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AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HEARINGS

BEFORE THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

H.R. 901

TANNERSVILLE, NEW YORK, MAY 5, AND WASHINGTON, DC, JUNE 10, 1997

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AMERICAN LAND SOVEREIGNTY PROTECTION ACT

MONDAY, MAY 5, 1997

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Tannersville, NY.

The Committee met, pursuant to notice, at 1:03 p.m. at Hunter-Tannersville High School, Tannersville, New York, Hon. Don Young (Chairman of the Committee) presiding.

The CHAIRMAN. The Committee will come to order. I want to thank all these kind people who are here today to hear the testimony. Under the Committee rules, we will have 5 minutes of testimony. It is my discretion to try to keep it within the 5 minutes. We do have a plane to catch later on this afternoon, so we'll try to go with the schedule. We're starting on schedule.

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA; AND CHAIRMAN, COMMITTEE ON RESOURCES

The CHAIRMAN. We're here today to hear different witnesses, and I welcome those witnesses. Today we will hear testimony on the U.S. Man and Biosphere program. Over the last 25 years, an increasing expanse of our nation's territory has been incorporated into United Nations Biosphere Reserves. Under Article IV, Section 3 of the United States Constitution, the Constitution of America, the power to make all needful rules and regulations governing lands belonging to the United States is vested in the U.S. Congress, the Congress of the people.

Yet United Nations Biosphere Reserve designations have been created without the authorization or input of Congress, and public or local governments are rarely consulted. I have introduced H.R. 901, "The American Land Sovereignty Protection Act," which will allow creation of a biosphere reserve only if it is specifically authorized by Congress.

This should guarantee that local and regional concerns are considered. H.R. 901 now has almost a hundred and thirty co-sponsors, including Congressmen Solomon, Paxon and McHugh. I understand that the Biosphere Reserve program is controversial in upstate New York. Congressman Solomon invited the Committee on Resources to come to this district and listen to the concerns that local residents in New York have about this program.

This hearing will focus on the following issues: The process by which biosphere reserves are created; how this program affects the relationship between Federal, state and local governments; how

creation of a biosphere reserve could affect use of surrounding lands and impact property rights; the effectiveness of the U.S. Man and Biosphere program. At this time, I will yield to the gentleman from New York, who has an opening statement.

[The prepared statement of Hon. Don Young follows:]

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

I am pleased to welcome our witnesses. Today we will hear testimony on the U.S. Man and Biosphere Program.

Over the last 25 years, an increasing expanse of our nation's territory has been incorporated into United Nations Biosphere Reserves. Under article IV, section 3 of the United States Constitution, the power to make all needful rules and regulations governing lands belonging to the United States is vested in Congress, yet United Nations Biosphere Reserve designations have been created without the authorization or input of Congress. The public and local governments are rarely consulted.

I have introduced a bill, H.R. 901, "The American Land Sovereignty Protection Act," which will allow creation of a biosphere reserve only if it is specifically authorized by Congress. This should guarantee that local and regional concerns are considered. H.R. 901 now has almost 130 cosponsors including Congressmen Solomon, Paxon and McHugh.

I understand that the biosphere reserve program is controversial in upstate New York. Congressman Solomon invited the Committee on Resources to come to his district and listen to the concerns that local residents York have about this program.

This hearing will focus on the following issues:

(1) the process by which biosphere reserves are created,
(2) how this program affects the relationship between Federal, state and local governments,
(3) how creation of a biosphere reserve could affect use of surrounding lands and impact property rights, and
(4) the effectiveness of the U.S. Man and Biosphere program.

STATEMENT OF HON. MAURICE HINCHEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HINCHEY. Yes, Mr. Chairman, I do, and I thank you very much. First of all, let me say that it is a distinct honor, and I regard it also as a privilege to have the opportunity to welcome you here. This is not my district; this district has the good fortune to be represented by my friend and neighbor, Jerry Solomon; but my district and my home, in fact, is just a short distance from here, about 15 miles or so.

And this is an area with which I am very familiar, having grown up here and spent a long part of my life in these Catskill Mountains. So, it's a pleasure to have you here, Mr. Chairman, and you bring with you the prestige of your office, and we're delighted that you have chosen us to have a hearing on issues that affect our community. And I am very pleased to be able to be here with you.

As you know, as I've just stated, I'm a resident of the Catskill region. My home is just a short distance from here. I hope that you'll have the opportunity while you're here to see this part of New York, and to recognize that not all of New York is paved-over asphalt. Not all of it is traffic congestion. What we have here are our own forests and wild lands.

I know that some of my colleagues may honestly think that we Easterners don't have any wild lands or forests, but you can see for yourself, this is obviously not the case. It is true that we have very little Federal land here in New York, and that our wilderness areas in New York are protected by state law, and by the State Constitution and not by the Federal Constitution.

Much of the land within the Catskill Mountains, however, remains under private ownership, and many private landowners here have taken the lead in land protection and preservation and good forest husbandry practices. That's true in the case of the matter at hand today.

I understand that we're here to discuss the proposal, which, by the way, was withdrawn almost 2 years ago, to nominate the Catskill region as a UNESCO Biosphere Reserve. The proposal originated right here in the Catskills, with local residents and landowners. No one from the Federal Government was involved. No one in Congress was involved.

One of the sponsors of the application was Sherret Chase, who is, I believe, here with us today as a witness. Mr. Chase is a resident of the Catskills. He worked with several non-profit organizations, including the Catskill Center, and the Mohawk Reserve, in developing the application, and I am pleased that he will be here and have an opportunity to explain the process and the ideas behind the application.

That application was, however, as I indicated, withdrawn almost 2 years ago. And when it was withdrawn, it was done so in the words of Janet Crenshaw, the Executive Director of the Catskill Center at the time, and she said it was withdrawn because of misinformation and misunderstanding, and, quote, "mixed reaction."

She noted that the Biosphere had served in other areas as a vehicle for jobs and money for upgrading water and sewage systems, for economic development studies, for agricultural systems, and other worthwhile projects. Although the proposal originated locally, some opponents were quoted, in fact, at the time as saying that it would give, quote, "outsiders," unquote, control over the region, and that would impose unnamed new land use regulations.

However, in all of the background material and documents submitted on this issue, no one has been able to find any indication that Biosphere Reserve designation imposes any kind of land use regulation. It clearly does not give the United Nations—far from it—any legal authority over an area or any land use control authority, as some people seem to fear.

Most interestingly, one local citizen was quoted in the press as saying the Biosphere Reserve program, I quote, "Is something we don't know enough about, and we don't want to know about it." I hope that that attitude will not prevail here today, and that with the current legislation on the Biosphere Reserve program and the World Heritage program, it is based on facts, not on fear or innuendo or misinformation.

Specifically, we should ask, does a Biosphere Reserve or World Heritage designation have any affect on U.S. law or local land use authority? As you know, we already have extensive experience in this county with such designations.

I understand that there are four Biosphere Reserves in the district that you represent, Mr. Chairman, all of them designated under the administrations of President Reagan and President Ford. So, we should ask whether such designations have limited United States sovereignty, or caused any tangible harm, or whether they have produced benefits, and we have the experience of those areas

to tell us. In this particular instance—I'm almost finished—I have another concern.

The bill before us today, H.R. 901, would prohibit Federal officials from nominating sites for Biosphere Reserves. It would also prohibit nominations of sites for Biosphere Reserves unless it consisted solely of federally owned lands, and that requires Congressional approval. In this particular case, this law would mean that even if an overwhelming majority of Catskill residents supported such a designation, they could not obtain it, because the people in control told them they had no right to seek it.

In short, we have to ask what need there is for such legislation, and what real affect it would have. And with that, Mr. Chairman, I look forward, as you do, I'm sure, to very the informative testimony which will be given. And I'm delighted to be in this position and to have an opportunity to listen to my learned and respected colleague, Chairman of the House Rules Committee, and my neighbor, the Honorable Gerald Solomon.

[The prepared statement of Hon. Maurice Hinchey may be found at end of hearing.]

The CHAIRMAN. The gentlewoman from Idaho.

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Ms. CHENOWETH. Thank you, Mr. Chairman. In the essence of time, I will submit my statement for the record, and I look forward to hearing the witnesses and to having a very interesting and informative hearing here. It is wonderful to be up here in the Catskills. Mr. Solomon, Mr. Hinchey, it's a pleasure to join you. Thank you.

[The prepared statement of Hon. Helen Chenoweth may be found at end of hearing.]

The CHAIRMAN. Are you ready, Mr. Cannon?

STATEMENT OF HON. CHRISTOPHER CANNON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. CANNON. Thank you, Mr. Chairman. I'll just take a couple of moments to present the issue as well. I appreciate being here with the Committee. I am a co-sponsor of this measure. I'm from Utah, and I had the pleasure of being in Binghamton a few weeks ago, and met with a woman who was interested in Utah and what it's like.

And finally, she asked to see a picture, one of the staff had a picture, and she looked at it and said, "Where are the trees?" And the staffer said, "There are no trees." She said, "Who cut them down?" "God didn't put them there. He didn't put enough water to grow trees." So, to be here, this area is just beautiful, and very, very different from the area that I'm from.

I think we have some beautiful areas out there, and also lots of it; and unilaterally, without talking to anyone in Utah, including the elected officials in Utah, the Clinton Administration nominated 1.7 million acres as a monument, the designated area as big as Rhode Island and Delaware combined, and without talking to people.

We're a little sensitive in Utah, of the Federal Government, and how it affects our lives without—without feedback. And I think that's the kind of thing we're looking at, and I'm anxious to see how this process of biosphere designation is going on, and how it affects locals, what the role of local residents is in effecting process, and what kind of constraints you put on the power to make these kinds of designations. Thank you.

The CHAIRMAN. Thank you. Now we'll hear from Congressman Gerald Solomon. As Chairman, it is indeed a pleasure to have you here. I'll recognize you; go ahead, sir.

STATEMENT OF HON. JERRY SOLOMON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SOLOMON. Mr. Chairman, I want to thank you and the other members of the Resources Committee for giving me the opportunity to speak today at this field hearing for H.R. 901, the American Land Sovereignty Protection Act, that I am privileged to co-sponsor along with you and the other members of your Committee. Mr. Chairman, I would first of all just acknowledge you.

You've been a Member of Congress even longer than I have, and I've been there for a couple of decades now; and I can't think of any Member of Congress who has been more helpful to me in helping me represent the people in the Hudson Valley, all the way to the Catskills, all the way to the Adirondacks. You've been a tremendous help, and we hope you're going to stay on for a number of years to make sure that we continue to have this kind of representation.

Second, Helen Chenoweth is a relatively new member; she has come to us from the state of Idaho and she is a dynamic member of your Committee and Congress, as is Chris Cannon. And certainly your interests and those of the people I represent are the same. So, we really do appreciate your coming here. And, of course, Maurice Hinchey, my good friend and neighbor to the south, he represents part of the Catskills, and we appreciate all of his input here today as well.

As the—and incidentally, Mr. Chairman, just for those who are here today, I'm Chairman of the Rules Committee, I set the floor debate, and we were ready to postpone all the votes today so that we could be here. So, we'll try to make up for the votes on Tuesday. You and I and the rest of us have to catch a plane back this afternoon, so I understand the limitations that you have on the hearing today.

Just two things: Let me just say, as a representative of this beautiful Catskill Mountain area, as well as the Adirondack Mountains, I have a personal interest in this legislation and strongly support its passage, because it addresses the concerns many of us have with the U.N. Biosphere Reserve and World Heritage Sites programs. Like my good friend, Maurice Hinchey, I grew up just across the county line in Albany County and have worked many summers, as a young boy, in Greene County, and now I live in the Adirondacks.

I've been hunting and fishing in this area all of my life, and we have to do all we can to preserve this area. As many of you know, the U.N. Biosphere Reserve program has operated with little or no

public or congressional oversight. Under agreements with the United Nations, the United States promised to manage lands under international guidelines, and more often than not, local governments and property owners are not even consulted.

And although the U.N. program receives well over $700,000 in Federal funding every year, there has never been authorization or approval given from Congress, nor has the issue ever been debated on the floor of Congress. This issue has never been debated, and that's why I appreciate the fact that you've introduced this legislation and will be bringing it to the floor, so that we can have this debate.

Forty-seven Biosphere Reserves were established before the public began to be aware of just what was happening. One of these was established in the northern part of the congressional district which I have the privilege of representing, without me or local government officials ever knowing about it. And there are 6 million acres of land involved, and it is private property in the Adirondacks. The Champlain-Adirondack Biosphere Reserve was created in 1989 at the request of a quasi-governmental agency, the Adirondack Park Agency, and the Governors of New York and Vermont. Without congressional hearings or any input from any of the local citizens of the Adirondacks, this area was designated as a U.N. Biosphere Reserve.

In many cases in this country, I would submit that with congressional oversight as well as public input, many of these U.N. sites would not have been designated. In fact, in 1994, as my good friend Maurice Hinchey mentioned, the Catskill Region was nominated for designation as a U.N. Biosphere Reserve. When Federal, state, and local officials and residents expressed their opposition, believe me, the nomination was withdrawn.

This legislation, the American Land Sovereignty Protection Act, unequivocally states that no land in this country can be included in international land use programs without the clear and direct approval of Congress. Most of all, this bill protects individual property rights. Executive branch political appointees cannot now, and they should not, be making property decisions in the place of individual landowners and local governments. These Biosphere Reserves are a part of a much larger pattern of furthering a left-wing agenda, of accomplishing the goals through unelected bureaucrats, liberal judges, and international organizations like the United Nations. We cannot and will not allow that to happen.

Let me just sum up, Mr. Chairman, by saying that this bill is the first step in the right direction in returning power to the elected representatives in Congress, as well as to the local citizens and officials. Most importantly, this bill reasserts the constitutional rights of property owners to control their land without interference from some international organization.

And believe me, Mr. Chairman, the intent of various factions within the United Nations is obvious. There are even promises—proposals out there to levy a national tax on the American taxpayers to pay for these New World ideas, including land use prohibitions. Having served 2 years as Ambassador/Delegate myself to the United Nations under Ronald Reagan, to the United Nations,

I can tell you we must always be diligent and extremely wary of these kinds of proposals.

The last thing we would want to do is for the U.S. Federal Government, at the request of the United Nations, to usurp some of the rights of local governments and settle for some kind of legal zoning. That is really my concern; that's why I really appreciate you coming here today to listen to the witnesses, and perhaps on both sides of the issue, but at least so the public is made aware of just what the ramifications of these reserves are. And I salute you and thank you.

[The prepared statement of Hon. Jerry Solomon follows:]

STATEMENT OF HON. JERRY SOLOMON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

I want to thank my colleagues, Chairman Don Young and the other members of the Resources Committee, for giving me the opportunity to speak today at this field hearing for H.R 901, the American Land Sovereignty Protection Act. As the representative of this beautiful mountain area, I have a personal interest in this legislation and strongly support its passage. H.R 901 clearly addresses the concerns many of us have with the U.N. Biosphere Reserve and World Heritage Sites programs.

As many of you know, the U.N. Biosphere Reserve program has operated with little or no public or congressional oversight. Under agreements with the United Nations, the United States promised to manage lands under international guidelines. Many times, local government and property owners are not even consulted!!

Although the administration for this U.N. program receives well over $700,000 in Federal funding every year, there has never been authorization or approval given from Congress, nor has the issue ever been debated on the floor of Congress.

Forty-seven biosphere reserves were established before the public began to be aware of what was happening. One of these was established in the northern part of the congressional district I represent without me or local government officials ever knowing about it.

The Champlain–Adirondack Biosphere Reserve was created in 1989 at the request of a quasi-governmental agency, the Adirondack Park Agency, and the Governors of New York and Vermont. Without congressional hearings or real input from any of the local citizens of the Adirondacks, this area was designated as a U.N. Biosphere Reserve.

In many cases in this country, I would submit that with congressional oversight as well as public input many of these U.N. sites would not have been designated.

In fact in 1994, the Catskill region was nominated for designation as a U.N. Biosphere Reserve. When local officials and residents expressed their opposition, the nomination was defeated.

This legislation, the American Land Sovereignty Act, unequivocally states that no land in this country can be included in international land use programs without the clear and direct approval of Congress.

Most of all, H.R 901 protects individual property rights. Executive branch political appointees cannot and should not be making property decisions in the place of individual landowners.

These biosphere reserves are a part of a much larger pattern of furthering the left wing agenda of accomplishing goals through unelected bureaucrats, liberal judges and international organizations like the United Nations. We can not allow that to happen!!

H.R 901 is a first step in the right direction, returning power to the elected representatives in Congress as well as to the local citizens and officials. Most importantly, this bill reasserts the constitutional rights of property owners to control their land without interference from some international organization.

The CHAIRMAN. Thank you. I do thank you, Mr. Solomon, and I'm going to ask you, I'd like to have you join us as a Committee member. Thank you. On the first panel is Mr. Dale French, Mr. Tom Cobb, Ms. Patti Barber, Ms. Sheila Powers and Ms. Cindy Lanzetta. You may take your seats respectively, please.

Mr. HINCHEY. Mr. Chairman, may I ask, for the record, it might be interesting for those who are not as familiar with the process to hear from counsel, perhaps at this moment, how did the current circumstances of these Biosphere Reserves come about? What is the process by which they came about?

The CHAIRMAN. We're not going to take the witnesses' time to get into that question. This is not the time to do that.

Mr. HINCHEY. It seems as though "in the dark" might be a description of what the current process is.

The CHAIRMAN. This bill was created, and it is our responsibility to go back to the Congress where we will either say yes or no. Now is not the time; we're here to hear from the people who do not believe it should be done, or do believe it should be done; that's what we're here for. Mr. French, you're up.

STATEMENT OF DALE FRENCH, SUPERVISOR, TOWN OF CROWN POINT, NEW YORK

Mr. FRENCH. Thank you, and good afternoon, ladies and gentlemen. My name is Dale French and I'm the Supervisor of the town of Crown Point, Essex County, and I'm here on behalf of the Board of Supervisors of Essex County, and we unanimously support this bill, and thank you for being here.

Essex County is, geographically, approximately in the center of the Champlain-Adirondack Biosphere Reserve, created in 1989. It is 10 million acres in size, the fourth largest in the world, the largest in North America, and the heaviest populated in the entire world. The process of nominating our region as a Biosphere Reserve started in 1984 by the famous ad-hoc U.S. and Canadian panel.

This ad hoc Committee defined the area to make the Champlain-Adirondack Biosphere Reserve, creating this biosphere, in the process during this 5-year period, no local officials were notified, nor has local official or business people or any property owner ever been notified that this process was going on; absolutely none.

The CHAIRMAN. Can you lean closer to the microphone, please?

Mr. FRENCH. In March 1989, the nomination was submitted to UNESCO and the region was designated as a Biosphere Reserve. Most of us didn't find out until a year later that we were a Biosphere Reserve. We didn't know what it meant; but at that time, there were regulatory pressures added to the Adirondacks by the state government. Down-staters called it a plan, we called it pressure.

We then started researching what this meant, to be a Biosphere Reserve. At the same time, in 1990, was the Lake Champlain Special Designation Act. It was at about that time, $25 million, was earmarked to reduce pollution in Lake Champlain. Then the Adirondacks Reserve was 10 million acres, 7 million in private property and about 3 million in Vermont and about 7 million in New York State. And there's no Federal lands.

As we researched these other initiatives, the Northern Forest Lands Council also came into being in 1990. They said their council was made to look at the large-scale conversion of forestland to development. There were processes in both of these initiatives; there were regulatory structures, regulators comprised the program.

That's how the process goes. They like to be in place before they designate. Now, the same thing is going to happen.

I've got a bill that Congress plans; I've included this in my written testimony. It was a House bill, H.R. 2379. And this bill passed in 1983 buy a large majority in the House, with the International Biosphere program given jurisdiction over Biosphere Reserves in this country.

In 1983, the Biosphere Reserves were primarily public property, Federal lands. In 1984, the Biosphere Reserve program took off in earnest, including private lands, extensively, considerably higher in our region: Seven million acres in private land, no Federal lands to speak of. I'll read one excerpt from this bill in 1983. "It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained."

These things can happen. This is at issue. This came from our own Congress. If that had been enacted, gone through the Senate, our private lands would, at this time, today, under the National Park Service, would have been under the United Nations. I may be wrong on this. Maybe it's just a sign of lack of communication, and I'm wrong. But we all want to be involved in this; we all want to be a part of the process.

If this program goes forward, it's a sad time in our country when we need a bill like this. We also believe that we don't have the dollars and resources that this program can tie up across this nation, and the private property rights that could be subjected at this time to international scrutiny, and international involvement that is not wanted or needed. Thank you.

The CHAIRMAN. Thank you. Mr. Cobb; Thomas Cobb.

STATEMENT OF THOMAS COBB, PRESIDENT, ASSOCIATION FOR THE PROTECTION OF THE ADIRONDACKS

Mr. COBB. Mr. Chairman and members of the Committee, thank you for your invitation to appear before you today for the purpose of presenting the views of the Association for the Protection of the Adirondacks on H.R. 901, the American Land Sovereignty Protection Act.

My name is Tom Cobb, and I am President of the Association for the Protection of the Adirondacks. I'm a founder and also former chairman of the Adirondack Research Center Library, which is now a part of our organization. Our staff, board members, advisers and volunteers devote their time to public outreach, education and research on the natural and cultural heritage of the Adirondack and Catskill Parks, and including some 3 million acres of state-owned Forest Preserve lands protected under the Forever Wild covenant, Article XIV, Section One, of the State Constitution. The constitu-

tional protection given to the New York State Forest Preserve is the strongest such law in the United States.

The primary focus of my remarks today is to provide citizen support for the U.S. Man and Biosphere program, and particularly to address the merits of the Champlain-Adirondack Biosphere Reserve established in 1989 as the 45th designated site in the United States, and the largest Biosphere Reserve in North America.

This 6,000-square-mile area encompasses the entire Adirondack Park and the Lake Champlain watershed. The Adirondack Forest Preserve and four wilderness areas within the Green Mountain National Forest in Vermont provide the core areas of the Biosphere Reserve and serve as natural benchmarks for monitoring the ecological health of the Reserve as well as human impacts on the environment.

The significance of such global environmental problems as acid deposition, loss of wetlands and biodiversity, ozone depletion, climate change, and degradation of lake and river systems can be monitored through the network of this and some three hundred Biosphere Reserves worldwide. The Man and Biosphere program is one of the few programs directed at promoting both the economic and environmental well-being of a region.

The Lake Champlain Management Conference, a cooperative agreement signed in 1988 by Quebec, Vermont and New York, is a successful offshoot of the larger Biosphere Reserve, and provides policy justification for Congressional enactment of the Lake Champlain Special Designation Act in 1990. Over a 5-year period, this law authorized the expenditure of $25 million in the Champlain Basin for demonstration projects and a variety of educational and training programs.

Now, with regard to citizen involvement, the question posed is what good can come from public forums that offer opportunities for expression of diverse perspectives from people interested in dialog and in partnerships within a designated Biosphere Reserve? The Champlain-Adirondack Biosphere Reserve has proven to be a good vehicle to find out. In 1995 and 1996, the Association launched a series of four forums, "Adirondack Northern Forest: A Common Stewardship," to seek answers to this question.

We received financial support in the amount of $5,000, provided by the U.S. MAB Directorate, with an additional $10,000 matching sum received from the New York Caucus of the Northern Forest Alliance, Camp Fire Conservation Fund, and Niagara Mohawk Power Corporation Foundation. The forums resulted in 23 constructive actions, variously associated with enhancing citizenship and governance, eco-tourism, forest and farm-based economies, and landscape ecology.

So, where do we stand?

Where the Association for the Protection of the Adirondacks stands on the Champlain-Adirondack Biosphere Reserve was publicly shared with our members, friends and colleagues in conservation during the 1992 Centennial Year of the Adirondack Park. The Trustees of the Association adopted the position that, and I quote: "This 10 million acre international Biosphere Reserve in Vermont and New York can play an extremely important, nonpartisan, nonregulatory role in increasing levels of trust, fair and open participa-

tion and coordinated action among all levels of government and the private sector that leads to improved economic and environmental quality in the region. The organization of the Champlain-Adirondack Biosphere Reserve should be carefully fostered and enthusiastically supported."

And our position has not changed since 1992.

It is our view that the provisions of H.R. 901 would impose unnecessary restrictions on both governmental and nongovernmental organizations to participate together as partners in conservation.

The legislation would needlessly impair the ability of the Champlain-Adirondack and other U.S. Biosphere Reserves to effectively function and provide the array of educational, scientific and economic benefits made possible by the Man and Biosphere program.

The Association therefore strongly opposes H.R. 901.

The Biosphere Reserve title is an honorary designation: There is no treaty, no United Nations control, no extra layers of management, and poses no threat to the sovereignty of American lands.

The designation is simply a symbol of international and national voluntary cooperation for the study, conservation and responsible use of our natural resources in sustaining society. Indeed, the Association sees the Champlain-Adirondack Biosphere Reserve presenting new opportunities, and helping focus national and international attention on the region in a manner similar to the 1980 Winter Olympics, where the Adirondack setting and events of the Olympics were seen by some 600 million people throughout the world. Past generations of New Yorkers have been faithful trustees.

The CHAIRMAN. How much more time are you going to need?

Mr. COBB. I'm almost finished. Past generations of New Yorkers have been faithful trustees. They have repeatedly rejected propositions to demean the Adirondack Park, and have consistently supported measures to enhance it. And that concludes my prepared statement. Mr. Chairman, I very much appreciate the invitation to appear before you today.

The CHAIRMAN. Thank you, Mr. Cobb. Ms. Patti Barber.

STATEMENT OF PATTI BARBER, NORTHEASTERN REGIONAL DIRECTOR, PULP AND PAPERWORKERS RESOURCE COUNCIL

Ms. BARBER. Thank you very much for inviting me here today. My name is Patti Barber; I'm from Ticonderoga, New York. I am here today representing the Pulp and Paperworkers' Resource Council, Northeast region.

I have worked in the pulp and paper industry for the past 20 years at International Paper Company. I have also been active in the United Paperworkers International Union for the past 20 years, the last 4 years as recording secretary for Local Number Five.

The Pulp and Paperworkers' Resource Council is a grassroots organization representing more than 300,000 workers of the nation's pulp, paper, solid wood products and other natural resource-based industries. We are dedicated to preserving the environment while taking into account the economic stability of the work force and the surrounding community.

The bill, H.R. 901, American Land Sovereignty Protection Act, is desperately needed for the survival of the pulp and paper industry and our jobs. This bill is needed to restore Congress's role in governing Federal lands, to protect our private property rights. Our country must be governed by our elected officials according to the Constitution of the United States, and not by the rule of the United Nations. The United States is not a third-world country that needs the United Nations' help to preserve our country's resources.

As American people, we are one of the most educated and the United States is one of the wealthiest countries in the world. I find it hard to believe that we need the United Nations to decide when and where our land areas are transferred to World Heritage Sites and Biosphere Reserves. Just think about the long-range scenario. If we set aside the Biosphere Reserves and all of the World Heritage sites in the United States, plus all the buffer zones within a ten- to 20 mile radius, where would that put the American working people? Where would the working people live, their families live and survive? Do we set up a reservation? Is it fair—is it far-fetched, unreasonable?

I have been reading all I can get my hands on about the Biosphere Reserves for the past few weeks. Reading about Yellowstone National Park being a World Heritage site upset me, but what I have been reading about in our own area, the Adirondacks, has made me very angry. The Adirondacks have been cited as a part of the United Nations Biosphere Reserve, and the fact that very few people in our area are aware of this happening is totally out of control.

We, the people of the United States of America, cannot let this happen to our land. The United Nations World Heritage Sites and Biosphere Reserves must be stopped now. It is important that these treaties be approved by Congress. The Pulp and Paperworkers' Resource Council and United Paperworkers International Union are in support of H.R. 901. If anything is to be accomplished today, please let it be the approval of this bill, H.R. 901.

Let's keep our environment, natural resources and people in the labor and industry working. Thank you for your time.

The CHAIRMAN. I know we are all eager to do that, [applause] and we do appreciate that, and I do compliment you; but each time you do that, you take up that much more time from those who are here to testify, and I am going to adjourn this hearing at 3 o'clock. So please hold your applause down to the end. I understand your enthusiasm, believe me, I do, but unfortunately we have to catch an airplane to get back to Washington, and when you do that you take away from the time we have to hear you.

Ms. Sheila Powers.

STATEMENT OF SHEILA POWERS, ALBANY COUNTY FARM BUREAU

Ms. POWERS. Good morning, ladies and gentlemen and Honorable Members of Congress. My name is Sheila Powers; I am president of Albany County Farm Bureau, I reside at 250 Larry Hill Road, Schoharie, New York, where I have lived for about 23 years.

I'm here today with the belief that we are all responsible for our government, and I believe that those who govern rely on the governed for feedback and input, as well as accountability. I'm sixty-five years old and I'm a retired farmer. I am grateful for the opportunity to testify today, not only to thank you for the bill and its contents, which we strongly support, but to urge the rest of the Committee to please support it and vote for it, in the interest of protecting our national strength and beliefs.

I must tell you that the farmers that I represent have expressed grave disapproval and dismay at the lack of respect shown by the President in signing the Biosphere Diversity Treaty [Convention on Bilogical Diversity]. We congratulate Congressman Young and his staff, along with all of the co-sponsors, for moving along this bill and remaining steadfast about its protections, regardless of the posturing of environmentalist and globalist behavior.

It is indeed reassuring for a step which reaffirms the traditions upon which America was founded. Our American Farm Bureau Federation grassroots policy about global treaties can be found in our 1997 manual on page 116, number 128, lines 1 through 22, and I have included that in your copy. I might add that our ancestors of Albany, Montgomery and Schoharie County farmers, were Palatines who left middle Europe to escape the tyranny of the feudal system.

Their lives were entirely controlled by the Palatinate, unable to own their own property, to pass on to their children the results of their own labors. They couldn't control their own lives. So, when Queen Anne offered them the opportunity to travel across the sea to the New World, they gathered up what moneys they could and they fled to the New World. They sailed up the Hudson, they crossed over mountains into the hinterlands, on foot I might add, and settled in Berne, Schoharie and Middleburgh, where private property was protected from intrusion by the government and others.

Our information downloaded from the Man and Biosphere program suggests that local communities would benefit and that local and global common interests would be preserved; we are of the belief that the training promised has not only successfully already been handed down from father to son, but it has been the choice of the farmers to invest their time, money and efforts into producing a food supply which feeds much of the world.

The scientists, they say, will produce new ways of farming, on property we would no longer own. We are told this ownership of land should be removed and replaced by public ownership for the global common good. We in the Farm Bureau do not think so. What we do believe is that the American farmers have done a remarkable job of feeding large portions of the world's population, carefully stewarding their land, which must last forever, and all of them do this with their free will and their desire to achieve excellent results.

Sections two, three, four and five of H.R. 901 will protect our American sovereignty from diminishment. It will ensure that U.S. citizens do not suffer the loss of individual rights. It will protect private interests and real property from diminishment, and will provide a process which the U.S. may, when desirable, designate

lands for inclusion under certain international agreements after due process has been observed and laws enacted by individuals who were elected to perform that task.

As spokesman for the Albany County Farm Bureau, the Columbia, Delaware, Fulton, Greene, Montgomery, Schenectady, Schuyler and Washington County presidents have personally assured me that they support this position about H.R. 901. This testimony is not just the opinion of a private citizen, but the representative voice of 2,832 family farm bureau members and represents at least nine counties in New York State.

We think the U.N. was right to withhold comment on whether or not the biodiversity treaty should be ratified, when they said that this was a sovereign decision for the American people; it certainly is. Honorable Representatives, Members of Congress, the people urge you to pass this legislation for the good of our nation, while we, on our part, will do everything in our power to urge your fellow Members of Congress to co-sponsor this legislation, and to pass it when it is presented for a vote.

If this bill were not to pass, if the president, UNESCO, Secretary Babbitt and all the rest were to have their own way with the biosphere regions within the U.S., the way of life in this country would reverse itself and go right back to the feudalism which our ancestors left behind. Not only would there be no property rights, but also we would not be a strong sovereign nation, able to protect its citizens.

It is time to stand up, accepting authority and responsibility, and refuse to allow the properties in this nation to be governed by those outside the U.S. The founding fathers, who worked very hard at great sacrifice to tailor a constitution which would fairly stand the sands of time, would be saddened that we have forgotten their words only a few hundred years later, and that we are ready to accept tyranny again through strong outside interests.

Thank you for the opportunity to include our opinions regarding this legislation, and God bless you.

The CHAIRMAN. Thank you. I apologize for the feedback on the mike. Ms. Cynthia Lanzetta.

STATEMENT OF CYNTHIA LANZETTA, BIOSPHERE STUDY GROUP, MID-ULSTER LEAGUE OF WOMEN VOTERS

Ms. LANZETTA. My name is Cynthia Lanzetta. Mr. Chairman and Committee Members, it is a privilege to appear before a group such as yourselves, to share information to enlighten each other for the common welfare of our citizens.

I am a representative of the Mid-Ulster League of Women Voters. Because we are a nonpartisan group, we are often approached by individuals, organizations and agencies to conduct studies into issues that affect our locality and region. In June 1995, Rick Fritschler of the Ulster County Environmental Management Council requested the League research the Man and the Biosphere Program.

This was after the Catskill Center for Conservation and Development had withdrawn an application to designate the Catskill Re-

gion a Biosphere. We agreed to do a study, and in November 1995 began to meet on a regular basis. In our attempt to educate ourselves, we read information available from the Man and the Biosphere Program.

We collected and read newspaper and magazine articles as well as literature from groups who oppose United Nations involvement in American affairs. We contacted New York State Senator Cook, Congressman Maurice Hinchey, Man and the Biosphere Director Mr. Hubert Hinote, Ulster County Planner Herbert Heckler and Rick Fritschler, Chairman of the Ulster County Environmental Council.

We reviewed the Biosphere application and asked Janet Crenshaw, then director of the Catskill Center, to address our League members about the process. Based on this body of information, we put together a questionnaire that we sent to the nine American Biospheres we identified as somewhat similar to our own region. We also developed and sent out a series of questions to our Conservation Advisory Councils in Ulster County.

C.A.C.'s are appointed by town officials to oversee matters of environmental concern for their communities. We continue to gather information, for this is an ongoing study, but we would like to share these findings with you. The Man and the Biosphere Program, as administered in the United States, offers an honorary designation for regions that already meet their criteria of protected space, unique biodiversity, and a population interested in finding practical strategies to deal with the complex and interrelated environmental, land use and socioeconomic concerns of that region.

There are no regulatory mechanisms associated with this designation, and the existing Biospheres are overseen by supporting Federal agencies or state and private institutions, the same as managed them before the designation. The most cited benefits include improved research, educational and interagency networking, which often led to increased funding, and the ability to work more efficiently. The drawback seems to be the affiliation with the United Nations and the negative response that that engenders in a small population—in a small portion of the population.

We have furnished several attachments, and we urge the public to pick up copies of the statement that I made that are on the press table, after the hearing. I hope they will be of use; and I would like to thank you for your interest in this matter.

[The prepared statement of Ms. Lanzetta may be found at end of hearing.]

The CHAIRMAN. All right. Thank you. At this time, we'll turn to the delegate from Idaho for questions.

Ms. CHENOWETH. Thank you, Mr. Chairman. Ms. Lanzetta, you were involved in this program, then, from the beginning; right?

Ms. LANZETTA. Yes.

Ms. CHENOWETH. You know UNESCO stands for United Nations Educational Scientific and Cultural Organization. I don't know whether you are aware of that or not. But were you aware that UNESCO in the mid-'80's was accused of gross financial mismanagement?

Ms. LANZETTA. Well, I wasn't, no.

Ms. CHENOWETH. Would that have made any difference to you? I think you should have been informed, and if you had been, would that have made any difference to your personal involvement and the involvement of the League of Women Voters?

Ms. LANZETTA. I don't think that would have any bearing on this particular study.

Ms. CHENOWETH. In your involvement from the beginning, did you involve the pulp and paperworkers and the farm bureau? Because the League of Women Voters has such a long history for public participation, do you remember working with those other interest groups?

Ms. LANZETTA. Well, as I outlined the process that we used for the study, as far as we have an ongoing study, we reviewed the information and read over the material that is outlined. And at this point it's an ongoing study, and we're also making a lot of notes here at this hearing, and there will be other people that we'll be contacting to learn more about their views.

Ms. CHENOWETH. Thank you. Mr. French, as a town supervisor, were you ever contacted or asked to comment on the Champlain-Adirondack Biosphere Reserve before it was officially designated?

Mr. FRENCH. I wasn't supervisor then, but I found out from the people that were there at the time that there was no elected officials contacted at all. None at all.

Ms. CHENOWETH. No elected officials were contacted. Mr. Cobb, could you explain that, for the record, why interest groups such as the pulp and paperworkers and the farm bureau and the elected officials were not contacted?

Mr. COBB. To the best of my knowledge, the designation of that Champlain-Adirondack Biosphere Reserve was the result of years of involvement by citizens of Vermont, as well as New York State. The application process, as I understand it, has a strong requirement for local involvement by local government officials and state agencies, including our Department of Environmental Conservation, Adirondack Park Agency and those in Vermont, including its atural Resource Agency. These had a primary role in this designation process. So, obviously there's an inconsistency here. To the best of my knowledge, that groundwork was done.

Ms. CHENOWETH. Mr. Cobb, in your position and in the work that you have done, particularly in this area, are you aware of the operational guidelines for the implementation of the World Heritage Convention, and how that impacted this? Are you aware of those guidelines?

Mr. COBB. Not really. I'm aware of—I'm generally aware of the World Heritage Treaty, which was ratified by the U.S. Senate. But in this context, primarily on the Biosphere Reserve Program, the World Heritage designation is associated with many of our national parks. I am also aware of the World Heritage designation of the Statue of Liberty in New York City, and Constitution Hall in Philadelphia, I am sure, that we all can be proud of.

Ms. CHENOWETH. Sir, I just need a yes or no. Actually, the operational guidelines state that in all cases, it has to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned.

The state—pardon me, that's the United States of the America, should refrain from giving undue publicity, and in fact recommends restriction pending the decision. Now, knowing that, would you have continued to work, as you did, and invested so much, excluding such groups as the pulp and paperworkers and farm bureau? Because this is exactly——

Mr. COBB. Yes. Our position favors citizen involvement, particularly in this forum. Again, I'm aware that this hearing primarily deals with Biosphere Reserve designation. So, I'm not that well prepared to talk about World Heritage.

Ms. CHENOWETH. Well, I think you're very closely involved. Thank you, Mr. Chairman.

The CHAIRMAN. From New York.

Mr. HINCHEY. I think it's important to note that I think it was back in 1983, the then Reagan administration, because of concern over the way in which UNESCO was handling its finances, and there has been a continual concern among a variety of Administrations, including this one, with certain aspects of the financial arrangements within the U.N. It is a concern of Congress, about the way the U.N. finances are being handled.

As a result of that, frankly, there's a new head of the United Nations. But back in 1983, there was this concern by the Reagan administration, specifically with regard to UNESCO. But, at that time, there was a conscious decision made by the Reagan administration to continue to participate in the Biosphere Reserve program.

And, in fact, the Reagan administration made several nominations to the Biosphere Reserve program during the 8-year tenure of that administration. I stipulate that, just for the record, to make it clear that there is no connection whatsoever between the expressed concerns that some members of the administration had over U.N. finances and the Biosphere Reserve itself.

The Biosphere Reserve has had nominations from every president since Nixon, including Nixon, Reagan and Bush, and the present administration. Most of the nominations have come from local governments. The concern is with regard to land regulations that may be imposed by the Biosphere Reserve. And let me ask our panel if they have come across any tangible evidence of land regulations on the part of the Biosphere Reserve, or in the many Biosphere Reserves that exist in this country, are there within those Biosphere Reserves any land use regulations currently in existence? Mr. French, let's start with you.

Mr. FRENCH. As I said in my testimony, we're getting, right along with the state of Maine, 3.1 million acres on the Canadian border, by their own state legislature was ear-marked for local governance. It's private land. Between that Biosphere Reserve and our Biosphere Reserve, is a Biosphere Reserve in Quebec.

Mr. HINCHEY. Who marked that land for——

Mr. FRENCH. The Maine state legislature.

Mr. HINCHEY. The Maine state legislature?

Mr. FRENCH. Exactly.

Mr. HINCHEY. But that has nothing to do with the Biosphere Reserve.

Mr. FRENCH. It soon will.

Mr. HINCHEY. It soon will?

Mr. FRENCH. It soon will. That's the plan.

Mr. HINCHEY. I see.

Mr. COBB. Really, lands designated by the Biosphere Reserve designation, are particularly for scientific research and educational purposes. The point that's made, I think, in terms of this region in New York State is the fact that we have a body of law already in place for environmental protection. With private lands and the State-owned land, the Adirondacks are guided by a State land master plan and a private land use and development plan.

So as far as that goes, it's just the state laws, local planning and involvment of the local government review board, just as I pointed out in my earlier testimony. There is no outside regulation by the United Nations whatsoever.

Mr. HINCHEY. And you found no indication whatsoever, under the Biosphere Reserve?

Mr. COBB. That's correct.

Ms. BARBER. I think right now, I'm not really sure. I'd want to research this.

Mr. HINCHEY. Thank you.

Ms. POWERS. We don't believe that you'll see hard evidence of land use regulation until the designation, as a matter of fact, is done. And however, we think that if the treaty were ratified and the designation was complete, that then you would be able to see that. And that's based on language directly out of the Biosphere Reserve Treaty, which the President, after all, has signed.

That, most certainly, is very, very clear, not only about its proposed goals of reduction of the population, of not using fertilizers, agriculture as it stands now is dangerous for nature. It needs to be put in the mode of—more ecologically sound. Fertilizers are a good thing, we know. We all know that, or anyone knows that if you took fertilizers out of the process of growing food, you would reduce the productivity of the production of food by at least 50 percent. Now, given the other suggestions, of reduction of population, Mr. Hinchey.

It sounds possibly it could lead to only half that amount of food produced. Is there a regulation that says something like that now? No. You mean, do we think they will follow? Yes. Do we want the matter done with due process? Absolutely. That's why we want this bill.

The CHAIRMAN. Thank you. The gentlemen of the next panel haven't spoken yet. Make it good and short. Ms. Lanzetta, do you want to add anything?

Ms. LANZETTA. Well, we haven't found that there have been any additional regulations that aren't already in place for a designated Biosphere Reserve.

The CHAIRMAN. The gentleman's time has expired. You can come around the next time.

Mr. CANNON. Let me take the microphone from my colleague from New York. I don't think that the concern here of people on this subject and those in the room is that there have been abuses of the regulatory scheme.

In fact, that a regulatory scheme has been put in place, which at some point could be abused. Mr. Cobb, you talked about four fo-

rums or hearings that were held on the Champlain-Adirondack Biosphere. Were those before or after the designation?

Mr. COBB. Those were subsequent, subsequent to the designation.

Mr. CANNON. As you say subsequent to the biosphere, I'm reminded of the Secretary of Interior, Bruce Babbit, who had a very hard time making distinctions between before and after. In Utah, we had 1.7 million acres designated as a national monument. On September 8, 1996, there was a story in the Washington Post that suggested the possibility of a monument in Utah, between September 8th and September 18th—I'm sorry, September 7th and September 18th, 11 days, there were 13 denials to our Senators and the Utah Governor by people like Mr. Babbitt himself, that anything was going to happen.

And lo and behold, on the 18th, September 18th, the President appeared across the border south of us at the Grand Canyon, and with no Republicans present, with maybe a handful of Democratic delegates, home delegates in the Western states having been told, designated 1.7 million acres.

And Mr. Babbitt, in his testimony, he talked about trust, he talked about fair and open communication, he talked about the process that's now ongoing with the feds in Utah, to study these findings in the next 3 years. And during that period of time, there would be fair and open communication on all levels of government involved, we're partners in this process, you'll be happy to know that Utah is a partner in the process of this monument, and it's all going to be based on scientific and economic evidence that's going to be accumulated, as to how this monument should be run.

Let me say to the district, I'm on the soap box here, but I have a little problem with the way these Biosphere Reserves are designated. I think it has a lot to do with the philosophy of the people who are in power, who have the authority to act unilaterally, as the President does, which allows the President to designate an unlimited amount of territory as a monument.

We believe, I think, Americans, in an open and fair process, where we consider things in advance. In eleven days, there was no consideration of what was going to happen to the farmers and ranchers in that area, who depended upon that land for their livelihood. And in addition, many of my environmental friends are now deeply concerned, because there are about—at least 350,000 acres that probably should have been designated as wilderness area in the sense that they should be kept free of vehicles and people, because they're delicate ecosystems.

Now we find that the environmental extreme groups want about 1.4 million acres. Now you're going to have hundreds of thousands of people trampling that whole area, because it's been advertised in every travelogue in America. And there's just something wrong on both sides, when you don't have a process. Just one more question: If a community votes against being included in the Biosphere Reserve, would your group support that solution?

Mr. COBB. Again, we're a citizens' group. Basically, we establish our own initiatives, our own rules and regulations and by-laws established by our trustees and our members. And so we decide by

vote in our organization, on the merits of the program, including weighing of all the pros and cons of those designations accordingly.

As far as your proposal for a national monument in Utah, this procedure is by initiative of the President, and we're not involved in that procedure. We're talking about in this case a very exhaustive process of local, state involvement, citizen involvement that works all the way up to the Department of Interior.

The CHAIRMAN. The gentleman from New York, Mr. Solomon.

Mr. SOLOMON. Mr. Chairman, my good friend Maurice Hinchey posed a question to the panel. I think the question was, have there been any new regulations that have been imposed because of the U.N. Biosphere. And the panelists did not know of specific regulations that have been imposed, but I can tell you that, because of the pressure from the representatives and supporters of the U.N. Biosphere, that great pressure was brought on the Adirondack Park Agency, which is regional zoning, state zoning imposed on the people of the Adirondack Mountains, which resulted in what I believe, and what the elected representatives of Warren, Washington and Saratoga and Essex County believe, to be excessively restrictive regulations on the paper industry, for one, on the tourism industry for another, and on the general public, as a rule.

Mr. French, you said you did not know of any officials who were contacted, but I happen to have represented the Adirondacks since 1978, and I can tell you, to my knowledge, that none, and I will say this to Mr. Cobb as well, none of the elected representatives that I know of—and I served as a member of the town government, town supervisor, as a county legislator, and as state representative—in the last 30 years, none of them have been contacted in any way, to my knowledge.

Mr. Cobb, you made mention of a number of grants and dollars that were spent, and you, I think, insinuated that was because of the U.N. Biosphere. You mentioned $25 million that was brought about, and I would just tell you none of that money came from the United Nations. As a matter of fact, we're not getting any money from the United Nations, and we don't expect any, nor do we want any.

And Mrs. Lanzetta, I would just like to say to you, you mentioned that this was just honorary, and that you had contacted many people, you know, with your survey. And certainly I believe that you did. But as I look around the audience here and I look at people from Hunter Mountain Ski Area, I look at various representatives, various business people, and a lot of concerned taxpayers, and I don't know of any of them here today that you contacted, maybe there are some, but I would just say as far as we're concerned, it is not an honorary issue today, it's a mandatory issue tomorrow. And I mentioned that I served at the U.N. under President Reagan for 2 years back in the early 1980's. And at that time, myself and a Democrat, Congressman Michel, who served with me at the time, we were just appalled at what we saw and what we heard about what the proposals were with the United Nations. And it is frightening. I'm just talking about the new world order and what they would like to saddle the people throughout the world with.

And we just have to remember, I think, at all times, that this—you know, this is not a Federal Government. You know, we are a republic of states; look at your Constitution. And when we formed this republic, we reserved certain rights. We reserved the right to set speed limits; we reserved the right to deal with the insurance issues; we reserved many rights. And one of those was zoning. And there is nothing in the constitution that allows the Federal Government or some international organization to use their influence to place regional zoning on top of local zoning. That should be left up to the local representatives of the people, like town supervisors, like some of the folks that I see here in this room. And that's what we're concerned about. And that's why this bill is so badly needed, because it simply gives congressional approval before you do this, and that gives us the input later on down the road if we want to change that. And that's what really local home-rule government is all about. Thank you.

The CHAIRMAN. I have one short statement to make and one question. Mr. Cobb, this concept of expansion, this process is not a long process; I have four biosphere reserves in my state that there is absolutely no public awareness, no input, no direction, no one knew anything, including myself, and I am in the U.S. Congress. I went back to the record, and found out that there was a letter submitted telling me that this has been done. That was my frustration. I just want you to know that. Now, second, Mr. Cobb, and you, Cindy—Ms. Lanzetta—I want to know what's wrong with my bill? Why can't you support my bill? All I'm asking for is an opportunity, that we have some process, although President Nixon, Reagan was involved, what's wrong with getting the Congress involved, and the House of the people? Mr. Cobb; Cindy?

Ms. LANZETTA. Well, I would have to say, as a representative of the League, that we wouldn't make comment on it until we've had an opportunity to study it. And being that we are asked to comment and comment on the study that we did do, which I have done, if you, you know, would like us to go through the process of having the League look at this legislation and comment on it, we can do that. But I just can't, you know, comment from the League perspective.

The CHAIRMAN. That's fine, if you can't do that. I just don't know why people say this bill is bad when they say a designation is honorary to begin with. Why can't we, as the House of the people, have something to say about designation of land? I mean, that's the thing. I'm serious. Mr. Cobb, your statement said you were opposed to it, but why are you opposed to it?

Mr. COBB. Again, I stand on my statement as I presented it. And so, I'd just repeat what I've already stated for the record. I would bring to your attention, though, Mr. Chairman, I have with me a publication of the U.S. Man and Biosphere program on Guidellines for Idewntification, Evaluation and Selection of Biosphere Reserves in the United States. This document is 38 pages long.

The CHAIRMAN. But they don't follow recommendations. I mean, we have pages and pages of policy, but you have responsibility to uphold it, but we can't uphold it, we can't do it unless it's signed into law. You see, we have no authority over this unless it's a law. This is a treaty signed by the President, confirmed by the Members

of the Senate. And to me, that is neglecting of the constitutional responsibilities of this Congress. That's all I'm asking. To me, this makes me wonder why anybody would oppose this, including some of my environmental—what's wrong with the American people talking about our land. That's all I ask.

Ms. LANZETTA. Mr. Young, I, as an individual, would have a question. In the Catskill Region, using the current process, it became apparent that the people in this area did not want the Biosphere in this area at this time, and because of it, the process came to stop. You know, the application was withdrawn. Now, why would we, here, want an additional layer of oversight to tell us what to do or not to do, when we can determine this on our own?

The CHAIRMAN. This is a representative form of government. Your representative, if he would come to me and say, this is, in fact, is what we want, that would happen. I believe in a representative form of government. There are those in Congress who do not believe so. They believe in the national interest. If you do not believe in representative government, you would not elect me again. This is a representative form of government. This is what this is all about. I'm saying you, not some state department, but the people. That's all I'm asking. My time is up. I want to thank the Panel, and we'll have our next panel up. Ms. Chenoweth will chair until I get back.

[Recess.]

Ms. CHENOWETH. [presiding] I just want to state for the record that the Convention on Biological Diversity, which is the operating mechanism under which the Biosphere Reserves are implemented, have never been ratified by the Senate. So with that, I would like to turn to Ms. Carol LaGrasse, of the Property Rights Foundation of America, Incorporated.

STATEMENT OF CAROL LAGRASSE, PRESIDENT, PROPERTY RIGHTS FOUNDATION OF AMERICA, INC.

Ms. LAGRASSE. Representative Chenoweth and the other members of the Committee, thank you for the privilege of testifying today. I am Carol LaGrasse, the president of the Property Rights Foundation of America, a Stony Creek, New York-based organization dedicated to the defense and enhancement of private property rights as guaranteed in the United State Constitution.

I am also a retired Stoney Creek town councilman and a retired civil engineer, having spent some years in the environmental field. Stony Creek, where I reside, is located in the Adirondack Mountains within the UNESCO Champlain-Adirondack Biosphere Reserve. It was precisely in the middle of my 9-year term of office on the Stony Creek Town Board when the U.N. designation took place in 1989. Neither the town board nor anyone else I know, either officials or private citizens, had heard at the time about the designation.

People got riled up about the Biosphere Reserve designation when it was announced—unwittingly, I believe—in fine print in a 1990 set of recommendations to bring about extremely onerous regulations over the 3 million acres of private land in the Adirondack region. The Commission on the Adirondacks in the Twenty-First Century, which was chaired by Peter A.A. Berle, then president of

the National Audubon Society, and directed by George Davis, a New York environmental planner who cut his teeth on the original Adirondack Park Agency Law, recommended strict additional restrictions in the Adirondacks; just one example, 2,000 acre per house zoning. Mr. Davis has gone on to be an international planner and he's done planning in Lake Baikal in Russia.

There he remarked—I should say, back in New York, that he didn't have the problems there, that people didn't have conniptions about zoning, because they weren't used to having private property. At the end, the recommendations by the Twenty-First Commission were three, the 243rd, 44th and 45th, that called for a transition zone. And this was straight out of the Champlain-Adirondack Biosphere Reserve plan. Ed Hood, who now is the Adirondack co-chair of the Biosphere Reserve Committee, at the time said there was no connection, but it was written in black and white, in words, that that recommendation of the Biosphere Reserve was going to be fulfilled in the plans of the Twenty-First Century Commission Report, and the recommendation of other really outrageous ideas, such as establishing land bridges, which is a Biosphere Reserve wildlands term, between the park and Canada and other typical Biosphere Reserves type of effects.

The Adirondack environmentalists would give speeches and say that because of the Champlain-Adirondack Biosphere Reserve, we needed these new regulations to be passed by the legislature. Young people came from out-of-state and staged a protest at Crane Pond Road in the Adirondacks. At the time, I was writing for the local newspaper, and I asked them why on earth were they there from all these out-of-state places, and they said because it is a Champlain-Adirondack Biosphere Reserve, and is nationally and internationally significant.

So it brought in those pressures for more regulations, I should say, and it also was part of the framework for a very formal set of additional regulations. Now, the elements of the Biosphere Reserve were specifically applied, then, to the Adirondacks, but the tie between the elements as in numerous U.N. documents, through the Department of State, was never made particularly clear.

I only have a minute or two left. But the very zones don't fit either the state land, which has highways and which, for instance, where we would have fire protection, that wouldn't be allowed in the Biosphere Reserve core area, or the private lands, which have a hundred-odd towns and villages. The type of agriculture and the type of use of land that is typically allowed on a biosphere reserve is very inappropriate for the buffer area in the Adirondacks, where the towns and villages are located. They speak of hunter-gatherer occupations, pastoral and nomadic peoples; it's totally inconsistent with the developed area and the amount of space.

How could such goals come into place without more rules? It's inconsistent. The claim doesn't jibe with either what happened; of course, these new rules for the Adirondacks came in at the same time and in the same document where the Biosphere Reserve was designated, and new rules would be required to bring about the depopulation that would result in such economic strictures. So, it's an impossibility.

In addition, the Department of State did a case study of the Adirondack-Champlain Biosphere Reserve, and in it they took pride in the fact that the Lake Champlain Basin Program is bringing in more, as they call it, Federal "protections" over the watershed of the Adirondacks and Vermont where it feeds Lake Champlain. And they took pride in the Northern Forest Land Project, because it would give more protections over the area. And they said that that Northern Forest Lands Project came about because of the Adirondack-Champlain Biosphere Reserve designation. So, that is definitely more regulatory pressures from a Federal level.

Ms. CHENOWETH. One of the more unpleasant jobs that a chairman has to do is make sure that everyone has equal time.

Ms. LAGRASSE. I'm sorry. I have to finish, and I apologize that I couldn't be less wordy, but thank you for the privilege of testifying.

Ms. CHENOWETH. It's very interesting testimony, and we would look forward to you submitting it for the record. Thank you very much.

Next, I'd like to welcome Mr. Chase, from Shokan, New York. Mr. Chase.

STATEMENT OF SHERRET S. CHASE, SHOKAN, NEW YORKCAROL LAGRASSE, PRESIDENT, PROPERTY RIGHTS FOUNDATION OF AMERICA, INC.

Mr. CHASE. My full statement is 8 minutes. If I have as much time, I would have my whole statement out to you and some of these—several of these might be available, that I would otherwise cut out. Do I have 8 minutes?

Ms. CHENOWETH. We must hold you to five.

Mr. CHASE. All right.

Ms. CHENOWETH. Thank you.

Mr. CHASE. I'm starting now. Chairman Young of Alaska and Committee members, welcome to the Catskill region of New York state. Thank you for providing this forum for presentation of the merits of Biosphere Reserve designation of the Catskill Region, and thank you for the inflow of U.S. taxpayer dollars this hearing brings to our depressed economy. My name is Sherret Spaulding Chase. My home is here in the Catskills.

I support biosphere reserve designation of the Catskill Region. We of the Catskills are fortunate in having highly competent resident representation in Congress; namely, Senator Daniel Patrick Moynihan, Representative Maurice Hinchey, and Sherwood Boehlert. Your staff is misinformed. There are no significant Federal holdings in the Catskills. The stated objectives of your bill, the American Land Sovereignty Protection Act, are to preserve the sovereignty of the United States over lands owned by the United States, and to preserve state sovereignty and private property rights in adjacent non-Federal lands.

Again, your staff is misinformed. There are no significant Federal holdings in the Catskills. We have no Federal grazing lands, no Federal timber lands, no Federal mining lands, no national parks. Further, we are a home-rule region. We do not look kindly

on Federal takings or interference. For local matters, we prefer to work through our own private and public organizations. In working with several organizations for Biosphere Reserve designation for the Catskill Region, I, myself, had three major thoughts in mind:

First, I am a botanist. Designation would facilitate obtaining funds for scientific studies of the Catskills; second, designation would help encourage a more successful, financially sound tourism industry. Biosphere Reserve designation would provide a superb advertising tool; and third, it would personally please me to have the world recognize that the Catskill Region is, indeed, a special place of man and nature. Biosphere Reserve designation is merely honorary, a little like being named man of the year by the Rotary Club.

Being named man or woman of the year is often helpful. It is an endorsement. Being named a world biosphere area is also an endorsement. It would be helpful for those of us who live and work in the Catskills. The Nobel Prize Committee does not ask permission of Congress to award a Nobel Prize to a U.S. citizen, thank God; nor should Congress muck around with biosphere reserve designations. Catskill people, no matter what our origins, tend to be suspicious, one of another, and skeptical of the motives even of our own elected officials. Each valley and town here has its own special history and loyalties.

Catskill people are suspicious of outsiders, even those from just across the river to our east and to our north, from Albany and the Adirondacks. We have reason. We are particularly skeptical of the motives of powerful and power-hungry outsiders who come here with their own agendas. First, way back, there were the grantees, Dutch and then English, with their vast non-resident ownerships of land with resultant harsh tenancy farming. This led eventually to the rent wars.

More recently, before Pearl Harbor, there were hate groups of paramilitary structure exercising themselves here in the Catskills, nasty bush bullies. Some of the leaders of these groups received their funding and encouragement from local fascists, others from European fascists, including the Nazi government itself. After the war, during the depth of the cold war, power-seeking individuals from the west, with their agendas, such as Senator McCarthy and Robert Welch, the organizer of the John Birch Society, again pandered—with some initial success—to local ethnic hatreds and to the paranoias of the gullible.

Two years ago in Kingston, a public biosphere reserve hearing sponsored by the kindly Republican Ulster County Legislator, Vincent Dunn of Kerhonkson, was most effectively disrupted by a large, thuggish group from the Adirondacks who claimed connections with the Utah militias. I am ashamed that two of our most powerful local elected officials, State Senator Charles Cook and Ulster County Majority Leader Philip Sinagra, did not bring their wisdom and political skills to the discussion of the merits of biosphere reserve designation of the Catskill Region.

Ms. CHENOWETH. Mr. Chase, we're going to have to ask you to submit the balance of your testimony for the record.

Mr. CHASE. I will do that. If anyone else would like a copy, I have some extra copies available.

[The prepared statement of Mr. Chase may be found at end of hearing.]

Ms. CHENOWETH. Thank you very much. The chair now recognizes Mr. Ronald Roth, Greene County Planning Department. Mr. Roth.

STATEMENT OF RONALD ROTH, DIRECTOR, GREENE COUNTY PLANNING DEPARTMENT

Mr. ROTH. Thank you. My name is Ronald Roth, and I'm the Director of the Greene County Planning Department. I am testifying before the Committee on Resources today as a representative of Mr. Frank Stabile, Jr., Chairman of the Greene County Legislature. Mr. Stabile is the highest ranking elected official in Greene County. Tannersville is one of the 19 towns and villages located within Greene County.

In 1994, Greene County was included, along with six other New York State counties, in the Catskill Center for Conservation and Development's application to designate a seven-county area of the Catskill Region as a Biosphere Reserve. Mr. Stabile asked me to let the Committee know that the Greene County Legislature opposes the Biosphere Reserve designation. Greene County Resolution 136–95, a copy of which I've submitted, notes that the applicant, quote, "Never discussed the application for Biosphere Reserve designation with the Greene County Legislature," unquote.

Further, the resolution concludes that, quote, "Such a dramatic application for Biosphere Reserve designation should not have taken place without input from the elected governmental representatives of the citizens of the Catskills." I've also provided a copy of the Greene County—the Greene County Planning Board's, quote, "Resolution Opposing Designation of Catskill Region Biosphere Reserve." This resolution admonishes the applicant for filing the Biosphere Reserve application without consulting with key Catskill Region stakeholders, and notes that adequate information on the implications of Biosphere Reserve designation has not been provided to any said—to the key Catskill Region stakeholders.

Finally, I've presented a copy of an article in our local newspaper titled, "Hunter Joins Prattsville, Durham in Opposing Biosphere." The article relates that three Greene County towns, Durham, Hunter and Prattsville, all oppose the Biosphere Reserve designation. Greene County's message to the Committee is a simple one: Organizations that fail to let the local people know what they are up to, and organizations that fail to bring the local people into their decisionmaking process, can only expect to face the sternest of opposition. I did it under the green. Thank you for letting me testify today.

Ms. CHENOWETH. Thank you very much. The Chair will now recognize Mr. Jack Jordan. Mr. Jordan.

STATEMENT OF JACK JORDAN, LEXINGTON, NEW YORK

Mr. JORDAN. Thank you. My wife's and my involvement in the property rights movement began in late January 1995, when we

learned about something called the Heritage Trail that was being put together by the Catskill Center.

First, we found out that no one in the area ever heard of this. And second, it was being portrayed as a local grassroots effort with local support. The fact was, the Catskill Center was trying to revive a House of Representatives Bill, the American Heritage Areas Partnership Program. In this, Gerald Solomon had written a letter to Congress in big, capital letters that said, "Oppose Another Federal Land Grab; Vote No on American Heritage Partnership Program." Well, at this meeting, the woman from the Catskill Center bringing the information about the Heritage thing told everyone there that Mr. Solomon was in support of this bill and had introduced the bill.

However, we had received a fax from Mr. Solomon's office, a copy of this letter, which at that meeting we held up and showed the people that this was, in fact, a lie. Mr. Solomon was against it. My wife and I knew that in order to protect our rights, we had to get active, but what we didn't expect was the attack that would come against us and others with us, trying to support our own rights. We learned that the Heritage Trail was not the only program the Catskill Center was involved in. During the same time, they had put together an application to designate this area of the Catskills Biosphere Reserve, without so much as even talking to the local governments that this designation would affect. We soon became aware of the tactics used behind the Biosphere Reserve. They were usually either unannounced or after the fact. We tried to put information together against the Biosphere Reserve. One of the local papers tried to mislead the readers by putting in things trying to link us with the Oklahoma City bombing, and things such as that. Later on, this same reporter was to admit privately to my wife and I that he did this only to sell newspapers.

Using fictitious writers, the same newspaper would put in articles such as, "Dangerous waves of bad information being passed around," and calling us right-wing anti-environmental extremists, about us and those in our group. We believed that the people had the right to know what the Biosphere Reserve was about. We contacted a local legislator in the area; he knew nothing about it. No one could get a copy of the application, and even the Attorney General's Office was unable to get a copy. It wasn't until State Senator Cook, a State Assembly Majority Leader, became involved that we were able to get portions of this application and more information. At an unadvertised meeting on the Biosphere Reserve, the first copy of the application was being shown, only after it had been submitted to the U.N.

On the very front cover was a list, called the mailing list for Biosphere. My wife copied down these names in the front of it. We gave it to our local newspaper who published it the next day. What we found out was that these names were names of local elected officials, some of them never even heard of the Biosphere Reserve, nor had given the right for their names to be used in support of it. Later, the Catskill Center was to state that some of the people in the region had misinterpreted the meaning of list, and this has caused problems for some individuals on the list.

However, what it did was for anyone at the U.N. reading this, it made it appear that the local politics was in favor of the designation. The funny this is, on April 6th, 1995, there was a hearing in Kingston, New York, on the Biosphere Reserve. While at this meeting, we passed around a copy of a U.N. draft document entitled, "Global Biodiversity Assessment Section Ten." One passage states in it, during the initial stages of the park and reserve establishment, there may be a transitional phase where local inhabitants are provided with options for relocating outside the area.

Yet we were being told that this is nothing more than a Good Housekeeping Seal of Approval. After this meeting, a three-page letter was sent to local newspapers. In it, it stated, "Here in the Catskills, there are hate groups of paramilitary structure, bush bullies. Some of the leaders of these groups received their funding and encouragement from local fascists groups, others from European fascists, including the Nazi government itself."

However, because of public awareness, Ulster County voted it down. After this, and in fact, the Biosphere Reserve and the Heritage Trail, this application went on. This rhetoric about the Biosphere Reserve goes on even today. On May 1st, 1997, another long dead writer came back from the grave to mislead people. Daniel Shays, who is an insurrectionist from 1787 wrote in our local newspaper that he had dinner with Congressman Boehlert the other night. And according to Shays, he's sick and tired of so many crazies getting control of agendas such, as the upcoming Congressional-U.N. meeting here in Hunter.

The Catskills is a mighty wonderful place to live. You can just ask Nellie Bly, who died in 1922, Ned Buntline, who died in 1886, or Daniel Shays, who died in 1825. Apparently it's so wonderful that they've come back from the dead to live here. It is sad that here in America we have to have a bill like this, but we ask you, please, we're very much for it. Thank you.

The CHAIRMAN. I want to thank you. Ms. Chenoweth.

Ms. CHENOWETH. Mr. Chairman, thank you. I'm glad you're back. I do want to state, for the record, Mr. Hinchey had asked, have there ever been any ramifications with regards to the change of any status of any private property as a result of Biosphere Reserve designation; is that correct?

Mr. HINCHEY. Not exactly, but that's close enough.

Ms. CHENOWETH. Is it close enough that we need to see it?

Mr. HINCHEY. Well, I'm anxious to see where you're going with it.

Ms. CHENOWETH. Do you want to restate—it's still my time. Do you want to restate your question in ten words?

Mr. HINCHEY. Well, let me just see where you're going with this.

Ms. CHENOWETH. As I understand it, my colleague asked the question, if there's been any ramifications on private property with regards to Biosphere Reserves.

Mr. HINCHEY. Have there been any restrictions on private property; if the Biosphere Reserve has had any impact on the ability of local governments to regulate land use control and planning.

Ms. CHENOWETH. For the record, I do want to state that in my area of the country, Yellowstone National Park is a Biosphere Reserve. There was private property located outside of Yellowstone National Park called the Crown Butte Mine. A Canadian company had that mine. They were in the process of developing an environmental impact statement that our government required them to do.

The Department of Interior called the U.N. in and that environmental impact statement was interrupted. They were not able to complete it, and so, therefore, they were not able to go ahead and develop their mine. As a result, this company was $65 million in debt in trying to move through this process. That was private property. And do you know who promised they'd pay for it? President Clinton.

And do you know how he promised he was going to pay a Canadian company $65 million? Yeah, you've got it right. Your taxpayers' dollars. And do you know what program it was going to come out of? The C.R.P., Conservation Reserve Program, for farmers and ranchers to set aside lands for conservation. Now, that's a pretty dramatic story. And Mr. Hinchey, that is right on point, and that is exactly what we're worried might happen here in New York State.

Mr. HINCHEY. If you are contending that that is an answer to my question, and if you are contending that the Biosphere Reserve had the ability to regulate land use on private land in and around Yellowstone Park, then your contention is clearly false, because there has been no ability by the Biosphere Reserve to regulate land, either in Yellowstone Park or on private property adjacent to it.

Now, I would challenge you to submit to this Committee the documentation to support your allegation that the Biosphere Reserve in any way regulated land use either in Yellowstone or adjacent to it. I would like to see that documentation.

Ms. CHENOWETH. Mr. Hinchey, this is my time and I'm reclaiming my time. The fact is, in our Committee we heard testimony on that. I'm not talking about vague concepts. I'm talking about facts. And yes, I will submit the entire record for you to review again in this Committee. And I thank you, Mr. Jordan, and all of you who are good, strong fighters for private property rights. Just keep it up.

Mr. CANNON. We did have a slight distinction, I think, in the statements by Mr. Hinchey that Ms. Chenoweth—I think that Ms. Chenoweth is thinking about more affecting by the property ramifications, that fact, as opposed to the narrower regulating. I think, most of us here are concerned about the broader affect of the Biosphere Reserve.

Now, Mr. Jordan, you said some deep and disturbing things. First of all, you suggested that the process for the Biosphere Reserve here was hidden, that means unannounced, or announced after the fact; that names were given as supporting the Biosphere Reserve and the people didn't know about it; perhaps the most serious, that there was a smearing campaign against you personally.

That is, you were called a right-wing anti-environmentalist, and that you were somehow linked to the Oklahoma City bombing?

Mr. JORDAN. Oklahoma City bombing, and that we had——

The CHAIRMAN. Speak into the microphone. We can't hear you.

Mr. JORDAN. That we were somehow connected to the Oklahoma City bombing, and that we had ties with the Utah militia. My wife and I have never been to Utah, nor do we know anybody in Utah.

Mr. CANNON. I am from Utah.

Mr. JORDAN. I apologize. I have nothing against Utah. Just, I was connected to them and their militia. Like I say, we had no connection. And the funny part is, at this meeting Mr. Chase is talking about, he said a group from the Adirondacks came down. He, himself, stood up and asked who was from the Adirondacks.

There was one gentleman there that was from the Adirondacks, on my wife's and my invitation. Everyone else at that meeting was either from Ulster County themselves or from within the Catskills region. There was no one represented from the Adirondacks, officially. Just the one man was the only man that had come down from the Adirondacks. Mr. CANNON. Mr. Chase, you talked about, in your testimony——

Mr. CHASE. Yes.

Mr. CANNON. Let me finish my question—about mysterious Utah militia connections. Can you describe what those were?

Mr. CHASE. Yeah. At that hearing I was informed afterwards by one of this group that came mostly from the Adirondacks, I think there were a few Catskill people, three, in that group, and I was told that they had a dossier on me and they read off, I thought rather a complimentary list of organizations that I had belonged to, but they mentioned their connections with a Utah militia. And then this upset me quite a bit and——

Mr. CANNON. I'm concerned about the reputation of Utah.

Mr. CHASE. All right. I just——

Mr. CANNON. Pardon me, sir. We have—I think that it's pretty clear that there's no link with these radical militia groups.

Mr. CHASE. Well, this was not my information.

Mr. CANNON. Pardon me, sir.

Mr. CHASE. This was information that was given to me——

Mr. CANNON. Pardon me, sir. I just want to be very clear about the issue in your statement. I would like to know who referred to Utah militia types? Because, again, I don't believe we have any radical people. We have people who are very concerned about property rights, but we have never, in Utah, ever been linked to the more radical militia types. And I would like to know who it was that said that and what foundation or what—you had actually referred to that in your testimony before Congress.

Mr. CHASE. That is correct, and by golly, I'll have to say it was second-hand given to me by people at that Kingston hearing. Now, the letter that was referred to, I wrote—the hearing was on April 6th, of 1995. On May—excuse me. I've got the wrong document here.

Mr. CANNON. While you're looking for that, you said that——

Mr. CHASE. On May—excuse me. On May 12th, 19—May 12, after—note, that's a month later, I wrote a letter, and you can have a copy of that letter.

Mr. CANNON. I would like a copy of that, please. You said that you had a hearing on May 12th or April 6th. There were people there from the Adirondacks and the Catskills who said they had a relationship with the Utah militia?

Mr. CHASE. Exactly.

Mr. CANNON. And who are the people?

Mr. CHASE. I don't name people.

Mr. CANNON. You don't name names, or you don't know?

Mr. CHASE. I don't know their names. They were at the hearing. You check the list of people who were at that hearing.

Mr. CANNON. They actually claimed they had some association——

Mr. CHASE. They came down to break the hearing up, which they did rather effectively, and afterwards, a woman came up to me and said, you know, I have a dossier on you, and she said she got it from Utah.

Mr. CANNON. She said she was from Utah?

Mr. CHASE. No, no, no. She said she got it—her contact, her information—the dossier on me. I've been trying to find a dossier on me——

Mr. CANNON. Are you suggesting——

Mr. CHASE [continuing]. on the Internet, and I can't find it.

Mr. CANNON [continuing]. that there are people in Utah that ever collected a dossier on you?

Mr. CHASE. Precisely. That's what I was told. I don't have any knowledge beyond what I was told.

Audience MEMBER. May I defend myself?

The CHAIRMAN. Sit down.

Mr. CHASE. That's the woman, right there. That's the woman right there. This is the woman right there who told me this.

The CHAIRMAN. Cool down. Mr. Hinchey.

Mr. HINCHEY. Well, Mr. Chairman, I think it's a good opportunity to air these kinds of issues, and try to get at the real truth of the matter. I think it's been clear, as a result of both the testimony, the questions and responses to those questions, that first of all, the Biosphere Reserve is an honorary designation.

As some people have described it as, it's like registering your dog. You can show your dog, you can train your dog, or you can do nothing at all and still have a registered dog. That's what the Biosphere Reserve is.

The CHAIRMAN. Now, I will shut this meeting down right now. This is a hearing of the Congress. Gentlemen, proceed.

Mr. HINCHEY. Thank you. So we're discussing here an honorary designation which has absolutely no force of law whatsoever. It doesn't require anything. It can't possibly require anything. There's no force of law. It's merely honorary. Can't regulate man, can't regulate anything.

It's simply an honorary designation. With regard to the Yellowstone situation, which was kind of an interesting and unique situation, you had a Canadian company, I think in that particular case. In any case, it was a foreign company that owned a piece of land adjacent to Yellowstone National Park. Now, the people of this country have come to regard Yellowstone National Park as a pretty important place, and as they proceeded with the environmental impact statement, which has to be honored in the case if you're going to be mining land, or do something destructive to the environment, you have to lay out all your plans and programs.

As they proceeded with the environmental impact statement, it became clear that this particular mining operation, if it were to go forward, would have a major impact on Yellowstone National Park, and particularly on the watershed of Yellowstone National park, and with all the character of a place that's very, very important to the American people. And so when that became clear during the process, the comments that were made, made it clear to the people who owned the mine that it might not be in their best interest to go forward with this mine, and so they made an arrangement with the Federal Government for the exchange of some lands and some payments for that land.

The CHAIRMAN. Just a second.

Mr. HINCHEY. And this was really initially done by something called the 1872 Mining Act, which is a provision whereby mining can take place on lands which were or formerly were owned by all the people of the country under conditions that existed shortly after the Civil War—in fact, during the Grant administration—so they could extract minerals from land which is now or was formerly publicly owned land and really at bargain basement prices.

So as all of this proceeded, people became more and more aware that this was really a bad deal. It was a bad deal because of the fact that resources were going to be taken from formerly public land at bargain basement prices, and at the same time it was going to be ruining, to some degree, Yellowstone National Park; this arrangement was made. Now that has nothing to do with the Biosphere Reserve, because this was not a Biosphere Reserve. It was something else, called a National Heritage area. It's not a Biosphere Reserve at all.

So, the fact is, that particular example has nothing to do with the bill that is the subject of this hearing. It has nothing to do with the concerns that have been expressed by the people at this hearing. It's an entirely different matter altogether. But basically, this is really the final point, not that I wish to agree whole-heartedly with the chairman, there's an important thing about representative government, and there are issues upon this Congress, certainly, and it's very appropriate for Congress to make statements on things.

But Biosphere Reserves are originated locally, for the most part. By putting the Congress in it, if you wanted to do that, that would simply say the people in Washington are going to make decisions with regard to land use, or decisions like this at the local level. Whether you want to do that or not is the question, but the fact of the matter is, is that Biosphere Reserves do not, in any way, restrict anyone's ability with regard to use of their property.

The CHAIRMAN. Your 5 minutes is up. The gentleman from New York.

Mr. SOLOMON. Mr. Chairman, we're running out of time, and let me yield just briefly to the young lady from Idaho.

Ms. CHENOWETH. Mr. Solomon, I thank you for yielding. Again, I just want to say that all of this discussion, all of these activities have been predicated upon the Convention on Biological Diversity to which the United States is not a party, or which the U.S. Senate has refused to ratify. So there is no legal mechanism in place to be suggesting Biosphere Reserves here or any place else.

Mr. SOLOMON. Thank you. Mr. Chairman, before I ask the question, I just want to thank the members of the panel for coming. We appreciate it very, very much, because I think it is enlightening. I'd like to submit for the record the resolution by the Greene County Board of Supervisors, in which they say that the Catskill Center for Conservation and Development never discussed the application for Biosphere Reserve designation with the Greene County Legislature and those on the Board.

If I might have this appear in the record of the hearing.

[The information referred to may be found at end of hearing.]

Mr. SOLOMON. And Mr. Chairman, one last thing, I wasn't even aware that the President had said that he would take $65 million out of the Conservation Reserve Program for farmers. We are being short-changed in New York State right now, because there is not enough money in that fund. If he wants to give away taxpayers' money to the Canadian industry, that he do so out of his White House budget. There's plenty of money there to spare. Thank you.

And having said that, let me just personally thank everybody for coming. If you want to see an interesting debate, I'm the Chairman of the Rules Committee that controls what legislation reaches the floor. Ladies and gentlemen, this legislation will reach the floor, and it will be one hell of a debate. Come and listen.

The CHAIRMAN. I, too, would like to thank the panel and the participants in the program; I would like to thank the staff and the recorder. It takes a lot to put on one of these hearings. In closing, I'd have to suggest—I asked the question of the last panel and I will ask this question to this panel: What's wrong with my bill? What's wrong with it? Anybody got any reason why the Congress shouldn't be involved in it?

Mr. CHASE. I think it should not be involved. I think it is a local thing. I think the fact that the executive government has to be part of the nominating structure that protects the local industry—I think Congress is simply too unyielding to deal with a process of this sort and it becomes too political.

The CHAIRMAN. Under our Constitution——

Mr. CHASE. Too political.

The CHAIRMAN. Under our Constitution, Mr. Chase, Congress can only designate land, and especially, our bill is nationwide. You said there's only a few thousand acres of Federal land——

Mr. CHASE. This has not changed. This has not changed.

The CHAIRMAN. This is our responsibility.

Mr. CHASE. This does not change the rules on the land.

The CHAIRMAN. Well, I believe it does. I believe that any outside group, especially with an administration, and I've been under many, this is my sixth administration, they do not take public input from the local community.

Mr. CHASE. Well, public input was provided——

The CHAIRMAN. Not according to——

Mr. CHASE [continuing]. in quantity in the Catskills. It was just that people didn't want to listen.

The CHAIRMAN. Well, that is a matter of opinion.

Mr. CHASE. No, it is not. It's a matter of record.

The CHAIRMAN. Please let me finish my comment.

Mr. CHASE. Excuse me. Excuse me. You asked a question. You asked a question.

The CHAIRMAN. I know that in my state, there was no public input. There was no correspondence. There was nothing by letter, or state department, or hearing, notifying us until this occurred. That's my frustration.

I am deeply disturbed that a state department or any branch of the government can reach an agreement with the U.N. without consultation of the people concerned.

This meeting is adjourned.

[Whereupon, at 3 p.m., the Committee was adjourned; and the following was submitted for the record:]

HEARING ON H.R. 901, TO PRESERVE THE SOVEREIGNTY OF THE UNITED STATES OVER PUBLIC LANDS AND ACQUIRED LANDS OWNED BY THE UNITED STATES AND TO PRESERVE STATE SOVEREIGNTY AND PRIVATE PROPERTY RIGHTS IN NON-FEDERAL LANDS SURROUNDING THOSE PUBLIC LANDS AND ACQUIRED LANDS, "AMERICAN LAND SOVEREIGNTY"

TUESDAY, JUNE 10, 1997

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 1:06 p.m., in room 1324, Longworth House Office Building, Washington, DC, Hon. Don Young, Chairman of the Committee presiding.

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

The CHAIRMAN. The meeting will come to order. Today, we are having a hearing on the American Land Sovereignty Protection Act, H.R. 901. I want to welcome our witnesses.

My bill gives Congress a role in approving international land designations, primarily, the United Nations World Heritage Sites and Biosphere Reserves. H.R. 901 has 153 cosponsors.

We were going to hear from Dr. Jeane Kirkpatrick today, but she just informed us about an hour ago that she is bedridden with the flu, and I do offer her my sympathy. Hopefully, at a later time she will be here.

So that everybody understands, my concern is that the U.S. Congress and therefore, the people of the United States have been left out of the domestic process to designate Biosphere Reserves and World Heritage sites. H.R. 901 makes the Congress and the people of this country relevant in this process.

The Biosphere Reserve program is not even authorized by a single U.S. law or even an international treaty. I believe this is wrong. Executive branch appointees cannot and should not do things the law does not authorize.

We as the Congress have a responsibility to ensure that the representatives of the people are engaged in these important international land designations. As I read the U.S. Constitution, refer-

ring to article IV, section 3, the power to make all needful rules and regulations governing lands belonging to the United States is vested in Congress. Yet these international land designations have been created with virtually no congressional oversight, no hearings, and no authority. The public and local governments were rarely consulted.

Until now, no one has lifted an eyebrow to examine how U.S. domestic implementation of these programs has eaten away at the power and sovereignty of the Congress to exercise its constitutional power to make the laws that govern what goes on on public land. Today, we again will begin looking at these issues.

Just so everyone knows, one preservation and one environment group, the National Trust for Historic Preservation and Conservation International canceled after accepting an invitation to testify. Unfortunately, there was not enough lead time to find replacement witnesses. I regret that, because I will soon be evaluating with the cosponsors and committee members whether to move this legislation through the committee. Very frankly, I have made up my mind that we will move this legislation with additions recommended by the witnesses we will hear from.

I am pleased to welcome all our witnesses who will testify today, and will the first panel please be seated. That consists of Mr. John Vogel, Land Commissioner of St. Louis County, Minnesota; the Honorable Charles "Pat" Childers, Wyoming State Representative, Cody, Wyoming, the great State of Wyoming; and the Honorable Jeannette James, Alaska State Representative, North Pole, Alaska, the greatest state in all the union. I had to get that in. That is one prerogative of the chairman.

Please take your seats.

[The prepared statement of Hon. Don Young follows:]

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Welcome to our witnesses. Today we will hear testimony on H.R. 901—my bill that gives the Congress a role in approving international land designations, primarily United Nations World Heritage Sites and Biosphere Reserves. H.R. 901 now has 153 cosponsors.

We were going to hear today from Dr. Jeane J. Kirkpatrick, former Ambassador to the United Nations, who served under President Ronald Reagan. Unfortunately she is ill today and had to cancel.

So that everyone understands, my concern is that the United States Congress—and therefore the people of the United States have been left out of the domestic process to designate Biosphere Reserves and World Heritage sites. H.R. 901 makes the Congress and the people of this country relevant in those processes.

The Biosphere Reserve program is not even authorized by a single U.S. law or even an international treaty. That is wrong. Executive branch appointees cannot and should not do things that the law does not authorize.

We, as the Congress, have a responsibility to ensure that the representatives of the people are engaged on these important international land designations. As I read the U.S. Constitution, referring to article IV, section 3, the power to make all needful rules and regulations governing lands belonging to the United States is vested in Congress. Yet these international land designations have been created with virtually no congressional oversight, no hearings, and no authority. The public and local governments are rarely consulted.

Until now, no one has lifted an eyebrow to examine how *U.S. domestic* implementation of these programs has eaten away at the power and sovereignty of *the Congress* to exercise its constitutional power to make the laws that govern what goes on on public land. Today we will begin to look at these issues.

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after accepting invitations to testify. Unfortunately, there was not enough lead time to find replacement witnesses. I regret that because I will soon be evaluating, with the cosponsors and Committee members, whether to move this legislation from the Committee.

With that it is time to begin. I am pleased to welcome all of our witnesses who will testify today. Will the first panel please be seated.

[Briefing Paper on H.R. 901 may be found at end of hearing.]

[H.R. 901 may be found at end of hearing.]

The CHAIRMAN. Is there any other opening statement before I proceed? If not, at this time, I will proceed on the order, and I will inform the witnesses that after this panel, I do have to go to another meeting, but I expect Helen Chenoweth to take over the chair, and she will be running the committee after that time.

The first witnesses will be Mr. John Vogel, Land Commissioner of St. Louis County, Minnesota.

STATEMENT OF JOHN VOGEL, LAND COMMISSIONER, ST. LOUIS COUNTY, MINNESOTA

Mr. VOGEL. Thank you, Mr. Chairman. My name is John Vogel, and I am a longtime professional natural resource administrator. For the last 18 years, I have administered nearly 1,000,000 acres of trust lands and resources as land commissioner of St. Louis County, Minnesota.

I am here today on behalf of several counties in northeastern Minnesota, a region that is clearly rural and not urban but also not significantly agricultural. Logging, mining, and recreation tourism are the mainstay of our lives and economy. We have national forests, including a prominent wilderness area; a national park; several state forests; and several million acres of county forests. The majority of Minnesota's public lands are located in this region.

The matters under consideration here today are matters of serious concern to many of my associates and people of our region, having had numerous experiences over the preceding decades with a plethora of ever-changing programs, regulations, and dictates which profoundly and often adversely affect our lands, resources, and lives.

All too often, many of our citizens and local elected officials have found themselves attempting to react to far-reaching new laws and regulations, virtually helplessly, after it was too late to be real participants in considering major and far-reaching proposals affecting our region, virtually dozens of ever-changing complex programs ranging from wilderness to the biosphere.

It seems we have to devote an impossible amount of time and effort just to get information before it is too late, rather than have an opportunity to be an informed part of our own future and to be seriously listened to.

One such situation occurred in 1984 when our state-sponsored citizens committee on Voyageur National Park was offhandedly informed by the then-park superintendent, Russell Berry that Voyageurs, along with the Boundary Waters Canoe Area in the Superior National Forest and the adjacent Quetico Provincial Park in Ontario were being proposed for status as the Northwoods International Biosphere. The whole story of that proposal is much too long to describe here. I have described that event in more detail in my written testimony.

It should be sufficient to say that after devoting much time and effort to that nomination, we became aware by a 1987 letter from the State Department to the then-director of the National Park Service, William Mott, that the State Department had withdrawn the application. That letter clearly states that it was withdrawn because of local opposition.

Mr. Chairman, I believe that was the first time that a nominated area had been withdrawn. Because of the very amorphous nature of such designations, and by that, I mean the unclear boundaries and potential far-reaching and progressive impacts, it becomes very difficult or impossible to find any comfort level with the Biosphere Reserve despite good qualities which might be associated with them, particularly after reading a statement quoted in 1987 in the Omaha News Herald attributed to the now former assistant secretary for fish and wildlife and parks, George Frampton, where he was reported to have stated there ought to be biosphere reserves around every national park and wilderness area where roads would be closed, development limited, and resources returned to their natural condition.

Also, the Voyageur National Park superintendent stated at a public meeting, and I quote, "I would like to be in as strong a position as possible to influence activities outside our boundaries that would adversely affect the park in the context of things that would be detrimental to the ecosystem within the park." Based on our experience regarding the lack of oversight and public involvement, we find that sort of statement very scary.

Today, I believe it is more important for me to simply speak in support of H.R. 901, the American Land Sovereignty Protection Act. We believe that if we are ever truly going to find solutions to protection of the environment and special places, we can and will find the best support and best methods through congressional oversight and consensus-building at the grass roots level. My counties have made significant formal commitments and are now undertaking long-term programs to carry out new and better planning and programs so that we might achieve the principles contained in the 1969 National Environmental Policy Act that man and nature can live together in productive harmony.

Unlike the past process of establishing these international areas, we believe the process needs to be more open and certainly more inclusive of the legislative process. People in our region are not likely to support outcomes which bypass or ignore our elected officials at all levels of government.

That is why, Mr. Chairman, I am here today to urge passage of H.R. 901, and thank you for the opportunity to speak on behalf of the bill.

[The prepared statement of John Vogel may be found at end of hearing.]

The CHAIRMAN. Thank you, John, and I wish your Minnesotan Congressman was here to hear your testimony, but unfortunately, he chose not to participate. Usually, he does. He is very good about that.

The Honorable Pat Childers is up next.

STATEMENT OF HONORABLE CHARLES P. CHILDERS, WYOMING STATE REPRESENTATIVE, CODY, WYOMING

Mr. CHILDERS. Thank you, Mr. Chairman, members of the Committee. My name is Charles P. "Pat" Childers. I am Wyoming representative for House District 50 in Park county. As an introduction, this testimony is offered to support passage of H.R. 901.

My input is a firsthand account of how a World Heritage Site, Yellowstone National Park, was and is being used to sabotage public law, the National Environmental Policy Act, or NEPA, and circumvent an ongoing legal public process for development of an environmental impact statement or EIS that was being scrupulously followed to determine the suitability of the proposed New World Mine located outside the park.

Additionally, the public information presented to establish the forums for evaluating the reclassification of the park to a World Heritage Site in danger was a classic example of minimizing the involvement of interested parties, i.e., the State of Wyoming, in the process.

As fine and strong a public law as NEPA is, it was no match for the political leverage that a World Heritage Site carries. My testimony is an example of an abuse of power. This abuse came from some within the Clinton Administration, including the Interior and Park Service; environmental organizations; as well as an abuse of prestige and public trust by UNESCO's World Heritage Committee.

All of these groups were drawing on Yellowstone's designation as the United States' first national park and a World Heritage Site. The members of this Committee should make every effort to prevent this from happening again in this nation.

For background, in 1970, NEPA was passed by Congress and signed into law. It is a structured, environmental assessment process, and it is a public process. In 1978, Yellowstone was designated a World Heritage Site, about 6 years after the U.S. signed the World Heritage Site Convention of UNESCO.

In 1989, data collection began for the mine near Cooke City.

In 1990, an attempt to establish the Vision document was defeated. This document, coordinated by the Park Service and Forest Service, also proposed a buffer zone around the park similar to the Heritage issue. It also did not go through the scrutiny of proper public process as required by law.

In 1993, the EIS for the New World Mine was initiated as required by NEPA.

On February 28, 1995, 14 environmental groups, opponents of the mine, sent a letter to the chairman of the U.N. World Heritage Committee requesting the committee initiate an investigation to determine if the park should be included on the List of World Heritage Sites in Danger. The letter listed the reason for the request as the serious threats presented to the park and the larger ecosystem by the proposed New World Mine, and other activities.

It is important to note that those other activities were not widely publicized in any public notices for the hearing by the World Heritage Committee. Creation of the buffer zone is also part of the treaty language.

On June 27, 1995, Assistant Secretary of the Department of Interior, George Frampton, by way of a letter to the chairman of the

committee, stated that he believed that there was potential danger to the park and that the committee should be informed that the property inscribed on the World Heritage list is in danger. Our own Department of Interior is arriving at its own conclusion before compliance with NEPA is met.

On September 8, 1995, the World Heritage Committee arrives at the park with the stage being set by the Department of Interior and President Clinton. I managed to speak at that forum and encourage you to question me about this.

My position as a state representative speaks of my respect for public law and public process. Please remember World Heritage Sites have significant negative collateral fallout to the areas around them. They create an unstable economic climate discouraging free enterprise and subject the surrounding areas to an inappropriate and unfair sphere of influence.

I encourage you above all that what needs to be protected are not more World Heritage Sites, but our own congressionally passed public laws. This is what H.R. 901 will help achieve. Thank you.

[The prepared statement of Charles P. Childers may be found at end of hearing.]

The CHAIRMAN. Thank you, Pat. Now, we have Jeannette James, Alaska state representative from North Pole, Alaska. Jeannette.

STATEMENT OF JEANNETTE JAMES, ALASKA STATE REPRESENTATIVE, NORTH POLE, ALASKA

Ms. JAMES. Thank you, Mr. Chairman and Committee members. Thank you for this opportunity to testify in support of H.R. 901. For the record, I am Jeannette James from North Pole, Alaska, a member of the Alaska State House of Representatives, and my testimony is on behalf of the Alaska State House leadership.

This issue is extremely important to my state, and I request my entire written testimony be entered into the hearing record.

The CHAIRMAN. Without objection.

Ms. JAMES. H.R. 901 is a policy issue. We believe Congress must assert its authority under the Constitution. Considerable confusion is mounting about the intent and vision of these international agreements. Overlapping international zoning impacts without a good public process could stifle any reasonable economic opportunities available to our fledgling state.

I feel confident that the testimony you will hear today will support your efforts to guarantee a legislative process on these issues. I opened the Washington Post this morning, and there was a three-page paid advertisement. How do you protect an earth in the balance; with a balanced approach, was the answer. The sponsors signed this presentation saying we are committed to a healthy environment and a healthy economy. Mr. Chairman and committee members, I am, too, and so should you.

This country was founded on the principles of democracy. We, the people, know our government. It is us. Our precious freedom is built on property rights and liberty and both are threatened by the international agreements that are the subject of this hearing.

One is the World Heritage Site Convention which was ratified by Congress, and quite frankly, needs to be reviewed as to its implementation and the effect on our lands, people, and resources. We

question if Congress had such intent when it ratified this treaty or is this just a case of good intentions gone wrong.

The other is the Convention on Biological Diversity and the International Conference on Biosphere Reserves which is being implemented by executive order but has not been ratified by the Senate. Our three-part system of government, legislative, executive, and judicial, are purposely established for checks and balance. There are executive powers identified in the Constitution; however, basically, Congress writes the law and the executive administers the law. Any blurring of law-making between these two branches of government is partly by one usurping power over the other, and partly by one branch giving power away to the other like a hot potato by specific action or no action at all. We see it happening every day.

I commend you, Congressman Young, and all the cosigners for H.R. 901 and your effort to bring back a process representing the public interest as it relates to property rights.

I am an environmentally concerned person. No one can afford not to be. However, it costs a lot of money to protect the environment, and these efforts can only be supported by a healthy economy. Social unrest as well can only be healed when each person is able to sustain themselves and their families with pride and accomplishment.

The underlying need is to create wealth. To create wealth, we must utilize and enhance our natural resources and this can only be done with care and consideration, not with fear and distrust which is the basis of extreme environmentalism.

I want to give the environmental movement credit for promoting new and modern methods of harvesting, extracting, manufacturing, and marketing; however, the time has come when reality must dictate. Continued meddling and intolerant attitudes must be tempered. Property rights must be protected, and the American dream must not be destroyed.

The hype and rhetoric used by zealous environmentalists includes warm and fuzzy statements about good will and sharing as well as buzz words like culture, lifestyle, and salmon spawning. These emotional words won't support a paycheck. Without a paycheck, warm and fuzzy does not exist.

Paychecks are possible when wealth is created, and we ought to be conservative and respectful of ourselves and the planet, but understanding that human needs are as much a part of biodiversity as the air we breathe is absolutely necessary.

Mr. Chairman and Committee members, there is a natural tendency to resist change, but living in the world, change is inevitable; to not change is death.

No, thank you, I am not interested in any tyranny, and in order to orchestrate biodiversity, we must expect tyranny.

Alaska is a young state, not yet 40 years old. Our people are hardworking, intelligent, talented, and caring. We enjoy a potpourri of race, religion, and ethnic background. We respect one another and we love our land. Alaska is like a mother to us; she teaches us how to live, and no one can understand and care for her better than we can.

Thanks again for this opportunity to testify. I would be happy to answer any questions, and I have additional backup material for the record.

[The prepared statement of Jeannette James may be found at end of hearing.]

The CHAIRMAN. I want to thank the panel and I am going to have a couple questions, and then open it up for questions to the rest of the committee.

Jeannette, was the Alaska legislature consulted in any way by the State Department of the Federal Government when 47,000,000 acres of Biosphere Reserves and the World Heritage Sites were designated in Alaska?

Ms. JAMES. I know of no contact whatsoever, and the fact is I only found this out by research.

The CHAIRMAN. Well, I appreciate that, because I made the statement once before in the last hearings that we had in this room, and they said, well, we sent you a letter. It was copied to the chairman of the committee that time, copied to me, and I never saw that letter. That is the only notification I had. Very, very little, if any, type of public input or consultation or anything, and one of the things I got interested in, 40,000,000-odd acres of our State are in this biosphere classification.

Have you seen any advantages with this designation? Has it helped us out, helped you out? Has it done anything for the state?

Ms. JAMES. Well, certainly, I haven't found anything that it has helped out at all, but it sure has caused a lot of harm.

We are having a lot of problems in Glacier Bay right now with the fishers and the crabbers there, and you may be familiar with that issue. The people on the Seward Peninsula have been threatened and are fighting hard to keep out the international park that is on both sides of the Bering Strait, and had the Cape Kreusenstern Monument been a biosphere reserve like they would like it to be, we wouldn't have Red-Dog Mine now, which is the world's largest zinc mine with 400 employees.

So we have the harm, and it has been felt.

The CHAIRMAN. I appreciate that, and again, that is another thing. I keep hearing from different people that oppose my legislation that there is really no harm in this, it is just a designation, it is an advantage. But if Pat is correct, and I think you bring up some good points, was it New World Mine or what mine was that now that you said was involved?

Mr. CHILDERS. Pardon me?

The CHAIRMAN. Which mine was involved when you said the World Heritage Committee came over? I want to ask you about when they came over.

What was the name of the mine again?

Mr. CHILDERS. What was?

The CHAIRMAN. The mine that you said that they had been invited over to the park to see and then they decided it wasn't appropriate to have any mining activity.

Mr. CHILDERS. The New World Mine.

The CHAIRMAN. New World Mine.

Mr. CHILDERS. They did not think it was appropriate to be mining at that site, but it is a dead site as it is now.

The CHAIRMAN. Now, you attended that hearing, Pat?

Mr. CHILDERS. Yes, I did. I testified.

The CHAIRMAN. Do you believe that—how many people such as yourself testified?

Mr. CHILDERS. How many people what?

The CHAIRMAN. Such as yourself testified.

Mr. CHILDERS. There were only two like myself allowed to testify and we had to, let us say, be careful in how we answered questions to be able to testify.

The CHAIRMAN. Now, how many did testify?

Mr. CHILDERS. There were approximately 30 to 40 people.

The CHAIRMAN. And those people were made up of?

Mr. CHILDERS. The environmental organizations, the mining community. The day that I testified, it was technical input. I was testifying as an engineer in the oil and gas industry and my companion was testifying as a geographer.

The CHAIRMAN. And what you are telling me that actually, the hearing was held by UNESCO and the EIS process was brought to a halt at that time by the Secretary of Interior?

Mr. CHILDERS. More or less. It influenced the EIS process.

The CHAIRMAN. What did you find, Pat, or your constituents find the most offensive about the World Heritage Committee's visit to Yellowstone? What would you say was the most offensive?

Mr. CHILDERS. It was not a proper public process and the advertising about them attending and investigating it. They implied that they were going to just talk about the mine, but once you got there, you found that they were covering a lot more than the mine. They covered tourism and other commercial activities.

The CHAIRMAN. John, my time is up, but you mentioned a state-sponsored commission that investigated a proposed Biosphere Reserve designation in your area. Was the commission divided at all regarding this proposed designation?

Mr. VOGEL. No, that was a unanimous decision. That is a state-sponsored commission. The chair is appointed by the Governor. There are 13 members, and the decision was unanimous.

The CHAIRMAN. It was against it?

Mr. VOGEL. It was against it.

The CHAIRMAN. In your opinion, if this type of investigation and security that took place in Minnesota had occurred in other regions of the country relative to this proposed designation, do you think the outcome would be similar?

Mr. VOGEL. Yes, Mr. Chairman, I certainly do. Our experience with Minnesota would indicate that there was virtually no support for it, and there was a tremendous amount of opposition.

The CHAIRMAN. This is why I am bringing this up. I just mentioned to Jeannette, and a lot of these areas that we are designating in the United States, there was no public input at all. There was nobody that really realized it, and what I am worried about and have been worried about, under our Constitution, it says only Congress can designate, and this is done by the executive.

The intent of this bill is very, very minimal. All it says is that if there is in fact an area that is to be designated, yes, we still have to have public input, but after that is done, it has to come back to

the Congress and we should have the right to approve or disapprove it.

Of course, some people object to that, and I think that is incorrect. My time is out.

Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman, and thank you for calling the hearing. I have to leave for a budget reconciliation meeting. Both of us have difficulty with that budget for various reasons, and sometimes, some of the same reasons.

I want to thank the panel for their testimony, all the panel, but particularly the two state representatives. I served 10 years in the Michigan House of Representatives and I realize the importance, the enormity, and sensitivity of your job, and thank you for your testimony today.

I will leave, but I will try to come back before the end of the hearing. Thank you, sir.

The CHAIRMAN. The gentleman from Nevada.

Mr. GIBBONS. Thank you, Mr. Chairman. I also would like to join the Chairman in his remarks and also welcome all of you here to this Committee hearing as well.

Mr. Childers, you were present at that hearing, obviously, and there were members of the Yellowstone National Park agency there or the park authority, the superintendent. Can you tell this committee what your testimony was at that hearing?

Mr. CHILDERS. My testimony was because of my background in trying to encourage that the United States should be following the process on the mine which is NEPA, because that is my recent education, and that is the type of environmental things that I handle for my company.

Then also from a practical standpoint, since I did tour the mine site and have some thoughts about what was happening in the mine—I am a chemical engineer by education. I basically thought that it was ridiculous in some of the public statements that were being made about the mine site. I didn't think they were very accurate at all, and that also, they were circumventing the process, and I thought it was an insult that the committee shows up when we have very stringent laws that are being used to investigate the mine now, and that is NEPA.

Mr. GIBBONS. What was the reaction of the Park Service to your testimony?

Mr. CHILDERS. In particular, the park superintendent, Mike Findley, got up and gave his summary concerning the program, he thanked everybody for coming, except he singled out myself and my companion and basically told us he didn't care what we had to say.

Mr. GIBBONS. So in essence, you felt that your testimony and your presence was irrelevant to the decision and the process that they were undertaking at the time?

Mr. CHILDERS. Well, I could hardly see how it was irrelevant when we were just basically asking that United States laws should be followed and that from a practical standpoint, there doesn't appear to be a real problem with the mine as there is now at the mine site.

Mr. GIBBONS. How many sites, and maybe if I could go to the state of Alaska, Representative James as well—how many acres did you say Alaska has under this designation?

Ms. JAMES. 40,700,000 acres.

Mr. GIBBONS. Near 41,000,000?

Ms. JAMES. Near 41,000,000.

Mr. GIBBONS. And Wyoming?

Mr. CHILDERS. In Wyoming, the park is the only one that I can think of right now. It is strictly the park.

Mr. GIBBONS. And how many acres is that?

Mr. CHILDERS. The World Heritage Committee excluded the buffer zone.

Mr. GIBBONS. Do you have an idea of how many acres that encompasses?

Mr. CHILDERS. I cannot remember offhand.

Mr. GIBBONS. I have been told it is about 2,200,000 acres.

Mr. Vogel, in Minnesota, how many acres are covered by this sort of a designation?

Mr. VOGEL. We haven't any at this point because we became aware of that in 1984 and prevented it.

Mr. GIBBONS. To either Representative Childers or Representative James, has this had a direct effect on any of your state's management of these areas? Has it required you to change the course or the direction or the type of management you would have had over these areas?

Ms. JAMES. Well, I guess that I could respond to that, especially in the Biosphere Reserves, that it appears to me that they have made this identification, but I don't think they have been doing anything about it yet.

Quite frankly, that is a huge, huge job. I don't know how or where the money would come from to do all the things that were planned, so I think it is more of a threat now than it is where they have actually done things.

We have talked to the Park Service, and it was interesting. In my committee meeting in the Alaska House this year that the Park Service person did indicate to me that we do have something to worry about when we have the international committee coming into our localities and helping change the voices of the people.

Mr. GIBBONS. Is this an unfunded mandate to the state of Alaska?

Ms. JAMES. Well, it does say that the state parties are supposed to be the ones that fund it. We certainly don't have any money to do it, so I don't know who they are talking about doing it.

Mr. GIBBONS. Mr. Childers, is that your opinion also?

Mr. CHILDERS. Mr. Chairman and Congressman, we are having more restrictions proposed in the park itself. Since the buffer zone was excluded, there haven't been any changes in the National Forest Service.

Mr. GIBBONS. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. The gentleman from California, Mr. Dooley.

Mr. DOOLEY. I guess I would be interested, and I don't have a great deal of expertise on this issue, but I am struggling a little bit, and Mr. Childers, when you get to the New World Mine situa-

tion, what would have happened differently if you didn't have Yellowstone being declared—I guess it is a World Heritage Site? What would have happened in the absence of that differently?

Mr. CHILDERS. Without the Heritage Site being declared in danger?

Mr. DOOLEY. Yes.

Mr. CHILDERS. Well, hopefully, there would be more proper use of the park. As far as the buffer zone, the proposal in the guidelines for that committee, through that committee, there would be a lot more restrictions on the use of the National Forest lands.

Mr. DOOLEY. Are you assuming then that they actually influenced the process? You don't think there would have been domestic interests that would have been advocates for a similar policy?

I am just trying to separate out and identify what is the real problem and the real threat that people feel they are under with the World Heritage Sites and the Man and the Biosphere international program.

Mr. CHILDERS. Well, the presentation for the committee being there actually provided additional input outside the normal process with the environment impact statement for the mine.

I don't think the data was justified in what they were presenting, because a lot of the data was not concerning the mine.

Mr. DOOLEY. But that would be comments though that anybody could make. They could make those comments even if this wasn't part of the World Heritage Site, couldn't they? Any party can make comments during a NEPA process, can't they?

Mr. CHILDERS. That is correct, but if the Federal Government took their designation as a World Heritage Site in Danger, then the Federal Government or the state party as implied or as stated in the guidelines, the Federal Government should be responding in providing more restrictions to address what the World Heritage Committee is proposing, and that is not public process.

Mr. DOOLEY. Ms. James, you wanted to make——

Ms. JAMES. Yes, I did. I wanted to respond to that. You have to understand that you have a World Heritage Site, and this was private property three miles outside the park. So our legislative system that we have for an environmental impact statement should have been all we needed to determine whether or not that was an environmentally sound application.

The fact that it was a World Heritage Site brought in the international community to interrupt that whole process, which is unfair, and then beyond that, what happened and the net result that there is no settlement at this time, the mine just gave up because of the overwhelming whatever, and decided to take some alternative land somewhere else.

Mr. DOOLEY. I guess I need further clarification. How did this international group interrupt the process?

Ms. JAMES. Because they came over and put the World Heritage Site in Danger; therefore, they came and held the hearings that were held, and had the permission from Frampton to do it. It was an interruption in the process.

Mr. DOOLEY. I am still trying to clarify a little bit. I guess you are assuming then that this information would not have been provided by any other party, and I guess I would be a little surprised

if these arguments weren't similar—what we have, I think I read in one of the testimonies that we had 14 environmental organizations that wrote to the World Heritage Committee or whatever it is asking them to declare this.

Those parties probably were saying the same identical thing as this international body, so my question is, what new information? Are you just saying because of it being an international body, it has more prestige so that it can have more influence on the outcome?

Ms. JAMES. Have you ever experienced an environmental impact statement in your area?

Mr. DOOLEY. Yes, I am a farmer.

Ms. JAMES. Don't you think that is a good process? This is a different process, and we don't like it.

Mr. DOOLEY. But it is part of the existing process, isn't it?

Ms. JAMES. No, it is not. It is not at all part of the existing process.

Mr. DOOLEY. So you are saying that this——

Ms. JAMES. I have some information I can provide to you——

Mr. DOOLEY. What you are saying is that this group is providing information that is being considered that no other party would have provided.

Ms. JAMES. I don't think that is the issue, sir. I think it is their voice that is the issue, and their voice is not our voice.

Mr. DOOLEY. So the issue is then having the opportunity for an international body to participate in the process is the problem.

Ms. JAMES. You are right.

Mr. DOOLEY. Thank you.

The CHAIRMAN. Go ahead, Pat.

Mr. CHILDERS. Congressman Dooley, I think that the Congressmen here in the House do recognize that public opinion can influence a process. Speaking after 30 years in the oil and gas industry, I will guarantee you that public input can improperly influence a process.

The CHAIRMAN. I would just like to suggest one thing to the gentleman from California.

The real crux of this matter is that this group was invited to come over. They spent 3 days. They had 2 days of hearings and went back and wrote the report in 1 day, if I am correct, and said that this needs a buffer zone, there is a definite need for a buffer in this World Heritage Site area.

Then this Administration came down immediately and made an offer to buy out the New World Mine for $65,000,000—not the owner, just the mine. If the mine did not accept that, then they were told on the QT that you will never, ever get a permit processed, because we will never finish the EIS, which they never have. Thus, by designation, they used this as an excuse to have the mine closed.

My concern about this whole thing was they should have followed the process. If it was in fact environmentally unsound to have the mine, that would have been stated in the process. That was not going to happen, because the finding would have been that it was perfectly all right.

It was used as a crutch, and by the way, $65,000,000 of taxpayers' dollars, made by this Administration with a company—with

a company, not the owner. The owner is an 89-year-old woman that does not want to sell her property, yet now she has property that has no value at all, and that is a taking because of the threat of the Federal Government.

By designation, we have devalued by use of a foreign outside influence in the United States. Now, there are people that disagree with me. If it was the right thing to do, they should have at least had the decency to come to Congress and say there is a need for a buffer zone. They didn't do that.

They went through this process, and this is what I am trying to change, so we have something to do with it.

The gentleman from Louisiana.

Mr. TAUZIN. I thank the chair. Let me just read to you from the Billings Gazette earlier this year a story entitled park needs buffer zone, delegation tours gold mine site. "The president of the World Heritage Committee said he is inclined to suggest that the international panel urge the United States to expand Yellowstone Park and encompass millions of acres of national forest that surround it. Certainly, the forest areas around Yellowstone belong to the same ecosystem, said Adul Wichiencharoen of Thailand," I am sure I mispronounced that, "who heads the World Heritage Committee which operates under the administrative umbrella of the United Nations. All these lands must have protection so their integrity is not threatened."

Here we have a fellow from Thailand now coming in and literally instructing the United States on protecting an ecosystem around Yellowstone Park.

I suggest that that has something to do with this Congress' authority and the people of the United States' decision, and yet we find folks from Thailand coming in and now trying to direct this process.

Is this what you are talking about, Ms. James? Is this the problem?

Ms. JAMES. That is the problem, sir.

Mr. TAUZIN. And the other thing that concerns me is that we have an Administration that decided to take executive action to establish land set-asides in one of our states without even informing or discussing that process with the Governor of that state.

I am very deeply concerned that this process is just one more where the Administration can engage an international organization in making decisions that compel the United States to keep its faith, keep its honor, and therefore, do something that we agreed to do by executive action somewhere with an international agency.

The concern goes deeper than that. I was reading in the committee analysis of the bill and the issue here that in regard to the Catskill Mountains area, the Biosphere Reserve recommended in the Adirondacks, local officials from both of these regions testified that they have never been consulted about plans to designate these biospheres.

That seems to be the routine, that these designations occur, these recommendations occur, executive action occurs, and local officials never get invited literally to participate. But even worse than that, the private landowners never have a chance for a community hearing, a right-to-know process.

The right to know is a very popular environmental theme that I think has rendered some pretty good effects for America. The fact that you know what is happening tends to make everybody behave better.

When the government can do things without the private landowner and the public having a right to know, a right to a public discussion, without even Congress in some cases being invited to participate in the decision, the executive reaches back for some obsolete language and makes an executive decision without a community process, then it creates this tension and this battlefield where we ought to have cooperation and compromise and good will and conservation agreements dictating the process.

It seems to me that without this bill, the Administration is literally setting itself up in these international agreements to continue what I think is a very bad trend in the way of America making its decisions in consultation with local officials and local private property owners as an effect of conservation and multi-use decisions in regards to lands.

Am I hitting it right? Can you add to this?

Ms. JAMES. If I might, sir, I think that I have heard testimony in Alaska when I had my joint resolution supporting this bill from the people around the state, and the question is why do we need this bill, because technically what is going on is unconstitutional. Why do we need this bill, but it is cheaper to put a bill through than it is to take them to court.

I think that you have hit right on the subject.

Mr. TAUZIN. Let me make another point. We are going to be offering some bills very soon that also deal with some of these issues about communities' right to know and people's right to know about what is happening to them in some of these areas.

Land ownership doesn't have rights in America. The Constitution doesn't accord a single civil right to a piece of land, but it does accord it to citizens. The right to own private property and to own it in possession without a government taking of that private property—as the Supreme Court said in the Dolan case out west, it is a right that is no less sacred than any of the other rights in the Bill of Rights.

It seems to me when we fail to protect America's civil rights in regard to some of these issues by turning over power to international organizations or even to chief executives without having a process to protect civil rights, that we ourselves are at fault in allowing the civil rights of citizens to be degraded in this country.

I want to applaud you for coming to help us hopefully make some good decisions to protect America's civil rights when it comes to private property in this country.

The CHAIRMAN. I thank the gentleman from Louisiana. The gentleman from Guam, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman. At the outset, I want to point out that I have problems with the Federal Government coming in and telling me what to do with my land on Guam, so I am not really amused at the idea of international organizations participating in that.

I wanted to commend the first panel, but I also wanted to just for my own understanding of the issue as you see it, ask you to

comment on one point. In the course of your testimony, there was a great deal of emphasis on the lack of public input or the lack of appropriate process or perhaps going around existing Federal legislation so that how you framed it is that you are really calling for the enforcement of existing Federal process for this.

Then there was some discussion about the practical effects or the consequences of these restrictions that may be imposed by these designations.

If I could just get a brief comment from each of you about maybe making a distinction, and maybe it is not a good distinction to make, but if we could distinguish between where the more serious problem is.

Is the more serious problem the impact of these restrictions by these designations, or is the more serious problem the fact of lack of public participation in the process of making these designations?

Ms. JAMES. If I could begin, sir, I think that the last part is more the big problem, and that is not identifying these set-asides, if we call them set-asides, by a public process.

Beyond that, of course, is that it isn't just setting aside an area. It is the surrounding area that is affected, which is sometimes private property and state property, and the people not knowing it.

If you want to look into the rule of establishing things, it specifically says they don't want public policy in establishing whether or not these are to be set-asides, and they only want comments from local people only and if only they don't affect the committee's decision.

It is a matter of sucking it out and putting it up here on another plane where a totally different approach is given and a totally different group of players play.

Mr. CHILDERS. I would have to agree with the statement of the representative from Alaska that lack of public input and balanced input—if you are familiar with the NEPA process, which is a gathering of data and balancing, and economics are part of that balance.

But if you read through the guidelines for the World Heritage Committee, there is no balance brought into it. It is on the side of the environment.

The National Environmental Policy Act, our United States law, asks for balance. It doesn't say you have to weigh the environmental issues. It doesn't say you have to weigh the economic issues. It is simply a balance. It provides the data, and then the authorized officer makes the decision based on all that data.

That did not allow data on all sides of the issue.

Mr. UNDERWOOD. Mr. Vogel.

Mr. VOGEL. Thank you. My impression is very much the same as the other panelists. However, I work at a level that is very, very close to the people that are represented in these areas.

The county commissioners in my region, for example, have formed a joint powers board where there are ten counties now serving together on a special board, and I see their constant frustration with the lack of information available that is brought to them. Frequently, they have to dig hard to find this information and react to it.

In the case of the Northwoods Biosphere Reserve that was proposed in 1984, as a matter of fact nominated in 1984, it was only quite by accident that it came to light that the nomination had been made. After some 3 years of investigation and hard work, the citizens clearly rejected the idea of the proposal, and fortunately, the State Department withdrew the nomination at that point.

Mr. UNDERWOOD. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee.

Mr. DUNCAN. Thank you, Mr. Chairman, and first of all, I want to say that I commend you for this very reasoned, balanced, and moderate legislation, which if I understand it correctly simply would give the Congress some voice in these major land use decisions.

I agree with the gentleman from Louisiana that it is incredible that we give a man from Thailand more say than our own Congress or even the local citizens most directly affected.

In light of this and in light of the comments by the gentleman from Louisiana about the importance of private property, let me read for the record a portion of a column by Austin Chase which was in last Friday's Washington Times, and it says, "Why do elected representatives continue to nationalize real estate when as the experience of the former Soviet Empire demonstrated, public ownership is a recipe for economic and ecological disaster? Why do greens want more public land when they know governments have black thumbs? Why do the media characterize private ownership as reactionary when it is the principal institution that distinguishes the United States from say, North Korea?"

Mr. Chase goes on in this column, and he says, "So long as the cold war raged, Congress had plenty of excuses to extend the powers of central government. Now that socialism has capitulated, politicians embrace a new enemy whose presence justifies an even greater expansion, the environment."

We need to realize in this country that environmental extremists have become the new left, the new socialists, the new radicals of this day, and there is a real threat in this country to private property. I think now that the Federal Government owns 30 percent of the land and state and local and quasi-governmental agencies own another 20 percent, but what is even more disturbing is the rate of increase of that ownership and perhaps just as disturbing, the restrictions that are being placed on our remaining limited private property.

I think that is something that you are concerned about, because you have testified you are as concerned about what is happening to the private landowners near these areas or adjacent to these areas as you are to these designated areas themselves. Is that correct?

Mr. CHILDERS. That is correct in Park County where this—I hate to say it, fiasco took place. Seventy-eight percent of the land in Park County is Federal land. Only 2 percent is state land, and then the rest is private.

Most of the living area in Park County is in the drainages coming away from areas like the park. What happens on public lands affects the economy in the area and then the influence of the World

Heritage Site in Danger according to what we see in the guidelines would influence what would happen on private land.

We are very concerned about that.

Mr. DUNCAN. We just had a hearing a few weeks ago, Representative Childers, about the secrecy involved in the Utah land grab, and from your testimony, I understand your concern about the secrecy and the lack of input, true input, in the process of the local citizens.

It seems as though a lot of these people know they would lose if there was a real airing of the ramifications of these decisions, so they try to do as much of this in secret as possible.

I notice Mr. Vogel said in his testimony we find ourselves having to devote an impossible amount of time and effort just to get or dig out information before it is too late to react.

Mr. VOGEL. That is correct.

Mr. DUNCAN. Was this being done in secrecy or private? Did you—I know the Governor of Utah testified on that other hearing that he found out about this major decision in his state by reading about it, I think eight or 9 days ahead of time in the Washington Post.

Mr. VOGEL. Well, the proposal was revealed to the citizens committee on Voyageurs National Park and four of the members of that committee, including the chairman, are appointed by the Governor who obviously didn't know that there was a proposal.

Mr. DUNCAN. My time is about to run out, but let me ask Representative Childers this.

Did I understand you correctly to say that when you testified in this very unfair, rigged hearing with the two witnesses more or less on your side and 38 or 40 on the other side, did you say the chairman of the committee or somebody told you that it didn't matter what you said, and you said something about how you thought you had to be careful in the way you answered questions?

Mr. CHILDERS. We had to be careful in the way we answered questions when we tried to be on the panel or the group to be able to testify before the committee.

If you said that you were for the mine, they said we will call you back. If you were against the mine, then they were more receptive to talking to you.

Then as far as the type of testimony that was provided during the hearing, we were the only ones that provided testimony that was more of a balanced nature, in my opinion.

Mr. DUNCAN. We had one of these designations in Tennessee, and there was no local input there either. This apparently has been going on all over the whole United States.

Mr. Chairman, I would like to place this column from the Friday, June 6, Washington Times into the record.

The CHAIRMAN. Without objection, so ordered.

[Column from the Washington Times may be found at end of hearing.]

The CHAIRMAN. I just want to thank the gentleman for his comments, and I have not brainwashed him. I have not talked to him about this.

This came from his own feelings. I happen to agree. This whole concept of landownership and the Federal Government is a socialist

move, and I have not seen any Federal land make any money yet or support a local community or provide for schools or even set up an infrastructure, and yet the constant quest for more land is occurring.

Even during my tenure, without my help, there was about 35,000,000 acres that have been put in restrictive classification. I think that 837,000,000 acres are owned now by the Federal Government, and it does not include cities, it does not include any municipalities, and that is a huge chunk of land, and yet it has a brown thumb.

Show me where the government has managed the land right. Show me where they have managed the parks right or even the Forest Service. The Forest Service is in the worst shape it has ever been in history, not because of logging, but because they have stopped managing. We will let God take care of it all and Mother Nature, and by the way, they are very cruel taskmasters.

I just want to thank the gentleman for his statement. At this time, if the lady is not too busy down there, Madame Chairman, would you mind taking over this chair for me?

Mr. TAUZIN. Would the gentleman yield before you leave on a point of personal privilege?

The CHAIRMAN. Yes, go ahead.

Mr. TAUZIN. I just wanted to congratulate the Chairman on his tabasco tie. When you are hot, you are hot.

The CHAIRMAN. The reason he is saying that, under our gift rules, we can't accept gifts at all, and the gentleman contributed this to me, and from one member to another member, you can offer little recognitions. This comes from his district, so it is tabasco, and I do thank you.

Mrs. Chenoweth.

Mrs. CHENOWETH. [presiding] The chair now recognizes the gentleman from Pennsylvania, Mr. Peterson, for 5 minutes.

Mr. PETERSON. Thank you, Madame Chairman. I find this hearing very interesting today.

As I was running for Congress, I had people coming to me and telling me that we now had to fight the world influence on how our parks were being managed and the land around them was being used, and I absolutely did not believe them. I absolutely thought they were erroneous in their comments.

Since then, I have found out they were not. They were accurate. That is not well known out in the public.

I come from the most rural part of Pennsylvania, the most rural district east of the Mississippi, and I find it, I guess, a little alarming—a lot alarming. In my district, people do not trust the Federal Government. They do not feel they are reasonable. They do not feel they have adequate access to decisions that are being made by administrations and Federal bureaucracies.

If the general public understood that they now have to react to and be affected by world organizations on how our private property is going to be used, I think the potential for a rebellion is out there. People will not take kindly to that, and I don't blame them.

I find it interesting that we are at a point in time when we have a Federal Government who I think has run roughshod over property rights and people are starting to fight back. States are starting

to fight back, and now, we suddenly realize that we have world organizations having impact.

As has been shared here today and in each of these hearings, they avoided any public process or any public input from those affected, and that is so far to the left of what America is all about. I thought it was fantasy when I was first confronted with this issue, but it is not.

I find it also interesting that just a few weeks ago, I have a company in my district, and this is veering from the issue a little bit, but it shows you the ever-reaching hand of the Federal Government.

This company went to a conference, and this is a very good company, a small company but growing, and found out there was a form that they should have been filling out and sending to EPA annually, a simple report of a product they handled. They immediately went back, called the agency, got the form, filled it out retroactively since they had been using that product, were instantly given an $87,000 fine, and up to this date, we have been unable to help them with that $87,000 fine, when they reported themselves for not filling out a form.

That is a pretty hard over-reaching Federal Government in my view, and when you multiply that into the issue that we are dealing with, I guess I would like to ask the panelists.

I want to thank all of you for coming, but is there any positive or real need for a world organization having input when we don't really have state and Federal Government working as a team?

Can you think of any positive influence that if we can't get the states and the Federal Government on track, if we let the world come in and tell us how to run our private land—does that make any sense at all?

Mr. VOGEL. Congressman, no, it makes no sense at all to me. As a matter of fact, I think it is not well known that many local units of government in recent years have recognized their responsibilities to change the ways they do things, to improve their planning processes, to recognize their responsibility to the environment, and that is part of the reason that I alluded to a moment ago about the ten-county joint powers board.

The title of that board is Northern Counties Land Use Coordinating Board. Their purpose is to do better planning, to recognize the relationship between a good environment and the place where people live and thrive and work. We are seeing that kind of thing occurring all across, at least our region in northern Minnesota, where folks are taking very seriously, and local elected officials are taking very seriously their responsibility to the environment and are improving that environment significantly.

We see no reason for this kind of intervention that you describe.

Mr. PETERSON. Mr. Childers.

Mr. CHILDERS. I see no advantage of them coming to the United States when some of the people that were on the committee, such as from Germany, and you hear about the horror stories in East Germany, environmental horror stories.

It seems to me they ought to be approaching those countries and working with them. If the countries are not receptive to improving the environment, then possibly a committee such as this would

come in, but as I mentioned earlier, the United States has the most stringent environmental laws in the world, and we are doing our part to improve the environment.

If you have ever been through the environmental impact statement process, NEPA, you can rest assured that it is a very strict process. I see no reason.

Ms. JAMES. Just briefly, I can say that we do have some international organizations for peace, and we have lots of international organizations that are private organizations which have different functions, but I see absolutely no use for any kind of a international organization to manage our land and our people and our resources that are within our borders.

I think that is the problem that we have here, and we ought to be sure that we have congressional action before any of these decisions are made.

Mr. PETERSON. I thank you all very much for coming. I congratulate the chairman who has left for raising this issue. I am not sure his bill goes far enough, but it is certainly a step in the right direction.

Mrs. CHENOWETH. Thank you, Mr. Peterson. The chair recognizes the gentleman from California, Mr. Pombo.

Mr. POMBO. Thank you. Mr. Childers, you talked about the public hearing or the hearing that was held in your area that you testified at. What was the hearing on, what was the purpose of the hearing?

Mr. CHILDERS. The purpose of the hearing was to determine if Yellowstone National Park and a buffer zone around the park which is basically all the national forests that are adjacent to the park, Idaho, Montana, and Wyoming, should be considered as a buffer zone.

One of the reasons that, at least, was advertised in the newspaper was that it was to consider the New World Mine and a possible buffer zone, but the other activities that were brought up in the letter from the environmental community to the World Heritage Committee were not mentioned to the general public.

Mr. POMBO. And that is the list you have here on tourism, population, road building, timber harvests? Those were some of the other issues that were discussed at the hearing?

Mr. CHILDERS. Yes, sir, that is correct. In the letter that the environmental community sent to the World Heritage Committee, those problems, so-called problems, were brought up and testimony was received on that, but it was not widely advertised in the proposal for the public hearings.

Mr. POMBO. You state in your testimony that the Department of Interior, I believe it was George Frampton, had sent a letter encouraging the area be declared a World Heritage Site in Danger. In danger of what?

Mr. CHILDERS. In danger from the activities from not only the mine but the other activities. He supported what the environmental community——

Mr. POMBO. So our government was asking for an international designation that the site was in danger from activities, human activities in the area?

Mr. CHILDERS. Yes, sir, that is correct.

Mr. POMBO. And was it—I don't know if you can answer this or not, but is it their opinion that our laws were not sufficient to protect the site from environmental damage, so therefore, they were going to an international body?

Mr. CHILDERS. I can't answer how they were feeling. It was flabbergasting that they were proposing that, at least, on the mine site before the environmental impact statement was complete.

Mr. POMBO. It would appear to me that with all of the environmental laws that we have in this country to protect the environment, that once we went through the environmental impact statement and let science determine whether or not there was a danger that there would be the path that we would take and not go beyond Congress, not go beyond our laws, but go to an international body.

I am trying to figure out what they were trying to accomplish by sending a letter supporting naming the area in danger.

Mr. CHILDERS. My opinion is that it was simply to influence the EIS process.

Mr. POMBO. To influence an internal process, to influence the environmental impact statement?

Mr. CHILDERS. Yes, sir. Part of it, according to the committee guidelines, if that was accepted and the state party, the United States, started implementing what the World Heritage Committee recommended, there would be severe restrictions on the use of the Forest Service lands bordering the park, and that would be avoiding the NEPA process as required by law on what the use of those lands would allow.

Mr. POMBO. So it is your opinion that they were using this process to influence U.S. law or the United States process, an internal process; they were using the international designation to influence our laws, or not necessarily our laws, but the process.

Mr. CHILDERS. I think it goes further than that, Congressman. I think it was to actually circumvent the law with the treaty.

The way I understand the treaty, they would be required to address what the treaty was between the state party, the United States, and the United Nations or UNESCO, and if they addressed that, they would more or less bypass our U.S. laws and place restrictions on those lands under that treaty rather than going by the NEPA process where there is a proper evaluation.

Mr. POMBO. There is one more question I wanted to ask you on that. I know my time is up, but you say in your written statement that the Park Service was involved with the selection process of who was going to testify at this particular hearing?

Mr. CHILDERS. You called the Park Service to offer your testimony, to get permission to come and testify before the committee. Now, who all was involved in the final selection process, I am not sure, but it was a Park Service representative that was asking the questions and taking the answers.

Mr. POMBO. So if you wanted to testify, you called the Park Service?

Mr. CHILDERS. The Park Service in Yellowstone, in Mammoth. That is correct.

Mr. POMBO. Thank you.

Mrs. CHENOWETH. Thank you, Mr. Pombo. Mr. Doolittle, I apologize for overlooking you in the transition to the chair.

Mr. DOOLITTLE. That is all right, Madame Chairman. I just wanted to get a couple questions in before we go to the vote.

Sir, you refer to this as a treaty, and it is my understanding this is not a treaty. This is merely an executive agreement which is something less than a treaty.

Is that your understanding?

Mr. CHILDERS. In my understanding, it was a treaty, but if I am mistaken, I misread the heading of it.

Mr. DOOLITTLE. As I understand it, a treaty must be ratified by the U.S. Senate, and that, I do not believe, has occurred in this case.

We are a participant in the Convention on World Heritage, of which Yellowstone is one.

From my law school days, it seems to me that a treaty is paramount over the laws of the United States, but less than the Constitution. I wish we had a constitutional lawyer out here, because I think we have to get to the bottom of this.

We have a volunteer who says they are on the same level. You mean an agreement and a treaty or the laws and the treaty? The problem is that we don't have anybody here who is officially designated as a witness, but I would submit it goes right to the heart of the matter.

Where you have one supreme law of the land in conflict with another supreme law of the land, we need to find out which is the supreme of the supremes.

This bill by Mr. Young is a very interesting bill to read, because you will get a lot of feel for it just by reading it. It appears to me that the executive branch of our government is actively working with the international bodies to impose its will upon this land and really circumventing the Congress.

Let me just ask, you three witnesses represent three different jurisdictions that potentially could bring suit and try and get it to the Supreme Court to try and challenge these actions; have you considered taking this action?

Ms. JAMES. If I could respond to that, we discussed that, but we think maybe this bill works a little faster.

I wanted to make the point that the Biosphere Reserve issue, which also includes the Yellowstone National Park, is the real problem that came from this New World Mine site because of the buffer zones. There are no buffer zones around World Heritage Sites.

There are buffer zones around Biosphere Reserves. That agreement has never been ratified. That is a convention that has never been—and the Senate has refused to ratify it, so we even have a more serious problem in Yellowstone than the fact that there is a treaty and whether or not it has the force of law of our constitution.

Mr. DOOLITTLE. Let me just say that there is a great chance then to strike and file a suit on it. I think we should support this bill, but I think you ought to get a suit going——

Ms. JAMES. I agree.

Mr. DOOLITTLE. [continuing] challenging this, and yes, that is going to take some time, but this—obviously, when you read this bill or you look at a map and you see things called Biosphere Re-

serves, you discover that there is a lot of internationalism that has gone on here that most of us haven't been aware of.

Ms. JAMES. I agree, and I would hope that we can find enough people that would be interested to do that, because it is a serious concern.

Mr. DOOLITTLE. It is indeed, and I thank our witnesses for appearing, and I thank you, Madame Chairman.

Mrs. CHENOWETH. Thank you, Mr. Doolittle. The chair has some questions for you, but we have two bells followed by five bells, which means we have four votes up.

Mr. Doolittle, there is a 15-minute vote, and it will be followed by three 5-minute votes, so if I can still add correctly, I think we should recess until quarter to 3, but I would like this panel to return for my questioning.

[Recess]

Mrs. CHENOWETH. The committee will come to order. I just had a couple of questions that I wanted to ask of Mr. Childers.

Do you know if they ever finished the EIS on the New World Mine?

Mr. CHILDERS. I have never seen the document. I understand there is a draft environmental impact statement that has been printed. It was never distributed.

That would be one thing that I would say that this World Heritage Committee hearing did, is it stopped the environmental impact statement. It would be nice to at least know whether there was a problem or not. It should be released.

Mrs. CHENOWETH. Also, Representative Childers, you had mentioned that you had to be very careful about how you testified, and if I understood your answer, you had to be careful about what you said so that you would be asked to testify.

There were only two of you who testified for private property rights and against this proposal?

Mr. CHILDERS. Yes, madame. If we said we were for the mine, I seriously doubt if we would have been asked to testify.

Mrs. CHENOWETH. Was the testimony and the hearing open? Was there public notice? What kind of audience was there?

Mr. CHILDERS. The audience consisted of the news media, a lot of the environmental community, mining people. I really thought that it was flabbergasting.

My testimony was on Monday, September 11. I called the Governor of Wyoming and asked him if he was aware that the input being received on this program went far beyond the New World Mine, that it was concerning tourism, et cetera, and he was not aware that the program was going beyond the mine.

He has since found out that the Department of Environmental Quality was notified about the program, but it was a vague reference of what the program was going to cover. The DEQ and the State of Wyoming were involved somewhat in the process, because the waters do flow into the State of Wyoming.

Mrs. CHENOWETH. Who was the entity that called the hearing?

Mr. CHILDERS. The press release came from the National Park Service in Yellowstone Park.

Mrs. CHENOWETH. Who were the hearing officers? Who did you testify in front of?

Mr. CHILDERS. A Park Service employee was the moderator for the hearing.

Mrs. CHENOWETH. So there were no hearing officers; there was a moderator.

Mr. CHILDERS. Other than a moderator, no, madame. The committee itself receiving input asked the questions and so forth.

Mrs. CHENOWETH. Was there ever an expression from the National Park Service as to how they felt about open public opinion or involving the public?

Mr. CHILDERS. The park superintendent, when he was summarizing, said he was pleased with all the input that he received from everybody with the exception that he wasn't too pleased with our input.

Mrs. CHENOWETH. Thank you, Representative Childers. Representative James, thank you so much for coming so far. Mr. Vogel, thank you. You have come a long way, too. All of you have, and I appreciate you very much.

With that, we will call the second panel, and there will be four on this panel, and because two people have planes to catch, I would like to call Steve Lindsey and Denis Galvin, Betty Beaver, and Dr. Jeremy Rabkin.

Denis Galvin is the Acting Deputy Director of the National Park Service from the U.S. Department of Interior here in Washington, DC. Mr. Lindsey is from Canelo, Arizona. Betty Ann Beaver is from Hot Springs, Arkansas, with the Take Back Arkansas organization; and Dr. Jeremy Rabkin is Associate Professor, Cornell University, Ithaca, New York.

I would like to begin the testimony with Mr. Lindsey.

STATEMENT OF STEVE LINDSEY, CANELO, ARIZONA

Mr. LINDSEY. Thank you, madame. I do appreciate the chance to get here, and it is a good thing I took an airplane from Canelo, because I don't know if there is a road that goes this far.

I am not really educated. I am not a lobbyist at all. My name is Steve Lindsey, and I am from Canelo, Arizona. I am a fifth generation rancher. I don't really have anything prepared, but I am just going to talk to you from my heart and what we feel, where we are right now on the land.

Like I said, I really appreciate the chance to come to Congress and stand here. My family has been in southern Arizona on that ranch in southern Arizona. They settled there in 1866 or 1867, somewhere in there.

My great-great-grandfather, he homesteaded up there in what is now Parker Canyon. He was a Parker and my grandma was a Parker.

My great-grandfather then homesteaded in Canelo, Arizona, on the Turkey Creek, which is about ten miles from where his father homesteaded, and then acquired another homestead in 1923. He got that first homestead in 1910. He started running cattle there in 1910, and we have been running a successful cattle operation ever since then on that same piece of property on Turkey Creek, 87 years, five generations on that piece of property.

That sure speaks a lot for how we have been doing and what we have been able to accomplish on that property, and we are still running a good, successful cattle operation.

The ESA, Endangered Species Act, they listed a species that grows on our property, the Canelo Hills ladies tresses. We are the Canelo in the Canelo Hills ladies tresses.

They listed that as endangered on January 6, 1997. It went through after much public outcry and there was absolutely no scientific data, but they went ahead and did it, and we accepted that.

Then February 1, 1997, we received word that an extreme prohibitionist outfit there wanted to list us under the Ramsar Treaty, and that is why I am here. The Ramsar Treaty is a little known wetlands treaty signed in 1971 in Ramsar, Iran, and doesn't that give you a warm fuzzy, but it was aimed at protecting wetlands worldwide, and I would like to quote here from this paper.

It says, "By protecting these Arizona wetlands through the Ramsar convention, we get international oversight, and that is exactly what the developers don't want," said Kieran Suckling, Executive Director of the Southwest Center for Biological Diversity. The coalition also includes the Southwest Forest Alliance. Suckling contends that wetlands, especially the few remaining sites in the desert southwest are being systematically drained or polluted by urban sprawl, mining, livestock grazing and timber cutting."

We are the No. 10 on that map that you have in that testimony, Turkey Creek—Turkey Cienega, they state there. That is our private property.

As I said, we have been raising cattle there for 87 years. The Ramsar Convention is not yet covered in H.R. 901, and what we desire is for that bill, H.R. 901, to now cover that Ramsar Convention.

We do not believe as a family that we need that international oversight. We do not need that global oversight as it states in this paper. We have been doing a good enough job the past five generations. I am raising the sixth generation.

If we do get this international oversight, if we do lose that land, then my children have no inheritance and that really bothers me.

Again, I thank you for letting me come.

[The prepared statement of Steve Lindsey may be found at end of hearing.]

Mrs. CHENOWETH. I appreciate you very much, Mr. Lindsey for being here. Thank you very much.

The chair now recognizes Mr. Denis Galvin of the Department of Interior.

STATEMENT OF DENIS P. GALVIN, ACTING DEPUTY DIRECTOR OF THE NATIONAL PARK SERVICE

Mr. GALVIN. Thank you, Madame Chairwoman. I have a prepared statement that I will submit for the record and simply summarize the statement.

It is our view that this legislation would impose inappropriate and unwise restrictions on the ability of Federal agencies to work cooperatively with states and other levels of government to achieve the benefits of international recognition for U.S. conservation and research sites.

We strongly oppose this bill, and if this legislation passes Congress, we will recommend that the President veto it.

The Administration does not have the authority nor the intention of ceding sovereignty over U.S. lands to international organizations, nor have the five previous Administrations, both Republican and Democratic, which have participated enthusiastically in the international conservation agreements targeted by this bill.

H.R. 901 is an attempt to fix alleged problems which do not exist. It is not a sovereignty issue.

Many of these lands have been preserved by law in the United States as national parks through acts of Congress. They include, to name a few, our first national park, Yellowstone; the complex cave and karst system of Mammoth Cave, and the Indian cliff dwellings at Mesa Verde.

These international agreements have in no way been utilized to exclude Congress—in fact, World Heritage has been authorized by Congress, from land management decisions, nor do they have the ability to do so. The nomination processes are generally consultative, and are usually based on demonstrated initiative and commitment at the local level.

International site recognitions defer land use decisions to the management entity within the nation, subject to the domestic laws in place, and they do not add any legal restrictions on land use. The United Nations does not have any authority to dictate Federal land management decisions.

International site recognitions do not restrict land use or stop economic growth. On the contrary, many local areas see them as value-added designations. They provide opportunities for increased partnership and mutual benefit.

Earlier, there was considerable discussion about the listing of Yellowstone Park as a World Heritage Site in Danger. Listing of a World Heritage Site in Danger has no legal implications on the domestic management of the site, and as several of the previous witnesses have pointed out, it was not just the New World Mine issue that resulted in that designation. There were also visitor use issues. There were exotic species issues, and the well publicized brucellosis and bison issues, and my testimony goes into that in some detail, Madame Chairwoman.

With respect to the discussion of buffer zones, virtually all of the designations in both World Heritage sites, which are authorized by law and then biosphere reserves, which are authorized under an executive agreement, are confined to the boundaries of existing protected areas.

For instance, the boundary of the World Heritage Site at Yellowstone is synonymous with the existing boundary of Yellowstone National Park.

In one instance in the National Park system, Mammoth Cave, the boundary of the Man and the Biosphere site is larger than the boundaries of the park. That was because of local initiative. Local authority wanted a larger boundary so they could use it to clean up polluted water.

The Congressional Research Service said in its May 3, 1996, report on the World Heritage Convention and U.S. National Parks, the Convention has no rule or authority beyond listing sites and of-

fering technical advice and assistance. The solicitor of the Department of Interior wrote on March 20, 1996, "In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and state laws."

Biosphere Reserves established in connection with UNESCO's Man and the Biosphere program similarly admit no international control of U.S. lands.

The Convention on World Heritage, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. national and environmental policy for nearly a quarter of a century. In fact, the United States was the first signatory in 1972. It has benefited parks and adjacent communities. The widespread international acceptance of these designations is a continuous advertisement of America's prestige and global influence.

Other World Heritage Sites internationally include the Taj Mahal, the Great Wall of China, the Serengeti Plain, and Vatican City. Additional information is contained in my prepared testimony.

Madame Chairwoman, I see that my 5 minutes is up, and I will be glad to answer any questions the subcommittee has.

[The prepared statement of Denis P. Galvin may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Galvin. The chair recognizes Mrs. Betty Beaver.

STATEMENT OF BETTY ANN BEAVER, HOT SPRINGS, ARKANSAS

Mrs. BEAVER. Good afternoon. It is an honor to be able to come and to address you today.

I want to tell you that I have no hidden agenda. I do not work for anyone. No one paid my way to Washington.

I came because a group of citizens in the State of Arkansas discovered that they were about to be included in a biosphere reserve.

In 1989, it appears that people from Federal agencies and state agencies, without the knowledge of any elected officials as far as we can determine, decided this would be a good designation to have. They put together a feasibility study, and then they put together a draft. This was to be signed September of last year, in 1996.

On August 20, a little lady went to church and found out that there was—someone was talking about this, and she endeavored to go to the Park Service to find out. After a period of time and a lot of struggle through several intense days, she received a copy of the feasibility study.

Part of the pages were not there, and this brought her to be very curious when she found out that some were missing. She went back and got the rest of the pages and put it together, and we put together a book. If you have not seen a feasibility study for a biosphere reserve, there will be a copy in the Resources Committee office. I could not afford to make you 100 copies of this book. I am sorry about that.

I do have a copy of my testimony that is written that I hope will be in the record.

I would like to answer a few of the questions about people knowing about this ahead of time. I have heard an awful lot today from very knowledgeable people stating that everybody knows about it, but the 2,500,000 people that would have been involved in this Ozark Biosphere Reserve, and over 55,000 square miles of land in Missouri and Arkansas and possibly a corner of Oklahoma and Kansas and Illinois, and it states in the feasibility study that hopefully it will stretch all the way to Kentucky and to the sea and touch the land between the lakes. They just have to hop across the Mississippi to make that happen.

That is all in this feasibility study. It will be there if you would like to read it and check the accuracy of my words.

I would like to share with you just a few statements directly out of this book. On page 53, it states, and this is concerning the steering committee that was steering this thing through a sovereign state, "With concurrence from the steering committee, the interviewer decided that public meetings would not be a part of the interview process because such meetings tend to polarize the views of the public and may capture negative attention from the press." Indeed, I would think that it would polarize the views when they find out that they are involved in this without any voice.

Also, it states, "Interviewees were chosen to target the kinds of individuals, organizations, businesses, and special interest groups whose cooperation would be crucial to a Biosphere Reserve project," and it goes on to state in here that areas of land that might not be as nice as others, and maybe there won't be such an outcry from the people. In other words, if you are backward, in a backward part of the country, possibly they can designate this and fool the people part of the time.

I appeal to the Congress to take the reigns of government back firmly in your hand, to do indeed make the laws of this land. For our 55,000 square miles, and we have heard millions of acres discussed today, please, please, you decide, because we can elect you or not. We have no voice in agencies and State Department people that are appearing in our communities. We have no voice there. We only have a voice in the people's House.

Please.

[The prepared statement of Betty Ann Beaver may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mrs. Beaver. The chair now recognizes Dr. Rabkin.

STATEMENT OF JEREMY A. RABKIN, ASSOCIATE PROFESSOR, CORNELL UNIVERSITY, ITHACA, NEW YORK

Mr. RABKIN. Thank you. I want to talk about the principle at stake in this, because I think there really is an important principle. People talk about sovereignty, and some people talk about it with great passion, and other people's eyes glaze over.

Let me just give you quickly a hypothetical. Think about it in this way. Let us say that the President—a Republican president, a different president—says, "Moral issues are very important; therefore, before any American cabinet department issues any regulations dealing with sexual matters, the family, abortion, birth

control, any of those controversial issues, I am issuing a directive that they first consult the Pope in Rome and get his advice."

People would go berserk. Our friends in the ACLU would certainly go berserk, and if the President said in response, "No, no, no, it is just consultation, the Pope has no authority at all, don't worry, he has no authority, we are still sovereign"—they would still go berserk, because they would say, "This is an outside authority, why is it being brought in?"

It won't impress the ACLU if thye President says, "No, no, we are going to broaden it. It won't just be the Pope; it will be the Archbishop of Canterbury, a few Ayatollahs in Iran, and the Chief Rabbi of Israel." They will still go berserk. They will say—rightly, I think—that the American people elect their government, the government should be accountable to the American people, and the government should not be bringing in foreign spiritual authorities.

The only thing that is different about these programs, essentially, is that instead of religious authorities, we have 150 other governments, and in fact, we do have the Vatican as was mentioned before, and the Vatican is there with 150 other governments.

These governments are not talking about moral issues; they are talking about environmental issues. But essentially, there is the same objection—which is that we are a sovereign country. Our government should be accountable to our people and should not be bringing in foreign authorities and parading them around as if they have some important say-so about what the American people do with their own resources in this country.

I really think the principle is serious, and if it had been about religious authorities rather than international authorities, people would just expect that it would go to the Supreme Court and advocacy groups wouldn't say, "Don't get excited, calm down." Instead they would say, "Oh, yes, of course, this is an important principle, let us litigate it."

This is an important principle and if people are not ready to litigate it, I think it is fine that Congress asserts the principle. But let me just quickly mention what I think are also some practical considerations.

The real problem here is not that these international authorities are so overbearing. It is actually that they are so weak and so loose that they are easily manipulated, and I think that there is a good deal of evidence that—particularly regarding the World Heritage Committee—is very politicized and very easily manipulated. What I am concerned about and what I think the Yellowstone affair illustrates is not that international authority would be manipulated against the United States, but that it would be manipulated by the United States, and then presented to the citizens of the United States as an independent international ruling.

The government may then say, "Gosh, this international authority told us we have to." That is essentially what happened in the Yellowstone affair, and I think there is evidence that this goes on in a systematic way.

Before I finish, let me cite you two statistics that I think are very telling. There are 506 sites around the world listed as World Heritage Sites. Eighty percent of them around the world are cultural

sites. They are historic buildings, works of art, some man-made monument. Only a minority of the sites, only 20 percent of them, if you take a global inventory, are natural areas, scenic areas, like wilderness preserves.

In the United States, it is almost exactly the reverse. The overwhelming majority of the American sites are scenic areas. So the United States has a completely different set of priorities in the international listing, and that is clearly because we are nominating natural areas such as national parks, like Yellowstone, and not historic buildings, at least not to the same extent that other countries do.

Why is that? I think it is pretty clear. That is our priority, and whose priority is it really? I think the priority of environmental advocacy groups, such as those involved in the dispute about mining near Yellowstone Park.

One other figure that is really striking, there are 22 sites listed as being "in danger." Of those 22 sites which the World Heritage Committee has recognized as being threatened by some decay or degradation, two of them are in the United States—virtually 10 percent of them.

If you look at where the other sites are, they are in really wretchedly poor, miserable countries. They are in countries that have recently experienced civil war, epidemics, massive floods, or some other natural disaster. They are in countries which are basically a kind of "Who's Who" of international charity cases. There is no other Western country, there is no other First World country, there is no other developed country which has a site on this list.

How is it possible that the United States is in the same category as Bulgaria or Benin in terns of taking care of its World Heritage Sites? I think the only explanation can be that the United States is eagerly going to this committee saying, "Put us on the list, put us on the list."

This is not an impartial international judgment. This is a committee that is manipulated, and if we have time, I can give you other evidence indicating that is so.

I think it is very reasonable of Congress to put its foot down and say we don't want to be involved in this, and certainly, we don't want to be involved in this without congressional say-so, case-by-case.

Thank you.

[The prepared statement of Jeremy A. Rabkin may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Dr. Rabkin. The chair recognizes the gentleman from Colorado, Mr. Schaffer.

Mr. SCHAFFER. Thank you, Madame Chairman. I have a couple questions for Mr. Galvin.

I would like you to comment on this New World Mine up in Montana and the relationship that it has to any of these international agreements that you may be aware of.

Mr. GALVIN. The New World Mine was on—the environmental impact statement that has been mentioned previously was being done by the Forest Service because the Forest Service and Bureau of Land Management had to issue the permits to allow the New

World Mine development to go forward. It was not a development that was going forward at the time.

It was very controversial. One of the earlier witnesses mentioned the fact that one of the effects of the World Heritage listing as in danger was on public opinion, and indeed, I believe that is an accurate observation.

But it was not absent public opinion in the first place pro and con for the mine. It was a controversial issue.

The reason the environment impact statement was stopped was because of an agreement between the mine operator and the U.S. Government that the U.S. Government would buy out their interest, thus preventing the mine development.

Mr. SCHAFFER. Let me interrupt you there and ask, was there any relationship between any of these international agreements and the decision that the United States made to purchase the mine?

Mr. GALVIN. Only as it affects public opinion, and with respect to the negotiations, the negotiations actually started out, to be perfectly accurate, as a land exchange for the rights contained at the New World Mine. Those negotiations had started before the World Heritage Committee came to Yellowstone.

Mr. SCHAFFER. The answer is—you said there seemed to be a relationship. I am not clear what it means when you say the relationship is only as it relates to public opinion.

Can you clarify that?

Mr. GALVIN. There was no legal relationship between the decision on New World Mine and the World Heritage designation, no sovereignty question.

The ultimate solution for the New World Mine proposed by the Administration was done entirely within the framework of U.S. law.

Mr. SCHAFFER. Mr. Rabkin, you seem to be familiar based on the report from the staff and I know nothing of it other than your name is on the cover.

Mr. RABKIN. I wrote it.

Mr. SCHAFFER. Do you have anything to add to the questions I just raised about the relationship between these international agreements and the government's motivation to purchase this mine?

Mr. RABKIN. This is true of most international agreements that they don't have direct effect in domestic law. Nonetheless, we are constantly being told that we have to do this because we promised in an international agreement, and we have to do that, because we promised in an international agreement.

I think it is silly to say that because it doesn't go directly into U.S. law, an agreement has no meaning. An agreement is a promise by the United States to live up to certain standards, although, if you go back and actually look at the language of this particular treaty, it is rather ambiguous.

The gist of it does seem to be that we take seriously our obligation to protect these sites, and that we agree to submit them to the scrutiny of this international committee. The implication is that we agree to do what they tell us to do. We are not absolutely required, but certainly, we have committed ourselves at least to take very,

very seriously what they tell us to do. You can say, yes, the international committee is just an appeal to public opinion here, but I wouldn't say *just* public opinion.

It is rather important when you present it to the public that an international authority has required us to do it or asked us to do it.

Mr. GALVIN. Just to set the record straight, the World Heritage body did not ask us to buy the New World Mine. They concentrated on water pollution issues, visitation issues.

Mr. SCHAFFER. Mr. Galvin, let me ask you, you mentioned with the case of the Mammoth Cave land in Kentucky that—was this a biosphere reserve?

Mr. GALVIN. Yes, that is a biosphere reserve, sir.

Mr. SCHAFFER. You said it exceeded the park boundaries——

Mr. GALVIN. Yes, it does.

Mr. SCHAFFER. [continuing] but that was with the consent of the local—somebody, I don't know——

Mr. GALVIN. Right, actually, the Barren River area development district supported the enlargement of the boundary. I have a letter I can submit for the record here dated August 29, 1996, that supports the notion that—I will just quote from it. "We have never been able to do this, that is, get all these organizations that were involved in cleaning up that watershed together until we received the Biosphere Reserve designation."

Mr. SCHAFFER. Let me ask you, did that group include the property owners?

Mr. GALVIN. I will read out who it is. Certainly, property owners were affected by the solutions, because this got into putting sewer lines in, cleaning up pollution in Mammoth Cave, but the actual organizations cited in the letter are the National Park Service, the Army Corps of Engineers, the state Transportation Cabinet, Western Kentucky University Research Facility, and our area's chief locally elected officials.

Mr. SCHAFFER. No property owners that you are aware of?

Mr. GALVIN. Well, no. They are not mentioned in the letter, but chief locally elected officials are, and private property owners were affected in the sense that the water pollution issues——

Mr. SCHAFFER. With all due respect, the local elected officials don't own the land in this case. It is the property owners that I am most concerned about.

Mr. GALVIN. The problem here is a water pollution problem that required a large scale solution. It did not take anybody's property.

Mr. SCHAFFER. But the question is, who owns the land?

Mr. GALVIN. Well——

Mr. SCHAFFER. This could be a fundamental disagreement between——

Mr. GALVIN. Well, there is a lot of different kinds——

Mr. SCHAFFER. [continuing] Congress and the White House.

Mr. GALVIN. [continuing] of ownership there, but private property, I don't know that private properties were within the boundaries of the Biosphere Reserve here. It is unusual for it to be that way, by the way.

Mr. SCHAFFER. Thank you, Madame Chairman.

Mrs. CHENOWETH. Thank you, Mr. Schaffer. The chair recognizes Mrs. Smith from Washington.

Mrs. SMITH. Thank you, Madame Chair. Mr. Lindsey, I will first state that I have been ever concerned about the way the agencies have treated individuals.

In my state there have been several instances where individuals find out later that they were a part of consideration and not able to represent themselves in private property decisions.

With that in mind, I didn't hear and have not read all your testimony, so this might be redundant. How did you first learn of the environmental group and how they had filed a petition against you? Who notified you of this, that you were nominated, actually?

Mr. LINDSEY. Madame, a friend of ours sent us an article out of the Republic, the Arizona Republic. It is a Phoenix newspaper, February 1, 1997.

Mrs. SMITH. So you weren't officially notified in any way that your property was going to be nominated as this wetland?

Mr. LINDSEY. No, madame, in no way.

Mrs. SMITH. Could you tell by that how long that process had been going on before you found out you were chosen?

Mr. LINDSEY. I have no idea, madame. I am sorry, I have no idea.

Mrs. SMITH. I just came across one in my area that they had been setting up for a long time to decide that there was going to be a trail head that encompassed these people's property, and they really didn't just tell them to the end, they didn't want to, but they had designated and planned for some time to take their property.

Unfortunately, it didn't give them much of a chance to fight or even have their voice heard, because they were just had by the time it was all organized.

That is as a big a concern that there is no due process.

Mr. Galvin, would you be able to comment on that, why he would read it in the paper that his property was going to be basically confiscated for wetland, which means he couldn't use it?

Mr. GALVIN. I am just simply unfamiliar—you mean in Mr. Lindsey's case or in the case you talked about?

Mrs. SMITH. Yes, for Mr. Lindsey's case.

Mr. GALVIN. I just am not familiar with——

Mrs. SMITH. Why he read it in the paper as a——

Mr. GALVIN. I would offer that that is obviously very bad practice. I am not—I just simply am unaware of that case, of the listing or the designation.

I would be glad to provide something for the record.

Mrs. SMITH. I would be very interested in it.

The thing that always troubles me is, when there is an environmental impact statement, when I do one for property or we do one in our community, it is done over a period of time with public hearings. So much of that includes economic impacts to the community as well.

Was there an economic impact to the ranching? It appears to me ranching would be a thing of the past if that was designated. You couldn't really use your property.

Was there any impact statement on that?

Mr. LINDSEY. Not that I am aware of, madame. Not that I am aware of.

Mrs. SMITH. So that was not a consideration at all, the loss of income or the ability to manage your own property?

Mr. LINDSEY. No, madame.

Mrs. SMITH. Mr. Galvin, now this probably has a legitimate purpose, but I still haven't figured out why a meeting that you were holding or was being held on the Florida Everglades was held in Maine.

Mr. GALVIN. Held in?

Mrs. SMITH. Held in Maine. Now, this is just a news report, and I will say to those on my right at the table, news is not always accurate. Somebody might have written this and it isn't true, but a news report on the U.S. Man and the Biosphere program, according to the report, says the program has funded a grant concerning the restoration of the Florida Everglades.

Now, this is in Florida, and the meeting is called to be at a resort in Maine. Can you give me some idea of how that has relevance to anything connected to Florida? Why would you have an overall meeting on the Florida Everglades in Maine?

Mr. GALVIN. Actually, I am not familiar with the meeting, but let me suggest this, that the U.S. MAB group probably meets fairly regularly at different locations in the United States.

Since Everglades is a Biosphere Reserve, perhaps one of the agenda items on their meeting was the Everglades.

Mrs. SMITH. So this resort in Maine, maybe it was a more central location?

Mr. GALVIN. Not necessarily. It may have been just one location of a number that the U.S. MAB group meets at.

Mrs. SMITH. So there are national group meetings on the concern of the Florida Everglades which probably would mean the folks in Florida didn't have much to do with that meeting?

Mr. GALVIN. Well, if there are 47 Biosphere Reserves in the United States, and if the U.S. map committee meets on a regular basis, and a subsequent witness may be able to amplify that, then I would assume that they meet near some Biosphere Reserves, but far away from others.

Mrs. SMITH. That is probably the reason people feel so left out of it, that they don't feel that they are a part of the process. That might be part of it.

Mr. GALVIN. Well, there are requirements in World Heritage for public notification, and there are also requirements in Man and the Biosphere for local support.

Mrs. SMITH. It is awfully hard for the folks I know to go to Florida or Maine, if they are dealing with one on the West Coast. I guess what I am saying is that that might be the reason that so many people feel alienated or don't know what is happening, then when it hits them, they go——

Mr. GALVIN. I would agree with you. There should be good, local communication at the local level regarding these decisions.

Mrs. SMITH. Thank you.

Mrs. CHENOWETH. Thank you, Mrs. Smith. Dr. Rabkin, has Congress ever conferred power on the Department of Interior to acquire property under the Biosphere Reserve?

Mr. RABKIN. No.

Mrs. CHENOWETH. Has the Biosphere Reserve ever been ratified? Has that treaty ever been ratified by the Senate?

Mr. RABKIN. It isn't even a treaty. It has not been ratified by anybody. It is just an international venture in cooperation.

Mrs. CHENOWETH. Is there any umbrella of law that protects the agency or individuals operating inside the agency in moving ahead in this procedure?

Mr. RABKIN. No.

Mrs. CHENOWETH. Have you ever heard of the Supreme Court decision, Bivins v. Six Unknown Agents?

Mr. RABKIN. Yes.

Mrs. CHENOWETH. Do you think that that may apply here?

Mr. RABKIN. If some official of the Interior Department went and tried to seize someone's land, yes, the landowner could sue under *Bivins* and have a lot of fun and maybe collect a lot of money.

I would say more power to the landowner who did that, but I don't—let me just anticipate Mr. Galvin—I don't think the Interior Department is doing that, going out and seizing people's land.

I think what people are worried about is that we are organizing a community of interest groups which is a very carefully selected community, including some local officials and perhaps some kinds of landowners and not others, and trying to orchestrate certain kinds of policies so that you use this program as a way of either encouraging or steamrolling local officials into making zoning changes and things like that.

I don't think it is unreasonable for people to say, "Whoa, wait, what is going on here? Why are Federal agencies coordinating local zoning changes, why are they doing this without any kind of statutory formula, without any involvement of Congress." I think it is reasonable for people to ask questions like that.

Mrs. CHENOWETH. Thank you. Thank you very much. Either Dr. Rabkin or Mr. Galvin, I would like to ask you, in Yellowstone National Park, the park itself is considered a World Heritage Site, right?

Mr. GALVIN. That is correct.

Mrs. CHENOWETH. And that treaty was ratified in 1952?

Mr. GALVIN. Nineteen seventy three.

Mrs. CHENOWETH. Nineteen seventy three. But outside the boundaries, the park itself and outside the boundaries is considered a Biosphere Reserve, right?

Mr. GALVIN. I believe some of the forest territory is included in the Biosphere Reserve.

Mrs. CHENOWETH. And the New World Mine was outside the boundaries of the Yellowstone National Park, correct?

Mr. GALVIN. That is correct.

Mrs. CHENOWETH. So under the Biosphere Reserve——

Mr. GALVIN. It was surrounded by forest.

Mrs. CHENOWETH. Under the Biosphere Reserve agreement, the New World Mine was seized, right?

Mr. GALVIN. No, that is not right. The New World Mine was—the operator came to an agreement with the U.S. Government about either a land exchange or a purchase which is going forward.

Mr. RABKIN. Could I just say a word about this?

Mrs. CHENOWETH. Yes.

Mr. RABKIN. What Mr. Galvin said before was technically correct, that only the park itself is the World Heritage Site. But what got people upset—and I sympathize with them; I think it is upsetting—is that the World Heritage Committee came in and said although the park itself is the site, this mine which is outside the park—some three miles outside the park—is going to have an effect on the park, and since it is going to have an effect on the park, it is under our international jurisdiction.

No, they don't have jurisdiction to seize it, they don't have jurisdiction to order anyone to do anything, but they did claim the authority to come and review it, to come and talk about it, and then to make a recommendation, which I would say was more than a recommendation.

It was saying this mine is a danger to Yellowstone. They took it upon themselves to review what happens outside the site, and that is what is upsetting to people.

We never said that we were submitting areas outside of Yellowstone to international supervision. Nonetheless, we had international supervision of an area outside Yellowstone Park.

Mrs. CHENOWETH. Were the operators the individuals who approached the government about having the government buy the mine?

Mr. GALVIN. I don't believe so. I believe the government approached them.

Mrs. CHENOWETH. Yeah. So you do change your testimony from your last statement?

Mr. GALVIN. No, I didn't change my testimony. I believe the word you used was seized. This is a transaction. They are getting consideration for the value of their mine. They agreed to it.

Mrs. CHENOWETH. Let me understand this a little better, Mr. Galvin.

So the government comes in and stops the environmental impact statement, the process that is a lawful process on the expansion——

Mr. GALVIN. The government——

Mrs. CHENOWETH. [continuing] and development——

Mr. GALVIN. [continuing] approached the mine owners and struck a deal with them. Negotiated is the verb I would use.

Mrs. CHENOWETH. Well, is the operator the owner?

Mr. GALVIN. There is a question of title to the ground and title to the mining rights. The government worked with the people who own the mining rights.

Mrs. CHENOWETH. But there was another owner, wasn't there?

Mr. GALVIN. There is, I understand, another owner who has some legitimate title.

Mrs. CHENOWETH. And according to a national magazine, she was not dealt with and does not want to sell her mine.

Mr. GALVIN. That is what I have read in the press, not sell the mine, sell her interest. I believe the company owns the mineral interests.

Mrs. CHENOWETH. But you are not sure?

Mr. GALVIN. I can provide that.

Mrs. CHENOWETH. So if the owner of the mine owned the land and the mine was patented under her name——

Mr. GALVIN. I don't believe that is the case.

Mrs. CHENOWETH. Are you positive?

Mr. GALVIN. Clearly, the Canadian mine company has a property interest there. There is no dispute about that.

There is another property interest here that needs to be dealt with, yes.

Mrs. CHENOWETH. So you had indicated there never was private property seized or taken?

Mr. GALVIN. That is right.

Mrs. CHENOWETH. And you still maintain it wasn't?

Mr. GALVIN. That is right. It is a negotiation and it was purchased or it is being purchased. It has not been purchased yet.

Mrs. CHENOWETH. How was the mine to be paid for?

Mr. GALVIN. How is it to be paid for? In the budget agreement, I believe there is an agreement that it will be paid for with land and water conservation funding.

Mrs. CHENOWETH. Is it not true that the first agreement with the operators, not the owner but the operators, was to pay $65,000,000 to a Canadian company out of the CRP funds that Congress had designated for CRP, not for mining interest?

Mr. GALVIN. I believe the initial agreement was for land exchange. The current budget agreement calls for land and water conservation funds to pay for it.

Mrs. CHENOWETH. Originally, it was to be paid for out of the CRP funds?

Mr. GALVIN. That could be. I am not aware of that.

Mrs. CHENOWETH. Yes, that is the case. Are you familiar with the UNESCO policy dealing with Biosphere Reserve called the Operational Guidelines for the Implementation of the World Heritage Convention?

Mr. GALVIN. Generally.

Mrs. CHENOWETH. Do you realize that their guidelines state, "In all cases as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, state parties," which means national parties, "should refrain from giving undue publicity to the fact that a property has been nominated, inscription pending the final decision of the committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the state party in the maintenance of this site, but should not prejudice future decisionmaking by the committee."

Mr. Galvin, do you know who the committee is? Do you know what countries are represented on the World Heritage Committee?

Mr. GALVIN. I don't know right now, no, but I know that the United States has chaired the committee.

Mrs. CHENOWETH. Did you know that the country of Benin and Red China and Cuba and Cyprus, Egypt, Lebanon, Morocco are all part of the committee?

Mr. GALVIN. And France, England, Germany, yes. It is indeed an international committee.

Mrs. CHENOWETH. And you still maintain after we have gone through this exercise of reviewing the process of how the New World Mine was going through the NEPA process was interrupted midway; money was to be taken out of an appropriated fund by the

Congress, and you still maintain that nothing that has been done has ever bypassed congressional authority?

Mr. GALVIN. No, I am saying that what has been done is under existing congressional authority.

Mrs. CHENOWETH. And what would that existing authority be?

Mr. GALVIN. Section 401 of the National Historic Preservation Act recognizes and directs, in fact, the Secretary of Interior to participate in the World Heritage Convention, and in fact, H.R. 901 amends that act, so it—there is existing law for World Heritage. It is clear. This act we are considering amends the National Historic Preservation Act.

Mrs. CHENOWETH. Let me go back again. We are looking at Yellowstone National Park. The World Heritage area is within the boundaries of Yellowstone National Park.

Mr. GALVIN. That is correct.

Mrs. CHENOWETH. The mine was outside the boundaries and it is under the Biosphere Reserve agreement, which has never been ratified by Congress.

Mr. Galvin, do you still maintain that this is not going outside the authority of Congress?

Mr. GALVIN. Yes, I do.

Mrs. CHENOWETH. Would you like to——

Mr. GALVIN. I believe all the authorities used in the purchase of the New World Mine were legal, were appropriate under existing law, and were authorized by the Congress. Yes, I do maintain that.

Mrs. CHENOWETH. Then would you send this Committee a written legal opinion that your department is willing to stand on legally?

Mr. GALVIN. I would be happy to do that.

Mrs. CHENOWETH. Will you have it in here in 30 days?

Mr. GALVIN. I think I can do that, yes.

Mrs. CHENOWETH. Thank you. Mr. Schaffer, do you have any other questions for the committee?

Mr. SCHAFFER. Yes, I do. Again, for Mr. Galvin, there is a staff briefing that was prepared for the committee regarding H.R. 901. It says that the Champlain-Adirondacks Biosphere Reserve is located in upstate New York, and another Biosphere Reserve encompassing the Catskill Mountains was proposed recently.

It says local elected officials from both of these regions testified that they were never consulted about plans to designate the biospheres.

Are you familiar with that particular proposal and can you comment——

Mr. GALVIN. Generally speaking——

Mr. SCHAFFER. [continuing] on why they were not——

Mr. GALVIN. Champlain-Adirondack is a Biosphere Reserve. Catskills is not, and because of lack of local support for Catskills, I believe the nomination was withdrawn, which is the case with a couple of the other areas that were testified to earlier.

There is some indication that local support has an influence on the decision, because at least three areas have been withdrawn from nomination as a result of local opposition.

Mr. SCHAFFER. That is encouraging, because the state of Kentucky just 2 weeks ago passed a resolution that they forwarded to

the Congress asking Members of the Congress of the United States and I will quote, "to oppose ratification of the treaty and the inclusion of any land within the Commonwealth of Kentucky in any biosphere program of the United Nations."

Is Kentucky's resolution going to be compelling with the Department of Interior?

Mr. GALVIN. I certainly would think it would be influential. Yes, absolutely. As I said——

Mr. SCHAFFER. Just for the comfort level of the people in Kentucky, in what way do you think this resolution will be influential?

Mr. GALVIN. Well, Kentucky has a Biosphere Reserve right now which has a lot of local support, Mammoth Cave. I guess a decision would need to be made about whether that is going to stand or not.

I don't know of any proposed additional Biosphere Reserves in the state of Kentucky.

Mr. SCHAFFER. The state legislature, being the prevailing authority in Kentucky and having the prevailing opinion, according to the Constitution, anyway—I still believe it is relevant, believe it or not. Do you anticipate there will be a hearing? When would a decision be made on something like this by the Department of Interior?

Mr. GALVIN. I don't anticipate there will be a hearing if there are no nominations for new Biosphere Reserve sites, but——

Mr. SCHAFFER. I mean with respect to repealing or not including any land in the Commonwealth of Kentucky in any biosphere program.

Mr. GALVIN. Then we have got a decision to make about Mammoth Cave that is going to require some local consultation.

Mr. SCHAFFER. So you do have a decision to make about Mammoth Cave?

Mr. GALVIN. I would say so, because they have got existing Biosphere Reserve recognition in Kentucky that the local authorities seem to be pretty happy about.

Mr. SCHAFFER. Well, the state is not.

Mr. GALVIN. Apparently not.

Mr. SCHAFFER. They are the ones that matter in this case. In fact, I would submit they are the only ones that matter at this point.

Do you think the Department of Interior would disagree with that?

Mr. GALVIN. I would say there is a disagreement at the local level that will have to be dealt with.

Mr. SCHAFFER. But with respect to the understanding we have about the role of states, the proper role of states in relationship to the Federal Government, do you agree that this is the only opinion that matters in Kentucky presently?

Mr. GALVIN. It matters in the sense of new Biosphere Reserves, yes. Matters in the sense of Mammoth Cave, we will take the case very seriously under consideration, but there are local development authorities that support that Biosphere Reserve, so we would have to get those parties together to see if in fact they want that designation repealed.

Mr. SCHAFFER. Is it fair to say that your department's concern for public opinion values the opinion of the state as much or less than the local opinions?

Mr. GALVIN. As much, certainly. We take state action very seriously and always do.

Mr. SCHAFFER. So you view it as equivalent?

Mr. GALVIN. I don't think I said that.

Mr. SCHAFFER. You said as much.

Mr. GALVIN. We take it very seriously. I think you have got to look at the individual cases to see where we would come out on an individual case.

Mr. SCHAFFER. Mr. Lindsey, I would like to ask you just briefly. I was going through your testimony, and this group that you mentioned, the Southwest Conservation——

Mr. LINDSEY. The Southwest Center for Biodiversity.

Mr. SCHAFFER. Do you know how they are funded? Do you know where their funding comes from, that organization? They are the ones who filed for the endangered species designated of—I can't remember. Is this an animal or plant that lives on your land?

Mr. LINDSEY. It is a plant, sir.

Mr. SCHAFFER. This is a plant?

Mr. LINDSEY. Yes, sir.

Mr. SCHAFFER. They are the ones who filed for the designation?

Mr. LINDSEY. Yes, sir.

Mr. SCHAFFER. Do you know how they are funded?

Mr. LINDSEY. No, sir, I do not.

Mr. SCHAFFER. Thank you, Madame Chairman.

Mrs. CHENOWETH. Thank you, Mr. Schaffer. I just have a couple more questions. I did want to make a statement also.

The Canadian mining company's interest in the New World Mine is a lease interest. Now, I know that for a fact, and if you presume, Mr. Galvin, that it is a lease interest, why is it then that the government is negotiating with an entity that has no ownership interest for the sale of the property?

Mr. GALVIN. I am sure that the lease interest—excuse me. The lease interest has a value, and basically, with respect to mining, the government would buy out whatever the value of that lease is.

Mrs. CHENOWETH. If there is a lease without the value of the minerals and if that site has been patented, do you think the lease is worth $65,000,000 to go to the operators in Canada?

Mr. GALVIN. Not if all those conditions exist. Certainly, if there is not mineral value attached to that lease or the value to extract the minerals, then the site is of considerably less value, but the government purchase of any right is subject to an appraisal.

Mrs. CHENOWETH. You mentioned with regard to the Mammoth Cave that there were some outside interests, development interests that were nudging this ahead.

Could you indicate for the record who those interests are?

Mr. GALVIN. Yes. It is the Barren River Area Development District.

Mrs. CHENOWETH. The Barren River——

Mr. GALVIN. Area Development District.

Mrs. CHENOWETH. And what kind of entity is that?

Mr. GALVIN. It is a state-chartered organization that is a regional organization to deal with regional problems in the Mammoth Cave area.

Mrs. CHENOWETH. Is——

Mr. GALVIN. It was chartered by the state legislature.

Mrs. CHENOWETH. Did you say it is funded by the state legislature?

Mr. GALVIN. I don't know where they get their funding.

Mrs. CHENOWETH. Mrs. Beaver, I wanted to call on you just one more time to see if—I noticed sometimes you had an answer for the questions that weren't directed to you.

I want to give you a chance to speak.

Mrs. BEAVER. I was frustrated about the local people who are initiating this.

In the Ozark biosphere, the lead people were the park superintendent at Buffalo National River, and I assume he could be transferred, so he works for the Park Department, and the Forest Service people who are transferred regularly in and out of districts.

True, they are temporarily local, but this gives the feeling that it is government agencies doing this. This was a total surprise to the people, if you take the grass roots people of the state of Arkansas.

It was also a total surprise to the Governor. It was a surprise to the elected state representatives and the county officials that were talked to, and it was a surprise to Tim Hutchinson, then U.S. Representative, and now U.S. Senator, when he was handed this notice at a church service one morning.

I don't understand the local thing. I guess I have a real problem. All through this feasibility study, it states in several places that we should keep this low key, not to arouse the natives, so to speak, and I think that needs to be brought out.

That is all I have heard all day long, that the local people want it. I happen to know the people over by Mammoth Cave. I got a phone call from a man over there, and he is not thrilled at all about that, and he is local. Where is his voice? He is going to have a meter put on his well out in the country because he is using natural resources. Excuse me?

We have a problem in the local area.

Mrs. CHENOWETH. Thank you, Mrs. Beaver. Mr. Lindsey, I understand that you recently wrote a poem about government threats to your private property. Would you mind sharing that with the Committee?

Mr. LINDSEY. No, madame. I will give it a try.

This is all about my family. It is about my ranch, and it is about the ranch that my family has and the ranch that we have had for years. It is about—I have nine kids, and five boys, good boys, and what it means to me.

"We were riding on the mountain above the Old Page Place; smack dab on top of Page Peak overlooking a lot of space; to the Northeast lay Algerita, and to the south there lay the Rough, gathering cows in this country is usually pretty tough.

"But today, I wasn't worried, because I knew I had the best; I had my five boys with me, there was Joshua and Jake and Nest; and Little Joe and Nathan, they were riding with us, too, and when it comes to catching wild cows, those boys have caught a few.

"So I sent Joshua and Jake to the northeast, and the rest, they all went south; that left me and my cow dog, Sally, and she's a-foaming at the mouth.

"But I says wait a minute, Sally, I need some time to think, and I leans across my saddle, and my heart begins to sink.

"There goes the sixth generation to ranch this old rock pile; the country life is what they want, they don't want that city style.

"But it seems some armchair ecologists don't think six generations is enough, because they got all that college learning and that book-reading stuff.

"Well, they found an endangered orchid and a water dog and a floating plant, and next, you know they will find a bug or some endangered ant.

"They want to take away my ranch and take away my right to graze, and now an international treaty has been added to this maze.

"Soon one nation indivisible will be governed by foreign laws, by countries that can't even run themselves, they got too many flaws.

"Well, my great-great grandpa, my great-grandpa, my grandpa and my dad each passed this ranch on to their boys, and be it good or bad; this ranch is in good enough shape to run Javelina and lions and deers, things I see most every day and their extinction isn't near.

"I guess I will just quit worrying; Sally is chomping at my legs; she wants to catch a cow so bad, she is like a powder keg.

"Look, them boys caught a cow and got her underneath a tree; I guess I will just quit worrying and ride on down and see."

Mrs. CHENOWETH. Thank you, Mr. Lindsey. Thank you, Mr. Galvin. Mrs. Beaver and Dr. Rabkin, thank you all for being here.

The chair recognizes the next panel. We will be hearing from Mr. Rafe Pomerance, Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs, U.S. Department of State, Washington, DC.

Mr. Pomerance, I thank you for your long wait and your patience. Between a lot of other committee hearings and votes and so forth, we have been kind of depleted, but your testimony is exceedingly important and the record that we are building is very important.

I would like to offer the next few minutes to you for your testimony.

STATEMENT OF RAFE POMERANCE, DEPUTY ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. POMERANCE. Thank you very much, madame. Madame Chairman, I have testified a number of times before Congress but never after a poet, so it is a particular pleasure to appear here this afternoon. Actually, it was useful and informative to listen to the previous panel, so I was glad to be here.

Thank you for providing the opportunity for us at the Department of State to comment on H.R. 901, and I would like to submit my prepared statement for the record.

I am here today because your bill includes specific provisions relating to oversight of the World Heritage Convention and the U.S. Man and the Biosphere program.

The Department of State supports both of these initiatives. They are components of the Administration, and I might say previous administrations' international environmental diplomacy.

Today, as has been building over past decades, environment issues are an important component of U.S. foreign policy. This is because previous administrations and this one understand that investments on behalf of the environment, at home and abroad, bring significant payoffs to our national economy, our health, domestic environment, and quality of life.

The World Heritage Convention and the U.S. Man and the Biosphere program contribute to this overall mission. Both function well at minimal cost. Aside from aiding in international environmental diplomacy, they provide economic benefits to the U.S., especially with regard to tourism. Our U.S. Man and the Biosphere program provides a valuable framework for international scientific cooperation.

The World Heritage Convention is a landmark conservation treaty that helps draw international attention to the unique natural or cultural significance of sites such as the pyramids, Serengeti National Park, the Taj Mahal, and our own Grand Canyon.

The United States was the principal architect of this convention. At that time, then-President Nixon stated, "It would be fitting by 1972 for nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify."

The World Heritage Convention, with its 148 signatory countries, has very broad participation and provides a mechanism for U.S. leadership and influence with many of its international partners.

Man and the Biosphere was established by resolution of the 16th Conference of UNESCO in 1970 as a program of scientific research, education and training to promote the better understanding of the interaction of the earth's human and natural systems.

When the U.S. left UNESCO in 1984, the Reagan Administration continued to provide funds to allow for a wholly independent U.S. Man and the Biosphere program. The Department of State oversees a small administrative secretariat to coordinate the U.S. Man and Biosphere program with the collaboration and support of 15 Federal agencies.

U.S. MAB program promotes the development of scientific information-sharing among MAB sites for biosphere reserves around the world. U.S. MAB's various software innovations have been adopted in North America, Europe, and Latin America, making U.S. MAB a leader in efficient data exchange among protected areas.

U.S. MAB coordinates the network of U.S. Biosphere Reserves, which are entirely independent of U.N. oversight. Biosphere Reserve is not a land-use designation. I think this is an important difference, but instead, is a recognition to protected areas or a series of protected areas that conduct exemplary programs in conservation, science, and management of natural resources.

A typical reserve is coincident with a national park or national forest. Nominations for U.S. Biosphere Reserves are prepared by locally established committees which coordinate the initial planning for the nomination effort, including letters of concurrence from local and state government representatives.

The U.S. Biosphere Reserve program is voluntary and focuses on generating, sharing, and disseminating reliable scientific information collected from the reserve network.

As with World Heritage and Ramsar wetland sites, the MAB sites in the U.S. are managed under the relevant Federal and/or state laws and regulation. MAB also supports a range of projects that further U.S. interests including, for example, a project that fostered an agreement between Arizona and the adjacent Mexican state of Sonora to promote cooperation among Biosphere Reserves of the region. This cooperative decree was recently signed by the Governor of Arizona and his counterpart from Sonora.

I shouldn't be more than two more minutes. I notice the red light is on. Is that all right?

Mrs. CHENOWETH. You may continue.

Mr. POMERANCE. It is clear, however, that MAB is often misunderstood. We are committed to both clarifying the program's operations and ensuring appropriate congressional notification and consultation during the nomination process.

We believe that recently submitted H.R. 1801, supported by Congressmen Brown and Miller, addresses these issues and provides a good legislative base for improved functioning of U.S. MAB.

For its part, H.R. 901 appears to be based on the mistaken belief that World Heritage Convention and U.S. MAB seriously impact U.S. sovereignty and private land rights and ignore local decision-making in the process.

Instead, looking back historically, we can see that these initiatives have worked well and with ample local involvement.

U.S. participation and leadership in the World Heritage Convention, and identification of U.S. Biosphere Reserves encourages other nations to similarly cherish and care for such significant sites in their country.

In conclusion, the Department of State strongly opposes H.R. 901 and believes that H.R. 1801 resolves many of the issues that have been addressed.

This concludes my statement, Madame Chairman, and I would be happy to answer any of your questions.

[The prepared statement of Rafe Pomerance may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, sir. Could you advise me what H.R. 1801 is? I haven't seen that.

Mr. POMERANCE. It is a piece of legislation that has been recently introduced. I think we may have a copy that we could give to the committee.

Mrs. CHENOWETH. I just asked the counsel, and they hadn't seen it.

Mr. POMERANCE. I think it has been recently introduced.

Mrs. CHENOWETH. And is it the Administration's legislation?

Mr. POMERANCE. No, I think it was introduced by Congressman Brown and joined by Congressman Miller.

Mrs. CHENOWETH. From California?

Mr. POMERANCE. Both of them are from California, I think, George Brown.

Mrs. CHENOWETH. There are two Millers, too. You mentioned in your testimony, sir, that when the U.S. left UNESCO in 1984, why did the U.S. leave UNESCO?

Mr. POMERANCE. Well, I was not involved in the decision, but I think we had problems with the management and decisions that were being made at UNESCO, and therefore, we left. When we did, we decided that some of their programs had value, and we continued to maintain those.

Mrs. CHENOWETH. Now, didn't the Reagan Administration pull out of UNESCO because——

Mr. POMERANCE. Yes, and also stayed in MAB.

Mrs. CHENOWETH. [continuing] of gross financial mismanagement?

Mr. POMERANCE. That may have been the reason.

Mrs. CHENOWETH. Yes, I think it was. You talked about the MAB program moving ahead in spite of the fact that the Reagan Administration pulled out of it, that there was——

Mr. POMERANCE. No, I think they pulled out of UNESCO, not out of MAB.

Mrs. CHENOWETH. Pulled out of UNESCO.

Mr. POMERANCE. Right.

Mrs. CHENOWETH. Then you tied UNESCO with MAB in your testimony here on page 3.

Mr. POMERANCE. I think what I meant to say is that MAB was generated or originated at a UNESCO meeting and was a program of UNESCO at the time and still is.

Mrs. CHENOWETH. I think your statement says there will be continued cooperation between U.S. MAB and the UNESCO MAB program.

Mr. POMERANCE. Right. I think we do that still, even though we are not in the overall UNESCO organization.

Mrs. CHENOWETH. Under the U.S. Man and the Biosphere program, you talked about the collaboration and support of 15 Federal agencies.

Mr. POMERANCE. Right.

Mrs. CHENOWETH. Since this is an agreement that has never been authorized by Congress, never been ratified as a treaty, where is the authority for 15 agencies to engage in this?

Mr. POMERANCE. Well, I think the reference is focused on the MAB research effort which funds a variety of research on the relationship between natural areas and their conservation and human activity, and these agencies have research components, and they put up or they contribute a small, relatively—really a very small amount of money to conduct research mainly on Biosphere Reserves.

Their authority stems from their ability, which is a function of all the natural resource agencies to continue to do research.

The MAB program was established under a directive of the Office of Management and Budget, I think in the late 1970's, and is a program that we operate like many interactions with other countries

or international institutions under the executive branch of the government.

Mrs. CHENOWETH. If the New World Mine was taken over by an entity, and of course, as you well know, we have newspaper reports that it was not indeed just the Park Service, with the initiation under Interior of bringing in UNESCO; of course, that mine's process under NEPA was interrupted.

What authority is there to interrupt the process and what authority is there to expend $65,000,000 and give the money to a foreign country?

Mr. POMERANCE. Well, I shouldn't comment on a matter that is before the Department of Interior. The State Department doesn't get involved in U.S. land use decisions certainly of that sort, and let me just say that—I can tell you this, that the World Heritage Convention has nothing to do with the regulatory decisions of the U.S. Government through the Department of Interior, the Forest Service.

Those decisions are made on the basis of U.S. law.

Mrs. CHENOWETH. Well, but just to make sure, Mr. Pomerance that we are not going off in a direction I did not aim my question, the New World Mine process was interrupted under the Man and Biosphere reserve agreement.

Mr. POMERANCE. No, I don't think that is possible.

Mrs. CHENOWETH. Let me go back over this then.

Mr. POMERANCE. OK.

Mrs. CHENOWETH. The Yellowstone National Park is under the World Heritage Site, right?

Mr. POMERANCE. The Yellowstone National Park is a World Heritage Site. It is not under it; it is a site.

Mrs. CHENOWETH. And the New World Mine was outside of the boundaries of Yellowstone, right?

Mr. POMERANCE. As best as I know. I think so.

Mrs. CHENOWETH. The World Heritage Site and its authority did not extend to the New World Mine. What authority did extend?

Mr. POMERANCE. I don't think that the World Heritage has any authority to manage Yellowstone National Park or any areas or sites.

Mrs. CHENOWETH. But I didn't ask that. What I did ask was what authority is there to extend an activity into the New World Mine?

Mr. POMERANCE. Well, under U.S. law?

Mrs. CHENOWETH. Under U.S. law or even international law.

Mr. POMERANCE. Well, under international law, I don't think there is any authority to regulate that mine. Under U.S. law, I assume that the Department of Interior, in order to do the negotiation that the previous witness testified, has the authority to do that. If they didn't have the authority, they couldn't negotiate an agreement, and they couldn't pay off those who have the lease.

Mrs. CHENOWETH. In your capacity in the State Department, are you familiar with the Seville Strategy for Biosphere Reserves?

Mr. POMERANCE. I think that was a meeting of Biosphere Reserve managers to discuss issues of Biosphere Reserves. I am not familiar with it in detail, no.

Mrs. CHENOWETH. It has been stated for the record here that it was never the intent of the government or anyone to really deal outside of certain boundaries or impact private property, but under this Seville Strategy for Biosphere Reserves, it does say promote Biosphere Reserves as a means of implementing the goals of the Convention on Biological Diversity, and, of course, we haven't ratified that.

It further says, "establish, strengthen, or extend Biosphere Reserves as necessary, giving special attention to fragmented habitats, threatened ecosystems, and fragile and vulnerable environments both natural and cultural."

It further says, "Encourage the establishment of trans-boundary Biosphere Reserves as a means of dealing with the conservation of organisms, ecosystems, and genetic resources across national boundaries."

Do you still maintain that this is all very lawful and that Congress indeed has been notified of all of these activities?

Mr. POMERANCE. Any action taken by a U.S. land agency on the ground to implement or do anything would have to come under the laws that the Congress has authorized that were under their authority.

That document sounds like it was a document agreed to by a committee that makes suggestions for national governments, Biosphere Reserve managers to consider as part of their efforts.

There is nothing mandatory about that. It is at the discretion of national governments or local governments.

The other thing I would say is that you are correct. The United States has not ratified the Convention on Biological Diversity; therefore, no actions that we take in this country would be—as a result of such ratification.

President Clinton did sign the Biodiversity Convention. The Administration supports it. We have sent ratification legislation to the Senate, but it has not been agreed to.

Mrs. CHENOWETH. So then let me just wind up my questions by asking you under what authority was the action taken on the New World Mine?

Mr. POMERANCE. Which action are you referring to? The purchase of the lease?

Mrs. CHENOWETH. The purchase of the lease and the interruption of the NEPA process.

Mr. POMERANCE. I actually—let me just say that I think—I would love to answer the question, but it would be an impression of mine, because I am not at the Department of Interior, so I don't actually literally know. I would just be guessing.

I will just assume that whatever—if they did act, they had the authority to do so, and I would just be guessing under the authority and what I know about Federal law, but I think that is a question that they should really answer as our partners in the Federal Government.

Mrs. CHENOWETH. Mr. Pomerance, would you mind having your attorneys from the State Department write a legal opinion for the committee as to the authority under which this action was taken on the New World Mine?

Mr. POMERANCE. I will certainly do my best to respond to that. I will consult with our legal department and we will get you an answer on that issue.

Mrs. CHENOWETH. Would you mind having the opinion in within 30 days?

Mr. POMERANCE. Right. Let me just say that the issue of—I don't mean to be difficult about this, but that is really not an area of—I believe your question is not in the area of State Department expertise but has to do with the management of U.S. Federal lands and private lands nearby which is nothing—the State Department has nothing to do with it.

I will ask our legal department to do their best. I just don't want to promise something that we don't know anything about.

Mrs. CHENOWETH. In your capacity on international environmental and scientific affairs, it is within that capacity that I am asking for the opinion.

Mr. POMERANCE. I appreciate that. I will do my best.

Mrs. CHENOWETH. Thank you very much.

Mr. POMERANCE. Thank you.

[The information referred to follows:]

This matter involves domestic legal authorities administered by the Department of the Interior. The Department of the Interior, therefore, is in the best position to provide the requested information and analysis. The Department of the Interior is preparing a legal opinion on the matter. The Department of State is coordinating with the Department of the Interior as appropriate.

In this regard, the Department of State notes that, although Yellowstone National Park has been designated since 1978 as a World Heritage site pursuant to nomination by the United States of Yellowstone as a site of outstanding universal value, such designation does not include land outside of the national park area and does not alter state or private property rights over any land in the United States. such as the New World Mine in Crown Butte, Montana. Article 6 of the Convention for the World Cultural and National Heritage expressly provides for full respect of the sovereignty of the Nation on whose territory the heritage site is located and provides that the Convention is "without prejudice to property rights provided by national legislation."

Yellowstone National Park had also been recognized as a biosphere reserve. This recognition applies solely to the national park area and does not cover any non-park property. Recognition of the Park as a biosphere reserve has no legal bearing on the New World Mine matter.

Mrs. CHENOWETH. With that, we will call the next panel. We look forward to hearing from Mr. Donald Wesson, Pulp and Paperworkers' Resource Council, from McGehee, Arkansas; Mr. William Chandler, Vice President for Conservation Policy, National Parks and Conservation Association, Washington, D.C.; Mr. Gustavo Araoz, Executive Director , United States Committee of the International Council of Monuments and Sites, Washington, DC; Mr. David B. Howard, Adirondack Blueline Confederation, Gloversville, New York; and Mr. Henry Lamb, Executive Vice President, Environmental Conservation Organization, Hollow Rock, Tennessee.

We will begin the testimony with Mr. Donald Wesson.

STATEMENT OF DONALD WESSON, PULP AND PAPERWORKERS' RESOURCE COUNCIL, McGEHEE, ARKANSAS

Mr. WESSON. Thank you, Madame Chairman. Good afternoon. My name is Don Wesson. I am the Vice President of United Paperworkers' International Union, Local 1533, located in McGehee, Arkansas.

I serve as the Southern Pine Regional Director of the Pulp and Paperworkers' Resource Council. I am currently employed by the Potlatch Corporation Pulp and Paper Mill located in McGehee, Arkansas, as an industrial maintenance mechanic.

I am a constituent of the fourth congressional district in the state of Arkansas.

I would like to take this opportunity to thank Chairman Young for inviting me to attend and testify before this hearing. I am very pleased with the fact that an electrician from a paper mill located in southeast Arkansas would be allowed to testify before you today on such an important issue.

I am here today for several reasons. I am a third-generation paperworker who is very concerned about not only losing my job but also my industry. I am one of over 300,000 pulp and paperworkers, and some 900,000 wood products workers throughout this country. We are growing deeply concerned over how our natural resources become locked up or given away in Biosphere Reserves.

Due to various other government regulations which Congress does have control over, we have lost about 100,000 jobs in our industry in the past 6 years. Now, we are being faced with a new problem, and we want to know where is it all going to stop.

I became aware of the American Land Sovereignty Protection Act due to several different meetings that I have attended during the past year. I have seen maps and read stories written by Dave Foreman, co-founder of Earth First. I have read the book entitled the Rewilding of America. I have even read Vice President Al Gore's book entitled Earth in the Balance. All of these, I always attributed to someone's fantasy or dream world and just shrugged them off.

Last September, my eyes were opened through a different arena. I went to Winnipeg, Canada, and testified before the World Commission of Forestry and Sustainable Development. I went there to represent labor, because our voice is seldom heard in this type of arena.

We are not an established NGO and cannot obtain this status due to certain governmental regulations, so therefore, we are not part of the equation.

During this meeting, there were four representatives from the PPRC who testified. We did make our input known. During this meeting in Canada, my eyes became opened.

There were many discussions concerning the United Nations controlling the world's forests and the paying of stumpage fees to the United Nations. There were also many maps and graphs either on display or shown by overhead projector relating to this.

There were maps showing the United States, Canada, and Mexico being all one country divided into biosphere regions. On thinking back to Dave Foreman's book entitled Rewilding of America, this seemed to hit home.

Then came the final blow that really put the icing on the cake. I returned to my home in Arkansas only to find that they were trying to turn 50,000 square miles of mostly private land in Arkansas, Oklahoma, Kansas, and Missouri into a United Nations Ozark Man and the Biosphere Reserve.

Due to the fine work of grass roots such as Take Back Arkansas, this hopefully has been stopped, at least until Congress can do

something about it, and that is why I am standing before you today.

It has been brought to my attention that two major designations of international status by the United Nations currently take place with no need of congressional approval or any public input, that being Biosphere Reserves and World Heritage Sites.

Over 68 percent of the land currently in our national parks, preserves, and monuments are designated as United Nations World Heritage Sites, Biosphere Reserves, or both.

Biosphere Reserves are part of the U.S. Man and the Biosphere program, which operates in conjunction with the worldwide UNESCO reserve program, operating under the Statutory Framework of the World Network of Biosphere Reserves.

This U.S. MAB program operates without any legislative direction and has no authorization from Congress.

A Biosphere Reserve is federally zoned and coordinated region consisting of three areas or zones that meet certain minimum requirements established by the United Nations. The inner or most protected zone, or the core zone, is usually Federal land where the outer two zones contain mostly individually owned private property. This is a direct violation of the Fifth Amendment of the United States Constitution.

The United States currently has 47 Biosphere Reserves which contain a total area larger than the size of the state of Colorado, our eighth largest state. When the two zones outside the core zone are included, millions of additional acres potentially lie within these Biosphere Reserves.

That is why it is very disturbing to me and the workers in our industry as well as millions of other people. The natural resources that keep America working, keep the food on our tables, and a roof over our heads could all be taken away from us by the stroke of a pen from the President or any of his Administration.

Congress, the people who we elected to take care of us, cannot do anything about this until H.R. 901 is passed. It is hard for me to understand why anyone would be willing to give any of our precious American soil to the United Nations or anyone else, for that matter.

This country was founded by honest, God-fearing, hard-working men and women who plowed the fields, cut the timber, raised the cattle, and worked the mines that developed this nation under God into the greatest nation in the world.

Now, our leaders are wanting to stop the farmers, stop the timber harvest, shut the mines down, do away with our grazing rights and give our precious land to the United Nations, land that our forefathers and some of us have fought many battles over, land that many people have lost their lives trying to protect, land where if properly managed could sustain this nation for many, many generations to come.

We have enough problems in this nation concerning land rights. We do not need to get Third World countries involved.

Mrs. CHENOWETH. Sir, we are limited to a 5-minute testimony, so I will give you a little time to wrap it up.

Mr. WESSON. I am on my last page.

Mrs. CHENOWETH. All right.

Mr. WESSON. I am here this afternoon to ask all of our congressional delegates, including all of those who are not present, especially the friends of labor—I want you to ask yourself where is it going to end?

I was raised in a small town in Louisiana and grew up in a yellow dog Democrat society. My father would turn over in his grave if he knew I was trying to help a Republican get a bill passed.

By the same token, however, my father fought in World War II, was a union leader for 26 years, and an honest, God-fearing, hardworking man. He would really understand why I am trying to get this bill passed. It would be very hard for him to understand why this bill is even needed.

We have already seen the coal mine closed in Utah, the gold mine near Yellowstone Park be shut down. We have witnessed millions of acres of timberland be locked up.

We see this also happening to the Land Between the Lakes of Tennessee and Kentucky, the Southern Appalachian MAB, the Everglades, Big Thicket in Texas, just to name a few, and all of this just in the past few years if not months that have been designated or locked up.

In closing, I would like to ask for complete bipartisan support of H.R. 901, the American Land Sovereignty Protection Act. Keep in mind, I do not represent the industry, but I represent the workers who work in those mills. I also represent the veterans and the honest hardworking men and women who helped shape this nation into the greatest nation on earth under God.

If there ever was a time for all of you elected officials to get together and vote on a bill that would save our American sovereignty, the time is now. If you care anything about your country, there is absolutely no reason not to vote for this bill.

If all you want to do is give away our precious land, then please resign from your office, move away from this great land, because I don't believe you truly represent the people who elected you in the first place.

If a yellow dog Democrat such as myself has the nerve to stand up before you with a Republican for something he believes in, then why can't you have the nerve to vote for this bill?

It is time for us to put parties to the side and vote the way our hearts tell us. Remember, the American people and this great country is what we will lose if you vote the wrong way.

Mrs. CHENOWETH. Thank you, Mr. Wesson. The chair recognizes Mr. Chandler for your testimony.

STATEMENT OF WILLIAM J. CHANDLER, VICE PRESIDENT FOR CONSERVATION POLICY, NATIONAL PARKS AND CONSERVATION ASSOCIATION, WASHINGTON, DC

Mr. CHANDLER. Thank you, Madame Chairman. My name is William J. Chandler, and I am vice president for Conservation Policy with the National Parks and Conservation Association, a nonprofit, citizens organization of about 500,000 members. I am pleased to present our views on H.R. 901 today.

NPCA opposes enactment of H.R. 901 because we believe it would straitjacket U.S. implementation of the World Heritage Convention and other international treaties, and voluntary programs designed to conserve our natural and cultural heritage.

We do not agree with the bill's underlying assumptions that international conservation and preservation programs or the MAB program are violating U.S. or state sovereignty, lowering property values, or restricting the use of private property anywhere in the United States. There is simply no credible evidence that I have heard today or seen that those results have occurred.

First, let me talk about the World Heritage Convention, if I might. There are 20 World Heritage Sites in the United States, including 17 areas within the national park system. This is a convention, Madame Chairman, ratified by the U.S. Senate, which the last time I checked was a Member of Congress, was one of the two bodies of Congress.

To say that the convention has no authority, I think is an error. This convention does have congressional authority. It was approved by your colleagues in the Senate.

In hearings held last year on H.R. 3752, the predecessor bill to the current one, concerns were expressed that adding a site to the list somehow threatens local economies, private property, and individual freedom. I challenge the opponents of the program today to produce credible evidence that those consequences have occurred. I know of no documented case where the designation of any World Heritage Site in the United States has led to those consequence.

Fears also were expressed that restrictive buffer zones would be created around listed sites. Again, Madame Chairman, I know of no instance in the United States where that has occurred.

There does appear to be some need to get out the word publicly about these areas and sites, and NPCA supports public involvement in the nomination process and would support reasonable means to engage the public in their consideration. We believe it would be a mistake to alter the U.S. nomination process as specified under H.R. 901.

Let me move on to the Biosphere Reserves. This is a program that is voluntary and that involves partnerships between Federal, state, and local agencies. You asked, Madame Chairman, about what authority this program has. I have attached to my testimony a paper entitled misinformation about the MAB program. In that paper, prepared by the executive director of the U.S. director of MAB, is an answer to that question. There are a number of general authorities under which Federal agencies can do cooperative things with each other, with other Federal agencies, and to support programs that they think reinforce their legally constituted authorities.

There is, however, as has been noted today, no specific legislative authority for MAB.

What happens when a biosphere gets designated? We have heard in the past and today about several efforts around the country where Biosphere Reserve designation processes were terminated because local citizenry came in and said they didn't want them. Well, that is the way it works. If the local citizens don't want it and the local government authorities don't support it, then the

MAB committee, according to the regulations I have read, are not going to be approving any Biosphere Reserves in those areas.

But there are a lot of good things happening, Madame Chairman, around the country in MAB areas, and we haven't heard from anybody today from places like the Southern Appalachian Biosphere Reserve designated in 1988 or the Mammoth Cave Biosphere Reserve.

Both of those efforts have local governments, academia, industry, landowners working together to conserve their natural resources, their cultural heritage, and to implement programs voluntarily that they all agree are necessary for their own socioeconomic development.

I would urge this committee to go to the field again and visit some of these sites, and listen to some of the programs that are working. I think that if you do that, you will conclude that the Biosphere Reserve program is playing a constructive role in the conservation and management of our nationally significant resources, state and local environments, and local economies. Thank you.

[The prepared statement of William J. Chandler may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Chandler. Mr. Araoz.

STATEMENT OF GUSTAVO F. ARAOZ, EXECUTIVE DIRECTOR, UNITED STATES COMMITTEE OF THE INTERNATIONAL COUNCIL OF MONUMENTS AND SITES, WASHINGTON, DC

Mr. ARAOZ. Thank you, Madame Chairman, and I would like to thank the committee for inviting me to testify here.

My name is Gustavo Araoz. I am the executive director of US/ICOMOS, the United States Committee of the International Council on Monuments and Sites, a nongovernmental, nonprofit, U.S. membership organization, and also the U.S. component of ICOMOS, the world's only nongovernmental organization of professionals who work together to preserve and protect historic properties and buildings and archaeological sites.

Because of this expertise, my testimony is limited to those aspects of the bill that concern the World Heritage Convention.

The World Heritage Convention is a benign convention. It presents none of the threats or limitations that the proposed bill will allegedly dispel.

Insofar as the convention is concerned, H.R. 901 appears to solve no problems but will create many new ones.

In contravention of our obligations under the Convention, the bill diminishes the effectiveness of the current professional process of identification and nomination of U.S. sites for the World Heritage List as well as its reporting mechanisms.

By requiring complex, nonprofessional approval for endangered U.S. sites to be placed on the List of World Heritage in Danger, the bill diminishes the capability of the United States to manage professionally the threats that endanger our nation's World Heritage Sites.

Most far reaching of all, H.R. 901 seeks to weaken the overall protection of our cultural sites by requiring elaboration of what is in substance an unrestricted economic impact statement for an area of ten miles around the site boundaries prior to its nomination

to the World Heritage List. The proven universal and enduring value of these most important sites are made subservient to more immediate and transient economic concerns that often benefit only a few.

Existing procedures for implementing the Convention in the United States already limit our participation. Such limitations, for example, prevented the enthusiastic city and citizens of Savannah, Georgia, from achieving the listing of their extraordinary city on the World Heritage List 2 years ago.

Contrary to the claim of Mr. Young that World Heritage Sites are proliferating in the United States, the U.S. roster of World Heritage Sites remains small and has little growth, especially in view of our vast territory and our cultural and natural riches.

To illustrate, there are 20 World Heritage Sites in the United States. Mexico, with one-eighth of our territory, has 16 sites. France has 22; Spain has 23; Great Britain, 16; Germany, 19. Even India, renowned for the zealous protection of its internal affairs has 21 sites.

As guaranteed by articles 4 and 6, the World Heritage Convention does not threaten the sovereignty of any of its ratifying nations. The Convention only obligates participating countries to apply existing legislation to protect its cultural and natural sites.

In this sense, we Americans are fortunate that over the past century, our leaders in Congress have enacted a great corpus of law that reflects the unwavering popular support for our natural and cultural heritage.

Our preservation laws and institutions are examples admired and emulated by many other nations in the world, but more relevant to our topic here today, those Federal, state, and local laws and institutions not only provide the protection required for inclusion in the World Heritage List, they exceed it.

Any and all development limitations imposed on a U.S. World Heritage Site derive exclusively from existing Federal, state, or local legislation and not from any internationally imposed standards under the Convention. All U.S. World Heritage Sites are protected because and through their listing in our National Register of Historic Places, their designation as National Historic Landmarks, and from other Federal, state, and local designations.

Limiting our World Heritage Sites, even withdrawing from the Convention, if you will, will have absolutely no effect in diminishing their protection which is solely the obligation of existing Federal, state, and local law, but it will limit the many practical benefits available to all World Heritage Sites, such as enhancement of foreign tourism, which helps our country's balance of trade, and fostering financial support from the private sector who seeks to associate their name with the prestige of World Heritage designation.

Thank you.

[The prepared statement of Gustavo F. Araoz may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, sir. At this time, I must ask that we recess the committee temporarily. I think I will be gone for about 20 minutes. They have called for two more votes, one 15-minute vote and one 5-minute vote.

I am very sorry that the House floor is not cooperating with us today, and that you are having to wait, but I will be back just as quickly as I can. Thank you.[Recess]

Mrs. CHENOWETH. The committee will come to order. I thank the panel again for your patience. I know this isn't what you had planned on doing at this hour. It isn't what I had planned on doing either. I am missing a speech and two receptions, but this is very important, so I just share this enduring race that we have here.

With that, I would like to call on our next witness, Mr. David Howard from the Adirondack Blueline Confederation in Gloversville, New York. Mr. Howard.

STATEMENT OF DAVID B. HOWARD, ADIRONDACK BLUELINE CONFEDERATION, GLOVERSVILLE, NEW YORK

Mr. HOWARD. Madame Chairman, I would like to thank this committee for the opportunity to comment in support of H.R. 901.

My name is David Howard. I am here as a member of the Adirondack Blueline Confederation of Bleecker, New York, a small grass roots property rights organization, and as a director of Liberty Matters, a national grass roots educational and communication organization.

Having been immersed in the issue of property rights protection for the last 7 years, it has become increasingly evident to me that the original constitutional guarantees pertaining to the ownership and enjoyment of property are no longer sufficient.

We have noted the destruction of local control first through county regional arrangements such as the Adirondack Park Agency, which has progressed to a proposed interstate regional authority, the Northern Forest Lands Project, and now to the ultimate in unelected and unresponsive planning bureaucracies, the United Nations.

The primary goal of these programs seems to be the replacement of any kind of elected authority with appointed ones. They include but are not limited to Biosphere Reserves and World Heritage areas.

The most revealing part of these programs is the process through which they are created and implemented. At each state of the delocalization of authority, the method of operation is one of stealth. Notice of public meetings, when there are any, are advertised primarily within the environmental organizations whose assignment it has been to implement these programs, coupled with some small, innocuous note in the newspaper with phone calls to only "sympathetic" local officials.

We have found that quite often, the designations are made by unelected bureaucrats within the state and county governments. This pattern, I believe, has become quite clear in prior testimony.

One of the common threads binding all of these programs seems to be the inclusion of everyone in the process except the people most impacted, the individual landowners. It should be noted here that the individual's right to own and hold property for his or her personal benefit is the cornerstone of a free society and has provided the foundation upon which this great nation has become the envy of the world.

As these undercover international designation projects proceed, they are discovered from time to time by concerned landowners and exposed. The operations then shift to the denial phase.

The most generally used press barrage will include statements touting "what an honor it is to have our region internationally recognized for its uniqueness," coupled with statements that indicate that the designation doesn't signify anything, and that there are no enforcement mechanisms provided.

Questions that must be asked and answered are, if the designation means nothing but a feel-good recognition, why are these operations not completely open to the community for discussion and referendum; why is there so much grant money allocated to push these designations; why are these designations not presented to the full elected body of the local legislative jurisdiction for debate and consideration; why are these commissions and management plan architects not elected by the people of the affected area; and finally, why is an international body even considered when it comes to the management decisions of lands within the borders of the United States.

As you ponder these questions, it may be instructive to understand how the United Nations and its myriad of agencies regard the concept of private property. The following is excerpted from the United Nations Conference on Human Settlements, otherwise known as Habitat 1.

"Land cannot be treated as an ordinary asset controlled by individuals and subject to the pressures and inefficiencies of the market. Private landownership is also a principal instrument of accumulation and concentration of wealth, and therefore contributes to social injustice. If unchecked, it may become a major obstacle in the planning and implementation of development schemes. Public control of land use is therefore indispensable."

Add to the mix the statement of the former president of the Audubon Society, Peter Berle, an organization that is an active supporter of Biosphere Reserves in the Adirondack region through the Adirondack Council, when he stated, "We reject the concept of private property."

If this were not bad enough, the executive branch seems to believe that we Americans can't handle our own affairs and must surrender our independence in this and all other matters. This paradigm shift seemed to be outlined by the President's response to a reporter in a March 7, 1997, press conference when he seemed to question whether we should even by a sovereign country, stating, "How can we be an independent sovereign nation leading the world in a world that is increasingly interdependent?"

Given that this country is by definition still a constitutional republic, and that government is instituted to protect the rights and property of its citizens, these proposals, plans, and programs of international intervention in the internal affairs of this country are not only reprehensible, they are by classical definition treasonous.

Thank you very much.

[The prepared statement of David B. Howard may be found at end of hearing.]

Mrs. CHENOWETH. Thank you very much, Mr. Howard, for that testimony.

The chair now recognizes Mr. Henry Lamb, Executive Vice President, Environmental Conservation Organization, Hollow Rock, Tennessee.

Mr. Lamb.

STATEMENT OF HENRY LAMB, EXECUTIVE VICE PRESIDENT, ENVIRONMENTAL CONSERVATION ORGANIZATION, HOLLOW ROCK, TENNESSEE

Mr. LAMB. Thank you. I really appreciate the opportunity to be here today speaking in support of H.R. 901. I think it is a vital piece of legislation that will provide three extremely important functions.

It will allow Congress to take back its constitutional authority to manage Federal lands, and it will provide landowners recourse to elected officials when their private property rights are infringed by U.N. designations. It will allow Congress rather than an agency of the United Nations to determine the appropriate use of American land and resources.

Now, we have been told repeatedly and here today that United Nations designation of land as Biosphere Reserves or World Heritage Sites has no real authority. It is a benign, honorary designation.

I want to take some exception to that, because according to the Seville Strategy for Biosphere Reserves, which you referred to earlier, each and every Biosphere Reserve must meet a minimal set of criteria and must adhere to a minimal set of conditions before being admitted to the World Network of Biosphere Reserves.

Now, these criteria and conditions are established by UNESCO, or the international community, not the Congress of the United States. We feel that it is absolutely imperative that the Congress review the land management policies established in the United Nations community, because quite frankly, there are concerns that are not expressed by the opponents to this bill.

While the opponents of this bill say that there is no authority, the United Nations sees the Biosphere Reserves, for example, as the primary means for implementing the Convention on Biological Diversity.

Mr. Peter Bridgewater appeared before the Conference of the Parties to the Convention on Biological Diversity and said we have 328 Biosphere Reserves that will be very useful in implementing the articles of the Convention on Biological Diversity.

The land management scheme expressed in the Seville Strategy for Biosphere Reserves is precisely the same land management scheme presented in the last 300 pages of the Global Biodiversity Assessment, which is an 1140-page publication of the United Nations Environment program that was prepared especially for the people who are involved with the implementation of the Convention on Biological Diversity.

Because the Biosphere Reserve designation requires adherence to these criteria and conditions, all of the 47 Biosphere Reserves in this country are being managed to implement the provisions of the Convention on Biological Diversity which has not been ratified by the Senate of the United States.

I call your attention to some of the land management concerns expressed in the Global Biodiversity Assessment that I think Congress needs to be aware of.

The United Nations believes, for example, that we should accept biodiversity as a legal subject and supply it with adequate rights. This could clarify the principle that biodiversity is not available for uncontrolled human use. It would therefore become necessary to justify any interference with biodiversity and to provide proof that human interests justify damage caused to biodiversity.

Now, America has prospered in the belief and in the practice that biodiversity should be controlled by its owner without interference by government unless the owner's use is demonstrably infringing upon the property rights of another person.

The idea of having to justify the use of private property to any government, especially to the United Nations, is an idea that has absolutely no place in America.

The Congress of the United States is the only authority high enough to stop the intrusion of land management practices that are formulated by the international community, being implemented by "voluntary agreement by the Administration" infringing on private property rights of people surrounding the area and buffer zones that are designated by a variety of U.N. designations, particularly the Biosphere Reserve.

Therefore, the organizations that I represent urge this Congress to not only pass this bill but to do so with a majority sufficient to override the threatened Presidential veto. Thank you.

[The prepared statement of Henry Lamb may be found at end of hearing.]

Mrs. CHENOWETH. Mr. Lamb, thank you very much. In your testimony, what you are saying is there may not be laws, there may not be policies that adhere to the Biosphere Reserve agreement, but there are conditions that are laid down. Does that have the same force and effect of enforcing policy?

Mr. LAMB. The Seville Strategy clearly says that these criteria and conditions must be met and adhered to before Biosphere Reserves can be admitted to the World Network of Biosphere Reserves.

It is pretty clear, reading the Seville Strategy, that this strategy includes very extensive land management practices and principles.

True, the United Nations organization has no authority to enforce those rules, but by voluntary agrement, the Administration is implementing through existing statutes and regulations the provisions of not only the Seville Strategy but of the Convention on Biological Diversity without ratification of the Senate or without congressional oversight or involvement.

Mrs. CHENOWETH. Thank you. Mr. Howard, I have here attached to your testimony a letter to a Dr. Gregg, written by an Edward Hood. To your knowledge, Dr. William Gregg, the recipient of this letter, and Edward Hood, the author of this letter, do they receive their salary from the Federal Government?

Mr. HOWARD. They do not. As far as I am concerned, Mr. Hood is an employee of the Adirondack Park Agency; Mr. Gregg, I believe at the time this letter was written was indeed an employee of the Department of Interior.

Mrs. CHENOWETH. How big is the Biosphere Reserve program in the Adirondacks?

Mr. HOWARD. It is approximately 10,000,000 acres. It takes in part of the state of New York as well as part of the state of Vermont. It is known as the Champlain-Adirondack Biosphere Reserve, and it is Lake Champlain that is basically the center of it.

Mrs. CHENOWETH. Has it had any impact on private ownership, private property?

Mr. HOWARD. It has had a chilling effect in terms of the way the Adirondack Park Agency manages private land within the park. The Adirondack Park Agency basically is the zoning agency for the 103 towns within the boundary of the state park.

A lot of the policy that is being brought down by and enforced by the Adirondack Park Agency is taking into consideration those wishes of the Biosphere Reserve program, and they openly state that.

Mrs. CHENOWETH. How does that impact the purchase of property or the selling of one's property?

Mr. HOWARD. The property values have been extremely depressed. It is incredibly difficult to find funding for either businesses and in some cases homes because of the oppressive way in which these regulations are administered.

Mrs. CHENOWETH. I have heard it testified to this afternoon that there has been absolutely no impact with regard to the Biosphere Reserve agreement on private property.

Mr. HOWARD. I believe that to be false. It is rather hard to quantify it, but I can tell you as a resident of the Adirondack Park and someone who has been there for 15 years, that the property that falls within this biosphere designation is severely impacted. Its value has plummeted, and the ability of people to start businesses and make a living—the economy of the entire area is basically just falling apart.

Mrs. CHENOWETH. Mr. Chandler, your testimony states that H.R. 901 would straitjacket U.S. implementation of Biosphere Reserves and World Heritage Sites.

Would you please explain in detail how this is so?

Mr. CHANDLER. I will. Thank you for the question.

Let me start with the Biosphere Reserve program first. This is nothing more than a tool for voluntary cooperation among consenting agencies, academics, governmental units to do a better job of managing their environment, and for the Congress to step in and say you cannot do that, you cannot voluntarily get together as state and local agencies, as Federal agencies, and try to conserve your resources and try to build a sustainable economy, I think someone looking at that situation could argue very strongly that that is interfering in these folks' daily lives, which seems to be a major concern of this committee, and it should be so.

The gentleman brought up the Barren River Area Development District in Kentucky. That is a local unit of government, Ms. Chairman, which has been duly constituted at the local level, and all they are doing is trying to do a better job of managing their natural resources, protecting their environment, and trying to be consistent with the goals of the national park in the area so that

Mammoth Cave doesn't get polluted by runoff waters that leak into the cave or that go down into the cave.

Nobody's property has been affected, and nobody's property has been taken away, and if somebody doesn't like what these local units of government are doing, they can certainly step forward and unelect these people, but this has been a very successful program.

I have been there. I have seen the area. I have attached to my testimony a description of what is going on down there, the successes they have achieved, and I think that this committee ought to hear from these folks to see what a successful program does and how they seem to be happy with their program.

As to the World Heritage Site, just briefly, let me say again, I know of no specific evidence that has been presented today or that I have ever seen that says the fact that 17 national parks also have been called World Heritage Sites has diminished the value of any private property outside the park.

Mrs. CHENOWETH. Now, the Adirondacks' 10,000,000 acres is not a World Heritage Site, is it?

Mr. CHANDLER. No. I am not as familiar with that particular example as I am with some of the others. It is my understanding today that this is a biosphere planning area.

Again, it has got to be implemented by somebody under local, state, and Federal laws, and the fact that they are a Biosphere Reserve has got nothing to do with the U.N. telling them what to do. It is simply their planning device to try to figure out how to build a sustainable economy and manage their lives better there.

As to the question about the local economy being in a tailspin, I would have to ask the gentleman what other factors, other than the Biosphere Reserve designation, might be contributing to the area's poor economic showing.

Mrs. CHENOWETH. Thank you, Mr. Chandler. I will ask the questions.

Mr. CHANDLER. Thank you.

Mrs. CHENOWETH. Mr. Araoz, your organization's worldwide web site states that, "The sponsors of H.R. 901 have enlisted the strong endorsement of tremendously powerful economic and commercial interests whose sole aim is financial gain through the unrestricted exploitation of the land."

Would you please tell the committee which of today's witnesses represent those powerful economic and commercial interests?

Mr. ARAOZ. At the time, I did not know the list of witnesses. However, based on the testimony last year, the interests that are represented here are basically commercial interests.

We have not seen anybody speaking for the true American values which are the value of our heritage and the value of our country's natural sites, and also the value of this country as it will be deeded over to the next generation of Americans.

The mining industries, the logging industries, these are indeed justifiable concerns and concerns that affect us all because we all have to survive. We all have to feed our children and we all have to pay for a roof over our head.

But the fact is that our basic values are so broad and so broadly accepted that in order to bring the people who support our National Park system, for instance, we would have the entire—per-

haps not the entire, but most of the population of this country here. These values are so broadly shared that nobody feels that it is in their specific interest to come here and testify.

The people that we have here testifying, or most of the people I would say, and many of the people who support this bill, from my understanding, are the ones who have an economic interest, a selfish economic interest, I might add, which is valid, because that is indeed what is guaranteed by our Constitution.

But at the same time, our personal gain has got to be measured by the public good and it has to be weighed against it, and that is what I would have meant.

Mrs. CHENOWETH. Do you own your own home?

Mr. ARAOZ. Yes, I do, madame.

Mrs. CHENOWETH. So you are a private property owner?

Mr. ARAOZ. Yes, I am, and I have in fact in the back of my land, I abut a National Park, and in order to respect the National Park, there has been—I have been told, I haven't actually checked, but we have been told that we are not to cut trees, and I agreed with the restriction that I am not to cut trees in the rear part of my property because it would affect the landscape value that is for public enjoyment.

I gladly yield the specific right that I would have to cut down the trees in my back yard for the public good, for the enjoyment of the public good which cannot be measured in dollars, because this is the recreation aspect that actually enriches us and enables us to become human beings and to think better and to understand a little better the greatness of this country.

Mrs. CHENOWETH. So by your answer, we have pretty well eliminated private property owners, homeowners, from that special interest?

Mr. ARAOZ. Well, I would point out——

Mrs. CHENOWETH. I think I just need a yes or no.

Mr. ARAOZ. Could you repeat the question then?

Mrs. CHENOWETH. Yes. By your answer before, we have pretty well eliminated private property homeowners from the list of special interests, right, that you were referring to before?

Mr. ARAOZ. I would have to think about that. I am not ready to say a yes or a no, because I believe that I am not understanding very clearly where we are going with this or where you are coming from or what the intent of the question is.

Mrs. CHENOWETH. So that pretty well leaves loggers and miners as the special interests?

Mr. ARAOZ. The special interests are broad and many. I mean, they can be the tourism industry, they can be people who live off the land, they can be people who exploit the visitation to the sites.

The interests are many, and obviously, people who are bound to scream the loudest are the ones whose toes are stepped on the hardest.

Mrs. CHENOWETH. Mr. Howard.

Mr. HOWARD. I would like to respond to this. I guess I am here because of personal greed.

For the last 5 years of my life, I have fought for property rights in local and national organizations, have started national organizations, and have funded it out of my own pocket, a small inheritance

I got from my mother, and the fact that my wife refused to let me stop and went back to work.

If that is personal greed, so be it, and I would like to ask the gentleman sitting next to me who just made those statements, do you consider these people who exploit the land who are so horrible, they happen to be the people who feed you and house you, and with that, I will end my statement.

Mrs. CHENOWETH. Thank you. Mr. Lamb.

Mr. ARAOZ. Was that a question?

Mrs. CHENOWETH. I will ask the questions.

Mr. LAMB. I just want to clarify that the Environmental Conservation Organization and Sovereignty, International are certainly not among the rich and famous and powerful organizations that support this bill.

The 700 and more grass roots organizations that the Environmental Conservation Organization represents has a great deal of difficulty just keeping the lights on and their organization operating.

The values that we want to pass on to our children include not only the trees and the environment and biodiversity, but those values of individual freedom and private property rights and free markets, and above all, national sovereignty.

Mrs. CHENOWETH. Thank you. Mr. Wesson, could you briefly tell us about the Pulp and Paperworkers' Resource Council, please?

Mr. WESSON. Yes, madame. We got started four or 5 years ago in the Pacific Northwest due to the endangered species and the spotted owl. We have lost over 100,000 jobs in the last 6 years due to government regulations.

We do not represent the industry. When you have an industry lobbyist come up here, he is not speaking for me, but at the same time, if we don't show up, the environmental extremists say they are speaking for me, and that is not true.

The environmental extremist wants to put me out of a job. If I am here for personal greed also, I don't even have a family anymore. I spend three-fourths of my time working on these issues so I can keep working, and I would like some of that personal greed, really.

Mrs. CHENOWETH. Mr. Wesson, has the Pulp and Paperworkers' Resource Council adopted a formal position on H.R. 901?

Mr. WESSON. Yes, madame, we have.

Mrs. CHENOWETH. And what is that?

Mr. WESSON. We are endorsing it wholeheartedly, because we feel like it is an avenue for at least Congress to have control before our private land is locked up in United Nations reserves or any other Biosphere Reserve.

We are endorsing H.R. 901, and that is labor endorsing a Republican bill. Keep that in mind.

Mrs. CHENOWETH. I don't think your dad would really mind that. Mine wouldn't either.

You have all waited so very long, and I want to make sure that you have had ample opportunity to speak to the record.

Is there anyone else who would like to add anything? Mr. Chandler.

Mr. CHANDLER. First, thank you for allowing me to testify today. Second, I would like to go back to an issue raised by a number of the members of this committee, and that is that it appears that not the best job is being done to publicly explain what these programs are about, what they mean, and what effects they really have.

I can certainly understand that people would show up here today and be concerned that their property values or rights might somehow in some way be impacted by these designations. To the best of my knowledge, they are not, but these folks deserve to know that, and as I pointed out in my testimony, we believe a much better job needs to be done in explaining what a Biosphere Reserve is, what it does and doesn't do, and I would point out—and the same thing with the World Heritage nominations and designations.

I would point out that the process, Ms. Chairman, does seem to be working in that when people get angry or unhappy about these things, they don't happen, but we do have 47 of these that have been established, so I don't know how much mail you are getting from all these other areas where these sites exist and these reserves exist, but to my knowledge, they seem to be working very well, and I would call the committee's attention to look at those as well.

Mrs. CHENOWETH. Thank you, Mr. Chandler, and we will. My concern still remains that the Biosphere Reserves do not have any legal underpinnings, and so we will pursue this, and I do want you to know that the record will remain open for 10 days, and any of you who would like to supplement your testimony or add to the record are certainly welcome to do that.

Again, I want to thank you all for your patience. I want to thank the witnesses for your valuable testimony. Thank you very much, and the hearing is adjourned.

[Whereupon, at 5:37 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

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Summary of Testimony
Offered by
Henry Lamb
to the
House Committee on Resources
June 10, 1997

The American Land Sovereignty Protection Act (HR901) should be adopted because it will: (1) allow Congress to take back its Constitutional authority to "manage" federal lands; (2) it will provide land owners recourse to elected officials when their private property rights are infringed as a result of UN land designations; and (3) it will allow Congress, rather than an agency of the UN, to determine the appropriate use of American land and resources.

Despite assertions to the contrary by the Administration, the UN does, in fact, exert authority over land use decisions in America by establishing "criteria," and "conditions" which must be met and adhered to in order for a designated area to remain in the World Network of Biosphere Reserves. The "criteria" and "conditions" are established by the United Nations, not by the Congress of the United States.

Congress must approve these land designations to assure that land management policies established by the UN are the policies Congress determines to be appropriate. Without Congressional review and approval of UN designations, private citizens have no recourse to any elected official in the event that their private property rights are infringed by such designations.

Biosphere Reserves in particular, as well as other UN designated lands, are viewed by the UN as the nucleus of a world-wide system of "protected areas" as required by the Convention on Biological Diversity, according to various UN documents. The 47 Biosphere Reserves and the 20 World Heritage Sites in America must not become a part of a global network for the implementation of a treaty that has not been ratified by the U.S. Senate, nor reviewed and approved by Congress.

National Parks
and Conservation Association

STATEMENT OF
WILLIAM J. CHANDLER, VICE PRESIDENT FOR CONSERVATION POLICY
NATIONAL PARKS AND CONSERVATION ASSOCIATION
BEFORE THE
COMMITTEE ON RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
ON
H.R. 901 - THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT
JUNE 10, 1997

Good afternoon Mr. Chairman and members of the Committee. My name is William J. Chandler, and I am the Vice President for Conservation Policy of the National Parks and Conservation Association (NPCA). NPCA is America's only private, nonprofit citizen organization dedicated solely to protecting, preserving and enhancing the National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

I am pleased to present the association's views on H.R. 901, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve state sovereignty and private property rights in non-federal lands surrounding those public lands and acquired lands. My testimony will focus on those aspects of the legislation that deal with the World Heritage Convention and the Man in the Biosphere Program, both of which relate to the National Park System.

NPCA opposes enactment of H.R. 901 because it would straight jacket U.S. implementation of the World Heritage Convention and other international treaties and programs designed to conserve our natural and cultural heritage. Furthermore, we do not agree with the bill's underlying assumptions that international conservation and preservation processes are violating U.S. or state sovereignty, lowering property values, or restricting the use of private property. There is no credible evidence that any of those results have occurred.

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World Heritage Convention

The U.S. Senate ratified the World Heritage Convention in 1973. The U.S. led the effort to establish the Convention, and we were the first of 148 participating nations to sign. It is an honor to have sites on the World Heritage List.

The convention establishes a structure for each nation to identify and protect natural and cultural sites and areas of universal interest to humankind. Each participating nation pledges to protect its own listed sites under its own laws, and to refrain from harming sites in other countries. There are 20 world heritage sites in the U.S., which include 17 areas within the National Park System:

- Cahokia Mounds State Historic Site, IL
- Carlsbad Caverns National Park, NM
- Chaco Culture National Historical Park, NM
- Everglades National Park, FL
- Glacier-Waterton International Peace Park, Montana-Alberta (joint listing with Canada)
- Grand Canyon National Park, AZ
- Great Smoky Mountains National Park, NC/TN
- Hawaii Volcanoes National Park, HI
- Independence Hall, PA
- Kluane National Park/Wrangell-Saint Elias National Park and Preserve, and Glacier Bay National Park, Alaska/British-Columbia (joint listing with Canada)
- La Fortaleza and San Juan Historic Site, Puerto Rico
- Mammoth Cave National Park, KY
- Mesa Verde National Park, CO
- Monticello and the University of Virginia, VA
- Olympic National Park, WA
- Pueblo de Taos, NM
- Redwood National Park, CA
- The Statue of Liberty, NY
- Yellowstone National Park, ID/MT/WY
- Yosemite National Park, CA

In hearings held last year on H.R. 3752, concerns were expressed that adding a site to the World Heritage List somehow threatens local economies, private property and individual freedom. I challenge the opponents of the program to produce credible evidence that those consequences have occurred. I know of no documented case where the designation of any world heritage site in the U.S. has produced those consequences.

Fears also were expressed that restrictive buffer zones would be created around listed sites. Again, I know of no instance in the U.S. where that has occurred.

It does appear that site nominations could be better explained and publicized in local communities surrounding proposed sites. Last year, Ms. Nina Sibal, Director of UNESCO, explained to the committee that the operational guidelines for the convention clearly encourage local participation in the nomination process "to make them feel a shared responsibility...in the maintenance of the site." It is up to each country to develop public participation in an effective way.

NPCA supports public involvement in the nomination process, and would support reasonable means to engage the public. However, the decision to list a site should be based on the criteria spelled out under the World Heritage Convention.

NPCA believes it would be a mistake to alter the U.S. nomination process as specified under Section 3 of H.R. 901. Here's why:

1. The requirement that the secretary issue a finding that commercially viable uses of the nominated lands and lands within 10 miles of the site will not be adversely affected is inconsistent with the primary goal of the World Heritage Convention, which is resource protection and conservation, not development. In addition, nominated sites already must be adequately protected by the land manager or owner in order to be approved.

2. The requirement that the Secretary analyze the impact that a world heritage designation would have on existing and future uses of the nominated site, and lands located within 10 miles of the site, would be difficult to make and highly conjectural. Besides, when an existing national park or other protected area is designated as a world heritage site, there are no restrictions placed on private or other lands adjacent to the area at he time of designation. Any additional land use requirements affecting lands adjacent to the site would have to be agreed to by the adjacent land manager or owner.

3. Specific congressional authorization of future nominated sites appears to be duplicative overkill. Congress already has assented to the convention, and treaty implementation is properly the responsibility of the Executive. Congress is notified that a site is being considered for nomination to the World Heritage List, and when the nomination is made. Federally owned U.S. sites already have some kind of protection under U.S. law prior to nomination. Why should Congress formally classify already protected lands as world heritage sites when an administrative process exists to accomplish that objective?

Biosphere Reserves

The U.S. Man in the Biosphere (MAB) Program is a voluntary, inter-agency effort which operates under the existing authorities of the participants. Federal agencies were directed to participate in the UNESCO MAB Program by the office of Science and Technology Policy and the Office of Management and Budget in a memorandum of March 9, 1979. A number of other laws authorize federal agencies to cooperate and support programs of interest. There is no specific legislative authority for the U.S. MAB.

Forty-seven sites and areas in the U.S. have been designated as biosphere reserves; most of these are located on federal lands. Thirty national park units participate in the program. As Dean Bibles, chairman of the U.S. Man and the Biosphere Program (MAB), testified last year, the purpose of the biosphere reserve program is to encourage voluntary cooperation in the management of the environment and the development of sustainable economies.

The U.S. National Committee for MAB includes representatives of 15 federal agencies, industry, and academia. The committee approves all nominations for biosphere designation in the U.S., and requires that the proponents of any new preserve seek concurrence of the relevant local governments in the nomination process. Once a biosphere reserve is established, what happens?

Lots of good things. For example, the Southern Appalachian Biosphere Reserve (SAMAB) was designated in 1988 as a multi-unit regional reserve. One of the five biosphere units includes lands within Great Smoky Mountains National Park. What has SAMAB achieved?

- The SAMAB organization, working through its cooperating members, has produced a comprehensive ecological, environmental and socioeconomic assessment of the Southern Appalachian region.
- The resulting database has facilitated cooperation and coordination among various stakeholders in several states to deal with region-wide problems. For example, the Southern Appalachian Mountains Initiative (SAMI) links 8 states, private industry, non-profit groups, and scientists in a cooperative effort to solve the regions' air quality problems.
- SAMAB held a number of public workshops on how to deal with particular problems such as dogwood authracnose, and has produced 500,000 brochures on how to grow and maintain disease-free dogwood trees.
- SAMAB conducted 3 regional education alternatives to inform the public about the reintroduction of the red wolf (*Canis rufus*).

I saw no complaints in last years' hearings from the governors of the states participating in SAMAB or SAMI. Nor did I see any complaints about any threats to local economies or private property. As Mr. Bibles testified:

> *"I know of no example where biosphere reserve designation has resulted in prohibiting any economic activity. This is true because of the voluntary and legally non-binding nature of the program and because no element of the commitment to a biosphere reserve would have such effects. It is also true because all legal conservation protection appropriate to the biosphere reserve must be in place before the biosphere reserve designation can be awarded. In no case have new or additional laws been enacted in order to gain biosphere reserve status or because of biosphere reserve status."*

Despite the concerns expressed at last year's hearing by citizens from the Ozarks and the Catskills, the biosphere reserve program is working extremely well at many sites across the United States. I highly recommend that the Resources Committee take testimony on these successful programs before acting on H.R. 901.

Section 4 of H.R. 901 would apparently prohibit all future biosphere designations, terminate all existing U.S. biosphere reserves unless they are specifically authorized by Congress before December 31, 2000; limit reserves only to federal lands; and require that the authorized area be subject to a management plan that ensures that the use of intermixed or adjacent non-federal property is not limited or restricted as a result of the designation.

NPCA opposes Section 4 because it radically alters a worthwhile endeavor to conduct scientific research and promote sustainable economies by citizens of the United States and their representatives acting in voluntary association. We believe the protection and enjoyment of our national parks can best be achieved through the development of comprehensive environmental and economic plans for areas surrounding the parks. These efforts must be voluntary and crafted to meet the distinct needs of each area. This can best be achieved by giving stakeholders the freedom to develop cooperative environmental and economic programs.

An excellent example of how local government is working with the National Park Service can be found in Kentucky. The Mammoth Cave Area Biosphere Reserve is the tool being used by the Barren River Development District --a local government entity-- to address regional water quality issues. Attached to my statement is a description of this local initiative. Also attached is a brief paper entitled "Misinformation About Biosphere Reserves," prepared by Dr. Roger Soles, Executive Director of the U.S. MAB Secretariat.

In conclusion, I urge the committee to examine the many successful examples of how world heritage sites and biosphere reserves are playing constructive roles in the conservation and management of our nationally significant resources, state and local environments and local economies. If you do, I believe the overwhelming preponderance of the evidence will show that these programs threaten no one's sovereignty, property or freedom.

Attachments: "Mammoth Cave Area Biosphere Reserve - Making a difference in groundwater protection," Jeff Bradybaugh, *Park Science*.

"Misinformation About Biosphere Reserves," Dr. Roger Soles, Executive Director, U.S. MAB Secretariat

MAB NOTES

MAMMOTH CAVE AREA BIOSPHERE RESERVE

Making a difference in groundwater protection

BY JEFF BRADYBAUGH

THE MAMMOTH CAVE AREA Biosphere Reserve (MCABR) was designated by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 1990. It includes Mammoth Cave National Park and its primary groundwater recharge basins, an area totalling 44,700 hectares (110,453 acres). The park is the protected core area, and the basins outside the national park are designated the zone of cooperative use. Located in south-central Kentucky, the area is a karst landscape typified by numerous sinking streams and sinkholes, complex underground watercourses, and a multilayered cave system (longest in the world) with unique fauna and mineralization features. The karst landscape efficiently transports precipitation runoff (and any incorporated contaminants from surface land use) to subsurface streams, posing constant concern for area water quality degradation (fig. 1).

At the suggestion of the National Park Service and others, the Barren River Area Development District (BRADD) selected the UNESCO biosphere reserve model as the tool to address regional water quality issues. Chartered by the Commonwealth of Kentucky, BRADD is responsible for regional planning within the 10-county area surrounding Mammoth Cave National Park. With the biosphere reserve administered through BRADD, whose board of directors consists of locally elected officials, the biosphere program is viewed as a locally managed effort rather than a federal undertaking. As nearly all the land outside of the park is in private ownership, this organizational structure has proven critical to initiating and carrying out biosphere reserve programs.

The Barren River Area Development District established a biosphere reserve council to coordinate resource management activities. The council is comprised of technical specialists from: Western Kentucky University, USDA (U.S. Department of Agriculture) Forest Service, USDA Combined Farm Services Agency, USDA Natural Resources Conservation Service, Tennessee Valley Authority, U.S. Economic Development Administration, U.S. Army Corps of Engineers, agencies of the Kentucky natural resources cabinet, the Resources Conservation and Development District, the Caveland Sanitation Authority, and the National Park Service.

IMPLEMENTATION OF THE BIOSPHERE RESERVE PROGRAM

Several noteworthy programs and projects have been initiated or enhanced through the collective efforts of the governments and agencies cooperating under the Mammoth Cave Area Biosphere Reserve umbrella.

MAMMOTH CAVE AREA WATER QUALITY PROJECT

To protect the Mammoth Cave watershed, a partnership was established with farmers, universities, and agencies to protect aquatic resources by promoting sustainable agriculture and on-the-farm *best management practices* (BMPs). Since 1990, the USDA has made available $950,000 on a cost-sharing basis with local farmers for the design and installation of animal waste BMPs for feedlots and dairies. Agencies, including the National Park Service, have invested $330,000 in groundwater and aquatic community monitoring to assess the effectiveness of BMPs. An Environmental Protection Agency grant has been secured to continue this project over the next four years.

REGIONAL GIS/GPS AND DEVELOPMENT OF A GEOSPATIAL DATA CENTER

Members of the biosphere reserve council have pooled their resources to enhance data sharing and data analysis capabilities. A GIS (Geographic Information System) was established at BRADD to supplement and interact with partner systems. Agencies contributed to purchase a GPS (global positioning satellite) base station that has been used in developing groundwater hazard maps where interstate highways and railroads cross the groundwater basins (fig. 1). The series of maps allows emergency responders to identify sites where hazardous spills from road or rail accidents could enter sinks or otherwise be injected into the aquifer, and allows them to quickly formulate a containment strategy. With support from the Mammoth Cave Area Biosphere Reserve and park assistance via the NPS Lower Mississippi Delta Initiative, the GPS system is being used to map features of a local civil war battlefield, assisting community efforts for its protection. Through a grant from the U.S. Geological Survey (USGS), the biosphere reserve has established a geospatial data center at Western Kentucky University, as a node of the nationwide USGS system.

ECONOMIC DEVELOPMENT AND IMPACT STUDIES

The Economic Development Administration funded a MCABR study to assess the potential for compatible industrial development along Interstate 65 within the reserve. Existing and potential environmental risks and identification of suitable and unsuitable development locations were analyzed. Through the Barren River Area Development District, this information has been made available to the affected communities to assist in economic and infrastructure planning.

The National Biological Service, Michigan State University, and Southern Illinois University are nearing completion of a visitor use and economic impact study for the park and local area. Data will be used to assess the impact of tourism expenditures locally and to formulate regional plans for sustainable tourism currently under development by the West Kentucky Corporation.

Environmental Education

Plans for a nonprofit institute, as part of the biosphere reserve, are being developed to extend and enhance the education and research programs available to local residents and resource managers, including environmental and cultural resource management, sustainability, and heritage appreciation.

To keep the public informed of ongoing water resource management efforts in the biosphere reserve, an educational video was produced through Kentucky Educational Television. It describes the broad concerns of stakeholders, how consensus planning was used to focus on common goals, and the actions taken to enhance water quality. The video emphasizes the progress made through cooperation between businesses, landowners, and agencies working within the reserve.

Mammoth Cave Resources Conservation and Development Area

With the intense focus on water quality in the karst aquifer and the need to remedy related agricultural impacts, agency managers and local officials petitioned the Secretary of Agriculture to designate an area in south-central Kentucky including the biosphere reserve as a resources conservation and development area (RC&D). Established in 1991 and represented on the biosphere council, the RC&D uses its resources to meet goals common to both programs. The RC&D receives USDA funding each year, available for matching grants, to accomplish projects relating to solid waste management, non-point source pollution control, conservation education, and rural infrastructure. While most projects are relatively small in size, they provide rural communities with opportunities to address longstanding problems and to become participants in regional conservation efforts.

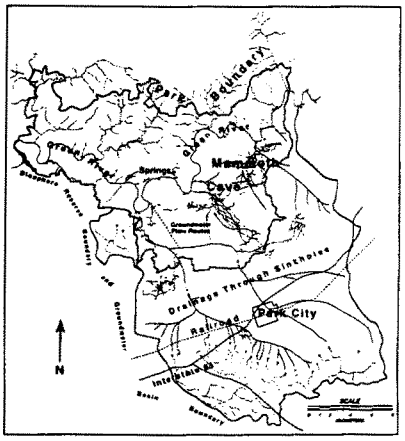

Figure 1. The Mammoth Cave Area Biosphere Reserve (gray boundary line—before the recent expansion) encompasses Mammoth Cave National Park (black boundary line) and most of the Groundwater Basin, the primary groundwater recharge area for the cave. The thick gray lines terminating in arrows indicate the flow of precipitation runoff (and contaminants) through neighboring towns and across highways enroute to the cave. The recently expanded biosphere reserve increases opportunities to promote a water quality program throughout the Groundwater Basin that will help protect cave resources.

What the Future Holds

The Mammoth Cave Area Biosphere Reserve, with the national park as the core area, has brought national attention to local conservation issues, including additional financial resources not available previously. Landowners and communities have derived tangible benefits and received recognition for working together to protect resource values. The park benefits in that external resource threats and issues are being addressed and a forum exists to discuss long-term resource protection policies with local officials.

In August, the USMAB National Committee approved expanding the biosphere reserve to 368,000 hectares (909,328 acres). Within the expanded reserve, an opportunity exists to develop greater involvement of rural and small-town residents, to work with commercial natural resource users, and to partner with people interested in conservation of historic resources and the cultural traditions of the region. These opportunities reflect the continuing growth of the biosphere reserve program. In addition to providing a larger land area, the expanded biosphere reserve also continues the focus on areas of critical environmental concern—especially the Mammoth Cave groundwater basins.

Jeff Bradybaugh is Chief, Science and Resources Management Division at Mammoth Cave National Park, Kentucky. Contact him at Mammoth Cave National Park; Mammoth Cave; KY 42259; (502) 758-2251.

MISINFORMATION ABOUT BIOSPHERE RESERVES

Dr. Roger Soles, Executive Director U.S. MAB Secretariat

Some individuals and organizations have been seriously misinformed about the nature of the Biosphere Reserve element of the U.S. MAB Program. Here are some of the more recent charges that we have heard concerning biosphere reserves. I have condensed some of the charges into common categories because of their similarities. [1]

Charge Number 1: When an area receives biosphere reserve recognition, the United Nations will control the area, or the USA "loses sovereignty" over the area, etc.

Answer: The idea that the United Nations is taking over U.S. lands, private and public, is completely false. Neither the United Nations nor any other international body has any authority over public or private U.S. lands which have received recognition as biosphere reserves.

Only voluntary guidelines exist for biosphere reserves. No international biosphere reserve treaty or biosphere reserve convention exists. In 1995, managers from Biosphere Reserves around the world, representatives of conservation groups and scholars met in Seville, Spain, to set a voluntary framework for international science and conservation cooperation. Among the documents they produced were The Seville Strategy for Biosphere Reserves and the Statutory Framework for the World Network of Biosphere Reserves. The Introduction for this "Framework"; states:

"Biosphere Reserves, each of which remains under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary."

Furthermore, Article 2, paragraph 1 of that "Framework" states, *"Individual Biosphere Reserves remain under the sovereign jurisdiction of the States where they are situated. Under the present Statutory Framework, States take the measures which they deem necessary according to their national legislation"*

This fact was also recognized by the Congressional Research Service's CRS Report for Congress on June 6, 1996. In that report to Congress entitled "Biosphere reserves: Fact Sheet" it noted: *"Biosphere reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or state and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. Areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country."*

In sum, neither the United Nations Educational, Scientific and Cultural Organization, (UNESCO) nor any other U.N. body has jurisdiction over any U.S. Biosphere Reserve.

Charge Number 2: Biosphere reserves will restrict property and land use rights and lower land values.

Answer: There are no economic or scientific studies which show any detrimental effect of biosphere reserve status on the use and value of non-Federal lands located in the vicinity of a biosphere reserve. Neither is there any evidence that any restrictions were placed on any private lands in the vicinity of a biosphere reserve because it was a biosphere reserve.

In testimony given to Congress last year on "A Bill to Preserve the Sovereignty of the United States Over Public Lands" (H. R. 3752), not one of the witnesses was able to cite any actual or observed increased land use restrictions or any decrease in the value of any private property in the vicinity of a biosphere reserve.(See "Sovereignty Over Public Lands", Hearings before the Committee on Resources, House of Representatives, 104th Congress, Second Session on HR 3752, September 12, 1996 - Serial No. 104-98, Washington DC).

Within the biosphere reserve program there is no authorization for the"taking" of anyone's land, nor for the placing of any legal restrictions on private land use and individual land rights.

Charge Number 3: Biosphere reserves will circumvent the Constitution and infringe upon the laws enacted by Congress.

Answer: The Federal or state agencies responsible for various biosphere reserve protected areas are agencies with Congressional, state or local authority for managing the lands within those areas. Most often, the agencies are the National Park Service of the Department of the Interior and the Forest Service of the U.S. Department of Agriculture. Areas which are recognized as Biosphere Reserves receive no special land use authority or regulations which might conflict with the authority of the Congress, the state government agencies, or county and local authorities. Biosphere

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[1] This is my personal statement. The opinions, conclusions and recommendations expressed in this statement are mine and do not necessarily reflect the view of the participating and supporting agencies of the U.S. MAB.

Reserves have no international or other authority. They receive Biosphere Reserve recognition and status, in part, because the land management authority for the protected and managed use areas must already exist within domestic legislation. National Parks, for example, have Congressional authority for the management of the park. Such parks have a "management plan" for the park. Frequently these park management plans identify specific "wilderness areas" for research and study thus serving as the "Protected Area" of the Biosphere Reserve. The entire surrounding park area is the "Managed Used Area" because the Park Service or other authority is mandated to manage that area.

These local or national authorities must pre-exist before an area can be nominated as a Biosphere Reserve. No new regulations are created with Biosphere Reserve recognition that in any way could diminish the authority of the U.S. government, Congress, or any state, county or local legislative body to make rules and regulations respecting these lands.

Charge Number 4: UN Troops are moving into a region to depopulate it in order to establish a Biosphere Reserve; or UN roadblocks have been set up; or that some type of "animal worship" is going to be imposed though the "secret AGENDA 21" or through a Seville Strategy or a UN truck depot base, etc.

Answer: It is impossible to keep up with all of these erroneous claims. No such proof or evidence has ever been offered to substantiate these claims. They have no basis in fact. Agenda 21 is a lengthy compilation (40 chapters, each of which has multiple subsections) of resolutions adopted at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, in 1992 to promote sustainable development. It is not secret and can be obtained from many public sources and bookstores. The official U.S. Department of Agriculture, Natural Resource Conservation Service (formerly the Soil Conservation Service) statement about recent misinformation circulated, and the truth, about "Agenda 21" may be found at the Web site (http://www.mabnet.org).

The primary objective of the Seville Strategy is to promote and encourage greater involvement by local citizens and officials in the management of biosphere reserves -- not to depopulate areas or impose new laws or regulations upon them.

It does seem that the burden of proof ought to reside on those that make these fearful charges. Certainly it would seem that with 47 biosphere reserves in the U.S., that if any of these charges were true, someone, somewhere, somehow, would have some proof or evidence of increased land use restrictions, etc. Yet, no one has and no one ever will, because all of these charges are false.

Charge Number 5: The U.S. MAB Program operates without legal approval.

Answer: U.S. MAB is a voluntary, interagency, effort which operates within the existing authorities of the participating agencies. No specific law exists for the U.S. MAB Program.

Federal agencies were directed by the "Memorandum for Heads of Certain Departments and Agencies, Subject: U.S. Participation in UNESCO's Man and the Biosphere Program," Executive Office of the President, Office of Science and Technology Policy, Office of Management and Budget, Washington, DC, March 9, 1979, to participate in the U.S. MAB Program.

Other applicable authorities which are cited in Interagency agreements to participate in the U.S. MAB program include: the Economy Act of 1932, as amended, 31 U.S.C. 1535; An Act Authorizing the Secretary of State to Manage Foreign Affairs, 22 U.S.C. 2656; House Joint Resolution 305, July 30, 1946 (PL 565, 79th Congress); the United Nations Educational, Scientific and Cultural Organization Act, as amended, 22 U.S.C. 287m-287t; House Joint Resolution 305, July 30, 1946 (PL 565, 79th Congress); and the National Environmental Policy Act of 1969 and PL91-190, 91st Congress. Again, while none of these laws specifically cite the MAB Program, they do authorize the federal agencies to cooperate and support programs within which they have an interest.

Charge Number 6: What is unreasonable about Congress being involved in the biosphere reserve nomination process?

Answer: Nothing. Indeed Congressional involvement in the process of the recognition of biosphere reserves would probably be desired by the U.S. MAB Program. However, to tie up Congress with the naming of areas, most of which in the future will likely be non-federal lands which are nominated by their state park authorities or the private organizations or individual owners, seems unwarranted.

However, it does not seem reasonable for Congress to terminate all of the currently existing Biosphere Reserve designations. According to currently proposed legislation (HR 901) Congress would have to specifically authorize the existence of each and every biosphere reserve in the U.S. before 2001. That would involve at least 47 specific acts of Congress. If specific allegations are being raised against any specific U.S. biosphere reserve concerning any of the above charges, then perhaps a case could be made.

Please review the USMAB web site carefully (http://www.mabnet.org). All U.S. Mab publications are posted there so you -- the concerned citizen -- can knowledgeably determine the truth about biosphere reserves and MAB.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT -- H.R. 901 BRIEFING PAPER

INTRODUCTION

Designation of United Nations' World Heritage Sites and Biosphere Reserves can result in farther centralization of policy-making authority at the Federal level, particularly in the Executive Branch. It also results in less chance for input into land use decisions by individuals and affects the use and market value of private lands adjacent to or intermixed with Federal lands. *The American Land Sovereignty Protection Act of 1996* (H.R. 3752), introduced by Chairman Young in the 104th Congress, required specific approval of Congress before any area within the U.S. is included in an international land reserve and protected the property rights of neighboring landowners. H.R. 3752 was brought up for a vote on the Suspension Calendar in the waning days of the 104th Congress and failed to get the required two-thirds approval of those voting in a 246-178 vote. Chairman Young re-introduced *The American Land Sovereignty Protection Act* in the 105th Congress as H.R. 901. The bill currently has 153 cosponsors.

BACKGROUND

The objectives of H.R. 901 are to preserve the sovereignty of the United States over our own lands and to preserve State sovereignty and property rights in adjacent non-Federal lands.

H.R. 901 asserts the Constitutional power of Congress over management and use of lands belonging to the United States. The international agreement covering World Heritage Sites, for example, largely leaves Congress out of the process. The bill provides a process under which the United States by Congressional action may, when desirable, nominate lands for inclusion under international agreements.

United Nations Biosphere Reserves and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Sites are natural sites or cultural monuments recognized by UNESCO under "The Convention Concerning Protection of the World Cultural and Natural Heritage." Biosphere Reserves are part of the U.S. Man and Biosphere Program which operates in conjunction with a worldwide program under UNESCO. The U.S. program operates without legislative direction, is not authorized by Congress, nor is the program part of an international treaty. Over 68% of the land in our National Parks, Preserves and Monuments has been designated as a United Nations World Heritage Site, Biosphere Reserve or both. Biosphere Reserves alone cover an area about the size of Colorado, our eighth largest state. There are now 47 UNESCO Biosphere Reserves and 20 World Heritage Sites in the United States.

ANALYSIS

In becoming a party to these international land use designations through Executive Branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention on Biological Diversity, to which the United States is not a party or which the United States Senate has refused to ratify. For example, *The Seville Strategy for Biosphere Reserves*, adopted in late 1995, recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biological diversity, strategies and action plans provided for in Article 6 of the Convention on Biological diversity." Furthermore, the *Strategic Plan for the U.S. Biosphere Reserve Program* published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeographical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves."

Also disturbing is that designation of Biosphere Reserves and World Heritage Sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for Biosphere Reserves. The *Operational Guidelines for the Implementation of the World Heritage Convention* state:

> *"In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee."*

An oversight hearing on biosphere reserves, held last month in Tannersville, NY, examined this issue, among others. The Champlain-Adirondacks Biosphere Reserve is located in upstate New York, and another biosphere reserve encompassing the Catskill Mountains was proposed recently. Local elected officials from both of these regions testified that they were never consulted about plans to designate these biospheres.

Furthermore, United Nations land use programs have become controversial issues at the state level. Recently, the Alaska Legislature passed a resolution urging enactment of H.R. 901 and on May 29, 1997, the Kentucky State Senate passed a resolution opposing the Man and Biosphere program and the inclusion of any land in Kentucky within a United Nations Biosphere Reserve.

By allowing these international land designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated site.

★ THURSDAY, AUGUST 1, 1996 / PAGE A17

COMMENTARY

The Washington Time

ALSTON CHASE

'Greens' take walk on public

Twenty years ago, while still a card-carrying green naively believing environmentalism was always good for the environment, I helped to create a public-interest organization dedicated to raising money for preservation and other causes. My governing board consisted of several activists well known in the movement today.

But when I suggested making our fledgling effort truly "grassroots," these self-same idealists nixed the idea. Including the local community, they warned, would "let the enemies in." Democracy, I was informed, might interfere with their grand designs.

That was the beginning of the end of my career as a professional activist. Thanks no doubt to a character flaw, I couldn't view ordinary folk as "the enemy."

Since then, green distrust of democracy has grown. Seeking to escape open decision-making at the local level, by 1980 major groups were focusing almost exclusively on national publicity campaigns and lobbying in Washington. When it became apparent Congress could not be trusted, they relied on the president to create policy by executive order — as Bill Clinton did in creating the National Biological Service and seeking to impose "grazing reform."

Now, the movement has taken this flight from democracy another step. To keep "the enemy" out, it seeks support of those who are expert at making the world safe from democracy: international bureaucrats. Once living by the motto, "Think globally, act locally," it now follows the dictum, "Think locally, act globally."

This transformation angers backward members of Congress who continue to believe quaint notions about letting the people rule. One of these dinosaurs, Rep. Don Young, Alaska Republican, last month brazenly introduced a bill asserting Congress's right to decide what parts of the United States require United Nations protection.

Understandably, therefore, greens hope to stamp out Mr. Young's subversive idea before it catches on. Anyone supporting the bill, they suggest, must be a red-neck militiaman who believes that a Skull-and-Bones-Trilateral Commission-Rockefeller one-world conspiracy seeks to take over the world.

But one needn't be paranoid to be concerned. During the last 25 years, global treaties and programs, about which U.S. citizens have had little or no say, have spread like a viruses.

In 1971, the United States joined a U.N. program that called for establishing "biosphere reserves" around the world, each surrounded by buffer zones where human activities would be restricted. Since then, federal authorities quietly classified 47 national parks as such sanctuaries, without needing to consult Congress. Today, these cover more than 51 million acres —an area bigger than Colorado.

Additionally, other locations, including Yellowstone National Park, were designated "World Heritage Sites." In 1987, an international agreement, the Montreal protocol, precipitously banned the refrigerant Freon, even though scientists still cannot agree whether it is dangerous. After the Rio Summit in 1992, President Bush signed a global warming treaty whose implementation will cost consumers billions annually.

In 1993, President Clinton signed a biodiversity treaty, whose draft implementation calls for transforming 50 percent of the United States into wilderness. And while the Senate hasn't approved this accord, the president nevertheless ordered federal land-management agencies to implement many of its provisions.

Meanwhile, since Rio, the United Nations has been holding environmental conferences at a dizzying pace. And neither you nor I are invited. Instead, "non-governmental organizations," or "NGOs," are asked to attend. These groups are often employed to write the fine print of agreements, yet most are private environmental organizations given this special status by U.N. and State Department officials who were formerly activists themselves.

Thus, NGOs create the facade of public "collaboration" while insulating officials from accountability. And despite claims to the contrary, this U.N.-federal-activist infrastructure influences our foreign and domestic policy in myriad ways. The Agency for International Development gives taxpayer money to radical, Third World green groups. The Montreal protocol makes rewriting the unwise Freon ban more difficult. Biosphere and world heritage designations encourage unwise National Park management and may lay the legal ground for federal zoning of private land beyond park boundaries.

And more lies ahead. Recently, Secretary of State Warren Christopher promised "to make 1997 the most important year for the global environment since the Rio Summit."

Such is the feverish world federalism to which Mr. Young addresses his bill. Called the "American Land Sovereignty Protection Act," it would require specific approval by Congress before U.S. real estate is subjected to international land-use designation.

What could be more sensible? If biosphere and heritage designations merely have symbolic value, as green groups claim, then they should welcome wide discussion of these programs. Instead, they are telling citizens not to butt in.

A movement that began by building broad support now seeks to restrict wide participation. Environmentalism, once dedicated to protecting public health, is transforming government into an institution that views people as "the enemy."

Alston Chase is a nationally syndicated columnist specializing in environmental issues.

Honoring these agreements could force the Federal government to prohibit or limit some uses of private lands outside the boundaries of the designated area unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policy-makers in an awkward position. Federal regulatory actions could cause a significant adverse impact on the value of private property and on the local and regional economy. The involvement of the World Heritage Committee in the Environmental Impact Statement process for the New World Mine Project near Yellowstone National Park exemplifies this problem. Creation of a buffer zone, possibly ten times as large as the park was suggested by at least one member of the Committee. Moreover, by excluding the federal lands on which the New World Mine Project lies from an adjoining wilderness area, Congress has already determined that these lands are available for multiple-use, including mining.

It is clear from the Yellowstone example, that at best, World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policy-making authority is farther centralized at the federal/Executive Branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is diminished. The Executive Branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

LEGISLATIVE HEARING

Sixteen witnesses will testify at the legislative hearing on H.R. 901, scheduled on June 10, 1997. The Hon. Jean J. Kirkpatrick, Ambassador to the UN during President Reagan's administration, will testify. For the Administration, Rafe Pomerance, Deputy Assistant Secretary for Environment and Development, will testify on behalf of the State Department and Dennis Galvin, Acting Director, National Park Service, will testify on behalf of the Interior Department. Dr. Jeremy Rabkin, a professor in the Department of Government at Cornell University, will discuss the conclusions from his recent study of the Yellowstone affair (For a copy of this study, contact John Rishel at x60242). Several state legislators and local officials will also testify. Remaining witnesses include representatives from labor, property rights, environmental, and historical preservation groups.

Staff Contact: John Rishel (x60242).

I

105TH CONGRESS
1ST SESSION

H. R. 901

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. YOUNG of Alaska (for himself, Mr. CONDIT, Mr. SOLOMON, Mr. PICKETT, Mr. COBURN, Mr. TRAFICANT, Mr. POMBO, Mr. STENHOLM, Mr. HILLEARY, Ms. DANNER, Mrs. CHENOWETH, Mr. ORTIZ, Mrs. CUBIN, Mr. PETERSON of Minnesota, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Ms. DUNN, Mr. HOSTETTLER, Mr. HERGER, Mr. STUMP, Mr. BONO, Mr. SMITH of Oregon, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, Mr. DICKEY, Mr. DUNCAN, Mr. NORWOOD, Mr. HAYWORTH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. BARR of Georgia, Mr. SKEEN, Mr. WELDON of Florida, Mr. CANADY of Florida, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. GEKAS, Mrs. SMITH of Washington, Mr. COLLINS, Mr. STEARNS, Mr. LARGENT, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. KIM, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. TAUZIN, Mr. TALENT, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. BILBRAY, Mr. BLILEY, Mr. HILL, Mrs. EMERSON, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, and Mr. HULSHOF) introduced the following bill; which was referred to the Committee on Resources

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A BILL

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property

rights in non-Federal lands surrounding those public lands and acquired lands.

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 "American Land Sov-
5 ereignty Protection Act".

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The power to dispose of and make all need-
9 ful rules and regulations governing lands belonging
10 to the United States is vested in the Congress under
11 article IV, section 3, of the Constitution.

12 (2) Some Federal land designations made pur-
13 suant to international agreements concern land use
14 policies and regulations for lands belonging to the
15 United States which under article IV, section 3, of
16 the Constitution can only be implemented through
17 laws enacted by the Congress.

18 (3) Some international land designations, such
19 as those under the United States Biosphere Reserve
20 Program and the Man and Biosphere Program of
21 the United Nations Scientific, Educational, and Cul-
22 tural Organization, operate under independent na-
23 tional committees, such as the United States Na-
24 tional Man and Biosphere Committee, which have no

1 legislative directives or authorization from the Con-
2 gress.
3 (4) Actions by the United States in making
4 such designations may affect the use and value of
5 nearby or intermixed non-Federal lands.
6 (5) The sovereignty of the States is a critical
7 component of our Federal system of government and
8 a bulwark against the unwise concentration of
9 power.
10 (6) Private property rights are essential for the
11 protection of freedom.
12 (7) Actions by the United States to designate
13 lands belonging to the United States pursuant to
14 international agreements in some cases conflict with
15 congressional constitutional responsibilities and
16 State sovereign capabilities.
17 (8) Actions by the President in applying certain
18 international agreements to lands owned by the
19 United States diminishes the authority of the Con-
20 gress to make rules and regulations respecting these
21 lands.
22 (b) PURPOSE.—The purposes of this Act are the fol-
23 lowing:
24 (1) To reaffirm the power of the Congress
25 under article IV, section 3, of the Constitution over

1 international agreements which concern disposal,
2 management, and use of lands belonging to the
3 United States.
4 (2) To protect State powers not reserved to the
5 Federal Government under the Constitution from
6 Federal actions designating lands pursuant to inter-
7 national agreements.
8 (3) To ensure that no United States citizen suf-
9 fers any diminishment or loss of individual rights as
10 a result of Federal actions designating lands pursu-
11 ant to international agreements for purposes of im-
12 posing restrictions on use of those lands.
13 (4) To protect private interests in real property
14 from diminishment as a result of Federal actions
15 designating lands pursuant to international agree-
16 ments.
17 (5) To provide a process under which the
18 United States may, when desirable, designate lands
19 pursuant to international agreements.

20 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**
21 **WORLD HERITAGE SITE LISTING.**

22 Section 401 of the National Historic Preservation Act
23 Amendments of 1980 (Public Law 96–515; 94 Stat. 2987)
24 is amended—
25 (1) in subsection (a) in the first sentence, by—

1 (A) striking "The Secretary" and inserting
2 "Subject to subsections (b), (c), (d), and (e),
3 the Secretary"; and
4 (B) inserting "(in this section referred to
5 as the 'Convention')" after "1973"; and
6 (2) by adding at the end the following new sub-
7 sections:
8 "(d)(1) The Secretary of the Interior may not nomi-
9 nate any lands owned by the United States for inclusion
10 on the World Heritage List pursuant to the Convention,
11 unless—
12 "(A) the Secretary finds with reasonable basis
13 that commercially viable uses of the nominated
14 lands, and commercially viable uses of other lands
15 located within 10 miles of the nominated lands, in
16 existence on the date of the nomination will not be
17 adversely affected by inclusion of the lands on the
18 World Heritage List, and publishes that finding;
19 "(B) the Secretary has submitted to the Con-
20 gress a report describing—
21 "(i) natural resources associated with the
22 lands referred to in subparagraph (A); and
23 "(ii) the impacts that inclusion of the nom-
24 inated lands on the World Heritage List would

1 have on existing and future uses of the nomi-
2 nated lands or other lands located within 10
3 miles of the nominated lands; and
4 "(C) the nomination is specifically authorized
5 by a law enacted after the date of enactment of the
6 American Land Sovereignty Protection Act and after
7 the date of publication of a finding under subpara-
8 graph (A) for the nomination.
9 "(2) The President may submit to the Speaker of the
10 House of Representatives and the President of the Senate
11 a proposal for legislation authorizing such a nomination
12 after publication of a finding under paragraph (1)(A) for
13 the nomination.
14 "(e) The Secretary of the Interior shall object to the
15 inclusion of any property in the United States on the list
16 of World Heritage in Danger established under Article
17 11.4 of the Convention, unless—
18 "(1) the Secretary has submitted to the Speak-
19 er of the House of Representatives and the Presi-
20 dent of the Senate a report describing—
21 "(A) the necessity for including that prop-
22 erty on the list;
23 "(B) the natural resources associated with
24 the property; and

1 "(C) the impacts that inclusion of the
2 property on the list would have on existing and
3 future uses of the property and other property
4 located within 10 miles of the property pro-
5 posed for inclusion; and
6 "(2) the Secretary is specifically authorized to
7 assent to the inclusion of the property on the list,
8 by a joint resolution of the Congress after the date
9 of submittal of the report required by paragraph
10 (1).".
11 "(f) The Secretary of the Interior shall submit an an-
12 nual report on each World Heritage Site within the United
13 States to the Chairman and Ranking Minority member of
14 the Committee on Resources of the House of Representa-
15 tives and of the Committee on Energy and Natural Re-
16 sources of the Senate, that contains for the year covered
17 by the report the following information for the site:
18 "(1) An accounting of all money expended to
19 manage the site.
20 "(2) A summary of Federal full time equivalent
21 hours related to management of the site.
22 "(3) A list and explanation of all nongovern-
23 mental organizations that contributed to the man-
24 agement of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after that date of enactment and before December 31, 2000;

1 "(2) consists solely of lands that on that date
2 of enactment are owned by the United States; and
3 "(3) is subject to a management plan that spe-
4 cifically ensures that the use of intermixed or adja-
5 cent non-Federal property is not limited or restricted
6 as a result of that designation.
7 "(c) The Secretary of State shall submit an annual
8 report on each Biosphere Reserve within the United States
9 to the Chairman and Ranking Minority member of the
10 Committee on Resources of the House of Representatives
11 and the Committee on Energy and Natural Resources of
12 the Senate, that contains for the year covered by the re-
13 port the following information for the reserve:
14 "(1) An accounting of all money expended to
15 manage the reserve.
16 "(2) A summary of Federal full time equivalent
17 hours related to management of the reserve.
18 "(3) A list and explanation of all nongovern-
19 mental organizations that contributed to the man-
20 agement of the reserve.
21 "(4) A summary and account of the disposition
22 of the complaints received by the Secretary related
23 to management of the reserve.".

1 **SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.**

2 Title IV of the National Historic Preservation Act
3 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-
4 ther amended by adding at the end the following new sec-
5 tion:

6 "SEC. 404. (a) No Federal official may nominate,
7 classify, or designate any lands owned by the United
8 States and located within the United States for a special
9 or restricted use under any international agreement unless
10 such nomination, classification, or designation is specifi-
11 cally authorized by law. The President may from time to
12 time submit to the Speaker of the House of Representa-
13 tives and the President of the Senate proposals for legisla-
14 tion authorizing such a nomination, classification, or des-
15 ignation.

16 "(b) A nomination, classification, or designation,
17 under any international agreement, of lands owned by a
18 State or local government shall have no force or effect un-
19 less the nomination, classification, or designation is spe-
20 cifically authorized by a law enacted by the State or local
21 government, respectively.

22 "(c) A nomination, classification, or designation,
23 under any international agreement, of privately owned
24 lands shall have no force or effect without the written con-
25 sent of the owner of the lands.

26 "(d) This section shall not apply to—

1 "(1) sites nominated under the Convention on
2 Wetlands of International Importance Especially as
3 Waterfowl Habitat (popularly known as the Ramsar
4 Convention);
5 "(2) agreements established under section 16(a)
6 of the North American Wetlands Conservation Act
7 (16 U.S.C. 4413); and
8 "(3) conventions referred to in section 3(h)(3)
9 of the Fish and Wildlife Improvement Act of 1978
10 (16 U.S.C. 712(2)).
11 "(e) In this section, the term 'international agree-
12 ment' means any treaty, compact, executive agreement,
13 convention, bilateral agreement, or multilateral agreement
14 between the United States or any agency of the United
15 States and any foreign entity or agency of any foreign en-
16 tity, having a primary purpose of conserving, preserving,
17 or protecting the terrestrial or marine environment, flora,
18 or fauna.".
19 **SEC. 6. CLERICAL AMENDMENT.**
20 Section 401(b) of the National Historic Preservation
21 Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is
22 amended by striking "Committee on Natural Resources"
23 and inserting "Committee on Resources".

○

TESTIMONY OF JOHN VOGEL, LAND COMMISSIONER
St. Louis County, Minnesota
In Regard to H.R. 901
American Lands Sovereignty Protection Act
Committee on Resources
Washington, DC
June 10, 1997

Mr. Chairman. My name is John Vogel, and I am a longtime professional natural resource administrator. For the last eighteen (18) years I have administered nearly one million acres of trust lands and resources as Land Commissioner in St. Louis County, Minnesota.

I am here today on behalf of several counties located in northeastern Minnesota, a region not unlike many other regions of the country, in the sense that it is clearly rural not urban, but also not significantly agricultural. Logging, mining, and recreation/tourism are the mainstay of our lives and economy. We have national forests, including a prominent wilderness area, a national park, several state forests, and several million acres of county forests. The majority of Minnesota's public lands are located in this region of the state.

The matters under consideration today are matters of serious concern to me and many of my associates and people of our region, having had numerous experiences over the preceding decades with a plethora of ever-changing programs, regulations and dictates which profoundly and often adversely affect our lands, resources and our lives. All too often, many of our citizens and local elected officials have found themselves attempting to react to far reaching new laws and regulations, virtually helplessly after it was too late to be real participants in considering major proposals affecting our region - proposals regarding wilderness, wild and scenic rivers, wetlands, international border waters, coastal zone management, national landmarks, scenic by-ways, endangered species, land acquisition, heritage areas and biosphere reserves. Experienced professionals and local elected officials, much less the general public, cannot become aware of and keep up with these things unless they have the opportunity for a real and meaningful role.

We find ourselves having to devote an impossible amount of time and effort just to get or dig out information before it's too late to react. It will take significant changes in planning and decision-

making processes for us to have an opportunity to be informed and have a meaningful part in our own future. Moreover, to find that some of these more serious and impactive programs and regulations are created and applied without the knowledge of Congress defies our understanding of American history and government.

With this background in mind, I would like to describe a situation that occurred in the mid-1980's with respect to a proposed biosphere reserve in our region that illustrates our frustrations and concerns. In 1984, the state-sponsored Citizens' Committee on Voyageurs National Park took up the matter of biosphere reserves after a casual comment from the then Voyageurs Park Superintendent Russell Berry that a region encompassing the Park, the adjacent Boundary Waters Canoe Area Wilderness, and the Quetico Provincial Park in Ontario had been nominated for designation as the NORTHWOODS INTERNATIONAL BIOSPHERE RESERVE. The ensuing debate with the Park Service over that proposal lasted more than three years. To make a long story short, in 1987 the U.S. State Department, in a letter to National Park Service Director William Mott, informed the Park Service that the area was being withdrawn from nomination because of local opposition and concerns. I believe this was the first time in the history of the program that a proposed biosphere reserve was withdrawn after having been formally nominated. Also, I believe it was one of the final attempts at such a designation after some 47 earlier designations in the United States.

Because of the very amorphous nature of such designations, by that I mean the unclear boundaries and potential for far reaching and progressive impacts, it becomes very difficult to find any comfort level with biosphere reserves despite good qualities which might be associated with them. There clearly was a problem with the nominating procedures themselves, and specifically the lack of formal opportunity for public involvement. And although in our case in Minnesota where there was some opportunity for oversight due to unusual circumstances, my understanding is that similar opportunities did not exist in other regions of the country. And as you know, Mr. Chairman, the public tends to be extremely distrustful of any proposals that lack adequate and meaningful public involvement. In our experience, when the biosphere reserve program and the specific proposal was subject to public scrutiny, it simply did not hold up.

One of the specific concerns relates to a stated criteria for biosphere reserves that *"public recreational use of the core zone is limited to very low intensity activities, primarily of an interpretive or educational nature, which are managed so as not to impair the research value of the area."* This criteria appears to

undermine the fundamental purposes of the federal areas as defined by Congress by placing less emphasis on public use and more emphasis on research.

Perhaps more importantly, there were serious concerns over the intent of the biosphere reserve designation with respect to the management and use of adjacent lands. At a public meeting, the Superintendent of the National Park stated "I'd like to be in as strong a position as possible to influence activities outside our boundaries that would adversely affect the Park in the context of things that would be detrimental to the ecosystem within the Park...". In addition, Park protection legislation passed by the U.S. House of Representatives in 1983 included provisions that would have afforded biosphere reserves a special preservation priority. A similar bill was introduced in the U.S. Senate in 1986 which included the following language: "The Secretary shall review the boundaries of those biosphere reserves that are managed under the authority of the Department of the Interior to determine if such boundaries are sufficient for full U.S. participation in the Man and the Biosphere Program. The Secretary shall submit to the Congress within 12 months after the date of enactment of this Act a report which includes - (1) a description of those Biosphere Reserves covered under this section, (2) recommendations for any needed adjustments to Biosphere Reserve boundaries to include federally managed lands contiguous to the protected core areas of National Park System units, and (3) recommendations for administrative or legislative actions to ensure that multiple uses of such contiguous lands will be protective of such core areas." Finally, there was a statement in the Omaha News Herald attributed to former Assistant Secretary of the Interior George Frampton that biosphere reserves should be established around all national parks and wilderness areas where roads would be closed, development limited, and resources returned to their natural condition. All of this evidence runs counter to how the biosphere reserve program has been promoted by federal officials - as a voluntary program with no effect on management. As a result of this experience, as well as other experiences, I think it is accurate to say that the level of trust of federal land management agencies in northern Minnesota is at an all-time low. In fact, as you know, Mr. Chairman, major field hearings were held recently in Minnesota on the subject of federal land management policies and practices, and we appreciate your leadership and the leadership on the Senate side to bring some of our problems and concerns to light.

Today I believe that it is more important for me to speak in support of H.R. 901 the American Lands Sovereignty Protection Act. We believe that if we are ever truly going to find solutions to the protection of our environment and special places, we can and will

find the best support and best methods through consensus building at the grass roots level.

My counties have made significant formal commitments, and are now undertaking long-term programs to carry-out new and better planning, and programs, so that we might achieve the principles contained in the 1969 National Environmental Policy Act, "*that man and nature can live together in productive harmony.*"

Unlike the past process of establishing these international areas we believe the process needs to be more open, and most certainly more inclusive of the legislative process. People in our region are not satisfied to be left out of the process and not likely to support outcomes which bypass or ignore our elected officials at all levels of government. That is why, Mr. Chairman, I am here today to urge passage of H.R. 901 and thank you for the opportunity to speak in behalf of the bill.

Presentation to the Committee on Resources, United States House of Representatives, on H. R. 901

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

by

Wyoming Representative, Charles P. "Pat" Childers,
House District 50
26 Equine Drive
Cody, WY 82414

Introduction

This testimony is offered to support passage of H.R. 901. My input is a first-hand account of how a Heritage Site (Yellowstone National Park) was and is being used to sabotage public law (National Environmental Policy Act - NEPA) and circumvent an ongoing legal public process (the development of an Environmental Impact Statement - EIS) that was being scrupulously followed to determine the suitability of the proposed New World Mine located outside of Yellowstone National Park (Park). Additionally, the public information presented to establish the forums for evaluating the reclassification of the Park to a "Heritage Site in Danger" was a classic example of minimizing the involvement of interested parties (ie., The State of Wyoming) in the process. As fine and strong a public law as NEPA is, it was no match for the political leverage that a **World Heritage Site** carries. My testimony is a clear and documented example of abuse of power. This abuse came from some within the Clinton administration, utilizing our Departments of Agriculture and Interior including the Park Service, and environmental organizations as well as an abuse of prestige and public trust by UNESCO's - World Heritage Committee. All of these groups were drawing on Yellowstone's designation as the **United States' first National Park** and a **World Heritage Site**. The members of this committee should make every effort to prevent this from happening again in this nation.

Background

- 1970: The National Environmental Policy Act (NEPA) was passed by Congress and signed into law by President Nixon. NEPA - a structured environmental assessment process which mandated agencies (1) to document if any proposed action on federal lands produces a **significant impact or not** on those lands and (2) to develop **mitigation proposals** to minimize or prevent any significant impacts on public lands if the action is approved to go forward. NEPA emphasizes the evaluation is to be a **public** process. Other acts such as the Wilderness Act, the Endangered Species Act, and the Federal Land Policy and Management Act are but some of the federal regulations that should have been considered in any heritage site consideration on these public lands.

- 1978: Yellowstone was designated a World Heritage Site about six years after the United States signed the World Heritage Convention of the United Nation's Environmental, Scientific and Cultural Organization (UNESCO).

- 1989: Data collection began for the proposed underground gold/copper mine to be located outside of the Park on Fisher Creek north of Cooke City, Montana. It would have been situated on a watershed flowing away from, not into the Park. The project proposal was to improve the water quality of a dead stream (Fisher Creek) that **currently** flows into a **Class I trout** stream (Clark's Fork River) approximately 6 miles from the mine site. It is significant that the Clark's Fork River is the only Wyoming river with a federal Wild and Scenic designation.

- 1990: The attempt to establish the "Vision" document was defeated. This document, coordinated by the Park Service and Forest Service and as well as environmental organizations in the area, proposed a buffer zone around the Park similar to the zone proposed in the Heritage issue. The "Vision" document was also established without having gone through the scrutiny of the public process as required by law. While they had public hearings as did UNESCO, the hearings had very little meaning in the process.

- 1993: The EIS process for the New World Mine proposed project began as required by NEPA.

- February 28, 1995: Fourteen environmental groups, opponents of the mine, sent a letter to the Chairman of the U.N. sponsored World Heritage Committee, Dr. Adul Wichiencharoen, requesting that the Committee initiate an investigation to determine if the Park should be included on the "List of World Heritage Sites In Danger." This letter stated, as the reason for the request, the "serious threats presented to the park and its larger ecosystem by the proposed "New World" gold mine and **other activities.**" It is important to note that those **other activities** were not widely publicized in any public notices for the hearing by the Heritage Committee. In the interests of brevity, I will tell you that Chairman von Droste responded in part that "...if proposed developments will damage the integrity of Yellowstone National Park, the State Party (United States) has a responsibility to act beyond the National Park boundary." Creation of a "buffer zone" is part of the treaty language and is predicated on listing a site as in danger.

- June 27, 1995: Enter our own Assistant Secretary of the U. S. Department of Interior, George Frampton, by way of a letter from him to Chairman von Droste. In his letter he stated that "...we believe that a potential danger to the values of the Park and surrounding waters and fisheries exist and that the Committee should be informed that the property inscribed on the World Heritage List is in danger" (emphasis added). So, here we have our own Department of Interior arriving at its own environmental conclusion before compliance with NEPA had been met. This

letter clearly sent a message of the desired determination.

- August 1995: Enter President Clinton, coincidentally vacationing in Jackson Hole, Wyoming. Mr. Clinton held a surprise press conference organized by the National Park Service to announce withdrawal of about 4,600 acres of lands adjacent to the land held by the New World Project from mineral entry. This area was subsequently increased to 33,000 acres.

- September 8-11, 1995: World Heritage delegation arrives at Yellowstone Park for the inspection and hearings, the stage having already been set by the Department of Interior and President Clinton. I managed to speak at this public forum and encourage you to question me about this.

- December 5, 1995: Berlin, Germany. The World Heritage Committee declares that Yellowstone National Park is a World Heritage site in danger. Secretary Frampton's letter was sited during these deliberations and is recorded in the minutes.

  Prior to this, on September 13, 1995, the U. N. delegation is quoted as stating "the World Heritage Committee will not decide on Yellowstone's status until the EIS is released."

- August 1996: Announcement of a buy-out of the New World Mine by our government.

Conclusion

My position as a Wyoming State Representative speaks of my respect for public law and public process. Please remember, Heritage sites have significant negative collateral fallout to the areas around them. They create an unstable economic climate discouraging free enterprise, and subject the surrounding areas to an inappropriate and unfair sphere of influence. Heritage sites de-stabilize far more than they seek to protect.

I encourage you, above all else, that what needs to be protected are not more heritage sites, but our own Congressionally-passed public laws. This is what H.R. 901 will help achieve.

Thank you,

Representative Pat Childers

PRESENTATION BY PAT CHILDERS, CODY, WYOMING
TO THE WORLD HERITAGE COMMITTEE REPRESENTATIVES
MAMMOTH HOT SPRINGS, YELLOWSTONE NATIONAL PARK
September 11, 1995

Good afternoon, my name is Pat Childers and I have been a resident of Cody, Wyoming for the past 18 years. For the last eight years, I have held the position of Government Affairs and Regulatory Coordinator for Marathon Oil Company's Rocky Mountain Region located in Cody. That position includes the responsibilities of reviewing and commenting on regulations and legislative issues as well as NEPA documents such as Environmental Assessments (EA) and Environmental Impact Statements (EIS) for my company. Prior to 1987, I worked 21 years for Marathon both as a Reservoir and Field Engineer and a Production Superintendent. I am a Chemical Engineer by education. Other positions I hold are the Chairman for both the Public Affairs Committees for the Rocky Mountain Oil & Gas Association (RMOGA) and it's state division, the Petroleum Association of Wyoming (PAW), and I am currently President of the Park County Multiple Use Association. Multiple use associations have as part of their mission to promote <u>responsible</u> resource use on public lands.

These comments today are first personal, based on my years of experience in the field and as an engineer in the oil & gas industry; later, these comments will represent both RMOGA and the multiple use associations as well as my personal comments.

PERSONAL COMMENTS - For several years, I have followed the permitting progress for the New World Mine proposed by Crown Butte Mine. I have toured the mine site, looked at the various drainages concerned, and visited Yellowstone National Park many times.

For the mine site, I would commend Crown Butte Mine for the on-site work completed to date. Their reclamation of the various high altitude roads and surface disturbances have been excellent. I have personally observed high altitude reclaimed sites for my industry to compare to these sites. From what I can see and what I have read, revegetation in this area has always been difficult; however, the U.S Forest Service has had a research specialist working in this area, somewhat successfully, for many years. Crown Butte Mine has been working with this specialist. I also observed that a highly toxic pond that would drain into Yellowstone Park has been successfully reclaimed.

For the proposed tailings impoundment, I discussed the site design with the state of Montana permitting specialists as well as toured the proposed site in Fisher Creek. Being familiar with containment sites, not necessarily of this magnitude, I believe that the potential impoundments problems being released to the media will not be near the problem that some think, nor will it impact Yellowstone Park. First, the site is located two drainages away from the park and drains away from the park. Second, the slope of

the site is not that severe and the material to be stored is more like wet sand than a liquid. Third, Fisher Creek is currently a dead stream and, according to the Forest Service specialist, has probably been dead for many years. Finally, Crown Butte has been working on the creek and is proposing to continue to clean up Fisher Creek.

For the underground mining operations and potential ground water problems both for the park and other areas, my discussions with mining people and my past experiences with geologic formations indicate to me that the ground water problems will probably not occur. It probably will be necessary for the mine to grout various porous and permeable formations to prevent the migration of underground water into the mining operation or to pump and treat the water from the mine. In other words, water in the active mine has to be handled for the safety of the miners and should not present any problems.

One concern that I do have about the mine is the potential economic impact to Park County, Wyoming. Should Crown Butte Mine not handle that economic impact, my industry would more than likely be taxed to take care of financing the impact; however, most of us in the county are willing to allow the County officials and the EIS address the concerns before forming a final opinion. The mining company has indicated that they will treat Park County fairly. I personally believe the process will work.

I have concerns about the environmental community comparing the New World mine to a mine in Guyana that used cyanide and had a breach of their holding pond. First, Crown Butte is not proposing to use cyanide. Second, if the environmentalists were really concerned about Yellowstone Park and not just stopping progress, why have they never said anything about several environmental problems in the park over the last 15 years? In the early 1980's, in 1993, and in 1995, either breaches of sewage holding ponds or failures of sewage lines have dumped millions of gallons of raw sewage and partially treated sewage into both the Firehole and Yellowstone Rivers. All of these incidents were accidents and reported to the proper agencies; however, the incidents did pollute the rivers. I mention these incidents, not to complain about the Park Service, but to say that situations such as these will be no worse than any accidents with the mining operation.

My final comments concern the permitting process and the involvement of the World Heritage Committee. I am now speaking both personally and for the Rocky Mountain Oil & Gas Association and the multiple use associations. The permitting process for this mine and any federal action requires meeting NEPA. This process was established by the United States in the 1960's. It is a very detailed environmental analysis and much more strict and detailed than required by many other countries in the world community. The environmental laws in the United States are usually more stringent than most other countries. The NEPA process allows for public comment and requires the involvement of other federal agencies,

such as the Park Service in this case. Public comments include the environmental community, commodity people, and any of the general public throughout the U.S.

It amazes me that the Yellowstone Park Superintendent and the Assistant Secretary of Interior would ask the World Heritage Committee to get involved in this process at this point or even at any time. NEPA will require a strict analysis of this project. The EIS for this project will soon be complete. Let the United States use their laws to first analyze the project. There is nothing that I have seen to date that indicated any major environmental problems, so, why is this committee getting involved? Asking the World Heritage Committee to get involved is analogous to the U.S. asking Scotland Yard to get involved in a murder case in this country when all the U.S. has as evidence is a dead body that has not been autopsied to determine whether the person was murdered or died of natural causes. Both Superintendent Finley and Secretary Frampton are insulting the intelligence of experienced permitting people, both in the Forest Service and the state of Montana, by asking the Heritage Committee's involvement at this point or at any time.

Both President Clinton and his administration has circumvented the NEPA process and Congressional actions, including those impacting my industry, over the past two years. Our past Congresses and administrations have established good laws and regulatory processes to handle issues such as this. I recommend that the Heritage Committee go home and let the United States handle this issue.

Further, my industry and the people of Wyoming are very concerned that the Heritage Committee has stated that they may propose restrictions in this so called buffer zone of 14 to 18 million acres that would include many residents (over 90,000 living in the counties in the three states adjacent to the park), many communities, and impact the many resource uses of public lands near this area. A WARNING! Should you proceed with this approach, you will hear from the United States. Our Congressional delegations did not intend for the United Nations to infringe upon the multiple use concepts established for public lands and allowed the citizens of this country. There are many of us in the West and other parts of this nation who will peacefully see that this will never occur.

Are there any questions?

January 5, 1996

TIMING AND INTENT - FRIEND OR FOE?

PAT CHILDERS AND KATHLEEN JACHOWSKI, CODY, WYOMING

The September **inspection** of Yellowstone National Park and surrounding area by the World Heritage Committee, with its United Nations framework, could not possibly reflect a balanced perspective. The reason for this is its lack of many relevant facts. This reality is shared by many local citizens. Too little significance has been made of the ***timing*** of the World Heritage Committee's inquiry into not only the proposed gold mine but also other issues around the Park. Even less publicized is the Committee's biased decision declaring the Park a "Heritage Site in Danger."

Our comments are not about the "rights" of the Committee to make recommendations concerning this designated World Heritage Site. Our comments reflect concerns about manipulation of the fact gathering process by branches of the Department of Interior.

As two of those who managed to participate in the manipulated process, we observed how our National Park Service and mine opponents attempted to stack the deck of world opinion against the proposed mine. We experienced first hand how little room or ***respect*** there was for any opinion that didn't endorse the final outcome, i.e., a declaration that Yellowstone National Park is in danger.

Fourteen environmental organizations invited the World Heritage Committee on 2/28/95 to investigate the possibility of placing the Park on the "List of World Heritage Sites in Danger." That letter brought up not only the mine but also **hysterically** suggested other threats. Those threats included excessive tourism, population clusters, road building, timber harvests, oil & gas development, ranching, home building, and wildlife problems.

George Frampton, Assistant Secretary of the U.S. Fish and Wildlife and Parks, was involved in establishing this meeting. Should federal agencies establish and conduct "so called public" meetings for **international groups** without genuine involvement of **affected parties**? It may be legal, but is it **ethical** for the federal government to be selective in receiving input? Any attempt to manipulate input gives new meaning to the phrase, ***the end justifies the means***.

Why did the Park Service provide a press release for such a significant program only four days before the first meeting and not disclose all "issues" to be discussed? Why was the Park Service so selective in who presented and what would be presented? Having personally maneuvered through the screening process - we make this statement with first hand knowledge.

The U.S. Forest Service and the State of Montana have spent **more than three** years and prepared **thousands** of pages of documents in drafting the Environmental Impact Statement (EIS) for the proposed New World Mine. **That public process is not finished.T I M I N G** this international inspection **WHEN THEY DID** was a deliberate attempt to intimidate those preparing the Draft Environmental Impact Statement. The Committee's conclusion was arrived at in less than three months utilizing selective information. Perhaps to save all the prior years of expense and effort for the federal government and the State of Montana, we should have hired the World Heritage Committee from the start to analyze the New World Mine project.

The World Heritage Committee has decided the Park is a **"Heritage Site in Danger."** That decision will possibly make changes that could

impact our lives in this area. A **"Heritage Site in Danger"** decision will influence a final decision on the New World Mine EIS. Many have stated that the World Heritage Committee decision is "just a recommendation" and not binding to the federal agencies. This begs the question of why then were they invited ***before*** the science-based Draft Environmental Impact Statement was published? The honest answer is - So that the Draft EIS would recommend what some federal employees as well as the extreme environmentalists want it to say.

If you think that Yellowstone National Park can't impact your lives, look at what is happening with the government shutdown. If you think that A **WORLD OPINION** without all the "facts" can't influence decisions about your lives, think about our new wolf neighbors in the Park.

Waiting <u>until</u> the Draft EIS had been published ***before*** inviting the committee would have demonstrated a real respect for our country's environmental laws. Too much to expect from extremists! Operating by the rules is outside their ***ecosystem*** but at the heart of their ***egosystem***!

TESTIMONY

ALASKA STATE REPRESENTATIVE JEANNETTE JAMES

BEFORE THE UNITED STATES HOUSE COMMITTEE

ON RESOURCES

REGARDING HR 901

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

JUNE 10, 1997

Mr. Chairman and members of the House Committee on Resources, I want to thank you for this opportunity to testify on the American Land Sovereignty Protection Act. For the record, my name is Jeannette James of North Pole, Alaska, and I am a member of the Alaska State House of Representatives. I am testifying on behalf of the Alaska State House Leadership.

The issue before us today is extremely important to my state, and, since my time is limited, I am requesting that my entire written testimony be entered into the hearing record of the Committee.

Mr. Chairman and members of the Resources Committee, we believe it is imperative that Congress asserts its authority under our U.S. Constitution. I believe you will conclude from the testimony and material presented here that without congressional oversight on land designations in our country and state there are grave risks to state sovereignty and our private property rights protected under our Constitution. Moreover, considerable confusion is mounting about the intent and vision of these international agreements.

From the perspective of Alaskans, there are valid reasons to be concerned. We become increasingly concerned that continued federal withdrawals and classifications, coupled with over-lapping international zoning impacts, could stifle any reasonable economic opportunities available to our fledgling state. If the absurd concept of extended buffer zones were even minimally applied in Alaska, major social and economic impacts would occur.

From the standpoint of a State that still has the semblance of third-world living conditions in some of its rural areas, it is incomprehensible to imagine how we can provide economic opportunities for these citizens with the continued meddling and intolerant attitudes of some people in the international environmental community. We question if Congress had that intent when it ratified these Treaties. Sometimes good intentions reap unintended consequences, which may be the case here.

To allow these Conventions to evolve unchecked, which seems to be what we are witnessing now, is an abrogation of Congress' responsibilities. In the opinion of the Alaska State Legislature, and the Alaskan people, it is time that Congress begins to assert its intended role to protect the rights of our citizens, and the states, and our national sovereignty. Alaskans are very concerned about any action that could impact management or use of the lands in our state. Some statistics should help this committee and the news media to understand our concerns.

If you would allow me to boast for a moment, Alaska covers 365 million acres! That is about 500,000 square miles: a million acres for every day of the year. Of this 365 million acres, about 165 million acres are already Congressionally designated parks, preserves, refuges, wilderness areas, wild & scenic rivers, etc. Because of its size and limited population, it seems that some administrations find it very easy to designate our lands. Ninety-two million acres of monuments alone were designated during the Carter administration with one stroke of the pen.

If 165 million acres seems too hard to visualize, the sanctuaries in Alaska would cover nearly the whole state of Texas. That equals the combined total areas of the states of New York + New Jersey + Pennsylvania + West Virginia + Ohio + Indiana + Illinois! These lands are already off-limits and closed to development. Moreover, less than 1% of Alaska's land is in private hands. Perhaps this will help you understand why we feel this urgency to protect our state sovereignty.

From Alaska's prospective, the World Heritage Convention, the Biodiversity Convention, and the United Nations Biosphere Reserve Program, if their objectives are interpreted in the most literal sense, have the potential to intervene in virtually every aspect of our lives. Existing World Heritage Sites and Biosphere Reserves in Alaska total over 40 million acres. If buffer zones and transitional zones are established for these sites and reserves at approximately the same ratio as proposed for Yellowstone National Park, Alaska could well expect an additional 120 million acres to be directly impacted by international planning and zoning schemes. In fact, the impact on the limited private lands and our struggling local economies in Alaska could be devastating.

The Arctic/Bering Sea Region is a major focus for education, research, and preservation. Some areas in Northwestern Alaska have been threatened with international designations for many years. Since 1991, aggressive efforts have been ongoing to establish a Beringian Heritage International Park in the Northern Region of Alaska. The park would cover existing set-aside areas in the Bering Straits region and a "yet to be established" set-aside area on the Russian side of the Bering Straits. The efforts have been put in remission by public opinion, particularly from the local inhabitants and the Sitnasuak Native Corporation. Native groups in this area of Alaska have been fighting reasonably and hard for their own freedoms and the United States commitments under the Alaska National Interest Lands Conservation Act (ANILCA).

This proposed international park was touted with warm and fuzzy opportunities to

establish a relationship with our Russian neighbors on the West. Specific language in the proposed draft, under Section 2, Findings (4), ".....would enhance the conservation, management, and understanding of shared resources, and would serve as a dramatic symbol of our Nations' commitment to environmental protection and the preservation of the shared natural and cultural heritage of the region." This sounds so good...but it does not work well!

Mr. Chairman and committee members, Alaska is not a throwaway region. Real people live there who need and use these areas for their existence. Their families have lived there for thousands of years. The voices of these people are important!

All the while, the international park idea, which would precipitate a Biosphere Reserve, remains alive and well. There are strong indications a Marine Biosphere Reserve, that would include all of the waters from the Arctic Ocean to the Aleutian Chain, is being considered. Currently, there are no rules for a Biosphere Reserve that includes a body of water. It seems that the United Nations Educational, Scientific and Cultural Organization (UNESCO) make rules and regulations as they go along. Again, the residents of this area depend on the sea for sustenance, and making it a Biosphere Reserve designation could leave these people destitute. Mr. Chairman and committee members, we need your help. We cannot allow these decisions to be made about our lands, people, and our resources, without the public process provided by congressional action. HR901 is imperative!

It is particularly disturbing that the process for listing World Heritage Sites is so intolerant of public input. The procedures for listing of cultural and natural properties are listed in Paragraph 17 of the UNESCO Operational Guidelines for implementing the World Heritage Convention. In relationship to the nomination of a site for listing, Paragraph 14 of the guidelines states that areas are to be nominated without, "undue publicity" and with the participation of local people, only, **and I stress only**, so far, as they don't "prejudice future decision-making by the Committee."

To give another example, to the north of Seward Peninsula is a world class zinc mine, known as **Red-Dog Mine**. To extract the ore and get it to market, road access was needed. Getting permission to build the road took congressional action since it had to traverse the Cape Krusenstern National Monument. If the Cape Krusenstern National Monument had been established as a World Heritage Site or Biosphere Reserve, that road would not exist today. Consequently, there would be no Red-Dog Mine in operation.

A 1995 report indicates Cominco Alaska Exploration Inc, milled 2,285,900 tons of zinc-lead-silver ore at the Red Dog Mine and shipped 645,100 tons of zinc concentrate, 101,300 tons of lead concentrate, and 7,200 tons of bulk concentrate from the port of Kivalina, north of Kotzebue, to overseas and Canadian smelters. In 1995, Red-Dog Mine became the world's largest zinc mine, producing about 8 percent of the world's mine-produced zinc. Approximately 79% of the 397 employees on the payroll are Alaska residents. Fifty percent of the Red-Dog employees are shareholders of NANA Corporation (a regional Native Corporation), which owns the ore-deposit. This is not small change for Alaska and the US.

Even further North are the **Arctic Coal Fields.** The North Slope, including the National Petroleum Reserve of Alaska (NPRA) and bordering areas to the east and west of it, holds as much as 4 trillion tons of Coal. Approximately 60 percent of North Slope coal is estimated to be of bituminous rank. In order to get equipment in and products out for market, Alaska must establish a surface route to an all weather port, preferably by rail. This access will require permission to pass over federal lands. To establish any land connections between communities, ports and resources, there are federal lands to pass through. Looking at a map of Alaska, I can be easily convinced to believe that these designated restricted areas were purposely situated to deny or prevent any surface access system from ever being established.

Meanwhile, all the needs of industry and the citizens of that area are cost accelerated, due to limited access by air and water. All Terrain Vehicle trails, winter trails, and routes over frozen rivers, are also threatened, due to the resistance of the Federal Government to recognize RS2477 type access routes. Alaska cannot afford any more warm and fuzzy attention.

The driving factors for these excessive set-asides, commonly known as international environmental advocates, include the **National Audubon Society**. They do good work in their field and I applaud them; however, their zealous participation in the issue of the Beringian Heritage International Park and Beringian World Heritage Site is distressing.

In a letter dated October 15, 1994, to the Secretary of Interior, Bruce Babbitt, the President and CEO of The National Audubon Society stated, "Here in the US, we feel President Clinton has a wonderful opportunity to establish our component of the Beringian Heritage International Park by executive order. The park units are already in place at the Bering Land Bridge National Preserve, Kobuk Valley National Monument, Noatak National Preserve, and Cape Krusenstern National Monument. The executive order would simply overlay an international park designation on these existing units and direct the National Park Service to manage them in close cooperation with their Russian counterparts and indigenous people of the region. Part of the process will involve establishing a joint US-Russian body to play a role in administering the park and protecting the natural and cultural resources in the Beringia ecosystem. We would like to offer you our suggested language for such an executive order in the near future." I believe this is excessive meddling.

Meanwhile, in Alaska, we are already establishing a good working relationship and neighbor to neighbor policy with the Russian Far East. We have had extensive legislative exchanges. The Russians have visited Alaska and are attending the University of Alaska. Both Alaska and Russia are enjoying an exchange of business and ideas. They are part of our Rotary District: we have helped them start Rotary Clubs there. We have daily flights across the border, and although the Russians are struggling to catch up to the market economy and democratic system, they are working desperately and diligently to do so. The Russians are our friends and relatives. It takes time to establish good relationships. Neither side needs the overwhelming interference of those people who

would support these land designations without consideration of the voice and effect on local people.

According to the Russian Far East News 3-97, "The environmental Defense Fund, Sierra Club, and Pacific Environment and Resources Center have called on the US Overseas Private Investment Corporation (OPIC) to reject providing financing for the Aginskoye gold mining project on Kamchatka. They are concerned about possible pollution of the **"Volcanoes of Kamchatka World Heritage Site"**, a site designated recently by the United Nations Educational, Scientific, and Cultural Organization."

These environmental organizations use the standard hype and rhetoric to create fear and attempt to disarm the Native Peoples with talk of culture, lifestyles, salmon spawning, etc. The groups are not concerned about jobs, food, health care, warm clothes and warm homes. One of the Russians states, "....the attitude of the pro-environmentalists shows criminal disrespect for human life in this part of Russia: our children have to starve and freeze just because well-off Americans think that they may not have enough salmon left for them....the environmentalists resort to falsification of facts and distortion of information."

Our Alaska Native population in the Bering Straits region is not gullible, and they call a spade a spade. To quote from a resolution prepared, in 1991, when draft legislation was filed to establish this international park and designation, "..... Alaska Native people are fed up with outside agencies and conservation groups, who purport to have our best interests in mind, hoist their own agendas and regulations on our way of life..."

Mr. Chairman and committee members, I am not here today to discredit these environmental groups, or to insinuate that their concerns about the environment are not valid. I want to be sure we have clean air, clean water and clean lands that will provide safe and healthy living conditions for the future. What I am here to say is that there are two sides to this story and we can never achieve balance and fairness unless the social and economic interests are addressed. The issues are best addressed through the public process provided by legislative action, not executive orders, and secret committee decisions. Any decisions to share our resources, or decisions about our resources needs to be thoroughly evaluated, not only by the intended outcomes but by the unintended consequences, which become evident when all things are considered. We definitely need HR901 to help restore order and reason to these issues.

In the Washington Post, Saturday, June 24, 1995, an article entitled, **MARINE PROTECTION SITES PROPOSED**, World Bank, Conservation Groups Offer Ambitious Preservation Plan, by Tom Kenworthy, states, in part, ".....International conservation organizations and the World bank yesterday proposed an ambitious global effort to preserve marine biological diversity...the study picked 155 areas based on genetic diversity, breeding and migration, biological productivity, and on their importance as a habitat for species in danger of extinction. Two U.S. areas, both in Alaska, were selected for the final list: The Bering Strait and **Kachemak Bay**. Nearly two years after this announcement, the May, 1997, newsletter I received from the Alaska Association of Soil

and Water Conservation Districts, included an announcement that Kachemak Bay was nominated to be included in the National Estuarine Research Reserve (NERR) System. The NERR system is a national system of protected sites to promote long-term research and education. The National Oceanic and Atmospheric Administration (NOAA) accepted the site nomination in mid-May. The Alaska Department of Fish and Game (ADF&G) is now in the process of drafting an environmental impact statement and a reserve management plan. ADF&G will update information on the site designation process on the Web Site. Although the nomination of the Kachemak Bay area was obviously initiated by conservation groups, this is a good example of the public process at work, using our existing national organizations. We don't need Biosphere Reserves, Marine Biosphere Reserves managed by a UNESCO committee to implement responsible protection of these important areas.

Reading the **Yellowstone Affair**: Environmental Protection, International Treaties and National Sovereignty, by Jeremy Rabkin, May, 1997, will inform the reader of the pitfalls of establishing international recognition of areas as World Heritage Sites. The areas identified as World Heritage Sites are maintained on a roster, developed by an international authority called the World Heritage Committee. This committee operates in association with UNESCO.

The controversy regarding Yellowstone resulted from a proposal by Crown Butte Mines, Inc., to develop the New World Mine. This area was three miles from the boundary of the Yellowstone Park. Crown Butte proceeded to prepare the Environmental Impact Statement (EIS) feeling fully confident the operations would be environmentally sound, and invested several million dollars into the research. Over the years, the EIS has been a good method to use to sort out operations that may be an environmental threat. With an EIS process, the public input is guaranteed.

Meanwhile, the World Heritage Committee was impatient, and not comfortable to wait for the EIS and was successful in arranging for Yellowstone to be listed on the Endangered Heritage List. With the ensuing international attention, Crown Butte saw the handwriting on the wall and, although the deal has not yet been finalized, they have abandoned their effort and accepted an offer by the United States to trade these properties for another site yet to be determined. It should be noted here that when mining for gold, **it must be mined where the ore is**. It seems that Crown Butte gave up known reserves for a "pig in the poke."

Mr. Chairman, I recently sponsored House Joint Resolution 14 in support of HR901. HJR 14 passed by both Houses of the Alaska State Legislature. The leadership of the Twentieth Alaska State Legislature has strongly endorsed the principles embodied in HR901 and encourages Congress to take immediate action to address the present threats to private property rights and state sovereignty. HJR 14 is attached for your information.

During the testimony in House State Affairs on HJR14, a gentleman from the National Park Service tried to placate the legislators and supportive citizens by maintaining that the designation of World Heritage Sites have no real impact on the management of an area.

However, when asked specifically about the Yellowstone experience, he admitted that giving notice to the international community of any controversial activities nearby, certainly would have a different effect on the outcomes, than if only local people were involved in the public process. In the case of Yellowstone, the local people were deprived of needed jobs, and even if Crown Butte Mines does exchange this property for another, there is no way of knowing who will be getting those jobs. The most interested stakeholders in that case would have been the prospective employees and other providers of services and supplies. So...many would say, all that a World Heritage Site designation means is to have a sign on the property and inclusion in a world wide list. Jeremy Rabkin says, "Most international environmental agreements are examples of... hortatory conventions without clear standards or real bite. It is easy to dismiss such agreements as mere diplomatic ceremony, yet whatever else they do, such agreements may reinforce a mode of thinking that slights national sovereignty and discourages sound approaches to environmental protection." Certainly that was the result regarding Yellowstone and that image serves all Alaskan to be weary of this designation in their back yard.

Glacier Bay National Park is another great concern to Alaskans, currently. I understand that not only is it a National Park, it is a wilderness area, a World Heritage Site, and a Biosphere Reserve. For hundreds of years, the people in the area have done commercial fishing in those waters. It is their livelihood. In addition, crabbing is done there. The National Park Service is struggling to stop these activities and there is tremendous objection from the local people. I am not sure what it might take to get these fishers some relief.

In summary, there are important facts to consider from my testimony. Remember Alaska is a young state. It is not yet 40 years old. We are very environmentally concerned, and careful to protect our environment, land, water and air, as well as our wildlife. We enjoy one hundred days of tourist activities, although one hundred days of work cannot support a family for one year. We suffer high unemployment and low wages. We have huge reserves of developable resources, but we lack sufficient access to implement otherwise profitable operations.

Alaskans are independent and hard working; they are intelligent and talented. Our society is a potpourri of nationalities, religions, races, and ethnic cultures, and we support one another. Native Alaskans and native born Alaskans are a small part of our population, as most of us have migrated here from other places. Alaskans are a diverse group, but we have one very important thing in common - we love Alaska. Alaska is like a mother, she teaches us how to live. She treats us well, and we treat her well. In addition, we know what is best for our land.

Thank you for this time — If you have questions, I will be happy to answer them. Also, there is other backup material for the record.

ADDITIONAL TESTIMONY

ALASKA STATE REPRESENTATIVE JEANNETTE JAMES

BEFORE THE UNITED STATES HOUSE COMMITTEE

ON RESOURCES

REGARDING HR901

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

JUNE 19, 1997

Mr. Chairman and members of the House Committee on Resources, thank you for the opportunity to provide additional testimony for the record in HR901. I feel compelled to respond to comments presented by Administration officials and others intimately related to the management and oversight of World Heritage Sites and Biosphere Reserves. I continue to speak for the Alaska State House Leadership.

We understand the World Heritage Convention is an approved treaty. However, the Man and the Biosphere Program has never been approved by the Senate but is being implemented anyway.

The two programs, although different in scope, have similar impact on the people of Alaska and the nation. They act as a zoning law, are asserted without a good public process and are managed with voices outside our sovereign states and nation. In reality, although these voices admittedly do not have the force of law, they do in fact dilute the voices of our citizens and have a more profound effect than local citizens in the final decision of the administration. This is an infringement on our rights as citizens of this country.

The problem with these two types of designations is not in the intent, but in the implementation. The decisions relating to management of these areas have never had the scrutiny provided by a public process before imposition of these designations. Where it really matters most, our voices have been stilled, where we do have a voice it is watered down and unheard. The full effect on private property owners, state land holdings and other public lands in the area has never been satisfactorily evaluated.. We believe this violates the basic rights of the people of the United States as outlined in our effective and long lived Constitution. The least we should do is provide Congressional oversight before identifying and saddling any land or properties with these designations. Further, we believe there should be some provision in the law for reversion, in the event circumstances change over time.

While evaluating the language in HR901, it might be wise to consider other international agreements that similarly effect land uses in our nation, such as the Ramsar Convention and provide the same Congressional oversight on these as well. We leave the language in your hands, but give our wholehearted support for passage of HR901.

This additional testimony includes Sovereignty, land use restrictions and impacts, Public input and Private and State Property and Authorities.

Sovereignty, land use restrictions and impacts. Panel members opposed to HR901 continually emphasized that there is no impact on the sovereignty of the party states (countries) and there was no additional land use restrictions imposed. Mr. Pomerance stated,

> *"As you may know, environmental issues form a cornerstone of United States foreign policy."*
>
> *"The World Heritage Convention and the U.S. Man and the Biosphere Program contribute to this overall mission. Both function well, at minimal cost and with minimum burden on our government and our citizens."*
>
> *"In conclusion, the Department of State strongly opposes HR901. Recognition of a U.S. site as a World Heritage site or a biosphere reserve in no way undermines U.S. sovereignty over such sites. Such recognition does not impose additional land use restrictions over such areas or the area surrounding the recognized area."*

Mr. Galvin also stated in his testimony,

> *"Mr. Chairman, your February 27, 1997 press release creates the impression that international conservation designations subject our nation's public lands to land-use restrictions. That is not the case."*
>
> *"The designations do not add any legal restrictions on land-use that were not already in place before the designation."*
>
> *"Within the United States, the United Nations does not have any authority to dictate federal land-management decisions."*
>
> *"Listing of a world heritage site as "in danger" has no legal implications on the domestic management of the site."*
>
> *"Since designating an area as a world heritage site or listing it as "in danger" has no legal implications, does not impose land-use restrictions, nor does it threaten United States sovereignty, it does not merit a determination of adverse effects since the designation cannot adversely affect commercially viable uses."*

Mr. Chandler wrote in his testimony,

> *"Furthermore, we do not agree with the bills underlying assumptions that international conservation and preservation processes are violating U.S. or state sovereignty, lowering property values, or restricting the use of private property. There is no credible evidence that any of those results have occurred."*

We have a practical disagreement with these statements and we feel the controversy surrounding the Yellowstone National Park planning process clearly illustrates our point. During the NEPA process for reviewing the proposed New World Mine project adjacent to Yellowstone Park, the National Park Services attempted to create and utilize world public opinion as a hammer against the project. On June 27, 1995, Assistant Secretary George Frampton, Jr. wrote in a letter to Dr. Bernd von Droste, Director of the World Heritage Center:

> *"In light of the potential adverse impact on Yellowstone, it is extremely important that a thorough and detailed impact analysis of the situation be performed. Considering the national and international significance of Yellowstone and in compliance with the World Heritage Convention and Public Law 96-515, the United States must assume full responsibility for assuring the integrity of World Heritage values is not compromised by adverse environmental actions taken either internal or external to World Heritage Site boundaries."*
>
> *"...it is unclear whether several specific concerns of the Department of the Interior and the National Park Service, of other agencies, and of the conservation community will be taken into account in the EIS process."*
>
> *"...the Committee should be informed that the property as inscribed on the World Heritage List is in danger."*

In this particular instance, a foreign based consulting group representing the World Heritage Committee examined the project and recommended that there was a threat to the Park and that the Park should be declared "in danger." Without the necessary technical expertise and with primary input from the National Park Service, which represents the U.S. on the Committee and which was opposed to the project, the World Heritage Committee chose to declare the Park "in danger." The ultimate objective was to provide political leverage to defeat the project despite the fact it was located well outside the boundaries of the World Heritage Site and no substantial documented risks to the Park were provided.

It is important to clearly separate whether or not an International Treaty has any direct zoning authority over land and resource uses in our country from the concept of "undue influence." If the practical impacts are that a U.S. federal agency is required to follow the

recommendations of an International body created by a treaty, then there is no practical difference.

Don't get us wrong, we agree that the recognition of historic and cultural sites are of international importance. We are also aware, however, that agencies like the National Park Service and the U.S. Fish and Wildlife Service have utilized International Treaties as political leverage to accomplish other self-ordained missions. The U.S. considers itself a world leader on many environmental fronts. To our knowledge, the U.S. has never abrogated its responsibilities under an International Agreement and it never takes a reservation, despite the fact that many foreign countries attempt to utilize Convention actions as a method of significantly influencing U.S. resource use policies. Some of these actions have significant impacts on the lives of many American citizens.

The same is true with the World Heritage Convention. On September 9, 1995, Yellowstone Park Superintendent Mike Finley was quoted as saying that in his opinion the park service could use the convention as legal authority for its actions.

> *"As a prime sponsor of the treaty and its first signatory, the U.S. has a statutory responsibility to ensure that Yellowstone, a designated World Heritage site, is preserved and protected. As ratified by Congress, the provisions of the World Heritage Treaty have the force and statutory authority of federal law."*

In the Yellowstone case, it was clear that the World Heritage Committee wanted to include the vast area around Yellowstone Park as a "buffer" zone. As the convention requires, it is our opinion that the international environmental community will not rest until that buffer zone is actually created. What protection do the present users of multiple use BLM and Forest Service lands have to assure that their uses and needs are incorporated into that decision?

It is our concern that the general principle being advocated here is that the U.S. is bound by International treaties to protect internationally designated sites at all costs - including any perceived threats internally or externally. Considering the current theories on ecosystem management, the practical impacts of full implementation is to force all land and resource uses within any reasonable or unreasonable distance from a designated site to be totally subservient to the standards and criteria being applied within the site. This is not socially nor economically acceptable. The problems are compounded by the fact that the decisions are being made almost exclusively by segments of our government almost totally dedicated to only preservation philosophies.

Public Input. The implications were from those that testified against HR901 that the public were continually involved in the process of site selection and management. A close examination of the facts will demonstrate that in most cases the opposite is true.

For instance, World Heritage Sites were nominated and selected in Alaska with little or no public input and particularly inadequate public hearings to explain the impacts on Alaskans.

Interestingly, Mr. Chandler pointed out in his testimony, "It does appear that site nominations could be better explained and publicized in local communities surrounding proposed sites," He also explained that it was up to each country to develop public participation in an effective way.

Also surprisingly in contrast to the testimony of the Administration, the UNESCO Operational Guidelines for Implementing the World Heritage Convention contradicts their position. Paragraph 14 of the guidelines states that areas are to be nominated without "undue publicity" and with the participation of local people, only so far as they don't "prejudice future decision-making by the Committee." Hardly what could be called a good public input policy.

Private and State Property and Authorities. It is deception at its best and extreme arrogance to claim that programs like the World Heritage Convention and the Man and the Biosphere Program have no impact on private property. If the requirements of these Conventions are fully implemented, as we believe the present administrators of these programs wish it to be, then significant social and economic impacts will occur. You may argue that some impacts may be beneficial but there will be impacts and some are going to be negative.

If the U.S. adheres to its position to follow these Conventions fully and take no reservations, then they are bound by the Convention requirements that they do <u>everything</u> within their powers to protect and preserve a site that is listed. As interpreted by Mr. Finley, that means the U.S. is required to utilize the preservation standards of a National Park to dictate all surrounding land use policies. Supposedly that means pushing every federal law to the maximum to assure that the Endangered Species Act, The Clean Air Act, the Clean Water Act, NEPA, the BLM Organic Act, the Sykes Act, and the federal budgeting laws are utilized to force other federal agencies, the states and private land owners to comply with the same standards. It is time for Congress to intervene and provide some interpretive barrier to this type of tyranny.

Proponents of these Conventions claim that private property cannot be included in a World Heritage Site or Biosphere Reserve without their consent. We question if that is true if a "buffer zone" is created around the existing site. However, even if it is true, to further claim that there is no impact on private property is absurd. If your cattle ranch is dependent on grazing rights on adjacent BLM or Forest Service lands to be economically competitive, it isn't too difficult to conclude there is an economic impact on your property if the federal agency is required to terminate your lease. Similarly, in holdings surrounded by federal lands are always impacted, both positively and negatively, from changes in uses on adjacent federal lands. It doesn't seem unreasonable to require that private property rights be adequately considered and protected in the process.

Certainly, since the opponents of HR901 claim that there is no involuntary impacts on private property, they shouldn't be opposed to Congress simply including a provision assuring that this is always the case.

We would like to assure Congress that World Heritage Site designations does impact private and state lands. The designation of Glacier Bay National Park and Preserve as a World Heritage Site (and a Biosphere Reserve) coordinated with actions in Canada has impacted State authorities over its own navigable waters. Permit requirements by the National Park Service presently exceed Park authorities and infringe on state management of navigable waters.

We would also like to remind Congress of the continuing battle in Australia over the exact same issue. Private property owners are being significantly impacted with little or no compensation. Imposed restrictions have resulted in lost property values and nervous bankers.

Conclusion. From our standpoint, it is extremely important to emphasize that Congress must make some revisions in the federal laws which direct how the federal agencies interpret and implement these Conventions. Requiring adequate public input into the nomination and selection process is not unreasonable. Requiring more neutral membership on committees like the World Heritage Committee would assure that philosophies and policies of the entire federal administration were incorporated rather than just one special interest agency such as the National Park Service. It also seems reasonable to assure that decisions, policies and implementing guidelines developed as a result of international conventions are not allowed to interfere with domestic laws regarding land and resource uses, cooperative planning and management, private property rights and federally established program review guidelines such as provided in NEPA.

0-LS0355\F

CS FOR HOUSE JOINT RESOLUTION NO. 14(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 3/20/97
Referred: Rules

Sponsor(s): REPRESENTATIVES JAMES, Barnes, Hodgins, Sanders, Masek, Martin, Kemplen, Phillips, Cowdery, Vezey, Ryan, Porter, Ogan

A RESOLUTION

1 **Relating to supporting the "American Land Sovereignty Protection Act."**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the United Nations has designated 67 sites in the United States as "World
4 Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State
5 of Colorado, the eighth largest state; and

6 **WHEREAS** art. IV, sec. 3, United States Constitution, provides that the United States
7 Congress shall make all needed regulations governing lands belonging to the United States;
8 and

9 **WHEREAS** many of the United Nations' designations include private property
10 inholdings and contemplate "buffer zones" of adjacent land; and

11 **WHEREAS** some international land designations such as those under the United States
12 Biosphere Reserve Program and the Man and Biosphere Program of the United Nations
13 Scientific, Educational, and Culture Organization operate under independent national
14 committees such as the United States National Man and Biosphere Committee that have no
15 legislative directives or authorization from the Congress; and

16 **WHEREAS** these international designations as presently handled are an open invitation
17 to the international community to interfere in domestic economies and land use decisions; and

1 WHEREAS local citizens and public officials concerned about job creation and
2 resource based economies usually have no say in the designation of land near their homes for
3 inclusion in an international land use program; and
4 WHEREAS former Assistant Secretary of the Interior George T. Frampton, Jr., and
5 the President used the fact that Yellowstone National Park had been designated as a "World
6 Heritage Site" as justification for intervening in the environmental impact statement process
7 and blocking possible development of an underground mine on private land in Montana
8 outside of the park; and
9 WHEREAS a recent designation of a portion of Kamchatka as a "World Heritage Site"
10 was followed immediately by efforts from environmental groups to block investment insurance
11 for development projects on Kamchatka that are supported by the local communities; and
12 WHEREAS environmental groups and the National Park Service have been working
13 to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve
14 covering parts of western Alaska, eastern Russia, and the Bering Sea; and
15 WHEREAS, as occurred in Montana, such designations could be used to block
16 development projects on state and private land in western Alaska; and
17 WHEREAS foreign companies and countries could use such international designations
18 in western Alaska to block economic development that they perceive as competition; and
19 WHEREAS animal rights activists could use such international designations to
20 generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and
21 WHEREAS such international designations could be used to harass or block any
22 commercial activity, including pipelines, railroads, and power transmission lines; and
23 WHEREAS the President and the executive branch of the United States have, by
24 Executive Order and other agreements, implemented these designations without approval by
25 the Congress; and
26 WHEREAS actions by the President in applying international agreements to lands
27 owned by the United States may circumvent the Congress; and
28 WHEREAS Congressman Don Young introduced House Resolution No. 901 in the
29 105th Congress entitled the "American Lands Sovereignty Protection Act of 1997" that
30 required the explicit approval of the Congress prior to restricting any use of United States land
31 under international agreements;

1 **BE IT RESOLVED** that the Alaska State Legislature supports the "American Lands
2 Sovereignty Protection Act" that reaffirms the constitutional authority of the Congress as the
3 elected representatives of the people over the federally owned land of the United States.
4 **COPIES** of this resolution shall be sent to the Honorable Ted Stevens and the
5 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
6 Representative, members of the Alaska delegation in Congress.

Representative Jeannette James
P.O Box 56622
North Pole, AK 99705

907-488-1546

1985

Suggested Testimony

It is extremely important that the House Committee on Resources examine closely the minutes of the Nineteenth session of the World Heritage Committee, held on December 4 - 9, 1885 in Berlin, Germany. There are clear indications that the World Heritage Committee well intends to extend its jurisdiction into the sovereignty of the party nations -- for conservation purposes. Referrals to the Committee as "an emergent tool to assist all State Parties in conservation" and statements such as, "even if the State Party did not request action, the Committee still had an independent responsibility to take action based on the information it had gathered", should provide ample justification for questioning the intent of this Committee.

The question of how far the World Heritage Committee can extend its authority is still unanswered, but it is certain that this question will move into the national and international court system in the near future.

With the recent international focus on areas like the Bering Sea and the Gulf of Alaska, there is ample cause for concern as to how the international conservation forces will channel their energies. Under Article 2 of the World Heritage Convention, habitat areas of threatened or endangered species qualify for listing as "natural heritage" under the Convention. With the extensive listing of some species such as the Bowhead whale and the Stellar sea lion, it is not inconceivable that 80% of the coastal waters of the State of Alaska could be subject to international zoning authorities. It is even more mind boggling if you apply the same principles to the habitat of listed species such as the Bald Eagle, Spotted Owl, Snake River Chinook salmon and the Red wolf.

Unless Congress well intends for these types of innovative interpretations of this Convention to occur, we suggest that immediate Congressional clarification is warranted.

There seems to be a prevailing attitude of "global commons" creeping into the evolutionary path of the World Heritage Convention. UNESCO clearly states, "The Convention thus assumes and affirms the existence of a World Heritage which belongs to all mankind." Is it the intent of Congress that a "global commons" philosophy includes ownership or jurisdiction? Or does it just mean that we recognize the value and international importance of some features of our cultures and environment. We question and challenge the necessity for the relinquishment of national and state sovereignty as a prerequisite for cultural or environmental protection.

Our concerns are most obviously related to the degree of authority over land and resource use policies in our country and state by which this and other international bodies can exert undue influences. Certainly, we can respect their interest in

protecting major natural wonders like the Grand Canyon or the pyramids. We just suggest that it is most appropriately exercised through appropriate channels in the form of recommendations. To imply that some international agreements provides unilateral authority to force compliance with any recommendations concerning land and resource uses is unthinkable. To further allow for any international body to unilaterally take private property rights or zone federal and state lands is incomprehensible.

We cannot help but examine the potential and practical impacts of World Heritage Site or Biosphere Reserve listings in Alaska. Considering the fact that major areas like the Wrangell-St Elias National Park and Preserve, Glacier Bay National Park and Preserve and other areas totaling over 40 million acres have already been listed as World Heritage Sites or Biosphere Reserves in Alaska, it seems only prudent to do so. Certainly, it is not inconceivable that most if not all National Parks and some National Wildlife Refuges and Wilderness areas could qualify for listing under the Conventions. Will each area include buffer zones? Will the same ecological standards for use and development apply to these areas as was applied to the buffer zone surrounding Yellowstone National Park?

Will biosphere reserves be further linked with internationally zoned corridors as are outlined in Section 10 of the Convention on Biodiversity's Global Biodiversity Assessment (GBA) which says:

> "biosphere reserves could provide the most viable means for the long-term protection of biodiversity" if "connected by corridors judiciously linking different ecological units within the urban-rural and terrestrial/marine landscape."

Alaska's National Parks and National Wildlife Refuge Systems are somewhat unique. In exchange for the delineation of large federal land withdrawals in our state, major concessions on further use by Alaskans were incorporated in their purposes and mission. Activities which would normally be automatically excluded in other similar areas in the United States such as oil development, mining, hunting, fishing and trapping were identified in some areas as being legitimate potentially compatible uses. Existing transportation methods and means were specifically authorized by Congress to assure continued traditional uses within the withdrawals and to assure access to all the interspersed state and private lands within and surrounding federal lands. Would proposed restrictions by the World Heritage Committee have the effect of over-riding Congressional intent?

Could established subsistence uses be eliminated within existing National Parks? Could established transportation corridors be closed to use by Alaskans? Could the international conservation community apply unilateral trapping standards to these

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COMME

ALSTON CHASE

Dollars for the green grabbers

A glance at the current budget deal between Congress and the president reveals that the Republican surrender to green spenders is complete.

Two years ago, the GOP sought to abolish the Environmental Protection Agency. Now, it is giving the agency all President Clinton asked for — whopping increases that even include a record $307.4 million for something called "multimedia." Apparently, computer games are big attractions down there at L'Enfant Plaza.

Likewise, after fretting about assaults on private property for years, Republicans may join with Democrats to spend another $700 million to $800 million they don't have purchasing still more land that isn't needed. One parcel alone — 5,625 acres of the Headwaters redwood forest of Northern California — will cost U.S. taxpayers a cool $250 million.

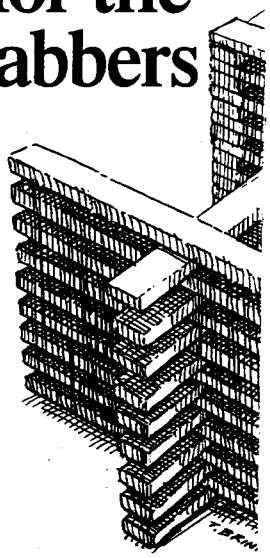
Headwaters represents a payoff to environmentalists and big business. Greens will get another park, and the Pacific Lumber Co., which owns Headwaters, will receive an exorbitant sum in return for a few acres of land. Additionally, according to the pending deal, the company would be given another $130 million from the State of California and be guaranteed the right to log the rest of its 200,000 acres without interference.

Make no mistake, this arrangement, like most federal purchases, is money down the drain. It will help neither natural preservation nor justice. The monies intended for Headwaters could be used far more effectively elsewhere — for example, to rescue species at risk. If, as a 1990 federal report claimed, saving one creature costs $2 million, then Headwaters would divert funds that could prevent the extinction of 125 plants and animals.

Meanwhile, according to a recent study, ending timber harvests on just these few Headwaters acres will cost the local community $294 million in lost taxes and wages. And that's just the beginning. Greens want Uncle Sam to purchase another 55,000 acres.

This is a high price to pay for a park that's redundant. Redwood trees still cover more than 90 percent of their original range, and more than 172,000 acres are already protected in parks. Yet these attract pathetically few tourists. According to Smithsonian Magazine, Redwood National Park —whose $1.9 billion price was the most expensive federal land purchase ever — only attracts occasional visitors.

Not surprisingly, therefore, Californians consistently voted against a Headwaters buyout. But not even popular opposition thwarts Congress' determination to purchase everything in sight, now that Republican resistance to green megalomania has vanished. Before Headwaters, it was a Democratically controlled legislature that passed the 1994 California Desert Protection Act, mandating the purchase of 750,000 acres of private land. Last year, it was a Republican legislature that authored the Omnibus Parks and Public Lands Management Act, calling for millions more on real estate.



And this is a mystery: Nationally, wilderness, parks and wildlife sanctuaries total nearly four times the combined area of New York,

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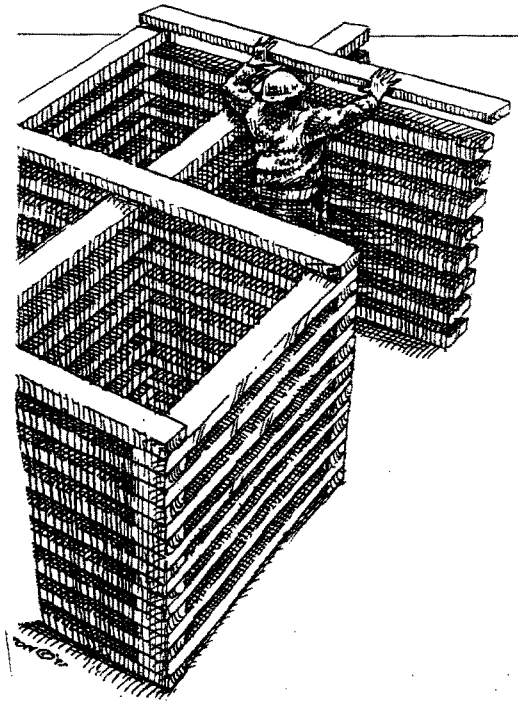

Maine, Massachusetts, New Hampshire, Vermont and Rhode Island. Yet both parties keep adding more. Why?

Why do elected representatives continue to nationalize real estate when, as the experience of the former Soviet Empire demonstrated, public ownership is a recipe for economic and ecologic disaster? Why do greens want more public land when they know governments have black thumbs? Why do the media characterize private ownership as reactionary, when it is the principal institution that distinguishes the United States from, say, North Korea?

The answer to these mysteries is: America has become more like its former communist adversaries precisely because they collapsed.

So long as the Cold War raged, Congress had plenty of excuses to extend the powers of central government. Now that socialism has capitulated, politicians embrace a new enemy, whose presence justifies an even-greater expansion: the environment. Just as America's struggle with the Soviets was over real estate, so too, this green war concerns who controls the land.

In his 1961 best seller, "African Genesis," writer Robert Ardrey observed that "the drive to gain, maintain and defend the exclusive right to a piece of property is an animal instinct approximately as ancient and powerful as sex."

We live in a permissive age, where land, like sex, is pursued without limit. Under the guise of environmental protection, a mostly urbanite society, insatiably seeking space, uses federal acquisitions as a weapon against a dwindling rural population for control of territory.

Hence, as the battle for the environment replaces the war on communism, the conflict is transformed into a struggle between city and country. And thanks to incessant federal land grabs, rural America, including its flora and fauna, is losing.

Alston Chase is a nationally syndicated columnist and is a visiting fellow in environmental policy at the University of Maryland School for Public Affairs.

ADAM THIERER

Testimony of Steve Lindsey on HR 901

Hello, my name is Steve Lindsey, and I live in Canelo Arizona. Canelo is located in Southeastern Arizona on the west side of the Huachuca Mountains, about 14 miles north of the Mexican border. My mother, my father, my wife and I and nine children make up the population of Canelo.

My great-great grandfather came to this area in the late 1860's. He homesteaded in what is now called Parker Canyon, which is 10 miles to the south of Canelo.

His son, my great-grandfather, homesteaded in Canelo on Turkey Creek in 1910. He started running his cattle on the creek at that time, but prior to that, the country was considered open range and had supported cattle from the early 1800's.

My father and I are still operating a cow-calf operation on that same homestead, along with the help of my sons and daughters. The private property that we own lies in Turkey Creek, and 320 acres are deeded land. Probably 60 acres of that is all that would be considered a wetlands. The vision most people, especially in the east, have of a creek is very different from that in the arid Southwest. Turkey Creek, known as a "cienega" which means wetland in Spanish, only has flowing water four months of the year. Most of the cienga is actually a bog with little standing water, but the soil is saturated. There are a few cottonwood and willow trees along the cienega with a few ephemeral springs that I call wet weather springs because they are only evident after the spring and summer rains.

The deeded land we own is also the property we legally need to own in order to qualify for a U.S. Forest Service grazing lease on about 11,500 acres.

So all together my family has been operating a successful cattle ranch on Turkey Creek for 87 years. We hope to keep this a way of life for years to come, not only to keep the land in

the family, but to supply a commodity, our beef calves, to the nation. My three sons and two of my daughters have shown an active interest in the cattle operation, especially my oldest son who is with me quite consistently on the land learning about the grasses and continuing the process to show that we don't so much raise beef as we raise the grass to support the beef. I want my children in the type of lifestyle that promotes the character of living off the land and how we must be self sufficient, hard working, moral and ethical in all of our dealings. Without this land we would be forced to live in the city and rear our children in an environment that I don't feel is the best for their learning and young adulthood.

I have heard that in some family businesses that after the founders die the second generation either is not committed to the business or does not have the knowledge to run the business and make it economically viable. But in the ranching industry this does not seem to be the case. Ranches such as ours have been passed on from generation to generation and kept as viable businesses, operations and ways of life. My children, who without this ranch, would not have the work ethics they have and would not be active in their desire to keep not only the environment healthy, but also 320 intact and not subdivide it.

On June 3, 1993 the Southwest Center for Biological Diversity (SWCBD) petitioned the U.S. Fish and Wildlife Service to list the Canelo Hills ladies tresses (*Spiranthes Delitesens*) as an endangered species. Then in 1995 SWCBD sued U.S. Fish and Wildlife to list the ladies tresses.

This plant seems to require a perpetually moist soil, and are reported to grow in five know places, all of them in Southeastern Arizona. One of these places is Turkey Creek, on my family's private property.

The ladies tresses was listed this year on January 6, 1997. The SWCBD states that cattle grazing may damage the ladies tresses, when in fact, even the Federal Register (Vol. 62, No. 3, January 6, 1997) states that the Canelo Hills ladies tresses grow much better where the

cattle have disturbed the land. These plants only flower in July and August when the rains come, and that is the same time that we have moved our cattle, on a rotational basis, to the pastures out the riparian area where the tresses flower. We manage our cattle on rotation. We do this so that the cattle will not be in the same pastures more than once in any given year. We practice this rotation method because cattle will find a locale and stay there if we don't move them. Rotating them ensures healthy pastures and a healthy environment.

We have a film from the 1940's of our land, but there is much more willow and cottonwood growth and regeneration now than there was then. We know that our good management practices on the practices on the ranch and using a holistic resource management system to rejuvenate the riparian area have been very successful.

Sam Spiller, Arizona state supervisor for U.S. Fish and Wildlife Service, said at a U.S. Forest Service permitee meeting in the old Canelo school house on Saturday May 17, 1997 that he wasn't sure the reason why there were so many endangered species in Southeastern Arizona. I felt like telling him that the that the reason we have these endangered species is because we still have the open areas and habitat where these species can live. But endangered species are scarce or do not live in areas that have already been developed like Phoenix and Tucson. It is because people like myself and my family and the past generations have chosen to continue to ranch and uphold a way of life that has virtually disappeared and been paved over in the larger urban areas. Because we have chosen this way of life and because I have a strong desire to pass this way of life on to my children and leave this land open and undeveloped that I feel I am being singled out. There is a potential threat that I will be punished for the choices my family has made. I hope that this does not happen and we can continue ranching this land as we have for 5 generations.

Furthermore, the Canelo Hills ladies tresses on our private property in Turkey Creek are doing much better than the ladies tresses on the The Nature Conservancy (TNC) property in O'Donnel Canyon, one mile west of our property. Dr. Peter Warren, a botanist with TNC, specifically told me that the population of tresses on our property are doing much better

than does on TNC's land in O'Donnel Canyon. The ladies tresses on TNC property are not grazed.

The benefit of grazing was also noted in the Federal Register rule (Vol. 62, No. 3, p.677) listing the ladies tresses: "Discussions of well-managed livestock grazing and *Spiranthes* presented in the proposed rule did not indicated a detrimental effect. The Service stated that our preliminary conclusion is that well-managed livestock grazing does not harm *Spiranthes* populations. Additionally, the Service acknowledges that *Spiranthes* may favor some form of mild disturbance and would not recommend the removal of grazing as a component of responsible stewardship."

When I heard the ladies tresses was proposed to be listed I was very concerned that the federal government would be able to put restrictions on our private property and on our cattle operation. But I was reassured by the U.S. Fish and Wildlife Service that there would be no detrimental impacts to our way of life. I was not reassured (are you ever reassured when the government says "don't worry"?). In fact I was very concerned because I am very well aware of implications of the Endangered Species Act and how it has restricted land use of private property owners, especially across the west. I feared that I would lose my way of life and no longer be able to operate the cattle ranch and operate it as generations had done in the past and also pass it on to my children.

Then just 22 days after the listing of the ladies tresses I learned that the SWCBD decided to use a little known international wetlands treaty to designate our 60 acre wetland as a wetland of international significance under the Ramsar convention. I very much in shock at how quickly the SWCBD, the same group that petitioned to have the ladies tresses listed, then tried to use an international treaty to influence or control the uses of our land. Kieran Suckling of SWCBD said, in a newspaper article in the Arizona Republic on February 1, 1997, "By protecting these Arizona wetlands through the Ramsar Convention, we get international oversight." This scared me when I read this article knowing that I might not only be regulated by the state and federal government because of the endangered ladies

tresses orchid but now because of an international treaty to protect wetlands. Now I feared that there would global oversight of my small piece of land.

My first thoughts went then to the Pledge of Allegiance that we are a nation indivisible and that this sovereign nation would be governed by other countries and their governments. I feared greatly not only for my family but also for the families in the United States that would be affected in coming years by the lack of sovereignty that this convention represented. Sovereignty is what has made this nation great and strong for over 200 years, and that is why I cherish my and my family's freedom and rights that the Constitution of the United States has promised us.

In the small amount of information I have been able to obtain on the Ramsar convention I have learned some interesting facts. The convention was signed in February 1971 in Ramsar, Iran and 93 countries have joined the convention. Over 800 wetlands covering over 500,000 square kilometers (which is the size of France) have been designated under the convention.

I have taken a look at the convention's Strategic Plan for 1997-2002. It states that official name of the treaty is "Convention on Wetlands of International Importance especially as Waterfowl Habitat." The only time I see waterfowl on my land is in the fall and spring when they are migrating for four weeks in each season. I see at most 25 ducks at any one time but the average number of ducks I see is around 6. I would hardly see my land as wetlands of international importance especially for waterfowl habitat. I think it is ridiculous that my land is being considered for designation under this treaty. I do understand that the Chesapeake Bay is under the same convention, and I think anyone will agree that the Chesapeake Bay is a wetlands of international importance for waterfowl, unlike my 60 acres in Southeastern Arizona.

The Plan's Action 5.2.5 says, "Promote the establishment and implementation of strict protection measures certain Ramsar sites and other wetlands of small size and/or particular

sensitivity." That is what my wetland is, and I do not want or need more protection measures. I already have to worry about the Endangered Species Act.

I also found some other disturbing things in the Strategic Plan.

First, Operational Objective 2.2 states, "To integrate conservation and wise use of wetlands in all Contracting Parties into national, provincial and local planning and decision-making on land use, groundwater management, catchment/river basin…and all other environmental planning and management." I see this and think that who ever wrote this is saying that for the past five generation that my family has not been doing a good enough job protecting our wetlands and now someone is trying to tell us how to manage our private property and cattle operation. I thought this convention was not supposed to have any land use regulations. This does not seem to be the case. I don't want the United Nations helping put more land use restrictions on my family's property.

Second, the Introduction states, "Through this Plan, the Convention's long-standing technical work in wetlands is strengthened, and a new catalytic role vis-a-vis the development assistance community is established. The Convention's technical and policy work becomes more closely related to the broader concerns of the Convention on Biological Diversity, and its traditional involvement with waterfowl is related more clearly to the Convention on Migratory Species." This mission creep worries me because now the true intent of the Convention has grown, and there is more chance that it will encroach on my property rights.

Third, General Objective 2 states, "The Conference of the Contracting Parties has determined that the concept of wise use applies to broad planning affecting wetlands." It also says, "the greatest emphasis in Ramsar implementation will be placed on wetlands in the context of land-use planning, water resource management and other decisions affecting wetlands. Where Contracting Parties are developing national wetland policies (or other policies encompassing conservation and wise use of wetlands), such policies should be in

conformity with other national environmental planning measures. Legislative changes may also be necessary." This sounds like land use regulation that will affect my private property rights and restrict my land use.

Fourth, the Mission Statement says, "The Convention's mission is the conservation and wise use of wetlands by national action and international cooperation as a means to achieving sustainable development throughout the world." Sustainable development seems to be a far cry from protecting waterfowl. Also, "national action" sounds a lot like more federal regulations to me.
The Introduction states the Convention is "stressing the need to integrate the conservation of wetland biodiversity with sustainable development…and the health and well-being of people everywhere." This worries me for the same reasons that the Mission Statement does.

Fifth, Operational Objective 3.2 states, "To develop and encourage national programmes of EPA [Education and Public Awareness] on wetlands, targeted at a wide range of people, including key decision-makers, people living in and around wetlands, other wetlands users and the public at large."
Operational Objective 4.2. states, "To identify the training needs of institutions and individuals concerned with the conservation and wise use of wetlands…and to implement follow-up actions."
Operational Objective 7.2 states, "To strengthen and formalize linkages between Ramsar and other international and/or regional environmental conventions and agencies, so as to advance the achievement of shared goals and objectives relating to wetland species or issues."

What this seems like to me is that they are seeking public input from people that have absolutely no rights to my land. As I said before, this mission creep worries me very much. I see this language and I can only conclude that my rights as a private property owner are threatened.

In the Arizona Republic story on February 1, 1997 the SWCBD contends that "...wetlands are being systematically destroyed, drained or polluted by urban sprawl, mining, livestock grazing and timber cutting." This does not apply to my wetland, but I worry that much of the language from the Strategic Plan can be used by groups like SWCBD to violate my property rights and deprive me of the use of my land.

My family and I strongly feel that the past 87 years of history speak for themselves. If we were not true stewards of the land, we could not have run a successful cattle operation for the past 5 generations.

As I said before, my heart's desire is to live on this land and pass it down to my sons and daughters knowing that they too can be good stewards of the land without having to fear more government land use regulations. I plead with the people present here today to consider these words. The same government that promised my great-great-grandfather and my great grandfather, the land, through the Homestead Act, and pursuit of happiness is now the same government that is helping destroy these dreams.

It is absolutely necessary that this bill, HR 901, include the Ramsar convention and that this bill is passed and implemented. As a sovereign nation we cannot give any more power to those whose desire is to control our very existence.

Generations

We were riding on the mountain up above the Old Page place,
Smack dab on top of Page Peak over looking allot of space.
To the Northeast lay Algerita, to the South there laid the Rough,
And gathering cows in this country is usually pretty tough.
But today I wasn't worried cause I knew I had the best,
I had my five boys with me, there was Joshua, Jake and Nest.
And Little Joe and Nathan were riding with us too,
When it comes to catching wild cows these boys have caught a few.

So I sent Joshua and Jake Northeast, the rest they all went south,
That left me and my cow dog Sally, and she's foaming at the mouth.
But I says "Wait a minute Sally, I need sometime to think,"
And I leans across my saddle and my heart begins to sink.
Well there goes the sixth generation to ranch this old rock pile,
The cowboy life is what they want don't want that city style.
But it seems some arm chair ecologists don't think six generations is enough,
Cause they got all that college learning, and the book reading' stuff
Seems they found an endangered orchid, a water dog and a floating plant,
And next you know they'll find a bug or some endangered ant.
They want to take away this ranch, take away my right to graze,
And now an International treaty has been added to this maze.
Soon one nation indivisible will be governed by foreign laws,
By countries that can't even run themselves they've got so many flaws!
Well Great-Great Grandpa, my Great Grand Pa, my Grand Pa and my Dad
Each past this ranch on to their sons and be it good or bad,
This country's in good enough shape to run Javelina, Lions and Deer,
Things I see most every day their extinction isn't near!
Well I guess I'll just stop worryin', Sally's chomping on my leg,
She wants to catch a cow so bad she's like a powder keg!
And look, them boys have caught a cow and tied her to a tree!
I guess I just stop worryin' and ride on down and see.

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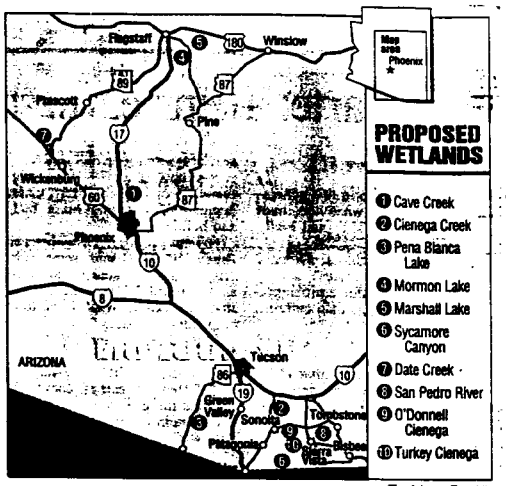
Feb 1, 1997



The Arizona Republic

Activists fear loss of wetlands

Groups seek protection for state areas

By Steve Yozwiak
The Arizona Republic

A coalition of Arizona environmental groups wants to protect 10 wetland areas under a little-known but globally recognized international treaty.

The groups want places such as the north Valley's Cave Creek, northern Arizona's Mormon Lake and southeastern Arizona's San Pedro River to be protected under the Ramsar Convention.

Never heard of it?

While Americans speculate today about groundhog shadows, 97 nations — from Albania to Zambia — will celebrate World Wetlands Day. It commemorates the 1971 signing of an international treaty in Ramsar, Iran, aimed at protecting wetlands worldwide.

"By protecting these Arizona wetlands through the Ramsar Convention, we get international oversight, and that's exactly what the

— See WETLANDS, page B4

FEB 1, 1997

Despite its recognition among the international bird-watching community as a migration superhighway between Canada and Latin America, Arizona has no areas designated as wetlands. Environmental groups want to protect 10 areas in the state under a little-known treaty.

Steve Yozwiak/The Arizona Republic

Wetlands in danger, activists say; they seek treaty protection

— WETLANDS, *from page B1*

developers don't want," said Kieran Suckling, executive director of the Southwest Center for Biological Diversity. The coalition also includes the Southwest Forest Alliance.

Suckling contends that wetlands, especially the few remaining sites in the desert Southwest, are being systematically drained or polluted by urban sprawl, mining, livestock grazing and timber cutting.

Although the Ramsar treaty recognizes 846 swamps, marshes, rivers and glades that support hundreds of rare and endangered plants and animals, only 15 places are designated in the United States. They range from Florida's Everglades National Park to such little-known places as Alaska's Izembek Wildlife Refuge on the coast of the Bering Sea.

The United States signed the treaty a decade ago. The total U.S. acreage under the treaty's protection — 2.9 million acres — is dwarfed by each of the world's seven largest wetlands under the Ramsar alliance.

Canada has the most land, with more than 32 million acres of wetlands designated.

Arizona has none, despite its recognition among the international bird-watching community as a migration superhighway between Canada and Latin America.

Herb Raffaele, chief of the Office of International Affairs for the U.S. Fish and Wildlife Service, said the treaty has not been a priority in the United States because this country has attempted to protect wetlands through other means. One way has been the nation's system of more than 500 wildlife refuges, which cover more than 92 million acres.

However, only a fraction of those refuges are wetlands, and many of those are designated hunting grounds.

Raffaele said his agency will not forward any nominations to the Ramsar headquarters in Gland, Switzerland, without the consent of individual states.

Suckling said he believes Arizona's elected officials would reluctant to approve the new w lands protections because of international embarrassment it wo cause if they were harmed.

Gov. Fife Symington was sc diving in Mexico and unavailable comment. A spokeswoman, A Rezzonico, said the governor wo need to study the proposal before could judge its merits.

Rory Aikens, spokesman for Arizona Game and Fish Departm which is the lead state agency such matters, said the state has been contacted about internatic protection of Arizona wetlands.

"We've got nothing on the tab Aikens said. "However, wetla protection in Arizona would mally be something that this age would support."

Suckling said state and fed wildlife agencies should have b pushing long ago for such pro tions. Because of their inaction said, environmentalists will their petition directly to Int Secretary Bruce Babbitt.

STATEMENT OF DENIS P. GALVIN, ACTING DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES REGARDING, H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT.

JUNE 10, 1997

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 901, the American Land Sovereignty Protection Act. It is our view that this legislation would impose inappropriate and unwise restrictions on the ability of federal agencies to work cooperatively with states and other levels of government to achieve the benefits of international recognition for U.S. conservation and research sites. If enacted, the bill would significantly reduce the recognized leadership and influence in global conservation which our nation has earned in the eyes of the world. We strongly oppose this bill, and if this legislation passes Congress, the Secretary of the Interior will recommend the President veto it.

Mr. Chairman, your February 27, 1997 press release creates the impression that international conservation designations subject our nation's public lands to land-use restrictions. That is not the case. This Administration does not have the authority nor the intention of ceding sovereignty over U.S. lands to international organizations, nor have the five previous administrations, both Republican and Democratic, which have participated enthusiastically in the international conservation agreements targeted by this bill.

H.R. 901 is an attempt to fix alleged problems that do not exist. It would unnecessarily encumber

the nomination and administration of our most significant natural and cultural resources for international recognition, and related cooperative and research efforts which have benefitted from the added recognition. Many of these lands have been preserved by law in the United States as national parks and they merit recognition as some of the most significant natural and cultural resources in the world. They include, to name a few: our first national park, Yellowstone; the complex cave and karst system of Mammoth Cave National Park; and the Indian cliff dwellings at Mesa Verde National Park.

Mr. Chairman, I would first like to address some of the general concerns that prompted this hearing and this proposed legislation. First, international agreements, such as the World Heritage Convention, have in no way been utilized to exclude Congress from land management decisions, nor do they have the ability to do so. Second, the nomination processes for the international conservation designations are generally consultative and are usually based on demonstrated initiative and commitment at the local level. Third, international site recognitions defer land-use decisions to the management entity within the nation, which for the United States would be federal, state, or local governments, tribes, or private property owners, subject to the domestic laws in place. The designations do not add any legal restrictions on land-use that were not already in place before the designation. Within the United States, the United Nations does not have any authority to dictate federal land-management decisions. Finally, international site recognitions do not restrict land use or stop economic growth. To the contrary, World Heritage sites and U.S. Biosphere Reserves have been embraced in many local areas of the U.S. as value-added designations, increasing partnership among federal, state and local governments, and private property owners for mutual benefit. They

have additionally contributed to notable increases in international tourism, especially vital to rural economies and have fostered research on important environmental problems.

Next I would like to discuss briefly the specific actions surrounding the listing of Yellowstone National Park as a world heritage site "in danger", primarily because this listing appears to be the impetus for much of the misunderstanding of U.S. participation in the World Heritage Convention and other international conservation agreements. Amid belief that Yellowstone NP could be considered "in danger" pursuant to the World Heritage Convention, the Department of the Interior in 1995 requested an on-site visit of Yellowstone by an advisory team comprised of park management experts organized by the World Heritage Center. After their review the team, recommended that the World Heritage Committee place Yellowstone on the List of World Heritage in Danger.

Listing of a world heritage site as "in danger" has no legal implications on the domestic management of the site, but rather is intended to focus additional resources and increase dialogue on the problems facing the site and its resources. In the case of Yellowstone, these problems at the time of the listing included both current and potential threats to resources. Current threats include invasive non-native trout supplanting the endemic Yellowstone cut-throat trout and thereby upsetting the natural food web which could affect two listed species -- the threatened grizzly and the endangered bald eagle -- and other park species. Other current threats include sewage leakage and waste contamination in certain areas, impacts of road construction, and visitor pressures. Potential threats include risks to the quality and quantity of surface and groundwater from past and proposed mining activities and

a threat to the bison herds from proposed control measures for brucellosis.

The National Park Service has paid much attention to these problems facing Yellowstone, the world's first national park and among the world's first world heritage sites. Over the years, Congress has in fact exercised its oversight role by making many of these issues the subject of hearings before Congress and ongoing efforts are underway to address the problems. When reasonable progress has been made in addressing these threats, the United States will request the removal of the site from the List of World Heritage in Danger. Again, let me reiterate that the listing of Yellowstone as "in danger" has no legal or restricting effect; it merely affirms that there are problems at Yellowstone National Park threatening the park's resources, problems that the National Park Service is addressing with strong domestic authorities, science and consultation with Congress, other federal agencies, state and local governments and a range of stakeholders. Information can be supplied to the Committee on the status of efforts to address these problems.

H.R. 901

H.R. 901 would unduly restrict the existing legal and administrative framework for implementation of important U.S. commitments to international environmental cooperation which have up to this point enjoyed consistent bipartisan support. Section 3 of the bill would amend the Historic Preservation Act to require express authorization by Congress of any future nomination of federal sites for inclusion in the World Heritage List. It would instruct the Secretary of the Interior to object to the inclusion of any property (including private lands) in the U.S. on the List of World Heritage in Danger, absent authorization by a Joint Resolution of Congress. Section 4 would also establish

a similar Congressional authorization process for biosphere reserve designations. It would also essentially prohibit the nomination of new biosphere reserves for international recognition under UNESCO and require Congressional approval of all existing biosphere reserves by December 31, 2000, which may be done only after a management plan has been completed that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of the designation. The bill encumbers what are now effectively administered programs that fulfill our commitment to environmental leadership in the world.

Since a similar bill, H.R. 3752, was introduced in the 104th Congress there have been some changes in language that further complicate and hinder the executive's administration of these programs. Section 3 of H.R. 901 refers to clarification of the Congressional role in world heritage site listing. A new subsection has been added to H.R. 901 that requires the Secretary of the Interior to make a determination of any adverse effects on commercially viable uses should an area be nominated as a world heritage site or be placed on the List of World Heritage in Danger. The adverse effects must be considered for lands being nominated or listed and also for all lands within "10 miles" of the area. Since designating an area as a world heritage site or listing it as "in danger" has no legal implications, does not impose land-use restrictions, nor does it threaten United States sovereignty, it does not merit a determination of adverse effects since the designation cannot adversely affect commercially viable uses. In addition, language in sections 3 and 4 of the bill requires additional reporting requirements for all areas that have been recognized as world heritage sites or biosphere reserves. This is a burdensome and unnecessary requirement and is inconsistent with recent Congressional action to eliminate unneeded reports to Congress.

Section 5 of the bill refers to international environmental agreements in general and provides for additional Congressional oversight of international agreements. Unlike the bill from last Congress, this bill now specifically exempts some international agreements from oversight (e.g. Ramsar Convention and other migratory bird agreements). We remain concerned about the wisdom of such broad provisions, absent concerns over any specific programs or agreements. We understand the State Department will comment in more detail on the implications of Section 5.

With respect to the legal effect of these international designations, the Congressional Research Service said in its May 3, 1996 report on the "World Heritage Convention and U.S. National Parks" that: "The Convention has no role or authority beyond listing sites and offering technical advice and assistance." The federal government has made this point on numerous occasions. For example, in a March 20, 1996 letter to a Regional Forester of the U.S. Forest Service, the Solicitor of the Department of the Interior wrote the following:

> ...As a party to the World Heritage Convention, the United States has undertaken to take the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of natural and cultural heritage features designated in U.S. territory. In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and state laws. Therefore, the World Heritage Committee's recent decision...does not impinge in any way on the United States' sovereignty and does not, in our view, supplant the orderly legal process established under United States law for the evaluation of development proposals.... The Committee itself noted...that "whether the [United States] should grant a permit to the mining company or not is entirely a domestic decision of the [United States]."

The case of "biosphere reserves," established in connection with UNESCO's Man and the Biosphere program, similarly admits no international control of U.S. lands. Indeed, the charter document for

the UNESCO program clearly states that "Biosphere Reserves, each of which remain under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary." (As used in this quote the word "State" refers to sovereign nations.)

World Heritage

The World Heritage Convention, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. international environmental foreign policy for nearly a quarter century. The U.S. played a conspicuous leadership role in drafting of the Convention and was the first signatory in 1973, followed by Senate ratification. Although 148 nations now participate, the U.S. has continued its leadership role, twice serving as chair, and currently serving on the World Heritage Committee.

It is noteworthy that, even in the context of its decision to withdraw from UNESCO, the Reagan Administration opted to remain active in World Heritage and promulgated the program regulations, still in force, that made the program fully operative in the U.S. In 1992, Secretary Manuel Lujan hosted the meeting of the World Heritage Committee, the second time in the Committee's 20 years of active work that it has met in the U.S.

In our view, U.S. participation in the World Heritage Convention and other international conservation agreements has benefitted parks and adjacent communities and has been helpful to U.S. foreign policy objectives. Both the "national park" idea and the World Heritage Convention,

originating a century apart, were American ideas that have now been universally acclaimed and accepted by virtually every nation. Their widespread acceptance is a continuous advertisement of America's prestige and global influence. U.S. participation in international conservation agreements insures that these ideals continue to extend their reach and also that U.S. sites receive the prestige and recognition they deserve — on par with that enjoyed internationally by the Taj Mahal, the Great Wall of China, the Serengeti Plain, and Vatican City.

Rather than being harmful to local and community interests, World Heritage designation appears to be economically beneficial and a lure for foreign tourists. It correlates closely with increased visitation. During the period 1990-1995, visitation to U.S. World Heritage parks increased 9.4% as opposed to a 4.2% increase for all parks. There is evidence to suggest that a significant part of the increase is derived from increased international tourism; World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and consider visiting these parks.

For example, Wrangell-St. Elias National Park reports that an increase in foreign visitation from Europe, currently at 10%, may be due to its world heritage designation. Grand Canyon National Park, where foreign visitation is roughly 40%, reports that foreign visitors respond more readily to the World Heritage designation than to the just the "national park" term. Given that the total economic benefit of Grand Canyon to the surrounding region is estimated at $350 to $700 million per year, the impact of the World Heritage designation is clearly salutary there.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under the its own legal systems. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the proposal of a site for study and its consideration by the World Heritage Committee.

The U.S. nomination process is clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR 73 — World Heritage Convention). Under the regulations, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents. Every proposed nomination has a strictly defined boundary. The criteria and documentation requirements for nomination are highly selective; many proposed properties have been turned down or deferred for cause. Relevant Committees of the House and Senate are notified of all pending proposals and again informed when the Department has decided to nominate a property. Over the years, when Members have commented, they have commonly supported proposed nominations in their respective states.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage List, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed. No new proposed nominations are being actively considered. The World Heritage Committee,

composed of representatives elected from 21 member countries, reviews all national nominations. At present, 506 properties have been listed. The Committee also places properties on the List of World Heritage in Danger. Only the Committee can place properties on either List. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

The World Heritage nomination process is also respectful of private property rights. Affirmative concurrence is required from all non-federal owners before properties can be nominated for inclusion on the World Heritage List. The two private U.S. properties on the World Heritage List are Monticello and Taos Pueblo. Three other non-federal properties on the World Heritage List (University of Virginia, Cahokia Mounds, and La Fortaleza in San Juan, Puerto Rico) are owned by States and the Commonwealth.

World Heritage designation does not impose any particular new management requirements; it often presents new opportunities. In Hawaii, the World Heritage designation of Hawaii Volcanos National Park is serving as the linchpin in a strategy to draw more tourists to the island, and is an element of the town of Volcano's strategic planning. At Wrangell-St. Elias and Glacier Bay, two parks that are listed jointly with Canadian parks across the border, World Heritage designation has led directly to cooperation with Canada on mountain rescue and in managing traffic, travel, and rescue operations on the Alsek River. Finally, the Reagan administration chose to highlight one of its major initiatives in private sector fundraising for parks, the restoration of the Statue of Liberty, by nominating the Statue to the World Heritage List in 1984.

U.S. Biosphere Reserves

Though the Department of the Interior plays a leading role for the U.S. under the World Heritage Convention, it plays a cooperative role in our participation in the U.S. Man and the Biosphere Program. Like World Heritage Sites, the designation and management of U.S. Biosphere Reserves provides benefits from international recognition, and allows U.S. sites to be linked to a global network for cooperation in science, education, and technical assistance. Recognition does not pose a threat to the sovereignty of American lands, it does not impose new management requirements on public lands, and it does not impose new land-use or regulatory restrictions on private property owners. In addition, designation does not imply any intent on the part of the federal government to acquire property in the surround area. There are 47 designated biosphere reserves in the United States. Biosphere reserves represent purely voluntary commitments on the part of land managers to emphasize conservation science and education as they develop cooperative solutions to issues of conservation and development, in cooperation with local residents, governments, and other parties in their region. The purposes of these associations are to facilitate the discovery of practical solutions to complex conservation and development problems by providing a science-based framework for finding mutually agreeable ways to achieve common goals. This cooperative setting allows each party to share resource and economic expertise that no one group could obtain on its own. Biosphere reserve recognitions are proposed by local entities, in consultation with local governments and other interested parties. Approval by the landowner, public and private, is required. As a matter of practice, when such proposals appear to have been developed without sufficient local consultation, or where local opposition is obvious, they have been returned with guidance regarding the need for local support.

Mammoth Cave is a good example that provides a clearer description of this program. The Mammoth Cave Area Biosphere Reserve was designated in 1990 and includes Mammoth Cave National Park and its primary groundwater recharge basins. The Barren River Area Development District (BRADD), which is chartered by the Commonwealth of Kentucky and is responsible for regional planning within the ten-county area surrounding Mammoth Cave, selected the U.S. biosphere reserve model as the tool to address regional water quality issues. The biosphere reserve activities are coordinated through the BRADD, whose Board of Directors are locally elected officials, and is viewed as a locally managed effort rather than a federal undertaking. To coordinate resource management activities, the BRADD established a Biosphere Reserve Council which consists of Western Kentucky University, USDA Forest Service, USDA Combined Farm Services Agency, USDA Natural Resource Conservation Agency, Tennessee Valley Authority, U.S. Economic Development Administration, Army Corps of Engineers, agencies of the Kentucky Natural Resources Cabinet, the Resource Conservation and Development District, the Caveland Sanitation District, and the National Park Service. Together, these previously unlikely partners have made significant accomplishments which have directly benefitted the area. These accomplishments include:

The Mammoth Cave Area Water Quality Project - A partnership approach to protecting the Mammoth Cave Watershed, which includes significant financial resources available to farmers from the USDA on a cost-sharing basis, significant investment by the NPS for monitoring, and support from the EPA to continue this effort.

Regional GIS/GPS and Development of a Geospatial Data Center - Members of the Biosphere Reserve Council have pooled their resources to enhance data sharing and analysis capability and to establish a geographic information system and global positioning base station which has a variety of applications of benefit to all members. Additionally, a grant from the U.S. Geological Survey has established a Geospatial Data Center at Western Kentucky University.

Economic Development and Impact Studies - The Economic Development Administration funded a study in the area to assess the potential for compatible industrial development. The results of this study have been made available to the community to assist in economic and infrastructure planning. Also, the USGS in partnership with local universities is working on an economic impact study of the park and local area to assess the impact of tourism expenditures locally to assist in future planning.

The Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits and received recognition for working together to resolve complex conservation and development issues and protect resource values. A survey of biosphere reserve managers in 1995 suggests that, in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

Biosphere Reserves also maintain their importance internationally from a perspective of providing a network of protected areas, particularly essential as stopovers for migratory birds and living resources the U.S. shares with other nations. U.S. citizens are frequent visitors to internationally recognized sites of other countries. Additionally, as part of the biosphere reserve network, research has been conducted on migratory bird species abundance. For example, the American Redstart is a colorful neotropical migratory bird that winters in the tropical forests of Latin American and the Caribbean. Mexico's newly created Sian Ka'an Biosphere Reserve in the Yucatan Peninsula, provides wintering habitat for species seen during the summer in the United States. The redstart's dependence on an international network of protected areas is critical because we know many other

neotropical bird species are in decline because of habitat loss. More than 65 million Americans watch and feed birds each year and more than 25 million Americans travel away from their homes specifically to watch birds. These birdwatching Americans spend $5.2 billion annually, generating an annual total economic return to the U.S. economy of nearly $20 billion. American businesses also are the beneficiaries of visitation of U.S. citizens to foreign countries as they operate the tour companies that frequent biosphere reserve sites abroad.

International site recognitions such as world heritage and U.S. biosphere reserves are not a threat to U.S. sovereignty, but rather an enhancement to areas already protected under domestic law and a benefit to communities which are fortunate enough to be recognized internationally. Mr. Chairman, I thank you for holding this hearing so this issue can be clarified. The "national park" idea was something inherently American which has been extended internationally through such programs; to inhibit our administration would be a disservice to furthering this idea both within the United States and abroad.

This concludes my prepared remarks. I appreciate the opportunity to appear before you today. I am happy to answer any of your questions.

SUPPLEMENTAL SHEET

Betty Ann Beaver
245 Long Beach Point
Hot Springs, AR 71913

501-525-1770

SUBJECT:

OZARK HIGHLANDS MAN AND BIOSPHERE IN ARKANSAS

Elected officials and residents of state unaware of proposed designation of 55,000 square miles as MAB

Comparison of similarity of US Forest Ecosystem Assessment and land area and data of the delayed Ozark Highlands MAB

Quotes from Feasibility Study of Ozark MAB and citizen reaction

Urging Congress do pass on H.R. 901

BETTY ANN BEAVER
PRIVATE CITIZEN
MEMBER OF TAKE BACK ARKANSAS, INC.

SUBJECT: OZARK HIGHLANDS MAN AND BIOSPHERE
LOCATED: 5 State area this report specifically Arkansas
TESTIMONY OF BETTY BEAVER, private citizen, Arkansas and member of TAKE BACK ARKANSAS, INC.

Gentlemen and ladies of the Congress of the United States, it is with a hopeful heart that I approach you at this critical time to implore you to fulfill your Constitutional Oath and protect the very basic right to own and control private property. This right is directly opposed to the philosophy of Biosphere Preserves and World Heritage Sites. Private Property is not sustainable according to the President's Council on Sustainable Development as expressed in the recent report "Sustainable America: A New Consensus".

There are other things the public thinks is not sustainable, and includes government officials and agencies that no longer respect the Constitution of the United States, especially Article V of the Bill of Rights, "nor shall private property be taken for public use without just compensation."

Egregious offenses against citizens through regulation to the point of loss of use and/or profits from property is not sustainable.

Biosphere Preserves are not sustainable because residents in the area find designation imposed on them and their community from stakeholders and non-governmental organizations who designate and regulate with no accountability to property owners and area residents.

This is easily shown through careful study of the history of the, now delayed, Ozark Highlands Man and Biosphere Preserve.

Planning and initial work began on the Ozark Highlands MAB in 1989, and a feasibility study was conducted in 1991 by the Ozark Highland MAB steering committee. At this time the committee reported contacting 90 residents in 55,000 sq. mile area which encompasses land in southern Missouri, northern Arkansas and a corner of Kansas, Oklahoma and Illinois. To show the growth plan for biospheres one can refer to page 88 in the OHMAB and find this quote, "By crossing the Mississippi River, substantially more biological diversity would be encompassed and there would be potential to link with the biosphere reserve at Land between the Lakes in Kentucky and Tennessee.

A random sample of 24 of the 90 original interviewees state they were never contacted, some state they vaguely remember a call, but the project was not explained as a biosphere reserve, but rather questions were general in scope about their (feelings) on streams, or tourism or other areas of local interest.

Some of those listed, but not contacted, County Judge Eugene Villines, local Farm Bureau Insurance agent, Randy

Gibbons and real estate businessmen, Skip and David Bright of Harrison, whose homes and business would be completely impacted by this designation.

An interesting note, State Senator Faye Boozman and State Representative Jim Hendren handed to then U. S. Representative, now U. S. Senator, Tim Hutchinson documents and information on the OHMAB at a church service.

The average Arkansas citizen excluding a few elected officials were unaware of the proposed biosphere designation until August 20, 1996 just 14 days prior to State and Federal Agencies (not elected and unaccountable to the citizens) signing the Memorandum of Understanding which was scheduled on September 3, 1996.

During the two week period when this "under cover of darkness" plan surfaced to the light of day, citizens awoke and word spread rapidly. The citizen protest reached a newly-sworn-in uninformed Governor, Mike Huckabee, and he instructed state agencies to withhold signatures thus putting the Ozark Highlands MAB on hold for the present time. (A very informative statement by David Bright can be found at the end of this report.)

The citizens of Arkansas do not feel safe from land use programs and control from outside state borders. Currently underway is the U.S. Forest Service ecosystem management assessment. This assessment will provide the exact same data as the MAB program and is not contained in Forest land's boundaries, but rather extends several counties beyond and has combined three national forests in the assessment area, Ouachita, Ozark in Arkansas, and Mark Twain in Missouri. This land area if overlaid by a map of the Ozark Highland MAB would be almost identical with the addition of the Ouachita Forest area. This assessment, coupled with the Lower Mississippi Delta Heritage Corridor, covers the entire land mass of the state of Arkansas which is primarily privately held property being set up for federal and international regulation.

The U.N.'s official policy, as stated in Agenda 10 of the U.N. Conference report of Habitat I held in Vancouver May 31, 1976, and I quote, "Land...cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market...public control of land use is therefore indispensable...."

Now quoting from the Ozark Highlands Man and Biosphere feasibility study, page 43, "with concurrence from the steering committee, the interviewer decided that public meetings would not be a part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press."

When challenged on the issue of public notification, the National Park Service stated articles had been published in the "Rackensack", a short-lived magazine published at Pelsor, (no state given), but checking states involved in the proposed MAB area, this community could not be found in the directory of state maps.

I now want to share with you an INFORMATIONAL MEMORANDUM FOR JAMES R. LYONS, UNDER SECRETARY, NRE. Through Mike Dombeck Chief, USFS: From Barbara Weber, Associate Deputy Chief for Research:

SUBJECT: The U. S. Man and the Biosphere Program.

The USDA Forest Service manages 16 of the U. S. MAB sites.

ISSUE:Concerns have developed that the U.S. Man and the Biosphere program (U.S.MAB) infringes on the use and management of U. S. lands, as well as land use rights, Members of Congress oppose the program and are working to insert language into agencies' appropriations bills to prohibit them from spending appropriated dollars on MAB sites. In addition, the American Land Sovereignty Protection Act (H.R. 901), which nearly passed during the last congress, has been reintroduced.....SUMMARY: The survival of the U. S. MAB Program is threatened. Benefits to the U.S. and USDA Forest Service are significant. Loss of authority to participate in the U. A. MAB Program, or the loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement. The Santiago Agreement brings the forests of the U.S. into an international agreement and is stated on the Forest Service's homepage as being "an important step to implementing the Statement of Forest Principles and Agenda 21. This program and the Biosphere Preserve could be siamese twins.

Will the Congress of the United States hear the appeal of the people on the land and take the reigns of government firmly in hand and bring this country back under the rule of law as required by a Constitutional Republic or can we expect to see continued requirements for "visions" from most federal agencies?

A vision from 1932 given by William Z. Foster, then National Chairman of the Communist Party, USA, and he stated point one of the Communist Manifesto: The Abolition of private property. Then in terms specifically applicable to the United States, Foster said, "The establishment of an American Soviet government will involve the confiscation of large landed estates in town and country, and also, the whole body of FORESTS, MINERAL DEPOSITS, LAKES, RIVERS, and so on".

We the citizens are seeing the Confiscating of large landed estates, confiscating of forests, confiscating mineral deposits, confiscating lakes and rivers and this happening through excessive government regulations that are in place through programs such as the MAB, and World Heritage Sites. At the very least our Congress should have oversight rather than government and law through executive order and UNRATIFIED BIODIVERSITY TREATIES.

I came to tell you this as a private citizen. I seek nothing but to be governed under the US Consititution and to have the freedom therein guaranteed by the same document that a college professor, and advisor to the U.S. Forest

Service, Dr. Steve Anderson recently told me was an old and antiquated document. I Pray this is not true. Pass H.R. 901 and bring power back to "The People's House".

My friend David Bright Sr. from Newton County, Arkansas and from the heart of the proposed Ozark Highlands MAB sent me a message to share with you from his experiences with the MAB. I'lI let David tell you in first person:

My name is David L. Bright Sr. I live in Newton County, Arkansas. I am a Real Estate Broker. My job and livelihood for the last fifteen years has depended on knowing and keeping informed on all aspects of laws, rules, regulations, or programs that would effect the value of land in my community and the surrounding area. I consider myself to be better informed than the average public in all matters effecting land. You can well imagine my shock and disbelief in learning in the fall of 1996 that a UN Biosphere Reserve covering a third of the state of Arkansas and half of Missouri was not only being considered, but was in fact, days from being reality.

Feeling somewhat like "Rip Van Winkle", I called or personally visited with my County government officials, my state elected officials, the governor, and other community leaders and found that they also were totally unaware of the planned Ozark Biosphere. I wondered how a land use program that affected 55,000 SQUARE MILES of land including and surrounding my home could go completely unnoticed by everyone that should have known. The answers are all found in the "FEASIBILITY STUDY FOR AN OZARK MAN AND THE BIOSPHERE COOPERATIVE" published September 1991 and prepared by "ECOLOGICAL SERVICE, 904 SOUTH ANDERSON STREET, URBANA, ILLINOIS, 61801. I found out about the proposal August, 1996.

The following are quotes from the "FEASIBILITY STUDY":

Page 42: "Because the interviewees were not to be introduced to the Man and Biosphere Program by name, no materials about it were developed or distributed."

Page 43: "With concurrence from the steering committee, the interviewer decided that public meetings would not be part of the interview process, because such meetings tend to polarize views of the public and may capture negative attendtion from the press."

Page 100: "There should be NO press conference or large public meetings because they encourage polarized views before the story can be told in an objective, non-treatening manner." emphases not added

The above illustrates why neither the local officials, the public or local leaders knew about the plans for a biosphere. They simply did not want any of the locals to know and indeed worked systematically to make sure they did not know. Yet page 85 states:

Page 85: "The Ozark citizenry is sufficiently interested in concepts embodied in MAB, and they support the concept."

This statement is odd to say the least, in light of

the very passionate reaction to the contrary when the Ozark citizenry became aware of the planned Ozark biosphere.

We have been told by the Federal, State, and NGO's that make up the steering committee for the Ozark Biosphere that there is no regulation or taking of private property in this program, but in regard to the "buffer zone", Page 18 states:

Page 18: "Only activities compatible with the protection of the core area may take place.

We were also told there is no authority to take land but page 120 states:

Page 120: "(i) Normally, there is no need for change in land-holdings or regulation following the designation of a biosphere reserve except where changes are required to ensure the strict protection of the core area or of specific research sites."

The "BUFFER ZONE" is private property and Page 18 is land control and regulation.

"CHANGES IN LAND-HOLDINGS" is the taking of private property.

Maybe the mind set of those who sponsor, advocate, and work for biosphere reserve programs can best be explained in the studies own words, Page 96 states:

Page 96:"This path of development is especially suitable in many areas of the developing world but could also be followed with advantage in some of the less favored rural areas of developed countries."

As an Ozark citizen I was unaware that I lived in a less favored area of our country. What does this mean? Are we somehow less than an American Citizen. Should we enjoy somewhat less Constitutionally Guaranteed rights or protections than favored areas of our nation?

In closing I would like to point out that some people put their savings in bank accounts, some in stock and bond portfolios, but a lot of rural people put their savings in land. Congress should reaffirm to the AMERICAN people that the value of their savings in real property is as safe as any other saving medium. That they will not allow NGO's, FEDERAL, STATE OR INTERNATIONAL AGENCIES to steal half the value of a MAN'S savings in land any more than they will allow his bank account, family jewels, or stocks and bonds to be stolen. Thank You. (From my friend, David Bright)

TESTIMONY ON H.R. 901:
THE AMERICAN LAND SOVEREIGNTY ACT

PROFESSOR JEREMY A. RABKIN
DEPARTMENT OF GOVERNMENT
CORNELL UNIVERSITY

BEFORE THE COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Let me begin by thanking Chairman Young and the members of the Resource Committee for inviting me here. I am a professor of political science at Cornell University. I speak neither for Cornell nor for any other organization. I have a scholarly interest in American constitutionalism and I hope that some of my scholarship has helped to improve public debate. But – for better or worse – I do not receive any federal funding for my work.

I also want to say, right at the outset, that I do not think the bill you are considering today is all that momentous. In truth, it should not even be controversial. All it does is to ensure a role for Congress in settling the terms on which the United States will participate in two very loose and informal international programs. If U.S. participation in the World Heritage Convention and in the Man and the Biosphere program is such a fine thing – or such an innocuous thing – as proponents of these programs claim, then it is likely that future Congresses will be quite ready to approve the designation of individual sites under these programs. It is hard to take seriously the notion that such congressional involvement will prove a very burdensome or time-consuming requirement. After all, in the twenty-five years that have elapsed since the World Heritage Convention went into effect, only 22 sites in the United States have so far been submitted for designation as World Heritage sites – an average of less than one site per year. Surely even a very busy Congress can cope with decision making at that pace.

I do think this legislation is worthwhile simply as a matter of principle – or, if one prefers, as a symbolic affirmation of American constitutional norms.. That is the first point I wish to make. The second point I would make is that these programs themselves – precisely if they are as innocuous as their advocates claim – are largely a matter of symbolism. It is perfectly appropriate to counter one sort of symbolic caution with a somewhat contrasting gesture, affirming a different and competing general concern.
But the third point I would make is that the international programs at issue here do carry some potential for abuse, which makes it all the more appropriate for Congress to insist that American involvement in these programs comply with basic constitutional norms.

Regarding the principle here, it is well to recall that national "sovereignty" is one of the cornerstones of constitutional government, as it has come to be understood in America. Our

federal Constitution begins with the words, "We the People." We, the people of the United States, do "ordain and establish" the Constitution – without asking leave or permission from anyone else. Our constitutional system is designed to make our government responsible to the people – that is, to our own people – who are understood as the ultimate sovereign authority in our system. A people who must satisfy the concerns of outsiders before they act are not sovereign. Sovereignty is the prerequisite, in that sense, to full democracy.

One may dismiss all this as empty abstraction. But consider another historic implication of the doctrine of sovereignty. If one traces the concept to its roots in the political thought of 16th and 17th Century European thinkers, the point of "sovereignty" was to deny any obligation to an outside power – of which the prime example, which sovereignty theorists like Jean Bodin worried most about, was the power of the papacy and of the Roman Catholic Church. A sovereign nation cannot, by definition, be answerable to the Pope for its conduct. If it had to submit its policies to papal approval, it would not be sovereign.

I am sure I need not belabor to this committee how very, very seriously some people take this principle today. The Supreme Court has held that it would violate the Constitution even to post the Ten Commandments in a public school, lest this imply that public schools are obliged to follow biblical morality. I think such decisions are foolish and extreme. But lots of people think it is very worthwhile to contest whether government is impermissibly "entangled with religion" – to use the Supreme Court's terminology – when it gives financial assistance to religious schools or allows religious displays in public buildings. At some level, everyone agrees that government must be accountable to the people and not to the clergy for what it does. And most of us, most of the time are ready to concede that there is a principle here which should be observed with a public display of scrupulousness. We do not, most of us, most of the time, think that lawsuits on such matters are a waste of time, even though we all know that there is simply no chance whatever that any particular government "entanglement with religion" will lead to a government church forcing everyone to accept its dogmas. We take the principle seriously enough to worry about even the appearance of breaches in the wall that is supposed to exist between church and state.

Now consider a law which stipulated that no legislation would be enacted on the subject of abortion or birth control without consulting the Catholic Bishops Conference or the Vatican. Everyone would say that this was improper, even if the law stipulated that the advice of these authorities would not be in any way binding on Congress or on state legislatures. The objection would hardly be answered by amending this law to say that in addition to Catholic authorities, the legislators should consult the Archbishop of Canterbury and the Chief Rabbis of Israel and the foremost Ayatollahs of Iran. Perhaps no one would seriously object to receiving testimony from these religious authorities if they sought to offer advice. But almost everyone would perceive that there was something wrong, as a matter of principle, in establishing a system in which they were given an institutionalized role in deliberations on American domestic policy. I am sure that no one would succeed in defending such a system by claiming that, after all, the final decision would remain with American legislators.

The World Heritage Convention has done something similar. We have literally invited the Vatican – which is a signatory of the Convention – to give us advice about how to manage the two dozen or so "World Heritage sites" that have been designated within the United States up until now. It is true that the officials of the Vatican City are joined by officials of some 150 other countries that have by now signed the Convention. But the underlying objection remains: why is it the business of foreigners to tell the United States how to manage lands or structures which are entirely within the territorial limits of this country?

We cheerfully accept the principle that the United States is a nation "under God" – as we say in the Pledge of Allegiance – and we say "In God We Trust" on our national currency. But we are careful to distinguish this spiritual point from any compromise with the principle that the representatives of the American people are responsible for making decisions about American law and policy. So we may agree that Yellowstone Park "belongs to the world" in some mystical or metaphysical sense. But as a practical matter, there is a serious principle involved if we begin to share responsibility for the actual management of Yellowstone with 150 governments around the world. Only one of these governments – our own – is responsible to the American people. It is not, therefore, an absurd or abstruse principle to insist that American lands should be clearly and fundamentally under the authority of the United States government. The bill makes this point by stipulating that no American land or property can be designated an international site without the express approval of Congress. Surely that is the least that the principle of American national sovereignty requires.

Affirming the underlying principle here seems particularly important and appropriate precisely because there does not really seem to be all that much at stake on the other side – except a symbolic gesture toward international collectivism. As proponents of these programs like to emphasize, neither UNESCO, nor its World Heritage Committee nor its Man and the Biosphere Program have any legal power to force anyone in the United States to do anything. But of course, this applies to all other member states, as well. If India acts in a way that jeopardizes the Taj Mahal or Brazil acts in a way that jeopardizes the Amazon rain forests, there is nothing in these programs that can force them to alter their conduct. The only sanction is to remove a site from the roster of internally certified sites on which it previously appeared. So far as I can discover from browsing through minutes of past UNESCO meetings, this has never happened. Even if it does happen, there is no way to prevent a country from continuing to advertise a de-listed site as of "world heritage" quality.. There are financial incentives to participate, since a site placed on the list of the World Heritage program is eligible for grants to encourage better protection of the site. But these grants are absurdly small: with less than $2.5 million in international assistance available under this program in 1997 (for 506 sites in 107 countries), no one country received more than $50,000. This is not the stuff of major international leverage.

What then do these programs achieve? It is hard to see that they achieve anything which could not be achieved by private efforts. Universities and professional organizations (of art conservators, architects, etc.) do quite well at sharing information and techniques. Privately published guidebooks and travel services do quite well at alerting people to tourist sites of interest. None of these efforts require any sort of governmental coordination, certainly not on an

international basis. So programs like the World Heritage Program exist as a kind of international gesture to the idea of collective responsibility. All of us share concern and responsibility for famous – or obscure – sites in Africa, Asia or wherever they may be. But the truth is that we do not share this responsibility. The government of the territory where the site exists is responsible. These programs secure the natural and cultural heritage of the world to no greater extent than the Security Council secures the security of the world.

Of course, ineffectual institutions may have a place in the world – precisely as a gesture toward hopes for a better future. But the underlying vision here does seem rather questionable. Does anyone think that governments would do a better job in preserving the resources of their own people by sharing out that responsibility with 150 other governments? Does anyone think museums would preserve their collections better – or private landowners preserve their land better – by sharing control with hundreds of others? Some people may be inspired by the vision of a world without borders and a world without conflict. But surely whatever gestures we make toward this vision should be tempered by some acknowledgment that in the meantime, sovereignty needs to be safeguarded.

Finally, I would add a few words about the concern that even a toothless international program may do some real practical mischief. If these programs have any value at all, it is in the area of moral suasion. If they cannot exert even this degree of encouragement or influence, then they really are entirely silly. But if it is reasonable to hope that they may have some influence in this area – shaming governments to live up to standards advocated by international experts or by respectable international consensus – then it is reasonable to fear that this influence may be abused. There is no point here in belaboring the history of the Yellowstone affair. It was, as I understand it, one of the main spurs to the legislation now before the committee. What seems to have happened is that American environmental advocates, with the assistance of the Interior Department, arranged for the World Heritage Committee to condemn a proposed mining development near (but outside the boundaries of) Yellowstone Park, thereby enlisting foreign pressure to enhance the moral weight deployed by one side in an American domestic dispute.

I do not mean to throw stones at UNESCO. But let me remind the committee first that the United States government itself has warned that UNESCO is more politicized than other international bodies – which is why we withdrew from UNESCO in the 1980s. And that pattern has affected the World Heritage program. In the early 1980s, when the World Heritage Committee voted to list the Old City of Jerusalem as a "world heritage site" – even though the government of Israel, which was in control of the city, was not a party to the convention – the U.S. delegate warned of the "intrusion of an element of politicization to the World Heritage Committee. Politicization may be inevitable but it is our task to attempt to limit, not expand this problem." Nonetheless, as the U.S. delegation warned, the first step was soon followed by another: within a year, the World Heritage Committee placed the Old City of Jerusalem on its list of sites "in danger" because not adequately maintained – by UNESCO's favorite whipping boy, the government of Israel. Of course, Israel was not forced to change its policies. But the Arab and Third World majority on the Committee was anxious to use UNESCO as a propaganda tool to challenge Israeli control of the city.

The most serious danger for the United States, I believe, is not that a hostile majority will outvote the American delegation on the disposition of lands or structures within our borders, however. The most serious danger is that American constituency groups will use this forum as a propaganda tool to gain leverage for their own advocacy efforts within the United States – as appears to have happened in the Yellowstone affair. Let me cite two curious patterns which already suggest an odd character to American participation in these programs. First is the fact that of only 22 sites now classified by the World Heritage Committee as "in danger," two of these are in the United States and a third American site is under consideration for listing. No other country in Western Europe or North America, no other OECD country, no other "Western" or rich or First World country has a site on the list. How does the United States, uniquely among developed nations, find itself on the list of international derelicts in regard to protecting the heritage of mankind?

Here is another anomaly that may help to explain this first pattern. If one looks at the overall list of 506 sites in the World Heritage Program, 380 are classified as "cultural" sites (that is buildings or structures of historic interest) and another 19 sites offer a mix of "cultural" and "natural" aspects. In other words, barely 20 per cent of sites around the world are entirely "natural" sites. In the United States, however, the majority of sites already recognized – and even the solid majority of sites under consideration for future nomination to the World Heritage Committee – are "natural" rather than "cultural" sites. I would suggest that the explanation is that American environmentalists are much more interested in preserving wilderness areas in scenic parks than in preserving historic buildings. I do not at all suggest there is anything wrong with that priority. But the fact that the United States is able to get the World Heritage Committee to go along with this atypical priority suggests that the Committee easily lends itself to serving as a megaphone for domestic American advocacy groups, rather than seriously enforcing a world standard.

Now the American advocacy groups which seem to have done so well with these international programs are quite entitled to advocate anything they want to advocate. But they are not entitled to invoke international commitments of the United States government to gain leverage for their advocacy. At the least, it is right for Congress to insist that Congress itself – and not un-elected advocacy groups and not some committee of foreign experts or foreign government officials – is the proper representative of the American people. If the people's representatives want to invite foreign scrutiny of American conservation efforts, there may be nothing in the Constitution to prohibit this (though I am not sure of that). Certainly, it is reasonable for the Congress to insist that the elected representatives of the American people be given a say before this happens to any site within the territory of the United States.

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Barren River
Area Development District

JACK EVERSOLE
Executive Director

NEIL CURRY, Chair
CHARLES MONEYCUTT, Vice-Chair
KENNETH HARPER, Secretary
MICHAEL JENNINGS, Treasurer

TAB 29

August 29, 1996

Mr. Roger Kennedy, Director
National Park Service
Main Interior Building
1849 C Street NW Room 3104
Washington DC 20240

Dear Sir:

As Chairman of the Mammoth Cave Biosphere Reserve Advisory Council, I wish to express my concern that our activities are being confused with any facet of the United Nations. While the Biosphere Reserve is a UN designation, all of the work we do here is oriented toward service to the local governments, local chambers of commerce, local civic organizations, and environmental groups.

The mission we serve, as a functional committee of the Barren River Area Development District, is to bring the concerns of our citizens to a forum that includes Federal and State agencies. It has given us a means to review plans of the National Park Service, the Army Corps of Engineers, our State Transportation Cabinet, Western Kentucky University research faculty with our area's chief locally elected officials.

We had never been able to do this until we received UN Biosphere Reserve designation. The designation does not obligate us to any UN directive other than making a good faith effort to develop the economic opportunities of our area in a manner consistent with good stewardship of our natural history. Through our efforts, five local agencies, four state agencies and the NPS have joined in sharing technology for mapping our local utilities, highways, and community development plans. This is one example of the benefits of the designation. No reasonable person will see an insidious purpose in what we have been able to do.

Yours truly,

Wayne Hoffman

Wayne Hoffman
Chairman

TESTIMONY OF

RAFE POMERANCE

DEPUTY ASSISTANT SECRETARY OF STATE
FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND
SCIENTIFIC AFFAIRS

DEPARTMENT OF STATE

TO

THE COMMITTEE ON RESOURCES

UNITED STATES HOUSE OF REPRESENTATIVES

10 JUNE 1997

Mr. Chairman and Members of the Committee:

Thank you for providing the opportunity to comment on H.R. 901. I am here today because your bill includes specific provisions relating to oversight of ***the Convention on the Protection of the World Cultural and Natural Heritage*** (known as "the World Heritage Convention") and ***the U.S. Man and the Biosphere Program*** (called "U.S. MAB"). These are initiatives that the Department of State supports, either administratively or financially, or both. They are components in the Administration's international strategy in environmental diplomacy.

As you may know, environmental issues form a cornerstone of United States foreign policy. Modest investments on behalf of the environment, at home and abroad, bring significant payoffs to our national economy, health, domestic environment, and quality of life. In pursuing this mandate, the United States has a strong policy of international engagement on environmental issues. As recently as April, Secretary Albright stated: "Today, environmental issues are part of the mainstream of American foreign policy."

The World Heritage Convention and the U.S. Man and the Biosphere Program contribute to this overall mission. Both function well, at minimal cost and with minimal burden on our government and our citizens. Aside from aiding in international environmental diplomacy, they provide economic benefits to the U.S. (especially with regard to tourism), and, our U.S. Man and the Biosphere Program provides a valuable framework for international scientific cooperation on the environment.

Consequently, the Department of State strongly opposes H.R. 901, which addresses concerns related to U.S. sovereignty that are not grounded in the actual provisions or implementation of

existing international agreements or programs. This legislation would add a level of political and bureaucratic regulation that is unnecessary and runs counter to the U.S. role in both local and global environmental cooperation.

[World Heritage Convention]

The Convention on the Protection of the World Cultural and Natural Heritage is a landmark conservation agreement that helps draw international attention to the unique natural or cultural significance of sites such as the Cathedral of Chartres, the Pyramids at Giza, the Serengeti National Park, the Taj Mahal, and the Grand Canyon.

The United States was the principal architect of the Convention. In 1971, President Nixon directed the Secretary of the Interior, under the foreign policy guidance of the Secretary of State, to develop international world heritage initiatives.

With this goal in mind, President Nixon stated:

> *It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance to assist in their protection and management.* [Statement of Richard Nixon, Feb. 8, 1971, in Dept. of State Bulletin, Vol. LVIX, No. 1653, 1971, P. 256.]

Following the conclusion of negotiations in 1972, the United States became the first country to ratify the Convention, in December, 1973. The U.S. plays a strong leadership role in the Convention and is currently serving its second six-year term on the twenty-one member World Heritage Committee.

The Convention respects the sovereignty of countries on whose territory World Heritage sites are located. It makes clear that the responsibility for identifying and delineating such sites rests with the national governments that are Party to the Convention. It specifies in article 6(1) that the international community's duty to cooperate for the protection of world heritage occurs within a context of full deference to "the sovereignty of the ...[nations]... on whose territory the cultural and natural heritage" is located, and "without prejudice to property rights provided by national legislation."

The World Heritage Convention plays a vital role in environmental conservation and cultural preservation, advances U.S. interests in these global values, and serves as a key element in our international environmental conservation program. With its 148 participating nations, the Convention has the broadest reach of any international conservation treaty. It provides a mechanism for U.S. leadership and influence with many of its international partners.

[U.S. Man and The Biosphere Program]

Man and the Biosphere (MAB) was established by resolution of the 16th General Conference of UNESCO in 1971 as a voluntary and cooperative science program to promote the study of the interaction of the earth's human and natural systems. The U.S. began to participate in MAB in 1974. When the U.S. left UNESCO in 1984, the Reagan Administration decided to continue to provide funds to allow for a wholly independent U.S. Man and the Biosphere Program. With the understanding that even though U.S. MAB would no longer affiliate with UNESCO, there would be continued cooperation, where appropriate, between U.S. MAB and the UNESCO MAB Program.

In this capacity the U.S. MAB Program continues today, pursuing national and international efforts in cooperative environmental science. The Department of State provides a small administrative Secretariat to coordinate the U.S. Man and the Biosphere program, with the collaboration and support of fifteen federal agencies.

At the international level, U.S. MAB promotes pairings of biosphere reserves for comparative study. On a regional scale, cooperation among biosphere reserves is facilitating scientific and technical exchanges that benefit both U.S. and foreign scientists and land managers. It is also providing sites for long-term comparative research on global environmental trends and patterns. The U.S. MAB Program particularly promotes the development of scientific information sharing among MAB sites around the world. U.S. MAB's various software innovations have been adopted in North America, Europe, and Latin America -- making MAB a leader in efficient data exchange among protected areas. MABFauna and MABFlora are highly successful database products produced by U.S. MAB for managing information about plants and animals in protected areas. Another initiative, MABNet Americas, was highlighted by the Bolivia summit on Sustainable Development as a model for integrated scientific data exchange.

U.S. MAB coordinates the network of U.S. Biosphere Reserves. There has been considerable confusion about the definition of a biosphere reserve. "Biosphere reserve" is a title granted to a protected area or series of protected areas that conduct exemplary programs in conservation, science, and management of natural resources. Biosphere reserves foster cooperation and voluntary implementation of activities that improve the relationship among communities, economic enterprises, and those who manage natural resources. Although U.S. biosphere reserves take various forms, a typical reserve is synonymous with a national park or national forest. The added recognition as a biosphere reserve provides national and international prestige. At present there are 47 biosphere reserves in the U.S.

U.S. biosphere reserves generally consist of a "protected area" and a "managed use area". The protected area comprises little-disturbed tracts of natural habitat that are, in many cases officially designated wilderness areas (within national parks or national forests). In the biosphere reserve context, the remainder of the park or national forest is considered a "managed use area" with recreational, economic, and educational uses. Moreover, managers of biosphere

reserves are encouraged to work with farmers, ranchers, and other members of communities in the areas surrounding the biosphere reserve to develop cooperative programs in conservation education and resource management.

At this time, nominations for U.S. biosphere reserves are prepared by locally established committees. These local committees usually coordinate the initial planning for the nomination effort. Attached to each nomination package are letters of concurrence from local interest groups and local and state government representatives. Landowner approval is required for a property to be included. The nomination package is submitted for approval to the U.S. Man and the Biosphere Program, based at the U.S. Department of State, here in Washington, D.C.

Participation in the U.S. Biosphere Reserve program is voluntary and does not alter the rights of private landowners or those of local, state, or national land managemeent authorities. The U.S. Biosphere Reserve program focuses on generating, sharing, and disseminating reliable scientific information collected from the reserve network.

The global network of biosphere reserves includes many of the world's outstanding protected areas. These are areas where national and local commitments have been made to long-term environmental monitoring, interdisciplinary research, and environmental education. As with World Heritage and Ramsar wetlands sites, the MAB sites in the U.S. are managed under the relevant federal and/or state laws and regulations. There is no international regulatory framework. The day-to-day management of these areas does not change because of this type of recognition.

MAB has carried out a range of projects that further U.S. interests:

- A project on temperate forest that has assisted the USDA-Forest Service in predicting likely changes in the southeastern forests as the result of human activity.

- Another project that fostered an agreement between Arizona and the adjacent Mexican state of Sonora to promote cooperation between the biosphere reserves of the region. This cooperative decree was recently signed by Arizona Governor Fife Symington and his counterpart from Sonora.

- A project by the community of Pittman Center, Tennessee, that developed a local tourism plan that incorporated the cultural and natural heritage of the area.

- A project by the Golden Gate Biosphere Reserve that is playing a key role in the restoration the Coho Salmon to areas of Northern California.

Continuing international collaborations (mainly with nations in Latin America, Europe, and the Newly Independent States of the Former Soviet Union) are of importance to the Department of State because they further the Administration's goal of fostering wise environmental stewardship around the world while at the same time strengthening relations between the U.S. and key counterpart nations. Finally, the Man and the Biosphere Program

has a significant role in international scientific exchange. U.S. biosphere reserve sites have become destinations for land managers and scientists from around the world interested in studying how the interaction between people and protected lands is being managed in the U.S., which has the best-managed system of protected areas on earth.

[H.R. 901]

H.R. 901 appears to be based on a mistaken belief that the World Heritage Convention and the U.S. Man and the Biosphere Program threaten U.S. sovereignty, mandate land-use regimes, and in certain instances restrict the rights of private landowners. In fact, the main purpose of World Heritage and the MAB Biosphere Reserve Program is to award recognition to sites of exceptional ecological, scientific, or cultural importance. Neither regulates the management of these sites or affects the land-use rights of the country in which they are located. Moreover, local initiative plays a key role in the nomination process for U.S. sites, involving local stakeholders, state and local governments, and the federal government.

We believe these initiatives work well and with ample local involvement. In the Catskills there was disagreement about biosphere reserve nomination and as a result the nomination was duly withdrawn. In the Ozarks, there was citizen concern over nomination, and, again, it did not proceed. The State Department has not received a single letter from any state governor or any local elected official requesting the abolition or de-listing of any U.S. biosphere reserve or World Heritage site. We have received no letters indicating that past listing of any biosphere reserve or World Heritage site has harmed the value of adjacent private property.

The provisions in Section 5 restrict the nomination, classification, or designation of federal lands for conservation purposes (absent specific statutory approval) under international agreements. The effects of this more general section are difficult to evaluate. We are concerned that, given the provision's current breadth, it would likely have unintended impacts that could be read to hamper the United States ability to fully participate in existing legal bilateral and multilateral agreements.

Conclusion

We believe that U.S. participation in the World Heritage Convention and the U.S. Man and the Biosphere Program serve important national interests and help link national and international initiatives with local stakeholders. Recognition of the Everglades National Park as a World Heritage site <u>and</u> biosphere reserve has added no management restrictions and yet has provided worldwide recognition of this important natural system that is a source of pride as well as economic opportunity to a range of local stakeholders. Moreover, U.S. participation and leadership in the World Heritage Convention and identification of U.S. biosphere reserves encourages other nations to similarly cherish and care for significant sites in their countries.

In conclusion, the Department of State strongly opposes H.R. 901. Recognition of a U.S. site as a World Heritage site or a biosphere reserves <u>in no way</u> undermines U.S. sovereignty

over such sites. Such recognition does not impose additional land use restrictions over such areas or the area surrounding the recognized area. H.R. 901 creates unnecessary bureaucratic burden on U.S. government agencies. We believe H.R. 901 runs counter to the U.S. role in both local and global environmental cooperation. Furthermore, the bill greatly impedes the nomination of new sites under the World Heritage Convention, attacks existing biosphere reserves, and essentially ends the future nomination of new biosphere reserves for recognition by UNESCO.

This concludes my statement, Mr. Chairman. I will be happy to take any questions that you may have.

TESTIMONY OF
DONALD R. WESSON
PULP & PAPERWORKERS' RESOURCE COUNCIL
SOUTHERN PINE REGIONAL DIRECTOR
FOR THE HOUSE RESOURCE COMMITTEE
H.R. 901, "AMERICAN LAND SOVEREIGNTY PROTECTION ACT"
JUNE 10, 1997

GOOD AFTERNOON. MY NAME IS DON WESSON. I AM THE VICE PRESIDENT OF UNITED PAPERWORKERS' INTERNATIONAL UNION LOCAL 1533 LOCATED IN MCGEHEE, ARKANSAS. I SERVE AS THE SOUTHERN PINE REGIONAL DIRECTOR OF THE PULP & PAPERWORKERS' RESOURCE COUNCIL. I AM CURRENTLY EMPLOYED BY THE POTLATCH CORPORATION PULP & PAPER MILL LOCATED IN MCGEHEE, ARKANSAS AS AN INDUSTRIAL MAINTENANCE MECHANIC. I AM A CONSTITUENT OF THE 4TH CONGRESSIONAL DISTRICT IN THE STATE OF ARKANSAS.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK CHAIRMAN YOUNG FOR INVITING ME TO ATTEND, AND TESTIFY BEFORE THIS HEARING. I AM VERY PLEASED WITH THE FACT THAT AN ELECTRICIAN FROM A PAPERMILL LOCATED IN SOUTHEAST ARKANSAS, WOULD BE ALLOWED TO TESTIFY BEFORE YOU TODAY ON SUCH AN IMPORTANT ISSUE.

I AM HERE TODAY FOR SEVERAL REASONS. I'M A THIRD GENERATION PAPERWORKER WHO IS VERY CONCERNED ABOUT NOT ONLY LOOSING MY JOB, BUT ALSO MY INDUSTRY. I AM ONE OF OVER THREE HUNDRED THOUSAND PULP & PAPER WORKERS' AND SOME NINE HUNDRED THOUSAND WOOD PRODUCTS WORKERS' THROUGHOUT THIS COUNTRY. WE ARE GROWING DEEPLY CONCERNED OVER OUR NATURAL RESOURCES BECOMING LOCKED UP OR GIVEN AWAY IN BIOSPHERE RESERVES.

DUE TO VARIOUS OTHER GOVERNMENT REGULATIONS WHICH CONGRESS DOES HAVE CONTROL OVER, WE HAVE LOST ABOUT ONE HUNDRED THOUSAND JOBS IN OUR INDUSTRY DURING THE PAST SIX YEARS. NOW WE ARE BEING FACED WITH A NEW PROBLEM, AND WE WANT TO KNOW WHERE IS IT GOING TO STOP? I HAVE BECOME AWARE OF THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT DUE TO SEVERAL DIFFERENT MEETINGS THAT I HAVE ATTENDED DURING THE PAST YEAR. I HAVE SEEN MAPS AND READ STORIES WRITTEN BY DAVE FOREMAN, CO-FOUNDER OF EARTH FIRST. I HAVE READ THE BOOK TITLED " THE REWILDING OF AMERICA." I HAVE EVEN READ VICE PRESIDENT AL GORE'S BOOK TITLED "EARTH IN A BALANCE." ALL OF THESE I ALWAYS CONTRIBUTED TO SOMEONE'S FANTASY OR DREAM WORLD AND JUST SHRUGGED THEM OFF.

LAST SEPTEMBER MY EYES WERE OPENED THROUGH A DIFFERENT ARENA. I WENT TO WINNIPEG, CANADA AND TESTIFIED BEFORE THE WORLD COMMISSION OF FORESTRY AND SUSTAINABLE DEVELOPMENT COMMISSION. I WENT THERE TO REPRESENT LABOR, BECAUSE OUR VOICE IS SELDOM HEARD IN THIS TYPE OF ARENA. WE ARE NOT AN ESTABLISHED "NGO" AND CAN NOT OBTAIN THIS STATUS DUE TO CERTAIN GOVERNMENTAL REGULATIONS, SO THEREFORE WE ARE NOT PART OF THE EQUATION. DURING THIS MEETING, THERE WERE FOUR REPRESENTATIVE FROM THE PPRC WHO TESTIFIED, AND WE DID MAKE OUR INPUTS KNOWN. DURING THIS MEETING WAS WHEN MY EYES BECAME OPENED.

THERE WERE MANY DISCUSSIONS CONCERNING THE UNITED NATIONS CONTROLLING THE WORLD'S FOREST, AND THE PAYING OF STUMPAGE FEES TO THE UNITED NATIONS. THERE WERE ALSO MANY MAPS AND GRAPHS, EITHER ON DISPLAY, OR SHOWN BY AN OVERHEAD PROJECTOR RELATING TO THIS. THERE WERE MAPS SHOWING THE UNITED STATES, CANADA, AND MEXICO BEING ALL ONE COUNTRY, DIVIDED INTO BIOSPHERE REGIONS. THINKING BACK TO DAVE FORMAN'S BOOK ENTITLED "THE REWILDING OF AMERICA," THIS ALL SEEMED TO HIT HOME.

THEN CAME THE FINAL BLOW THAT REALLY PUT THE ICING ON THE CAKE. I RETURNED TO MY HOME IN ARKANSAS, ONLY TO FIND THAT THEY WERE TRYING TO TURN FIFTY THOUSAND SQUARE MILES OF MOSTLY PRIVATE LAND IN ARKANSAS, OKLAHOMA, KANSAS, AND MISSOURI INTO A UNITED NATIONS OZARK MAN AND THE BIOSPHERE RESERVE. DUE TO THE FINE WORK OF GRASSROOTS GROUPS, SUCH AS TAKE BACK ARKANSAS, THIS HOPEFULLY HAS BEEN STOPPED. AT LEAST UNTIL CONGRESS CAN DO SOMETHING ABOUT IT. THAT IS WHY I'M STANDING BEFORE YOU TODAY.

IT HAS BEEN BROUGHT TO MY ATTENTION, THAT TWO MAJOR DESIGNATIONS OF "INTERNATIONAL STATUS" BY THE UNITED NATIONS CURRENTLY TAKE PLACE WITH NO NEED OF A CONGRESSIONAL APPROVAL OR ANY PUBLIC INPUT: (1) BIOSPHERE RESERVES, AND (2) WORLD HERITAGE SITES. OVER 68% OF THE LAND CURRENTLY IN OUR NATIONAL PARKS, PRESERVES, AND MONUMENTS ARE DESIGNATED AS A UNITED NATIONS WORLD HERITAGE SITE, BIOSPHERE RESERVE, OR BOTH.

BIOSPHERE RESERVES ARE PART OF THE U.S. MAN AND BIOSPHERE PROGRAM(USMAB) WHICH OPERATES IN CONJUNCTION WITH A WORLDWIDE UNESCO BIOSPHERE RESERVE PROGRAM OPERATING UNDER THE "STATUTORY FRAMEWORK OF THE WORLD NETWORK OF BIOSPHERE RESERVES." THIS (USMAB) PROGRAM OPERATES WITHOUT ANY LEGISLATIVE DIRECTION AND HAS NO AUTHORIZATION FROM CONGRESS.

A "BIOSPHERE RESERVE" IS A FEDERALLY-ZONED AND COORDINATED REGION, CONSISTING OF THREE AREAS OR ZONES, THAT MEET CERTAIN MINIMUM REQUIREMENTS ESTABLISHED BY THE UNITED NATIONS. THE INNER OR MOST PROTECTED, THE "CORE ZONE," IS USUALLY FEDERAL LAND WHEREAS THE OUTER TWO ZONES CONTAIN MOSTLY INDIVIDUALLY OWNED PRIVATE PROPERTY. THIS IS A DIRECT VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

THE UNITED STATES CURRENTLY HAS 47 BIOSPHERE RESERVES WHICH CONTAIN A TOTAL AREA LARGER THAN THE SIZE OF THE STATE OF COLORADO OUR EIGHTH LARGEST STATE.

WHEN THE TWO ZONES OUTSIDE OF THE "CORE ZONE" ARE INCLUDED, MILLIONS OF ADDITIONAL ACRES POTENTIALLY LIE WITHIN THESE BIOSPHERE RESERVES.

THAT IS WHY THIS IS VERY DISTURBING TO ME AND THE WORKERS IN OUR INDUSTRY AS WELL AS MILLIONS OF OTHER PEOPLE. THE NATURAL RESOURCES THAT KEEP AMERICA WORKING, AND KEEP THE FOOD ON OUR TABLES, AND THE ROOF OVER OUR HEADS, COULD ALL BE TAKEN AWAY FROM US BY THE STROKE OF A PEN FROM THE PRESIDENT OR ANY OF HIS ADMINISTRATION. CONGRESS, THE PEOPLE WHO WE ELECTED TO TAKE CARE OF US, CAN NOT DO ANYTHING ABOUT THIS, UNTIL HR-901 GETS PASSED.

IT IS HARD FOR ME TO UNDERSTAND WHY ANYONE WOULD BE WILLING TO GIVE ANY OF OUR PRECIOUS AMERICAN SOIL TO THE UNITED NATIONS OR ANYONE ELSE FOR THAT MATTER. THIS COUNTRY WAS FOUNDED BY HONEST, GOD FEARING, HARD WORKING MEN AND WOMEN WHO PLOWED THE FIELDS, CUT THE TIMBER, GRAZED THE CATTLE, AND WORKED THE MINES THAT DEVELOPED THIS NATION, UNDER GOD, THE GREATEST NATION IN THE WORLD.

NOW, OUR LEADERS ARE WANTING TO STOP THE FARMERS, STOP THE TIMBER HARVEST, SHUT THE MINES DOWN, DO AWAY WITH OUR GRAZING RIGHTS, AND GIVE OUR PRECIOUS LAND TO THE UNITED NATIONS. LAND THAT OUR FORE FATHERS AND SOME OF US HAVE FOUGHT MANY BATTLES OVER. LAND THAT MANY PEOPLE HAVE LOST THEIR LIVES TRYING TO PROTECT. LAND, WHERE IF PROPERLY MANAGED, COULD SUSTAIN THIS NATION FOR MANY, MANY, GENERATIONS TO COME.

I AM STANDING HERE THIS AFTERNOON TO ASK ALL OF OUR CONGRESSIONAL DELEGATES TO ASK YOUR SELF, " WHERE IS IT GOING TO END." I WAS RAISED IN A SMALL TOWN IN LOUISIANA, AND GREW UP IN A YELLOW DOG DEMOCRAT SOCIETY, AND MY FATHER WOULD TURN OVER IN HIS GRAVE IF HE KNEW I WAS TRYING TO HELP A REPUBLICAN GET A BILL PASSED. BY THE SAME TOKEN HOWEVER, MY FATHER FOUGHT IN WORLD WAR II, WAS A UNION LEADER FOR 26 YEARS, AND AN HONEST, GOD FEARING, HARD WORKING MAN WHO WOULD REALLY UNDERSTAND WHY I AM TRYING TO GET THIS BILL PASSED. IT WOULD BE VERY HARD FOR HIM TO UNDERSTAND WHY THIS BILL WOULD EVEN BE NEEDED.

WE HAVE ALREADY SEEN THE COAL MINE CLOSE IN UTAH, AND THE GOLD MINE NEAR YELLOWSTONE PARK BE SHUTDOWN. WE HAVE WITNESSED MILLIONS OF ACRES OF TIMBERLAND BE LOCKED UP. WE SEE THIS ALSO HAPPENING TO THE LAND BETWEEN THE LAKES IN TENNESSEE AND KENTUCKY, THE SOUTHERN APPALACHIAN MAN & BIOSPHERE RESERVE, THE EVERGLADES, BIG THICKET IN TEXAS, JUST TO NAME A FEW. ALL OF THIS IN JUST THE PAST FEW YEARS IF NOT MONTHS HAVE BEEN DESIGNATED OR LOCKED UP.

IN CLOSING, I WOULD LIKE TO ASK FOR COMPLETE BIPARTISAN SUPPORT OF HR-901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT. KEEP IN MIND, I DO NOT REPRESENT THE INDUSTRY, BUT I REPRESENT THE WORKERS WHO WORK IN THOSE MILLS. I ALSO REPRESENT THE VETERANS AND HONEST HARD WORKING MEN AND WOMEN WHO HELPED SHAPE THIS NATION INTO THE GREATEST NATION ON EARTH, UNDER GOD. IF THERE EVER WAS A TIME FOR ALL OF YOU, THE ELECTED OFFICIALS, TO GET TOGETHER AND VOTE ON A BILL THAT WOULD SAVE OUR AMERICAN SOVEREIGNTY, THE TIME IS NOW. IF YOU CARE ANYTHING ABOUT YOUR COUNTRY THERE IS ABSOLUTELY NO REASON NOT TO VOTE FOR THIS BILL. IF ALL YOU WANT TO DO IS GIVE AWAY OUR PRECIOUS LAND, THAN PLEASE RESIGN FROM YOUR OFFICE, AND MOVE AWAY FROM THIS GREAT LAND, BECAUSE I DON'T BELIEVE YOU ARE TRULY REPRESENTING THE PEOPLE WHO ELECTED YOU IN THE FIRST PLACE. IF A YELLOW DOG DEMOCRAT HAS THE NERVE TO STAND UP WITH A REPUBLICAN FOR SOMETHING HE BELIEVES IN, THAN WHY CAN'T YOU HAVE THE NERVE TO VOTE FOR THIS BILL. IT IS TIME FOR US TO PUT OUR PARTY'S TO THE SIDE, AND VOTE THE WAY OUR HEARTS TELL US TO. REMEMBER, IT'S THE AMERICAN PEOPLE, AND THIS GREAT COUNTRY, WHO WILL LOOSE IF YOU VOTE THE WRONG WAY.

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SUBMITTED BY DON WESSON

Donald R. Wesson

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National Parks
and Conservation Association

STATEMENT OF
WILLIAM J. CHANDLER, VICE PRESIDENT FOR CONSERVATION POLICY
NATIONAL PARKS AND CONSERVATION ASSOCIATION
BEFORE THE
COMMITTEE ON RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
ON
H.R. 901 - THE AMERICAN LANDS SOVEREIGNTY PROTECTION ACT
JUNE 10, 1997

Good afternoon Mr. Chairman and members of the Committee. My name is William J. Chandler; and I am the Vice President for Conservation Policy of the National Parks and Conservation Association (NPCA). NPCA is America's only private, nonprofit citizen organization dedicated solely to protecting, preserving and enhancing the National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

I am pleased to present the associations views on H.R. 901, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve state sovereignty and private property rights in non-federal lands surrounding those public lands and acquired lands. My testimony will focus on those aspects of the legislation that deal with the World Heritage Convention and the Man in the Biosphere Program, both of which relate to the National Park System.

NPCA opposes enactment of H.R. 901 because it would straight jacket U.S. implementation of the World Heritage Convention and other international treaties and programs designed to conserve our natural and cultural heritage. Furthermore, we do not agree with the bills underlying assumptions that international conservation and preservation processes are violating U.S. or state sovereignty, lowering property values, or restricting the use of private property. There is no credible evidence that any of those results have occurred.

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World Heritage Convention

The U.S. Senate ratified the World Heritage Convention in 1973. The U.S. led the effort to establish the Convention, and we were the first of 148 participating nations to sign. It is an honor to have sites on the World Heritage List.

The convention establishes a structure for each nation to identify and protect natural and cultural sites and areas of universal interest to humankind. Each participating nation pledges to protect its own listed sites under its own laws, and to refrain from harming sites in other countries. There are 20 world heritage sites in the U.S., 17 of which include areas within the National Park System:

- Cahokia Mounds State Historic Site, IL
- Carlsbad Caverns National Park, NM
- Chaco Culture National Historical Park, NM
- Everglades National Park, FL
- Glacier-Waterton International Peace Park, Montana-Alberta (joint listing with Canada)
- Grand Canyon National Park, AZ
- Great Smoky Mountains National Park, NC/TN
- Hawaii Volcanoes National Park, HI
- Independence Hall, PA
- Kluane National Park/Wrangell-Saint Elias National Park and Preserve, and Glacier Bay National Park, Alaska/British-Columbia (joint listing with Canada)
- La Fortaleza and San Juan Historic Site, Puerto Rico
- Mammoth Cave National Park, KY
- Mesa Verde National Park, CO
- Monticello and the University of Virginia, VA
- Olympic National Park, WA
- Pueblo de Taos, NM
- Redwood National Park, CA
- The Statue of Liberty, NY
- Yellowstone National Park, ID/MT/WY
- Yosemite National Park, CA

In hearings held last year on H.R. 3752, concerns were expressed that adding a site to the World Heritage List somehow threatens local economies, private property and individual freedom. I challenge the opponents of the program to produce credible evidence that those consequences have occurred. I know of no documented case where the designation of any world heritage site in the U.S. has produced those consequences.

Fears also were expressed that restrictive buffer zones would be created around listed sites. Again, I know of no instance in the U.S. where that has occurred.

It does appear that site nominations could be better explained and publicized in local communities surrounding proposed sites. Last year, Ms. Nina Sibal, Director of UNESCO, explained to the committee that the operational guidelines for the convention clearly encourage local participation in the nomination process "to make them feel a shared responsibility...in the maintenance of the site." It is up to each country to develop public participation in an effective way.

NPCA supports public involvement in the nomination process, and would support reasonable means to engage the public. However, the decision to list a site should be based on the criteria spelled out under the World Heritage Convention.

NPCA believes it would be a mistake to alter the U.S. nomination process as specified under Section 3 of HR 901. Here's why:

1. The requirement that the secretary issue a finding that commercially viable uses of the nominated lands and lands within 10 miles of the site will not be adversely affected is inconsistent with the primary goal of the World Heritage Convention, which is resource protection and conservation, not development. In addition, nominated sites already must be adequately protected by the land manager or owner in order to be approved.

2. The requirement that the Secretary analyze the impact that a world heritage designation would have on existing and future uses of the nominated site, and lands located within 10 miles of the site, would be difficult to make and highly conjectural. Besides, when an existing national park or other protected area is designated as a world heritage site, there are no restrictions placed on private or other lands adjacent to the area at he time of designation. Any additional land use requirements affecting lands adjacent to the site would have to be agreed to by the adjacent land manager or owner.

3. Specific congressional authorization of future nominated sites appears to be duplicative overkill. Congress already has assented to the convention, and treaty implementation is properly the responsibility of the Executive. Congress is notified that a site is being considered for nomination to the World Heritage List, and when the nomination is made. Federally owned U.S. sites already have some kind of protection under U.S. law prior to nomination. Why should Congress formally classify already protected lands as world heritage sites when an administrative process exists to accomplish that objective?

Biosphere Reserves

The U.S. Man in the Biosphere (MAB) Program is a voluntary, inter-agency effort which operates under the existing authorities of the participants. Federal agencies were directed to participate in the UNESCO MAB Program by the office of Science and Technology Policy and the Office of Management and Budget in a memorandum of March 9, 1979. A number of other laws authorize federal agencies to cooperate and support programs of interest. There is no specific legislative authority for the U.S. MAB.

Forty-seven sites and areas in the U.S. have been designated as biosphere reserves; most of these are located on federal lands. Thirty national park units participate in the program. As Dean Bibles, chairman of the U.S. Man and the Biosphere Program (MAB), testified last year, the purpose of the biosphere reserve program is to encourage voluntary cooperation in the states and management of the environment and the development of sustainable economies.

The U.S. National Committee for MAB includes representatives of 15 federal agencies, industry, and academia. The committee approves all nominations for biosphere designation in the U.S., and requires that the proponents of any new preserve seek concurrence of the relevant local governments in the nomination process. Once a biosphere reserve is established, what happens?

Lots of good things. For example, the Southern Appalachian Biosphere Reserve (SAMAB) was designated in 1988 as a multi-unit regional reserve. One of the five biosphere units includes lands within Great Smoky Mountains National Park.

- The SAMAB organization, working through its cooperating members, has produced a comprehensive ecological, environmental and socioeconomic assessment of the Southern Appalachian region.
- The resulting database has facilitated cooperation and coordination among various stakeholders in several states to deal with region-wide problems. For example, the Southern Appalachian Mountains Initiative (SAMI) links 8 states, private industry, non-profit groups, and scientists in a cooperative effort to solve the regions' air quality problems.
- SAMAB held a number of public workshops on how to deal with particular problems such as dogwood authracnose, and has produced 500,000 brochures on how to grow and maintain disease-free dogwood trees.
- SAMAB conducted 3 regional education alternatives to inform the public about the reintroduction of the red wolf (*Canis rufus).*

I saw no complaints in last years' hearings from the governors of the states participating in SAMAB or SAMI. Nor did I see any complaints about any threats to local economies or private property. As Mr. Bibles testified:

> *"I know of no example where biosphere reserve designation has resulted in prohibiting any economic activity. This is true because of the voluntary and legally non-binding nature of the program and because no element of the commitment to a biosphere reserve would have such effects. It is also true because all legal conservation protection appropriate to the biosphere reserve must be in place before the biosphere reserve designation can be awarded. In no case have new or additional laws been enacted in order to gain biosphere reserve status or because of biosphere reserve status."*

Despite the concerns expressed last year hearing by citizens from the Ozarks and the Catskills, the biosphere reserve program is working extremely well at many sites across the United States. I highly recommend that the Resources Committee take testimony on these successful programs before acting on H.R. 901.

Section 4 of H.R. 901 would apparently prohibit all future biosphere designations, terminate all existing U.S. biosphere reserves unless they are specifically authorized by Congress before December 31, 2000; limit reserves only to federal lands; and require that the authorized area be subject to a management plan that ensures that the use of intermixed or adjacent non-federal property is not limited or restricted as a result of the designation.

NPCA opposes Section 4 because it radically alters a worthwhile endeavor to conduct scientific research and promote sustainable economies by citizens of the United States and their representatives acting in voluntary association. We believe the protection and enjoyment of our national parks can best be achieved through the development of comprehensive environmental and economic plans for areas surrounding the parks. These efforts must be voluntary and crafted to meet the distinct needs of each area. This can best be achieved by giving stakeholders the freedom to develop cooperative environmental and economic programs.

An excellent example of how local government is working with the National Park Service can be found in Kentucky. The Mammoth Cave Area Biosphere Reserve is the tool being used by the Barren River Development District --a local government entity-- to address regional water quality issues. Attached to my statement is a description of this local initiative. Also attached is a brief paper entitled "Misinformation About Biosphere Reserves," prepared by D. Roger Soles, Executive Director of the U.S. MAB Secretariat.

In conclusion, I urge the committee to examine the many successful examples of how world heritage sites and biosphere reserves are playing constructive roles in the conservation and management of our nationally significant resources, state and local environments and local economies. If you do, I believe the overwhelming preponderance of the evidence will show that these programs threaten no one's sovereignty, property or freedom.

MAB NOTES

MAMMOTH CAVE AREA BIOSPHERE RESERVE

Making a difference in groundwater protection

BY JEFF BRADYBAUGH

THE MAMMOTH CAVE AREA Biosphere Reserve (MCABR) was designated by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 1990. It includes Mammoth Cave National Park and its primary groundwater recharge basins, an area totalling 44,700 hectares (110,453 acres). The park is the protected core area, and the basins outside the national park are designated the zone of cooperative use. Located in south-central Kentucky, the area is a karst landscape typified by numerous sinking streams and sinkholes, complex underground watercourses, and a multilayered cave system (longest in the world) with unique fauna and mineralization features. The karst landscape efficiently transports precipitation runoff (and any incorporated contaminants from surface land use) to subsurface streams, posing constant concern for area water quality degradation (fig. 1).

At the suggestion of the National Park Service and others, the Barren River Area Development District (BRADD) selected the UNESCO biosphere reserve model as the tool to address regional water quality issues. Chartered by the Commonwealth of Kentucky, BRADD is responsible for regional planning within the 10-county area surrounding Mammoth Cave National Park. With the biosphere reserve administered through BRADD, whose board of directors consists of locally elected officials, the biosphere program is viewed as a locally managed effort rather than a federal undertaking. As nearly all the land outside of the park is in private ownership, this organizational structure has proven critical to initiating and carrying out biosphere reserve programs.

The Barren River Area Development District established a biosphere reserve council to coordinate resource management activities. The council is comprised of technical specialists from: Western Kentucky University, USDA (U.S. Department of Agriculture) Forest Service, USDA Combined Farm Services Agency, USDA Natural Resources Conservation Service, Tennessee Valley Authority, U.S. Economic Development Administration, U.S. Army Corps of Engineers, agencies of the Kentucky natural resources cabinet, the Resources Conservation and Development District, the Caveland Sanitation Authority, and the National Park Service.

IMPLEMENTATION OF THE BIOSPHERE RESERVE PROGRAM

Several noteworthy programs and projects have been initiated or enhanced through the collective efforts of the governments and agencies cooperating under the Mammoth Cave Area Biosphere Reserve umbrella.

MAMMOTH CAVE AREA WATER QUALITY PROJECT

To protect the Mammoth Cave watershed, a partnership was established with farmers, universities, and agencies to protect aquatic resources by promoting sustainable agriculture and on-the-farm *best management practices* (BMPs). Since 1990, the USDA has made available $950,000 on a cost-sharing basis with local farmers for the design and installation of animal waste BMPs for feedlots and dairies. Agencies, including the National Park Service, have invested $330,000 in groundwater and aquatic community monitoring to assess the effectiveness of BMPs. An Environmental Protection Agency grant has been secured to continue this project over the next four years.

REGIONAL GIS/GPS AND DEVELOPMENT OF A GEOSPATIAL DATA CENTER

Members of the biosphere reserve council have pooled their resources to enhance data sharing and data analysis capabilities. A GIS (Geographic Information System) was established at BRADD to supplement and interact with partner systems. Agencies contributed to purchase a GPS (global positioning satellite) base station that has been used in developing groundwater hazard maps where interstate highways and railroads cross the groundwater basins (fig. 1). The series of maps allows emergency responders to identify sites where hazardous spills from road or rail accidents could enter sinks or otherwise be injected into the aquifer, and allows them to quickly formulate a containment strategy. With support from the Mammoth Cave Area Biosphere Reserve and park assistance via the NPS Lower Mississippi Delta Initiative, the GPS system is being used to map features of a local civil war battlefield, assisting community efforts for its protection. Through a grant from the U.S. Geological Survey (USGS), the biosphere reserve has established a geospatial data center at Western Kentucky University, as a node of the nationwide USGS system.

ECONOMIC DEVELOPMENT AND IMPACT STUDIES

The Economic Development Administration funded a MCABR study to assess the potential for compatible industrial development along Interstate 65 within the reserve. Existing and potential environmental risks and identification of suitable and unsuitable development locations were analyzed. Through the Barren River Area Development District, this information has been made available to the affected communities to assist in economic and infrastructure planning.

The National Biological Service, Michigan State University, and Southern Illinois University are nearing completion of a visitor use and economic impact study for the park and local area. Data will be used to assess the impact of tourism expenditures locally and to formulate regional plans for sustainable tourism currently under development by the West Kentucky Corporation.

Environmental Education

Plans for a nonprofit institute, as part of the biosphere reserve, are being developed to extend and enhance the education and research programs available to local residents and resource managers, including environmental and cultural resource management, sustainability, and heritage appreciation.

To keep the public informed of ongoing water resource management efforts in the biosphere reserve, an educational video was produced through Kentucky Educational Television. It describes the [illegible]d concerns of stakeholders, how consensus planning was used to focus on common goals, and the actions taken to enhance water quality. The video emphasizes the progress made through cooperation between businesses, landowners, and agencies working within the reserve.

Mammoth Cave Resources Conservation and Development Area

With the intense focus on water quality in the karst aquifer and the need to remedy related agricultural impacts, agency managers and local officials petitioned the Secretary of Agriculture to designate an area in south-central Kentucky including the biosphere reserve as a resources conservation and development area (RC&D). Established in 1991 and represented on the biosphere council, the RC&D uses its resources to meet goals common to both programs. The RC&D receives USDA funding each year, available for matching grants, to accomplish projects relating to solid waste management, non-point source pollution control, conservation education, and rural infrastructure. While most projects are relatively small in size, they provide rural communities with opportunities to address longstanding problems and to become participants in regional conservation efforts.

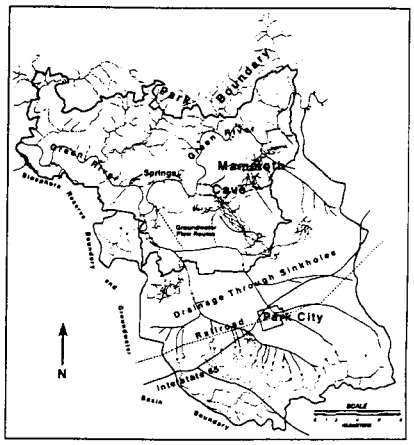

Figure 1. The Mammoth Cave Area Biosphere Reserve (gray boundary line—before the recent expansion) encompasses Mammoth Cave National Park (black boundary line) and most of the Groundwater Basin, the primary groundwater recharge area for the cave. The thick gray lines terminating in arrows indicate the flow of precipitation runoff (and contaminants) through neighboring towns and across highways enroute to the cave. The recently expanded biosphere reserve increases opportunities to promote a water quality program throughout the Groundwater Basin that will help protect cave resources.

What the Future Holds

The Mammoth Cave Area Biosphere Reserve, with the national park as the core area, has brought national attention to local conservation issues, including additional financial resources not available previously. Landowners and communities have derived tangible benefits and received recognition for working together to protect resource values. The park benefits in that external resource threats and issues are being addressed and a forum exists to discuss long-term resource protection policies with local officials.

In August, the USMAB National Committee approved expanding the biosphere reserve to 368,000 hectares (909,328 acres). Within the expanded reserve, an opportunity exists to develop greater involvement of rural and small-town residents, to work with commercial natural resource users, and to partner with people interested in conservation of historic resources and the cultural traditions of the region. These opportunities reflect the continuing growth of the biosphere reserve program. In addition to providing a larger land area, the expanded biosphere reserve also continues the focus on areas of critical environmental concern—especially the Mammoth Cave groundwater basins.

Jeff Bradybaugh is Chief, Science and Resources Management Division at Mammoth Cave National Park, Kentucky. Contact him at Mammoth Cave National Park; Mammoth Cave; KY 42259; (502) 758-2251.

MISINFORMATION ABOUT BIOSPHERE RESERVES

Dr. Roger Soles, Executive Director U.S. MAB Secretariat

Some individuals and organizations have been seriously misinformed about the nature of the Biosphere Reserve element of the U.S. MAB Program. Here are some of the more recent charges that we have heard concerning biosphere reserves. I have condensed some of the charges into common categories because of their similarities. [1]

Charge Number 1: When an area receives biosphere reserve recognition, the United Nations will control the area, or the USA "loses sovereignty" over the area, etc.

Answer: The idea that the United Nations is taking over U.S. lands, private and public, is completely false. Neither the United Nations nor any other international body has any authority over public or private U.S. lands which have received recognition as biosphere reserves.

Only voluntary guidelines exist for biosphere reserves. No international biosphere reserve treaty or biosphere reserve convention exists. In 1995, managers from Biosphere Reserves around the world, representatives of conservation groups and scholars met in Seville, Spain, to set a voluntary framework for international science and conservation cooperation. Among the documents they produced were The Seville Strategy for Biosphere Reserves and the Statutory Framework for the World Network of Biosphere Reserves. The Introduction for this "Framework"; states:

"Biosphere Reserves, each of which remains under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary."

Furthermore, Article 2, paragraph 1 of that "Framework" states, *"Individual Biosphere Reserves remain under the sovereign jurisdiction of the States where they are situated. Under the present Statutory Framework, States take the measures which they deem necessary according to their national legislation"*

This fact was also recognized by the Congressional Research Service's CRS Report for Congress on June 6, 1996. In that report to Congress entitled "Biosphere reserves: Fact Sheet" it noted: *"Biosphere reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or state and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. Areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country."*

In sum, neither the United Nations Educational, Scientific and Cultural Organization, (UNESCO) nor any other U.N. body has jurisdiction over any U.S. Biosphere Reserve.

Charge Number 2: Biosphere reserves will restrict property and land use rights and lower land values.

Answer: There are no economic or scientific studies which show any detrimental effect of biosphere reserve status on the use and value of non-Federal lands located in the vicinity of a biosphere reserve. Neither is there any evidence that any restrictions were placed on any private lands in the vicinity of a biosphere reserve because it was a biosphere reserve.

In testimony given to Congress last year on "A Bill to Preserve the Sovereignty of the United States Over Public Lands" (H. R. 3752), not one of the witnesses was able to cite any actual or observed increased land use restrictions or any decrease in the value of any private property in the vicinity of a biosphere reserve.(See "Sovereignty Over Public Lands", Hearings before the Committee on Resources, House of Representatives, 104th Congress, Second Session on HR 3752, September 12, 1996 - Serial No. 104-98, Washington DC).

Within the biosphere reserve program there is no authorization for the"taking" of anyone's land, nor for the placing of any legal restrictions on private land use and individual land rights.

Charge Number 3: Biosphere reserves will circumvent the Constitution and infringe upon the laws enacted by Congress.

Answer: The Federal or state agencies responsible for various biosphere reserve protected areas are agencies with Congressional, state or local authority for managing the lands within those areas. Most often, the agencies are the National Park Service of the Department of the Interior and the Forest Service of the U.S. Department of Agriculture. Areas which are recognized as Biosphere Reserves receive no special land use authority or regulations which might conflict with the authority of the Congress, the state government agencies, or county and local authorities. Biosphere

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[1] This is my personal statement. The opinions, conclusions and recommendations expressed in this statement are mine and do not necessarily reflect the view of the participating and supporting agencies of the U.S. MAB.

Reserves have no international or other authority. They receive Biosphere Reserve recognition and status, in part, because the land management authority for the protected and managed use areas must already exist within domestic legislation. National Parks, for example, have Congressional authority for the management of the park. Such parks have a "management plan" for the park. Frequently these park management plans identify specific "wilderness areas" for research and study thus serving as the "Protected Area" of the Biosphere Reserve. The entire surrounding park area is the "Managed Used Area" because the Park Service or other authority is mandated to manage that area.

These local or national authorities must pre-exist before an area can be nominated as a Biosphere Reserve. No new regulations are created with Biosphere Reserve recognition that in any way could diminish the authority of the U.S. government, Congress, or any state, county or local legislative body to make rules and regulations respecting these lands.

Charge Number 4: UN Troops are moving into a region to depopulate it in order to establish a Biosphere Reserve; or UN roadblocks have been set up; or that some type of "animal worship" is going to be imposed though the "secret AGENDA 21" or through a Seville Strategy or a UN truck depot base, etc.

Answer: It is impossible to keep up with all of these erroneous claims. No such proof or evidence has ever been offered to substantiate these claims. They have no basis in fact. Agenda 21 is a lengthy compilation (40 chapters, each of which has multiple subsections) of resolutions adopted at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, in 1992 to promote sustainable development. It is not secret and can be obtained from many public sources and bookstores. The official U.S. Department of Agriculture, Natural Resource Conservation Service (formerly the Soil Conservation Service) statement about recent misinformation circulated, and the truth, about "Agenda 21" may be found at the Web site (http://www.mabnet.org).

The primary objective of the Seville Strategy is to promote and encourage greater involvement by local citizens and officials in the management of biosphere reserves -- not to depopulate areas or impose new laws or regulations upon them.

It does seem that the burden of proof ought to reside on those that make these fearful charges. Certainly it would seem that with 47 biosphere reserves in the U.S., that if any of these charges were true, someone, somewhere, somehow, would have some proof or evidence of increased land use restrictions, etc. Yet, no one has and no one ever will, because all of these charges are false.

Charge Number 5: The U.S. MAB Program operates without legal approval.

Answer: U.S. MAB is a voluntary, interagency, effort which operates within the existing authorities of the participating agencies. No specific law exists for the U.S. MAB Program.

Federal agencies were directed by the "Memorandum for Heads of Certain Departments and Agencies, Subject: U.S. Participation in UNESCO's Man and the Biosphere Program," Executive Office of the President, Office of Science and Technology Policy, Office of Management and Budget, Washington, DC, March 9, 1979, to participate in the U.S. MAB Program.

Other applicable authorities which are cited in Interagency agreements to participate in the U.S. MAB program include: the Economy Act of 1932, as amended, 31 U.S.C. 1535; An Act Authorizing the Secretary of State to Manage Foreign Affairs, 22 U.S.C. 2656; House Joint Resolution 305, July 30, 1946 (PL 565, 79th Congress); the United Nations Educational, Scientific and Cultural Organization Act, as amended, 22 U.S.C. 287m-287t; House Joint Resolution 305, July 30, 1946 (PL 565, 79th Congress); and the National Environmental Policy Act of 1969 and PL91-190, 91st Congress. Again, while none of these laws specifically cite the MAB Program, they do authorize the federal agencies to cooperate and support programs within which they have an interest.

Charge Number 6: What is unreasonable about Congress being involved in the biosphere reserve nomination process?

Answer: Nothing. Indeed Congressional involvement in the process of the recognition of biosphere reserves would probably be desired by the U.S. MAB Program. However, to tie up Congress with the naming of areas, most of which in the future will likely be non-federal lands which are nominated by their state park authorities or the private organizations or individual owners, seems unwarranted.

However, it does not seem reasonable for Congress to terminate all of the currently existing Biosphere Reserve designations. According to currently proposed legislation (HR 901) Congress would have to specifically authorize the existence of each and every biosphere reserve in the U.S. before 2001. That would involve at least 47 specific acts of Congress. If specific allegations are being raised against any specific U.S. biosphere reserve concerning any of the above charges, then perhaps a case could be made.

Please review the USMAB web site carefully (http://www.mabnet.org). All U.S. Mab publications are posted there so you -- the concerned citizen -- can knowledgeably determine the truth about biosphere reserves and MAB.

TESTIMONY OF
GUSTAVO F ARAOZ, AIA
EXECUTIVE DIRECTOR OF US/ICOMOS,
THE UNITED STATES COMMITTEE OF
THE INTERNATIONAL COUNCIL ON MONUMENTS AND SITES
BEFORE THE HOUSE COMMITTEE ON RESOURCES
HEARING ON H.R.901,
"AMERICAN LANDS SOVEREIGNTY PROTECTION ACT"

June 10, 1997

I am testifying on behalf of US/ICOMOS, the United States Committee of the International Council of Monuments and Sites. US/ICOMOS is a professional non-governmental membership U.S. organization. US/ICOMOS is also the United States component of ICOMOS, the world's only non-governmental professional membership organization that is made up of representatives of all those disciplines that work to preserve and protect historic properties, historic buildings and archaeological sites. For that reason, my testimony is limited to those aspects of H.R.901 that concern the World Heritage Convention.

US/ICOMOS has no association with the United Nations nor any other international body other than ICOMOS. As such, US/ICOMOS is one of over 90 autonomous ICOMOS national committees all working together to exchange professional information and to promote international cooperation in the field of cultural heritage.

At a time when the world continues to grow ever smaller through binding economic ties, increased travel and the miracle of global communication, US/ICOMOS is focused on expanding the field of action of U.S. preservation professionals to the entire planet. Thus, we are stunned when H.R.901 or any Congressional or non-Congressional initiative aims to limit the participation of our citizens and local communities in international activities or to decrease the presence of the United States anywhere in the world, including international programs that provide venues for U.S. professionals.

There is a tenet in the preservation field that its professional practice can be summarized in three actions: identify, evaluate and protect. The World Heritage Convention is one of the important instruments that enable this country to achieve all three of these in terms of properties of "outstanding universal value."

After lengthy analysis of the text of HR 901, US/ICOMOS is compelled to comment on it as a serious and grave threat to this nation's ability to protect the most highly significant historic, cultural and natural sites that are treasured by every American.

The threat can be summarized under four headings:

Testimony on H.R.901
Gustavo F. Araoz, US/ICOMOS
10 June 1997
Page 2

1. H.R.901 unnecessarily complicates the current streamlined and professional process of identification, evaluation and nomination of United States sites to the World Heritage List, bringing participation in the Convention to a standstill. This contravenes the obligation assumed by the United States upon ratifying the Convention to "*submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the* [World Heritage] *list*" (Article 10, Par 1 of the Convention).

2. H.R.901 severely and intentionally weakens the protection of our most prominent national sites by requiring the elaboration of what is in substance an unrestricted economic impact statement for an area of 10 miles around the site boundaries prior to its nomination to the World Heritage List. The natural and cultural values of these most important sites so treasured by current and future generations of Americans are made equivalent, even subservient to more immediate, variable and transient economic concerns, that often benefit only a few. While economic growth is important, the well-being of the American people cannot be made a function of dollars alone.

3. By requiring a complex, non-professional approval for endangered sites to be placed in the List of World Heritage in Danger, H.R.901 diminishes the capability of the United States to manage professionally the specific threats that endanger the inherent values of the nation's designated World Heritage Sites, curtailing its ability to seek and enlist cooperative international assistance in addressing such threats.

4. H.R.901 will discourage further nominations by imposing onerous, perhaps unreasonable reporting mechanisms on World Heritage Site administrators. Existing reporting procedures are adequate to assess the effectiveness of protective mechanisms and to identify and quantify threats to the values of the sites.

US/ICOMOS applauds every action of the Congress to make the process of heritage conservation more democratic and participatory. We deplore all suggestions that such conservation of our cultural and natural resources in any way impedes the national sovereignty.

US/ICOMOS emphatically supports this country's full participation in the World Heritage Convention, an international agreement that sprang from an American idea in 1972. US/ICOMOS is gravely concerned by the implication of the proposed legislation title that national sovereignty is threatened by participating in the World Heritage Convention. US/ICOMOS is surprised that the Congress, in fulfillment of the national obligation under a Convention it ratified, is not encouraging greater rather than lesser participation in the World Heritage Convention.

Existing procedures for implementing the Convention in the United States have already limited US participation in ways that no other country has imposed upon itself. For example, procedural limitations prevented the enthusiastic citizens of Savannah, Georgia, from achieving the listing of the historic center of their illustrious and extraordinary city in the World Heritage List two years ago.

Contrary to Congressman Young's view that World Heritage Sites are proliferating in the United States, the U.S. roster of World Heritage Sites remains small and with little growth, especially in view of the great size of this country and its tremendous cultural and natural riches; the way its innovation and creativity have shaped the modern world; and the extent to which our culture has influenced the entire globe.

Some simple figures will serve to illustrate this point: There are 18 World Heritage sites in the United States. Mexico, with 1/8 of our territory, has 16 sites, including 7 historic cities, of which we have none, unless one consider Taos Pueblo as one. This even though Savannah, Charleston, Santa Fe, New Orleans, San Francisco, New York, Washington, DC, and Chicago are potential World Heritage Cities that should be in the company of listed ones such as Quebec in Canada; Rome, Florence, Ferrara, Vicenza, Venice and Naples in Italy alone; Bergen in Norway; Cairo, Tunis, Fez and Meknès in Northern Africa; Bern, Istanbul, Salzburg, Budapest, Paris, Avignon, Luxembourg, Granada, Toledo, Segovia, Prague, Krakow and Warsaw in Continental Europe; Bath and Edinburgh in the United Kingdom; Quito, Lima, Cuzco, Brasilia, Potosi, Cartagena and Ouro Preto in South America; Jerusalem and Damascus in the Middle East.

European countries, many times smaller than the United States also have greater overall participation, both per capita and territorially, often even in numbers: France has 22 listed sites; Great Britain 16, Germany 19, Spain 23, Italy 16, Greece 14. Even India, renowned for its intransigence on any form of intrusion into its national sovereignty, has 21 sites. Does any one in this room realistically and honestly believe that ferociously independent countries like India, Russia, Australia, Canada, China, France, Great Britain, even Cuba, Libya, Iran and Iraq would willingly participate in the World Heritage Convention if they felt that their national sovereignty were in any way compromised ?

The World Heritage Convention is a benign international agreement and the most popular in the history of mankind, ratified by 149 countries. There are 506 sites from 107 countries inscribed in the World Heritage List. While countries vie, at times exaggerating significance to get their major sites inscribed in it, the United States shies away. Listing brings universal honor and renown to all those sites in the List. As an American, I am and all others should be very proud that the significance of our national treasures, like Testimony on H.R.901

Yellowstone, Independence Hall, Mesa Verde, Chaco Canyon, Cahokia Mounds, Yosemite, Olympic, the Everglades and Taos Pueblo have been recognized beyond our national borders for their outstanding universal value and significance. World Heritage Sites are neither strategic nor controversial. The list includes the Taj Mahal, the Palace of Versailles, Vatican City, the Pyramids of Egypt, the Athenian Acropolis, Great Zimbabwe, Machu Picchu, the Great Barrier Reef of Australia, the Kremlin, Easter Island, the Delta of the Danube and the Great Wall of China.

ICOMOS is an advisor to the World Heritage Committee on all matters concerning cultural sites inscribed on the Convention's World Heritage List. For 32 years, a US/ICOMOS member has always served as an elected, unpaid international Vice President of ICOMOS. Since the adoption of the World heritage Convention, that US/ICOMOS member has always had the honor and the privilege of participating in the annual professional review of all nominations for cultural sites to the Convention's World Heritage List. US/ICOMOS knows well the criteria for acceptance to the List and that they abide by universally accepted standards for identifying and evaluating the significance of sites, including the criteria that the Federal government uses for inscribing our own sites in State registers, the National Register and in designating our National Historic Landmarks. There are no conflicts between our national and the international criteria for evaluation and protection of culturally significant sites.

At no time has the World Heritage Convention threatened or intended to threaten the sovereignty of any ratifying nation of the Convention. Article 6 of the Convention clearly states it, and I quote:

> Whilst fully respecting the sovereignty of the States [*that is international language for nations*] on whose territory the cultural and natural heritage mentioned in articles 1 and 2 is situated; and without prejudice to property rights provided by national legislation, the State Parties to this Convention *[that is, the countries that have entered into the Convention]* recognize that such heritage constitutes a world heritage whose protection it is the duty of the international community as a whole to cooperate.

Furthermore, Article 4 states that:

> Each [*nation*] State party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the natural and cultural sites referred to in articles 1 and 2 and situated on its territory, belongs primarily to the State.

In fact, in order for a site to be included in the World Heritage List, the nominating government must submit adequate documentation of a property's significance, and it must also show proof that it has established an effective legal and administrative framework that will enable it to preserve it.

Americans are fortunate that over the past century, our leaders in Congress have enacted a great corpus of law that reflects the popular concern for the heritage of sites and special places that are so treasured by the American people. These laws and institutions are examples admired and emulated by many other nations in the world. But more relevant to our topic here today, US national preservation law and existing institutions at the Federal, State and local levels not only provide for – **they exceed** – the protection that is sought by the international criteria for inclusion in the World Heritage List. At no time has the World Heritage Committee or any other international institution or body told the United States Government how to protect nor manage its national treasures. The sovereignty of the United States as well as that of other nations has never been threatened by the World Heritage Convention and it never will be. **Any and all development limitations imposed in and/or around a U.S. World Heritage Site derive exclusively from existing Federal, state or local legislation, and NOT from any internationally imposed standards. All U.S. World Heritage Sites receive their protection because of their listing in the National Register of Historic Places, their designation as National Historic Landmarks or from other Federal, state or local designation.**

Therefore, restricting listing of U.S. sites to the World Heritage List will not alter, much less diminish in them the current level of protection that is mandated by existing U.S. law – whether national, state or local. But it will, however, exclude our most significant sites from the prominence afforded by World Heritage status, which in itself carries two important advantages:

1. International attention that captures affluent foreign tourism. Foreign tourists at Grand Canyon are said to contribute over 40% of the tourism revenue for the local community. The World Heritage List has become a primary source for identifying leading tourism destinations throughout the world.
2. Enhancement of site administrators' ability to obtain private sector funding and donations from private sources and corporations who wish to associate their name with World Heritage Sites.

Finally, a word about the role of the Department of the Interior in the implementation of our country's participation in the World Heritage Convention. As the Congressionally designated agency responsible for implementing national historic preservation programs,

only the National Park Service has the professional capability to carry out the role assigned to the government of the United States for participation in the World Heritage Convention.

This participation does not consist of merely preparing intricate site nominations on a periodic basis. It involves a continuum of professional activity that includes assistance in revising the criteria and applying them to the annual submission of nominations by other countries at the World Heritage Committee meeting every December. It also includes the important, ongoing task of maintaining and upgrading the Indicative List of the United States, a required roster of those sites whose significance makes them potential World Heritage inscriptions. The Indicative List requires continuous study, evaluation and lengthy research to gather the data needed to substantiate the site's significance and the protective framework as a prerequisite for nomination.

The performance of the National Park Service in this respect has been characterized by the highest level of professionalism, even caution, since many in the U.S. preservation community feel that the transition from the Indicative List to the World Heritage List has been slow and that the List does not yet represent our vast heritage. The work of Frank Lloyd Wright, the American skyscraper made possible by the ingenuity of American architects and engineers, the testimonial sites of our pioneering air and space leadership; the legendary American movie studios: these are but a few of the major examples of American technological innovation and genius that deserve recognition for their outstanding universal value to all mankind.

US/ICOMOS commends the House Committee on Resources for taking its obligations under international conventions on cultural and natural heritage in such a serious and responsible manner. It is a tribute to this country that our legislative and executive branches of government, plus the states and the private sector can engage in these in-depth discussions about the meaning of our nation's heritage and the optimum methods for protecting it. It is precisely because of the seriousness of these discussions that US/ICOMOS has felt the need to bring out forcefully the negative impact that H.R.901 would have by limiting the participation of the United States in the World Heritage Convention.

Respectfully submitted,

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Testimony of
David B. Howard,
PO Box 1111, Gloversville, NY 12078
10 June 1997
Given before the House Resources Committee Washington, D.C.
H.R. 901 American Lands Sovereignty Act

Mr. Chairman, I would like to thank this committee for the opportunity to comment on HR 901 The American Lands Sovereignty Act of 1997.

My name is David Howard, I am a resident of the Town of Bleecker, New York, a town completely within the boundary of the Adirondack State Park. This park is home, in part, to one of the largest U.N Biosphere reserve designations to date, the Champlain-Adirondack Biosphere Reserve. I am here as a member of the Adirondack Blue Line Confederation of Bleecker, NY a small grassroots property rights organization and as a Director of Liberty Matters, a national grassroots educational and communication organization.

Mv involvement in these matters has included the following:

- Adirondack Blueline Confederation co-founder (1990)
- Alliance for America co-founder and president (1991-1992)
  (a national umbrella group for 650+ grassroots property rights and resource groups)
- Alliance for America VP Property Rights 1992-95
- Land Rights Foundation President 1993-present
- Land Rights Letter Editor 1993- present
- Liberty Matters Co-founder & Director 1995-present
- a landowner within the Adirondack Park

Having been immersed in the issue of property rights protection for the last 7 years, it has become increasingly evident to me that the original constitutional guarantees pertaining to the ownership and enjoyment of property are no longer sufficient. We have noted the destruction of local control, first through county regional arrangements (such as the Adirondack Park Agency) which have progressed to a proposed interstate regional authority (the Northern Forest Lands Project) and now to the ultimate in unelected and unresponsive (to the lowners involved) planning bureaucracies... the United Nations. The primary goal of these programs seems to be the replacement of any kind of elected authority with appointed boards. They include, but are not limited to, Biosphere Reserves, World Heritage Areas, Heritage Rivers and the like.

The most revealing part of these programs is the process through which they are created and implemented. At this stage of the de-localization of authority the method of operation is one of stealth. Notice of public meetings (when there are any) are advertised primarily within the environmental organizations whose assignment it has been to implement these programs (with generous funding from a number of activist foundations), and coupled with some small innocuous note in the newspaper with phone calls to only "sympathetic" local officials. We have found that quite often the designations are made by unelected bureaucrats within state and county governments. (See attached letter concerning the Adirondack Biosphere designation). This pattern, I believe, has become quite clear in prior testimony. One of the common threads binding all of these programs seems to be the inclusion of everyone in the process except the people most impacted...the individual landowners. It should be noted here that the individual's right to own and hold property for his or her personal benefit is the cornerstone of any free society and has provided the foundation upon which this great nation has become the envy of the world.

As these undercover international designation projects proceed, they are discovered, from time to time by concerned landowners, and exposed. The operations then shift to the denial phase. The most generally used press barrage will include statements touting "what an honor it is to have our region internationally recognized for its uniqueness", coupled with statements that indicate that "the designation doesn't signify anything" and that there are no "enforcement mechanisms" provided.

The questions that must be asked and answered are:

1. If the designation means nothing but a "feel good" recognition, why are these operations not completely open to the community for discussion and referendum?
2. Why is there so much grant money allocated to push these designations?
3. Why are these designations not presented to the full elected body of the local legislative jurisdiction for debate and consideration?
4. Why are these commissions and management plan architects not elected by the people of the affected area?
5. Why is an international body even considered when it comes to the management decisions of lands within the borders of the United States?

As you ponder these questions it may be instructive to understand how the United Nations and it's myriad of agencies regard the concept of private property. The following is excerpted from the United Nations Conference on Human Settlements (Habitat 1), held in Vancouver, May 31-June 11, 1976, Agenda Item 10 of the Conference Report. Document reference: *A/Conf.70/15*

"Land ... cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. ***Private land ownership*** is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it ***may become a major obstacle in the planning and implementation of development schemes.*** The provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interest of society as a whole. ***Public control of land use is therefore indispensable....***"
Add to the mix the statement of the former president of the Audubon Society, Peter Berle, (the organization is an active supporter of Biosphere Reserves and World Heritage sites through the Adirondack Council) when he stated that ***"we reject the concept of private property"***

And if this were not bad enough, the executive branch seems to believe that we (Americans) can't handle our own affairs and must surrender our independence in this and all other matters. This paradigm shift seemed to be outlined by the president's response to a reporter in a March 7, 1997 press conference when he seemed to question whether we should even be a sovereign country, stating, "...***how can we be an independent sovereign nation leading the world in a world that is increasingly interdependent...***"

Given that this country is by definition still a constitutional republic and that government is instituted to protect the rights and property of its' citizens, these proposals, plans and programs of international intervention in the internal affairs of this country are not only reprehensible they are by classical definition treasonous.

Thank You.

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
ADIRONDACK PARK AGENCY
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original copy

March 2, 1989

Dr. William Gregg
US/MAB Directorate on Biosphere Reserves
U.S. Department of the Interior
National Park Service
Washington, D.C. 20013-7127

Dear Bill:

Enclosed is the consolidated application and supporting materials for the proposed Champlain-Adirondack Biosphere Reserve. The supporting materials include a statement on the proposed management of the reserve, one set of maps, and four supplemental nomination forms prepared by New York and Vermont. Additional supporting documentation was submitted with the advance draft of New York's petition sent to you on January 27. Vermont's petition also included some additional supporting materials. I'll leave it to you to decide which of this additional material sent previously should be included with the consolidated application package.

It feels good to have this step in the nomination process finally complete. I trust with today's package you now have everything you need to advance our application.

As always, I appreciate your help and patience. We look forward to what we hope will be the recommendation of the U.S. Committee and the Secretariat to formally designate the Champlain-Adirondack Biosphere Reserve.

Sincerely,

Ed Hood

Edward J. Hood
Assistant Director of Planning

EJH:mmh:eha
Enclosures
cc: Terry Healey
Rose Paul
Robert C. Glennon
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Comments of
Henry Lamb, Executive Vice President
Environmental Conservation Organization (ECO)
Hollow Rock, Tennessee

Before the

U.S. House of Representatives
Committee on Resources
June 10, 1997

Regarding

The American Land Sovereignty Protection Act (HR901)

Mr. Chairman, and committee members, I wish to thank you for the opportunity to speak in support of The American Land Sovereignty Protection Act (HR901). In our judgement, this is one of the most important measures Congress will consider this session. My name is Henry Lamb, Executive Vice President of the Environmental Conservation Organization (ECO), and Chairman of the Board of Sovereignty International, Inc. We believe this bill will provide three vital functions for the American people: (1) it will allow Congress to take back its Constitutional authority to "manage" federal lands; (2) it will provide land owners recourse to *elected* officials when their private property rights are infringed by UN land designations; and (3) it will allow Congress, rather than an agency of the United Nations, to determine the appropriate use of American land and resources.

This Committee, and the American people, have been told that designations of American lands as Biosphere Reserves and World Heritage Sites are benign, honorary designations that have no legal impact and no authority to dictate land use. Such a characterization may have been accurate in the 1970s, when UNESCO launched its Man and the Biosphere (MAB) Program, but, according to the *Seville Strategy for Biosphere Reserves*, "the context in which biosphere reserves operate has changed considerably, as was shown by the United Nations Conference on Environment and Development (UNCED) and, in particular, the Convention on Biological Diversity."[1]

This Committee, and the American people, have been told by Administration representatives that "The United Nations does not have any authority to affect federal land management decisions within the United States,"

and that "...international agreements...have in no way been utilized to exclude Congress from land management decisions, nor do they have the ability to do so."[2] Yet, each of the 47 Biosphere Reserves in America was nominated by the Executive Branch of the Federal Government, with no review, oversight, or involvement of Congress. According to the *Seville Strategy*, each Biosphere Reserve "must meet a minimal set of criteria and adhere to a minimal set of conditions before being admitted to the Network [The World Network of Biosphere Reserves]."[3] The United Nations derives its authority to affect land management decisions within the United States through the Executive Branch's commitment to meet these "criteria" and "conditions" which are established by the United Nations, not by the Congress of the United States.

Mr. Chairman, these criteria and conditions were adopted by the International Conference on Biosphere Reserves, meeting in Seville, Spain, March 20-25, 1995, pursuant to UNESCO Resolution 27/C2.3. They include the following land management criteria:

> "...each biosphere reserve should contain three elements: one or more core areas, which are securely protected sites for conserving biological diversity; a clearly identified buffer zone which usually surrounds or adjoins the core areas; and a flexible transition area, or area of co-operation...."[4]

This is precisely the same land management plan described in the *Global Biodiversity Assessment*, which says:

> "...representative areas of all major ecosystems in a region need to be reserved, that blocks should be as large as possible, that buffer zones should be established around core areas, and that corridors should connect these areas. This basic design is central to the recently proposed Wildlands Project in the United States (Noss, 1992).[5]

Within each of these three elements, or zones, permissible land use is further defined by the United Nation's *Seville Strategy for Biosphere Reserves*, and the *Global Biodiversity Assessment,* not by the Congress of the United States.

Biosphere Reserves are seen by the United Nations, not as places to hide "black helicopters," as suggested by Representative Miller (D-CA),[6] but as a "contribution...to the implementation of...the Convention on Biological Diversity...."[7] This conclusion comes, not from the "twilight zone," as has been suggested by opponents of this Bill, but directly from the official documents of the United Nations, specifically from *The Seville Strategy for Biosphere Reserves;* minutes of the first meeting of the Conference of the Parties to the Convention on Biological Diversity; and from the *Global Biodiversity Assessment.*

The minutes of the first meeting of the Conference of the Parties to the Convention on Biological Diversity contains this report:

> "Mr. Peter Bridgewater, speaking in his capacity as Chairperson of the Man and the Biosphere (MAB) Council, presented the report on the International Conference on Biosphere Reserves, held in Seville, at which the Seville Strategy for Biosphere Reserves had been adopted. He said that the goals of the Strategy reflected the major concerns of the Convention on Biological Diversity. There are 328 biosphere reserves in 82 countries, making up an effective world network which could be expanded and integrated into the strategies and action plans provided for in Article 6 of the Convention on Biological Diversity. They would serve as useful tools for the implementation of the Articles of the Convention."[8]

The *Global Biodiversity Assessment* is an 1140-page document created by the United Nations Environment Program (UNEP), and described by UNEP's Executive Director, Elizabeth Dowdswell, as "a compendium of knowledge for the benefit of those involved with the implementation of the Convention on Biological Diversity."[9] The document says:

> "The most important global system of sites is the Man and the Biosphere network organized by UNESCO...there exists a significant potential to build a functional international network for biodiversity research related to management...."[10]

The *Seville Strategy for Biosphere Reserves* says:

> "Incorporate biosphere reserves into plans for implementing Agenda 21 and the Convention on Biological Diversity."[11]

Clearly, Biosphere Reserves are viewed by the United Nations as the starting point for implementation of the Convention on Biological Diversity. The *Global Biodiversity Assessment* also declares that:

> "National biodiversity strategies, action plans, or programs — as called for under Article 6 of the Convention on Biological diversity and in Agenda 21 — are intended to identify appropriate conservation and sustainable use measures and specify how they will be implemented."[12]

Because Biosphere Reserve designation requires adherence to these "criteria" and "conditions" established by the United Nations, the 47 Biosphere Reserves in America are being used to implement the land management provisions and objectives of the Convention on Biological Diversity, even though the U.S. Senate has not yet ratified the Convention, nor has Congress approved the provisions and objectives being implemented as specified by the United Nations.

It is our view that Congress must approve the management of each and every Biosphere Reserve because the land and resource management objectives published by the United Nations may not be the same as those that would be established by Congress or by the private citizens who own the land and resources that the UN believes should be managed. For example, the United Nations Environment Program believes:

> "We should accept biodiversity as a legal subject and supply it with adequate rights. This could clarify the principle that biodiversity is not available for uncontrolled human use. It would therefore become necessary to justify any interference with biodiversity, and to provide proof that human interests justify the damage caused to biodiversity."[13]

America has prospered in the belief and practice that biodiversity should be controlled by its owner without interference by government unless the owner's use demonstrably infringes upon the rights or property of another person. We think that belief and practice is as valid today as it was when it was enshrined in our Constitution. The idea of having to justify the use of private property to any government, especially to the United Nations, is an idea that has no place in America. Yet, it is an idea that permeates the United Nations. As early as 1976, The UN Conference on Human Settlements concluded that:

> "Land...cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice. Public control of land use is therefore indispensable."[14]

Public control of land use is, indeed, a high-priority objective of the Man and the Biosphere Program, and of the Convention on Biological Diversity.

The United Nations Environment Program has determined that: "Widespread degradation of natural ecosystems is occurring...as a result of human-induced activities such as fragmentation, livestock grazing, logging and invasion by feral animals and plants,"[15] and that "The most effective...way of conserving biodiversity...is to prevent the conversion or degradation of habitat to begin with."[16] The term "conservation" is defined in the *Global Biodiversity Assessment* "in its most restricted form, to mean `protection.'"[17] A protected area, such as a Biosphere Reserve, is "a legally established land or water area under either public or private ownership that is regulated and managed to achieve specific conservation goals."[18] "Areas of key significance... may well be zoned out of human visitation."[19]

UNESCO's conceptual scheme provides for the three zones within Biosphere Reserves to be "open-ended"[20] and ever expanding. The *Seville Strategy for Biosphere Reserves* instructs national programs to "Seek opportunities for twinning between biosphere reserves and establish transboundary biosphere reserves..." and to "Link biosphere reserves with each other, and with other protected areas, through green corridors and in other ways that enhance biodiversity conservation and ensure that these links are maintained."[21] These instructions are a mirror-image of the land use control plans expressed in the *Global Biodiversity Assessment* and in the Wildlands Project.

The Wildlands Project, authored by Dr. Reed F. Noss, and embraced by the United Nations Environment Program, suggests:

> "...that at least half of the land area of the 48 conterminous states should be encompassed in core reserves and inner corridor zones (essentially extensions of core reserves) within the next few decades.... Nonetheless, half of a region in wilderness is a reasonable guess of what it will take to restore viable populations of large carnivores and natural disturbance regimes, assuming that most of the other 50 percent is managed intelligently as buffer zone. Eventually, a wilderness network would dominate a region...with human habitations being the islands. The native ecosystem and the collective needs of non-human species must take precedence over the needs and desires of humans."[22]

HR901 makes no judgement as to the appropriateness of any of the land management schemes being pursued through the Biosphere Reserve Program. It would simply require the Administration to allow Congress to review the land management schemes and make its own judgement as to appropriateness — as stipulated in Article IV, Section 3, of the U.S. Constitution. If the land management "criteria" and "conditions" established by the United Nations, which are being implemented by the Administration are, in fact, benign, and consistent with laws enacted by duly elected representatives of the people, then the Administration should have no reluctance for Congress to review and approve those "criteria" and "conditions" as they are applied to individual Biosphere Reserves and other areas designated by the United Nations.. Strong opposition by the Administration, including a veto threat, [23] raises the inevitable question as to "why" the Administration does not want Congress to exercise its Constitutional responsibility in the management of federal lands and the protection of private property rights.

The Man and the Biosphere Program is a world-wide network of 328 Biosphere Reserves dedicated to implementation of the objectives of the Convention on Biological Diversity and Agenda 21. HR901 will give Congress the opportunity to determine whether or not those objectives are

appropriate for the 47 Biosphere Reserves that already exist in America, and for those proposed in the future. Unless Congress enacts HR901, and assumes authority to approve UN land designations, private citizens who are affected by such designations will be at the mercy of non-elected bureaucrats, and will continue to have no recourse when their private property rights are infringed.

For these reasons, we strongly urge Congress to enact HR901 with a majority sufficient to override the threatened veto. Thank you.

Endnotes

1. "Biosphere Reserves: The First Twenty Years," *The Seville Strategy for Biosphere Reserves,"*March, 1995, p. 1.

2. Statement of George T. Frampton, Jr., Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, before the House Committee on Resources regarding, H.R. 3752, The American Land Sovereignty Protection Act, September 12, 1996, p. 2, 3.

3. *The Seville Strategy for Biosphere Reserves, Op. Cit.,* p. 2.

4. *Ibid,* p. 3.

5. "Measures for conservation of biodiversity and Sustainable Use of its Components," *Global Biodiversity Assessment*, Cambridge University Press for the United Nations Environment Program, Section 13.4.2.2.3, p. 993.

6. *Congressional Record*, September 26, 1996, p. H11277

7. *The Seville Strategy for Biosphere Reserves, Op. Cit.*, p. 4.

8. Agenda Item 1(7), Report of the First Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, Conference of the Parties to the Convention on Biological Diversity, Second Meeting, 6-17 November, Jakarta, Indonesia, (UNEP/CBD/COP2/5, September 21, 1995).

9. Foreword, *Global Biodiversity Assessment*, Published for the United Nations Environment Program, (New York, NY, Cambridge University Press, 1995) p. viii.

10. *Global Biodiversity Assessment, Op Cit.,* Section 7.3.7, p. 533.

11. *The Seville Strategy for Biosphere Reserves, Op. Cit.,* p. 7.

12. *Ibid,* Section 13.1.4.1, p. 927.

13. *Global Biodiversity Assessment,* Section 11.3.3.2, p. 787.

14. "Preamble," Agenda Item 10, *Report of Habitat: United Nations Conference on Human Settlements,* Vancouver, 31 May - 11 June, 1976, (A/Conf.70/15), photocopied from the archives of the UN Library at Geneva, Switzerland, December 6, 1996 (on file).

15. *Global Biodiversity Assessment,* Section 13.4.4, p. 1004.

16. *Ibid,* Section 13.4.3, p. 994.

17. *Ibid,* Section 13.1.1, p. 924.

18. *Ibid,* Section 13.4.2.1, p. 982.

19. *Ibid,* Section, p. 989.

20. Strategic Plan for the U.S. Biosphere Reserve Program, 1994, U.S. Department of State, p. 4.

21. *The Seville Strategy for Biosphere Reserves, Op. Cit.,* pp. 7, 14.

22. Reed F. Noss, "The Wildlands Project," *Wild Earth*, Special Issue, 1992, pp.13- 15. (*Wild Earth* is published by the Cenozoic Society, P.O. Box 492, Canton, NY 13617).

23. "Statement of Administration Policy," *Congressional Record*, September 26, 1996, p. H11276.

GEORGE RADANOVICH
19TH DISTRICT, CALIFORNIA

COMMITTEE ON BUDGET
NATURAL RESOURCES WORKING GROUP

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Statement
by
The Honorable George Radanovich
before the
Committee on Resources
on
June 10, 1997

Chairman Young, your leadership on H.R. 901, the American Land Sovereignty Protection Act, demonstrates a commitment to protecting America's public lands against overreaching international bureaucracies, like the United Nations. I particularly commend you for conducting this hearing today. The United Nations should not be operating in our backyard in the absence of Congressional oversight.

As you know, I am a cosponsor of H.R. 901. As your colleague on the House Committee on Resources and as the Representative in Congress of a District that includes three National Parks (Yosemite, Kings Canyon, and Sequoia), any question of threatened sovereignty over public lands and its potential impact on adjoining private property is of critical concern to me.

It is arrogant of the United Nations to believe that undermining United States' hard won sovereignty is in the best interest of world peace. Preserving every ounce of U.S. sovereignty is crucial to maintaining American leadership abroad and at home. I am dedicated to the principle that the American people's allegiances lie with the United States Constitution, not the charters of international bodies. This is the underlining reason for my joining you as a cosponsor of H.R. 901. I believe this bill restores Congress' Constitutional role (Article IV, Section 3) in the making of rules and regulations governing lands belonging to the United States. The legislation reasserts America's right to exercise its own judgement when faced with questionable United Nations' projects such as "Biosphere Reserves" and "World Heritage Sites." America's national parks are protected areas of unique value to be managed by our people, not bureaucrats working in international bodies such the United Nations.

Mr. Chairman, the United Nations has become too large. The U.S. Congress, as the voice of the people, needs to reassert its leverage over the UN while pressing for deep reforms. H.R. 901 represents a significant step toward fulfilling that goal. I praise you for moving this bill forward, and for elevating discussion about the role and mission of the UN. I welcome the debate, and look forward to hearing from today's witnesses.

As members of Congress, we must strive towards empowering the American people by reversing the continuing trend toward large government on the domestic and international scale.

WWF

June 9, 1997

The Honorable Don Young
U.S. House of Representatives
2111 Rayburn House Office Building
Washington, D.C. 20515-0201

Dear Congressman Young:

I write to urge you not to support H.R. 901, the "American Land Sovereignty Protection Act," sponsored by Resources Committee Chairman Don Young. This legislation is neither warranted nor wise. It is an unfounded attack on international conservation programs that recognize areas in the world that are of "outstanding universal value." Contrary to this bill, I believe this Committee should strengthen and encourage measures that would lead to greater participation by the United States in the World Heritage Convention, RAMSAR Convention, Biosphere Reserve Program, and other worthwhile international conservation programs.

In 1972, while serving as chairman of the Council on Environmental Quality in the Nixon Administration, I led the U.S. delegation to the Stockholm Conference on the Environment where we proposed the concept for a World Heritage Convention. The Convention Concerning the Protection of the World Culture and Natural Heritage was adopted in Paris later that year and the United States was the first nation to ratify the treaty. Today, 149 countries are party to the Convention and 506 cultural and natural sites are recognized as World Heritage sites.

Sites on the World Heritage List include some of the world's most spectacular and awe-inspiring natural beauty — Australia's Great Barrier Reef, Ecuador's Galapagos Islands, Tanzania's Mt. Kilimanjaro and Serengeti National Parks, and America's Yellowstone, Redwoods, Everglades, and Grand Canyon National Parks — and provide habitat for a magnificent array of plant and animal life.

The Biosphere Reserve Program, established in 1968 under an international scientific program, recognizes areas of the world that boast equally dramatic and diverse landscapes and species — Mongolia's Great Gobi National Park, Uganda's Rwenzori National Park, Greece's Mount Olympus National Park, and America's Glacier and Rocky Mountains National Parks.

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Nominations, protection strategies and management of areas recognized as world heritage sites and biosphere reserves are governed by national, state or local laws. Areas in the United States, including private lands, recognized under international agreements are subject only to domestic law. There is no international legal protection or sanction for these areas. Thus, I am opposed to requiring congressional authorization of a site prior to nomination or designation.

Please oppose H.R. 901. Thank you.

Sincerely,

Russell E. Train

Russell E. Train
Chairman Emeritus

The George Wright Society

Dedicated to the Protection, Preservation and Management
of Cultural and Natural Parks and Reserves
Through Research and Education

Statement of the George Wright Society on H.R. 901,
the "American Land Sovereignty Protection Act"
Submitted for Inclusion in the Hearing Record to the House Committee on Resources
June 10, 1997

The George Wright Society (GWS) is a nonprofit, nonpartisan professional association of researchers, resource managers, and administrators who work in natural and cultural parks, reserves, and other protected areas. Our purpose is to promote better protection and management of protected areas through research and education. The GWS would like to submit, for the hearing record, the following statement on H.R. 901.

Our central comment on the proposed legislation is that it would needlessly and severely hinder U.S. participation in the two pre-eminent international protected area programs: the biosphere reserve component of UNESCO's Man and the Biosphere (MAB) Program, and the World Heritage Convention, whose secretariat is also hosted by UNESCO. Because the two programs are fundamentally different— the World Heritage Convention is an international treaty to which the U.S. is a State Party, while the MAB's biosphere reserve program is entirely voluntary—we would like to divide our comments into four sections: comments specific to the World Heritage Convention, comments specific to biosphere reserves, comments on Section 5 of the proposed legislation, and general comments on the proposed legislation.

1. Comments Specific to the World Heritage Convention

The Convention for the Protection of the World Cultural and Natural Heritage, popularly known as the "World Heritage Convention," was completed on November 16, 1972. The United States ratified the Convention on December 7, 1973—one of the first countries to do so. The Convention is intended to recognize, and give sovereign States additional means to protect, the world's most outstanding protected natural areas and cultural sites and monuments. As the Convention preamble states: "Parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole." Sites inscribed on the World Heritage List must, therefore, meet the highest standards of significance so as to be of "outstanding universal value."

Obligations Imposed by the Convention. The fundamental commitment of State Parties is given in Article 4: "Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end...." Note that this does not imply the abrogation of any existing laws within the sovereign States; rather, it commits the State Parties to seek the maximum protection for these sites under their respective legal systems. Certainly the Convention encourages State Parties to augment protective legislation where needed, but it does not dictate legal mechanisms for

protection. Thus the basic thrust of the Convention is to commit State Parties to maximum protection of their World Heritage Sites. How they achieve that protection is a sovereign matter. Significantly, nothing in H.R. 901 is aimed at increasing the U.S. government's ability to protect our World Heritage Sites. Rather, the bill seeks to impose roadblocks to our effective participation in the treaty.

Sovereignty and World Heritage Designations. Article 3 of the Convention states that "it is for each State party to this Convention to identify and delineate the different properties situated on its territory" to be considered for inclusion on the World Heritage List. Thus, all World Heritage properties in the United States were proposed by the U.S. government, not by the United Nations or any other body. (It should be noted that World Heritage nominations have originated under both Democratic and Republican administrations.)

Furthermore, Article 6 of the Convention states: "Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate." This statement deserves careful analysis. First, it reiterates the primacy of national sovereignty with respect to the Convention. Second, it explicitly states that each State Party's system of property rights will be respected, regardless of the obligations signatory countries undertake when they ratify the Convention. Third, it states the international context of cooperation under which the Convention is carried out. When the United States ratified the Convention, it obligated our nation to cooperate with the other State Parties, the Convention Secretariat, ICOMOS, IUCN, and other qualified international bodies to protect World Heritage properties within the United States. Of course places such as Yellowstone are first and foremost the heritage of the United States and its people. But when we assent to their recognition as being part of the world's heritage as well, this surely does not diminish their value to the American people; rather, it augments and enhances it. Through the ratification of the Convention, and subsequent nominations of properties for consideration—all of which were freely undertaken—our nation has recognized that we can only protect this heritage by actively cooperating with the international community (just as other countries recognize that they must cooperate with the United States to protect their World Heritage Sites.)

This gets to the philosophical heart of the Convention: namely, that protection of the world's most outstanding natural and cultural sites must occur within an international cooperative framework. Every professional organization concerned with the management of natural parks and cultural sites agrees with this. It is simply impossible to achieve lasting protection in isolation from extranational events. Obviously, many environmental impacts are international in scope. Additionally, the increasing integration of the global economy and the rise of international tourism are changing the socioeconomic conditions under which all natural and cultural protected areas, wherever situated, operate.

What does international cooperation under the terms of the Convention mean? Article 7 reads: "For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage." The system is designed not to usurp States Parties' efforts to conserve natural and cultural heritage, but to assist them. The functions of the Convention are not at all coercive. In fact, the Convention is an outstanding example of constructive international cooperation.

List of World Heritage in Danger. It is apparent that the proposed legislation has been drafted partly as a response to the New World Mine–Yellowstone controversy, so the GWS would like to specifically address some of the issues surrounding this. Article 11, Paragraph 4 of the Convention establishes a "List of World Heritage in Danger," which is

defined as "a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention." The list may include only those World Heritage Sites "threatened by serious and specific dangers," including the threat of "large-scale public or private projects." The New World Mine project clearly fell into this category of potential threat. Therefore, the United States was not only right to bring the mine project to the attention of the World Heritage Committee for possible inclusion on the List of World Heritage in Danger: we were legally obligated to.

The fact that Yellowstone was eventually included on the Danger List is, in our opinion, a sign that the Convention is working properly. The process has been caricatured as an exercise of outside self-appointed experts coming in and dictating a course of action to the U.S. government. In fact, the listing of Yellowstone was the result of a careful deliberative process and represents the best judgment of a distinguished international panel of professionals as to the risk posed by the mine project. The GWS believes that the listing of Yellowstone was entirely justified on the basis of sound information. This is precisely the role objective science and scholarship should play under the terms of the Convention (and in the analysis of threats to protected areas in general). The Convention's peer-review process is a source of valuable additional information. It should be emphasized that this information is not intended to be determinative; it is up to the State Party to decide on how it will respond to uphold its obligations under the Convention.

Furthermore, under Article 27, Paragraph 2, it is incumbent upon the U.S. government as a State Party "to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention." Thus the Convention's workings are not secretive, but transparent.

Economic Impact Requirements. Section 3 of H.R. 901, which would require the Secretary of the Interior to certify that a proposed World Heritage listing has no adverse impact on commercial uses of any lands within ten miles of the designated area, sets a standard that is virtually impossible to meet. As this section is worded, "commercial use" is not limited to existing uses. No new land-use designation, however benign, can be guaranteed to have absolutely no adverse impact on every conceivable commercial use that currently exists or may one day exist nearby. Even if this section were worded so as to include only existing commercial use, the entire concept of economic impact assessment is, as the current state of the art stands, highly dubious. For example, are the considerable positive economic impacts of World Heritage listing to be given weight in the assessment? Who would make the assessment? Using what criteria and methods?

Congressional Oversight. The layer upon layer of Congressional approvals laid out in this section is little more than a cumbersome mechanism for micro-managing the nominations process. It is apparent that such a mechanism, if enacted, would cause the process to grind to a halt. There is no need for separate laws to signify World Heritage listings when the U.S. government has already committed to World Heritage Convention. Congress has more than adequate oversight capabilities already: the relevant committees can hold hearings at any time on any aspect of the implementation of the Convention. Furthermore, Article 35 gives State Parties the power to denounce (withdraw from) the Convention.

2. Comments Specific to Biosphere Reserves

Purpose of Biosphere Reserves. The purpose of biosphere reserves is explained in the Statutory Framework for Biosphere Reserves, the document MAB uses to define the relationship of this voluntary program to the statutes of the States participating in the program. According to Article 3, "biosphere reserves should strive to be sites of excellence to explore and demonstrate approaches to conservation and sustainable development on a regional scale." They do this through:

- Conserving landscapes, ecosystems, species and genetic variation;
- Fostering economic and human development which is socio-culturally and ecologically sustainable;
- Supporting demonstration projects, environmental education and training, research, and monitoring related to local, regional, national, and global issues of conservation and sustainable development.

The George Wright Society unequivocally supports these goals and believes their achievement would be tremendously beneficial to the people of the United States. In our view, biosphere reserves are therefore an important component in the overall protected area system (running from the national to the local level) in the United States. The biosphere reserve is the only protected area designation that explicitly promotes the voluntary attainment of these goals. As such, it is an irreplaceable complement to other designations such as national and state parks.

Sovereignty and Biosphere Reserves. The fundamental characteristic of the biosphere reserve program is that it is voluntary. Thus, it is impossible for a biosphere reserve designation to usurp the sovereignty of any participating country. The introduction to the Statutory Framework for Biosphere Reserves makes this unmistakably clear: "Biosphere reserves are designated by the International Co-ordinating Council of the MAB Programme, at the request of the State concerned. Biosphere reserves, each of which remains under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a World Network in which participation by the States is voluntary" (emphases added). This is reiterated in Article 2 of the Framework: "Individual biosphere reserves remain under the sovereign jurisdiction of the States where they are situated. Under the present Statutory Framework, States take the measures which they deem necessary according to their national legislation" (emphases added). Like all other participants in the MAB biosphere reserve program, the United States, through our national MAB Committee, initiates nominations for new biosphere reserves. The U.S. MAB Committee, as a wholly voluntary body, operates under the laws governing the agencies which are represented on the Committee (e.g., the National Park Service, U.S. Forest Service), as well as codified interagency agreements, Executive Office memoranda, and other statutes.

Private Property and Biosphere Reserves. Biosphere reserves simply do not impinge on private property. In the U.S., this designation is overlaid on existing protected areas. Even cluster biosphere reserves, which encompass nonfederal lands, do not override any land protection or zoning status which may (or may not) exist. Zoning authority continues to reside with local governments. The U.S. MAB Committee tries to ensure that local governments and a wide range of interest groups not only are consulted during the nomination process, but actually participate in it. There is no mechanism within the MAB program—and certainly no desire—to "take over" any one's property. And there are no reputable studies showing any devaluation in private property as a result of biosphere reserve designation.

These findings were confirmed by the Congressional Research Service in its analysis of biosphere reserves. That report, "Biosphere Reserves: Fact Sheet," (95-517, June 1996) found that "Biosphere Reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or state and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. Areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country." The report went on to affirm that "there are no legally binding requirements on countries or communities regarding the management of biosphere reserves. Full sovereignty and control over the area continues as it was before

recognition. The main effect of recognition is to publicize the inclusion of an area in the Biosphere Reserve Network, thus making it known that research on the area's ecosystem type and impacts of adjacent human development on the area is appropriate as part of an international network of such research."

Section 4 in General. The effect of this section is to destroy the MAB Biosphere Reserve program in the United States. Federal officials would be prohibited from making any biosphere reserve nominations. Existing biosphere reserve designations would be voided unless legislation is passed in the next three years (a totally arbitrary sunset date) specifically authorizing them.

The proposed legislation fails to understand the distinguishing characteristic of biosphere reserves: they are a graduated combination of land uses, ranging from strictly protected natural areas to intensely managed multiple-use areas, voluntarily working with each other under the biosphere reserve designation. There is absolutely nothing coercive or dictatorial about a biosphere reserve; in fact, the entire literature on biosphere reserves is emphatic in stating that they can be successful only if there is local support. Far from being "social engineering," biosphere reserves are one of the most flexible, participatory protected-area designations available today.

The Effect of Biosphere Reserve Designation on Existing Management Practices. A 1995 survey of U.S. biosphere reserve managers revealed that some explicitly identified at least a portion of their management activities with the biosphere reserve designation, while some other managers did not. Those managers who did identify with the designation reported that they cooperated with more parties at the local level than those managers who were not as involved with the biosphere reserve program. Furthermore, those managers who reported a stronger identification with the biosphere reserve concept reported significant benefits from participating in the program. These included public recognition of resource significance, better nature and cultural resource protection, increased environmental awareness, and more public consultation and participation. This strongly suggests that biosphere reserves are, in practical terms, "value-added" designations: that is, they are an effective tool to enhance the base management activities of the protected areas participating in the program.

Congressional Oversight. Our objections to the Congressional oversight proposed in this section are the same as for World Heritage designations.

3. Comments on Section 5 of H.R. 901

This section, by erecting general roadblocks of the same type as proposed above specifically for World Heritage listings and biosphere reserves, would effectively end U.S. participation in any international protected area designation program (other than Ramsar). The requirement that each individual designation be enacted by a separate law might have some merit if these international designations superseded the sovereign management policies of U.S. federal agencies, but, as was discussed above, they do not. The exceptions admitted into this section for Ramsar sites and other wetland areas important as waterfowl habitat seem to suggest that the authors of the legislation are willing to accept international designations when a direct benefit to fish and game interests would be forthcoming.

4. General Comments on H.R. 901

H.R. 901 would devastate U.S. participation in the World Heritage Convention and the MAB Biosphere Reserve program. The George Wright Society believes this would be a grievous mistake. Over the long run, the effect of H.R. 901 would be to prevent the United States from fully protecting the cultural and natural attributes in our World Heritage Sites and biosphere reserves, thus contravening the very laws Congress has passed to

establish the underlying protected areas in perpetuity. Biosphere reserve and World Heritage designations are a source of national pride around the world, and they should be here as well. The effect of World Heritage and biosphere reserve designation is salutary, not detrimental. In fact, far from infringing on U.S. sovereignty, participation in these international programs actually offers opportunities to enhance our sovereignty by giving us ready access to different approaches and solutions to managing our natural and cultural heritage: approaches and solutions that we may then adapt to the uniquely American situation, or reject—as we see fit.

One aim of the bill which the GWS does support is the desirability for open and accurate communication between the federal land-managing agencies with authority over World Heritage Sites and biosphere reserves and the Congress, and between these agencies and the general public. We believe that improved communication about the purposes of World Heritage sites and biosphere reserves would help defuse some of the misconceptions that have taken hold among certain segments of the public. These distortions have thus far served to poison any chance to achieve a badly needed rational discussion of the issues involved. Unfortunately, H.R. 901 does nothing to move such a discussion forward.

As an organization devoted to promoting the scientific, heritage, and educational values of protected areas, the GWS strongly supports the Convention and biosphere reserve programs precisely because they specifically recognize and advance these values. The fact that the programs operate in a cooperative manner makes them entirely consonant with American sovereignty.

Thank you for allowing the George Wright Society to include our comments in the hearing record.

Respectfully submitted,

David Harmon
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Written Testimony By:
Charles D. Cook
New York State Senator
Fortieth Senatorial District

It is a pleasure to support House Resolution 901. While I recognize this bill speaks to both Heritage areas and Biosphere designations I will confine my remarks to biosphere designations.

A little more than two years ago I received a call from a constituent who was inquiring as to my position and the position of the localities within my Senate District of a proposal to make the counties of Sullivan, Delaware, Schoharie, Greene, Ulster and the Southwest Portion of Albany County part of a "Biosphere."

This call somewhat surprised me as there had not been a tremendous amount of publicity regarding this matter. I was then informed that a group of not-for-profit corporations had nominated the area for this designation. Unfortunately, those corporations never received the approval of the affected localities.

To the extent that there was local support, the bulk of that support came from a series of non-profit corporations and state agencies, some of which are not head-quartered within the proposed biosphere.

It seems to me that by making this nomination and supporting this nomination, those organizations were choosing to speak for the people of the Catskills without the consent of the people of the Catskills. Additionally, in fairness, two letters were written by elected officials - one from Congressman Hinchey and one from former State Assemblyman Kevin Cahill.

I don't come here to be critical of anyone or any organization who supported this proposal. Apparently they thought it was appropriate to write letters of support. I am bothered, however, that this effort went forward absent the support of the local municipalities that are closest to the people. Without that consent, I believe it to be presumptuous of state or federal officials to involve themselves in a local issue; especially in an issue like this where, as it turns out, even a rough survey of the population demonstrated that there was far greater opposition than support.

Equally troubling was that the sponsoring organizations refused to provide copies of this application to local officials who requested them. What those organizations failed to recognize was that while non-profit corporations come and go, municipalities and the people of the area must live on with the consequences of their actions when they directly affect the land use rights of those municipalities.

This brings us to the crux of the problem as to how Biosphere's are presently designated: Anyone can nominate any area anytime without any local official body knowing about it and approving it. The legislation such as being proposed by Chairman Young will stop that and I applaud such an effort.

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In our case, this legislation would have ensured that local governments were given a voice instead of having to have local officials force their voice upon the sponsoring agency. This would have allowed local officials and private property owners to review the biosphere. In the instance of two years ago it was exceptionally difficult for local people to view the proposal for a number or reasons.

First, local governments were not formally asked for resolutions in support or opposition to the proposal prior to its being submitted.

Second, when the announcement was made that the Catskills had been nominated, copies of the nomination were not even available in every county much less every town. In fact, of the seven counties that were nominated, copies of the nomination were only available initially in three of those counties (not until there a public outcry were copies given to every county).

While supporters will contend that the nominating process was open, I hardly think any process is open if the end result of that process - **namely an actual copy of the nominating application** is not locally available. This type of serious problem would not occur in the future, if Chairman Young's bill is enacted. The Chairman's bill will require participation and involvement on the part of localities and private land-owners - in short, it will open the process up.

Those who were proponents of the designation will argue that the biosphere designation had been discussed publicly years before it was nominated. Irrespective of the truth or lack thereof of that statement, most people of the Catskills that I know are so busy working and trying to raise a family that they have little time to travel all over the region speaking out about regional proposals. Likewise, most local government officials that I know are also busy trying to improve their municipalities that they do not have time to travel all over on proposals such as this. This legislation will not only ensure that nominating organizations be **able** to get input from affected property owners and local governments, but in fact **require** such input.

I feel however I would be remiss if I did not specifically point out the concerns raised by local governments regarding the Biosphere who expressly passed resolutions opposing the biosphere. The concerns raised by these localities are many; but can be summarized as follows:

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1. The biosphere, under the terms of the application, was a tool which would allow new regulatory proposals to be made. The application itself provided that one of the most important reasons the City of New York wanted to become part of the biosphere was to improve their regulatory ability over lands in the watershed. So for those who contend this was not a regulatory tool, the application itself implies otherwise.

2. The sponsoring organizations when asked if they would defer to those municipalities that wanted to be excluded from the biosphere and remove those municipalities from the biosphere would not publicly answer that question and ultimately responded not with an answer but by pulling the proposal. This unanswered question leaves in doubt the respect that these organizations would give to localities in any future project - be it a biosphere or otherwise and is a continuing source of concern.

3. Finally, and most importantly, this legislation will protect the rights of private property owners. Even if a locality consents to its land being used, and even if the state consents to its land being used, it is imperative that the rights of private property owners be respected.

While we expect that local government officials will generally speak for the residents of the area; those private property owners must be allowed to speak **for themselves first.** To allow that and more importantly to require that will ensure that the true home rule - not in a governmental sense; but true home rule in a private property rights sense will be maintained. Specifically, members of the agricultural community must have a right to stop these "voluntary designations" from being placed on their land without their consent.

I urge the House of Representatives to enact this legislation so as to provide assurance to every local government in America that they and the citizens that make them up will speak for themselves.

Thank you very much.

Senator Charles D. Cook
New York State Senator
Room 512 LOB
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TESTIMONY OF Michael C. O'Donnell
On H.R. 901
to
The Honorable Gerald Solomon and Honorable Donald Young

Good morning gentlemen, I thank you for providing the opportunity for me to present testimony into the record concerning the proposed legislation H.R. 901. I am here on behalf of The New York State Taxpayers Alliance and the Orange County Coalition of Taxpayers Associations to speak in support of H.R. 901 and in as equally strong opposition to the United Nations having any control over any land or territory in the United States. The reason is quite simple the Federal Government has no jurisdiction over any land in New York State or in any other state that has not been explicitly ceded to the Federal Government . The UN Biosphere Reserves and the World Heritage Areas constitute the most vile and flagrant violation of Constitutional property rights in recent history. This fact is further verified by the Legislative Document (1958) No. 57 titled STATE OF NEW YORK, SPECIAL LEGISLATIVE COMMITTEE ON THE REVISION AND SIMPLIFICATION OF THE CONSTITUTION, Inter-Law School Committee Report on THE PROBLEM OF SIMPLIFICATION OF THE CONSTITUTION (New York State). See attachment I, pgs. 29,30. This report dealt with the deletion of article I, sec. 10 which proclaimed that "All lands shall forever remain allodial so that the entire and absolute property is vested in the owners, according to the nature of their respective estates." The Committee then proceeded to state that "Every inch of land in the United States is today held allodially - no obligation of service to a superior arises merely from land ownership." The Committee of legal experts believed that the principle of Allodial Title was so ingrained into the American concept of property titles that it was not necessary and would be redundant to keep the language in the New York State Constitution. They assured then - Governor Nelson Rockefeller, both houses of the New York State Legislature, and the people of New York, that removing this language from the Constitution would not repeal a citizens right to allodial title, only to replace it with feudalism. The legal definition of the word allodial is "Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal." Allodium " Land held absolutely in one's own right , and not of any lord or superior; land not subject to feudal duties or burdens. An estate held by absolute ownership , without recognizing any superior to whom any duty is due on account thereof." See Blacks Law Dictionary 6th edition pg. 76 . Further the committee went on to say that "There are no feudal chiefs to whom New Yorkers must crook their knees now, and there would be none if this constitutional verbiage were to disappear. Most land owners would probably be startled and concerned to discover that their lands are "allodial"; but those who find comfort in this word need have no fear that allodialism will give way to feudalism if Article I, sec.10, is expunged." It is ironic that from having " Feudal Chiefs" we have descended even further into feudalism and become serfs of the state. This tragedy has happen because Federal and State Government in all branches have chosen to ignore the simple principle of ALLODIAL PROPERTY RIGHTS.

I would also like to call to your attention, the Constitution of The State of Arkansas Article II, sec.28 "All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited. (See Attachment II)

Likewise the Constitution of The State of Minnesota Article I, sec. 15. LANDS ALLODIAL; VOID AGRICULTURAL LEASES . " All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited. Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void.". (See attachment III)

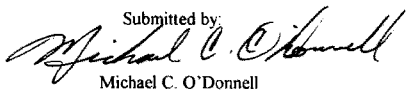
Recommendations:

H.R. 901 MUST CONTAIN LANGUAGE WHICH ADDRESS THE FOLLOWING:

1) The founding principles of allodial title must be upheld and enforced by laws and severe punishments for anyone who would violate them. This also includes all Government employees on any level (federal, state, and municipal) appointed and elected.
2) No legislation will be introduced that violates allodial ownership. We the people are subject to no earthly sovereign.
3) All past, current and pending laws that violate the principle of allodial ownership shall be repealed.
4) No Government legislative body shall have the right to enact any law or treaty which violates the Inalienable right to allodial ownership of property.
5) The United Nations should be removed from the United States and relocated to elsewhere.
6) The United States shall withdraw from membership in the United Nations immediately.
7) The Department of the Interior will be abolished and all Federally held lands will be unconditionally returned to the states without fee.

I thank you again for the opportunity to speak with you concerning this extremely important and grave matter. Gentlemen, you must go back to Washington and shout this message to your confreres that you will not enact any legislation or treaty that violates the sacred principle of ALLODIAL TITLES TO LAND. I cannot believe any sane and rational person elected or appointed would intentionally violate the sacred property rights of the people of the United States. Government functionaries who do violate these principles, do so at their own risk and must be tried and punished - swiftly and severely. Any Government Official either appointed or elected who is found guilty of violating these principles should stripped of all their assets and properties. I cannot stress enough the importance of preserving and protecting the principle of allodial land title to all property.

Submitted by:



Michael C. O'Donnell

(particularly a writ of error) which is required in some particular cases.

Allocatur exigent /æləkéytər égzəjənt/. A species of writ anciently issued in outlawry proceedings, on the return of the original writ of exigent. *See* Exigent.

Allocution /æləkyúwshən/. Formality of court's inquiry of defendant as to whether he has any legal cause to show why judgment should not be pronounced against him on verdict of conviction; or, whether he would like to make statement on his behalf and present any information in mitigation of sentence (see e.g. Fed.R.Crim.P. 32(a)). State v. Pruitt, Mo., 169 S.W.2d 399, 400.

Allocutus /æləkyúwtəs/. *See* Allocution.

Allodarii /æləděriyay/. Owners of allodial lands. Owners of estates as large as a subject may have.

Allodial /alówdiyal/. Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal. *See also* Ownership.

Allodium /alówdiyəm/. Land held absolutely in one's own right, and not of any lord or superior; land not subject to feudal duties or burdens. An estate held by absolute ownership, without recognizing any superior to whom any duty is due on account thereof.

Allograph /æləgræf/. A writing or signature made for a person by another; opposed to autograph.

Allonge /alónj/. A piece of paper annexed to a negotiable instrument or promissory note, on which to write endorsements for which there is no room on the instrument itself. Such must be so firmly affixed thereto as to become a part thereof. U.C.C. § 3-202(2).

Allot /alót/. To apportion, distribute; to divide property previously held in common among those entitled, assigning to each his ratable portion, to be held in severalty. To set apart specific property, a share of a fund, etc., to a distinct party. In the law of corporations, to allot shares, debentures, etc., is to appropriate them to the applicants or persons who have applied for them.

Allotted land. *See* Allotment.

Allotment. A share or portion; that which is allotted; apportionment; division; the distribution of shares in a public undertaking or corporation. Partition; the distribution of land under an inclosure act.

The term ordinarily and commonly used to describe land held by Indians after allotment, and before the issuance of the patent in fee that deprives the land of its character as Indian country. A term of art in Indian law, describing either a parcel of land owned by the United States in trust for an Indian, i.e., a "trust allotment," or owned by an Indian subject to a restriction on alienation in favor of the United States or its officials, i.e., a "restricted fee allotment." Bear v. U.S., D.C.Neb., 611 F.Supp. 589, 599. In Indian law, means a selection of specific land awarded to an individual allottee from a common holding. Affiliated Ute Citizens of Utah v. U.S., U.S.Utah, 406 U.S. 128, 92 S.Ct. 1456, 1466, 31 L.Ed.2d 741. *See* Allottee.

Allotment certificate. A document issued to an applicant for shares in a company or public loan announcing the number of shares allotted or assigned and the amounts and due dates of the calls or different payments to be made on the same.

Allotment note. In English law, a writing by a seaman, made on an approved form, whereby he makes an assignment of part of his wages in favor of his wife, father or mother, grandfather or grandmother, brother or sister. Governed by Merchant Shipping Act, 1970, § 13(1).

Allotment system. Designates the practice in England of dividing land in small portions for cultivation by agricultural laborers, gardeners and others. *See also* Allotment.

Allotment warden. By the English general inclosure act, 1845, § 108, when an allotment for the laboring poor of a district had been made on an inclosure under the act, the land so allotted was to be under the management of the incumbent and church warden of the parish, and two other persons elected by the parish, and they were to be styled "the allotment wardens" of the parish.

Allottee. One to whom an allotment is made; who receives a ratable share under an allotment. A person to whom land under an inclosure act or shares in a corporation or public undertaking are allotted.

Allow. The word has no rigid or precise meaning, its import varying according to circumstances or context in connection with which it is used. It may mean to bestow or assign to any one as his right or due. To approve of, accept as true, admit, concede, adopt, or fix. To grant something as a deduction or an addition; to abate or deduct; as, to allow a sum for leakage. Pittsburgh Brewing Co. v. Commissioner of Internal Revenue, C.C.A.3, 107 F.2d 155, 156. To sanction, either directly or indirectly, as opposed to merely suffering a thing to be done; to acquiesce in; to suffer; to tolerate. *See also* Acquiescence; Consent.

Allowance. A deduction, an average payment, a portion assigned or allowed; the act of allowing. For Family, see that title.

Allowance pendente lite /aláwəns pendéntiy láytiy/. The court ordered provision for a spouse and children during the pendency of a divorce or separate support proceeding. *See also* Alimony.

Allowed claim. Against an estate it is a debt or charge which is valid in law and entitled to enforcement. Commissioner of Internal Revenue v. Lyne, C.C.A.1, 90 F.2d 745, 747.

Alloynour /alóynər/. L. Fr. One who conceals, steals, or carries off a thing privately. *See* Eloigne.

All the estate. The name given in England to the short clause in a conveyance or other assurance which purports to convey "all the estate, right, title, interest, claim, and demand" of the grantor, lessor, etc., in the property dealt with.

Alluvio maris /al(y)úwviyow mérəs/. Lat. In the civil and old English law, the washing up of the sea; the soil

contemplation of an ultimate absolute ownership;—not the person whose interest is primarily in the enforcement of a collateral pecuniary claim, and does not contemplate the use or enjoyment of the property as such. *See also* Beneficial owner.

General owner. He who has the primary or residuary title to it; as distinguished from a *special* owner, who has a special interest in the same thing, amounting to a qualified ownership, such, for example, as a bailee's lien. One who has both the right of property and of possession.

Joint owners. Two or more persons who jointly own and hold title to property, *e.g.*, joint tenants, and also partners and tenants in common. In its most comprehensive sense, the term embraces all cases where the property in question is owned by two or more persons regardless of the special nature of their relationship or how it came into being. An estate by entirety is a "joint ownership" of a husband and wife as at common law notwithstanding legislative enactments touching joint tenancy. Cullum v. Rice, 236 Mo.App. 1113, 162 S.W.2d 342, 344. *See also* Joint estate; Tenancy.

Legal owner. One who is recognized and held responsible by the law as the owner of property. In a more particular sense, one in whom the legal title to real estate is vested, but who holds it in trust for the benefit of another, the latter being called the "equitable" owner.

Part owners. Joint owners; co-owners; those who have shares of ownership in the same thing. *See Joint owners, above.*

Record owner. This term, particularly used in statutes requiring notice of tax delinquency or sale, means the owner of record, not the owner described in the tax roll; the owner of the title at time of notice.

Reputed owner. One who has to all appearances the title to, and possession of, property; one who, from all appearances, or from supposition, is the owner of a thing. He who has the general credit or reputation of being the owner or proprietor of goods.

Riparian owner. *See* Riparian.

Sole and unconditional owner. An expression commonly used in fire insurance policies, in which the word "sole" means that no one else has any interest in the property as owner, and "unconditional" means that the quality of the estate is not limited or affected by any condition. To be "unconditional and sole," the interest or ownership of the insured must be completely vested, not contingent or conditional, nor in common or jointly with others, but of such nature that the insured must alone sustain the entire loss if the property is destroyed; and this is so whether the title is legal or equitable. It is sufficient to satisfy the requirements of "sole and unconditional ownership" that the insured is the sole equitable owner and has the full equitable title. It is enough that the insured is equitably entitled to immediate and absolute legal ownership. The term contemplates beneficial and practical proprietorship and not necessarily technical title.

Special owner. One who has a special interest in an article of property, amounting to a qualified ownership of it, such, for example, as a bailee's lien; as distinguished from the *general* owner, who has the primary or residuary title to the same thing. Some person holding property with the consent of, and as representative of, the actual owner.

Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d 665, 673. The complete dominion, title, or proprietary right in a thing or claim. The entirety of the powers of use and disposal allowed by law.

The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to some one in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif.Civil Code, §§ 678–680.

There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif.Civil Code, § 655.

In connection with burglary, "ownership" means any possession which is rightful as against the burglar.

See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title.

Oxfild /óksfild/. In old English law, a restitution anciently made by a hundred or county for any wrong done by one that was within the same.

Oxgang. In old English law, as much land as an ox could till. A measure of land of uncertain quantity. In the north of England a division of a carucate. According to some, fifteen acres.

Oyer /óyər/. In old English practice, hearing; the hearing a deed read, which a party sued on a bond, etc., might pray or demand, and it was then *read* to him by the other party; the entry on the record being, *"et ei legitur in hæc verba"* (and it is read to him in these words). 3 Bl.Comm. 299.

A copy of a bond or specialty sued upon, given to the opposite party, in lieu of the old practice of reading it.

Oyer and terminer /óyər ən tərmənər/. A half French phrase applied in England to the assizes, which are so

Legislative Document (1958) No. 57

STATE OF NEW YORK

SPECIAL LEGISLATIVE COMMITTEE ON THE REVISION AND SIMPLIFICATION OF THE CONSTITUTION

Inter-Law School Committee

Report on

THE PROBLEM OF SIMPLIFICATION OF THE CONSTITUTION

STAFF REPORT No. 1

May, 1958

with all their incidents, are declared to be abolished. . . ." Yet that relatively comprehensible statement was eliminated. The obscure corollaries to that broad declaration which are preserved in the present Constitution surely convey less historical meaning to the contemporary reader. Yet the fact that the rather esoteric concepts of allodial tenure and escheat have been preserved in the Constitution warrants a further examination of their content—an examination which suggests that their retention is no more justified by their inherent current importance than by their utility as effective reminders of historical controversies.

Allodial Tenure

"Allodial"—the operative word in the second sentence of Article I, Section 10—is not a precise term in the law of real property. The word merely connotes outright ownership of land, free from feudal burdens and restrictions.[15] In effect, then, the constitutional statement that "All lands shall forever remain allodial so that the entire and absolute property is vested in the owners, according to the nature of their respective estates" is merely a circuitous and, to most readers, a meaningless way of outlawing feudalism. Although American real estate law still does to some extent employ terminology derived from the feudal period of English history, the substantive vestiges of feudalism have long since disappeared from United States territory. Every inch of land in the United States is today held allodially—no obligation of service to a superior arises merely from land ownership.[16]

The 1846 framers of the allodial lands provision recognized, of course, that it was a sop to confused emotions rather than an alteration of existing law. Indeed, the 1836 codification of New York real property law had used the identical language written into the Constitution in 1846. Forty-four of the forty-eight states have managed to stave off feudalism without constitutional incantations. Apart from New York, only Arkansas, Minnesota, and Wisconsin have mentioned the matter in their basic charters; and these three seem, quite literally, to have adopted constitutional provisions for no better reason than that New York had done so.[17] The constitu-

15. I Thompson; *Real Property* (Perm. Ed.), Sec. 5.
16. *Id.*, at p. 10. Allodial land is of course subject to the state's powers of escheat, taxation and eminent domain.
17. Constitution of Arkansas, Art. II, Sec. 28; Constitution of Minnesota, Art. I, Sec. 15; Constitution of Wisconsin, Art. I, Sec. 14.

tional provision does of course bar a legislative return to feudalism; but it is a safeguard against a very remote danger, to say the least. There is no indication that the Legislature has ever considered a revival of the middle ages, or that it will ever do so or that the feat could be achieved if it were to be attempted. There are no feudal chiefs to whom New Yorkers must crook their knees now, and there would be none if this constitutional verbiage were to disappear. Most landowners would probably be startled and concerned to discover that their lands are "allodial"; but those who find comfort in this word need have no fear that allodialism will give way to feudalism if Article I, Section 10, is expunged.

Escheat

The third sentence of Article I, Section 10, states that lands of a person who dies leaving no heirs shall revert or "escheat" to the State. The first sentence of the section gives the theoretical justification for this traditional right of the State: the people, "in their right of sovereignty," are the original and ultimate owners of all lands within the State. As with the allodial tenure provision, the escheat section was copied by the 1846 framers from existing law. Legislation enacted as early as 1792 had prescribed the procedures to be followed upon escheat.[18] Once again, the 1846 Convention adopted a restatement of accepted principles to calm the bitter feelings of the anti-renters.

On its face, the escheat provision seems more remote from a feudalism theme than any of the other sections adopted in 1846. It was probably included because of the historical origins of escheat and because of the relationship between escheat and allodial tenure. Under the feudal system in England, escheat applied to that interest in land which reverted to the lord upon such conditions as the tenant's conviction of a felony, breach of a condition of tenure, and lack of heirs.[19] Some courts have been influenced by feudal doctrine in explaining the State's right of escheat for want of heirs, by suggesting that the State takes the land by succession as the last heir[20] or that the State steps into the shoes of the feudal lord. In abolishing feudalism and asserting allodial tenure, the 1846 framers

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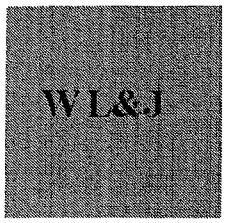
18. Laws 1792, Ch. 35. See also Laws 1801, Ch. 73, Laws 1813, Ch. 19, and discussion in *Johnston* v. *Spicer*, 107 N.Y. 185, 198-200 (1887).
19. I Thompson, *Real Property* (Perm. Ed.), Sec. 17.
20. *Re Melrose Avenue*, 234 N.Y. 48 (1922) and *Johnston* v. *Spicer*, 107 N.Y. 185 (1887) suggest such a doctrine although the opinions recognize sovereignty as the real basis for escheat.



Arkansas Constitution of 1874

Wright, Lindsey & Jennings is pleased to make available on the internet the Arkansas Constitution of 1874, Amendments thereto.

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CONSTITUTION of the STATE OF ARKANSAS

Adopted in Convention September 7, 1874

Ratified by the People October 13, 1874
Adoption Proclaimed October 30, 1874

** PREAMBLE

We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this Constitution.

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**ARTICLE I

Boundaries

We do declare and establish, ratify and confirm, the following as the permanent boundaries of the State of Arkansas, that is to say: beginning at the middle of the main channel of the Mississippi river, on a parallel of thirty-six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis river; thence up the main channel of said last named river to the parallel of thirty-six degrees, thirty minutes of north latitude; thence west with the southern boundary line of the State of Missouri to the southwest corner of said last named State; thence to be bounded on the west to the north bank of Red river, as by Act of Congress and treaties existing January 1, 1837, defining the western limits of the Territory of Arkansas and to be bounded across and south of Red river by the boundary line of the State of Texas as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary of said last named State to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said last named river, including an island in

possession, enjoyment or descent of property.

Sec. 21. No person shall be taken or imprisoned or disseized of his estate, freehold, liberties or privileges; or outlawed; or in any manner destroyed or deprived of his life, liberty or property; except by the judgment of his peers or the law of the land; nor shall any person under any circumstances be exiled from the State.

Sec. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

Sec. 23. The State's ancient right of eminent domain and of taxation is here in fully and expressly conceded; and the General Assembly may delegate the taxing power with the necessary restriction, to the State's subordinate political and municipal corporations to the extent of providing for their existence, maintenance and well being, but no further.

Sec. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erector support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship above any other.

Sec. 25. Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 26. No religious test shall ever be required of any person as a qualification to vote or hold office, nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

Sec. 27. There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall at all times be in strict subordination to the civil powers; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

Sec. 28. All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

Sec. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachment on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to other provisions herein contained shall be void.

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CONSTITUTION OF THE STATE OF MINNESOTA

Adopted October 13, 1857
Generally revised November 5, 1974
Further amended November 1974, 1980, 1982, 1984, 1988 and 1990.

Article I. Bill of rights.
Article II. Name and Boundaries.
Article III. Distribution of the powers of government.
Article IV. Legislative Department.
Article V. Executive Department.
Article VI. Judiciary.
Article VIII. Impeachment and removal from office.
Article IX. Amendments to the constitution.
Article X. Taxation.
Article XI. Appropriations and finances.
Article XII. Special legislation; local government.
Article XIII. Miscellaneous subjects.
Article XIV. Public highway system.

Preamble

We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution

ARTICLE I

BILL OF RIGHTS

Section 1. **OBJECT OF GOVERNMENT.** Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.

Sec. 2. **RIGHTS AND PRIVILEGES.** No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Sec. 3. **LIBERTY OF THE PRESS.** The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Sec. 4. **TRIAL BY JURY.** The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict. The legislature may provide for the number of jurors in a civil action or proceeding, provided that a jury have at least six members. [Amended, November 8, 1988]

Sec. 13. **PRIVATE PROPERTY FOR PUBLIC USE.** Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.

Sec. 14. **MILITARY POWER SUBORDINATE.** The military shall be subordinate to the civil power and no standing army shall be maintained in this state in times of peace.

Sec. 15. **LANDS ALLODIAL; VOID AGRICULTURAL LEASES.** All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited. Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void.

Sec. 16. **FREEDOM OF CONSCIENCE; NO PREFERENCE TO BE GIVEN TO ANY RELIGIOUS ESTABLISHMENT OR MODE OF WORSHIP.** The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.

Sec. 17. **RELIGIOUS TESTS AND PROPERTY QUALIFICATIONS PROHIBITED.** No religious test or amount of property shall be required as a qualification for any office of public trust in the state. No religious test or amount of property shall be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE II

NAME AND BOUNDARIES

Section 1. **NAME AND BOUNDARIES; ACCEPTANCE OF ORGANIC ACT.** This state shall be called the state of Minnesota and shall consist of and have jurisdiction over the territory embraced in the act of Congress entitled, "An act to authorize the people of the Territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on equal footing with the original states," and the propositions contained in that act are hereby accepted, ratified and confirmed, and remain irrevocable without the consent of the United States.

Sec. 2. **JURISDICTION ON BOUNDARY WATERS.** The state of Minnesota has concurrent jurisdiction on the Mississippi and on all other rivers and waters forming a common boundary with any other state or states. Navigable waters leading into the same, shall be common highways and forever free to citizens of the United States without any tax, duty, impost or toll therefor.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Section 1. **DIVISION OF POWERS.** The powers of government shall be divided into three distinct departments: legislative, executive and judicial. No person or persons belonging to or constituting one of