, if we put it into law and require a position in the study?

Mr. KENNEDY. No, sir, I am not. Subject to review by my betters, but it sounds to me like a desirable way of getting us to state a position clearly and cut down the cost of alternative resolutions.

Mr. VENTO. In the past the Park Service has used donations from private sources to fund some new area studies as well. Usually these funds come from the local community where the potential park would be located.

Some of course have raised concerns that this practice could in fact affect your judgment.

Do you have any view on that?

Mr. KENNEDY. Sure. I think you have to be extremely careful and identify clearly what the source of the funds is so that after you have completed the study that that is very sunlit. Yes.

Mr. VENTO. The question was raised, incidentally, about the park in California, the Mojave Desert Park. Of course the Sonorian Desert is separate from that, although I think that someone had their metaphors mixed in terms of the question. But that area now is managed by the Bureau of Land Management, is it not?

Mr. KENNEDY. Much of it is; yes, sir. Yes. There is much chocolate ripple in that mixture.

Mr. VENTO. Yes. There may be some private inholdings. But obviously the management by the Park Service would be different than BLM—

Mr. KENNEDY. Yes, sir.

Mr. VENTO [continuing]. But it might mean that we have really a responsibility being shifted from one federal agency to another.

Mr. KENNEDY. There is I think a third and better resolution of that matter, which is that we co-manage, learning from each other, because many of these areas are so closely related that they need to be jointly managed, each Bureau doing what it does well.

That provides us with an opportunity to do some things that we have not done before.

Mr. VENTO. Well that brings up a topic in terms of management that is a little bit off of the hearing record, but that is to say that through agreements you can actually charge another land management agency to manage part of an area that is a part because of geography, or natural barriers, or—

Mr. KENNEDY. Yes, sir.

Mr. VENTO [continuing]. Simply transportation. So it is possible to come into, and the Park Service on occasion has.

This is especially relevant with regards to some of the comments of the witnesses today concerning Alaska and whether or not the Park Service is suited and has the manpower or the personpower, I should say, to manage some of the large parks in Alaska.

Mr. KENNEDY. And, Mr. Chairman, as you probably know, we are close to the completion of some joint management proposals with the State of California with regard to three parks in California.

So we are trying to learn how to manage concurrently where it makes better sense for everybody.

Mr. VENTO. Well, I think one of the other problems is the very definition of the mission of the Park Service. It does get to be a concern because I think today as some agencies are doing less in terms of other activities than what they have done in the last 40 years, the Forest Service frankly was more of a conservation orientation prior to the 1940s in terms of protecting watersheds, and very much closer to conservation and preservation than what they have evolved into in the 1990s.

So they are really in a sense I think rediscovering.

In fact, the Forest Service, I would observe for the Members if they have not received notice, has set up a series of hearings on

reinventing the Forest Service, one of which I learned yesterday is going to be in my District, but around the country.

So I think they very much are reexamining under the leadership of Jack Ward Thomas their role. Of course some of this gets into overlap with sister agencies in the Department of the Interior, including Fish and Wildlife and the Park Service, and the BLM has always had some overlap there in terms of some issues.

But I would just point that out, that this redefinition could mean that there is an emphasis or a special mission that the Park Service has shared over the last 50 years at least that would be possible to be borne by others.

Although we have resisted both monument designations that the Forest Service now utilizes and certain "park" designations which they do not, but we have resisted most of those, recognizing that that is in fact the mission of the Park Service.

I am very pleased that the California Desert Resolution has expanded those monuments and parks, and has expanded the other matter. That is to say, the identification of the Mojave Desert which is not represented in the Park Service.

We do not have the representative Mojave Desert Park Unit in the system today? Is that correct?

Mr. KENNEDY. Yes, sir.

Mr. VENTO. So the necessity of doing that, if in fact that does fit within the—

I wanted to point out that the Park Service has the various studies with the range of landscapes. As an example, we do not have yet in the Park Service a tall grass prairie represented.

Is that correct?

Mr. KENNEDY. Yes, sir, I believe that is correct—within the Park Service.

Mr. VENTO. Well, that is right. We have a couple that have been proposed. Director Mott at one time—

Mr. KENNEDY. Yes.

Mr. VENTO [continuing]. Had proposed the Oklahoma Tall Grass Prairie Site during the Osage Native American Area, which is now held I think by one of the conservation groups.

Mr. KENNEDY. The Nature Conservancy.

Mr. VENTO. Yes. And of course the National Parks and Conservation Association now has 11,000 acres at Flint Hills in Kansas. But that still is not Park Service.

Mr. KENNEDY. No, sir.

Mr. VENTO. So what I am trying to point out here is the idea to postpone any action. This action in terms of the limitation would be unusual in the sense that on Section 107 of my friend and colleague's bill H.R. 1508 would prevent the President from exercising his power under the Monuments Act, which I do not know that he anticipates doing that, but that would be an unusual limitation.

Would it also limit the designation of Wild and Scenic Rivers that have gone through the entire study?

Mr. KENNEDY. I think it would, would it not? That the implications of that bill. With regard to these other studies, I am not certain.

But in any case, Mr. Chairman, my earlier stress on the evolution of understanding of history did not pay adequate heed to the opportunities.

The acquisition of national parks is not always something that occurs in a stately process that is preplanned. Sometimes wonderful things happen and we need to be able to respond to those opportunities.

Mr. VENTO. Well I agree. They are not always orderly, and sometimes it is on an opportunity basis. So if all of a sudden a certain parcel of land were to be available around the Yellowstone National Park which has been—

Mr. KENNEDY. Or a very generous donor who has in mind, and may be already in a position to make substantial gifts to the Nation, those things have happened in the past, as we can tell by looking at Acadia and at the Tetons. That can happen again.

Mr. VENTO. I was just talking to Chairman Miller who has land adjacent to a park. I do not know that Chairman Miller was all that pleased to admit that to me, but we were thinking of the wonderful legacy that he could leave, and I fell right into my development mode. [Laughter.]

But I think the point about this is a little joke here, but we are going to work on him because he has got some Redwoods on that land, he was telling me last night.

Mr. KENNEDY. We can all get together on that, Mr. Chairman.

Mr. VENTO. But the point is that this is to point out how units become units of the national park system.

For instance, today Congressman Duncan has been paying a lot of attention to the military parcels that are being transferred to the Presidio, and perhaps in other areas.

In fact, I had raised this question with then-Secretary Lujan to examine what lands actually—under the base closing and realignment legislation—would be coming back and really were part of public lands to begin with.

In any case, many of our units of the national park system, I expect as high as 20–25 percent of them actually will come from the Department of Defense—especially the memorials and cemetery issues.

So there is a whole host. I think if you look at how did these things come to the Park Service, it is because they were part of the Department of Defense. They were a base. They were some other site.

So substantial portions, other portions have been part of Forest Service and BLM lands, public domain lands that have come to the Forest Service.

Many others, as you have indicated, and the most recent generosity of the Rockefeller family, is the Marsh Billing site in Vermont, which was completely an act of philanthropy; many of the parcels in and around Acadia.

So as we go through this, we say, how did we get this sort of collection of Park Service units? Even though some that are being designated most recently have been, as was the case with the Truman Farm family site, a donation from the county back to the Park Service. Whether it was appropriate or inappropriate because it was Truman's boyhood home, I guess there is an argument—I do

not think there is any question about that one. I think that is the least of our problems, quite frankly, and it is not a problem at all, but obviously that view is not universally shared.

I also want to point out, Director Kennedy, in this discussion the issue of what the costs have been for the new units that have been added to the park system. Constantly the refrain is heard that the new units of the park system are generally responsible for some of the shortfall that has occurred.

Units such as Manzanar, of course, and *Brown vs. Board of Education* in Topeka, Kansas, and other sites are important. I do not think there is any question of that. Even the Truman home I do not think there is a question about whether or not it is appropriate, but we are always going to ask the question.

But I think that we should take a closer analysis of what the costs of those recent areas have been in terms of the Park Service.

Would the expense have been more by another federal agency such as in the case of the Great Basin National Park, or by the Forest Service who had a role there, and now we are doing some special things there and there are some added costs, but I do not think there is any question but that that particular site was a basic theme that needed to be included in the park system, just as has Mojave.

But I think we need to look at what the source is of these. We have an opportunity with the Department of Defense closing located in a Park Service unit surrounded by Park Service land, or adjacent to it, as in the case of Presidio, those are tough questions.

But we have to examine what the costs are. I wanted you to comment on the costs of the new units as compared to the ongoing backlog.

Mr. KENNEDY. The aggregate cost to the taxpayer may be identical. If you are transferring it from the Bureau of Land Management to the Park Service, you are not adding substantial cost to the taxpayer doing so. You are just transferring the management responsibility because you have concluded as a country that you want to manage it slightly differently.

Mr. VENTO. Slightly different. Like you cannot mine it, and you cannot cut timber, and have got to protect it in perpetuity. It is a lot different.

I think what we have to recognize is that all lands, all resources, are not equal. And, that the ones that are given to the Park Service to manage—and I think that for the purpose here. We have had analysis earlier in this session on the cost of new units because there was in fact a lot of criticism that the new units were adding to the cost of the Park Service. Those that were authorized.

Now I think there are others that may not have been authorized for other activities, but I think it is worthwhile to look at really what the effect is of those new authorized units. There are some that are appropriated and authorized that way, and I think those can be differentiated and should be differentiated so we know what is in our purview and what we are doing here specifically and how that might be resolved.

Obviously to you it makes no difference if it is authorized or not, whether it has had hearings or not, but I think it would be useful

to look at that and whether or not that really is the basic source of the problem.

During the 1980s, even in spite of the fact that Congress was very good in terms of providing funds to the Park Service through the work of Chairman Yates and many others we have obviously faced some tougher budget fights in this year and will in the years ahead, I take it.

So it is timely I think to take a look at finding ways to deal with this. So I hope we can deal with the questions that have been raised here today.

There have been some proposals put out—and some solutions that are threatening, but we will have to address those, I feel.

I know that there is a serious effort in the other body. Senator Wallop specifically is interested in this. So I expect that he is going to be pushing all of us to work very hard on this matter, so we intend to try to apply ourselves to it here.

Mr. KENNEDY. Thank you, Mr. Chairman.

Mr. VENTO. Thank you very much for your testimony.

PANEL CONSISTING OF WILLIAM J. CHANDLER, DIRECTOR OF CONSERVATION PROGRAMS, NATIONAL PARKS AND CONSERVATION ASSOCIATION; RICHARD GALE, PRESIDENT, ASSOCIATION OF NATIONAL PARK RANGERS; CLAY, E. PETERS, CONSULTANT ON PARKS, OPEN SPACE AND RECREATION, PETERS AND ASSOCIATES; AND ROBERT J. SMITH, SENIOR ENVIRONMENTAL SCHOLAR, THE COMPETITIVE ENTERPRISE INSTITUTE

Mr. VENTO. Next we have a panel. We appreciate their work on this matter. And that is:

William Chandler, Director of the Conservation Programs, National Parks and Conservation Association; Mr. Richard Gale, President of the Association of National Park Rangers; Clay Peters, a consultant on parks, open space, and recreation; and finally Mr. Robert J. Smith, a Senior Environmental Scholar at The Competitive Enterprise Institute.

I think we have enough chairs there. If you can all kind of crowd around the witness table, we can perhaps hear from you all right now and then ask a question or two when all of you have concluded your statements.

Without objection your statements have been made part of the record. My concern specifically for the administration in terms of their not having their testimony here comes of course from requirements that we have had for long standing, and your help and cooperation with that in the future would be greatly appreciated because of the effort we put in this topic.

Mr. Chandler, your statement has been made a part of the record. Please proceed with your statement.

STATEMENT OF MR. WILLIAM J. CHANDLER

Mr. CHANDLER. Thank you, Mr. Chairman.

My name is Bill Chandler. I am Director of Conservation Policy for the National Parks and Conservation Association.

The Association supports reform of the study process for potential parks along the lines suggested in H.R. 3709, but does rec-

ommend several changes. I will also comment on several concepts embodied in H.R. 1508.

Mr. Chairman, NPCA agrees with the general proposition of 1508 that the National Park Service should have an intelligible and convincing plan to guide its consideration of potential Park units. However, we do not believe that a strategic planning commission should be created to "outline a direction for the national park system."

If the park system is so bankrupt an organization that we cannot even count on it to effectively manage its own affairs, then a directional plan prepared by an outside commission will be useless. Instead, Congress should simply move straight to hearings to reconstitute the Agency from top to bottom.

A strategic plan regarding the objectives and future evolution of the park system is both necessary and desirable. However, its preparation should be an obligation of the National Park Service.

In fact, Mr. Chairman, as you know the law now specifies that the Park Service should have a plan for the national park system; but as far as I know, such a plan has never been prepared and we believe that it should be.

I would now like to move to the subject of termination of NPCS management of so-called "nonessential areas."

Termination of Park Service management of certain areas has occurred in the past and will undoubtedly occur again. But in order to know whether an area deserves termination and transfer, you first have to have some understanding of what the overall plan is for parks and why changing circumstances have made existing units nonessential.

In other words, a determination of which units are nonessential cannot be made unless we first know what is essential to the system.

Again, this reemphasizes the need for an overall concept and plan for what the Park Service is and is supposed to be. I should add, parenthetically, Mr. Chairman, that it may come to light from time to time that there is clear and compelling evidence that a specific unit is in fact not nationally significant, or for other reasons does not deserve to be a part. But I think you first have to have that overall framework in place before you start batting about concepts such as what is nonessential in the national park system.

NPCA does support the provision of H.R. 3709 which would reform the process for studying potential parks. We believe that an annual list of recommended study areas will provide the Congress with professional guidance from NPS regarding which areas most deserve study authorization.

We would recommend, Mr. Chairman, that the bill be amended to require that the principal purpose of the list of recommended studies from the Director be those that will identify theme sites and natural or cultural resources of national significance that are not now represented or inadequately represented in the park system.

The Association further endorses the requirement of H.R. 3709 that the Park Service Director submit to you a preferred management option for the area studied without alteration by an officer or employee of the federal government.

We believe, Mr. Chairman, that Congress deserves the unvarnished truth from the National Park Service from its highest professional regarding who can best manage an area and whether that "who" turns out to be the National Park Service.

We think it is smart to ask for other opinions on this subject matter, and certainly OMB can submit its testimony to the effect that we cannot afford an area if they feel like the cost is too great.

But we would like the Park Service to be able to submit its professional recommendation to you about whether an area deserves to be a national park and managed by the National Park Service.

Finally, I will say that H.R. 1508 does contain a provision that I believe merits inclusion in your bill. Once the Park Service Director has recommended that a potential area be designated as a National Park, I believe that he should start keeping a list of which of the approved candidate areas, so to speak, should be designated by the Congress, and that this list should be updated annually.

I believe that this process will at least help focus Congress on candidate areas that are most in need of protection.

That concludes my testimony, Mr. Chairman, and I will be happy to answer any questions you may have.

[Prepared statement of Mr. Chandler follows:]



National Parks and Conservation Association



**TESTIMONY BY
WILLIAM J. CHANDLER
DIRECTOR OF CONSERVATION POLICY
NATIONAL PARKS AND CONSERVATION ASSOCIATION**

**BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
ON
H.R. 1508 AND H.R. 3709
APRIL 19, 1994**

Mr. Chairman and members of the subcommittee, my name is Bill Chandler. I am Director of Conservation Policy for the National Parks and Conservation Association (NPCA), a nonprofit citizens' organization dedicated to the protection and enhancement of the National Park System. On behalf of the National Parks and Conservation Association's more than 400,000 members, I am pleased to present our views on H.R. 1508 and H.R. 3709, bills that would reform the process for studying potential parks and make other reforms in park planning and administration.

NPCA supports reform of the study process for potential parks along the lines suggested in H.R. 3709, but recommends several changes. I also will comment on several concepts embodied in H.R. 1508 which pertain to the National Park System.

National Park System Plan

NPCA agrees with the general proposition of H.R. 1508 that NPS should have an intelligible and convincing plan to guide its consideration of potential park units. However, we do not believe that a strategic planning commission should be created to "outline a direction for the National Park System" (Section 101).

If the NPS is so bankrupt an organization that we cannot even count on it to effectively manage its own affairs, then a directional plan prepared by an outside commission will be useless. Instead, Congress should move straight to hearings to reconstitute the agency from top to bottom.

A strategic plan regarding the objectives and future evolution of the National Park System is necessary and desirable. However, its preparation should be the obligation of the National Park Service, in consultation with knowledgeable experts and the public.

1776 Massachusetts Avenue, N.W., Washington, D.C. 20036-1904
Telephone (202) 223-NPCA(6722) • Fax (202) 659-0650

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Termination of NPS Management at Nonessential Areas

Termination of NPS management of certain areas has occurred in the past and undoubtedly will occur in the future. But in order to know whether an area deserves termination and transfer, you first have to know what the overall plan is for the parks, and why changing circumstances have made certain units nonessential.

Existing units of the system, for the most part, have been carefully reviewed and judged by previous Congresses. Overturning some of those designations, if documented and fully justified, should not be an heretical idea. But such a decision must be based on compelling evidence that shows the unit to be lacking in merit as a national park unit.

A determination of which units are "nonessential" cannot be made unless we first know what is essential to the system. Thus a clear statement of what the system is, what resources it should contain, and how we intend to achieve our goals is imperative.

Study of New Park System Areas

NPCA supports the provision of H.R. 3709 which would reform the process for studying potential parks. An annual list of recommended study areas will provide the Congress with professional guidance from NPS regarding which areas most deserve study authorization.

NPCA recommends that the bill be amended to require that the principal purpose of the list of recommended studies be for the NPS Director to identify themes, sites, and natural or cultural resources of national significance that are not represented or inadequately represented in the National Park System.

Each study should address specific subjects regarding the site or area, such as those outlined in both H.R. 1508 and H.R. 3709. Also, the report should identify whether the resource is the best example of the resource type relative to other known examples.

NPCA endorses the requirement of H.R. 3709 that the NPS Director recommend a preferred management option for the area studied without alteration by any other officer or employee of the federal government. Congress deserves the unvarnished truth from the NPS regarding who can best manage the area. The additional views of other parties are also solicited. For example, if OMB objects to an area being managed by NPS purely on cost grounds, it can make that view known for congressional consideration.

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Priority List for Park Designations

H.R. 1508 contains a provision that merits inclusion in H.R. 3709. Once the NPS Director has recommended that a potential area be designated as a national park, the Director should be required to prioritize those areas for designation by Congress. This list should be updated annually. Although Congress is not bound to follow the list in sequential order, a priority list would help focus Congress on candidate areas that are in need of the most urgent protection.

In conclusion, NPCA supports H.R. 3709, but recommends that it be improved as suggested. This concludes my testimony. I will be pleased to address any questions members of the subcommittee may have.

Mr. VENTO. Yes. Thank you, Bill. Let me hear from the other witnesses first.

We are pleased to welcome Rick Gale, Richard Gale, the President of the National Association of National Park Rangers.

Mr. Gale.

STATEMENT OF RICK GALE

Mr. GALE. Thank you, Mr. Chairman.

First of all, let me apologize for our failure to comply with the Committee rules on submission of testimony, and just to reassure you that that will not recur.

We appreciate the opportunity to present the views of the Association of National Park Rangers on the broad issue of adding new areas to the national park system in H.R. 3709 and H.R. 1508 in particular.

Our Association has long been concerned with the proliferation of new areas of less than national significance and the impact of these areas on the operating budgets and staffing of the existing units of the national park system.

As you are aware, the National Park Service has found itself in increasingly difficult straits over recent years. The cost of operating the ever-expanding system are increasing at an alarming rate.

While it is true the Park Service has had its budget increased some 90 percent over the last 10 years, it has increased significantly less than that in inflation-adjusted dollars.

The reality is that these budget increases have not kept pace with the increasing cost, including the cost of developing and operating newly established areas.

At the same time, visitation to the parks and overall park programmatic responsibilities have increased substantially, increasing the workload on the staff and affecting our ability to protect the resources and serve the visitor.

Between 1970 and 1991, 76 units were added to the national park system. While many of these units certainly have true national significance, some others do not. In the 102nd Congress alone, 10 new units of the system were added without the additional funding needed to operate all of them. That meant of course that the Service must take the money to fund and operate these new areas from elsewhere in the system.

The existing piecemeal approach has become increasingly political with standards for "national significance" envisioned by Congress in 1916 being subverted by the need, it appears to us to have some type of area with the term "national" in its title established in every Congressional District. This is not a new phenomena.

William Everhart in his book *The National Park Service*, recalls that:

In 1916 alone there were bills introduced for sixteen new national parks, which would have doubled the number existing. Fortunately, and perhaps proving the system, Congress passed only two, Hawaii Volcanoes . . . and Lassen Volcanic . . . ; the rest of the proposed parks were fairly dreadful. In one three-week period of the 1920's, bills were introduced to establish High Knob National Park in Virginia, Nicolet National Park in Wisconsin, Yakima National Park in Washington, Killdeer National Park in North Dakota, Wonderland National Park in South Dakota, and eight more pieces of less-than-spectacular wonders scattered around the country. Claims are often made for historic sites, ranging from the purely insignificant to the hilarious, most of which are clearly worthy of oblivion.

One of the most scandalous, or perhaps only whimsical, monstrosities of this sort ever proposed was the "All-Year National Park," sprung on the Park Service in 1922 by none other than the Secretary of the Interior, Albert B. Fall . . . and bearing the unmistakable touch of that ill-fated cowboy personality. Consisting of a dozen or so assorted tracts of undistinguished real estate miles from each other, the proposal was enriched by the contribution of numerous chambers of commerce, and few likely sources of tourist-fleeing had been overlooked. Still, the Park Service should have been forewarned, for [Mr.] Fall was once quoted as saying, "Whenever in the public lands I can find a pleasant place for local people to go up and camp, there I shall have a national park," relatively insignificant historical sites continue to be added to the national park system.

Mr. Everhart further states:

Probably the greatest danger to the integrity of the National Park System is not, however, the occasional substandard area that somehow slips through. Those that aren't quite good enough present the gravest problem. If the Park System began to include these areas, which are pleasant and moderately attractive, the distinction between truly national significance on the one hand and local pride on the other would be increasingly blurred, and the original idea of national parks would steadily erode toward mediocrity.

Sadly, Mr. Fall's urge to add "every pleasant place to camp," to the system has been replaced by the equally disturbing trend of the past several years to attempt to add thinly disguised revitalization projects in a number of urban areas.

The Association of National Park Rangers has not dismissed the acute needs of this Nation's urban and rural areas, but we do question these attempts to use the National Park Service as an economic development agency. Each of these areas bleeds off more funding and further dilutes the significance of existing national park system units.

Mr. Chairman, more than ever before the national park system is heading toward mediocrity! To reverse this descent we believe two things must happen:

First, Congress must tighten up the process by which new areas are added to the system.

Second, Congress should establish a process by which existing areas in the national park system that do not meet national significance can be purged from the system.

Therefore, we support the need to establish a comprehensive study process with clearly defined criteria for determining the suitability and feasibility of proposed additions to the system.

As we understand it, the processes outlined in both H.R. 3709 and H.R. 1508 are similar to the processes for studying proposed additions to the national wild and scenic rivers and to the national trails systems.

These processes appear to have worked relatively well for those systems and we believe the same could result in a more rational approach to adding areas to the national park system.

We do have some specific comments on the language included in H.R. 1508:

Under title I, sec. 101, we do not agree with the proposal to establish a commission ". . . whose purpose shall be to develop a long-term plan to outline a direction for the National Park System."

We think Congress' role is to establish clear criteria for determining what areas should be added to the national park system, and then to direct the Secretary of the Interior and the Director of

the Park Service to use those criteria in doing suitability and feasibility studies.

Having completed those studies, Congress should discipline itself in making a final determination about which areas should be legislated into the system.

Section 104[a][7] reflects the possible pitfalls in establishing criteria for how resources are to be managed. If a "lack of visitor accessibility" were to be a determinant for inclusion in the national park system, a number of the bigger natural areas, especially those in Alaska currently, might be found to be managed by some other agency.

We are in favor of the establishment of a commission, jointly established by the Secretary of the Interior and by the Congress, whose purpose it is to recommend "Termination of National Park System Management at Nonessential National Park System Areas" as called for by sec. 105 of title I.

However, we believe that this should be done by a commission appointed for this one-time objective, using similar procedures established to determine Defense Department base-closing decisions.

"National significance" criteria should be used in the determinations.

Recommendations should be made to the President and the Congress who would "vote up or vote down" the entire package rather than vote on each component of it. Subsequently, such a commission should expire.

Under section 202 of title II, we question the use of the potential park system additions listed in numerical priority. We agree with the listing additions categorically—i.e., high priority, medium priority, or low priority—but there seem to us to be too many unpredictable and uncontrollable factors involved to have a ranked listing.

Also under that subsection [b], we believe that several of those factors have little or nothing to do with "national significance." This is especially true of factor [4], "level of local and general public support."

In many recently established areas, local and general public support were often at opposite ends of the spectrum. Local support is often negative. This does not necessarily mean the areas if not of national significance.

We also think the provisions of title III of the bill need to be reconciled with other proposed heritage area legislation.

In addition to ensuring that new areas truly are of national significance, the legislative process must also ensure that the new areas are actually funded for acquisition, development, and operation before they become units of the National Park Service.

We clearly understand the distinctions between "authorization" and "appropriation," but it is vital that that link between these two processes be established when considering new-area proposals.

Otherwise, we will continue to see new areas authorized without additional funding being provided, with a continuing dilution of the operating abilities in the existing system.

Mr. Chairman, we heartily endorse your statement upon introduction of H.R. 3709 that "Considering the exceptional quality of

our national parks, it is our obligation to ensure that only outstanding resources are added to the System.

Perhaps our former Director, Newton Brury, captured the essence of the problem when he said:

If we are going to succeed in preserving the greatness of the national parks, they must be held inviolate. . . . If we are going to whittle away at them we should recognize, at the very beginning, that all such whittlings are cumulative and that the end result will be mediocrity.

I would be pleased to answer any questions you may have.
Thank you.

Mr. VENTO, I will have some.

[Prepared statement of Mr. Gale follows.]

STATEMENT OF RICK GALE, PRESIDENT, ASSOCIATION OF NATIONAL PARK RANGERS, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, HOUSE NATURAL RESOURCES COMMITTEE; CONCERNING H.R. 3709, THE "NATIONAL PARK SYSTEM NEW AREA STUDY REFORM ACT" AND H.R. 1508, THE "NATIONAL PARK SYSTEM REFORMATION ACT."

April 19, 1994

Mr. Chairman, thank you for the opportunity to present the views of the Association of National Park Rangers (ANPR) on adding new areas to the National Park System in general, and on H.R. 3709 and H.R. 1508 in particular.

The Association of National Park Rangers has been concerned with the proliferation of new areas of less than national significance and the impact of new areas on the operating budgets and staffing of existing units of the National Park System.

As you are aware, the National Park Service has found itself in increasingly difficult straits over recent years. The costs of operating the ever-expanding National Park System are increasing at an alarming rate. While it is true that the National Park Service budget has risen some 90% over the last ten years, it has increased significantly less than that in inflation-adjusted dollars. The reality is that these budget increases have not kept pace with the increasing costs, including the costs of developing and operating newly established areas. At the same time, visitation to the parks and overall programmatic responsibilities have increased substantially, thereby increasing work burdens on reduced staff and

affecting their ability to protect the resources and serve the visitors.

Between 1970 and 1991, 76 units were added to the National Park System. While many of these units have true national significance, some others do not. In the 102nd Congress alone, ten new units of the System were added without the additional funding needed to operate all of them. That means that the Service must take money to fund these areas from operations elsewhere in the System.

The existing piecemeal approach has become increasingly "political" with standards for national significance envisioned by Congress back in 1916 being subverted by the need, it seems, to have some type of area with the term "national" in its title established in every Congressional District. This is not a new phenomena. William Everhart, in his book, The National Park Service, recalls that:

"In 1916 alone, there were bills introduced for sixteen new national parks, which would have doubled the number existing. Fortunately, and perhaps proving the system, Congress passed only two, Hawaii Volcanoes...and Lassen Volcanic...; the rest of the proposed parks were fairly dreadful. In one three-week period of the 1920's, bills were introduced to establish High Knob National Park in Virginia, Nicolet National Park in Wisconsin, Yakima National Park in Washington, Killdeer National Park in

North Dakota, Wonderland National Park in South Dakota, and eight more pieces of less-than-spectacular wonders scattered around the country. Claims are often made for historic sites, ranging from the purely insignificant to the hilarious, most of which are clearly worthy of oblivion.

"One of the most scandalous, or perhaps only whimsical, monstrosities of this sort ever proposed was the 'All-Year National Park,' sprung on the Park Service in 1922 by none other than the Secretary of the Interior, Albert B. Fall (later the villain in the Teapot Dome scandal) and bearing the unmistakable touch of that ill-fated cowboy personality. Consisting of a dozen or so assorted tracts of undistinguished real estate, miles from each other, the proposal was enriched by the contribution of numerous chambers of commerce, and few likely sources of tourist-fleecing had been overlooked. Still, the Park Service should have been forewarned, for Fall was once quoted as saying, 'Whenever in the public lands I can find a pleasant place for local people to go up and camp, there I shall have a national park.'"

Relatively insignificant historical sites continue to be added to the National Park System. Everhart further states:

"Probably the greatest danger to the integrity of the national park system is not, however, the occasional substandard area that somehow slips through. Those that aren't quite good enough present the gravest problem. If the park system began to include these areas, which are pleasant and moderately attractive, the distinction between truly national significance on the one hand and local pride on the other would be increasingly blurred, and the original idea of national parks would steadily erode toward mediocrity."

Sadly, Fall's urge to add "every pleasant place to camp," to the System has been replaced by the equally disturbing trend of the past several years to attempt to add thinly disguised revitalization projects in a number of urban areas. We are not dismissing the acute needs of the nation's urban and rural areas, but we do question these attempts to use the National Park Service as an economic development agency. Each of these areas bleeds off more funding and further dilutes the significance of existing National Park System units.

Mr. Chairman, more than ever before, the National Park System is headed toward mediocrity! To reverse this descent, two things must happen:

1. Congress must tighten up the process by which new areas are added to the National Park System.

2. Congress must establish a process by which existing areas in the National Park System that don't meet national significance standards can be purged from the System.

Therefore, we support the need to establish a comprehensive study process with clearly defined criteria for determining the suitability and feasibility of proposed additions to the System. As we understand it, generally the processes outlined in H.R. 3709 and H.R. 1508 are similar to the processes for studying proposed additions to the National Wild and Scenic Rivers and National Trails Systems. These processes have worked relatively well for these systems and we believe could result in a more rational approach to adding areas to the National Park System.

We do have some specific comments on the language included in H.R. 1508:

- Under Title I, Sec. 101, we do not agree with the proposal to establish a commission, "...whose purpose shall be to develop a long-term plan to outline a direction for the National Park System." We think Congress' role is to establish clear criteria for determining what areas should be added to the National Park System, and then to direct the Secretary of the Interior and the Director of the National Park Service to use them in doing suitability and feasibility studies. Having completed those studies, Congress must discipline itself in making the final

determinations about which areas should be legislated into the System. Incidentally, we have a difficult time believing that such a commission, with the membership prescribed by the Bill, will ever be able to reach consensus on anything.

- Sec. 104 (a) (7) reflects the possible pitfalls in establishing criteria for how resources are managed. If "lack of visitor accessibility" were to be a determinant for inclusion in the National Park System, a number of the bigger natural areas, especially those in Alaska, might be found being managed by some other agency.

- We do favor the establishment of a commission, jointly established by the Secretary of the Interior and the Congress, whose purpose it is to recommend "Termination of National Park Service Management at Nonessential National Park System Areas" as called for by Sec. 105 of Title I. However, we believe that this should be done by a commission appointed for a one-time objective, using similar procedures established to determine Defense Department Base-closing decisions. National significance criteria should be used in the determinations. Recommendations should be made to the President and the Congress, who would "vote up or vote down" the entire package, rather than vote on each component of it. Subsequently, such a commission should expire.

- Under Sec. 202 of Title II, we question the realistic use of potential park system additions listed in numerical priority. We could agree with listing additions categorically (i.e., high, medium, low), but it would seem that there are too many unpredict-

able, uncontrollable factors involved to have a ranked listing. Under subsection (b), Establishing Priorities, of that Section, we believe that several of the listed factors have little or nothing to do with national significance. This is especially true of factor (4), "level of local and general public support." In many recently established areas, local and general public support were at opposite ends of the spectrum, and local support is often negative. This doesn't mean that the area is not of national significance.

- Provisions of Title III of the Bill clearly need to be reconciled with other proposed heritage area legislation.

In addition to ensuring that new areas truly are of national significance, the legislative process must also ensure that the new areas are actually funded for acquisition, development and operation before they become new units of the National Park System. While we understand the distinctions between "authorization" and "appropriation," it is vital that the link between these two processes be established when considering new area proposals. Otherwise, we will continue to see new areas authorized without additional funding being provided, with continuing dilution of the operational abilities in the existing system.

Mr. Chairman, we heartily endorse your statement upon introduction of H.R. 3709, that, "Considering the exceptional quality of our

national parks, it is our obligation to ensure that only outstanding resources are added to the National Park System."

Perhaps former National Park Service Director Newton B. Drury captured the essence of the problem when he said:

"If we are going to succeed in preserving the greatness of the national parks, they must be held inviolate. ... If we are going to whittle away at them we should recognize, at the very beginning, that all such whittlings are cumulative and that the end result will be mediocrity."

Please let us know how we can be of further assistance in ensuring that this goal is attained.

I would be pleased to answer any questions the Subcommittee might have.

Mr. VENTO. Mr. Peters, we are pleased to welcome you back. You are a former staff member and a long-time friend.

STATEMENT OF CLAY E. PETERS

Mr. PETERS. Mr. Chairman, I too want to apologize for being tardy with my statement. I became aware of this over the weekend and finished my statement at 2:00 this morning, and that is my excuse. I guess we all have one.

Mr. Chairman, I appreciate the opportunity to share some views today on these two bills related to the types of units deemed appropriate for inclusion within the National Park System, and the methodologies for their inclusion or possible deletion.

This is a subject very near and dear to my heart.

After working for over a dozen years in the National Park Service, I had the pleasure of working on the staff of this subcommittee for a period of 12 years.

One of the things I did early in that latter period was to instigate and draft what came into law as the so-called "section 8" provision related to the study and addition of units into the national park system.

That language was enacted at that time because the National Park Service was failing to provide any professional leadership or direction for identifying the most meritorious new candidates for addition to a continually expanding national park system.

Section 8 was designed to encourage and direct the National Park Service to take professional charge of its own destiny—at least initially—in surfacing the most meritorious candidates from a professional standpoint.

It is sad to witness that for a variety of reasons the National Park Service never really responded to this what I think was a great opportunity and basically since its enactment nearly two decades ago has remained essentially in a rather reactive position with regard to new-unit additions, rather than in the intended and directed proactive one.

The National Park Service has often complained about the poor quality of some unit additions, yet it has failed to exercise the authority to rectify it sitting in their very lap.

I certainly recognize that I am using the National Park Service as a whipping boy here in that statement, and there are a lot of other hands involved with this at the Department level and other places, but the final result is still the same.

As the National Park Service has continued to expand with numerous units having been added of questionable merit, any quality control feature remains seriously out of control. Something must be done—again.

Hence, the emergency of these two bills.

Since H.R. 1508 contains the more expanded subject matter of the two bills, I shall use the items embraced within it as a format for comment on the key features of both bills.

There are three principal subjects dealt with. The first one is planning for the identification of new-area additions.

The second was comprehensive plans for system additions and deletions.

And the third item is services for worthy areas not included within the national park system.

Let me take the first one, new-area additions. Both bills essentially repeal relevant existing section 8 language and substitute back similar provisions. I do not detect any greatly significant changes for the better, but both bills make a significant change which I feel is very detrimental.

The existing section 8 mandate directed and permitted the National Park Service to study and recommend new areas on their own initiative, and that is repealed.

The new language permits studies to be conducted by the National Park Service only as specifically directed by the Congress. The Congress had already direct that specific studies be done, and has done this rather routinely. I do not see this as an improvement, but rather as a serious step backwards.

I still have faith that someday soon the leadership that was once there in the National Park Service decades ago to be strongly, professionally assertive in conducting new-area studies and making recommendations, will return.

It would be particularly important to retain this opportunity if other parts of H.R. 1508 were enacted. Alternatively, I would suggest adding to this portion of section 8 those new provisions deemed important from these two bills but not repealing the ability of section 8 to still be used by the National Park Service to initiate its own priority interests.

The second item dealt with in these two bills, and actually primarily in H.R. 1508, deals with comprehensive plans for subject additions and deletions.

Again, section 8 was designed years ago to accomplish the same general objective of that part of this provision which deals with planning for additions, to chart a responsible course for rounding out the national park system with only the most professionally meritorious candidates.

All of this is related to quality control. Section 8(b) of the existing law proposed the perfection of the then-existing "National Park System Plan."

Again, as with other parts of the section 8 statute, the National Park Service has continually failed to respond, I feel in their own best interests.

Recent history, particularly over the last two decades, has shown that the growth of the national park system is out of control, particularly as related to quality. There are no adhered-to standards and worthy system units are jeopardized by the addition of less-meritorious additions.

Since the National Park Service has not demonstrated an ability to control this problem, nor has the Congress to a certain extent, I believe that a mechanism such as that proposed in Title I of H.R. 1508—and at this point my following comments are exclusive of the divestiture feature—is very meritorious. This will be a critically important, complex, and exceptionally challenging undertaking.

Now of course the lightning rod of H.R. 1508 is the divestiture part, which is sections 105 and 104(a)(7). This is a huge political hot potato. It is a big step to take, but probably under the evolving circumstances, and as an insurance factor to help attain and main-

tain some adherence to the criteria for unit additions to be developed by the commission it is a step that should be taken.

The criteria developed by the commission for national park system unit addition and retention will be exceptionally important to the subsequent development of any divestiture list.

It might be important for some general acceptance process to occur at the completion of any criteria development before the initiation of the following step to devise a possible divestiture list.

If the final criteria are not well received as sound and defensible, the divestiture list will certainly not be easily acceptable nor should it be.

I believe this consideration deserves some weighty thought.

A final point regarding Title I.

While "national significance" was initially the principal logical standard for system addition and should remain as critically important, history has taken us beyond that as a sole standard.

A "national significance" standard can be applied to resources even though there may be vigorous debate with regard to that application. But rightly or wrongly, the National Park Service and the Congress in the 1950s and the 1960s brought in a wave of new system units principally under a primary criteria of an activity—that of outdoor recreation opportunity—as contrasted to the resource criteria. This has been manifested by the numerous national seashore and lakeshore units which have been added to the system.

Then in a similar fashion in the 1970s, a smaller wave came that created the so-called "urban recreation areas." No matter how you cut it, most of these areas might not measure up as "nationally significant" in terms of their resource base—although they may have been, or yet may be the best resource of its type available.

The criteria of "national significance" works well for resources but not very well at all for activities. This is not to say that those types of areas necessarily should remain in the national park system, but I think if through any criteria we found an advocacy that "national significance" was all that was to be utilized and thereby a lot of these recreation activity areas that were brought into the system primarily under that criteria, that would be a big load to consider for divestiture. I think we have to recognize the practical politics of the entire matter we are dealing with here.

There really needs to be some deep assessment in this area as to appropriate criteria for what is now within the existing system. It might be meritorious to conduct some thinking and discussion sessions on this in the form of a workshop or two before finalizing any legislation on something like the commission idea.

Currently I believe all of this is a fairly deep quagmire that deserves at least a little advance assessment and sorting out. If the commission idea is worth doing, it should be launched with the greatest potential for success possible by the legislation, rather than just dumping all of this into the lap of the commission cold.

A comment with regard to the last item of the bill I have been speaking of regards the serves for worthy areas not included within the National Park System.

This is a meritorious title, particularly following what proceeds it in the bill. However it is unduly sketchy to be sufficient.

I would recommend the incorporation of the bill text on Heritage Areas developed by the National Coalition for Heritage Areas, or similar language from other bills which are more comprehensively developed on this subject.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you.

[Prepared statement of Mr. Peters follows:]

STATEMENT OF CLAY E. PETERS BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
COMMITTEE ON NATURAL RESOURCES, U. S. HOUSE OF REPRESENTATIVES
RELATED TO H.R. 3709 & H.R. 1508
APRIL 19, 1994

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to share some views today on these two bills related to the types of units deemed appropriate for inclusion within the national park system, and the methodologies for their inclusion, or possible deletion.

This is a subject very near and dear to my heart. After working for over a dozen years in the National Park Service, I had the pleasure of working on the staff of this subcommittee for a period of 12 more years, and one of the things that I did early in that latter period was to instigate and draft what came into law as the so-called "Section 8" provision--related to the study and addition of units into the national park system.

That language was enacted at that time because the National Park Service was failing to provide any professional leadership or direction for identifying the most meritorious new candidates for addition to a continually expanding national park system. Section 8 was designed to encourage and direct the National Park Service to take professional charge of its own destiny--at least initially, in surfacing the most meritorious candidates from a professional standpoint. It is sad to witness that, for a variety of reasons, the National Park Service never really responded to this great opportunity, and basically since its enactment nearly a decade and a half ago, has remained essentially in a reactive position with regard to new unit additions, rather than in the intended and directed pro-active one. The National Park Service has often complained about the poor quality of some unit additions, yet has failed to exercise the authority to rectify it sitting in their very lap.

As the national park system has continued to expand, with numerous units having been added of questionable merit, any quality control feature remains seriously out of control. Something must be done, again--hence the emergence of these two bills.

Since H.R. 1508 contains the more expanded subject matter of the two bills, I shall use the items embraced within it as a format for comment on the key features of both bills.

There are three principal subjects dealt with: (1) planning for and identification of new area additions; (2) comprehensive plan for system additions and deletions, and (3) services for worthy areas not included within the national park system.

NEW AREA ADDITIONS: Both bills essentially repeal relevant

existing Section 8 language and substitute back similar provisions. I do not detect any significant changes for the better, but both bills make a very significant change which I feel is very detrimental. The existing Section 8 mandate directing and permitting the National Park Service to study and recommend new areas on their own initiative is repealed, and the new language permits studies to be conducted by the National Park Service only as specifically directed by the Congress. The Congress can already direct that specific studies be done, and has done this quite routinely. I do not see this as an improvement, but rather, as a serious step backwards. I still have faith that someday soon, the leadership that was once there in the National Park Service decades ago to be strongly, professionally assertive in conducting new area studies and making recommendations, will return. It would be particularly important to retain this opportunity if other parts of H.R. 1508 are enacted. Alternatively, I would suggest adding to this portion of Section 8, those new provisions deemed important, but not repealing it.

With regard to appropriations, both bills retain a specific annual appropriation figure, as does existing Section 8 language. While this provision is for the good intention of annually funding the study activity, it can act as a double edged sword and can work--and has worked--directly the opposite of what is intended. If the National Park Service does not seek funding under this authorization for this function, and/or the Appropriations Committee does not fund it, then it can be contended that no studies can be undertaken since no money was specifically so appropriated. Absent a specific authorization the National Park Service can, and has in the past (prior to Section 8), found ample money from other sources to do the job--if it wanted to. If the Congress and/or the National Park Service wants to assure annual funding for this function, then it must be sought vigorously annually if this authorization provision remains in law. All things considered, I believe the safest way to assure ability to undertake this function annually is to repeal the current language authorizing this specific annual appropriation.

With regard to the reporting period for studies authorized by the Congress, I believe that a minimum of two years should be provided, beginning upon the date of appropriation of funds for conducting the study.

H.R. 3709 contains an admirable feature which attempts to elicit the unfettered position of the National Park Service director with regard to the preferred management option for study candidates. For a variety of reasons, it may be difficult to ascertain whether that objective is ever really achieved.

COMPREHENSIVE PLAN FOR SYSTEM ADDITIONS AND DELETIONS: Only H.R. 1508 deals with this subject. Again, Section 8 was designed years ago to accomplish the same general objective of that part of this provision which deals with planning for additions: to chart a responsible course for rounding out the national park system with

the addition of only the most professionally meritorious candidates. All of this is related to quality control. Subsection 8 (b) of the existing law proposed the perfection of the then-existing "NATIONAL PARK SYSTEM PLAN". Again, as with other parts of the Section 8 statute, the National Park Service has continually failed to respond--in their own best interests.

Recent history--particularly over about the last two decades, has shown that the growth of the national park system is out of control--particularly as related to quality. There are no adhered-to standards, and worthy system units are jeopardized by the addition of less meritorious additions.

Since the National Park Service has not demonstrated an ability to control this problem--nor has the Congress, I believe that a mechanism such as that proposed in Title I of H.R. 1508 (exclusive of the divestiture feature, at the moment) is very meritorious. This will be a critically important, complex and exceptionally challenging undertaking!

Now of course, the lightning rod of H.R. 1508 is the divestiture part (sections 105 and 104 (a) (7)). This is a huge political hot potato! It is a big step to take, but probably under the evolving circumstances, and as an insurance factor to help attain and maintain some future adherence to the criteria for unit additions to be developed by the Commission, it is a step that should be taken.

The criteria developed by the Commission for national park system unit addition and retention will be exceptionally important to the subsequent development of any divestiture list. It might be important for some general acceptance process to occur at the completion of the criteria development, before the initiation of the following step to devise a possible divestiture list. If the final criteria are not well received as sound and defensible, the divestiture list will certainly not be easily acceptable--nor should it be. I believe this consideration deserves some weighty thought.

A final point regarding Title I. While national significance was initially the principal logical standard for system addition, and should remain as critically important, history has taken us beyond that as a sole standard. A national significance standard can be applied to resources, even with vigorous debate. But rightly or wrongly, the National Park Service and the Congress in the 50s and 60s brought in a wave of new system units principally under a primary criteria of an ACTIVITY--that of outdoor recreation opportunity, as contrasted to the RESOURCE criteria, as manifested by the numerous national seashore and lakeshore units. Then in the 70s, a smaller wave came somewhat similarly as "urban" recreation areas. No matter how you cut it, most of these areas might not measure up as nationally significant in terms of their resource base, although they may have been or yet be the best resource of its type available. The criteria of national

significance works well for RESOURCES, but not for ACTIVITIES.

There really needs to be some deep assessment in this area as to appropriate criteria for what is now within the existing system. It might be meritorious to conduct some thinking and discussion sessions on this in the form of a workshop or two, before finalizing legislation on the Commission idea. Currently, I believe all of this is a fairly deep quagmire that deserves at least a little advance assessment and sorting. If the Commission idea is worth doing, it should be launched with the greatest potential for success possible by the legislation, rather than just dumping all of this into the lap of the Commission cold.

I doubt that \$500,000 would be nearly sufficient to prepare the plan envisioned under Title I.

SERVICES FOR WORTHY AREAS NOT INCLUDED WITHIN THE NATIONAL PARK SYSTEM: This is a meritorious title, particularly following what proceeds it. However, it is unduly sketchy to be sufficient. I would recommend the incorporation of the bill text on Heritage Areas developed by the National Coalition For Heritage Areas, or similar language from other bills which are more comprehensively developed on this subject.

Mr. VENTO. And finally we have Robert Smith from the Competitive Enterprise Institute.

Mr. Smith, please proceed with your statement. It has been made part of the record in its entirety, so you can summarize or read relevant portions, or however you choose.

STATEMENT OF ROBERT J. SMITH

Mr. SMITH. Thank you, Mr. Chairman.

My name is R.J. Smith. I am Senior Environmental Scholar at the Competitive Enterprise Institute in Washington, DC. It is a free market and advocacy research organization emphasizing the implementation of classical liberal ideals and believes in limited government, competition, and private ownership.

While I am not an expert on the legislation before you today, nevertheless H.R. 1508, and especially section 105, is of particular interest to myself and CEI because of its concern with private conservation and its focus on divestiture and on promoting private stewardship on lands currently owned and managed by the National Park Service.

Unfortunately, there is a belief that without federal ownership of lands and resources, those resources are often unprotected. This is an issue that I have worked on for many years in my capacity as a private environmental analyst, and when I served as a consultant to the President's Council on Environmental Quality.

In 1984 we published a special report on private conservation documenting the history and the trends in private stewardship of environmental amenities.

As our special report documented, the private sector has played an invaluable role in the conservation of national resources throughout this Nation's history. I believe that the benefits of private conservation can be extended to lands currently managed by the federal government, including those managed by the National Park Service.

Private ownership is flexible, adaptable, and has the ability to make immediate policy changes at the local level. This all contributes to more efficiency in management as well as greater protection and conservation of resources.

If we want to truly see sustainable management of ecological resources and sound management of park lands, private conservation will be a key. Furthermore, an error of limits in federal funding also suggests the need to rely ever more strongly on the private sector.

Now increasingly biologists and ecologists have encouraged the maximum amount of preservation of habitat, wildlife, and historic sites on all remaining lands not owned by government agencies. However, it is neither possible nor I believe desirable that the government own all of this land, nor own all of our Nation's natural historical and environmental diversity.

Shifting economic priorities, government deficits, and greater demands for a lessening of the tax burden on the private sector all suggest that the policies of recent decades, which have primarily relied upon the public sector to protect and preserve the country's natural resources, will no longer be sufficient to the task.

We will have to rely more heavily upon private landowners and organizations to play a greater role in protecting those resources.

Perhaps the most compelling argument for private ownership and private management is it would tend to remove resource management decisions from the realm of politics.

If the goal of environmentalism is the careful use, management, and conservation of our unique natural resources, then they should seek to bypass the never-ending tug of war for political power.

For a long time in this country it little mattered who owned the resources as long as we had a small population with little discretionary time and income.

But increasingly we have seen the kind of tug of wars that have come between having a Secretary Andrus followed by a Secretary Watt followed by Secretary Babbitt, with constant changes, or at least attempts to change, the rules on how we manage our valuable natural resources.

I do not believe, and CEI does not believe that this is in the best interests of those resources in the long run. Many governmental regulations actually promote the destruction of rather than the protection of natural and historical resources through a perverse incentive structure.

A perfect example of this has been The Endangered Species Act.

Any landowner who acts in accord with rational self-interest will take measures to avoid having his property either taken from him or having the use of his property taken away.

If he discovers a listed species on property he wishes to use, develop, or sell, he will not likely report this discovery to government regulators.

Instead, he is often motivated to drive off the wildlife, or destroy the habitat of those species, or to hurriedly develop the land.

Such behavior has come to be known across the West as the "shoot, shovel, and shut up" syndrome.

The government's efforts in natural resource conservation are usually well-known, well-publicized, and well documented. Therefore, it is easy to see how some people come to accept the idea that if natural resource protection is not guaranteed by Washington, DC, it is probably not being done.

How often are we reminded that many prized historical landmarks are protected in the private sector? Mr. Vernon and Monticello, perhaps the two most famous homes in our Nation's history, are not protected by federal agencies but by private organizations.

In the ecological realm the story is much the same.

Rarely do we read the stories of quite efforts of private landowners. the small farmer in Wisconsin who provides habitat for wildlife on his farm; the world-famous Hawk Mountain Sanctuary in Pennsylvania, which was established through the private sector on private lands at a very time when government was paying bounties to kill hawks.

Nor do we read about Texas ranchers protecting rare game animals, or a Forest Products Company that helps hard-pressed cavity-nesting birds by providing nest boxes at cost to landowners.

A classic example was the creation of The Trustees of Reservations, a private, nonprofit charitable corporation founded in 1891 for conservation purposes to protect the countryside of Massachu-

setts, "especially to preserve beautiful and historical places and tracts of lands."

The Trustees of Reservations have acquired and are custodians for at least 70 properties from Western Berkshire County to Cape Cod. Their primary purpose is preservation. Passive enjoyment by the general public is secondary.

At times, sensitive areas are closed entirely to public access, or opened to a limited number of persons at any one time. Now this organization has served as the model for the creation of similar land trusts throughout the world.

One other example, before concluding, Mr. Chairman, is the National Audubon Society's 250,000-acre chain of private refuges, including their 26,800-acre Paul J. Rainey Wildlife Sanctuary in coastal Louisiana, which serves as the home for a large number of all the snow geese in the Mississippi Flyway.

Now the directors of the Audubon Society have determined that the primary function of that refuge is to preserve the snow geese and their habitat, and the refuge is managed accordingly.

As the private owners of the refuge, they can and do restrict visitors to prevent disturbance to the geese free from any pressures of competing user groups, taxpayers, or owners of the public land demanding that their public land be managed in different ways.

Interestingly enough, private ownership of this refuge has also encouraged the Audubon Society to develop methods to allow oil and gas exploration and production without threatening the vitality of the Rainey Sanctuary. Such types of win/win situations are increasingly rare on public land.

In conclusion, Mr. Chairman, I believe that individuals, nonprofit organizations, corporations, and voluntary associations throughout the private sector are working, often quietly and without seeking publicity, to protect and preserve the natural and historical heritage of our country. This is private stewardship and private initiative at its best.

This is especially impressive in offering a ray of diversity and innovation in which the talents and genius of a pluralistic society are brought to bear on the widely shared goal of protection and conservation of the Nation's natural resources and environmental amenities for the use and enjoyment of the present generation and those to come.

I think that within H.R. 1508 there is a possibility of taking a further step in that direction.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Smith follows:]



COMPETITIVE ENTERPRISE INSTITUTE

PRIVATE CONSERVATION

TESTIMONY OF ROBERT J. SMITH
SENIOR ENVIRONMENTAL SCHOLAR
AT THE
COMPETITIVE ENTERPRISE INSTITUTE

BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON
PARKS, FORESTS, PUBLIC LANDS

U.S. House of Representatives

April 19, 1994

My name is R. J. Smith and I am Senior Environmental Scholar at the Competitive Enterprise Institute in Washington, D.C. CEI is a free market advocacy and research organization emphasizing the marketing and implementation of classical liberal ideals and believes limited government and competition best serve the public interest.

Prior to joining CEI, I served as a special assistant at the Environmental Protection Agency and as a consultant to the Interior Department. I have long been active in conservation circles advancing the cause of private property and sound management of ecological resources.

PRIVATE CONSERVATION

The legislation before you today is of particular interest to myself and CEI because of its concern with private conservation and its focus on promoting private stewardship on lands currently owned and managed by the National Park Service. This is an issue that I have worked on for many years, in my capacity as a private environmental analyst and when I served on the President's Council on Environmental Quality. In 1984, we published a special report on private conservation that never received the attention within the environmental community that it deserved.

As our special report documented, the private sector has played an invaluable role in the conservation of natural resources throughout this nation's history. I believe that the benefits of private conservation can be extended to lands currently managed by the federal government, such as those managed by the National Park Service. Private ownership is flexible, adaptable, and has the ability to make immediate policy changes at the local level. This all contributes to more efficiency in management, as well as greater protection and conservation of resources. If we want to see truly sustainable management of ecological resources and sound management of park lands, private conservation will be key.

PROTECTING LANDS FROM POLITICS

Increasingly, biologists and ecologists have encouraged the maximum amount of preservation of habitat, wildlife, and historic sites on all remaining lands not protected and owned by government agencies. However, it is neither possible nor desirable that the government own all of the land, nor protect all of our nation's natural, historical, and environmental diversity. Shifting economic priorities, government deficits, and greater demands for a lessening of the tax burden on the private sector all suggest that the policies of recent decades, which have primarily relied upon the public sector to protect and preserve the country's natural resources, will no longer be sufficient to the task. We

will have to rely more heavily upon private landowners and organizations to play a greater role in protecting these resources.

Perhaps the most compelling argument for private ownership is that it would remove resource management decisions from the realm of politics. If the goal of environmentalists is the careful use, management, and conservation of our unique natural resources, then they should seek to bypass the never-ending tug-of-war for political power. This war and the policies of the involved government agencies have in some cases wreaked havoc with the state of some public lands.

For instance, the management of public grazing lands is routinely criticized by environmental organizations, and with good cause. The Forest Service is also attacked for allowing timber cuts to proceed on marginal lands for minimal economic returns. And the Park Service, too, is challenged for poor land management practices and insufficient attention to activities that might damage natural treasures. It is generally accepted that poor management decisions and political decision-making contributed to the tragic Yellowstone fires of 1988. Such a disaster is less likely to see such practices on private land as private owners have a direct incentive to protect and carefully manage their lands, whereas the government does not. This is not meant as a slight against those who seek to manage and maintain federal park lands. It is just a simple fact that private owners and managers have an added incentive to preserve, if not enhance, the value of their resources, whereas the federal government does not.

Many government regulations actually promote the destruction of, rather than protection of, natural and historical resources through a perverse incentive structure. The perfect example of this is the Endangered Species Act. Any landowner who acts in accord with rational self-interest will take measures to avoid having his property taken from him. If he discovers a listed species on property he wishes to use, develop, or sell, he will not likely report the discovery to government regulators. Instead, he is motivated to drive off, or even to kill, the species or to hurriedly develop his land before it is discovered by others. Such behavior has come to be called the "shoot, shovel, and shut-up" syndrome. The Park Service does not directly contribute to this problem, but it is important to recognize that if natural resources are to be effectively managed within the private sector, regulatory incentives that discourage conservation need to be addressed.

PRIVATE CONTROL VS. POLITICAL CONTROL

The government's efforts in natural resource conservation are usually well known, well publicized, and well documented. Therefore, it is easy to see how some people have come to accept the idea that if natural resource protection is not guaranteed by Washington, D.C., it is probably not being done. How often are we reminded that many prized historical landmarks are protected in the private sector? Mount Vernon and Monticello, perhaps the two most famous homes in our nation's history, are not protected by federal agencies, but by private organizations. In the ecological realm the

story is much the same. Rarely do we read of the quiet efforts of private landowners: a small farmer in Wisconsin who provides habitat for wildlife on his farm; a bird lover that founds a mountain refuge for threatened raptors; a rancher in Texas who protects rare game mammals; a forest products company that helps hard-pressed, cavity nesting birds by providing nest boxes at cost to landowners.

Because private property rights in the United States are relatively secure and extensive, private owners have the ability to protect their lands from over use of its resources, one of the major growing problems in our affluent and ever more recreation-oriented society. As demand increases, it is relatively easy to prevent overcrowding through the rationing mechanism of the price system. Where necessary, higher entrance fees will reduce crowding and queuing. Such revenues can also provide funds and an incentive for increasing an owner's investment in protection of the resource. The exclusivity of private ownership offers the opportunity to safeguard natural and biotic resources on these lands. Visitors who crowd into more popular national parks, seashores, recreational areas and wildlife refuges can be, and increasingly are, detrimental to the preservation of the very environmental amenities these areas were created to protect and preserve. Attempts to close or severely restrict public access to the public lands is hardly popular, and often misunderstood. Recreationists may feel that as taxpayers they can rightly demand access to "their" lands.

THE SUCCESSES OF PRIVATE CONSERVATION

Case studies demonstrate that the private sector can and does protect and preserve natural and historical resources as well as, or often better than, government agencies. Private farms, ranches preserves, and parks have begun to present exciting possibilities for the preservation of rare and endangered species. At hunting preserves on large ranches and estates throughout the American West, highly desired big-game animals from many countries are raised; the conservation of these species is funded by the fees charged to hunters for limited cropping of the herds. Although such programs are opposed by many environmentalists, they are preserving wildlife (many species of which are threatened in their native countries) and doing so at private expense. Some of the herds contain trophy animals superior to any in the wild. Such animals may provide a nucleus for stocking sanctuaries in their native habitats when Third World countries can afford the environmental conscience so evident in the developed countries.

There are also promising private programs such as the Big Horn Wildlife and Habitat Research Project on a 20,000-acre ranch in Montana, which was created for the sole purpose of developing habitat management techniques. Native plant species are used in an attempt to sustain maximum numbers of big-game animals and upland game birds.

The Trustees of Reservations is a non profit, charitable corporation founded in 1891 for conservation purposes to protect the countryside of Massachusetts, especially to preserve "beautiful and historical places and tracts of land." The Trustees of Reservations

(TTOR) have acquired and are custodians for 68 properties from western Berkshire county to Cape Cod, Martha's Vineyard and Nantucket, totalling some 16,215 acres. Their primary purpose is preservation, passive enjoyment by the general public is secondary. At times, sensitive areas are closed entirely to public access, or opened to a limited number of persons at any one time. This organization has served as the model for the creation of similar trusts throughout the United States.

Another example is the National Audubon Society's 250,000 acre chain of private refuges, including the 26,800 acre Paul J. Rainey Wildlife Sanctuary in coastal Louisiana, winter home to perhaps one-third of all the snow geese in North America. The directors of the Audubon Society have determined that the function of the refuge is to preserve the snow geese and their habitat, and the refuge is managed accordingly. As the private owners of the refuge, they can and do restrict visitors to prevent disturbance of the geese, free from the pressures of having competing user groups, taxpayers, and "owners" of "the people's lands" demand that "their" public lands be managed in other ways. Interestingly enough, private ownership of this refuge has encouraged the Audubon Society to develop methods to allow oil exploration without threatening the vitality of the Rainey Sanctuary. Such types of "win-win" situations are extraordinarily rare on public land.

CONCLUSION

Individuals, non-profit organizations, corporations, and voluntary associations throughout the private sector are working, often quietly and without seeking publicity, to protect and preserve the natural and historical heritage of our country. This is stewardship and private initiative at its best. It is especially impressive in offering an array of diversity and innovation, in which the talents and genius of a pluralistic society are brought to bear on a widely-shared goal--the protection and conservation of the nation's natural resources and environmental amenities for the use and enjoyment of the present generation and those to come.

Mr. VENTO. Thank you.

Mr. Peters, one of the advantages of getting your testimony earlier might have been that I could have asked the Director a question about section 8. But I appreciate your efforts personally in terms of going through this and providing us with the insights that you have regarding your views.

Tell me some more about section 8, though, this provision that was added to the law. I might add that, you know, as I was thinking of your statement and your work on the committee, and I think Mr. Gale was pointing out that—between 1970 and 1991 at least a majority of the time I guess you were here—106 units were added to the park system. So it was really a busy time.

Mr. PETERS. Well, it may be a busy time, but I do not think much participation came forward from the Park Service. That is the main point I would make.

Mr. VENTO. No, I understand your point there. I think that is another concern. Of course that has certainly been the case in the 1980s through today. I think it is more of a reaction mode than proactive.

What you were trying to do in section 108, I guess, is to make them pro-active in writing this particular section.

Could you tell the committee more about that?

Mr. PETERS. Absolutely.

At the time I worked in the National Park Service Washington office, which was probably near the end of the period when a lot of the seashores and lake shores were coming in, and of course that was a real heyday for new additions. They were all over the place.

I personally thought that most of them were fairly meritorious additions. But the Park Service was heavily geared up with a new-area studies program. They had a person for every region, at least one person for every region in the national park system. I think there were probably eight or ten regions at that time. They were very professional people. They really knew their stuff, and they were on top of everything.

It was one of the most masterful operations I have ever seen in my life in government. I anguish to think that that is gone almost forever. I do not think that is ever likely to come back, nor necessarily should it at that scale, but I do think that there is an obligation in law and in ethics and in morality and everything else in terms of the mandate for the National Park Service to be very concerned about the welfare of the heritage of this country, whether it is within or outside the national park system.

I have a feeling that there is a philosophy and a pragmatic approach that has sort of confused the entire agency over a long period of time to be one of retrenchment, mainly from a standpoint of, my goodness, we cannot handle all we have got. The last thing we want to do is go out and get more.

I have a very different personal opinion on that. I have worked in management positions. I know the anguish that Rick Gale and people like that have to go through every day when they are a superintendent or a manager of a site and just do not have the wherewithal to do the job.

But to me, despite all that, of more pressing importance is to save the last that may exist in some of these superlative resources

in this country before they are gone for all time. A lot of those do not need to come into the national park system.

There are provisions of section 8 that relate to the natural and historic landmarks program, for example, which were designed to try to get more out in front and on top of what is going on with some of those resources.

My bottom line point of all this is I think the Park Service is not following through what I think ought to be an obligation on their part—it certainly is not law, but it ought to be ethically as well—to really be out on the cutting edge of knowing exactly what is going on and being concerned about it and reporting that to the committee and trying to find ways to make things happen.

I think the agency has become very blind-sided through the last decade or two with regard to what is really going on out there because they figure they just cannot do much about it.

Mr. VENTO. Well, I share some of the sentiment, I must say, because if we were to take literally some of the testimony today we would not be able to move ahead, for instance in the California Desert expansion of the units and/or the designation of Mojave on that particular basis.

Clearly if we do not make that decision now, I do not think it is going to be made. We will not have achieved the expansion of those units and/or the designation of a new unit which fits within the basic framework. So it is sort of the Hobbs' choice of doing this and recognizing the shortfalls.

That is why I think it is very important to be definitive rather than to be sort of creating impressions that there are \$7, or \$8, or \$10 billion dollars' worth of backlog.

I think there is a difference if it is \$2 and there is \$2.9 now in terms of what is happening. I think it is very important that we be precise about that so we do not end up building it up and understand exactly what it is. If it is inholdings within parks, whether it is road maintenance which a lot of it turns out to be, or what the factors are, in terms of are we talking about the basic resources that we are charged with in the Park Service and the Park Service is charged with to maintain? Or are we talking about something else?

So I think having definitive information on that is very important, rather than stampeding us into a certain policy direction.

I take it, Clay, that you obviously understand the proposal that we have in terms of trying to limit the studies, and taking that authority away from the appropriations committee, or limiting the authority of the appropriations committee if it is ever possible to do anything with them, I guess, based on the interpretations that I sometimes get back, but you are mostly concerned about not leaving the Park Service to sort of self-initiate studies?

Mr. PETERS. Exactly. I really fear that if they figure that they are going to be deferential to what comes down from Congress, they will just sit back all the more and do less of initiating much of anything.

Mr. VENTO. Well, I think the concern of course is it was always anticipated that they would have a legislative program and they would make recommendations as to what would be studied, and

then we would authorize that and move ahead, but maybe that is too complicated.

It is obviously something that has not happened during the 1980s within the Park Service, I guess.

Mr. PETERS. Certainly it would not be necessary for them to spend a lot of money or time actually doing a full-blown study. The usual procedure they have followed in the past, which is only common sense anyway and I am sure it would be the case in the future, is they can do some very quick-and-dirty assessments with regard to candidates that come from a great number of sources to their attention and make some very quick and early judgments about a great expenditure of time and funds as to whether there is something there worthwhile to study.

I do think that, following through though, when they through their checks and balances have found some things that look to be very meritorious, that they ought to be in a position to go ahead and move forward. It certainly does not hurt a bit to be communicative to you and work in a team effort to do all this. That is ideal.

Mr. VENTO. Well one of the things of course that happens is under the Historic Preservation Act and under other laws they have been able to identify landmarks. They have had the Hares and Hobbs study of processing capacity, and of course there are many that would like to forbid them from doing any type of evaluation like that in terms of the survey work and/or this reconnaissance work.

That is not the intention here. The intention here is that we get a full study. I suppose we would have to define that more precisely so that we are not in the way of them doing a review or some sort of survey work and fulfilling other responsibilities.

I think that that is important because for others there is a different agenda in terms of limiting that particular sense.

Does anyone at the table disagree with the ability of the Park Service to do this type of survey work, and the Hares and Hobbs study insofar as you know about it?

There had been some concern about that in the past.

Mr. Smith, did you have any concerns about it? Do you understand what I am talking about, or not?

Mr. SMITH. I think I do, and I do not have any particular concerns about it.

Mr. VENTO. One of the issues was for instance, as an example, that somehow somebody learned that you had something that should be on the Historic Register, that that then would bring about pressure for you not to modify it because that knowledge would then be public information and it is private property is the issue, but that somehow if there was not an awareness that that somehow then would be better for you, in other words, in terms of what is going on.

So there is sort of a private property issue here I think that some would claim. It is not one that I recognize, nor the Constitution I think.

Mr. SMITH. I know that many private landowners have been concerned about what might be found from various surveys, ranging from everything from natural sites on their land to Historic Sites

to the possibility of finding endangered species or particular types of ecosystems, and have been worried about how this information might be used, and as to how this information is gathered.

I know all across the West now there are private landowners who are very concerned about this, and across areas of western Texas—I just flew in this morning from spending a couple of weeks out there talking to landowners; many of these landowners used to make their land open to access to almost anyone and are now routinely posting all of their land with “no trespassing”; no one is being admitted for any reason whatsoever because of their concerns about what might be found on their land, or how other people then might want them to use their land without concerns to due process.

I know that is a concern.

Mr. VENTO. Well there are laws with regards to limitations. We went through a whole debate on biological surveys, the National Biological Survey, but the idea of course of limiting the Park Service, obviously they have to respect whatever property rights exist.

But I think, for instance, in private property as you pointed out, that there is a lot of interest in private property and conservation.

We recently came across a report from the GAO, which I had personally asked for, which indicated that almost 50 million acres of public land is inaccessible because private landowners will not permit people to cross their land to get to the public land.

So I would just ask, are you aware of that study or any of those problems?

Mr. SMITH. I am aware that that is a problem, particularly in the West, on a lot of the checkerboard lands and so on. This is a very major problem.

I think that is an area where, if people of good faith on both sides work on that, that that could be resolved. You can understand the concerns that landowners would have if the public had access to cross their land, leaving the gates open so cattle could get out, or starting fires, or whatever.

But on the other hand, I think most of those landowners are happy to work with the public if we can find ways perhaps to exchange some of those lands, too.

Mr. VENTO. This is a place where it is not always ranchers and the cowboys that are the problem. It is some of my urban colleagues who like fences and are used to a more eastern view of open space, surprisingly.

They like it so much they do not want anyone else to be able to cross their land. The open range ideas are not part of their culture.

Mr. Gale, I looked at your statement and obviously was very interested in what was happening, or what the discussion was here.

One of the things that I think have to be borne in mind, the reason we are spending so much time talking about studies, and the process in which things become part of the park units, is because a lot of them are coming in and they are never authorized.

So we can go through a whole process of deauthorizing and end up actually making no progress in essence. But have there been major recommendations in the past from the Park Service in terms of taking units out or changing their classification?

We have talked about a few here with the Director, but there have not been many. There has not been a concerted effort, has there?

Mr. CHANDLER. Those are the only three I know of, sir.

Mr. VENTO. The three they talked about?

Mr. CHANDLER. Yes, sir.

Mr. VENTO. The Kennedy Center is another one I cannot think of, I guess.

Mr. CHANDLER. Now in the past obviously we have done some, many years ago, on several National Park Service areas, and I cannot even tell you—

Mr. VENTO. Well, it is not easy. I do not think it is because nobody happened to think of this. As a matter of fact, I do not think that this is just such a good idea that nobody thought of it before, but there are obviously some tough reasons to do it.

I think though that Clay especially, Mr. Peters, in terms of talking about the criteria here and what they are charged with, would be enormously important to any group that was given their responsibility.

Do you agree?

Mr. GALE. Yes, I do.

Mr. VENTO. I think—

Mr. GALE. We see the criteria of national significance as two-edged. It applies not only to those areas that should be coming into the system, but it also equally applies to those areas that are in the system.

Mr. VENTO. Well, that is right. I think that it should be recognized that almost all of the units in the Park Service belong there.

Would you not agree?

Mr. GALE. I would agree with that.

Mr. VENTO. There are not a lot of units that should not be there.

One of the differences that has come into question of course has been whether or not they ought to have natural units or cultural units. Of course Clay had identified recreation or activities' units that he talked about.

That is still kind of a concern. For instance, if we get a unit like a reservoir—Curecanti comes to mind—but that is one of the most visited units in the park system, but it is really basically an operating reservoir and there are surface motor boats and so forth on that site.

So it really is a kind of a separate role. How do you judge if it is being used by 3 million people a year? Does that mean it is "significant"?

What does that mean? I do not understand how that would fit how someone would look at it—that is to say, a commission. That is my concern.

I do not know if I am pronouncing that unit right or not.

Mr. GALE. You are, sir. That would be my concern.

I am certainly not smart enough to develop the criteria, but I would agree with Clay that recreational resources have national significance just as natural resources or cultural resources do.

You are right. The difficulty is to be to determine what those criteria area. But I have personally worked in three national creation areas, two of which were water, one of which frankly would be

some people's idea of an area that is not nationally significant, but that is a difficult situation.

I think the notion of a, as Clay says, of a workshop to try to flesh out those kinds of things is going to have to be done. There is all—

Mr. VENTO. One of the problems is that people are going to keep coming here. Let us say, for instance, as an example, picking on that unit, because I do not think there is any likelihood of being impacted by something like this.

Obviously it would have to be managed by the Bureau of Records. Someday you are going to have people going there. You have got facilities. I do not know if my numbers are right. They may be a little low, actually, in terms of how many people visit there. It may be closer to \$4 billion or \$5 billion. It is just amazing the amount of use that that particular reservoir receives.

The Park Service is given the responsibility, partly out of pragmatism as opposed to anything else I think.

Mr. Peters, do you recall you had something to add to that?

Mr. PETERS. I was going to just add something a little bit off the net, Mr. Chairman. I would like to just say something a little bit more with regard to the commission idea.

I have sort of come out in favor of the idea here—

Mr. VENTO. Yes, I realize that.

Mr. PETERS. But I wanted to underscore that I did that with reluctance, because I am just a firm believer, as I think I have indicated in other parts of my testimony, that the Park Service ought to be more in charge of their own destiny.

I would prefer to see that, either a resolution of all this, with a checks and balances by the Congress and other things would come from there.

Mr. VENTO. I think my statements to the Director also—please proceed.

Mr. PETERS. However, I think that we are dealing with something here that is so big and so difficult and going to be so troubling if we do not resolve it in a very forceful manner that we cannot do something that is slightly visible.

I really think it is going to demand something of the level of sort of a very highly visible, prestigious commission with great care and with great concern coupled with it.

I think that the visibility is going to be critically important in order to get over the top of some of these problems that we are trying to address by doing this.

I fear that if the Park Service comes up here at a hearing say, oh, yes, this is a problem and we will take care of it, they come up here all the time with hearings and they have to take care of a lot of things, it is not likely to be a priority issue with enough durability to really get the job done that I think is going to have to be done.

I also think that by getting some of the right people on it, and I do not even have ideas on who they would be, but I think it is going to be critical. I think the Park Service ought to have a very major role in the decision with regard to criteria.

But lacking that kind of visibility and that kind of eminence, I just do not think we are ever going to see much happening on this.

When you talk about the idea of divestiture, we all know that is even going to be tougher yet. That is just the final straw that is going to be very tough because of politics and the emotions on that are going to be very severe.

Unless the criteria are done well and respected, you will never get to that final step.

I see this as a two-step thing. I am just fearful that if this drops back to sort of an administrative solution again, it just is not going to work with any durability and solve the problem. We have got too many patterns in the past where that has happened on other matters that are not too dissimilar, and I just do not think it is a solution in this case.

Mr. VENTO. I guess sitting here, and others members are going to look at this, and staff, we are sitting here with a \$1.5 billion budget. It is about less than 1 percent of the total federal budget. Obviously the defense issue is a much different issue. It was \$300 billion.

So when you look at this and how serious is this problem, obviously I respect all the work that is going into this and we try to look at these units very carefully with the responsibilities we give the Park Service, but I just would suggest that, looking at the magnitude of what happens and how much attention it will get, how much it will not get, I think there is a lot of concern in terms of what is reasonably expected and what the impact is.

Yet, we have the Park Service managing these vast areas and very important areas in terms of the public's use. They think it is working all right. I think there are some mistakes that perhaps have been made in the past, and some of them I think unwittingly.

I recall we did the Pinkney home in South Carolina, and the information we got from the historians and everyone else was that it was the initial house. I think it was just an honest mistake on the part of most involved.

We went through the Park Service who recommended it. Congress acted on it. It was not controversial. We thought we had the right information. It was an honest mistake. There are not too many. Most of the stuff we know, if we are in an area where it is not black and white, but I think at the time there was never any indication that there was any problem with it.

Today of course it has been designated and it is a reality, but we are not dealing with a resource that was the same as what we thought it was when we acted on it.

But I think that this, in terms of the total budget, in terms of problems, I think there is plenty of room for private activities in terms of it.

I just want to make certain that, Mr. Gale, in terms of the debate that is going on that there is, you know, this hanging over this, that it is not a natural unit or an historical or cultural unit. But I think we get down very quickly to issues that do not—well, it is nationally significant that you have got a big reservoir down there.

I do not know that it is. The fact that people use it. Recreationists use the Great Lakes, too. They use a lot of lakes in Minnesota, as a matter of fact. I hope to use a few more of them this year than I have in the past.

But I think these are the sorts of questions that are going to come up. In terms of looking at the magnitude of what the problem is regarding use, I think our best bet is in the future trying to provide some process, trying to figure out how we can get some leverage in this particular system other than just saying to do a study.

I agree with you, Clay. I was saying that, if you noted, through the Director saying you were supposed to do this study, but it does not seem like it is happening. Mr. Chandler?

Mr. CHANDLER. Mr. Chairman, I think one thing we need to remind ourselves of is. If you do not know where you are going, you are never going to get there. I think this is the problem that is afflicting the Park Service in spades.

The Congress gave them a mandate a long time ago to prepare a national park system plan. In that plan they can tell you what the park system is supposed to be, what types of resources should be in it, what should not, and how to go about doing that.

Unfortunately, we have no genius down at the National Park Service that has come forward with this plan. I think it is a failure of leadership and I think it is a failure of management that they cannot find somebody, or hire somebody within their organization to produce for the Congress what the Congress has asked them for a long, long time ago.

I really strongly feel that before we talk about taking things out of the park system, we have to be clear in our own minds what the park system is about.

If we all do not have sort of a shared understanding and a template of the general outline of that system, then I think we are just going to be here forever debating one unit after another to find out whether it is meritorious or not.

Mr. VENTO. Well, sure. Our people, those of us who sit up here, we have our colleagues come to us, or communities come to us, and they bring us their proposal, it is pretty hard to say that the baby is ugly. [Laughter.]

Mr. CHANDLER. Exactly.

Mr. VENTO. This is my problem. This is the problem with the Park Service, too.

I think beyond that, though, it is tough. Politically, that is difficult. We have done it. There have been, what did I say, out of 100 studies, 1 of you reported a 20/24, and one out of four ends up thinking he has a park unit.

Along the way, there is some self-correcting. Some members retire. The ideas go away. They do not like the type of conditions we put on parks. That is one of the reasons we want to be tough in terms of not permitting certain activities in parks.

We do not want to have it opened up for, for instance, the extraction of oil as you had pointed out, Mr. Smith, where, one, the National Audubon Society was actually doing such.

We want to make it difficult. We want to make it—and that really is contrary.

But maybe one of the ways to deal with this, at least immediately besides just saying let's have a study like we have for the wild and scenic, without inhibiting clearly the ability to do surveys, to do whatever survey work is necessary.

But the other would be to try to toughen up those criteria to what is significant and what is feasible, because I think that those criteria have become elastic and they have been stretched.

I have been probably one of those who has been pulling on it, along with others. But every so often of course I am in the position of saying no, or limiting what is going on.

Of course I think the logic of seeing why Mr. Hefley excluded the heritage sites in his bill, it is apparently that that is a major motion to suggest that there are some other alternatives in terms of what the cites can be and in terms of having a limited Park Service responsibility. And then spinning it off. Providing some means to address what is designated and to achieve a change in status. Not just simply a black and white situation, but a way to spin it off, for instance.

But is there not some need to really sharpen up? I mean, is that not a way to start before we get into studies? The Park Service could almost do it all on its own by just redefining what is significant and what is "feasible." In other words, how you would say it, a retrenchment of the idea?

Do you agree, Mr. Chandler?

Mr. CHANDLER. I think there is some merit in pursuing that course. I must confess, Mr. Chairman, I have read that brochure that you held up a little while back.

After reading it two or three times, I am not sure I even understand how the process work.

I do have a college degree, and I like to think of myself as above-average in intelligence, but some would dispute that, but I have problems understanding how this whole things works.

If I have problems, I think other people are going to have problems.

Mr. VENTO. Well, you probably know too much about the practical side of what happened, so that you do not disbelieve this sort of paper and pencil, or this printed version of how things work, which are probably a lot smoother if you do not know anything about it.

Mr. PETERS. Mr. Chairman, may I go back to a point made a minute ago about the candidates who come to you for some kind of decision?

Mr. VENTO. Yes.

Mr. PETERS. I would think, again going back to the commission idea, it is something that could strengthen your hand tremendously in a positive way would be that if something were done by the Congress here to launch this thing to get this criteria into shape again—and again I do not want to run over the top of the Park Service, and I think they have to be integrally involved professionally in whatever happens there. But I think some kind of Congressionally designated action of that type would have, hopefully, results coming back that would be so much better than where we are now, and everybody would have to work very hard to make sure that is the case. I think that strengthens your hand, then, when you have that set of criteria finally that is greatly improved.

So as members come in and want to add these things, clearly if they are not quite measuring up, it is not only a set of criteria that

is currently good, but it is something that Congress itself directed be created for this very same reason.

So it just seems to me that it makes a more straightforward operation out of the whole works.

Mr. VENTO. Well, we made it tough. If you look at it, if it is publicly owned we cannot buy it, as an example.

So we have tried. These are also safeguards against someone coming in and trying to enrich themselves on that basis.

Obviously now the big advantage is that they can avoid the operation and maintenance down the road. Perhaps we should look for donations along those lines.

In fact, even when, ironically, when the Marsh-Billings site was added to the Park Service, of course it was endowed with this certain amount of money for operation and maintenance for many years down the road.

I think if you look at how things become part of a park, it is not always through simply a clean designation.

We looked at it. We studied it. It was public land. It was private. We bought it. We converted it from Forest Service.

The Department of Defense gave us all these memorials. It is no accident that we got a lot of memorials of the civil-war type because the Department of Defense decided to shed that particular responsibility, and that was logical work for the Park Service at that time, at least in the minds of whoever was making the decisions.

So we end up with those particular tasks.

I think really, in fact, just looking at park units is not by and of itself adequate, just looking at units. I think you really need to look at the missions.

You know, what are we doing in Washington, DC?

The White House is a unit of the park system. The Mall. All the other activities here. You are spending a lot of resources, and a lot of energy and effort in terms of dealing with some of this.

That is one of the reasons I was pleased to recognize the problem with the Kennedy Center and hopefully we have come to a solution now. But not in the sense that we are solving one problem and creating another is of course where I am coming from on that issue.

Well, we could talk obviously for a long time. This is a topic—

Mr. PETERS. Mr. Chairman—

Mr. VENTO. Yes.

Mr. PETERS [continuing]. I have to violate what you just said and add just one thing which I cannot constrain myself from saying.

I think a lot of times we get rightfully concerned about the expansion of the system from the standpoint of we cannot afford it and all those kinds of things.

I have to encourage something that I know you feel very strongly about, too, that there really be a renewed effort to do something with the old land and water conservation fund, or follow that with a successor, because clearly a lot of the problems that a lot of us have and the Park Service has with regard to new units is not only the character of them but also just the impact in terms of financial considerations.

Particularly if something were to happen with regard to the heritage area concept, which I personally think is very meritorious in

its place in ways it is being proposed, but I think it would be sheer disaster to have something like that happen coming out of the height of the National Park Service.

The only way I can see to do something like the heritage thing is if it can be packaged with something grandiose that could really work with land and water conservation or something of that type so that there is an additional money source to go with providing that new activity.

Mr. VENTO. Yes.

Mr. PETERS. Otherwise, it will just be a devastation.

Mr. VENTO. Well, Congressman Hansen in some of the proposals we have passed has put in a sunset so the Park Service has an association with this process for five, six, seven, ten years. At the end of that, then it goes to be managed by the private sector or the public entity as the states may determine.

So at least that is kind of combining some different ideas. But Congressman Hansen and his staff have talked about the limitation in terms of time, so that it is sort of a succession.

That is one of the reasons I think we have evolved a little bit beyond some of the simple ideas that initially started. So we are looking at a way of dealing with this Heritage Area issue, and dealing with the others, some of the ideas that have been brought up.

We have got to find a way to provide incentive in terms of review of the authorization. But in order to understand that, you have to understand what the genesis of how things got here is.

As I said, other agencies gave them to us. Especially the Department of Defense has been very generous, but some of them have a memorial or a cultural or historic type of an emphasis that turns out to be a major role of the Park Service.

The recreational things, the Bureau of Reclamation, this is the job for the Park Service to do this. Now of course today some of those missions are changing.

But the District of Columbia. Why do we have all of this District of Columbia?

Well, you know, it was convenient. In terms of who was going to have this particular responsibility with open space memorials. So practically take over some other activities.

So they fit, but I think if you want to redefine that it is hard to do. If you say you are going to do it here, one of the things is it is not the policy that is unique to the boundaries of Washington, DC. It goes across the Nation.

So all of a sudden you end up with resources in other areas that fit in the same way.

Well I do not know how far we can go, but I think all the testimony you have given has provided good insights.

Mr. Smith, I wonder if there is some way we can provide incentives to the private sector to take over resources that we have.

Part of the problem Joel has in terms of divestiture and deauthorizing that I referred to, and the divestiture that Mr. Peters did, I am sure they picked up on this very quickly, is how do you make a transition? What happens? Are we going to have a soft landing for something that is already in the system?

If you can solve that problem, then you will probably go a long way towards moving things from the Park Service that do not fit their role.

I do not think there are a lot of units. so I guess as you go through it you are going to find that, like in the case of the recreation, I do not know how many units we have that are on a par with that, but there are quite a few that fill really just that recreational activity type of role.

Mr. SMITH. Well, Mr. Chairman, I think that my concern about the debate over divestiture is that it does not become a sterile, polarized debate. Assuming that it is absolutely necessary to have public ownership, federal ownership, to ensure protection, and to realize that there is a long and noble tradition of private protection of some of the very similar sorts of resources that the federal government is now managing, and that we would try to reinvigorate this, to create incentives for this.

I mean, the land trust movement that was created in the United States in the 1880s and goes on today, I am sure you are well aware. There are hundreds and hundreds of land trusts all around the country where people at the local level who were concerned about something, concerned about the last remnant of tall grass prairie, or the last area where there are certain rare orchids or rare butterflies are, that they go out and form a trust and privately preserve this and it does not fall as an additional burden on the Nation's taxpayers.

I think this is going on all around the country, and I think we can certainly expand this.

And on the area of recreation, simply because of economic necessity and the pressure that are being put on federal units and even state units now, we see more and more major landowners in the United States, and particularly in the forest products industry, with International Paper throughout the Southeast stepping into the recreation market because there is a demand for it.

IP in many areas in the Southeast is now generating as much income, and in some units more income, from recreational payments for the use of their land than they are from selling forest products. I think that is a benefit all the way around. That means that we now have not just civil culture sitting there at the highest planning levels of IP saying put more, you know, spray more chemicals on the land to make the trees grow faster, but then the biologists step in and say, well, if you do that we might lose the income we are getting from quail hunters, or turkey hunters, or from people who come to fish on our lands and so on.

I think that is a very important trend that probably some of us are not looking too carefully at.

Mr. VENTO. Well, I think those are good observations and testimony. The only thing I would point out to you, and obviously you recognize it, is that the concern here is they do not provide for necessarily the transition.

If the marketplace is good in the 1990s in terms of timber values or other values for this, it may change. Then I think the whole question in terms of what the Park Service tries to address is this issue of perpetuity and stewardship and heritage and the legacy of heritage that we believe is something important to all Americans.

We have had that on a de facto basis in the past, but in order to achieve it or maintain it today very often we are faced with a public role in terms of ensuring that.

I think it can be done with a private involvement. I do not come from a school that says that it cannot, but I think we have to recognize that as a reality today in terms of what is going on.

So I think that the reason we are doing this hopefully is it would not be done and there would not be certainty and predictability that it would be done in a private manner.

For instance, the Flint Hills, the Park Service or the Conservation Association just has an option on that. We do not know what they are going to do.

One of the cases with the Nature Conservancy, they owned some land once and thought they were going to get it at Channel Islands, and they did not want to give it up. Nobody really knew what they wanted to do with it.

Somebody raised Channel Islands before here.

So that particular concern persists in terms of these matters. So it still leaves us with the Park Service and with the responsibility to try to achieve that.

And the private sector does not do with all private money. Very often they see tax and other types of expenditures and other issues come back to us where we have to do oversight work in terms of making sure they are living up to whatever responsibilities they have accepted. So it is a concern.

And there is zoning. There are all sorts of different matters that enter into it.

Well, we have kept you beyond the normal time. We will add to the record this incomprehensible criteria for park lands—

[Laughter.]

Mr. VENTO [continuing]. That has been referred to—"incomprehensible" to those of us who really knows how it works, and probably helpful to those who like to see things in black and white.

Gentlemen, thank you very much.

Mr. SMITH. Thank you.

Mr. GALE. Thank you.

Mr. SMITH. Thank you.

Mr. CHANDLER. Thank you.

Mr. VENTO. We will stand adjourned.

[Whereupon, at 12:57 p.m., the hearing was adjourned.]

APPENDIX

APRIL 19, 1994

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

Subcommittee on National Parks, Forests and Public Lands

Remarks by Rep. Ken Calvert

April 19, 1994

Thank you Mr. Chairman.

Having grown up in close proximity to the Cleveland National Park, I learned at a very early age the many benefits and uses of our National Park system. And over the years, as the population of Southern California has grown rapidly, I have witnessed the increased pressures on National Parks in our part of the country.

Now, we are faced with yet another problem--a huge federal budget deficit which requires us more than ever to examine how our federal tax dollars are being used.

That is why we are here today--to learn how the National Park Service can continue to meet recreational and other needs of our citizens while keeping its demands for federal funding at a level we can afford.

The two measures before our committee for consideration are designed to give a new direction to the National Park Service. I look forward to hearing from our panel of experts regarding their views about these proposals and their general observations about our National Park System.

Thank you Mr. Chairman.

OPENING STATEMENT
of
THE HONORABLE JAY DICKEY
Fourth District - Arkansas
National Parks, Forests and Public Lands Subcommittee
Regarding H.R. 1508 - H.R. 3709, to Reform the Study
Process for Units of the National Park System.

April 19, 1994

Mr. Chairman, thanks for scheduling this hearing on these bills to reform the manner in which the National Park Service studies and recommends additions to the National Park System.

These reforms are very much needed. I support the more comprehensive approach set forth in Representative Hefley's bill, H.R. 1508. But, both he and Chairman Vento are to be credited for moving forward with this effort.

Many of us have repeated often, the significant unfunded park operations, construction, repair and maintenance needs at National Parks throughout the country. The fact is, many smaller parks in the south and east, such as Hot Springs National Park in Arkansas, desperately need higher base operations funding. Also, desperately needed construction and repair projects go unfunded at many parks -- such as the Historic Bathhouses at Hot Springs National Park. Repairs of those historic national resources are just as important to protect and preserve as the rich natural resources out west at America's larger and more visited parks.

My hope is these bills will be a step in the direction of bringing more order and higher quality to future additions to the National Park System, and maybe even suggest some units that really do not belong in the system.

I look forward to reviewing the testimony.

NATIONAL COORDINATING COMMITTEE
FOR THE PROMOTION OF HISTORY



Administrative Offices: 400 A STREET SE
WASHINGTON, DC 20003(202) 544-2422

Dr. Page Putnam Miller
Director

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New England Archivists
Society of Georgia Archivists
Society for Industrial Archeology
Southern Association for Women
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Alabama	Massachusetts
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May 3, 1994

Representative Bruce Vento
Chair, Subcommittee on National Parks,
Forests, and Public Lands
O'Neill House Office Bldg. - Room 812
U.S. House of Representatives
Washington, DC 20515-6207

Dear Representative Vento:

I am writing to you on behalf of the fifty member organizations of the National Coordinating Committee for the Promotion of History, which is composed of this nation's major professional historical organizations. I wish to request that this statement be attached to the April 19 hearing on H.R. 3709 and H.R. 1508, two bills addressing the new area study process of the National Park Service (NPS), and for other purposes.

While we applaud the intent of both bills to standardize the process of conducting new area studies, we wish to specifically endorse H.R. 3709. This legislation shows promise in providing the NPS with a clear mandate for focusing its resources on conducting professional studies of a limited number of possible park sites for recommendation to Congress. This bill is also commendable for helping to isolate the new area study process from the political maneuvering that has characterized it in the past, wasting time and resources and obstructing the goal of a National Park System truly representative of the rich variety of natural, cultural, and historic resources of this country.

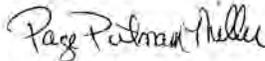
From cooperative work with the NPS on the National Historic Landmark Program and the revision of the Thematic Framework, historians are well aware that some aspects of the American past are not well represented by the existing units of the National Park System or by National Historic Landmarks. We appreciate the opportunity H.R. 3709 provides for addressing these gaps, in the form of a requirement that the NPS Director "give special consideration to themes, sites, and resources not already adequately represented in the National Park System" in drawing up the list of recommendations. This provision might be strengthened, as suggested by William J. Chandler of the National Parks and Conservation Association, in his testimony before the committee, by amending it to make the "principal purpose" of the list the identification of such gaps in the Park System.

We do have some concern about how the NPS will determine national significance in making its recommendations for new area studies and in conducting the studies themselves. Many historians have long felt that the NPS is too rigid in applying the criterion of "national significance." We urge that consulting historians with subject matter expertise in specific areas under consideration have a part in developing the national significance component of a new area study.

Regarding H.R. 1508, we would like reiterate our support for the basic intent of this legislation, while reserving the right to disagree with its methods. The NPS should have a clear and systematic plan to steer the new area study process for years to come, but such a plan should be an ongoing obligation of the NPS itself, in consultation with knowledgeable experts and the public, rather than the task of any outside, temporary commission. In addition, the mandate of the proposed commission is apparently one of 'streamlining' the NPS through park closures, along the lines of the military base closure commission, as much as it is one of charting future goals. We question whether the process of closing military bases in light of the end of the Cold War (and the end of the resultant massive military buildup) is an appropriate model to apply to the National Park System. Undoubtedly there are units of the Park System which do not meet the current criteria for inclusion, as well as others that might better serve their functions if operated by another entity, such as a state or local government. We believe, however, that decisions regarding the fate of such units should be left to the professionals of the NPS, employing the significance, suitability, and feasibility criteria already developed by Congress. Finally, the grants program provided for in Title 3 of H.R. 1508, while meritorious, has already been adequately addressed in separate legislation.

We would appreciate your consideration of these comments.

Sincerely,



Page Putnam Miller

GENERAL MANAGEMENT PLAN

SPECIAL RESOURCE STUDIES

STUDY NAME	ORIGIN	START YEAR	FY 94 STATUS	LISTED IN BUDGET			
				FY 92	FY 93	FY 94	FY 95
GMP PROGRAM							
1 AFRICAN AMERICAN HERITAGE, PANJ	NPS		DEFERRED			X	X
2 AGRICULTURAL/INDUST. HERIT. IA	NPS-EAR	'94	ON-GOING			X	X
3 APOLLO XI LAUNCH TOWER, FLORIDA	NPS		DEFERRED	X		X	X
4 BEAR RIVER MASSACRE, ID	NPS	'93	ON-GOING	X		X	X
5 BEAR TOOTH HIGHWAY, MT	NPS		DEFERRED			X	X
6 BIG TWO HEARTED RIVER, MI	NPS		DEFERRED			X	X
7 BLOOD RUN, IA	NPS		DEFERRED			X	X
8 BOSTON HARBOR ISLANDS, MA	NPS-LEG-EAR	'94	ON-GOING			X	X
9 CARNEGIE STEEL MILL TOWNS, PA	NPS		DEFERRED			X	X
10 GREAT CYPRESS SWAMP, DE	NPS		DEFERRED			X	X
11 GREEN SWAMP, NC	NPS		DEFERRED			X	X
12 KENNICOTT - MC GARTHY, AK	NPS		DEFERRED	X		X	X
13 LOWEF EASTERN SHORE, MO & VA	NPS	'93	ON-GOING			X	X
14 NEW JERSEY DELAWARE BAY, NJ	NPS	'93	ON-GOING	X		X	X
15 NICODEMUS, KANSAS	NPS-AC	'92	COMPLETED	X		X	X
16 OAK HILL, VA	NPS		DEFERRED			X	X
17 SUSAN B. ANTHONY HOUSE, NY	NPS	'93	ON-GOING	X		X	X
18 TALEBIN, WI	NPS		DEFERRED			X	X
19 VIRGINIA CITY, MT	NPS-EAR	'94	ON-GOING		X	*	
20 WOUNDED KNEE	NPS	'91	COMPLETED	X	X	X	
1 BUFFALO PRAIRIE NRA, NE	LEG	'92	ON-GOING		X	X	X
2 GEORGIA O'KEEFE STUDY, NM	LEG	'90	COMPLETED	X		X	
3 JAZZ HERITAGE, LOUISIANA	LEG-AO	'91	COMPLETED		X	X	
4 LEWIS AND CLARK LAKE, NE/SD	LEG	'92	ON-GOING		X	X	X
5 MISSISSIPPI RIVER HERITAGE CORR.	LEG-AO	'92	ON-GOING		X	X	X
6 ROUTE 66, IL TO CA	LEG-EAR	'92	ON-GOING	X	X	X	X
7 UNDERGROUND RR STUDY	LEG-EAR	'92	ON-GOING	X	X	X	X
8 WARM SPRINGS APACHE STUDY	LEG	'90	COMPLETED	X			
1 ANASAZI STUDY, CO	EAR	'89	COMPLETED				
2 BLACK CANYON GUNNISON BN'RY STDY	EAR	'89	COMPLETED				
3 BLACK THEMES - PARKS AND MON.	EAR	'89	COMPLETED				X
4 CAMINO REAL/EL PASO MISSIONS, TX	EAR	'94	ON-GOING				
5 COLORADO NM BOUNDARY STUDY, CO	EAR	'89	COMPLETED				
6 DAVIS MOUNTAINS, TX	EAR	'89	DEFERRED				
7 GEORGETOWN/SILVER PLUME, CO	EAR	'89	COMPLETED				
8 GOLDEN GATE (PACIFICA BO'RY), CA	EAR	'94	ON-GOING				
9 HARPERS FERRY BOUNDARY STUDY, WV	EAR	'89	COMPLETED				
10 HUDSON VALLEY GREENWAY, NY	EAR	'94	ON-GOING				
11 MIMBRES CULTURE, NM	EAR	'89	COMPLETED				
12 NEW RIVER PK'WY AUTHORITY, WV	EAR	'90	COMPLETED				
13 RUTHERFORD B. HAYES, OH	EAR	'94	ON-GOING				
14 SPANISH COLONIZATION STUDY, NM	EAR	'88	COMPLETED	X			
15 WEST VIRGINIA ASSESSMENT, WV	EAR	'89	COMPLETED				
16 WOMENS THEMES - PARKS AND MON.	EAR	'89	COMPLETED				

LEGEND: NPS = NPS Priority; AO = Add-on; LEG = Legislative auth.; EAR = Ear mark
 * = Request for study by private groups, Members, or Administration.

GENERAL MANAGEMENT PLAN

STUDY NAME	ORIGIN	START YEAR	FY 94 STATUS	LISTED IN BUDGET			
				FY 92	FY 93	FY 94	FY95
17 ATCHAFALAYA FEASIBILITY, LA	AO	'91	ON-GOING		X		X
18 BIRMINGHAM DIST. CORR. STUDY, AL	AO	'91	COMPLETED				
19 BRAMWELL FEASIBILITY STUDY, WV	AO	'91	COMPLETED				
20 CANE RIVER STUDY, LA	AO	'91	COMPLETED				
21 CHEESAPEAKE BAY GATEWAYS, MD/VA	AO	'91	ON-GOING				
22 CITY OF REFUGE BO'RY STUDY, HI	AO	'91	COMPLETED				
23 CIVIL WAR BAT. COMMISSION STUDY	AO	'91	COMPLETED				
24 CLEVELAND TO ZOAR CORR. STUDY, OH	AO	'91	COMPLETED				
25 DELAWARE RIVER VALLEY STUDY, PA	AO	'91	COMPLETED				
26 DELA. AND LEHIGH CORR. STUDY, PA	AO	'91	COMPLETED				
27 FALL RIVER, MA	AO	'91	ON-GOING				
28 GIACOMINI DAIRY STUDY, CA	AO	'91	COMPLETED				
29 GLOUCESTER, MA	AO	'92	ON-GOING				
30 KAWI SHORELINE FEAS. STUDY, HI	AO	'91	COMPLETED				
31 KANSAS CAVALRY FORTS, KS	AO	'92	COMPLETED				
32 LOWER EAST SIDE TENEMENT MUS., NY	AO	'93	ON-GOING				
33 MATEWAN FEASIBILITY, WV	AO	'91	COMPLETED				
34 MAUMEE RIVER HERITAGE CORR., OH	AO	'92	ON-GOING				
35 NEW BEDFORD STUDY, MA	AO	'91	COMPLETED				
36 O'OP HI'U KILE & OPAI	AO	'92	COMPLETED				
37 PONY EXPRESS V. C. STUDY, KS	AO	'91	COMPLETED				
38 QUINCY STUDY, MA	AO	'91	COMPLETED				
39 SAGURO - TUCSON MNT. BOUNDARY ST.	AO	'92	COMPLETED		X		
40 SHEN. VALLEY CIV. WAR STUDY, VA	AO	'91	COMPLETED				
41 STEEL INDUSTRY HERITAGE, PA	AO	'91	COMPLETED				
42 WEST VIRGINIA COAL HERITAGE, WV	AO	'92	COMPLETED				
43 WILSON LAKE - FEASIBILITY STUDY, KS	AO	'91	COMPLETED				

OTHER STUDIES

1 BENJAMIN HARRISON FEASIBILITY, IN	*	'91	COMPLETED				
2 BROWN VS. BOARD STUDY, KS	*	'92	COMPLETED				
3 CALLUMET (KEWEENAW NHS) STUDY, MI	*	'90	COMPLETED	X		X	
4 DAYTON AVIATION, OH	*	'91	COMPLETED				
5 FUNT HILLS (Z-BAR RANCH), KS	*	'92	COMPLETED				
6 FORT KNOX II, IN	*	'89	COMPLETED				
7 LITTLE RIVER CANYON, AL	*		COMPLETED				
8 LYNN, MA	*	'91	ON-GOING				
9 MARSH HOME, VT	*		COMPLETED				
10 PAINTING & SCULPTURE THEME STUDY	*		COMPLETED				
11 SALT RIVER BAY, VI	*		COMPLETED				
12 THOMAS COLE, NY	*		COMPLETED				
13 US/SSR BERRINGIA PARK STUDY, AK	*	'91	COMPLETED				
14 WEIR FARM FEASIBILITY, CT	*	'92	COMPLETED				
1 ACADIAN CULTURE, ME	LEG		COMPLETED				
2 DUTCH HARBOR, AK	LEG		COMPLETED				
3 MONROE SCHOOL, KS	LEG		COMPLETED				
4 WORLD WAR II IN PACIFIC, AK	LEG	'91	COMPLETED				
1 MUIR PARK, WISCONSIN	EAR	'89	COMPLETED				
2 SOUTHWESTERN PA. HERITAGE PRES.	EAR	'90	COMPLETED				
3 CORDELL HULL	AO	'91	COMPLETED				
4 EAST BROADTOP RAILROAD STUDY, PA	AO		COMPLETED				
5 HERITAGE PARK, SCRANTON, PA.	AO	'91	COMPLETED				
6 HOMESTEAD STRIKE STUDY, PA	AO	'91	COMPLETED				
7 LACKAWANNA VALLEY HERITAGE, PA	AO		COMPLETED				
8 MERRIMACK RIVER BASIN STUDY, CT	AO	'91	COMPLETED				
9 NATIONAL ROAD STUDY, MD/PA/OH, WV	AO		COMPLETED				
10 NEW JERSEY COASTAL HER. TRAIL, NJ	AO	'91	COMPLETED				
11 OHIO AND ERIE CANAL, OH	AO	'90	COMPLETED				
12 QUINEBAUG/SHETUCKET STUDY, CT	AO	'90	COMPLETED				
13 WHEELING, WV	AO		COMPLETED				

LEGEND: NPS = NPS Priority; AO = Add-on; LEG = Legislative auth.; EAR = Ear mark
 * = Request for study by private groups, Members, or Administration



Environmental Quality

1987 Annual Report
of the Council
on Environmental
Quality

Environmental Quality



The Fifteenth
Annual Report of the Council
on Environmental Quality
together with
The President's Message
to Congress

Special Report: The Public Benefits of Private Conservation

"Since there are countless ways to go wrong, but only a very few ways to do right, our best chance to deal successfully with our contemporary problems and those of the future is to learn from the success stories of our times." (René Dubos)

ROBERT J. SMITH
Director of Environmental Studies

CATO

Cato Institute
224 Second Street, S.E.
Washington, D.C. 20003
(202) 546-0200
FAX: (202) 546-0728

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Chapter 9

Special Report: The Public Benefits of Private Conservation

"Since there are countless ways to go wrong, but only a very few ways to do right, our best chance to deal successfully with our contemporary problems and those of the future is to learn from the success stories of our times." (René Dubos)

The 14th Annual Report of the Council on Environmental Quality, *Environmental Quality 1983*, for the first time since 1971 included a section on private sector programs and activities. The Report stated:

"Traditionally, the annual report of the Council on Environmental Quality has looked at environmental and natural resource issues from the federal government's perspective While the federal government's role in this area is essential, the important contributions made by other public and private organizations cannot be overlooked. . . .

"For this reason, the Council has included in this report an overview of nonfederal environmental expertise and experience that has developed in a comparatively quiet fashion over the last decade. . . ."

This chapter presents some of the findings of a more detailed and systematic inventory that examines the contributions of the private sector to the conservation and protection of America's unique natural heritage. The inventory considers the efforts of both nonprofit and profit-seeking organizations to protect and preserve natural resources, wildlife, habitat, areas of unique natural and biological diversity, and natural sites, vistas, and open areas. It is an attempt to find out what the private sector is doing, how it is doing it, and why it is being done. It is an attempt to discover how and to what extent private initiatives complement the efforts of a variety of governmental agencies to protect the nation's natural resources. What emerges is a picture of how private lands provide public amenities.

The Public Domain

Although the United States has some one-third of its entire land area in federal ownership, and about 40 percent in government ownership at all levels, it is important to recognize that most of the federal estate is located in Alaska and the 11 conterminous western states. Throughout the Great Plains and the East, only about 4 percent of the land is owned by the federal government. Thus, the preservation of the public domain lands, while important, will likely not be sufficient to preserve considerable amounts of America's flora and fauna and wealth of biological diversity over time; the contribution of private

land ownership to the protection and preservation of natural resources becomes critical.

Much of the public land, while incomparable in scenic and natural splendor, is relatively sparse as a pool of biological and genetic diversity. While a number of important and unique species are found there, these were "the lands that nobody wanted." The vast extent of the Bureau of Land Management's holdings in the West are generally arid, dominated by sagebrush and a few other species, and are relatively impoverished in wildlife. Many of the extensive areas of national forests in the West are also characterized by relatively few plant and animal species. While these areas and the western desert lands are an important part of the nation's natural heritage, their relative contribution to the protection of America's wildlife is disproportionately small.

Often the choicest areas in the West were the lands with water. The stream bottoms, the wetlands, the springs, etc., were among the major areas that somebody wanted and that were homesteaded by private citizens. They were also the most biologically rich and important.

Furthermore, much of the wealth of wildlife species on the public lands is located in national parks and especially in the national wildlife refuges. These areas in particular, however carefully protected, may face long-term problems associated with fragmentation of biological preserves. For instance, can the unique tropical ecosystem of the Everglades National Park and its association of water-dependent plants and animals withstand the continued growth and development of South Florida, the diversion and restriction of water flows into the park, and the developmental pressures abutting the buffer zones surrounding the park? While once much of South Florida was a natural extension of the Everglades, the park is now essentially an island ecosystem—no matter how large. The same questions can be asked about other preserves and refuges scattered throughout the country. Can isolated pockets of prairie chickens survive amidst a sea of corn and soybeans if there are no avenues for these populations to avoid genetic inbreeding? If all of our parks and refuges become isolated island ecosystems or refugia, will much of our present wildlife heritage still exist in the next century?

Increasingly, biologists and ecologists have come to recognize the importance of finding methods to encourage the maximum amount of preservation of habitat and wildlife on all remaining lands not protected and owned by government agencies. However, it is neither possible nor desirable that the government own all of the land, or protect all of our nation's natural and environmental diversity. Shifting economic priorities, government deficits, and greater demands for a lessening of the tax burden on the private sector all suggest that the policies of recent decades, of primary reliance upon the public sector to protect and preserve the country's natural resources, will no longer be sufficient to the task. We will have to rely heavily upon private landowners and organizations to play a greater and greater role in protecting these resources.

Thus, a necessary starting point is to determine what is already being done. These efforts can be expected to guide policy-makers in finding ways and incentives to encourage still further those activities of the private sector that protect and preserve the nation's natural resources.

Privately Owned Lands

The land east of the 100th meridian, which is mainly in private ownership, faces potential difficulties for natural resource conservation. This land contains most of the cropland in the nation and much of its private, non-industrial timberland. States such as Illinois and Iowa, the two most intensively farmed states in the nation, have more than 70 percent of their land in crops. Modern intensive farming practices that replace more diverse native flora with a monoculture lead to loss of wildlife habitat and indigenous wildlife species.

Furthermore, most of the more densely populated states and many of the greater urban areas are located in the East. Thus, it is all the more urgent to determine what contributions the private sector has made and is making in these areas to the conservation of natural resources and the protection of wildlife and its habitat.

Has the dawning of a national environmental awareness altered the way in which the private sector approaches the protection of natural amenities? Are there incentives waiting to be discovered or employed which will encourage the private sector to undertake a greater role in the cooperative task of saving our heritage for tomorrow? Are there disincentives and perverse incentives and policies which can be eliminated or altered to help protect our resources? Can changes be made on the margin, without the need of undertaking vast and expensive programs, to encourage the private sector to undertake expanded efforts to preserve our natural environment?

These are important questions. Many of them go far beyond the task and scope of this inquiry. Yet they underscore the necessity of beginning a study of what the private sector is accomplishing, of publicizing and encouraging these activities, and especially of ending the fruitless and often acrimonious polarization that has colored so much of the environmental debate of the past 15 years and hindered the common goal and task of all Americans to protect and preserve our unique natural heritage, while enjoying a maximum degree of personal freedom, a comfortable and healthful standard of living, and a clean and safe environment.

We are generally aware of the status of natural resources, particularly wildlife and habitat, on federal and state lands. These lands are well protected, managed, studied and inventoried by government biologists, wildlife managers, game wardens, and private scholars. In addition, since the passage of the Endangered Species Act, increasing attention has been given to the protection and recovery of rare, threatened and endangered species, especially on the public lands.

But what of the private lands? Are they becoming sterile? What contribution are the landowners making to the conservation of our natural resources? Surprisingly, little is known. One of the major research problems is the very fact that private lands are private.

Many private landowners eschew publicity and visitors. Some are unwilling or unable to tolerate or manage public visitation and use of their lands. Just as homeowners are concerned about their lawns or landscapings, the owners of farms, ranches, and forestlands worry about trespassers, damage to their crops, lands, trees, domestic animals and property. Many corporate and industrial landowners require considerable security in running their operations. Others derive income from charging for the privilege to use and enjoy the resource; still others

have restricted memberships, and some are accessible only to an exclusive clientele. Nearly all private landowners are worried about the threat of litigation from visitors, invited or uninvited, who might come to some harm on their lands. As litigation has become increasingly prevalent in our society, this fear has become a growing, major, and justified concern. It is often easier for private landowners who are not dependent upon public uses of their lands to simply adopt a policy of excluding the public. This eliminates problems, prevents damage, and avoids lawsuits.

Yet this very exclusivity also offers the opportunity to safeguard natural and biotic resources on these lands. It reduces one of the major growing problems in our affluent and ever more recreation-oriented society: overuse of the land and its resources. We may be in some danger of loving the land to death. Visitors who crowd into more popular national parks, seashores, recreational areas and wildlife refuges can be, and increasingly are, detrimental to the preservation of the very environmental amenities these areas were created to protect and preserve.

In an earlier day, government land managers devoted much of their time to the protection of game species from overhunting; now they increasingly have to protect lands and wildlife from over-camping, over-littering, over-trampling, over-disturbing, and even over-watching. In some parts of the country, the ever-growing throngs of recreational birdwatchers have posed a threat to the survival of rare or endangered species. In their zealous pursuit of adding as many species as possible, especially the rare and vanishing species, to their "life lists," birders can occasionally threaten the breeding success of small and fragile populations. In central Michigan, for instance, in the limited range of the endangered Kirtland's warbler, visitor use has become such a problem that the U.S. Fish and Wildlife Service now allows entry to the area only by officially scheduled and guided field trips.

Yet attempts to close or severely restrict public access to the public lands is hardly popular, and often misunderstood. Recreationists may feel that as taxpayers they can rightly demand access to "their" lands. Attempts to close public lands to off-road-vehicles, hunting, grazing, etc., can generate vigorous protests and letter-writing campaigns that sometimes lead to management decisions that conflict with the successful long-term protection of the resource.

This problem can sometimes be more easily resolved within the secure and exclusive private property of the private sector landowner. Some especially important and productive private wildlife sanctuaries are either closed to public visitation and use or are carefully controlled and monitored at specific times of the season or year to minimize disturbance or harm to the resources. For instance, the National Audubon Society's 26,800-acre Paul J. Rainey Wildlife Sanctuary in coastal Louisiana is closed to public visitors in order to prevent disturbance of the wildlife, and also to minimize management costs. The small population of endangered American crocodiles sequestered within the securely fenced and patrolled confines of Florida Power & Light Co.'s Turkey Point plant, south of Miami, are free from threats of disturbance or poaching. Likewise, the thriving colony of least terns nesting on crushed seashells within Exxon's Grand Isle Gas Plant in the waters off coastal Louisiana, is free from disturbance by fishermen, recreationists and sunbathers who have often disturbed colonies on beaches with ready public access.

Because private property rights in the United States are relatively secure and extensive, private owners have the ability to protect their lands from over use. And as demand increases, it is relatively easy to prevent overcrowding through the rationing mechanism of the price system. Higher entrance fees or user fees will reduce crowding and queuing. Such revenues also provide funds and an incentive for increasing an owner's investments in protection of the resource.

Inventory of Private Sector Natural Resource Conservation Activities

The government's efforts in natural resource conservation are usually well known, well publicized, and well documented. Relatively little is known about what is on the private lands or how well it is being protected. Nor do we know how to encourage the private sector to undertake a greater role in the protection of our natural heritage.

Thus, it is easy to see how some people have come to accept the idea that if natural resource protection is not guaranteed by Washington, D.C., it is probably not being done. The efforts of government wildlife managers and biologists to save endangered whooping cranes and Kirtland's warblers are generally well-known. What we don't read about very often are the quiet efforts of private landowners: a small farmer in Wisconsin who provides habitat for wildlife on his farm; a rancher in Texas who protects rare game mammals; a forest products company that helps hard-pressed, hole-nesting birds by providing nest boxes at cost to landowners; a garden club that preserves rare and endangered flowers; a small land trust in the Great Plains that protects remnant prairie grass preserves.

The rest of this chapter documents some of the outstanding examples of these private sector programs. It is part of a larger attempt by the Council to develop a representative inventory of private-sector natural resource conservation activities throughout the United States. This universe of activities and programs is grouped into a workable number of major functional categories. Within this broad range of categories, encompassing everything from small nature clubs and land trusts protecting only a few acres, to giant corporations owning hundreds of thousands and sometimes millions of acres of lands, case studies of especially innovative programs have been selected for publication in this report.

Major Wildlife and Conservation Organizations

These nonprofit, tax-exempt organizations include the first state, regional and national groups formed to protect and preserve the many species of wildlife that were rapidly disappearing at the turn of the century. They purchased and protected habitat and breeding areas, patrolled some of them with private wardens, and sought enactment of legislation to protect native wildlife species. As ecological and environmental knowledge expanded, new organizations were formed to acquire and preserve representative examples of unique natural diversity and habitat throughout the nation. These various organizations own and preserve a minimum of a million acres of refuges.

By comparison, the U.S. Fish and Wildlife Service owns 9.5 million acres,

outside of Alaska mostly in refuges. The major organizations have often worked cooperatively with the federal, state and local governments to acquire important natural resource areas threatened with development, frequently transferring them to public ownership when legislation and funding made it possible. They have also leased areas from the government that have a particular importance to their concerns and missions and provided intensive management and care to these resources. However, there appears to be an increasing trend for these groups to maintain the areas they acquire in exclusive, private ownership in order to avoid many of the difficult problems arising from public ownership—multiple use, growing recreation demands, and political considerations. The largest and best known of the private, nonprofit organizations is The Nature Conservancy, which owns and manages a national system of nearly 800 sanctuaries (and has preserved some 2.4 million acres since 1951); the National Audubon Society (NAS), which has a sanctuary system of over 63 units totalling over 250,000 acres.

CASE STUDY: MICHIGAN AUDUBON SOCIETY

The Michigan Audubon Society (MAS) celebrated its 80th anniversary in 1984. It was organized and incorporated in 1904 "for the purpose of promoting among the people of Michigan an interest in our native birds for their great economic, cultural, and recreational value; to promote conservation of wildlife and the natural beauty of Michigan in all practical ways; and to cooperate with other organizations working for the true conservation of all natural resources." It is the oldest conservation organization in the State of Michigan and one of the oldest Audubon societies in the nation. MAS became a state chapter of the National Audubon Society in March 1972. Forty-two Michigan Society Chapters serve the Audubon cause in their respective communities.

MAS is a nonprofit corporation and contributions are tax-deductible. It is supported by membership dues and contributions. An Endowment Fund was started in the 1940s and the annual interest goes to the operation and programs of the Society. The Endowment is funded through life memberships, gifts and contributions, and the sale of items contributed to the Craft Shop and birdseed sales.

Annual dues are \$30 for an individual and \$38 for a family, which is a joint membership in the MAS and the National Audubon Society, and the members receive *Audubon* magazine as well as the two publications of MAS, *The Jack-Pine Warbler* and *The Michigan Audubon News*. There are reduced rates for senior citizens and students. The dues are split between MAS and the NAS. The NAS provides assistance and services to the MAS, including help with membership drives. A Life Membership in MAS, which is \$200, is not shared with National and goes directly to the Endowment Fund which is nearly a half million dollars. The current annual operating budget is about \$120,000, not counting restricted funds. Michigan Audubon has about 6,500 memberships, totalling 15,000 members. The membership of 42 affiliated chapters is about 4,000, making MAS the second largest National Audubon chapter in the country.

MAS has operated over the years largely as a volunteer organization, with

a relatively small paid staff of two full-time employees and three part-time employees. For most of its history, its headquarters was wherever its officers lived or worked. However, it now has a business office and an administrative assistant, an extensive library, and maintains one of the largest natural history bookstores in the state. Because of its growing membership and activities throughout Michigan, MAS plans to obtain a full-time executive director in the near future.

Originally started as an organization devoted to the enjoyment and protection of birds when Michigan was predominantly a rural and agricultural state, MAS has increasingly seen its role and mission evolve as more and more people live in urban centers and have less daily contact with nature. The Society believes that the modern environment of "plastic, glass, cement, steel and aluminum makes it difficult to establish rapport with perishable wild flowers, insects, frogs, and birds, or to see important relationships among living creatures and rocks, soil, air and water, much less to comprehend modern man's dependence upon such things for his very existence." Thus, it has undertaken and developed a major educational program designed to meet the needs of the members of a modern society. These include efforts "to develop in the people of Michigan a better understanding and appreciation of our natural surroundings and of the problems we face in the management of natural resources; to provide opportunities for constructive outdoor living through organized programs of study and group activities; and to provide a statewide program of leadership training in the field of nature study and conservation."

Educational Programs

The MAS educational programs include Junior Audubon Camps and Day Camps during the summer, lectures, film series, and programs and courses for grade school through college, including adult education. A Nature Counselors Training Camp is offered for groups such as the YM-YWCA, Boy and Girl Scouts, CYO, and private camps. The two MAS nature centers are actively involved in the education program as they are combination wildlife sanctuaries and outdoor environmental centers. They offer tours for school groups, nature classes, environmental education to the community, a high school naturalist training program, and nature education workshops for teachers. In addition, the centers, in cooperation with Michigan State University, offer courses in environmental teaching and conservation education, and 10-week sessions throughout the year for MSU student-interns who are seniors in biological and ecological studies.

The first nature center to open was the 243-acre Seven Ponds Nature Center in Lapeer County. It was licensed to the Society in 1966 and contains bog-lakes, uplands, fields, woods, and a building for educational activities. The Seven Ponds Center has a director and is partially financed through a separate endowment fund.

The 350-acre Lew Sarett Nature Center in Berrien County was presented to MAS in 1964. It is located in the midst of an expanding urban development area where it preserves a wide variety of biotic resources. The site is on bluffs and bottomlands along the banks of the Paw Paw River and contains upland meadow and forest, floodplain forest, shrub carr (old marsh interspersed with pioneering trees), bog, sedge meadow, and cattail marsh habitats. Improvements

to the area have included the planting of native trees and wildlife food plots and the development of an extensive trail system, including boardwalks and woodchip-covered trails. Several wildlife ponds have been constructed, including one with an island.

As community education is conducted at Sarett, including accredited course work for teachers and MSU students, it has a major environmental interpretive building, a nature lab, and a dormitory for students. The Center also maintains a native tree and shrub arboretum.

Sarett staff includes a director and chief naturalist year-round, and during the winter when educational and recreational programs are expanded, nine naturalist-ski instructors direct a cross-country skiing program. Because of these extensive and costly programs, Sarett is partly funded through its own separate membership program and endowment fund. Both centers charge fees for non-members; each receives about 20,000 visitors annually, mostly students and teachers attending the various educational programs and courses.

Educational programs for MAS members also include seasonal campouts in important natural areas of the state and regular outings to Isle Royal. Field trips are scheduled throughout the year within Michigan and tours are offered to other environmentally significant areas within the U.S. as well as in many foreign countries.

A feature of MAS' annual convention is an annual awards program recognizing individuals, corporations and governmental agencies for outstanding contributions to environmental preservation and wildlife conservation. Corporations are honored for non-monetary contributions to environmental protection.

Nature Activities

MAS' wide range of nature activities includes a major emphasis on censuses of Michigan birdlife: the Christmas Bird Count, the Spring Bird Count, and a statewide winter bird feeder count. MAS cooperates in many wildlife research efforts with the Michigan Department of Natural Resources, including the ambitious task of preparing a Michigan Breeding Bird Atlas covering the entire state in great detail, expected to be completed in 1988. This will establish statewide baseline data for breeding bird populations, help determine trends, and help identify and assist threatened and endangered species.

Many of the chapters are also active in a Recovery Program. Part of this involves the creation and maintenance of bluebird nest box trails, to counter the severe decline in the eastern bluebird population of the western Great Lakes region. It also includes guided tours, given by the U.S. Fish and Wildlife Service (USFWS), of the Kirtland's warbler nesting grounds in central Michigan. This extremely endangered species, whose population has been decreasing alarmingly until recently, nests only in Michigan in stands of young jack pine trees. One concern in the Recovery Program was disturbance of the nesting birds by over-zealous birdwatchers, and recently the USFWS banned unguided access into the limited nesting area. MAS volunteers assisted in replanting young jack pine trees (some 1.2 million seedlings were planted in 1983) throughout the area as well as in the prescribed burns required to maintain optimal habitat.

Sanctuaries and Refuges

The Michigan Audubon Society also maintains a relatively small but significant system of 10 wildlife sanctuaries and refuges throughout the state, totaling about 2,500 acres. Seven are essentially undeveloped wildlife and habitat refuges, two have also become important nature centers offering extensive educational and training programs with staffs of directors and naturalists, and one is a bird observatory. Most of the land was donated to the Society by individuals or trusts, some was purchased by members, and a small amount was purchased directly by MAS. These lands are owned in fee by MAS, with the exception of the Whitefish Point Bird Observatory, which is leased from the U.S. Coast Guard. MAS has not been heavily involved in the use of conservation easements, employing this preservation technique only at the Hachle Sanctuary.

Rather than building an extensive refuge system, MAS' primary emphasis has been on providing sound stewardship for its existing sanctuaries and nature centers. It recently obtained small areas adjacent to some sanctuaries to help protect and buffer them; a few have independent membership programs to help fund their management; several are jointly managed by MAS chapters. Most of the major sanctuaries protect important wetland areas. The purpose of the sanctuary system is to preserve the habitat and wildlife for future generations.

Bernard N. Baker Sanctuary

The most important and significant refuge is the Bernard W. Baker Sanctuary located in Calhoun County in southern Michigan. The first sanctuary in the system, established in 1941, it is also the largest (897.5 acres). It is predominantly wetlands and swamps and is an important nesting and staging area for the sandhill crane. In the 1930s, naturalists had grown concerned about the declining crane population and the increased drainage of its marshland habitat throughout the state. Particularly notable were the efforts of Dr. Lawrence H. Walkinshaw, a dentist and amateur ornithologist, who began field studies of the cranes in the 1920s and who was largely responsible for getting the Baker Sanctuary created. The original gift of 491 acres was probably the nation's first sandhill crane sanctuary.

About 75 percent of the Baker area is water-covered at some time of the year, and marsh grasses and sedges predominate. The Big Marsh Lake and swamp occupy about 200 acres and are surrounded by swampy hardwoods. There is also an important bog with a 40-acre stand of tamarack and some orchid species. There is a large floodplain forest, a large cattail marsh, and a mesic prairie. There are two major trails on the refuge. One is a self-interpretive native wild flower trail that winds through many different habitats that is maintained through an independent charitable foundation endowment. Baker has a resident caretaker, and a lodge on the property that can be used for environmental studies. Future plans call for the construction of a nature center, a museum, and several ponds. The Michigan Department of Natural Resources has also suggested that osprey nesting platforms be erected on the refuge.

The area has been well preserved and the habitat is very similar to what it was at the turn of the century. Some 500-600 cranes now gather during the

fall migration at Baker. Through this and similar efforts to protect and preserve the habitat for sandhill cranes — including wetlands owned or leased by the private, nonprofit Michigan Nature Association, as well as the Michigan Department of Natural Resources and the U.S. Fish and Wildlife Service — the birds have slowly been recovering over the past 45 years.

Baker Sanctuary Oil and Gas Lease

Perhaps the most innovative aspect of the management of the Baker Sanctuary was initiated in January 1981 when the MAS and the Michigan Petroleum Exploration, Inc., drew up an agreement and a "no trespass" oil and gas lease for a small portion of the sanctuary, "for the exploration and production of hydrocarbons in a manner which will preserve the ecology and safeguard the environment of this sanctuary."

The detailed eight-page lease contained stringent safeguards to protect the refuge and to insure strict compliance with the "no trespass" provisions. The lease was to continue for as long as the hydrocarbons could be produced in paying quantities. The primary concern of MAS was to protect the environment for the sandhill cranes, so the "no trespass" lease prohibited operations and activities on the surface of the leased property. The drill site was located off the sanctuary property, using off-site or directional drilling. Drilling was permitted only between 18 December and 10 March to avoid disturbing the cranes, and no seismic or geophysical testing was permitted. To minimize the possibility of any spills, only one hole was permitted to be a producing well, all circulation of drilling fluids was to utilize tanks, plastic-lined pits, etc., so that no drilling fluids would come into contact with the surface of the earth. To prevent the possibility of subsurface water contamination, an inground casing system had to be cemented from the surface into the bedrock. Further protection was mandated through the installation of high-efficiency mufflers on drilling equipment and electric motors to minimize noise; the company agreed to minimize any odors, and all production equipment was painted medium moss green to blend with natural surroundings. All waste material had to be disposed of properly and the company agreed to pay in the event of any inadvertent damages.

Michigan Petroleum Exploration agreed to pay MAS a royalty of 18.75 percent of the proceeds at the prevailing market price from the sale of any hydrocarbons. The Company also paid all attorney's fees and reasonable expenses in drafting the lease. In addition, it paid for a monitor appointed by MAS to oversee operations and insure environmental protection, as well as for a more extensive research and monitoring program. MAS will repay these initial expenses from future royalties.

A producing well was brought in and the Michigan Audubon Society received about \$100,000 in royalty payments in the first year. Production is now dwindling and royalty payments are down to about \$50,000. However, these sizeable royalties helped the Endowment Fund grow considerably, so that MAS is better prepared to continue its mission. Thirty percent of the interest from the mineral royalty endowment goes for maintenance and improvement of other MAS sanctuaries.

Given the conventional polarization between pro-development and pro-preservationist philosophies that has developed during the environmental decade

of the 1970s, this was an important and innovative development, especially since the National Audubon Society has argued that economic development was incompatible with the preservation and protection of federally-owned wildlife refuges. The results have shown that with careful stewardship and clearly defined property rights and obligations, petroleum production and wildlife can coexist.

MAS initiated an environmental study of the Baker Sanctuary "to assess the efforts of the hydrocarbon development on avian populations." The initial report concluded:

"These data do not suggest any impact of hydrocarbon development on avian populations that is overriding the pattern of vegetation and natural population variations typical of the sanctuary. Furthermore, the birds breeding in the sanctuary in habitats adjacent to the well site were not noticeably disturbed by the presence of humans or the noise of the well-drilling. Also contributing to the apparent lack of effect was the location of the well off the sanctuary and the winter-early spring drilling activities which were completed before the majority of breeding species had arrived."

Recently, another oil company has approached MAS about obtaining a "no trespass" lease to explore another area of the Baker Sanctuary. The Society has also recently become a member of the Kalamazoo County Chamber of Commerce.

Other Sanctuaries and Refuges

Another major wildlife refuge is the Phyllis Haehnle Memorial Sanctuary, 705 acres of predominantly marshland along the Portage River in Jackson County. It contains Mud Lake Marsh, Bogus Lake, and the edge of Eagle Lake. It is a major haven for sandhill cranes, with a total of 1,800 counted in recent autumns. Black terns nest on the refuge and it contains a threatened orchid species. It is under the joint stewardship of the Jackson Audubon Society and the MAS.

The Whitefish Point Bird Observatory is an independent nonprofit organization sponsored by MAS and a number of other groups, and receives some funding from the USFWS for its ornithological studies. It is partly maintained through its separate membership dues program. Located on the Upper Peninsula on the shore of Lake Superior, it is a major spring migration bird concentration area with counting and banding of raptors being its major scientific contribution. The notable spring flight includes 15,000-25,000 raptors and 5,000-7,000 loons. It is staffed by a paid seasonal director and four assistants.

All MAS sanctuaries are open to the public; however, they do have restrictions controlling their use. Some 50,000 people visit the sanctuary system each year. The Whitefish Point Bird Observatory receives a few thousand visitors. The number of visitors to the various refuges is unknown as they have no staffs and visitation ranges from individuals to busloads of birders.

Publications

The Society also has an active publication program which includes calendars, nature notes, guides to attracting and feeding birds, bird-finding guides and checklists. MAS publishes a quarterly magazine, *The Jack-Pine Warbler*,

which was started in 1932, and carries articles of scientific research dealing with ornithology and natural history. Funding for the magazine is achieved partly through a special endowment from the sale of used books contributed by MAS members. A bimonthly newsletter, *The Michigan Audubon News*, was started in 1952 and contains news of general interest to conservationists and environmentalists, reports on the activities and programs of MAS and its chapters, and covers important environmental legislation and problems within the state and nation.

MAS and its chapters have played a major role within the state to promote the protection of Michigan's wetlands, to create a Michigan nongame tax check-off program administered by the Michigan Department of Natural Resources, and to monitor the U.S. Army Corps of Engineers permit applications.

The Michigan Audubon Society had much to celebrate upon its 80th anniversary in 1984, and its achievements over the years indicate what can be accomplished with a small staff, a limited budget, a strong sense of mission, an enthusiastic network of dedicated volunteers, and reliance upon private initiative. [Michigan Audubon Society, 409 West E Avenue, Kalamazoo, MI 49007]

Land Trusts, Watershed Associations

These nonprofit, tax-exempt organizations include some of the earliest private attempts to preserve and protect natural resources, open space, and scenic, historical and archaeological sites. Most are local efforts; some are statewide. The majority have annual budgets of less than \$5,000; a few have budgets in excess of \$1,000,000. Most have very small full-time and part-time staffs and rely extensively upon local, volunteer help. In total, there are between 400 and 500 organizations preserving about 700,000 acres. These trusts and societies have played a disproportionately significant role within their regions by their early identification and actions to preserve important examples of vanishing natural resource amenities. About 200 of them are located in New England where population growth, and economic and agricultural development first had a negative impact on natural areas, scenic and historic sites. At least 80 are located in Connecticut, the fourth most densely populated state.

CASE STUDY: THE TRUSTEES OF RESERVATIONS

This nonprofit, charitable corporation was founded in 1891 for conservation purposes to protect the countryside of Massachusetts, especially to preserve for the public its "beautiful and historical places and tracts of land." At present The Trustees of Reservations (TTOR) have acquired and are custodians for 68 properties from western Berkshire County to Cape Cod, Martha's Vineyard and Nantucket, totalling some 16,215 acres. These lands have been acquired in fee through gift, bequest, and purchase with funds raised for acquisition. An additional 55 areas and 5,071 acres are protected through conservation easements and restrictions. Another 50,000 acres are indirectly protected.

This was the first independent organization in the United States established for the purpose of land preservation. Its purpose was to preserve in perpetuity areas with unique natural importance, scenic beauty, and historic value. TTOR

served as the model for the creation of similar trusts elsewhere, beginning in 1894 with The National Trust for Places of Historic Interest or Natural Beauty in England, which adopted its articles of establishment directly after TTOR's. The National Trust for Scotland in 1935 and the U.S. National Trust for Historic Preservation in 1949 were also patterned after the TTOR. Commenting on the 90th anniversary of its founding in 1981, the English magazine *Country Life* noted in an editorial that TTOR was "the effective inaugurator of the Trust movement" throughout the world.

Much of the credit for developing the idea of "promoting conservation through voluntary agencies" must be given to Charles Eliot. In February 1890, long before the current concern for environmental preservation, Eliot, son of the then president of Harvard College, wrote to *Garden and Forest* magazine, urging the protection of the countryside throughout Massachusetts. He expressed concern that "several bits of scenery which possess uncommon beauty and unusual refreshing power are in daily danger of destruction." He further urged the establishment of "an incorporated association composed of citizens of [Massachusetts] and empowered by the state to hold small and well-distributed parcels of land free of taxes, just as the Public Library holds books and the Art Museum pictures for the use and enjoyment of the public."

In 1891, The Trustees of Reservations was founded by Act of the Massachusetts General Court to hold and maintain for the public, under suitable rules and regulations, "beautiful and historical places and tracts of land within this Commonwealth."

Membership Organization

The Trustees of Reservations is a membership organization and is funded through membership subscriptions as well as gifts of money and land by individuals, corporations and foundations. Contributions are deductible under federal income tax law. Membership categories range from individual at \$20 to sponsor at \$500, and there is a special category for subscriptions of \$1,000 or above, The 1891 Society. Members receive decals and cards, free admission at historic house museums and many other properties, and discounts on tickets to two of their most popular properties, Richard T. Crane, Jr. Memorial Reservation (Crane Beach) and Rocky Woods. Members also receive the illustrated *A Guide to Properties of The Trustees of Reservations*, a quarterly Newsletter, the Annual Report, and invitations to field days, outings, special events, and lectures. Members of The 1891 Society are invited to two special outings each year.

In 1983, the operating budget of The Trustees of Reservations topped two million dollars for the first time in its history. It consisted of total income of \$2,058,153 (a 14 percent increase over 1982) with total expenses of \$2,108,975 (a 13 percent increase over 1982). The basic operations of the organization are funded by memberships, annual gifts, admissions fees and the income from various endowment funds and trusts. Memberships and contributions have risen significantly in recent years as a result of diligent efforts to broaden the membership base and to conduct successful fund-raising efforts.

TTOR has two types of memberships, general and Friends. In 1983, total membership reached 3,811, contributing \$182,004 in dues—representing a 22

percent membership increase and a 13 percent dues increase over 1982. Of that total, 990 members (\$39,240) were general memberships, with the dues helping to balance TTOR's annual operating budget; 2,281 members (\$142,764) were Friends memberships, whose dues are used exclusively for the annual operating support of individual TTOR properties affiliated with each of nine geographic Friends groups.

Additionally, there is the Annual Appeal which provides vital support for operating expenses. In 1983, it raised \$291,049 (24 percent more than in 1982) from 1,324 donors (a 26 percent increase over 1982). General contributions of \$198,049 came from 917 donors—a number of which were not members, and designated contributions from 407 contributors raised another \$93,000. All told, total gift income in 1983 was \$473,053 from 5,135 donors and members.

The Trustees of Reservations is a very decentralized and highly volunteer-dependent organization. The governing board of the organization consists of a 14-member Standing Committee which meets monthly with an Advisory Council. The officers of TTOR and the members of the Standing Committee are elected annually by the 150 Trustees or "members of the corporation." There are also a number of special subcommittees under the Standing Committee.

The full-time staff is quite small, only slightly more than 40 employees. During the busy summer season, part-time employees bring the staff to over 170.

There are also five Regional Committees dealing with management and budget issues for the properties within their regions. Voluntarism is most prevalent at the local level. Nearly all of the 68 reservations have a Local Committee, consisting mainly of area residents, whose special knowledge of and concern for the properties is tapped for advice and volunteer assistance in management of the reservations. Volunteers make up the bulk of all the committees, from the Standing Committee to the smallest Local Committee.

The various management regions have a great deal of autonomy in developing the long-range ecological and management plans for the various reservations. They rely on the professional field staff, volunteers and, occasionally, consultants. Management Regions also have paid Superintendents.

A Museum of the Massachusetts Landscape

With its 68 acquired properties or reservations and 55 conservation easement/restriction areas protecting over 21,000 acres throughout the state, The Trustees is virtually "A Museum of the Massachusetts Landscape."

Its properties include everything from wildlands, natural sites, and open space, to historic homes and formal gardens. The lands they have acquired include both natural areas and landscaped areas, preserving ecology as well as scenic beauty and historic sites. The many historic homes are used as museums. They also protect significant areas of the state's geology, archaeology, landforms, botany, and ornithology as out-of-doors museums.

The reservations include examples of scenic and natural sites including "brooks, rivers and waterfalls, glens and chasms, forests and swamp lands," and wildlands such as "ocean beaches and sand dunes, ferns and wildflower communities, bogs, mountain tops, shorebird rookeries, deer runs, deep woodlands where bear roam, and ponds still inhabited by beaver, muskrat and otter." Examples of an earlier countryside are preserved as "rolling fields and forests,

pastures and stone fences, colonial farmhouses and barns." Outstanding examples of formal landscapes include "great houses and their gardens, sweeping lawns and statuary, terraces and courtyards, stately shade trees, shrubs and flowers."

Preservation Mission

Preservation in perpetuity is the primary purpose of The Trustees and this sets them apart from public agencies which are primarily interested in providing recreational opportunities. For the TTOR, preservation takes precedence over recreation, whenever conflicts between enjoyment and preservation arise, since preservation of the scenic and ecological values of its properties is its goal.

This goal is spelled out in TTOR's management policy:

"Preservation is our primary purpose, and thus we necessarily encourage visitation of a lower intensity than most of the public resource agencies which are engaged as well in providing opportunities for recreation. We may also appropriately discourage use of properties where such use is of an intensity which may jeopardize basic scenic and ecological values as well as the quality of the experience of the individual visitor.

"In individual cases the interpretation and administration of this policy must be left to management decisions which reflect specific local conditions. Hence the actual operation may vary from time to time, as ecologic conditions and/or patterns of use vary. Under normal conditions we will leave the operating decisions to Regional Supervisors and Reservation Local Committees. Where such decisions are seriously questioned, appeal may be made to the Committee on Management and Protection and, ultimately, to the Standing Committee.

"In all cases, the decisions will inevitably be 'judgment' decisions in which preservation and conservation are recognized as the dominant criteria with the maintenance of the tranquility of the area and its passive enjoyment by the general public as *secondary*. Thus, a particularly sensitive area may be closed entirely to public access, for a time; or an area may be open to a limited number of persons at any one time."

This policy illustrates one of the major strengths of private sector ownership: flexibility, adaptability, and the ability to make immediate policy changes at the local level. Most of the reservations have long-term master plans, especially the larger ones, or else they are being prepared. Currently, Doane's Falls, a 30-acre property near Royalston in central Massachusetts, which preserves a spectacular series of waterfalls and deep pools where "Lawrence Brook flows through a granite gorge crowned with pine and hemlock on its way to Tully River" is suffering from overuse. "Growing intensity of public use is compacting trails, increasing the accumulation of litter and jeopardizing the tranquility of the area." The Local Committee is now considering various management alternatives.

Public Education

Nevertheless, The Trustees recognizes that use and preservation are not necessarily contradictory, and realizes the value of educating the public and receiving

support that comes through wise use of its properties. Part of its mission is education, and the various properties are managed as education museums for the public. There are interpretive programs for visitors associated with most of the properties, which include guides, lectures, booklets, folders and leaflets, panel displays, interpretive trails, etc. Many properties have hostesses, guides, wardens, and naturalists. Some have visitor centers.

Furthermore, revenues from admissions fees, user fees, the sale of booklets, and special events make a major contribution to the annual operating budget, and the upkeep and maintenance of the reservations. In recent years, reservation receipts and sales have averaged 35 percent of annual operating income.

The Trustees of Reservations acquires, protects, and manages areas for a number of reasons. These include the following categories: agricultural and forest lands, historic and archeological sites, rights-of-way, scenic and recreational areas, wildlife habitat, and wetlands and coastal areas.

Two units typify the scope of the organization's interests. *Bear's Den*, a 3.4 acre area in North New Salem, consists of a tiny grotto with a sparkling waterfall on the Middle Branch of the Swift River, where legend says King Philip gathered with his Indian chieftains in 1675 to plan the march and massacre of settlers in Deerfield. This was acquired as a bequest of Mrs. Grais Burrage in 1968. *Crane Beach* is 1,352 acres of dunes, woodlands, and marshes and four miles of ocean frontage in Ipswich, about a 90-minute drive from Boston. This is the most heavily used natural area owned and run by any private, nonprofit group in the United States. It receives over 500,000 visits per year. Its staff reaches 60 during the summer peak-use period. The admission price is \$6.50 per car. There is now a year-round user fee. Previously, there had been none in the winter, but uncontrolled access caused problems. The revenues are used both to oversee the visitors as well as to care for the area and conduct scientific and educational activities, including the protection and management of the area's colony of nesting least and common terns.

The organization also maintains a broad outreach program involving education and proselytizing. It provides counselling in land preservation techniques to private landowners, conservation commissions, planning boards, local land and conservation trusts, community organizations, and citizens. In addition to these general programs promoting the wise use of open land and the preservation of natural areas, it has several quite specific programs. These include a forest demonstration project showing private forest landowners how to improve the scenic values of their land and protect wildlife and habitat, while producing income from the sale of selective timber resources.

As The Trustees of Reservations enters its 94th year, it stands out as a model of far-sighted thinking regarding the need to set aside representative examples of the natural and historic landscape for the perpetual enjoyment and education of the people. The innovative approach of using a voluntary, nonprofit organization to hold, in trust, assets for the use of the public, helped to create an adaptive and flexible method of preserving areas which governmental entities did not have the mandate or finances to protect. TTOR has helped spawn a variety of private land trusts, and has worked cooperatively with government at all levels to encourage the creation of programs to protect natural landscapes throughout the country. [The Trustees of Reservations, 224 Adams Street, Milton, MA 02186]

CASE STUDY: THE ARCHAEOLOGICAL CONSERVANCY

The Archaeological Conservancy (TAC) was founded in 1979 as a nonprofit membership organization for the purpose of "the permanent preservation of the most significant prehistoric sites in the United States." TAC cooperates with government, universities, museums, private conservation organizations, corporations and private landowners to acquire lands for their permanent preservation as archaeological preserves. They have an Eastern Regional Office in New York City and they publish *The Archaeological Conservancy Newsletter*. Stewart L. Udall is the Chairman of the Board.

TAC has a current membership of 3,000, consisting mostly of individuals, plus a few organizations. Membership dues run on a sliding scale beginning at \$25.00.

TAC works mainly through state historic preservation groups and local archaeologists to identify important sites for protection or acquisition, usually in fee simple, although it will also accept archaeological easements.

TAC own 27 archaeological preserves in 11 states. The sites are generally very small and thus acreage is not significant, totalling 800-900 acres. Some preserves are less than one acre; some cover several hundred acres. TAC believes the best protection method is fee simple acquisition. If that is not possible, it will use easements, as was done to protect a series of sites all located on one property in California. It is also working with easements in other states.

Due to the nature of the resource and the difficulty of protecting archaeological sites, all of their preserves are closed to the general public, but open to professional archaeologists. TAC does not itself excavate sites, but accepts project proposals from reputable archaeological teams to work a site. These are carefully evaluated before being approved because preservation of the site and its associated informational value is of primary concern.

Conservation Archaeology

The Archaeological Conservancy is a firm believer in "conservation archaeology." The philosophy and practices of archaeology are changing rapidly. Formerly, it was "treasure" oriented. Early techniques were to dig up the site and put the relics in a museum or on display. Today it takes much longer to work a site. The emphasis now is to learn as much as possible about how the inhabitants lived. Modern archaeologists examine seeds, pollen, bones, ashes, wood fragments, stone and shell beads, etc., in order to determine what the past climate was, what crops were used, what animals were hunted or domesticated, what trade routes were followed, and what the nature of the culture and society was. TAC believes that in a hundred years, archaeologists will be able to learn still far more from a site than they can today with present techniques, technologies, and philosophies. Thus, the permanent preservation of a site is more important than working it now. TAC believes the best thing one can do to an archaeological site is to leave it alone.

While a few archaeological sites are owned by universities or museums, and many are protected on public lands, a significant number are on private land. This is not only true in the East but also in the West, where vast amounts of the land are owned by the federal government. Because of the importance of

water in the arid West, the Anasazi often settled along river valleys, in riparian areas, or near springs. However, these are also the areas that were usually home-steaded by settlers and are now cattle ranches, farms, homesteads, etc. Thus, although many western states have a large percentage of land in government ownership, a disproportionate number of archaeological sites are located on private lands.

A majority of the sites on private land are unprotected, except to the extent that they are protected from trespass and disturbance as private property, and there is seldom legislation to prevent these sites from being looted. The Archaeological Conservancy was created to monitor hundreds of such sites around the country and can often step in quickly to acquire them if they are threatened by development or looting.

Part of TAC's mission is also educational: it actively proselytizes. TAC members will meet with large corporations or ranchers who are unaware that they own land that contains an important archaeological site. If petroleum or mining exploration or development threatens a site, they will provide advice on how to minimize disturbance to the site, and might suggest the selection of alternate drilling locations.

Tax Treatment of Sites

A very important issue for The Archaeological Conservancy is the tax treatment of archaeological site preservation and easements. Most of its preserves are donated to TAC, and the value of the contribution is an important concern of the donor. Is the value based on historic value or on the value of the artifacts in the ground? Is it based on current land use practices such as ranching or timber production or on alternative uses such as housing subdivisions? Generally, the donor receives a federal income tax deduction equal to the base value of the land. The IRS usually resolves these disputes through private letter rulings which do not set a precedent. TAC believes it would help its mission immensely to resolve such issues through the creation of standardized evaluation procedures, as it would likely then receive more site donations.

TAC notes that while the easement evaluation issue is critical for much of the land trust movement, it has not been a pressing issue for TAC which makes limited use of archaeological easements. Those it does have on rural land have little value.

TAC has increasingly been working with developers in an attempt to try to save sites by having the developer create an open site or open space within the subdivision, which would then be given to TAC. The landowner or developer receives a tax deduction, may well increase the value of the development through including open space, and gains favorable publicity for the conservation effort. [The Archaeological Conservancy, 415 Orchard Drive, Santa Fe, NM 87501]

Large Corporate Industrial and Private Landowners

This category includes tens of millions of acres of lands owned by major private, and often well-known businesses throughout the country. The sheer

size and extent of the lands owned by many of these companies and individuals places them perforce in the wildlife, habitat, and recreation management business. The lands are vast reservoirs of natural diversity, wildlife habitat and wildlife species, and also provide numerous opportunities for outdoor recreation. Increasingly, the owners are recognizing the profit potentials in managing these lands for the provision of public amenities for fee access, as well as the public relations and corporate goodwill aspects of demonstrating their concern and sound stewardship of the environment.

CASE STUDY: NORTH MAINE WOODS, INC.

North Maine Woods (NMW) is one of the most complex and innovative programs of multiple use of private lands for commercial timber production and public recreation in the country. This is a vast multi-ownership region of undeveloped, primitive forestland covering some 2,783,170 acres (about 4,349 square miles) in the northwest corner of Maine, abutting Quebec and New Brunswick, and extending 90 miles from North to South and 72 miles from East to West at its widest points. It includes two of the most noted wild rivers in New England, the Upper St. John and the Allagash, both of which have numerous whitewater stretches. The 92-mile long Allagash Wilderness Waterway is completely surrounded by the NMW. The area contains a great many smaller rivers and streams, numerous lakes, ponds and bogs. Some 170 lakes and ponds have been surveyed and mapped by the Maine Department of Inland Fisheries and Wildlife. The rolling, uneven glaciated terrain consists of many hills and mountains, some over 2,000 feet in elevation, interspersed with narrow valleys. The region is heavily forested and abounds with fish and wildlife.

This is predominantly an area of northern coniferous or boreal forest associations dominated by spruce and fir, but containing many other species, including hardwoods. There are also many species of wildflowers. The resident mammals include snowshoe hare, red squirrel, beaver, muskrat, porcupine, (Eastern) coyote, black bear, raccoon, weasel, mink, river otter, marten, fisher, bobcat, lynx, moose, and white-tailed deer. Among the avifauna, including a variety of species at or near the southern edge of their breeding ranges, are common loon, common goldeneye, golden eagle, bald eagle, northern goshawk, spruce grouse, three-toed woodpecker, black-backed woodpecker, olive-sided flycatcher, yellow-bellied flycatcher, gray jay, boreal chickadee, winter wren, several types of thrushes, Philadelphia vireo, some 21 species of wood warblers, white-throated sparrow, Lincoln's sparrow, and a number of northern finches. The area is particularly noted for its excellent fishing, which includes brook trout, lake trout or togue, landlocked salmon, and whitefish.

Commercial Forest

The North Maine Woods was largely pristine wilderness until the land was first put up for sale in township units of 36 square miles when Maine separated from Massachusetts in 1820. Many of the original speculative purchases were by groups of individuals, and these joint ownerships—passing down from generation to generation, or sold to other individuals or groups—continue to this day. Forest products and paper companies began to actively purchase land

around 1900, but often the complex, undivided joint ownership patterns remained, with a township ownership consisting of a large corporation and many heirs (sometimes hundreds) of the original estates. Few people actually live on the land today, probably fewer than in the last century, and many of the small individual owners have their lands managed by private land management companies.

There are currently 20 landowners or landowner groups—about half of them industrial and forest products companies, the other half the heirs of the original landowners. (The State of Maine Bureau of Public Lands and Bureau of Parks and Recreation own roughly four percent of the northwoods.)

The undivided land ownership pattern operates by having the management costs (including taxes) taken from the timber harvesting and other commercial enterprise revenues, with the net profit or loss divided among the owners according to their percentage of ownership. Construction and maintenance of roads is done in conjunction with specific operations and is usually paid for by the owner conducting the operation; in areas of multiple ownership, costs are shared proportionally among the landowners.

This vast forest region was originally bought for its timber revenue potential and is actively managed for commercial timber production. Extensive portions of the region have been cut three times, occasionally in clear cuts, and today the fourth generation is being harvested. The owners refer to the land as a "great tree farm." However, this is not a tree farm in the sense of the single-species, even-aged plantations of the Southeast. The owners call it a tree farm to stress that it is not wilderness, but is a managed, commercial working forest.

The predominant coniferous forest species are red, black and white spruce and balsam fir. Spruce and fir regenerate naturally and very easily—indeed they reseed so easily that it is often difficult to create true plantations. The natural regeneration is so extensive that expensive preparation work is rarely necessary following cuts. One of the few operational needs is to thin out the new stands. While these forests are managed, therefore, less than 10 percent of the land is planted in coniferous species and much less than five percent is managed in a very intensive manner involving nursery-produced "super trees."

The vast majority of the area is reproducing naturally, either as predominant northern coniferous forest or on some soils as mixed forest containing conifers and northern hardwoods. The natural mixed forest consists of spruce, fir, white pine, some hemlock, red and sugar maple, beech, yellow and white birch, and aspen. There are also limited areas of rugged or inaccessible terrain that have not been cut.

Most people would likely consider this vast region a wilderness because there is no real development. Throughout an area twice the size of the State of Delaware, there are no towns, no motels, no restaurants, stores, gas stations, tow trucks, or services of any type. Users must be well-equipped and self-reliant as there are no rangers, lifeguards, etc. Yet the area has been cut over, it is actively managed for timber, and it is interlaced with logging access roads. The region is, therefore, not genuine wilderness. Nevertheless, it provides a unique backwoods experience for most of the thousands of recreationists and sportsmen who use the woods each year.

Managing Public Access for Outdoor Recreation

Prior to the 1950s, the area was largely inaccessible and public access for hunting, fishing, canoeing, camping and hiking was largely done on foot, by canoe, or by floatplane, often with the assistance of the professional guides and outfitters located in the towns outside the perimeter. After log drives on the rivers were prohibited, road construction increased dramatically to provide the infrastructure to move timber to the marketplace. An expanded system of private roads has been developed, totalling over 5,000 miles of permanently maintained gravel roads and several thousand additional miles of unmaintained temporary roads. Still, the primary purpose of the road system is for the transportation of raw materials, and visitors are advised that driving over 30 miles per hour is dangerous. Logging trucks have the right of way, with visitors required to pull over or off the roads.

The development of the expanded road system coincided with the boom in outdoor recreational activity, increased leisure time, and greater discretionary income that occurred in the 1960s. With more and more public demand for recreational access to these lands and the availability of access through the expanded road system, complex problems involving management of visitors arose.

The roads were constructed at the landowners' expense for timber harvest operations. Their use by private individuals caused many conflicts and problems over road erosion, safety, overcrowding and overuse of popular camping areas, rubbish and trash removal, and the ever present problem of forest fires. In order to deal with the growing number of such issues, the 20 landowner groups formed a nonprofit corporation or association, North Maine Woods, Inc., to develop a program to manage public use.

Access and Checkpoints

A technique was devised to control access to the woods through 17 checkpoints and 16 access roads, where visitors were required to register, pay fees for different types of use and obtain permits for campsites. Visitors were required to log in and out at the checkpoints on every visit, even if they had season passes. When the control program and fee schedule were initiated in the early 1970s, there was negative reaction from hunters, fishermen, canoeists and campers who had enjoyed free, unrestricted use. This huge area had always been used by recreationists and sportsmen and the quality of its hunting and fishing was widely known throughout the Northeast and much of the entire nation. While many landowners were not especially sanguine about public use of their private property, they recognized that such use was a tradition, that a number of professional guides and outfitters derived their livelihood from it, and that in any case attempts to limit it would create ill will and would be difficult and costly. Thus, some landowners had already developed their own systems of checkpoints, gates and permits, which were often cumbersome and conflicted with other areas. Now the improved, well-run and clearly-defined system is generally well accepted by the vast majority of the public and has become an efficient management tool in creating a unified, coherent order throughout the many landholdings.

User Fees

User fees allow the association to improve campsite access roads, construct new authorized campsites, prevent crowding and provide guidance to recreational visitors. Private landowners can concentrate on land management rather than on cleaning up after visitors. Revenues from the user-fee system have been used for a number of programs, including trash collection, public education, and campsite improvement, such as the installation of anchored steel firerings and the provision of picnic tables, and privies. The latest program involves controlling overuse by improving campsite access roads and securing shorelines by installing rip-rap. However, the fees do not cover all the management and operating costs for recreational use and the difference is paid for by the private landowners on a percentage of their ownership acreage.

Some 247 individual campsites are now available in 123 authorized camping areas. The sites are still primitive (there are no hookups) and widely spaced, and usually consist of space for a tent or recreational vehicle or pickup camper. Fires must be built in the steel firerings that are anchored in the ground. There is abundant dead and down wood for fires. Rock fireplaces are allowed only in certain designated areas and can only be used after obtaining a Maine Forest Service fire permit. There are usually privies and all sites now have rustic cedar picnic tables and 10 percent have primitive picnic table shelters.

Recreational Seasons

North Maine Woods is open for seven months of the year, from May through November. Since the system was instituted, there has been a slow but steady growth in visitor days from 121,000 in 1974 to 189,000 in 1984. The visitor days break down roughly as: 40 percent for hunting, 23 percent fishing, 13 percent visiting private, leased camps, nine percent camping, and nine percent canoeing. The remaining six percent is for picnicking, guided tours, and hiking. The various uses by month are concentrated accordingly: hunting in October and November; fishing in May and June; visiting private leases is uniform throughout the season; camping is relatively uniform with a slight peak in July and August; and canoeing runs from May through August, although it is highly variable depending upon the river flow.

NMW's summer season extends from the May opening to the end of September, and the fall season runs from late September through the end of November. The summer is a multi-purpose season, while the fall is primarily for hunting. During the hunting season, there are often quotas on the use of campsites to protect the area from overuse and to avoid crowding. Quotas are applied at other times to limit visitor pressure in especially popular areas.

All recreational visitors must register and pay various per person fees. Reservations are accepted, but must be made at least a month in advance. Those under 15 years of age, and Maine residents over 70, are admitted free. The fee system for other Maine residents is: \$2.00 per day, \$3.50 per night/camping, \$12.00 for a day-use season permit, and \$17.00 for an all-purpose season permit. Non-residents of Maine pay \$3.50 per day, \$4.50 per night/camping (with a \$28.00 maximum for up to two weeks, when the daily fee resumes), and a day-use season permit with no camping for \$28.00. The land use fee system

for the fall season is the same as for the summer season. There is a \$5.00 fee for passing through checkpoints before or after hours.

There are also some 400 leased camps throughout the NMW, including about a dozen commercial sporting camps, with the leases negotiated by the individual landowners.

No mobile homes are permitted, single vehicles must be less than 24 feet long, and vehicles with trailers less than 44 feet long. Four-wheel drive vehicles are permitted only on roads and old rights-of-way. Trail bikes, motorcycles and all-terrain vehicles are not permitted. During the winter, there is free access for such activities as snowmobiling and cross-country skiing on unplowed roads, and ice-fishing.

Camping is not permitted for more than two weeks in any one location. Camping by backpackers and hunters is allowed in other than authorized campsites in certain areas, but an advance fire permit from the Maine Forest Service is required. Back country users are on their own; there are no marked trails except for the limited road system, so the use of topo maps is strongly advised.

Canoeing is one of the five major uses of the NMW. Passage to the state-owned Allagash Wilderness Waterway is available through four checkpoints and the prevailing daily fee of \$2.00 or \$3.50 is charged. Overnight camping on the Allagash is permitted only in authorized campsites, and is subject to special use rules.

There is considerable use of the Upper St. John River, which runs north for some 134 miles through the NMW. Seven checkpoints are available for access to the river. All canoeists must register, and must camp only at authorized sites. Firerings and picnic tables are provided at all sites, picnic table shelters and outhouses are available at some. Optimum canoeing conditions usually exist during May and early June, and about 70 percent of all canoeing takes place during the week around Memorial Day. NMW provides current reports on water conditions.

Public Education

One of the major problems and expenses in the area has been the removal of trash and litter. A major educational and management effort has been made to instill the spirit of "Carry In-Carry Out." There are disposal barrels at checkpoints and other areas, in addition to which visitors are provided with litter bags (some 9,000 in 1984) to help cart their trash out. NMW publications also remind visitors that under Maine law there is a maximum \$100 fine for littering.

The association has maps of the North Maine Woods available for \$1.00 and a waterproof brochure and map of the St. John River for \$2.50. Other literature which is distributed free includes order forms for lake survey maps, a list of cooperating flying services, sporting camps, outfitters and professional guides, and Maine hunting and fishing regulations, etc.

Compared with Baxter State Park

This truly unique and innovative program, covering a vast area of private lands—as large as two Delawares or four Rhode Islands—and owned by a multitude of landowners, has proven to be an effective and practicable way of

using extensive primitive, undeveloped forested areas for the profitable provision of natural resources, while at the same time providing the public with ample opportunity to enjoy and experience low-cost environmental amenities—recreation, sports, fishing and hunting.

When one considers the cost of taking a family to a movie or a baseball game, one can appreciate the relatively low cost of this form of recreation. Furthermore, the fee structure is at least comparable to that charged at nearby or equivalent government-owned areas. Baxter State Park, located at the southern border of the North Maine Woods, is one of the largest state parks in the nation, covering some 201,000 acres. It was originally logged in its early history. Baxter charges \$3.00 per night, per person, for a campsite with a lean-to or tent space, with a minimum fee of \$6.00. NMW charges \$3.50 per night, per person, with no minimum. Baxter admits children under seven years of age free; NMW is free under 15 years. Furthermore, Baxter State Park does not have reduced-rate season permits for overnight camping. Thus, not only is NMW comparable to state parks, but it is considerably less expensive after a visit of a few days or if a family has school-age children. Baxter has identical fees for residents and non-residents, but a stay by a single out-of-state visitor would be cheaper at NMW for any period over nine days, and Baxter charges an additional fee for out-of-state vehicles. Baxter recreational and camping opportunities are more extensive than NMW because some campsites have bunkhouses and cabins, and rental canoes are available. The Allagash Wilderness Waterway charges \$2.00 per night for resident campers and \$3.00 per night for non-residents, which is somewhat cheaper than NMW's fees for use of the Upper St. John River campsites. Baxter State Park has averaged 107,896 visitor days over the past four years, which covers a year-round season, including a restricted-use winter season.

As noted, NMW does not cover all its associated management costs through the current fee structure, but the owners believe the losses are reasonable and are helping to make an important contribution to the state by accommodating and managing public recreation use.

A Partnership

North Maine Woods calls itself a "Multiple Ownership Area under Multiple Use Management." They state: "It is an organization. Landowners—big and small—corporations, individuals, and families have joined with Maine's natural resource agencies in a partnership to solve today's problems and plan the wisest multiple use management for the future. It is a spirit. Past and present; man and nature meet here. Men who make their living from the woods and men who relax here love this area. And through North Maine Woods, they work together to see that while they take forest products, fish, wildlife, and pleasure from this great region, they take nothing that will make it any less in the future than it is today."

The North Maine Woods association is trying not to encourage increased use of the land and does not publicize or advertise. It does not want to increase recreational demand, but is willing to accommodate the public that comes to the area. Because the land and roads are used primarily for timber production, increased use would only lead to more serious problems: it costs a lot of money to keep the logging roads safe and at the same time manage their use by

thousands of visitors. The landowners are sharing their land with the public as a gesture of goodwill to recreationists. NMW must also work with U.S. and Canadian Customs and the U.S. Border Patrol to prevent passage through the area into Canada, and to see that Canadian visitors leave by the same border entry points they entered.

This successful approach to many complex use and management problems has demonstrated that economic development, environmental protection and outdoor recreation can be compatible. This is especially true, and important, in Maine where the vast majority of the land is under private ownership. A mere 136,000 acres are owned by the federal government, which amounts to only 0.685 percent of the land area of the state—the third smallest percentage in the nation, and underscores not only the importance but also the significant contribution that the private sector can and does make to the protection of natural resources and the provision of recreational opportunities. North Maine Woods is playing a vital role in the protection and maintenance of America's unique natural heritage. [North Maine Woods, Inc., P.O. Box 382, Ashland, ME 04732]

Wildlife Sanctuaries, Preserves and Research Foundations

This category includes both nonprofit and profit-seeking organizations involved in the conservation of wildlife and habitat. Although relatively few in number and small in size, such groups have made significant, often unique, contributions to the direct protection of wildlife and habitat. Their existence has facilitated important research on the management of wildlife and wildlife habitat on private lands, especially on farmland, ranches and timberland. These organizations are funded and operated in a wide variety of ways.

CASE STUDY: HAWK MOUNTAIN SANCTUARY ASSOCIATION

The Hawk Mountain Sanctuary Association is a private, member-supported, nonprofit organization. The Association was incorporated in 1938 to maintain Hawk Mountain Sanctuary, which had been established in 1934 to foster the conservation of birds of prey, as well as to create better understanding of the natural environment. Hawk Mountain Sanctuary celebrated its 50th anniversary in 1984.

Annual membership dues range from \$10 for an individual and \$15 for a family, up to \$300 for a patron. (All dues and contributions are tax deductible.) Current membership is about 6,700, about 15 percent of which is made up of corporate sponsors and patrons. Members receive the Association's semi-annual magazine *Hawk Mountain News*, other special communications, and discounted rates for educational and most special events.

The Association's annual budget in 1984 was \$298,000 and will exceed \$300,000 in 1985 (a decade ago it was \$85,000). The increased budgets of recent years are largely the result of a growing membership and increasing private contributions. The Association maintains an invested reserve fund of more than \$500,000, mostly from large bequests. The investment income is used to help support regular operations; the principal may be used for capital purchases,

such as a recent addition of 185 acres to protect the core of the Sanctuary.

Hawk Mountain Sanctuary consists of a 2,000-acre wildlife refuge with associated visitor/education facilities. It receives about 50,000 visitors per year. Entrance is free to members, others pay \$2.00 for adults and \$1.00 for children. It is open 365 days a year. The Sanctuary preserves a block of unbroken deciduous forest in the Appalachian Mountains, and it is home to such species as ruffed grouse, wild turkey, white-tailed deer, and red and gray fox. It is particularly noted for its fall migration of birds of prey and many other species. There are impressive thickets of mountain laurel and rhododendron. A marked trail, three-quarters of a mile long, leads to various observation points and to the popular North Lookout, which at an elevation of 1,500 feet, rises 1,000 feet above the Little Schuylkill River. The Sanctuary is now a Registered Natural Landmark and the Appalachian Trail runs adjacent to the property. (In 1982, 100 acres were sold to the federal government, containing that portion of their property crossed by the trail.)

Hawk Mountain is a promontory atop the Kittatinny Ridge of the Appalachian Mountains, located in eastern Pennsylvania. The combination of prevailing winds and mountain topography make it one of the superb bird-watching spots in the world. Especially in the autumn, from mid-August through November, large numbers of raptors—hawks, falcons, ospreys and eagles—migrate south along the mountain ridges. Raptors from much of northeastern North America follow the ridges, as do many other species of birds. Occasionally, there are spectacular concentrations of broad-winged hawks early in the season; the all-time, one day tally was 21,488 raptors, mainly broadwings. However, the average fall count is about 20,000 birds of 14 species.

Prior to the creation of the Sanctuary, hunters, gunners and "sportsmen" gathered on the ridge tops in the fall to shoot the migrating hawks for sport. Over the years, untold thousands of raptors were slaughtered as they passed down the mountains of eastern Pennsylvania, and Hawk Mountain, in particular, became a favorite shooting spot. The shooting was so heavy that one man collected the spent shells for scrap brass. As early as 1900 a few local conservationists had begun to work to halt this slaughter, but birds of prey were still considered vermin or "chicken hawks" which preyed on "good" birds, and there was little support for these efforts. During World War I, in fact, these conservation efforts were viewed as suspiciously "pro-German" because they deprived American boys of the opportunity of shooting at live targets.

By the late 1920s, there was mounting concern about the slaughter. George M. Sutton, then the Pennsylvania State ornithologist, first drew the attention of conservationists and professional ornithologists to the issue when he published two articles in a professional journal. Richard H. Pough, an amateur ornithologist in Philadelphia, visited the Mountain in the early 1930s, and began to spread the story of the raptors' plight to a broader conservation and birdwatching audience.

Mrs. Edge's Protection Efforts

The founding spirit behind the creation of the Sanctuary was Mrs. Rosalie Edge, born in 1877. She was a relative of Charles Dickens and James McNeill Whistler, a leading suffragette, and one of the nation's first prominent

conservationists. She conducted successful campaigns to expand Yosemite National Park and to create Olympic National Park and Kings Canyon National Park.

Rosalie Edge became an avid birdwatcher in the New York City area where she became acquainted with the noted zoologist Willard Gibbs Van Name and the staff of the American Museum of Natural History. She soon came to share their concern about the rapid loss of birdlife to "sportsmen" and market hunters, and became especially concerned about vanishing species and the number of species that had recently become extinct. She assailed the bird protection organizations of that time for not doing enough. In 1929, she formed the Emergency Conservation Committee and began an active campaign criticizing the "conservation establishment," including the National Association of Audubon Societies, the U.S. Biological Survey, and state game departments, as being too closely associated with the hunting establishment, sportsmen and ammunition manufacturers. She argued that these organizations were mainly concerned with the plight of game species: waterfowl, gamebirds and shorebirds. She maintained that with a few exceptions, notably the spectacular wading birds such as egrets, and songbirds, they were relatively indifferent to the fate of many other species.

Richard Pough and his friend Henry H. Collins, Jr., first visited Hawk Mountain and witnessed the slaughter in the fall of 1932, and Collins presented a paper on the situation to the Hawk and Owl Society, an affiliate of the National Association of Audubon Societies (NAAS). In August 1933, the Emergency Conservation Committee met with the NAAS, and Mrs. Edge urged Audubon to purchase Hawk Mountain to halt the slaughter. In October, Pough and Collins brought the issue up before a joint meeting of the NAAS, the Hawk and Owl Society, and the Linnaean Society in New York City, and Audubon was again urged to purchase the area. Mrs. Edge and others thought Audubon would take action.

In June of 1934, Rosalie Edge contacted Richard Pough to find out what the NAAS had done. It had done nothing. Mrs. Edge then determined to take immediate action herself to see that not one more fall slaughter took place. She asked Pough to meet her at the mountain the following Sunday and to bring along a local real estate agent. She was informed that 1,398 acres were available for purchase at \$2.50 an acre. She leased the area for one year for \$500, which she borrowed from Willard Van Name (later forgiven), and obtained an option to purchase the property for \$3,500.

In August, Mrs. Edge asked a young naturalist in Vermont, Maurice Broun, to move to Hawk Mountain to become its first warden and to post, patrol, and guard the sanctuary, but to keep the information confidential in order to prevent the hawk shooters and the NAAS from learning about it. Broun accepted and arrived for duty on September 10, 1934. He began posting the property the following day, and Mrs. Edge's hawk conservation efforts were underway. As Mrs. Edge wrote to Broun: "There has never been such a thing as a Hawk Sanctuary—as far as I know—and I believe there is no other such place for the observation of hawks as this mountain." Broun viewed the job as a temporary assignment and refused to accept a salary in 1934. He stayed on until 1966 as the first curator.

Following this initial success, the rift between Rosalie Edge and the Audubon

Association widened, as she became determined to raise the money for the purchase of Hawk Mountain and to manage the Sanctuary with complete independence from the Audubon Association or any organization associated with it. In October 1934, she stated her concerns to the Hawk and Owl Society:

"The indifference of the Audubon Association to hawk protection, the fact that in certain of its publications it recommends the pole-trap and that it uses steel-traps on its chief sanctuary; that it believes in the 'control' of many valuable species and in general urges the protection only of the 'birds of lawn and garden' makes it undesirable that the Audubon Association shall have a controlling voice in the policies that shall regulate the sanctuary at Hawk Mountain."

Over the following year, as Mrs. Edge rushed to raise the money to meet the deadline on her purchase option, the fight to prevent control by Audubon grew bitter, and many friendships were strained. But finally, in December 1935, she raised the last of the \$3,500, and following two years of land title clearances, the Hawk Mountain Sanctuary Association was incorporated in 1938 to hold and manage Hawk Mountain.

With the Sanctuary secure, Mrs. Edge and her conservation associates had taken the first steps to protect the nation's birds of prey. The first year was largely spent in posting and patrolling the Sanctuary. By the second year, birdwatchers and naturalists began to arrive, and the sport of hawkwatching and hawkcounting began. The maximum number of visitors on one day in 1935 was 193. In 1936, it reached 540. However, through the first few decades, there were seldom more than a hundred people gathered on the lookouts. Today, daily crowds sometimes exceed 3,000 as they come to the mountain during fall migration to view the spectacular hawk flights. In 1984, visitors came from 44 states and 25 foreign countries. Detailed counts of the hawk flights have been maintained from the first fall, with the exception of three years during World War II.

Changed Public Attitudes

One of the major conservation efforts of the Association was undertaken through educational programs to change public attitudes toward birds of prey and to obtain legislative protection for all raptors. Prior to the creation of the Sanctuary, most raptors were considered pests and vermin. Many state governments and state game associations encouraged the shooting of hawks in order to protect gamebirds and poultry. Very few species were protected. On the contrary—in 1934 it was not only legal to shoot any species of hawk in Pennsylvania, but there was also a state bounty on the goshawk. At the peak of the bounty period, Pennsylvania paid some \$90,000 for hawks that may have killed \$1,875 worth of chickens. While a few chickens may have been saved, conservationists also estimated that farmers lost nearly \$4 million in grain crops because of increased rodent populations resulting from the decreased number of hawks. While these early cost-benefit estimates were certainly crude and unreliable, they did begin to make the argument for the beneficial and economic importance of raptors.

The Hawk Mountain Sanctuary Association and other conservationists continued to work for the protection of the state's raptors over the years. In 1937 a

law was passed protecting all hawks except accipiters, although it was not enforced. In 1951 the state ended the bounty on goshawks. In 1957 Pennsylvania passed a law protecting all hawks during fall migration in the northeastern part of the state. And in 1970, the state gave complete year-round protection to all hawks, eagles and owls, except the great horned owl. By then, the environmental era was in full swing, and finally, in 1972, the federal government extended full protection to all birds of prey in the United States under the Migratory Bird Treaty Act.

Hawk Mountain Today

Over the past half century, the Hawk Mountain Sanctuary Association has grown from a small unpopular effort to stop the slaughter of "predatory" birds on the mountains of Pennsylvania, into an internationally known, year-round, wide-ranging conservation, education and research center. From a staff consisting of one volunteer warden, it has grown to include seven full-time and two part-time employees, plus seven to 10 interns each year, and a cadre of 60 to 100 seasonal volunteers.

Workshops and Seminars

There is a Visitors Center, with interpretive educational displays, including many raptor species and art exhibits, a bookstore, and an education center which is used for classes, meetings and conferences. There is a regular fall lecture series as well as additional education programs, workshops and seminars. Special programs have been developed for visiting school children who number several thousand annually.

In recent years, Hawk Mountain has undertaken a national effort to provide college students, naturalists, and the general public with a better understanding of the role and importance of raptors in the ecosystem and the consequent need for conservation programs. In 1975, a program was begun for undergraduate and graduate students offering internships accredited by Cedar Crest College in Allentown, Pennsylvania. These include participation in the Sanctuary's educational and sanctuary management programs, as well as a wide range of independent studies in conservation and research. More recently, in affiliation with local colleges, Hawk Mountain has established an outdoor classroom, offering full college credit for courses in ecology, environmental studies, botany and ornithology, with most courses held at the Sanctuary and some involving field excursions to other areas. These courses are especially popular with school teachers in need of in-service training credits.

Other recent Association activities include: a raptor recovery program in conjunction with the U.S. Fish and Wildlife Service and the State of Pennsylvania to care for injured hawks, eagles, and owls and return them to the wild; trips combining conservation education and field studies of birds of prey to some of the major raptor observation areas in this country and abroad, including the Birds of Prey Natural Area along the Snake River in Idaho and Eilat, Israel; and serving as a national repository for hawk migration data. In 1983, Hawk Mountain cooperated with the California Condor Recovery Program to develop more effective public education and awareness programs about condors. Thus,

Hawk Mountain is helping generate the vital support needed from local ranchers, farmers, and landowners to carry out this important national effort to preserve one of the nation's most endangered species.

The history of Hawk Mountain Sanctuary offers a striking example of the role of private initiative in achieving major accomplishments in wildlife conservation. The perseverance and single-mindedness of a very small group of concerned individuals enabled the pioneer organization to spawn national and international efforts to educate the public about the ecological importance of birds of prey, and to further efforts toward their conservation, including tireless work to obtain the passage of legislation to protect these important species.

Rosalie Edge was often difficult to work with and was an irritant to many leading conservationists of her day. But she persisted in her belief that it was a fallacy to carry out piecemeal conservation or that there were "good" birds and "bad" birds, and she stuck to her principle to conserve nature whole. Ten years after her death in 1962, there was finally complete federal protection of all birds of prey. The sport of raptor shooting had largely vanished and been replaced with the sport of hawkwatching and hawkcounting. The shotgun had given way to binoculars. Now, across the country, and increasingly in many spots throughout the world, professional and amateur ornithologists, naturalists and nature lovers gather to view and document the passage of raptors at key spring and fall migration concentration sites.

Raptor Research

Prior to the accomplishments and proselytizing of the Hawk Mountain Sanctuary Association, there had been very little scientific or popular interest in raptors or knowledge about their ecology, population sizes, and migrations. However, raptor biologists have since become an important wing of the wildlife conservation community. There are now numerous private organizations dedicated to the conservation, protection, restoration and rehabilitation of raptors.

The Raptor Research Foundation, Inc., was created in 1966 by raptor specialists to disseminate information and promote a better understanding and appreciation of the value of birds of prey. It has nearly 800 members, mainly in the United States, but also representing 25 other countries. There are raptor organizations in most European countries, the Soviet Union, and Israel, and the International Council for Bird Preservation has a World Working Group on Birds of Prey. These groups all have annual meetings and publish newsletters, journals, conference proceedings, and special reports.

The Hawk Migration Association of North America was founded in 1974 to advance the knowledge of raptor migration across the continent and to monitor raptor populations as an indicator of a sound environment. It monitors migration counts at over a hundred hawkwatching sites throughout the United States and Canada. This organization and Hawk Mountain have begun to computerize the growing data from hawk counts in order to create a data base to determine such things as long-term population trends. The nearly 50 years of consistent, systematic, daily, season-long records from Hawk Mountain are a wealth of research information. The Hawk Mountain records are especially important because it is the only data spanning the years before, during, and after the widespread use of DDT.

Many individuals and private organizations, and some governmental agencies, are actively involved in captive breeding of raptors to maintain rare and endangered species and to restore them to the wild. Private breeders provide birds to government agencies for release in various areas. Other individuals and groups are engaged in the rehabilitation of injured raptors. And such species as the peregrine falcon, bald eagle, and osprey, which suffered serious population declines as a result of the widespread use of certain pesticides, are now recovering as a result of the federal ban on DDT in 1972 and through the concerted efforts of a great many individuals and private organizations working independently and in cooperation with governmental recovery and reintroduction programs.

Many industry groups and corporations have also made contributions to the protection of birds of prey. The Edison Electric Institute worked diligently to come up with solutions to the problem of raptor electrocution along distribution lines in the western states, and it also coordinated the development of artificial nesting platforms for a number of species. These efforts were undertaken to prevent the death of protected birds of prey as well as to prevent power outages that affected the reliability of the electric distribution system. Utility companies have supplied power poles for the erection of nesting platforms for ospreys, peregrines and eagles.

The mining industry is also cooperating with raptor biologists to create artificial nesting sites adjacent to and on the sides of mine pits and highwalls in the West. Throughout vast stretches of relatively treeless areas in the West, natural cliff faces are usually the main place for eagles, falcons, and hawks to nest. Standing highwalls are often rapidly utilized by raptors for nesting sites as they provide additional breeding habitat. When raptors construct nests on highwalls of active mines where disturbance might prevent successful breeding, or where reclamation laws require the elimination of the highwalls, the young birds are relocated to artificial nests, usually on nesting platforms atop poles and occasionally on huge man-made rock piles, placed in appropriate areas at a distance of 100 to 600 yards from the original highwall nests. In Wyoming a number of pairs of golden eagles have successfully been relocated to the alternative man-made structures. Because many raptor biologists believe that highwalls provide unique raptor breeding habitat and increase habitat diversity, a number of variances have been issued for alternate reclamation programs allowing experimental highwalls to remain in order to maintain the continued nesting of raptors or to permit the excavation of nesting cavities on the highwalls to attract birds or for the purpose of introducing or "hacking" young raptors such as prairie falcons to the site in the hope of establishing nesting pairs.

Other companies have made and distributed nestboxes for cavity-nesting raptors. Many other businesses have made monetary contributions to raptor protection organizations.

A number of conservation organizations now have major programs for the conservation and protection of birds of prey. Notable among them are the National Wildlife Federation, the National Audubon Society, and various state Audubon societies. A growing number of universities have raptor management and conservation programs.

Hawk Mountain Sanctuary celebrated its 50th anniversary with a Golden Anniversary Week (October 8-14, 1984), bringing together leading raptor

specialists, ornithologists, scientists and naturalists from across the country and many foreign nations to honor the achievements of Rosalie Edge and her Association. A part of the program was an international symposium on "Raptor Conservation in the Next 50 Years." Coincident with the program, the federal government designated the week "National Birds of Prey Conservation Week," and there were many educational programs conducted in various parts of the country. This was a fitting tribute to the vision and foresight of Mrs. Rosalie Edge and her belief in "the interdependence of all living things."

The efforts of Mrs. Edge and her associates to protect birds of prey contributed to a revolution in the way that conservationists and naturalists view nature. These efforts also helped to create the important insight that as predators at the top of complex food chains, raptors are indicators of environmental quality and their populations reflect environmental changes. Information gathered from raptor specialists, hawkwatchers and counters led to the awareness in the early 1960s of the plight of, and rapid decline of, many raptors suffering from pesticide contamination and helped create a national consensus around environmental protection. Equally important, and more encouraging, have been the recent hawkcounting data suggesting a recovery, or at least a stabilization, of these formerly declining species—a sign that we have begun to see an improvement in important aspects of environmental quality. (Hawk Mountain Sanctuary Association, Route 2, Kempton, PA 19529)

CASE STUDY: SEA LION CAVES, INC.

America's largest sea cave, the Sea Lion Caves of coastal Oregon, is a for-profit organization that protects the only mainland rookery of Steller sea lions.

The sea lion caves were discovered in 1880 by Capt. William Cox. He purchased the area from the State of Oregon in 1887, and the property remained in his family until 1926. The land was purchased by R. E. Clanton in 1927 with the intention of opening it as a business. Following the announcement of plans to open U.S. Route 101 in 1930, Clanton was joined by J. G. Houghton and J. E. Jacobson. They constructed a 1,500-foot trail along the cliff face and a 135 stair-step tower down to the cave entrance. Sea Lion Caves was opened to the public in 1932. Clanton withdrew in 1934 and R. A. Saubert joined the partnership. After World War II, ownership passed to the partners' sons.

In 1961, a 215-foot elevator, designed by Otis Elevator Company, was constructed to descend into the cave, and tourism increased markedly. The caves consist of a large, domed central cavern, about 125 feet high, with a floor area of about two acres, and three natural passages connecting the cavern to the outside. Two of the passages are sea-level entrances, with one extending about 1,000 feet. These allow passage of water, sea lions and sea birds. The walls of the cavern are various shades of green, buff, purple, pink and red from growths of lichens and algae, and mineral stains. In size and beauty, the caves are reputed to be comparable to the Blue Grotto of Capri in Italy.

The caves and adjacent rocks are the only known mainland rookery (breeding area) and hauling area (wintering area) of the Steller sea lion. Approximately 200 Steller sea lions are resident and use the caves as a rookery. Twenty to 50 California sea lions congregate there in the fall and winter. As the wild sea lions freely come and go, daily counts vary considerably. Maximum counts of

both species run as high as 600 animals. Harbor seals and northern fur seals do not use the caves, but are sighted on beaches in the vicinity.

The cave and rocks also serve as an important sea bird rookery. The most common species is the Brandt's cormorant; U.S. Forest Service counts of 2,500 nests make it the largest Brandt's cormorant rookery in the world. Approximately two dozen pairs of pelagic cormorants and two dozen pairs of double-crested cormorants also nest there. About 100 pairs of pigeon guillemots nest inside the cave. Three species of gulls regularly utilize the area. The western gull is the most common, with a breeding colony of about two dozen pairs. A slightly smaller number of herring gulls also nest there. The California gull is an uncommon non-breeding visitor.

From the top of the headland above the caves there is an ocean view of almost 20 miles. This has become a favored observation point for viewing whales. The endangered gray whale passes near shore in spring and fall migration and some non-breeders summer in the area. Killer whales also are seen.

The Sea Lion Caves property is situated on about 125 acres of rocky coastal headlands. Development has been kept to a minimum, consisting of about 20 to 25 acres used for access roads, parking lots, administrative buildings and a gift shop. The rest of the site consists of natural groundcovering vegetation and forests, which serve as a buffer with adjacent landholdings. Careful efforts have been made to maintain the site in its natural condition.

Sea Lion Caves has become a major tourist attraction on the Oregon coast and receives over 200,000 visitors annually. The heaviest tourist season is from the first of May to the end of September, although the caves remain open throughout the year. The daily entrance fees are \$4.00 for adults and \$2.50 for children aged 6 through 15. There is a permanent staff of 15 employees and, during the peak summer season, an additional 25 employees are hired. As a profit-making enterprise, Sea Lion Caves pays taxes.

Sea lions along the Oregon coast once numbered more than 10,000. Over the years, however, they were greatly reduced in number by bounty hunters, sports hunters and a few commercial hunters, until only about 1,000 were counted in a 1964 U.S. Fish and Wildlife Service survey. Since 1972, sea lions have been fully protected by the federal Marine Mammal Protection Act. By 1976-1977, there had been a recovery in the Steller's population to around 1,400. The most recent aerial surveys indicate that there are now about 4,000 Steller sea lions in Oregon.

Commercial Hunting

Commercial hunting of the sea lions had always been very limited, mainly because the Steller sea lion did not have a commercially valuable fur pelt. There were limited attempts to exploit its hide for the leather trade, to utilize its oil and whiskers, and to process its meat for human consumption and for fish bait. But these industries never became viable.

The major threat to the various sea lions and seals has been their reputed threat to the important commercial fishery and sports fishery, especially for the commercially valuable salmon. Seals and sea lions feed primarily on fish. Not only was it argued that they consumed substantial quantities of salmonids, but also that they drove spawning runs away from the mouths of rivers. They

also cause damage to nets through entanglement, and to lines, traps and fishing gear. They further reduce the value of the salmon catch by taking bites out of fish caught in the gillnets.

By the mid-1800s, the commercial fishing industry had come into conflict with the pinnipeds. During the period from 1890 to 1920, the commercial salmon fishermen and the canneries not only began to kill seals and sea lions, but hired professional hunters to harass them and kill them within the river mouths and on their breeding islands. William Hunter was the most noted bounty hunter and reportedly killed some 10,000 seals and sea lions along the Oregon and Washington coasts from 1914-1920 for the commercial fishing industry.

Beginning in the early 1900s, the commercial fishing interests prevailed upon the State of Oregon to declare a \$2.50 bounty on seals and sea lions. In 1920, the state legislature requested the State Fish Commission to exterminate the entire population of seals and sea lions along the Oregon coast, which was estimated to be about 3,000. The state imposed a system of special taxes on the commercial fishing industry in order to raise revenues for the bounty program of \$5.00 each for seals and sea lions. William Hunter became the chief bounty hunter and collected \$5,000 during 1921. Seven other bounty hunters collected another \$5,000 in the first year. The mammals taken by the bounty hunters were increased by a considerable amount of sports shooting throughout the bounty period, continuing until fairly recently.

Protective Legislation

However, conservationists and a major segment of the tourist industry in the 1920s began to lobby for protection of sea lions. The tourist industry was split over the sea lion question. That part of the industry dependent upon sports fishing, especially for the anadromous salmonids along the major rivers, wanted a bounty on seals and sea lions they viewed as a threat to the salmon and steelhead fishery; that part of the tourist industry dependent upon nature buffs and people interested in marine life wanted strict protection.

In 1925, the conservationists prevailed upon the State Fish Commission to reduce the sea lion bounty to 50 cents, while leaving the bounty on seals at \$5.00. This effectively extended protection to the sea lions, which were becoming a major tourist attraction because they were permanent residents, hauled out on accessible rocky headlands and islands, and were large and noisy. The seals were less important for tourism since they were not as striking and the fur seals were only winter visitors.

By 1931, the conservationists and pro-pinniped tourism promoters had succeeded in getting legislation passed to protect sea lions, except in specially designated areas, usually around the mouths of the 10 major rivers with salmon and steelhead runs, where the commercial fishing industry and the sports fishing industry had a powerful voice. Throughout the 1930s and 1940s, efforts were still made to eliminate sea lions in these areas, and, as late as 1950, the State Fish Commission hired a person to harass and destroy the sea lions entering the Umpqua River. Efforts to eliminate seals continued, especially at the major river mouths, until the passage of the Marine Mammal Protection Act of 1931. From 1936 until 1971, Oregon paid bounties and hired hunters to

control or reduce seal populations, especially within the Columbia River, where bounties ranged from \$5 to \$25 per seal and where over 3,600 seals were killed.

The non-sports fishing tourist industry along the central Oregon coast, together with the conservation community, played a major role in sea lion protection. As early as the 1920s, they had argued that the stench from sea lion carcasses killed by the bounty hunters was driving tourists away. And during the 1931 campaign to protect the sea lions, the Port Orford Chamber of Commerce played a prominent role in calling for their protection as a tourist attraction. It is notable that the state's 1931 Protection Act extended special protection to all sea lions in Lane County, allowing no exceptions for designated kills. It was probably not coincidental that Sea Lion Caves is located in Lane County and that in 1932 the Caves officially opened as a full-fledged tourist business based entirely on the sea lions.

The careful, self-interested, private protection of this important sea lion rookery located on private property was especially important at the height of the bounty-hunting period. The depletion of the sea lion population was particularly heavy during the 1920s and during the early years of the Great Depression when a number of noted bounty hunters made their living that way. The original and subsequent owners of Sea Lion Caves spent much of their time driving them off.

Recent studies have shown that seals and sea lions probably consume a very small percentage of the salmon run and that salmon also make up a very small percentage of their overall diet. Nevertheless, feelings still run high in an industry facing rising costs and regulations, increasing competition, and over-fishing. Even after the ending of sea lion bounties, local residents would still shoot them for sport or as a nuisance, and it is reported that illegal shooting of pinnipeds still occurred as late as 1977. However, since the passage of the Marine Mammal Protection Act, all legal sea lion and seal killing and control programs have ended, and their populations are relatively safe. Official counts within the state appear to be increasing and Sea Lion Caves believes that their population has been increasing over the past four to five years.

Scientific Studies

Sea Lion Caves is not only a major tourist attraction, it is also an important research location for naturalists, scientists, and students of geology, ornithology, marine biology and natural history. It is especially noted for its protection of the marine life. The sea lions in their natural habitat are not disturbed. Visiting tourists are fenced out, but the resident mammals are not fenced in as in a zoo, aquarium or marine animal park.

Scientific studies have been conducted on the rookery because of its accessibility and protection. Sea lions had received little scientific study until Dr. Bruce Mate, of the Oregon State University Marine Science Center in Newport, did his doctoral dissertation on them in the late 1960s. He conducted research at Sea Lion Caves for almost three years because it was one of the few readily accessible areas where year-round observations could be made. Among his findings was the fact that there was considerable travel and interchange between sea lion rookeries. Sea lions that he had tagged on islands off Coos Bay, 66 miles to the south, showed up at the Sea Lion Caves, further strengthening

the argument for the importance of the many decades of protection afforded the colony at Sea Lion Caves.

The caves also play an important educational role for the public by introducing adults and school children to sea lions and to their place in the marine environment. People who have visited the rookery and have watched the entertaining pups are certainly less likely to maintain cavalierly that they should be eliminated because they prey on fish.

The Lane Humane Society of Eugene, Oregon has praised the continuing wise stewardship of the area. In 1977, Oregon Governor Robert W. Straub wrote that the property was "one of Oregon's great tourist attractions as well as a great and natural resource." He also praised its operation because "A private organization has shown that it can, by using a combination of common sense and good management, develop and protect such a great resource and attraction—and still show a profit." The owners report:

"Had not the area been privately owned, developed, and protected, especially in the early days when the State of Oregon paid a bounty for slaughtered sea lions, the Sea Lion Caves' area would undoubtedly be void of sea lions and other marine life, and the natural wonder would probably not exist today. The owners and managers are proud of the facility and hope that you enjoyed your visit. Our basic goal is to maintain the resource, keeping it as natural as possible but still making it easily accessible for everyone.

"Our existence at Sea Lion Caves is totally dependent upon the wildlife in the area and the cave, so we take every precaution possible NOT to disturb the natural lifestyle of the animals in any way, and still make it accessible to the public for observation."

Given the plight of the sea lions for so many years, the great reduction in their numbers, and their possible near brush with extinction, the current owners are especially proud of what the original owners accomplished—practicing conservation well before it became fashionable, and well before the Sea Lion Caves began to return a profit. Their continued investments in the property were considered risky, if not foolhardy. But Sea Lion Caves demonstrates that given special conditions and perseverance, making a living and preserving wildlife are not mutually exclusive. [Sea Lion Caves, Inc., 91560 Highway 101, Florence, OR 97439]

Hunting and Fishing Clubs, Camps and Ranches

American sportsmen, hunters and fishermen, have long been recognized for their role in the conservation of wildlife species and in the protection and management of wildlife habitat. Many of the national wildlife refuges in the eastern United States include formerly private duck clubs. While duck clubs exist primarily to hunt waterfowl, they also protect wetland habitat for breeding, migrating and wintering waterfowl, prevent wetlands from being converted to other uses, and provide critical habitat for a wide range of non-game species.

Many of these clubs also pay substantial property taxes based on high

agricultural or recreational land rates. In some areas of the country duck clubs maintain some of the last remaining wetlands in regions where agricultural demands are rapidly depleting the supplies of fresh water. Their significance is evidenced by the fact that there are some 11,000 duck clubs protecting from 5.2 to 7 million acres of wetlands in the U.S., while the entire National Wildlife Refuge System, outside of Alaska, includes only 4.7 million acres of wetland.

Hunting preserves and game ranches play a growing role in the protection of wildlife habitat and the protection and propagation of many rare game mammals, including a number of non-native species which are threatened in their native countries. Cattle ranches and farms that are having an increasingly difficult time turning a profit are turning to game ranching as a profitable sideline. In some areas, bird hunting and big game hunting have become so attractive that they are replacing intensive domestic animal ranching and grain farming. This in itself is a net gain for wildlife because it relieves habitat destruction from overgrazing by domestic animals and from planting roadside-to-roadside agricultural crops. The use of potentially harmful agricultural chemicals is also reduced. Game animals, both native and exotic, often do less damage to grasslands and brush, and require less care and management. The recovery of native wildlife habitat also provides a substantial benefit for non-game wildlife, restores biological diversity, and even provides habitat for rare species. Furthermore, a preserve that maintains populations of some foreign species can protect their gene pools and serve as a modern Noah's ark for species which may become threatened in their native countries through development pressures.

CASE STUDY: WORD HUNTING RANCH, INC.

This former intensively-managed cattle and grain ranch is now being converted back to wildlife habitat and a hunting ranch for ring-necked pheasant and deer.

Like many another rancher, Don Word and his four sons had been faced with the growing unprofitability of his cattle ranching business and grain production. In spite of ever more intensive farming, the doubling and tripling of cattle herds, and plowing from fence row to fence row, profits continued to decline. Word also noted that as the farming became more intensive, the wildlife, and especially the pheasants, disappeared. As the hedgerows and edge habitat disappeared, so did the pheasants. That area of South Dakota had formerly had some of the finest pheasant hunting in the nation.

In the early 1980s, Don Word sold off most of his cattle and began to replace them with pheasants and to improve the wildlife habitat, hoping this would also restore the native deer population. He believed that he could make more money by charging hunters for access to the game on his property than he could by remaining in the livestock business.

"We lost so much money on cattle, it was just a matter of time before we'd have to give it up," Word said. "The old ring-neck is king. I'm not so sure but what the dadgum pheasant isn't worth more than grain and cattle."

Word and his sons have two ranches located in the open prairie lands of southwestern South Dakota, not far from the Badlands, and the Big White River runs down between them. The property, which is a little over 7,000 acres, has been converted to wildlife habitat. Fields of wheat, milo, native weeds and

grassy river bluffs overlook the tree belts lining the river. Word has leased two areas of 6,000 acres and 2,000 acres which he also plans to manage for hunting.

The first step was to sell off most of the cattle, although they still own 300 head. Special attention was given to restoring and protecting river edges and bottomland where he planted clover, some wheat, and especially milo, which remains unharvested as food and shelter for wildlife. Furthermore, he uses no pesticides and chemicals in order to encourage insects and natural vegetation to thrive. According to a report by the Wildlife Management Institute, Word says, "The habitat has come back like you wouldn't believe. This is still a working ranch, but we've got more hunters now than cowboys."

Word has noted some pleasant side effects to having plenty of pheasants around, "We had a grasshopper problem this year, and you know, the pheasants just took care of it. They eat those grasshoppers like crazy."

Together with the reduction in cattle grazing and grain production and the restoration of wildlife habitat, Word began to stock the ranch with ring-necked pheasants to build up the former population. He purchased 10,000 birds at eight weeks of age from a private hatchery in South Dakota. Six thousand of the pheasants were released early in the year, in advance of the hunting season, to help bolster the natural population and to acclimatize the birds. The Words go out with dogs to work the birds so they become wild, to enable patrons to get a genuine hunting experience rather than some artificial release and shoot hunting. The other 4,000 birds are held in reserve in holding pens to release as the season progresses.

Pheasant Hunting

Because of his program of releasing captive-bred pheasants, Word's ranch qualifies for a State Fish and Game hunting preserve license, which allows pheasant hunting much longer than the regular pheasant season. The regular season runs from 20 October through 7 December. Word is able to provide hunting from 1 September through 31 March. The extended season, and especially the winter hunt, are bringing him attention and customers from across the country. The Ranch also has a limit of five pheasants per day, while the state limit is three birds per day.

This is Word's second year of operation; the first was mainly promotional. His first winter hunt during early 1984 immediately brought repeat hunters in the fall of 1984 — some from as far away as Georgia. The Words hope to be able to make a viable operation of the game ranch, especially as word of their operation spreads and as hunters learn about winter pheasant hunting. Within 10 years they hope to have hunters and their families from all over the country.

Word Hunting Ranch charges \$295 a day for hunts. This includes all expenses, with no additional costs. The customer is picked up and returned to the airport, and is provided with licenses, lodging, meals, guides, dogs, and dressing and freezing of the birds taken. Nonhunting guests accompanying hunters are charged \$45.00 per day for lodging and meals. Pheasant hunting is the primary activity. However, there is also hunting for mourning dove, sharp-tailed grouse and bob-white quail.

Future plans for the ranch include the addition of quail, chukars and other

game birds so the hunter has a chance to take a wide range of game birds. Initial releases of bob-white have been successful, and the birds are breeding. Within five years, Word hopes to provide some of the finest bird hunting on private land in the nation.

With the improvement of the wildlife habitat and the decrease in cattle grazing and wheat farming, the wild deer herd is expanding. There is an increasing amount of deer hunting and a limited antelope hunt, for which there is a separate fee structure. Two of the bucks that were taken last year came within a few points of qualifying for the Boone and Crockett Club records book.

An additional benefit of the restoration of wildlife habitat, especially in the riverine and bottomland areas, is the provision of habitat for non-game wildlife. Small numbers of prairie chickens have begun to return to the grasslands. Furthermore, the pheasant release program will slowly build up the wild populations and it is likely that some of these birds will spread to adjacent ranches.

Agricultural Biases

Word's most difficult problem has been overcoming the prejudices and attitudes of a traditional rural agricultural community. He has had difficulty in obtaining financial assistance from banks and other organizations that are agriculture-oriented and skeptical about the value of recreation. However, Word reports, "Every farmer around is watching us. They need outside income. They will lose family farms if they can't generate additional income."

Word is confident that his new approach will be successful. The Wildlife Management Institute in Washington, D.C. has commented favorably on Word's switch from cattle ranching to wildlife. The TV program "Fishing with Roland Martin" featured a show on them early in 1985.

Marvis Hogen, South Dakota's agriculture secretary, reported that pay hunting may become increasingly popular with landowners. "We think it's going to be a valuable sideline," Hogen said. "It's the kind of thing that in these tough times I think farmers are going to do." [Word Hunting Ranch, Inc., Box 36, Belvidere, SD 57521]

Resorts, Recreation Developments, Landmark and Natural Site Attractions

This category includes a wide range of land developments: dude ranches, recreational areas and campgrounds, private wilderness areas, private trail systems, private caves and other natural site attractions such as meteor craters, natural bridges, and gorges. What they have in common is widespread attraction and use by substantial numbers of people and hence are fairly densely populated and provide most modern conveniences. Yet their owners strive to maintain the natural surroundings and values that made them attractive in the first place. They are struggling with the same pressures and management challenges as such publicly owned wonders and recreation areas as Yosemite National Park in California, Mammoth Caves in Kentucky, Fire Island National Seashore in New York, or the Gateway and Golden Gate National Recreation Areas in Metropolitan New York and New Jersey and San Francisco, California, respectively.

CASE STUDY: HILTON HEAD ISLAND

Hilton Head Island, one of the largest and most sensitively developed vacation and recreational complexes in the country, is located off the Atlantic Coast of South Carolina, approximately 30 miles north of Savannah, Georgia, and 90 miles south of Charleston, South Carolina. It is one of the largest barrier islands between New Jersey and Florida. It is roughly footshaped, about 12 miles long, five miles at its widest, and is approximately 42 square miles in area.

While over its history it had periods of fairly intensive use as a military site and for agricultural and timber use, it was essentially undeveloped until a bridge connecting it to the mainland was constructed in 1956. It is now one of the more intensively developed and prestigious resort and vacation areas and residential communities in the country. For decades, Hilton Head served as a model for balancing intensive development with environmental preservation. In recent years, however, rapidly accelerating land values and continued growth have brought problems to this paradise. Yet the island remains an example of how to attempt to balance concentrated land use with wise resource protection. Recent problems, rather than negating the original development philosophy, raise important questions that must be dealt with in any debate over how man can live in harmony with the land.

If there are problems now in continuing to control the growth, development, and popularity of Hilton Head Island—as a number of environmentalists maintain—it is partly because the sensitivity in carrying out the original preservation concept and the continued maintenance of the area's beauty and natural resources have made living there so desirable. Similar problems are confounding the managers of such unique areas of natural beauty and importance as Yellowstone National Park and Yosemite National Park.

Hilton Head is a low-lying island, with its highest elevation being about 25 feet. Wide, gently sloping beaches and dunes vegetated with sea oats, run the length of the oceanside; the interior is forested with a number of pines, including pond pine and long leaf pine, live oaks, water oaks, black gum, sweet gum, bay trees, southern magnolia, American holly, water tupelo, saw palmetto, and contains many swamps and ponds; the sound side is comprised of substantial salt marshes and a network of creeks, sounds and lagoons and wetland areas which interlace the island. The vegetation and climate are subtropical. Some 260 species of birds have been recorded on the island and there are some important rookeries of southern species of wading birds such as egrets, herons and ibis. Alligators, bobcats, white-tailed deer, raccoons, skunks, opossums, and wild turkeys occur throughout the area. There are two important nature preserves and one forest preserve on the island, together with a few smaller ones.

Hilton Head Island was a major prehistoric Indian site. It was "discovered" by the Spanish in 1526 and named for the English Captain William Hilton in 1663. A plantation agricultural system was created by the English in the 1700s, producing indigo, rice and sea island cotton through the mid 1850s. During the Civil War, the Union used it as an army and navy base to blockade southern ports, and development was intensive, with 25,000 troops stationed on the island. It had two newspapers, hotels, a theater and hospital. Following the Civil War, it reverted to a more bucolic life style, largely dominated by freed slaves who engaged in small-scale farming, fishing and hunting. Some

large tracts of land and rice fields were acquired by Northerners as hunting preserves, a pattern that occurred on other southern sea islands. But rapid changes and major development did not come to Hilton Head Island until the bridge to the mainland was completed in 1956.

Island Development

Development has brought great change to the island. There are now at least eight major resort communities, or "plantations," eight major hotels and inns with over 2,000 rooms, plus more than 4,500 rental condominiums, villas and homes. There are over 100 restaurants. There are seven marinas capable of handling up to 100-foot yachts, 20 golf courses, over 200 tennis courts, several dozen swimming pools, 25 miles of paved bicycle paths, four stables for horseback riding, deep-sea fishing, etc. The island's facilities host up to 1,800 meetings and conventions annually, including major golf and tennis tournaments. There are over 1,600 businesses located on the island. In 1984, real estate sales reached \$300 million, building permits \$200 million, and visitor spending some \$220 million.

Hilton Head Island now has a permanent population of about 18,000, with up to 55,000 people resident during the peak summer vacation season. The total number of resort guests annually reaches about 825,000. There are over 5,500 single-family and 11,500 multi-family dwelling units on the island. In order to handle the many problems arising from this dramatic growth, the Town of Hilton Head Island was recently incorporated.

The initial development concept consisted of the creation of large, self-contained resort communities, or "plantations," throughout the island. These were developed as proprietary communities with controlled gates and restricted entrances. Most of the plantations are combination resort/residential communities or all residential areas. The original such development, Sea Pines Plantation, is the largest (5,000 acres) and encompasses most of the southern end of the island. Hilton Head Plantation, the next largest, occupies most of the northwestern end of the island. Other major plantations include Palmetto Dunes, Port Royal, Shipyard, Long Cove, Wexford and Spanish Wells. Approximately 70 percent of the island's land lies within these communities, with the rest consisting of smaller landholdings, resorts, hotels, commercial developments and office complexes. Most of the roads and trails are private and located within the plantations. The only major public road, State Highway 278, runs down the spine of the island.

Sea Pines Plantation

Charles E. Fraser originally owned 40 percent of Hilton Head. It was he who conceived of and drew up a master plan for environmentally sensitive development, beginning with Sea Pines. He had a farsighted vision that carefully controlled development, blending in with the natural environment, would create a premier resort area and insure maintenance of high property values and a prestigious reputation, justifying the initially higher costs of environmental preservation efforts.

His approach was unusual for the late 1950s, which was prior to the era of

environmental concern and governmental regulations controlling barrier island development. Fraser sought the protection of natural areas and used scenic beauty woods, especially cypress, for construction materials. Residential complexes were shielded from roads with buffer zones of trees and other vegetation. There were also strict standards regulating billboards and directional signs that predated the national highway beautification effort.

Throughout the island, the major private builders protected marshes and dunes and their flourishing stands of sea oats. To this day there is a very acute consciousness about protecting the environment and the wildlife.

Sea Pines Forest Preserve

The original covenant for Sea Pines Plantation permanently set aside 1,280 acres (two square miles) of woodlands and open spaces, one-fourth of its total land area. The prime portion of this protected area is the 605-acre Sea Pines Forest Preserve. The Preserve is protected for 99 years and is leased to the State of South Carolina as a wildlife sanctuary, although it is maintained by the property owners association.

The Preserve has some important stands of mature or climax forest which is a dark, subtropical evergreen forest dominated by live oaks, southern magnolias, American hollies, and mockernut hickories. Two major trail systems wind through the Preserve; passing through climax forest, pine stands and a number of boggy areas and swamps, some of which are eighteenth-century rice fields. There are two boardwalks, one crossing a swamp, the other crossing a sawgrass marsh, opening into a hammock of loblolly pines, cabbage palmettos, and red maples. Many of the tall trees are festooned with Spanish moss or entwined with scuppernong grape and yellow jessamine. A former rice field is now a 30-acre waterfowl marsh, attracting wading birds and wintering ducks. There is also a 15-acre fishing pond stocked with bream and large mouth bass. There are many species of birds, alligators up to eight feet long, white-tailed deer, and marsh rabbits. An additional 220 acres are reserved for future nature trails. Self-interpretive nature guides are available, and the Sea Pines security force includes a full-time wildlife officer. The Plantation has over 15 miles of nature trails, biking paths and jogging trails.

Sea Pines and some of the other plantations on the island have protected archaeological and historical sites. Within the forest preserve, there is an Indian Shell Ring, a circular mound of oyster shells, animal bones and pottery fragments, 150 feet in diameter and three feet high, dating back to 1450 B.C. Adjacent to the preserve is a Heritage Farm where old plantation crops of sea island cotton, indigo, sugar cane, tobacco and rice are still cultivated, and wind-mill pumps and mule-powered cane mills still produce cane syrup.

Audubon-Newhall Nature Preserve

An early conservationist was Caroline Newhall, whose residence on the island predated the bridge. In 1963, she asked Charles Fraser to donate an important 50-acre parcel to the Hilton Head Audubon Society to preserve a unique pocosin habitat. Pocosins are small bogs characteristic of the Carolina coastal lowlands, containing a dominant vegetation of sphagnum moss, sawgrass, maiden cane grass, Virginia chainfern and tupelo gums. The Audubon-Newhall Nature

Preserve was designed as a refuge "to save the native vegetation of Hilton Head Island in an easily accessible area for all to enjoy." Mrs. Newhall works with Sea Pines and other resorts to save rare and endangered plants and wildflowers, and many have been transplanted in her preserve in a favorable environment.

Habitat improvements in the preserve include a pond, which was constructed in 1965, and the clearing of some trees to provide openings for flora and fauna not found in the dense forests. Nature trails were constructed, including a boardwalk overlooking a pocosin. Wildflowers have been planted along the trails and many of them have been labeled. Trail maps and explanatory literature are available for the self-interpretive trail system, guided tours are available on certain days, and volunteers from the Audubon Society maintain the trails and signs and care for the refuge.

In addition to the pocosin habitat, the area protects a transition forest of Florida Scrub, with a unique plant community near the northern edge of its U.S. range with open, sandy woods dominated by three species of pines, especially pond pine and long leaf pine, abundant saw palmetto, common bracken fern and cinnamon fern, and carnivorous pitcher plants. Ms. Newhall says that noteworthy plants include native azaleas and Cherokee beans.

Hilton Head Plantation

Paul Graf of the Hilton Head Plantation, one of the island's largest resort communities and one that continues the strong preservationist ethic, states "As a development that tries to work within the environment, we are about as good as you can find . . . the other plantations here are very good too."

Graf notes that each plantation has a master plan as well as an architectural review board that oversees building codes and tree preservation. Preservation of native trees is such a primary concern that Hilton Head Plantation must get permission from the Town to fell any tree over six inches in diameter, and individuals must get permission from the Plantation in order to develop lots. They have moved lots and even diverted roads to save trees.

Hilton Head Plantation contains some areas which were old tomato fields and had been clear cut. These have been planted with more than 250,000 trees over the past 10 years — mainly pine, and they are scheduled to plant another 35,000 trees in 1985. It has also started a tree farm system where attractive hardwood and ornamental trees, such as dogwoods, are started and then replanted throughout the area.

Another major preservationist effort has been to insure that when golf courses are built, they are designed with a lagoon system to provide drainage, and to see that runoff doesn't harm the adjacent salt marshes and oyster beds.

Whooping Crane Pond Conservancy

The most important refuge is the 137-acre Whooping Crane Pond Conservancy, which is owned and managed by the Property Owners Association of Hilton Head Conservancy. It is considered "a central part of Hilton Head Plantation's 'emerald necklace' of preserved forests and wetlands," and protects vegetation, birds, reptiles and mammals characteristic of the subtropical habitat.

The Conservancy includes a 1,500 foot trail and a 1,086 foot boardwalk, completed in 1975. These are self-interpretive trails with guidebooks and maps, although guided tours are also provided at certain times. The boardwalk crosses through pine forest, boggy bottomland, swamp and sawgrass savanna habitats, and there are a number of observation decks. The most significant area is in the black gum swamp where the boardwalk was constructed through waters up to seven feet deep, and where there is an important rookery for about 250 pairs of colonial-nesting herons, egrets and ibis, which occupy the area between March and October. A gate is used to close the rookery during the crucial spring breeding season to prevent human disturbance. If the herons and egrets are flushed from their nests, predators, such as crows and vultures, often take the eggs and hatchlings. However, blinds are available for nature photographers. The species which regularly nest or occur in the rookery include: cattle egret, snowy egret, great egret, tricolored heron, little blue heron, great blue heron, green-backed heron, glossy ibis, white ibis, wood stork, black-crowned night-heron, and yellow-crowned night-heron. The swamp's level rises and falls through the seasons and is alternately wet or dry, depending upon the rainfall, and it is also used by wood ducks, mallards, coots and alligators.

The rookery has been diminishing in size over the years in spite of the careful protection it receives. In 1968, the rookery had about 1,000 nests; it now has 250, mainly because there is far less water in the fresh water swamp. The water table of the island has gone down, and as there are no springs, the rookery swamp is completely dependent on rainfall, which has been low in recent years.

Mrs. M. W. MacDonald, who manages the Whooping Crane Pond Conservancy, and other environmentalists point out that the Ocala Aquifer, which underlies the coastal plain, has been dropping noticeably. Industry around Savannah draws its water from the Ocala, in addition to which there is increased use for irrigation and agricultural projects, and for golf courses and developments on the Island.

Cypress Conservancy

The Hilton Head Plantation also has a second refuge, the 50-acre Cypress Conservancy, which contains a pond cypress swamp with a small egret rookery. It has no trails or walks. And a small island in the Sound, Pine Island, has been set aside to be preserved as a nature reserve.

The Port Royal Plantation has a small six-acre arboretum with a significant collection of about 100 native plants which are labeled. It also has the 14-acre Sherman Preserve protecting a historical site of Civil War breastworks and a beautiful forested area. There is also another small rookery located in the Spanish Wells Plantation.

Recent Environmental Concerns

Some members of local environmental groups point out that despite the careful conservation measures, serious problems have arisen. During a recessionary period in the 1970s, some of the plantations got into financial trouble when real estate values went down, and some of them, which came under new ownership, began to move towards more intensive development. In 1980, a suit

brought against the Sea Pines Company argued that there had been discrepancies in the preservation of open spaces. However, the Beauford County Court of Common Pleas and the South Carolina Supreme Court ruled in favor of the Company and the Beauford County Court found that:

"Sea Pines Plantation Company has now permanently restricted in excess of 1280 acres (two square miles) within Sea Pines Plantation, including the Sea Pines Forest Preserve, to an undeveloped condition, free of homes and any other buildings, and managed in a way designed to preserve the wildlife and the natural beauty of the area, thereby fulfilling its Two-Square Mile Commitment to the plaintiff as restated in the 1974 Property Owners' Agreements and Covenants."

Ed Drane of the Hilton Head Sierra Club argues, however, that Sea Pines should not be able to include golf courses, drainage ditches, utility rights-of-way, etc., as part of its open space.

Environmentalists are also concerned about the quality of the waters and marine life in the salt marshes and sound, as this is one of the last major unpolluted marine environments on the East Coast. Drane maintains that major problems have arisen, especially from sewage treatment, water runoff, and depletion of ground water supplies. As marsh front property has increased in value, developers have built too close to the marshes, causing pollution from non-point runoff. He noted that this has caused some oyster beds to be closed and the Carolina Coastal Council to step in. The growing popularity of marinas is adversely affecting wetlands. And fresh water supplies are being depleted as they are pumped up to water the golf courses.

Drane says that even outside of the plantations, the first small developments were also sensitive to the master plan philosophy. When Hardee's fast food restaurant arrived, it adopted a low key design noticeably different from the usual fast-food flash, employing small wooden signs and lots of vegetation. But now things are changing, and first the county, and then the town, adopted sign ordinances. He argues that newer developers have less appreciation for wildlife habitat and water resources. While on the surface things still look pretty, a number of environmental problems are going unattended.

One of the ironies of adhering to the philosophy of development in harmony with the environment is the increased pressure from more and more people who desire to move there. Ed Drane says that land values have quadrupled in 10 years, and a one-acre ocean front lot in a major plantation that sold for \$100,000 is now selling for close to \$1 million, and that the cheapest houses for sale in a plantation are at least \$110,000. He notes that it was far easier 25 years ago, when land values were much lower, to set aside major acreage as open land or preserves, than it is with current land prices. (This is not a unique problem facing only private protection of natural resources. Accelerating land values make governmental preservation ever more difficult, and the millions of visitors to the National Parks are causing problems with water pollution and the protection of wild plants and animals.)

But even the critics who wish that the growth would stop, and who point out that intensive development is adversely affecting wildlife habitat and water resources, still recognize the noteworthy achievements of the development plan of the plantations. Ed Drane stresses that Charles Fraser was responsible for

the conservationist philosophy of the early plantations and should be given credit. The concept originated with him and it was risky, and whether done for economic or environmental reasons, he foresaw, and others learned, that protecting the environment can be a profitable investment. Caroline Newhall also praises the vision and early work of Fraser, especially his decision to put aside a substantial amount of land for every acre developed.

Conservationists are somewhat heartened by the fact that the Ginn Corporation recently acquired the Sea Pines Plantation as well as the Hilton Head Company, which owned the Port Royal, Shipyard, Wedford, Spanish Wells and Indigo Run Plantations. Ginn is now the largest landowner, holding over 25 percent of the Island, and the environmental community hopes that the reputed strong conservationist ethic of the new owners will help continue the preservationist tradition. They are carefully watching Ginn's new construction project on the beach front.

From almost all accounts, the development philosophy initiated and practiced at Hilton Head Island has proven to be an outstanding model of how to create a major resort and residential community on an environmentally sensitive barrier island. At least within the plantations covering most of the island, the concept of development in harmony with the environment appears to have balanced intensive development and human use not only with scenic beauty, but also with protection and preservation of wildlife, important habitat, native vegetation, wetlands, dunes and other natural resources.

While some people see looming resource problems, and decry the area's growing popularity and continued growth, it is clearly a notable achievement when compared to a great many seaside resorts where clearing, leveling and draining precede development, and ornamental trees are added later. Hilton Head still remains heavily forested. The success of this major resort area is a testimony to the fact that development and environmental preservation can be compatible even on a large scale. Richard Dey, Executive Vice President of the Hilton Head Island Chamber of Commerce, probably echoes the sentiments of most of the residents when he says, "We have some problems, but you only have to go away for a week or two and then return to appreciate the achievements that have been made here." [Hilton Head Island Chamber of Commerce, P.O. Box 5647, Hilton Head Island, SC 29938]

Private Farmland and Non-Industrial Forestland

The vast extent of the nation's private farmlands and timberlands, and their widespread and often small parcel ownership distribution, makes them extremely difficult to inventory and evaluate. Because so many of these lands are owned by reticent, publicity-shunning individuals and families, it is difficult to learn what contributions their owners are making to the conservation of natural resources and environmental amenities. Yet because of the sheer size of these lands, it is obvious that they are providing habitat and wildlife protection even if the landowners are making no special efforts to maintain these resources. Some 421 million acres of farmlands are in cultivation in the United States. By comparison, all federally owned land outside Alaska totals 404 million acres. In the South alone, 73 percent of the forestland is owned by private individuals,

totaling some 133 million acres. By comparison, industry owns 38 million acres of the southern forest, and public agencies own 18 million acres.

Clearly, the potential for significant private contributions in the area of natural resource conservation activities is enormous. With respect to farmlands, much of the advice and incentives for the protection of the land, habitat and wildlife comes from government agencies, such as the Soil Conservation Service, agricultural extension programs, and state fish and game agencies. Hunting and fishing opportunities for landowners, as well as the possibility for fee-hunting on these lands, also encourages the maintenance of wildlife habitat and wildlife.

For the management of private nonindustrial forestlands, organizations such as the American Forestry Association provide information on enlightened private management practices in order to balance forest productivity with environmental and wildlife protection. Specialized wildlife conservation groups also provide management information for the protection and enhancement of populations of certain species of game and nongame wildlife; among them are The National Wild Turkey Federation, Quail Unlimited, The Ruffed Grouse Society, Pheasants Unlimited, Inc., and The North American Bluebird Society.

CASE STUDY: C. JAMES WALLENDAL FARM

C. James Wallendal owns and operates a 250-acre family farm four miles north of Horicon National Wildlife Refuge in Fond du Lac County in southeastern Wisconsin, where there has been a drastic loss of wetlands over the years. As a farmer and conservationist, he has developed a model, award-winning program of combining cash crop farming and the preservation of wildlife habitat and wildlife. Most of the farm is now devoted to the production of sweet peas, winter wheat, and some sweet corn. However, the protection of wildlife habitat and wetlands has been an ongoing project for him. Over the past 30 years, he has restored and set aside over 60 acres exclusively for wildlife use without significantly reducing his profitability.

Restoring Wetlands

Wallendal began farming in 1949 and for some years was intensively working his land, mainly in corn and dairy cattle. In 1963, he tilled and ditched acres of wetlands, reclaiming them for cropland to produce corn and oats. But as early as 1953 he began to start wildlife projects, including the construction of five small waterfowl nesting ponds, and over the years he grew concerned about the increasing loss of wetlands and the decline of wildlife, especially duck and pheasant populations.

Wisconsin's original 10 million acres of wetlands is now reduced to 2.5 million acres, and still declining. In addition to serving as vital wildlife habitat, wetlands act as a sponge to absorb river runoff in the spring and maintain a stable flow of water throughout the year. As more wetlands were drained, there was more flooding, water drained rapidly off the land, streams silted up, the water level rose, and stream flows were reduced. Not only did the reclaimed lands often become waterlogged but, as more wetlands were drained for crop production, there was overproduction of many crops.

In spite of the many problems arising from wetland drainage, increasing

property taxes led to more drainage. A decade or so ago, marginal wetlands were taxed at about \$4 per acre and workable land at about \$10 per acre. As this increased to about \$10 and \$22 respectively, fewer farmers feel they can afford to leave marginal wetlands as "unproductive" and thus reclaim them, hoping to produce some income from crops. Waterfowl habitat creation and wetland protection consequently became a major concern.

In the early 1960s, Wallendal entered the soil conservation farm program and began strip-cropping and terracing. He also created a four-acre pond and put up wood duck nest boxes. He fenced off marshland from his pastureland to keep livestock out and eventually got out of the dairy business. By 1981, he began a systematic program of restoring the "borrowed" wetlands from cropland back to productive wetlands and wildlife habitat. His pond system lies along a natural water course connecting a spring to the Rock River, and he constructed a system of dikes and pipes connecting the ponds to control water levels and to maximize vegetation growth for food and nesting cover. He also planted vegetation around the waterfowl ponds for food and cover and planted acres of fertile soils in switchgrass to provide nesting habitat for ducks. He has now restored all of his reclaimed cropland to natural wetlands—a total of 60 acres—and entered them under the federal waterbank program.

The wetland restoration program has been a notable success. Four species of ducks nest there: mallard, green-winged teal, blue-winged teal, and wood duck. Hundreds of ducks feed there during spring and fall migration, as do flocks of Canadian geese and some whistling swans. Local hunters refer to his farm as the "Little Horicon." Herons, egrets, and sandhill cranes visit the wetlands. Muskrats abound; he has trapped up to 75 in a season. There are mink and even a pair of river otter.

Wildlife Habitat

Wallendal also continued to improve other areas of his farm and he created many acres of wildlife habitat. In 1960, he began planting multiflora rose along fence lines, turning them into hedgerows and creating "wildlife travel lanes" and nesting habitat, cover, and food for pheasants, grouse, and songbirds. He expanded and improved a four-acre coniferous plantation woodlot by planting ash trees so there would be berries for birds. Nut trees were planted and, together with the pines, provided both cover and food for deer and squirrels. Adjacent to the wetlands he started a 1,000 tree plantation of the highly valuable black walnut, of which he says, ". . . years from now those trees could put some of my six grandchildren through college."

By 1981, Wallendal phased out cattle pasturing and field corn farming and switched to sweet peas, winter wheat, and sweet corn. This improved the quality of his land and wildlife habitat while significantly reducing his use of agricultural chemicals and top soil loss through erosion. The winter wheat did not need chemicals and the peas did not require pesticides, which he believed were killing off earthworms and thereby reducing the quality and friability of his soils. The Rock River used to have trout that may have been killed by pesticide runoff, as well as by siltation from the severe erosion from his cornfields. The erosion is now also greatly reduced. Winter wheat is a no-till crop, and throughout the farm Wallendal uses minimum tillage practices as well as a two-year crop

rotation to reduce erosion, and has not plowed some of his fields for six years. Highly erodible ground is planted in alfalfa; the river has been rip-rapped to control erosion and to improve the flow.

Wallendal was also concerned about the decline of the ring-necked pheasant population in Wisconsin as a result of habitat loss and has consequently managed the farm to improve pheasant habitat. Substantial acreage of fertile soil has been planted in switchgrass to provide winter cover and spring nesting sites. Some grain and corn is left in the fields for food, and future plans include planting some acreage in black sorghum for pheasant food. In the fields, hedgerows, and woodlots, Wallendal's wildlife habitat projects have been very successful. The deer have returned; there are abundant squirrels, racoons, and rabbits; the pheasant population is thriving; and there are gray partridges.

Governmental Programs

Over the years, Wallendal has received advice and assistance from a number of government agencies, including the Wisconsin Department of Natural Resources, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service (which pays up to 75 percent of some project expenses), and most recently the federal waterbank program, a 10-year program aimed at restoring wetlands in parts of the country where they have been drained for agricultural use. The State of Wisconsin has also developed a pilot program to increase farm habitat for pheasants and ducks, making payments for the land converted to wildlife use.

Wallendal's efforts to restore and create wildlife habitat have not been without substantial costs. Planting nesting cover such as switchgrass costs him about \$40 per acre to seed some 15 acres, not including labor and time. The total cost of developing the wetland habitat was about \$6,000, mainly in constructing the ponds and the water control system. Also, his crop production has been reduced.

But there have also been significant gains. All told, some 60 acres have been taken out of reclaimed cropland and converted back to wetlands and wildlife habitat, additional acres have been set aside as wildlife habitat elsewhere on the farm, and the wildlife has returned—some in abundance. He created a private wildlife refuge and preserved environmental amenities for the public, both major accomplishments for a concerned conservationist. Wallendal personally likes to hunt and fish, and he derives some income from trapping the thriving muskrat population. He also leases hunting rights to duck and goose hunters.

The 60 acres of wetland habitat entered in the federal waterbank protection program bring him \$1,200 annually, which pays the property taxes on these lands. Much of the 60 acres that he restored was prime farm land. The *Wisconsin State Journal* reported Wallendal as saying, "Only about 10 to 20 acres of that was marginal cropland, what I called 'gamble' land. When it was dry I had a crop, but when it was wet I didn't get much."

In addition to the conservation efforts on his own land, Wallendal has been actively involved in wildlife conservation throughout Wisconsin. He is, or has been, a member of the Wisconsin Conservation Congress, the Wisconsin Wildlife Federation, the Waupun Conservation Club, and Ducks Unlimited,

helping to start two DU chapters. He was also a founder and remains an active member of Wings Over Wisconsin, a DU-type organization that works to improve and restore pheasant habitat throughout the state.

Wallendal says that much of his motivation is his desire to preserve a natural heritage for his children and grandchildren. He says "I am probably an exception rather than an average landowner farmer in wildlife and environmental issues, but they are my love. That is the best explanation I can give as to why I did all these things and will continue to do [so]."

In 1983, Wallendal received the annual Wisconsin Wildlife Habitat Award of the Wisconsin Land Conservation Association and was cited as "... a role model for all Wisconsin farmers. He is living proof that wildlife habitat can be extensively developed without significant adverse effects on farm profitability." He also received a certificate from the Wisconsin Department of Natural Resources. His combination of farming and wildlife conservation has been reported widely in state newspapers. And the Wildlife Management Institute in Washington, D.C. stated: "... if every owner followed Mr. Wallendal's example, the nation's wildlife and associated recreation would have a brighter future indeed." [C. James Wallendal Farm, R2, Waupun, WI 53963]

Specialized Wildlife and Habitat Protection, Restoration and Management Organizations

There is an extremely wide range of highly specialized groups, programs and individual efforts to restore and maintain habitat for diverse species of wildlife. Many of these nonprofit organizations conduct significant and intensive programs to protect and restore wildlife, including endangered species and their habitat. Many of them are actively involved in public education to promote their goals, and their activities often complement, and sometimes surpass, the work of such government agencies as the U.S. Fish and Wildlife Service. As this is done at private expense, it makes an important contribution to the provision of public amenities.

CASE STUDY: SASSAPAW RESEARCH REFUGE

The Sassapaw Research Refuge is an 18-acre farm now devoted to studies of Lepidoptera (butterflies and moths) and the Ichneumon parasitoids (wasps), and to the protection, propagation and restoration of selected species of butterflies and moths. It is a nonprofit operation.

Robert T. Mitchell, a retired U.S. Fish and Wildlife Service biologist and the co-author of *A Golden Guide: Butterflies and Moths*, and his family in 1970 purchased an 18-acre farm on rolling land in southeastern Anne Arundel County, Maryland, overlooking the Chesapeake Bay, 16 miles south of Annapolis and 22 miles southeast of Washington, D.C. As a professional biologist, he had long had an interest in and concern for butterflies and moths, many of which have undergone a long-term population decline for a number of reasons. One major cause is likely the decline and loss of butterfly habitat resulting from human population growth and development, as well as modern intensive agricultural and farming practices. It is also thought that the use of agricultural chemicals and insecticides has adversely affected populations.

Declining Populations

Mitchell notes that butterfly populations have suffered as a result of many modern land-use practices, including the construction of impoundments over productive river bottoms and marshes, the drainage of wetlands for land reclamation, the removal of thickets and a decrease in the number of woodlots. He notes that the hayfields and pastures which formerly were common across the countryside have been increasingly replaced with shopping centers and asphalted parking lots. The increased number of interstate highways and the improvement and widening of country roads, and in particular the use of chemical and mechanical treatments along roadsides, have taken away much habitat and extracted a heavy toll on many butterflies and supportive weeds. Modern street and parking lot lighting systems and floodlights at shopping centers and at interstate highway interchanges also have an adverse impact on moths.

Mitchell also points out that country life-styles have changed radically since his youth. The many small family farms have given way to housing subdivisions and larger, more intensively managed farms. Originally, each farm often had a spring that fed a little brook that would be lined with thistles and other weeds which supported populations of many butterflies. The cows and horses just ate around the thistles. And people weren't worried about what was eating the leaves on their trees. If people didn't like the dandelions in their lawns, they simply dug them out. Now people treat their lawns and fields with herbicides to remove dandelions, thistles, and even clover — which is not only not a weed, but is especially important for a number of butterflies.

Most Lepidoptera are highly selective in the food plants and flowering plants that they require at the various stages of their life cycles. In 1970, Mitchell began to manage the farm to develop optimal butterfly and moth habitat. It is no longer solely a working farm. He began a program of introducing plants that would attract and feed a wide range of species. He also began an intensive program of management and manipulation of the various major habitat areas on the farm, which included woodlands, wood margins, open fields, hedgerows, and a special area devoted to food crops for monarch butterflies. Various areas of a four-acre pasture are "bush-hogged" during June, July and August to produce fresh sprouts and vegetation in three stages of development in order to diversify the habitat. Japanese honeysuckle, which takes over woods margins, strangles trees, invades open woods, and causes preferred plants to die out, is physically removed wherever possible. Other fields are mowed to encourage growth of desired plant species.

Sensitive Farmer

While most of the farm is no longer in production and is instead devoted to maintaining and improving butterfly habitat, Mitchell still likes to be listed as a farmer and complies with the minimum qualification for being a producer—selling at least \$50 worth of farm produce. But even where he produces crops, he is especially careful to protect the butterflies. He keeps agricultural chemical applications to a bare minimum, refrains from spraying fruit trees at bloom and, as a result, often produces wormy plums and peaches. And when rotenone is effective, he uses only that as an insecticide.

A small vegetable garden, used mainly for personal consumption, is located near the farmhouse and is surrounded by one-tenth-acre plots of red clover and alfalfa for butterflies and mulch for the garden. Even the farmhouse lawn is planted in white clover, a preferred food for certain butterflies. A small orchard was planted with fruit trees known to be attractive to various species. Various hedgerows have similarly been planted with important trees and bushes, and a one-acre mixed pine forest was planted for species dependent on conifers.

Scientific Studies

Scientific studies were begun at Sassapaw in 1979, when Mitchell started butterfly counts. Ten counts, scheduled according to the successive blossoming periods of key plants, are conducted each year along a one and one-quarter mile route that transects the different habitats of the refuge. The data collected include the total number of each species, their sex, behavior, immature stages, Ichneumon parasites, etc. It is hoped that over a period of years these counts will enable him to measure the effect of the plant introductions, maintenance operations and habitat manipulations.

Some 30 or more species of butterflies and moths have been located on the refuge, and for some of these Mitchell has made specific plantings or habitat alterations. Mitchell has welcomed assistance in developing the Sassapaw Research Refuge and has offered to cooperate with anyone wanting to use it for field research studies on Lepidoptera.

Sassapaw is not open to the general public. The farm is 33 miles from his home and Mitchell can't be there at specific times, and because it is not a zoo or a butterfly farm, visitors cannot count on seeing butterflies at specific dates. Instead, from November 1 to May 1, Mitchell takes his farm/refuge with him on slides for lectures to various groups, showing the butterflies and habitat at their optimal times and also demonstrating what one committed person can do to help protect wildlife and habitat.

This example of private stewardship by Robert Mitchell is a labor of training, love and concern. There is no money in it. It is used as the basis of his ongoing research into Lepidoptera and provides material for his publications and lectures. He publishes his work and the findings of his studies as scientific papers and delivers lectures, talks and slide shows. He is able to deduct some of the expenses of the operation from his taxes, taking full advantage of charitable deductions, work-related expenses, etc., and this helps make his conservation work possible.

Creating "Backyard" Habitats

There are indications that a small but growing number of people are becoming concerned about the loss of butterflies and their habitat, and especially about the extensive application of agricultural chemicals and herbicides to country fields and suburban lawns in an attempt to maintain perfect, weed-free lawns, and to produce perfect fruits and vegetables. They believe we may be paying a high toll in the loss of beneficial insects, especially pollinators such as bees, butterflies, moths, and birds. There has, consequently, been a growing movement to return to natural gardens and lawns and to encourage the

planting of lawns in native wild flowers rather than persist in attempting, often in vain, to maintain perfect green lawns. However, this runs counter to many county and town ordinances which require that landowners eliminate "noxious" flowering weeds and plants and keep their "artificial" lawns mown and weed free. Also, many housing developments have covenants requiring the homeowners to "maintain" their lawns.

Organizations such as The Xerces Society try to counter some of these mandates by promoting public understanding of the beneficial role of insects in natural ecosystems and the need for habitat protection for butterflies. The Lepidopterists' Society also plays an important conservation role. Beginning in the mid-1970s, there have been an increasing number of popular and scientific articles published on creating butterfly habitat and butterfly gardening. Some people have started butterfly farms for propagation, usually to sell the butterflies to collectors, which may reduce the collection of highly-desired wild butterflies.

At least two national wildlife conservation organizations, the National Wildlife Federation and the National Institute for Urban Wildlife, have developed programs for the restoration of natural habitat areas to the urban and suburban landscape, aimed at reversing the shrinking of wildlife habitat.

The National Wildlife Federation is the nation's largest conservation organization. Through the Federation's Backyard Wildlife Habitat Program, homeowners can apply for certified membership in the program. They must pay a \$5.00 application fee, fill out a form with a plan for providing food, water, cover and reproduction areas, and if approved, they are certified and receive a certificate of membership. The Program already has some 3,300 members. While devoted to the provision of habitat for a range of wildlife species, the Federation has specific information on butterfly gardening in its "Gardening With Wildlife Kit." The Federation is hoping to capitalize on the U.S. Fish and Wildlife Service findings which show that 60 million Americans observe, photograph and feed wildlife within a mile of their homes and that 12 million maintain plants to attract and feed wildlife.

The National Institute for Urban Wildlife is dedicated to the conservation of wildlife for the benefit of people in cities, suburbs, and developing areas. It is especially interested in preserving and creating wildlife habitat in heavily-populated locales and conducts research and publishes studies on how various wildlife species are adapting to urban environments, as well as on how to improve and create wildlife habitat in urban areas. Their studies have demonstrated the significance of artificial man-created habitats as permanent wildlife habitat. For instance, storm water detention/retention basins create vital wetland habitat within urban and suburban settings. The Institute has retained Robert Mitchell to prepare a booklet on "Butterflies in Your Backyard." Many garden clubs have also begun to provide information on plantings that will specifically attract butterflies.

Mitchell says that some people might consider him eccentric because of his attitudes and beliefs. But he notes that he's not opposed to progress and it is not just a growth in human population that is threatening the survival of many butterflies and moths; more importantly, the threat stems from a change in people's attitudes. He notes that increasingly people have been conditioned to be intolerant of inconveniences and nuisances and to demand perfection

at the marketplace. They demand and expect perfect weed-free lawns and perfect blemish-free produce. He says that personally, "I feel safer eating the wormy apple and am better off." Through his example and efforts, and that of an increasing number of others who are willing to tolerate some loss to caterpillars and some weeds in their lawns, and who are willing to make space for wildlife habitat, we may continue to have fields and meadows alive with a summer spectacle of butterflies and brightly-colored flowering plants. [Sassapaw Research Refuge, c/o 4109 Tennyson Road, Hyattsville, MD 20782]

CASE STUDY: THE NATIONAL WILD TURKEY FEDERATION, INC.

The National Wild Turkey Federation (NWTF) was established in 1973 as a nonprofit organization dedicated to the wise conservation and management of the American wild turkey. It is a membership, education-oriented organization with about 28,000 members. Annual dues begin at \$15.00. There are over 200 state and local affiliate chapters, and \$2.00 of each \$15 membership is rebated to the 34 state chapters for local projects. The current budget is about \$1,200,000. Additional funding comes from member contributions and a regular program of national and chapter fund-raising dinners, auctions and art sales, and the sale of special guns, knives, caps, etc. Substantial revenue is also derived from the sale of annual wild turkey stamps and prints. (The NWTF is beginning a "grand slam" series of stamps and prints featuring the five subspecies of wild turkey native to the U.S. Many people who are not turkey hunters are avid collectors of the stamps and art work, bringing NWTF financial supporters to about 35,000 members.) The typical Federation member is male, about 40 years old and earns \$30-40,000 per year, ranging from blue-collar workers to corporate executives. In states such as New York and Pennsylvania, perhaps 25 percent of the members are blue-collar hunters.

The NWTF works cooperatively with state fish and game agencies and corporate and private landowners to do whatever is needed to assist wild turkey management and habitat management. It works with a technical committee composed of 63 wild turkey biologists representing all states except Alaska to provide state agencies with conservation management information, research data on such subjects as response to hunting, restocking techniques, and the use of transmitters. NWTF has a grant-in-aid program to allocate money for necessary research. A major program provides state agencies with transport boxes to use in translocation of turkeys. These are donated by forest products companies and distributed free of charge by the NWTF to the state agencies. Over 2,500 were distributed within the last year.

The NWTF is also able to speak out on environmental and legislative issues which state or federal agencies may not be able to do. Their overall mission is to fill whatever gaps they can in protecting and preserving wild turkey habitat throughout the country.

Educational Mission

Primarily an education, research and funding operation, the NWTF does not have the staff or resources to proselytize actively for the enhancement of turkey habitat on corporate and private lands. However, it does participate in

the National Wild Turkey Symposium held every five years which is attended by many private landowners. In addition, at various one- to three-day chapter conferences and programs around the country, the NWTf will work with local landowners who want assistance in managing habitat for turkeys, providing advice after visiting habitat. The NWTf also participates in various meetings held by state game agencies. Over the last three years, the NWTf director of research and management has visited 25 states to look at habitat. The organization also reprinted a South Carolina state game management publication, "Game on Your Lands," for private and corporate landowners wanting to know how to manage lands for the eastern wild turkey.

While there is relatively little direct corporate involvement in NWTf's funding, forest products companies donate the turkey transport boxes, cooperate in research projects on corporate timber lands, and a national firm donated land for the Wild Turkey Center in Edgefield, South Carolina. Austin, Nichols Distilling Co., distillers of Wild Turkey Bourbon, is an NWTf supporter and donated to the construction of the center.

The NWTf publishes a bimonthly magazine, *Turkey Call*, for its members, along with various newsletters and other printed material distributed through the membership and to various news media.

Wild Turkey Recovery Efforts

While no one knows the size of the original wild turkey population in America, it played a notable role in the Colonial period as a source of food from the first Thanksgiving at Plymouth Colony on, and was proposed as the national bird by Benjamin Franklin. However, overhunting and loss of habitat soon greatly reduced turkey populations. By 1930, it is estimated that there were no more than 30,000 wild turkeys in the United States. The eastern population was reduced to remnant flocks in inaccessible bottomlands and mountain areas and the smaller western populations seem to have survived through the absence of human pressure.

Through the end of World War II, wild turkey populations remained at an all-time low. Initial efforts into the early 1950s to restore populations by releasing penraised and more or less domesticated turkeys back into their historic ranges produced futile and discouraging results. The outlook for wild turkeys was not favorable. But in the mid and late 1950s, various state game agencies began to trap wild birds in their remaining refugia and transferred or relocated them to unpopulated prime habitat and slowly, populations began to recover.

These efforts have led to "a modern conservation marvel." There are now over two million turkeys nationwide in every state except Alaska, including all of the major Hawaiian Islands. Even states with marginal habitat, such as Nevada and Utah, have populations, and they are recovering especially well in densely populated states such as New Jersey and Connecticut. The wild turkey has proven to be very hardy, wily and adaptable. In spite of major habitat conversion, even such major farming states as Iowa now support thriving populations where small woodlots surrounded by corn plots support up to 80 turkeys per section—among the highest densities in the country. Throughout the country, populations have recovered to the point where over 44 states now have a turkey hunting season, expected to increase to 46 states within a year. Hunting expenditures, including

licenses and permits and taxes derived from the sale of equipment, are producing revenue for state game management agencies. States such as Missouri, with thriving populations, are now actively swapping turkeys with states like Michigan for other wildlife they hope to reintroduce in suitable habitat.

The National Wild Turkey Federation has played a substantial role in the successful recovery program for this species throughout the country. The NWTFF recently created a NWTFF Research Foundation with its own trustees, headed by former astronaut Wally Schira, to raise corporate funds for the sole purpose of conducting basic research on wild turkeys. [The National Wild Turkey Federation, Inc., Wild Turkey Center, P.O. Box 530, Edgefield, SC 29824]

Associations, Alliances, Coalitions and Technical Service Organizations

A number of regional and nationwide associations and alliances have been formed in recent years to assist individual property owners—wildlife conservationists, farmers and ranchers, sportsmen, individual land trusts, and others—in protecting habitat, wildlife, natural areas and open lands. To a large degree these are service organizations which assist their members with a wide range of information, advice and services. They provide technical and biological expertise on management issues. They advise on legal matters, environmental legislation, protection from trespass and liability problems. They sometimes provide discount insurance and information on advertising, marketing and tax problems. They conduct membership surveys and publish directories and inventories of their membership, and publish newsletters, magazines, journals and books relevant to the needs of their members. Many of them host annual meetings to bring together experts in the field, government officials, and the membership. Increasingly, some of these organizations assist their members in lobbying for tax incentives and various benefits.

CASE STUDY: OPERATION STRONGHOLD

Operation Stronghold is "A nationwide, nonprofit corporation dedicated to improving wildlife habitat and conservation practices on private land." It was established in 1979 to create a nationwide coalition of private landowners pledged to wildlife conservation.

Its president, Dayton Hyde, is a 60-year-old rancher, conservationist, photographer, author of a number of wildlife books, lecturer, and former board member of the Defenders of Wildlife. Hyde lives on a 6,000-acre ranch in a forested mountain valley in Klamath County in southern Oregon, owns another 6,000 acres of ranchland, and runs 1,500 head of cattle.

Hyde had grown concerned about a number of disturbing trends he saw affecting wildlife and private lands. He pointed out that during the 1930s there was a cooperative spirit between government and private landowners to create wildlife conservation programs on private lands including shelterbelt plantings, wildlife food and cover plots, restoration of wetlands, waterfowl breeding ponds, etc. However, in recent decades this cooperation had largely ended through a combination of population growth, land scarcity, changing economic conditions,

and "short-sighted tax laws [which] broke up family agricultural units and forced either subdivision or intensive cultivation."

Hyde also notes that: "Many remaining landowners who harbored wildlife or built ponds and wetlands discovered that they had created a managerial nuisance. The public flocked to the land, often destroying the very values they came to enjoy. They left gates open, vandalized expensive machinery, scattered garbage, trampled crops, started fires, and even sued for injury. The landowners best protection was a trespass law that was not only ineffective but created ill will. To the landowner it seemed easier to sterilize the land and hope that people would leave him alone."

Hyde believed that these trends were creating an atmosphere in which increasing numbers of ranchers and farmers felt that wildlife resulted in severe nuisance conditions, that maintenance of wildlife habitat led to losses in farm productivity, and that the presence of abundant wildlife, especially rare and endangered species, invited government regulation or even taking of private land.

Conservation Plus Productivity

One of Hyde's first aims was to demonstrate that farmers and ranchers could restore or create wildlife habitat while maintaining and often increasing agricultural productivity. Thus, he set about to improve his own ranch and use it as a model. Starting in the mid-1970s, he took some of his least productive land, a flat sagebrush area, and by bulldozing a basin and damming a canyon, he used snow melt to create a 60-foot deep lake with a three and one-half mile shoreline. Hyde Lake now provides habitat for up to 5,000 waterfowl, a pair of bald eagles, ospreys, two pairs of sandhill cranes, a family of trumpeter swans, and many other species. Wildlife from the nearby Fremont National Forest come down to use the lake. Trout weighing up to 12 pounds now thrive there. He believes this demonstrates that even the most marginal land can be used to create "a wildlife paradise."

Hyde also restored about 25 percent of his pasture lands back to wetlands, which had earlier been drained to create hay fields. The combined wetlands and lake improved the productivity of his farm in a number of ways: it modified the climate by providing warmer irrigation water and decreasing frost damage to crops; it increased grass production and attracted birds that help control grasshopper damage. Hyde claims that these improvements to his ecosystem have increased his beef production by 50 percent.

Hyde has also tried to work with coyotes instead of against them. While this is a controversial idea in livestock country, he has long followed a policy of dragging cattle carcasses into the woods to serve as coyote food, and he believes that this, together with the rodents attracted by his wetlands, keep the coyotes well fed, because he hasn't lost a calf in years. He believes that he and others have demonstrated that wildlife and wildlife habitat are compatible with profitable ranch management. The presence of wildlife doesn't mean loss of crops or livestock; wildlife and agriculture can work together.

Hyde's guiding philosophy is: "Man does not have dominion over the land but rather responsibility to it." He objects to the idea that man and wildlife cannot coexist, because he recognizes that some of the most productive private

land that was homesteaded, especially in the West, once supported major wildlife populations.

As a conservationist, Hyde has been concerned about the loss of wildlife and wildlife habitat on private lands, particularly because of their critical importance. He maintains that some "eighty percent of wildlife food, in the form of insects, weed seeds or crop residues, is on private land," but that as adjacent wetlands and wildlife cover disappear, these important assets cannot be utilized. "Nor can we rely on public lands to maintain species diversity. However scenic or spectacular, most National Forest, BLM, and state lands lack food and water to sustain large, varied wildlife populations except on a limited seasonal basis." Yet farmers and ranchers are expected to provide wildlife and maintain habitat essentially at their own expense, and are criticized for not doing more. This increasingly strains relationships. He writes: "Private land . . . carries the richest potential for wild plants and animals. Clearly, these tracts cannot be taken out of production for strictly wildlife purposes. Fortunately, such lands can provide habitat without cutting crop production, providing the nation with the most effective wildlife management system it has ever had, and at little cost."

Private Initiative on Private Property

As a rancher and landowner, Hyde has also been concerned about the growing hostility to private ownership. Ranchers have been receiving bad publicity because of harmful grazing practices on public lands and the public perception is that ranchers and farmers threaten wildlife habitat. This is creating a blanket condemnation of private land ownership. He also fears that if wildlife and habitat continue to decrease, there will be increasing pressure for governmental agencies to acquire private lands and as more land is posted, animosity between the public and private landowners is growing. Hyde says, "Private land ownership as we know it is in trouble. . . . We have to prove that private land can indeed serve a function not served by public lands."

To resolve some of these difficult problems, Hyde decided "the time seems exactly right for a simple, workable program led by the private sector—ranchers, farmers, timber producers—to create vital reservoirs of wildlife or plants on their own lands." Operation Stronghold was set up as a voluntary coalition of rural landowners, privately financed by membership dues and grants, and directed by the landowners themselves. The Operation Stronghold brochure points out that the landowner retains control over his land. "In no way does it affect one's deeded rights, ownership or title. The landowner himself is in charge. He can allow public access or deny it as he sees fit. He can drop the program at any time. . . ."

The concept was to create "a network of private wildlife strongholds—tracts of private land on which *significant* wildlife and conservation programs are carried out by landowners in return for varied benefits." The idea was to create a tradeoff, by obtaining voluntary commitments from landowners to create and improve wildlife habitat and protect wildlife in return for a package of benefits provided by the organization. These benefits would include the promotion of public understanding of and appreciation for private property, the need for providing undisturbed wildlife habitat, increasing public appreciation of

landowners' contributions to the provision of environmental amenities, and to help landowners protect their property and investments.

Membership dues are \$20 a year. Operation Stronghold provides technical assistance and ideas to landowners, and helps them identify areas where wildlife habitat can exist without adversely affecting agricultural production. Other activities include providing liability insurance to the members and exerting political pressure toward the creation of innovative programs at the state and national level to obtain greater legal protection against trespass and to obtain some form of tax incentives for those qualifying for the program.

A crucial part of Stronghold's program involves the definition and acceptance of "*significant*" contributions to wildlife habitat and conservation. Among the criteria suggested are: planting shelterbelts, planting wildlife cover and food plants, creating or restoring wetlands, restoring fisheries, fencing fragile stream banks, creating forest edge habitat, protecting endangered plants, patches of native prairies, and areas of unique natural diversity, and providing winter food for wildlife. Not only are potential members' lands evaluated "on the basis of their real or potential contribution to the program" but their continued qualification for the program is "evaluated on an annual basis."

Trespass Enforcement

One of the key aims of Stronghold was to begin to resolve the vexing problem of trespass. Not only does much of the public react negatively to the traditional posting of signs reading "Private Property; No Trespassing; Keep Out," but the judicial system has seldom enforced trespassing laws with much enthusiasm. Hyde devised an innovative, large, bright yellow, triangular sign, made of corrugated styrofoam which has proved to be very effective. First, it avoids the "Keep Out" syndrome. It reads: "Member, Private Land, WILDLIFE STRONGHOLD, a Nationwide Project. This landowner cares: He has committed his property to a significant conservation and wildlife program benefitting YOU. Wildlife needs privacy. Please cooperate. It is unlawful to enter these premises without written, dated permission of the landowner." The margins are illustrated with five species of wildlife. The public seems to respect the concept and the signs, resulting in less vandalism and trespassing. He had previously lost 50 to 100 normal "No Trespassing" signs each year, but has yet to have one of the new "Wildlife Stronghold" signs torn down. Furthermore, a certain element of the public appears to delight in shooting at "No Trespassing" signs, and a single shot usually does considerable damage to the normal metal signs. However, a bullet passes cleanly through these styrofoam signs with little noticeable damage and apparently reduces the pleasure of "sign potting." Also, through concerted educational efforts, judges around the country are increasingly coming to recognize the significance of the Stronghold concept and are beginning to come down harder on trespassers entering members' lands. Operation Stronghold provides the signs at cost—\$3.00.

Expanding Network

Considering its very recent start, Operation Stronghold appears to be catching on by providing a necessary service to landowners. There are now over 400

members around the country who have pledged some three million acres to the program. Two hundred and fifty thousand acres are located within Klamath County, where Operation Stronghold has been widely publicized. However, members are located in all the states and have even joined from England and South Africa. Stories on Operation Stronghold have begun to appear in newspapers, magazines such as *OMNI*, and ABC's "20/20" television program.

Individual members have developed unique programs. An Oklahoma rancher who was plagued by rodents erected nest boxes for American kestrels (sparrow hawks) which began to help control the rodent population. A Michigan hay rancher who reported that bobolinks, an attractive field-nesting song bird, had disappeared from her part of the state, was advised that harvesting usually coincided with the key nesting period of many field birds. By leaving a rocky area in the center of her fields uncut she successfully attracted nesting bobolinks. Other members are creating wetland and marshes. Wild turkeys are being re-established in Montana.

Hyde views Operation Stronghold as a system of individual Noah's arks, preserving wildlife and habitat. He says that landowners often complain about the cost to an individual ranch that attracts wildlife. If one does it alone, deer and elk may multiply or converge on fields and cause substantial crop losses. However, if neighboring ranchers join together, the wildlife habitat area increases and the herds spread out. The more arks, the better.

Hyde believes that the government can't legislate caring or concerned private behavior, nor can federal money alone create it. But public lands cannot alone guarantee the survival of American wildlife because of the abundance, extent, and natural productivity of private land. But given the correct mix of technical services, incentives and protection, private landowners can and will act voluntarily.

Operation Stronghold concludes: "The Stronghold network helps restore our wildlife, bringing back into wildlife use rich, productive lands the federal government cannot and should not buy, land whose marginal areas can support wildlife without lessening agricultural productivity."

Operation Stronghold appears to be an innovative and successful solution to a major problem, the loss of wildlife and habitat on the nation's major landform, the private farm, ranch and timber land. The program is increasing the wildlife carrying capacity of these rich lands, while maintaining and often improving crop and livestock productivity, decreasing trespass and vandalism problems, and creating a better relationship between private landowners and the public. [Operation Stronghold, Box 234, Chiloquin, OR 97624]

Observations and Analysis

The foregoing studies illustrate a diversity of innovative, important and privately initiated efforts to protect and conserve a part of America's natural heritage, especially its wildlife, wildlife habitat and unique landscapes. Some of these organizations have been active for almost a century. Other programs are new and experimental.

The Trustees of Reservations, among the first major efforts in American history to set aside scenic and historic lands for the benefit of future generations, was

founded in 1891. The Word Hunting Ranch was begun in the early 1980s. All were attempts to solve problems or take advantage of opportunities presented in their time. The Trustees of Reservations, located in one of the first states to face population and development pressures, attempted to save choice and important areas of Massachusetts' natural landscape. The Word Hunting Ranch, C. James Wallendal Farm and Operation Stronghold have taken somewhat different approaches to resolving a more recent but increasingly pressing problem, the loss of wildlife and wildlife habitat on modern, intensively-managed ranches and farms.

These and the other organizations selected for review are located all across the country — in Michigan, Massachusetts, New Mexico, Maine, Pennsylvania, Oregon, South Dakota, South Carolina, Wisconsin, and Maryland. Three of them are nationwide organizations, The Archaeological Conservancy, The National Wild Turkey Federation and Operation Stronghold. Two of them are statewide organizations, the Michigan Audubon Society and The Trustees of Reservations. The others are local, ranging in size from the 2,783,170 acres of North Maine Woods, Inc., to the 18 acres of the Sassapaw Research Refuge in Maryland.

About half are nonprofit organizations: Michigan Audubon Society, The Trustees of Reservations, The Archaeological Conservancy, Hawk Mountain Sanctuary Association, Sassapaw Research Refuge, The National Wild Turkey Federation, and Operation Stronghold; the rest are profit-seeking: North Maine Woods, Sea Lion Caves, Word Hunting Ranch, Hilton Head Island, and the C. James Wallendal Farm.

What They Do: The Public Benefits

Hunting

Hunting and the protection of habitat for waterfowl, other gamebirds and game species has traditionally been one of the major motivations behind wildlife habitat protection and acquisition in America, by governmental and private entities alike. Thus, two of the organizations studied are specifically involved with wildlife hunting. The Word Hunting Ranch was created to derive income mainly from pheasant and deer hunting, and The National Wild Turkey Federation was established to restore wild turkey populations and to conduct research and provide advice on habitat requirements mainly for turkey hunters. Whatever the reason for its protection, however, the existence of the habitat also provides living places for a wealth of non-game species. Hunting and fishing are among the many recreational activities provided by the North Maine Woods, although the primary activity and concern of the landowners is the production of forest products. C. James Wallendal enjoys hunting on his small family farm and also derives some limited income from leasing hunting rights.

Birdwatching

Although hunting has played a major role in the development of a conservation ethic in America, birdwatching, or "birding," has come increasingly to play a very important role. The United States is probably second only to Great

Britain in the percentage of its citizens who engage in birding activities, purchase birdbooks, binoculars and cameras for birding, and provide winter feed for birds, erect birdhouses, and acquire and protect habitat for birds.

The various Audubon societies were pioneers in the protection of wild birds and their habitat, beginning around the turn of the century. The National Audubon Society in particular began an innovative program in 1900 of organizing Christmas Bird Counts where groups of birdwatchers would go afield to count all the species and individuals they could in a 24-hour period in a limited area, now a circle of 15 miles in diameter. This was proposed by the late Frank M. Chapman as an alternative to the then fashionable Anglo-Saxon Christmas activity of a "side hunt," where sportsmen went afield to shoot as many birds as they could. Records have been published by the National Audubon Society since the first count, and well over 1,000 counts are now conducted each Christmas Week, with three dating back to the original 1900 count. This effort has not only helped create the burgeoning sport and activity of birdwatching, counting, and listing, but has also provided invaluable data over the years on bird population trends. For example, these data have helped to detect species declines in time to make detailed studies and devise conservation remedies, and also helped create a nationwide wildlife ethic and an awareness of the need for the protection and preservation of habitat.

Three of the organizations studied were specifically created to protect birdlife and habitat: The Michigan Audubon Society, Hawk Mountain Sanctuary Association, and The National Wild Turkey Federation. Although The National Wild Turkey Federation undertook its activities in order to restore wild turkeys for hunting, it has also played a major role in reestablishing turkey populations throughout the country for hunters and birdwatchers alike. Other organizations have also given special attention to protecting birds and protecting and restoring their habitat, among them Sea Lion Caves and Operation Stronghold. And all of them provide habitat for birdlife.

Open Space and Unique Habitats

Increasingly, private sector organizations have moved into land and habitat preservation for specific, locally significant reasons: to save open areas or open lands; to protect areas which have scenic importance; or to preserve special types of habitat or biological diversity that are either rapidly disappearing or are especially vulnerable to development and conversion to other uses. In particular, these include wetlands, prairie grasslands, certain types of vegetation, and the specialized habitat that a number of non-game and non-avian species are dependent upon, including mammals, reptiles and invertebrates. The Sea Lion Caves has protected a rookery for the Steller sea lions and their sea cave habitat as a profit-seeking tourist attraction, and the owner of the Sassapaw Research Refuge has been managing and converting a small farm into a refuge for the protection, propagation and scientific study of butterflies.

Recreation Development

The resort community on Hilton Head Island is noteworthy as one of the first major post-World War II developments to build within the environment

rather than upon the environment and to demonstrate that the protection of forests, wetlands, beaches, open areas and wildlife could be profitable.

Why They Do Them: Motives and Incentives

The incentives for these private sector resource conservation activities appear to be as varied as the activities and interests which characterize our highly diverse, individualistic and pluralistic society. There is no single incentive which stands out as critical in directing individual or organizational self-interest towards environmentally sensitive behavior. Such activities seem more to demonstrate that when private initiative is given free rein in nearly any area of human endeavor, there will be those who will take innovative steps and actions to put into effect their own plans, programs and visions.

Profit-Seeking Organizations

With regard to the motivations of the profit-seeking organizations considered here, North Maine Woods is instructive in a number of ways. First, the landowners are primarily interested in managing their landholdings for the profitable production of forest products. The relatively recent efforts to manage public access is a result of the increasing demand for the use of these lands by the public for outdoor recreation. The additional costs associated with this increased recreational use of these lands—for policing, maintenance, trash removal, liability—have lead these landowners to seek ways to minimize such costs or offset them with new revenues. In some states, high property taxes are leading landowners to seek ways to offset this kind of cost as well.

Maine land laws define all lakes over 10 acres in size as "great ponds" to which the public has the legal right to cross private unimproved land to gain access to the lakes for recreational use. Maine also has an open door policy, guaranteed by legislation, for public crossing of private forest land for hunting and fishing, and hunters can use any private forest lands unless they are specifically posted against hunting or trespassing. Because of this general provision of free public access to private lands, the landowners in the North Maine Woods area, which abounds with lakes, ponds and rivers, have long experienced public usage of their lands for recreational use. It was only during the 1960s and 1970s, when the growing popularity of outdoor recreational activities by the public began to accelerate, that this became a problem for the landowners. Increased recreational demands, and the associated problems of litter, road decay, visitor safety, and the threat of forest fires necessitated the development of an innovative program of public use management and the present fee system for use of the facilities provided by North Maine Woods.

International Paper Company (IP), which is not only a major landowner within the North Maine Woods, but is also the nation's largest private landowner, with some seven million acres around the country, points out that different state laws affecting land use, and different institutional arrangements, play a very important role in its decisions regarding the management of timber holdings and the incentives for improving habitat and managing it for multiple purposes. This holds true for most companies in the forest products industry.

For example, in the *New England* states of Maine, New Hampshire and

Vermont, which have mandates for public use of private lands, there is little incentive for a private owner to carry out expensive programs of habitat improvement or to manage the resources for the benefit of specific wildlife species because the landowners cannot capture those values. Instead, they will generally engage only in those improvements necessary to safeguard both the visiting public and their own lands and resources.

However, IP notes that in neighboring *New York* state, if private lands surround a lake, private landowners can prevent people from going on it, or they can charge a fee for access. Thus, they have put money into improvements because they can earn a return. For instance, they will tailor timber cuts to benefit particular species and groups of hunters—such as for bear, deer or grouse, because in *New York* they can lease an area surrounding a lake for the exclusive use of a hunting club.

In the *Southeast*, especially in *Georgia*, *Florida* and *Alabama*, forest products companies have historically managed extensive areas for hunting, either on a fee-hunting basis or leased to private hunting clubs, and many employ sizable staffs of biologists and wildlife managers to improve the habitat. The sporting public seems happy to pay a fee to hunt and hopes the land will continue to be available for that purpose. In these states, where there has been a long tradition of private fee-hunting, the companies engage in cutting practices, controlled burns, the provision of food plots and stream corridor buffer zones, and manage for a wide variety of different wildlife and recreational uses. In fact, IP notes that it, and many other companies, are increasingly committed not only to managing timber, but also other activities that can help return some income or profit to the company.

These arrangements have led to many mutual benefits. The public users are becoming increasingly appreciative of the opportunity to have access to areas for hunting, fishing, trapping, and recreation, and often cooperate willingly with the landowners to minimize abuses. Many report damages or violations to the landowners and suggest improvements that might be made. This willingness to pay for the use of these private lands, as well as a respect for the lands, has motivated landowners to provide more and improved recreational opportunities.

In the *West*, a still different picture exists. Here, the long tradition of free access to vast expanses of public lands, including tens of millions of acres of national forests, has created a milieu in which the public often believes it has a right to free access to *all* lands for hunting, fishing and outdoor recreation. This has caused major problems for private landowners in managing public use—controlling illegal timber cutting, vandalism, and forest fires—as well as in protecting endangered species and wildlife. Furthermore, since the federal government provides substantial outdoor recreational opportunities without charge, there is virtually no incentive for forest products companies in that part of the country to undertake expensive management programs to benefit wildlife or the public, since there is little likelihood that they will realize a return on their investments.

While most private western timber lands are accessible to hunters, fishermen, birders and hikers, this is generally not publicized. Knowledge of these opportunities is often restricted to nearby residents. Some companies simply allow free access, recognizing the difficulty of preventing public access, as well as the

goodwill to be generated from allowing neighbors to use their lands; others are beginning to require use permits to control and manage access; a few are able to charge fees.

But generally, more visitors simply mean more problems, especially in areas where it is difficult to generate revenue from public access. However, it is important to note that some companies do make special exceptions and sometimes even encourage the public to use campsites and visit tree farms in order to take advantage of the opportunity to educate the visiting public on the needs of the forest products industry as well as the public benefits provided at private expense.

The attitudes in the West are similar to those in New England, where the absence of a tradition of fee hunting or lease hunting, combined with a tradition of public access (either to forest lands in the public domain or through laws requiring access to private lands), limit the opportunities for generating revenue. But even in the West, there appears to be a growing awareness and acceptance of public fee hunting on private lands. Many sportsmen already know that some of the best remaining hunting and fishing in the West is now on private lands, where exclusive ownership rights can and do limit the number of users and where there are strong economic incentives to maintain and improve the quality of wildlife and habitat. And increasingly, people are willing to pay for that experience.

One of the concerns of forest products companies throughout the nation, but especially in those regions where they are generally unable to generate revenue from public access to their lands, is that public access creates traditions of use and expectations of continuing use. Yet, all forest products companies must retain the ability to close off entry into particular areas, often without notice, in order to conduct necessary business operations and prevent forest fires.

Forest products are still the foremost activity of this industry; the provision of public uses for profit or goodwill is usually ancillary. However, the example of North Maine Woods, and other evidence of increasing resource management for non-timber uses, illustrate how changes in institutional arrangements, which seem to be the most important determinant, influence these companies' perceptions that there are sufficient economic incentives for them to engage actively in the private provision of environmental amenities for the public.

Not-for-Profit Organizations

The various nonprofit organizations—the traditional conservation and wildlife organizations, the growing number of specialized land trusts, and other associations and service organizations—illustrate the unique strengths and abilities of the nation's independent "third sector," those institutions or individuals that are neither governmental nor commercial, to undertake a wide range of activities and solve a wide range of problems which might be difficult or impossible for either government or the profit-seeking sector to attempt. Often they simply step in voluntarily to accomplish privately, and independently, whatever they feel needs to be done in the area of natural resource and wildlife conservation and in the preservation of environmental amenities. One of the most important characteristics of these independent sector activities is that they

are able to proceed quickly and quietly to take action to protect and preserve those natural resources which they believe deserve immediate attention. In many cases these actions precede any general public awareness or concern about a given environmental problem. Thus they are able to undertake activities which governmental agencies are not able to fund through tax revenues, and to begin programs which profit-seeking enterprises are not able to create.

There is also a deep sense of mission and commitment associated with these nonprofit activities. They are characterized by strong voluntary enthusiasm and belief in their cause. Many of these activities, programs and organizations operate mainly with volunteer help. Often, even the officers put in long hours of unpaid work, and some organizations have existed for years with largely unpaid, volunteer workers.

The generally limited finances of many of these organizations and programs has, perhaps surprisingly, led to the creation of what can only be viewed as one of their greatest strengths—the need to improvise. These groups have had to become extremely effective at discovering cost-effective, innovative, creative and imaginative methods of acquiring, managing and protecting natural resources.

One of the major incentives allowing these nonprofit organizations to carry out their missions has been their legal status as tax-exempt charitable organizations. While their tax-exempt status has perhaps not been absolutely crucial for their basic membership support, for which members do receive such things as newsletters, magazines, journals, membership pins, patches or decals, usually free access to the preserves or refuges, as well as a personal sense of doing good, it has certainly been important beyond this initial level.

It has been vital when it has come to the "higher" membership categories that nearly all of these organizations maintain, such as "sustaining," "supporting," "sponsor," and "patron," where dues increase considerably. It has most likely been indispensable when it comes to obtaining major individual contributions, gifts and bequests, and major corporate contributions. It has also been a crucial consideration for gifts of lands, habitat or estates, from both individuals and corporations.

The most significant incentives involve the various charitable tax laws, whereby the United States Tax Code, through a multitude of tax deductions, tax credits, and tax deferrals for individuals, estates and corporations, allows a wide range of charitable contributions including money, gifts, land, and conservation easements to nonprofit conservation organizations. By taking full advantage of the available tax incentives, individuals, estates, and corporations reduce their tax burdens by making charitable contributions to nonprofit conservation organizations, while making significant private contributions to the protection and provision of public environmental amenities.

The nonprofit, charitable conservation organizations argue that although these deductions allow individuals and corporations to shelter income and to reduce their tax burdens, the donor making charitable contributions receives only partial recompense for the value of the contributions. Therefore, the public still benefits by obtaining the conservation or preservation of environmental amenities, wildlife habitat, and open spaces at substantially less than it would cost to purchase them.

It is also important to recognize that along with these positive inducements, there are negative or "perverse" incentives that encourage, often inadvertently,

the conversion, clearing, plowing, ditching, and draining of important and sensitive wildlife habitat such as low-rainfall grasslands, wetlands, bottomland hardwood forests, and other ecologically valuable lands. Ironically, these adverse impacts are frequently induced by government sponsored programs: tax incentives, subsidies, direct payments, or a number of indirect methods.

While some environmental groups are working on behalf of favorable tax treatment of private charitable contributions for conservation purposes, others are promoting legislation that will serve to reduce or eliminate existing "perverse" tax and other economic incentives that lead to the destruction of natural and wildlife habitats.

These case studies demonstrate that for a wide variety of reasons, many individuals, groups, organizations, corporations, and associations throughout the private sector, both the nonprofit and the profit-seeking portions, are working, often quietly and without seeking publicity, to protect and preserve the natural heritage of our country. This is stewardship and private initiative at its best. It is especially impressive in offering an array of diversity and innovation, in which the talents and genius of a pluralistic society are brought to bear on a widely-shared goal—the protection and conservation of the nation's natural resources and environmental amenities for the use and enjoyment of the present generation and those to come.

The case studies reported in this chapter are taken from a study in preparation under contract with Robert J. Smith, Washington, D.C., entitled *Inventory of Private Sector Natural Resource Conservation Activities*, under an interagency agreement between the President's Council on Environmental Quality and the U.S. Department of Interior. The analysis is solely that of the Council on Environmental Quality.

The President's Message

To the Congress of the United States:

I am pleased to transmit to the Congress the 15th Annual Report of the Council on Environmental Quality.

By most conventional measures of environmental quality, the air and the waters of the United States continue to improve as a result of the enormous national commitment to these goals that has come about since 1970. Likewise, we continue to be ever more careful stewards of our lands and their abundant natural resources — wildlife, soils, minerals, fuels, forests. We are moving aggressively to eliminate serious contamination of valuable land and ground water from the past mismanagement of hazardous wastes, and I have urged the Congress to reauthorize the Federal "superfund" program so that our momentum in this important work is not lost.

As the largest sources of environmental pollution have been controlled, and critical lands protected, our attention is drawn to highly specialized problems — such as detecting and determining the significance of trace levels of chemical substances in the air, in surface and ground waters, in fish tissue, and in soils. Further progress in eliminating environmental pollutants wherever they are found to have significant impacts is leading to the control of larger numbers of smaller, more dispersed sources of potential environmental contamination, including small firms, farmers, and individuals. This trend has enormous implications, both in terms of the costs of removing such small amounts of pollution from such large volumes of the medium in which it is found, and because it seems to require detailed regulatory interventions into individual lives. Recognizing this, the Council on Environmental Quality's report documents and suggests a broader range of environmental policy alternatives that ought to be considered.

The policy recommendations contained herein are based on two fundamental propositions. The first is that the spirit, creativity and personal drive of individual Americans will always be this Nation's greatest resource. It is the human genius that turns physical substances into resources, and human creativity in a free society is never exhaustible. Second, human institutions can encourage or constrain the ability of people to make the best use of their resources and to solve

environmental problems. Rational policies that recognize and make effective use of economic incentives should help to improve the management of our environment and natural resources by stimulating new achievements on the part of the American people. Efficient use of the Nation's resources, guided whenever possible by free markets rather than centralized controls, will work to promote environmental health, economic productivity, and fiscal responsibility.

Some of the specific policies that follow from these perceptions are discussed in this report. They include enlisting volunteer efforts, long characteristic of this Nation, on behalf of parks, wildlife, and natural and historic preservation.

The Federal government's own activities should avoid adversely affecting environmental quality. This is now accomplished chiefly through the environmental impact assessment process. Another means to implement such a policy is contained in the Coastal Barrier Resources Act, which removed Federal subsidies for the development of these sensitive lands. Studies are currently underway to assess its effectiveness and to consider its applicability to other areas of critical environmental concern.

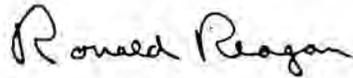
Efforts to create markets and to consider market-like management practices, that are being tried by Federal agencies in air quality and some land and water resource management programs, can be extended into other areas. A variety of successful State, local, and private market-oriented initiatives that have solved pressing water resources problems without Federal funds is documented in this report. And on the public lands, proposed user fee revenues would be invested in maintaining facilities that personally benefit recreationists and others, so that only the real public benefits would be paid by the taxpayer.

Finally, environmental protection regulations should be fashioned so that innovation and the substitution of progressively safer new products and technologies for old ones are not inhibited, especially where risk reduction or increased benefits will be the likely result. We must be alert lest government restrictions, however benevolently aimed at protecting the public as a whole, begin to hamper the creativity and productivity of entrepreneurs and other individuals who also can bring about social advances.

This Administration is dedicated to promoting conservation and stewardship. Conservation means the efficient use of natural resources. Stewardship entails a love of the land and a determination to pass onto future generations a high quality environment suitable for human living. A strong Nation is one that is loved by its people and, as Edmund Burke put it, for a country to be loved it ought to be lovely. The ideas of conservation and stewardship suggest also that economic productivity is not a proper end in itself, but is only a means to the end of improved lives for all Americans. Riches alone do not guarantee the maintenance of a social order in which people can take pride.

But conservation and stewardship should never come to mean opposition to change through the fear that new development will more likely bring personal decline than social advance. The discomforts of change will be more than compensated by the benefits of a dynamic economy, in securing opportunity for new generations and in rewarding individual enterprise and initiative. A society of rising accomplishment and enhanced expectations will provide a better life for its people: a cleaner environment, and improved health and nutrition, superior educational, cultural, and recreational opportunities.

Inspired by promise, sustained by hope, past generations of Americans built a free and prosperous Nation based upon the principles of individual initiative and personal responsibility and upon private institutions of many types. They worked to turn our abundant natural resources to productive use and they learned to love their new land with its grand vistas, its mountains and forests, its fertile fields, and its bustling cities. Environment and natural resources policy can be used to help further these ideals so that liberty, prosperity, and a beautiful and healthful natural environment will continue to bless the lives of the American people. Then surely our good times will not have passed; indeed, our best days will be yet to come.

A handwritten signature in cursive script that reads "Ronald Reagan". The signature is written in dark ink and is positioned to the right of the main text block.

THE WHITE HOUSE

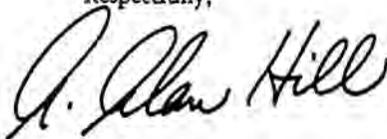
EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N.W.
WASHINGTON, D. C. 20006

LETTER OF TRANSMITTAL

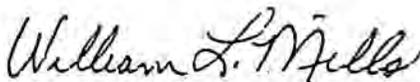
THE PRESIDENT:

Sir: The Council on Environmental Quality herewith submits its fifteenth Annual Environmental Quality Report in accordance with Section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341).

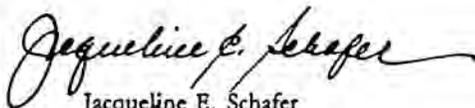
Respectfully,



A. Alan Hill
Chairman



William L. Mills
Member



Jacqueline E. Schafer
Member

□

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