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HEARINGS ON H.R. 701 AND H.R. 798

HEARINGS

BEFORE THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

H.R. 701, TO PROVIDE OUTER CONTINENTAL SHELF IMPACT ASSISTANCE TO STATE AND LOCAL GOVERNMENTS, TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965, THE URBAN PARK AND RECREATION RECOVERY ACT OF 1978, AND THE FEDERAL AID IN WILDLIFE RESTORATION ACT TO ESTABLISH A FUND TO MEET THE OUTDOOR CONSERVATION AND RECREATION NEEDS OF THE AMERICAN PEOPLE, AND FOR OTHER PURPOSES. "CONSERVATION AND REINVESTMENT ACT OF 1999"
H.R. 798, TO PROVIDE FOR THE PERMANENT PROTECTION OF THE RESOURCES OF THE UNITED STATES IN THE YEAR 2000 AND BEYOND

MARCH 9 AND 10, 1999, WASHINGTON, DC

Serial No. 106–14

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H.R. 798, TO PROVIDE FOR THE PERMANENT PROTECTION OF THE RESOURCES OF THE UNITED STATES IN THE YEAR 2000 AND BEYOND

TUESDAY, MARCH 9, 1999

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

The Committee met, pursuant to notice, at 11:03 a.m., in Room 1324, Longworth House Office Building, Hon. Don Young [chairman of the Committee] presiding.

Mr. YOUNG. The Committee will come to order.

I have an opening statement. I am sure Mr. Miller and Mr. John will have opening statements and then, hopefully, we will get to our witnesses. We have, actually, three panels today. Unfortunately, some of the people to testify today, because of this outstanding large snowfall we have, won't be able to be here. God, I wish they lived in Alaska, they really would experience something. But those that cannot be here, we will give them an opportunity a little later on.

The hearing today will be on H.R. 701 and H.R. 798, my bill and, of course, Mr. Miller's bill. I want to thank you for coming today for the hearings on the Conservation and Reinvestment Act and the Permanent Protection of American Resources known as Resources 2000. I am going to use most of my time to discuss my bill,

CARA, with the anticipation Mr. Miller plans to do the same with his legislation.

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

Mr. YOUNG. Last summer, Billy Tauzin, John Dingell, Richard Baker, Chris John—who is with us—Saxby Chambliss, and I circulated a discussion draft of the Conservation and Reinvestment Act. After receiving many comments and making appropriate changes, we introduced the bipartisan CARA bill in the 105th Congress as H.R. 4717. We continued to work with that draft as the baseline for a reintroduction in this Congress.

On February 10, 1999, we reintroduced CARA with the 106th Congress as H.R. 701. You may ask, why H.R. 701? Mr. Shuster, who is the chairman of another committee, had a bill named H.R. 700 after a flight. It was delayed so, being discretion is the better part of valor, it was a Northwest flight, so I gave him the H.R. 700 number. We are joined by more than 30 original cosponsors and they have now grown to nearly 60 cosponsors. What is particularly rewarding is that this bill is bipartisan. Our nearly 60 sponsors are evenly distributed between Republicans and Democrats and this is a sign of the bipartisanship in this legislation and the intent of this legislation.

Not only do the supporters range in ideology, but we are widely dispersed in geography. CARA has congressional supporters from Alaska to Rhode Island, and from California to Florida. Cosponsors range from urban members like Congressman Charlie Rangel of Manhattan and Congressman Towns of Brooklyn to members from very rural districts, like Congressman Collin Peterson of northern Minnesota and Congressman Watkins of southeastern Oklahoma.

What brings us together? I believe the answer is twofold. First, this bill proposes to take revenue from Federal offshore oil and gas production and reinvest in our coastal communities while also funding valuable conservation programs in all 50 States and territories. This revenue comes from our Nation's nonrenewable resources and should be responsibly reinvested into renewable resources which benefit all Americans. Onshore host States share in revenue derived from Federal production within their States. However, there is no direct revenue sharing for offshore Federal production. This bill corrects this inequity, while providing for conservation programs in all States and territories.

Second, we provide for conservation and recreation opportunities in all 50 States and territories. Whether you are an urban or rural resident, this bill will benefit you. CARA provides for inner-city students to play basketball after school or a park to study in. CARA also allows rural sportsmen the opportunity to commune with wildlife in their natural settings. No matter where you live, the Conservation and Reinvestment Act will provide you with recreational opportunities. Too often these needs go unmet because of a lack of funding. Our bill works to correct that problem by utilizing funding which ought to be reinvested for these purposes.

I have mentioned before that this bill is a work-in-progress. And I want to stress that. The gentleman from California, Mr. Miller, and I discussed this. We will be discussing his bill as well as my

bill. This is a two-day hearing, certainly an aggressive endeavor which will look at both bills comprehensively. It is only the first hearing. We do not have a mark-up scheduled and do not anticipate holding one until late spring. In the meantime, I hope to continue to work with all interested members and groups while continuing our centrist approach to pass this important initiative.

I would like to take a moment to clarify two areas of the legislation which seem to be the focus of much attention. These areas are incentives for additional oil and gas development and private property concerns. While we have made changes to address each of these concerns, groups on each side continue to withhold their support. That is fine, as we do not need a quid pro quo from these groups to validate our efforts. However, we hope that they will work with us in a manner to help provide funding for national conservation programs and our coastal communities.

The allegation that this bill contains incentives for new oil and gas production is simply false. Throughout our lengthy process, we have asked for comments, specifically to address the perception that this bill contains drilling incentives. When we began this process, the environmental community asked that we include all Federal offshore revenue, even though the MMS Policy Committee report, which we based Title I upon, included revenues only from new production. The advantage of including only new revenue was to lessen many of the budgetary implications. However, our friends in the environmental community thought this would prescribe an incentive for coastal States and communities to increase OCS development. To remove this perception, our bill always included all OCS revenues, no new incentives.

On a parallel note, there has also been a fear that the Conservation and Reinvestment Act will unravel moratoria in some areas of the Federal OCS. For me, this bill is a revenue reinvestment measure, not legislation to provide incentives or disturb current moratoria. So, again, at the request of the environmental community, we happily included language which would preclude areas in current moratoria from both revenue sharing and as a factor in the distribution formula.

Also, many thought that our eligible uses for funding coastal impact assistance was too broad. To address that concern, we have limited the eligible uses, within Title I, to five specifically contained within the bill.

The other area of controversy associated with this bill has been with the property rights groups. To be the focus of such criticism from individuals I have worked with for decades has been troubling me personally and somewhat confusing. Let me explain exactly what CARA does regarding property rights. CARA provides annual and dedicated funding for payment in lieu of taxes, PILT, and Refuge Revenue Sharing. CARA provides funding for conservation in all 50 States and 5 territories. CARA also allows for Federal acquisition within boundaries of areas established by an Act of Congress. CARA only allows for Federal acquisition with willing sellers. Condemnation authority is removed for the purposes within this bill. CARA does not provide a $1.5 billion for land acquisition. Our bill provides near the historical average of the Land and Water Conservation Fund appropriation, $300 million. Frankly, other pro-

posals do not have these protections. And we continue to ask for constructive comments from members and groups interested in private property rights.

Again, this hearing is only the beginning of these bills' legislative lives. We continue to solicit comments from all interested individuals and groups. A very real issue with this legislation is the budgetary implications. Regardless of our ideology, that fight needs to be our unifying force. Should we make this lasting investment in our coastal communities and for national conservation? I personally think we should make that investment.

We currently face a unique budgetary climate here in Congress and we are looking reinvest funds which should have been going to the purposes within the CARA for decades. Recreation and livability are going to be buzzwords of the future. CARA is our opportunity for action. I hope this hearing provides a catalyst to continue this progress to pass conservation legislation and create a lasting heritage for American conservation.

And I yield to the gentleman from California.

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

Mr. MILLER. I thank the gentleman very much for yielding and, Mr. Chairman, I thank you for holding this hearing. In fact, for holding both days of this hearing, to give a very diverse group of witnesses an opportunity to be heard on these two bills. I believe that today's hearing is an historic step toward reasserting a legacy of resource protection and improvement that has been largely ignored on a bipartisan basis for too many years. Restoring that commitment to use the exhaustible resources of this country to provide permanent protection to public lands, marine and coastal resources, wildlife, historic preservation, and urban recreation is a gift this Committee and this Congress can truly provide to the Nation on the eve of the new century.

It is with that goal that I introduce H.R. 798, the Resources 2000 bill. Last month, together with 50 cosponsors and the support of several dozen major organizations, we introduced that legislation. You and Congressman Tauzin and Congressman John and others share a similar objective with your legislation. There are different approaches in our bills, but the major purpose is quite similar. While these hearings, naturally, will help clarify the differences between our two bills, I hope the hearings serve a more important purpose, to build a national constituency for the passage of a negotiated package that achieves our common and urgent goals.

Let us not allow this debate to descend into sniping on one another's bills or motives. We can either have a partisan debate for a few months or permanent protection of these public lands and wildlife resources forever. If we succeed, there will be plenty of credit to go around.

I would note that perhaps, contrary to popular thought, we have proven that this Committee can enact major legislation when working in a bipartisan and reasonable fashion, as we did in the last Congress with the refuges and the parks bills. The great national parks and the public lands system is, for many Americans, the greatest achievement of the Federal Government, was born at the

beginning of the current century under Republican President Theodore Roosevelt. The environmental movement was born in mid-century by both Democratic and Republican administrations and Congresses that passed legislation ranging from the Endangered Species Act to the Coastal Zone Management Act to the National Environmental Policy Act.

Now, at the end of this century, Congress has an opportunity to address other urgent needs. All across America, we see parks closing, recreational facilities deteriorating, open space disappearing, historic structures crumbling, and fisheries vanishing. These losses have a tangible impact on every American. We need to invest in the future of America's public resources.

We have taken the first step with the introduction of these two bills. The President has proposed his own public lands initiative. We take another important step with these hearings. We can and we must continue to move forward together if we are to succeed in enacting this sweeping but overdue commitment during the 106th Congress. I have pledged my full cooperation to you, Mr. Chairman, and to the cosponsors of your legislation and to the many organizations that have taken the time, the trouble, and the expenditure of resources to be with us today and tomorrow.

I must say that many people never believed that this kind of hearing would come to pass in this Committee with you and I sitting alongside of one another, talking about a common goal and a common interest. I would tell them not to fret. We still bring very diverse views and ideologies about this subject matter.

[Laughter.]

And you bring the gavel, of course, Mr. Chairman, which we all recognize.

[Laughter.]

But in some ways, maybe, the fact that this hearing is taking place in the manner in which it is is a welcome sign in terms of the opportunities for the passage of comprehensive and historic legislation to deal with the most urgent problem in every region of this country. And, again, Mr. Chairman, I thank you very, very much for calling these hearings.

Mr. YOUNG. Are there any other opening statements? If not, I would like to have my first panel take Chair. I see my good friend John Dingell, the chairman. I still call him my chairman. We did more legislation in this arena than many times in the past and we hoped to do in the future. Mr. John Dingell. And Saxby Chambliss unfortunately is stuck in the snow somewhere. And is James Maloney here? Is Jim here? Mr. John?

Mr. JOHN. Yes, Mr. Chairman, if you don't mind. If you would yield. I have a statement that I would like to enter into the record as to my support of this hearing and about the two bills.

Mr. YOUNG. Without objection, so ordered.

[The prepared statement of Mr. John follows:]

STATEMENT OF HON. CHRIS JOHN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, I want to thank you for demonstrating your commitment to move forward with legislation aimed at conserving, enhancing and restoring America's precious natural resources by holding two days of hearings on H.R. 701, *"The Conservation and Reinvestment Act of 1999,"* and H.R. 798, the *"Resources 2000 Act."*

In particular, I want to commend your decision to make these hearings bipartisan by including witnesses requested by our Ranking Member, Mr. Miller, for I believe that Democrats and Republicans alike share the core objective of both bills: reinvesting revenues from non-renewable resources into assets of lasting value to our nation.

As one of the principle sponsors of H.R. 701, I am eager to hear testimony from the many witnesses who have taken time out of their schedules to appear before the House Resources Committee. I believe the diversity of the participants and the contrasting viewpoints they represent will provide this Committee with valuable insight into the needs, concerns and objectives that must be met to ensure that the 106th Congress passes legislation guaranteeing future generations of Americans the opportunity to enjoy the commercial, social, recreational and aesthetic benefits of our lands, waters and wildlife in the 21st century.

For the past year, Mr. Chairman, you and I have worked with Congressman Billy Tauzin and Congressman John Dingell to craft a bipartisan bill that will create a lasting legacy of stewardship and conservation of our natural resources. I am proud of the effort that has brought us to this point in the process since few people a year ago put this issue on the top of their agenda for 1999. Remarkably, today we find legislative proposals with bipartisan support in the House and Senate, and the *"Lands Legacy Initiative"* from the Administration. I hope we can build upon this momentum today and tomorrow with these hearings, so that outstanding areas of disagreement can be resolved and consensus reached on a proposal that we can expeditiously move towards mark-up in the coming months.

My primary interest and involvement in H.R. 701 stems from a great need within my home state of Louisiana to reverse the alarming rate of coastal erosion and wetlands loss that now jeopardizes communities, our economy, wildlife and fisheries habitat, and a unique way of life that is supported by south Louisiana's coastal ecosystem. Having witnessed first-hand the catastrophic loss of barrier islands and the degradation of fresh water marshes due to saltwater intrusion, I know the needs within my District alone are great.

However, while the impacts of Louisiana's disappearing coast are being felt the hardest by the residents of Louisiana's coastal zone, the value of coastal Louisiana is not limited to my constituents. Over 25 percent of the nation's coastal wetlands and 40 percent of all salt marshes in the lower 48 states are in Louisiana. Moreover, Louisiana's commercial fisheries provide 25-35 percent of the seafood catch in the lower 48 states. Louisiana's ecosystem is a national treasure that provides economic, environmental and recreational benefits to our entire nation, but it requires immediate and substantial Federal assistance if future generations of Americans are going to enjoy these benefits.

Louisiana is not alone in its coastal needs. The National Oceanic and Atmospheric Administration (NOAA) recently estimated that, nationwide during the next 20 years, coastal counties' cumulative populations will soar from 80 million to 127 million. I strongly support establishing a coastal impact assistance fund that provides resources to all coastal states and territories so that current strains on our coastline such as offshore oil and gas development and future strains caused by population demographics are accounted for in our Federal budget priorities. History has often shown that the cost of inaction is far greater than the cost of action.

From this perspective, I joined with my fellow sponsors of H.R. 701 to create a legislative proposal that would provide a comprehensive game plan for meeting our conservation objectives into the next century. *"The Conservation and Reinvestment Act of 1999"* (CARA '99) will ensure that all 50 states and territories—be they coastal, inland, upland, island or arctic—have permanent access to Federal resources for meeting their long-term environmental goals. I truly believe that this Congress will have fallen short of its responsibility if we do not pass legislation that encompasses the objectives set-forth in the three titles of H.R. 701: (1) coastal protection, restoration and impact assistance; (2) Federal and state parks and recreation funding; and (3) wildlife conservation and education.

If there is one misconception that I hope will be cleared up over the next two days, it is that using revenues derived from Federal OCS production constitutes an incentive for new oil and gas drilling. The sponsors of H.R. 701 and H.R. 798 have gone to great lengths to assure people that these bills are about revenue sharing, not oil and gas incentives. The Federal Government has used the proceeds from oil and gas royalties to fund the Land and Water Conservation Fund (LWCF) for over 30 years and I have yet to meet an oil executive or Federal Government official who suggested that the LWCF had any bearing on their decision to authorize or drill new leases. The fact is, revenues from Federal OCS leases will continue to come into the Federal Treasury with or without H.R. 701 and H.R. 798—the only difference

is that without congressional legislation, these funds will not be dedicated to meet our nation's conservation needs.

I realize that H.R. 701 and H.R. 798 take somewhat different approaches in identifying and prioritizing conservation initiatives, but I am convinced that our Chairman and Ranking Member can use the Committee process to forge consensus. Both bills deserve the scrutiny, commentary and constructive criticism that will arise from these hearings and I look forward to the testimony of our witnesses today and tomorrow. In particular, I want to acknowledge and thank two of the witnesses who have agreed to appear before us.

First, I want to welcome the Louisiana Secretary of Natural Resources, Mr. Jack C. Caldwell. Secretary Caldwell has been a champion of coastal impact assistance for Louisiana and all coastal states and I know that he can share with the Committee a wealth of knowledge about this issue. In addition, as a member of the Outer Continental Shelf Policy Committee which provides advice to the Secretary of the Interior through the Minerals Management Service, I particularly look forward to his discussion of the report prepared by the Coastal Impact Assistance Working Group on October 29, 1997 which forms the basis of Title I of H.R. 701. I have been asked many times by Members of Congress about the allocation levels and distribution formula for H.R. 701 and I believe Secretary Caldwell's testimony will provide Committee members with critical insight into these matters.

I would also like to acknowledge Mr. Mark S. Davis, the Executive Director of the Coalition to Restore Coastal Louisiana. Mr. Davis will be testifying tomorrow about the magnitude of coastal loss in Louisiana and will share with the Committee his expertise on coastal restoration efforts and the significance of Federal intervention to combat the challenges facing coastal states. I have known Mr. Davis since my days as a State Representative in the Louisiana Legislature and I greatly appreciate him making the journey to Washington to testify before the House Resources Committee.

In closing, Mr. Chairman, I want to thank you again for calling these important hearings. It is my intention to work with you and Ranking Member Miller to move legislation through this Committee so that the full House of Representatives can consider a bill by the August recess. An investment in America's natural resources today will yield unquantifiable benefits in the future and I believe today's hearings are right beginning for attaining this worthwhile goal.

Mr. YOUNG. And that goes for any member that would like to submit a written statement.

Mr. MILLER. Yes. Mr. Chairman, if I might, I have some letters of support that I would like to put into the record.

Mr. YOUNG. Without objection, so ordered.

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

Mr. YOUNG. Mr. Dingell, you are the first one up. I am sorry. The other members apparently got hung up in these snowstorms and I am glad to see you made it here. So you have got the floor for as long as you want it.

[Laughter.]

STATEMENT OF HON. JOHN DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Thank you, Mr. Chairman. I learned a long time ago, when I was a young lawyer, I should curtail my talking when I am in a friendly forum and I don't intend to breach that very desirable rule.

First, Mr. Chairman, I want to thank you and I want to thank Mr. Miller and Mr. John and the others who have worked so hard on this. And I want to remind all and sundry that you and I have a long friendship which goes back through the enactment of an awful lot of legislation, which you now guard in this Committee and which, very frankly, Mr. Chairman, makes me feel good. And I want to tell you how grateful I am for a chance to work with you again on this and also with my good friend Congressman Miller

and Mr. John and the others who were interested in this legislation.

This is a piece of legislation which is a part of a process in which, if we all do our jobs right, is going to result in some landmark legislation which will protect the natural heritage of this country. The Committee has invited many witnesses to speak on a number of issues and needs which arise from H.R. 701, your bill and mine, and H.R. 798, the Miller bill. And I will, therefore, keep my remarks brief and address as much as I can the issues that I find in these two pieces of legislation.

Thirty-five years ago, as you recall, Mr. Chairman, in good part with your leadership, the Congress created a land and water conservation fund. That has created an astonishing record of accomplishment. Better than $10 billion has been spent to help conserve 7 million acres of land in 40,000 projects. The country has reason to be grateful to you and to us for what we did on that. We preserved many areas within our Federal land systems and provided crucial funding to States to ensure that State acquisitions continued to meet our resource conservation needs.

More than 60 years ago, the Congress started the Pittman Robertson program, which contributed mightily to the States wildlife conservation programs. It was under this model that my old dad worked to establish the Dingell-Johnson program nearly 50 years ago, later to be amended for additional conservation purposes by two good friends of yours and mine, Senators Wallop and Breaux, both of whom, incidentally, are playing a significant role in the development of this legislation. H.R. 701, the Conservation and Reinvestment Act, is based on the legacy of accomplishment the Federal Government has achieved in finding workable partnerships with the States and with local governments to solve tough problems related to wildlife diversity, sustainable growth, environmental protect, and, very frankly, the enjoyment of our natural resources by the people of this country.

During the past few years, there have been a number of worthy efforts by a coalition of organizations which call themselves Teaming with Wildlife. These outstanding people are dedicated to the idea that Pittman-Robertson and Dingell-Johnson programs need to be expanded so that the fish and wildlife species not currently receiving biological attention may begin to receive it. It was their push for a dedicated funding source that intrigued me and I believe you also, Mr. Chairman, to try and find a funding mechanism by which this could pass the Congress. By dedicating 10 percent of all the Outer Continental Shelf revenues to meet unmet wildlife needs, State fish and wildlife agencies would begin to be able to count on about $300 million a year to protect more species and more habitat not currently receiving the protection that they need under the traditional approach of managing and protecting game resources.

For land and water needs, the Land and Water Conservation Fund has been enormously successful. During the life of the program, close to $13 billion in authorized funds have remained unappropriated. This is a serious problem and it has significantly impaired the success of that program. So by dedicating 23 percent of all Outer Continental Shelf revenues for the Land and Water Con-

servation Fund, State and Federal side, Congress can take the lead in closing that gap and ensuring that we really move forward in this area.

Mr. Chairman, I note that H.R. 701 is a fine piece of legislation and that any member of this body should be proud to support it. There are other good ideas, however, that have been brought to the table, by our friend and colleague Mr. Miller and by the President and by the Vice President in the administration. There has been and will be much debate concerning the use of Outer Continental Shelf funds for impact aid to coastal States. The Committee is going to hear testimony today and tomorrow and at other times which will make a strong case for renewed Federal commitment to coastal areas. Likewise, Mr. Miller has offered competing ideas for assured funding for coastal and marine resource conservation; farm, ranch, and open space protection; Federal and Indian land restoration; and, quite frankly, for historical preservation.

I likewise wish to offer a word of praise to the administration, both for what it has done and what it hasn't done during the legislative process. First, the President and the Vice President came forward with a series of credible proposals. Second, and most important, the President has dedicated himself to working with the Congress to achieve permanent funding for the Land and Water Conservation Fund. Just as important, however, to this legislative process is the fact that the administration has not laid out a series of demands. Perhaps they are on the way, but for now it has given the Congress a set of principles to give us room to craft good legislation.

Why is this legislation important? First of all, Mr. Chairman, I don't have to tell you. I think everybody is going to get plenty of answers today, including testimony from my good friend, the director of parks for Wayne County Michigan, Mr. Hurley Coleman. A few weeks ago in my office, I spent about an hour with Hurley as well as with Barry Tindall from the National Recreation and Park Association and from others who understand the tremendous benefits to our urban, suburban, exurban and rural residents that they would receive under this legislation. We concluded that, in order to make this happen, two things are necessary: a lot of cooperation in the Congress, a high volume of grassroots support from as many organizations as possible throughout the Nation. Working together, I know we can make this happen.

And I want to commend you, Mr. Chairman, and the Ranking Member, Mr. Miller, for bringing us to this point. This is a fine example of the kind of cooperation that the Congress can show. And, Mr. Chairman, and, Mr. Miller, I want you to know that your leadership in this matter is going to make it possible for us to work together, to come together on a bill which will be in the broad, general, and overall public interest of this country. It is not hard to do it and I am satisfied that you are the two who can bring this about. I look forward to working with you and being helpful in whatever way I can.

And I just want to say as a personal matter, I am so pleased to work again with my old friend Mr. Young who used to work with me a long time ago in the Subcommittee on Fisheries and Wildlife Conservation over in Merchant Marine Fisheries in the old days

when we used to write good legislation. As a matter of fact, right in this very room, as you will remember, Mr. Chairman, and the consequences were always good from the standpoint of the public. And a lot of that stands as a monument to what you and I and a lot of other good people did. I am satisfied we have the same opportunity here and I am satisfied we have the people on this Committee who will do it. Thank you, Mr. Chairman.

Mr. YOUNG. Thank you, John, and thanks for those kind words that we go back a long ways and we have accomplished a great deal. I hope we can accomplish more. Mr. Maloney, you are now at the table so if you would like to make your presentation, then we will have questions from any of the people who would like to ask questions.

STATEMENT OF HON. JAMES MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. MALONEY. Thank you, Mr. Chairman. Chairman Young and Ranking Member Miller, members of the Committee, thank you for the opportunity to testify before you this morning. I have written testimony for the record, which I would like to submit. And, Mr. Chairman, if I might, I would like to summarize.

Mr. YOUNG. Without objection, so ordered.

Mr. MALONEY. Very good. Thank you.

I represent a 27-town district in Connecticut, a combination of mid-sized cities and many suburban communities. It is, in fact, the battlefront on the open space war. Every single town that I represent currently is engaged in an open space issue of major concern. Part of that is because Connecticut ranks dead last in Federal open space. The State of Connecticut has one national park, consisting of 53 acres and has a total of 12,000 of federally owned land. That includes everything, including the Federal prison. All of that Federal land totals less than one-quarter of 1 percent of all of the land in the State of Connecticut.

The open space issue is one that is of great concern. For years and years, all of the cities and towns along the coastline outside of the New York area were known as the Gold Coast. People lived there, prospered well, commuted to the city. The Gold Coast has now become the congested coast and it is having a very adverse affect, both on people's quality of life and on the environment. A little further to the north, which is my district, we see a huge boom in house construction. We are happy with that. We are delighted that the economy is doing well. But the people who live in those towns now and the new people who will be living there want to make sure that they maintain a quality of life. Central to that is the preservation of open space.

Congressman Miller has submitted H.R. 798, which I think is an excellent piece of legislation and I know that there are other proposals that are on the table for consideration. The common goal is to address this issue.

In Connecticut and, perhaps, in other communities, we face another pressure which is the deregulation of many of the utility services means that utility companies are putting on the market large tracts of open space. In my home town, the city of Danbury has the largest lake in the State of Connecticut. And in Con-

necticut everything is to scale, so it is 14 miles by 1 mile, but it is the largest lake in the State of Connecticut. And all of that lake, that entire lake, is going to be sold as part of electrical deregulation. Well, if it is going to be sold, fine, but we need to make sure that that largest lake is preserved and that we continue to enjoy the environmental benefits that that lake has given to us.

So let me just conclude by saying that this open space legislation is critically important to my communities. It is critically important to the State in which I reside and to, I know, many, many States all around the country. The central thought I would leave you with is last year we preserved the Highway Trust Fund. We did the right thing in my opinion by preserving the Highway Trust Fund. We made the Highway Trust Fund do what it was supposed to do. This year we are working in a similar direction on social security. We are trying to make sure that social security is preserved for its purpose. The Land and Water Conservation Fund deserves equal treatment.

For 25 years, there has been a commitment of the Federal Government that the resources that go into the Land and Water Conservation Fund get used for Land and Water Conservation purposes. That has not been happening. Ladies and gentlemen, we have a great opportunity in this session of the Congress to make sure that that happens. I encourage you in doing so. I pledge you my support any way I can be of help to do that. And I commend the Committee's attention to this very, very important issue.

[The prepared statement of Mr. Maloney follows:]

STATEMENT OF HON. JAMES H. MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Thank you Chairman Young, Ranking Member Miller and Committee members for allowing me to offer testimony on the issue of open space.

The two bills we have come to discuss today, H.R. 798 and H.R. 701 are important steps towards preserving our environment for future generations. Both bills take the important step of restoring the Land and Water Conservation fund. I commend both Congressman Young and Congressman Miller for taking this step.

Resources 2000 (H.R. 798), the bill proposed by Congressman Miller, includes provisions for preserving our nation's open spaces. These provisions are essential to protecting the nature and heritage of our country, and ensuring a healthy environment to host future economic growth.

My state of Connecticut is a perfect example of the need for funding directed at open space preservation.

Connecticut ranks LAST in federally owned open spaces. We have only 1 national park, Weir Farm, which covers a mere 53 acres, about one thousandth of a percent of Connecticut's total 3 million acres. In total, Federal land holdings in Connecticut total around 12,000 acres, one quarter of one percent of our state's total acreage.

Opportunities abound for Open space preservation. In my district alone there are six possible projects that would utilize the open space funds suggested in Congressman Miller's Resources 2000 bill.

Candlewood Lake: The future of this resource is brought into question by the divestiture by Connecticut Power and Light. The possibility exists that the lake will be sold. Open space funding could be used to purchase the lake and surrounding land or acquire appropriate conservation easements and ensure its accessibility and use for future generations.

Ansonia/Birmingham Utilities Property: Some of the last 80 acres of open space in Ansonia will, like Candlewood lake, be for sale as a result of utility company divestiture.

Trout Brook/Bridgeport Hydraulic property: This resource was rescued from becoming a housing development and purchased by the state of Connecticut, Nature Conservancy, and other groups interested in protecting the environment. However, they still need around $3 million to complete the project, a perfect example of an under-funded, local effort to preserve open spaces.

Naugatuck River: As the State updates 7 sewage treatment plants along the Naugatuck, the once polluted river becomes a valuable natural resource, and a prime piece of real estate. River authorities are working with localities to purchase land along the Naugatuck, creating a new greenway. Time is of the essence as the land grows more valuable once the river is clean. Open space money could be used in this situation to help localities along the Naugatuck coordinate and fund parks and recreational areas alongside the river.

Meriden Flood Control: The Army Corps of Engineers project to create flood relief for the residents of Meriden also presents an opportunity to preserve urban open space. Part of the draft plan includes "daylighting" the Harbor brook, an environmentally preferable arrangement to the current underground path the brook now takes. "Daylighting" the brook will also create a scenic urban park in Meriden, a win-win situation.

Ridgefield/Bennett's Farm: Over 600 acres including wetlands could become open space using Federal funding. Right now the price of this property is set at around $13 million, as the owners are currently planning a housing community and conference center. Only a few years back the same property was purchased for around $8 million, an example of the time sensitive nature of our dwindling supply of open space.

Each of these examples in my district highlights the many aspects of Open Space needs in this country. There are so many communities taking the initiative to preserve their open space, but they lack the resources to take such progressive actions.

In conclusion, I think it is evident from the examples in my district that Americans across the nation desire and need funding for open spaces in their communities. This issue requires Federal participation so that our country as a whole has environmental resources to offer future generations.

As the Committee prepares to act on these bills, I hope you will take into consideration the vast number of needs for open spaces in our country. Thank you for your consideration of this matter.

Mr. YOUNG. Thank you for your testimony. John, I just have one question for you. This is the beginning and I am going to ask you—and I hope, because you are the sponsor of H.R. 701 that, as we go through this process, you not only just testify today, that we continue to have your oar in the water. Because without it, it is going to be very difficult to achieve the goal which I am seeking to do. So that is the only thing, are you willing to go to bat and to work on legislation? I am not locking you in, necessarily, to a fixed bill, but the goal here is, I think, what all of are seeking is going to take a lot of heavy lifting. Because, otherwise this is not going anywhere.

We had a hearing in a meeting the other day with one of the appropriators. And you would think I had him by the I don't know what, but he was sure squealing.

[Laughter.]

And, you know, because he is losing part of his authority to appropriate money. But they haven't done what they should have done to begin with, so it is going to take a lot of heavy lifting. I just want to make sure you are on board with me on this one.

Mr. DINGELL. Mr. Chairman, I know that you and this Committee have the ability to do that. I am, as you know very well, sponsor of that legislation, very proud of it. I think we have done an outstanding job in terms of meeting the concerns of everybody and I think, as far I am concerned, we could pass that bill just as it is and wouldn't complain. But the legislative process is going to require a certain amount of give-and-take.

I have got to say, in your leadership in this matter, Mr. Chairman, you have demonstrated some extraordinary bipartisanship and it is a great example. I know you and I are not known as bipartisans, but when we get right down to it, sometimes we have

done some extraordinary work in that area and I want to say Mr. Miller has come a good way in working with us. And we did a few things like this last year and in the previous Congress, as you will remember, and they were good for the country and they were good for the people and I think all three of us are proud of what we did there. So I see no reason that the process, with you two working on it, is not going to move forward. And I certainly look forward in my small way, outside this Committee, trying to be as helpful as I can in what it is you are doing.

Mr. YOUNG. Thank you, John. The gentleman from California.

Mr. MILLER. Thank you. And I have no question. Again, I want to echo what you said, Mr. Chairman and Chairman Dingell, to thank you for your pledge of involvement.

Chairman Young and I met some weeks ago, quite a while ago, and talked about this and I think we fully appreciate that this is going to be about legislating, which means an awful lot of people are going to have to be involved and Congressman Maloney has been involved in this before the bill was written. And we need that kind of involvement. It is very clear that there is very diverse views on this. The devil is in the detail, because people do have different approaches and different views about what should and should not be done. But that is the art of legislation is to try to sort those things out and I think the track record of the parties involved here is pretty good, but, clearly, your sustained interest and involvement is important to this. And I thank both of you for your testimony.

Mr. YOUNG. Any other questions from any of the members? Any comments? Helen.

Mrs. CHENOWETH. Thank you, Mr. Chairman. And I do want to say for the record that I believe that this chairman has gone all out for his sportsmen. He has really worked very, very hard for them and it is obvious in this bill. But I do have to say that rarely would I oppose anything my chairman would do. But this bill is one that I have to oppose because I believe that we are moving away from the legacy of Ronald Reagan and all of those who have gone before us in the fight for private property and the fight for the rights of States and local units of government to sovereignly manage their own units and to carry out the people's trust, who elected them.

I do want to say that, in looking over the witness list, I am disappointed that it is not more balanced. And while we are holding two days of hearings, I would like to officially ask for another day of hearings to be held to at least include those witnesses who were able to be heard in 1988 when this bill came up and was soundly defeated. I do want to say that I think everyone should be heard and I understand that there is going to be a hearing in Louisiana on this. I would also like to ask if we could have a hearing in the West on this particular bill, maybe in California or in Idaho.

As I look this bill over, I find that the PILT money, while PILT provisions are in the bill, nevertheless there is already PILT authority and we are only funding PILT at 50 percent. This bill does nothing to mandate the appropriators to fund PILT, nor could it do that. And the condemnation authority certainly is in the bill, condemnation of private property. The only thing that isn't in the bill

is, under this bill, monies generated would not go to pay for private property that has been condemned; it would only go to pay for private property that has been transferred by a willing buyer or a willing seller.

And I have to ask the chairman that, if a private landowner is faced with the choice of suffering with regulations enacted by the Federal agencies under congressionally approved statutes like this one, does this really constitute a willing seller? I don't think so, Mr. Chairman. And I think that this bill that was soundly defeated and you worked to help defeat it in 1988 is one that we should take a long and careful look at.

In the name of the sportsmen, I think there are many ways that we can help the sportsmen. One would be weighing in on legislation to correct the decision out of New Jersey that enforces or implements product liability on gun manufacturers, because that ultimately will affect our hunters.

But I would like to ask Mr. Dingell, who I have great respect for, you know, Michigan will receive about $45,477,000 in one year from this, but I have to ask you, sir, how much oil and gas leasing really takes place in the Great Lakes?

Mr. DINGELL. We won't allow any gas leasing in the Great Lakes because of the unique and precious character of them, but there will be very large gas leasing and oil leasing in Michigan. Michigan is a rather large producer of both natural gas and oil.

Mrs. CHENOWETH. But right now there is virtually none, right?

Mr. DINGELL. We don't do it out in the lakes, themselves.

Mrs. CHENOWETH. Or is there any offshore drilling or oil or gas production off of——

Mr. DINGELL. Not in the lakes. Remember the lakes, although there are the largest reservoir of fresh water and one of the most precious in the world, are still rather small. They are confined. And the interchange in water in the Great Lakes occurs very, very slowly. The two lakes that have the greatest interchange are Erie and Ontario and I think the water changes in them in about 20 years. So if we had a major oil spill in the Great Lakes, we would have big problems. The clean up of it would not be anything that could be done in any acceptable fashion.

Mrs. CHENOWETH. So if there are proposals for directional drilling, would you support that?

Mr. DINGELL. I don't have any problems with directional drilling if you are going to drill from offshore out under the lake, that is not something that causes me any particular difficulty. It is setting up the rig and having a spill that goes into the lakes.

We have just achieved, after years and years of massive problems, a clean up of Erie, which was going to be a dead sea. We have got it now to the point where Erie is one of the finest walleye and muskie fishing lakes in the world. We have salmon in there. And they are enormous national treasures. Every one of those salmon brings to the State of Michigan $70 in tourist revenues. So, I mean, these are great things and our people want to protect them.

And I have supported offshore drilling and have usually opposed constraints on offshore drilling because I view that as being an unwise energy policy in the United States. That tends to differ me

from some of my colleagues and some of the environmental organizations, but I think those things can be done safely. And I think the risk is unacceptable inside the Great Lakes and our people think so. You can't find anybody in the Great Lakes, in the United States or Canada, that wants drilling inside the Great Lakes by offshore platforms.

Mrs. CHENOWETH. Mr. Chairman, I see that my time is up and I thank Mr. Dingell for his comments. I just simply want to say that if there was offshore drilling and revenue generated, well then that would justify Michigan receiving the $45.5 million per year. And I also want to say that the salmon that is now in Lake Michigan actually came from the Pacific Northwest.

Mr. DINGELL. That is true, but we do have Atlantic salmon in there.

Mr. YOUNG. Specifically, from Alaska if you really want to know where I think it is.

[Laughter.]

And it is an irritation to me that they hold the world's record now for the largest silver salmon caught. It is not in Alaska, but it is Alaska DNA.

[Laughter.]

Mr. DINGELL. I can't quarrel with anybody from Alaska about what a great place that is and what great fishing the salmon are out there.

Mr. YOUNG. Yes. I would just like to respond for a moment. This is a hearing and the condemnation of the bill I can understand. But we hopefully will work together and can relieve some of the anxiety of the lady's concern about this legislation. If we cannot, then we will still go forth, because I do believe that there is an opportunity to reinvest. This is not about who gets what or where it goes, but reinvest in the fish and wildlife of this great Nation of ours.

And I don't do that just for our sportsmen. I will just digress little bit. Now you have heard me say this, the gentlelady has before, if you want to retain our freedoms, if you want to retain a society that has some sanity, you have to have the availability to hunt and to fish. If you lose that availability, then you lose what remaining sanity is left in this great Nation. Because we face urban tyranny. I listen to Maloney talk about his urban sprawl. That creates urban tyranny.

Now how we solve that problem is really what these hearings are all about because we cannot continue to have this lack of access to those lands and access to fish and wildlife. If we lose that, we lose the freedoms which I think are so crucial to this Nation. This is what my interest is about. This is why I am pushing this bill. This is a chance to go into the year 2000 with an opportunity to provide every man, woman, and child the chance to participate in what I think is our legacy, and that is the ability to hunt and fish.

Now, with that, anybody else? Mr. John.

Mr. JOHN. Yes. I don't necessarily have a question, Mr. Chairman, but I do have a couple of comments. First let me pile on to the accolades of the chairman for holding this meeting, this hearing, for the next two days in a true spirit of bipartisanship. We sit here with two bills that ultimately go after the same goal in somewhat different directions, but the willingness of the chairman and

the Ranking Member, Mr. Miller, to sit down and have both bills put on the table and talked about is a great tribute to their willingness to put together a piece of legislation.

This bill is going to become, in reality, one of the most comprehensive, wide-sweeping, environmental pieces of legislation in many, many years. It has been said so many times. This piece of legislation is all about finding a revenue source for reinvestment and conservation. This bill is not about oil and gas drilling. It simply is not. If you think about it in its purest form, what does this bill do? It takes a revenue stream that is presently collected from activities off coastline and reinvests it back into our coastal marshes and into our estuaries; back into conservation, wildlife and other important programs.

So, as we move through these hearings, I want to reiterate that this bill is about making a commitment to reinvest some portion of revenues—from a non-renewable natural resource—back into our estuaries and our environment; the kind of thing that all of us on this Committee wants to do.

Why am I involved? I mean, I think it is pretty obvious. Thirty-five miles a year of my district get washed away in the Gulf of Mexico. So that is why I am involved. As a young boy, I used to hunt a lot in the marshes of Louisiana and where I used to fish is now two or three miles out in the Gulf of Mexico. So that is why I am involved. We have been trying to deal with this issue for many, many years. I know that Senator Johnston—former Senator Johnston of Louisiana—and other people had tried to put together legislation to come up with a funding stream to not only protect our coastline, but also to preserve and protect our wildlife and our fisheries of this great Nation. And this issue, I think, is so much more broad than a lot of the issues that we are dealing with. I think it is going to become a paramount piece of legislation.

As we look at H.R. 701 and H.R. 798, there are some good ideas in both of the bills. For example, H.R. 798 includes funding for the operation and maintenance of our national parks; this is a good idea and we ought to explore this idea further. That is what this hearing is all about.

I am honored to be sitting at the table with the chairman, the Ranking Member, and also the dean of the delegation, Mr. Dingell, who has offered his staff and has worked very, very hard to try to put this together and make it a reality. So I am looking forward to the next couple of days and I appreciate the chairman putting these hearings together.

Mr. YOUNG. If there are no other comments, I would like to thank the two gentlemen for being with us today. And we have open eyes and open ears and most of the time open hearts. I have to check that out, but we will see what happens. So thank you very much, John. Thank you, Mr. Maloney.

The next panel will be Mr. Jack Caldwell, secretary of the Louisiana Department of Natural Resources, Baton Rouge, Louisiana; Ms. Bernadette Castro, Commissioner, New York State Parks, Recreation and Historic Preservation, Albany, New York; Mr. David Waller, Director, Georgia Wildlife Resources Division, Social Circle, Georgia—social circle?. Ms. Sarah Chasis is stuck in snow.

So we will try to fit her in sometime tomorrow if possible, if we can.

Mr. Caldwell, you are up first. And I do thank you. And if we can—just a moment. You are up first and have at it.

STATEMENT OF JACK CALDWELL, SECRETARY, LOUISIANA DEPARTMENT OF NATURAL RESOURCES, BATON ROUGE, LOUISIANA

Mr. CALDWELL. Mister Chairman, honorable members of the Committee, I very much appreciate this opportunity to testify on the greatest conservation bills of this century. Not since Theodore Roosevelt has the conservation effort moved so strongly onto the national stage.

As secretary of the Louisiana Department of Natural Resources, I serve on the Outer Continental Shelf Policy Advisory Committee, comprised of Federal and State officials, industry representatives, and other interested OCS parties. And our function is to give advice to the Secretary of the Interior through the Mineral Management Service. And my testimony this morning will cover the background leading up the concepts that are today incorporated into Title I of H.R. 701.

As you know, for many years, as Congressman John pointed out, the issue of assistance to coastal impact States has been debated in Congress and, so far, the only legislation that has been adopted was the 8(g) amendment to the Outer Continental Shelf Lands Act in 1986. And, under this bill, Louisiana's share has, through the years, been about $1 billion out of the $80 billion that has been produced through the years.

And, by 1993, the Outer Continental Shelf Policy Committee developed a position paper which called for a sharing of a portion of revenues among all the coastal States, the Great Lakes, and the territories. It was based on a finding that, although the benefits of the OCS program was shared nationally, a disproportionate share of the environmental, economic, and social costs were local. So, consequently, the committee appointed a working group on which I had the honor to serve, along with representatives from Alaska, Oregon, California, Texas, and North Carolina, to come up with a specific plan.

This group worked diligently for almost a year and the fundamental principle that the group worked on was the one just mentioned by you this morning and that is the idea of reinvestment of nonrenewable oil and gas resources into renewable and sustainable resources in the coastal region. Now, because the impacts of OCS operations on coastal States is difficult to separate out and quantify and because all of the coastal States are subject to similar stresses from storms, sea level rise, overdevelopment, and pollution, we included all of the coastal States and the Great Lakes, but came up with a formula that weighted the fund distribution toward the impact States which were sustaining the larger share of the adverse impacts of OCS operations.

So acting on this principle, the Committee came up with the basic concepts—this was back in 1997—that are presently incorporated in the bill. And that is that 27 percent of the revenues should be shared. That it should be weighted on a 50 percent prox-

imity, 25 percent population, and 25 percent coastal. That the funds should be stable and not subject to annual appropriation. And that it should be administered by the States under oversight from the Secretary of the Interior, relying on the audit system for enforcement.

Now this is my testimony this morning regarding this background and I welcome any questions from the Committee.

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

Mr. YOUNG. Mr. Caldwell, you just did a remarkable thing. You stayed within your time and you never read anything. So I want to congratulate you.

[Laughter.]

That is remarkably well-done and well-presented. I just want to congratulate you.

Mr. CALDWELL. Thank you, Mr. Chairman.

Mr. YOUNG. Ms. Castro, you are next.

STATEMENT OF BERNADETTE CASTRO, COMMISSIONER, NEW YORK STATE PARKS, RECREATION AND HISTORIC PRESERVATION, ALBANY, NEW YORK

Ms. CASTRO. Thank you so much, Mr. Chairman. I am Bernadette Castro, commissioner of the New York State Office of Parks, Recreation, and Historic Preservation. I also serve on the legislative committee for the National Association of State Park Directors and I am a board member of NASORLO, which is the national group that actually administered this program for the 30 years when it was active with the States from 1965 to 1995.

I want to thank you Chairman Young for your leadership on this issue. It is a vital issue. It one that we feel has to reinstate the promise that was made in 1964, the promise that all States would benefit, the promise that States would share equally with the Federal needs. And, indeed, that promise was completely broken in 1995. From 1995 to present, the States have received zero funding from the stateside portion of the Land and Water Conservation Fund.

It is a wonderful, wonderful fund, if it really was a fund. It is a word that was used in 1964 and it leads people to believe that don't understand the issue that there is this money, this $900 million a year, that is deposited somewhere for use in land and water. And, indeed, that is not the case. So there is a lot of misknowledge by the public at large, misunderstanding, and lack of knowledge. So I am going to sort of sidestep my official testimony and I ask that my written testimony be accepted as part of the record, Mr. Chairman.

Mr. YOUNG. Without objection, so ordered.

Ms. CASTRO. Thank you very much.

You have heard about all of the wonderful things that this has done at the national level, the figures on acreage and parks. I guess what I need to do is to just focus on my State, if you will, as stateside part of this funding is critical. And I think the States, indeed, know best how to spend this money. If you look at the diversion just here, Mr. Chairman, Alaska, California, New York, Louisiana, Connecticut. It would be impossible for any of us to

know how the other States should be spending the stateside money. It would be less likely that the Federal Government, with all due respect, even the National Park Service, would know best how to administer this money.

It is critical, of course, that it remain, as we would call, a block grant. It is critical that when this programming goes through, that the States, each of us, with our very different needs, have the capability to direct this funding.

In New York State, we have two what we call flagship parks under my jurisdiction. The Adirondacks and the Catskills are not under my jurisdiction. They are under the jurisdiction of the Department of Environmental Conservation.

But Commissioner Cahill, indeed, wishes he could be here today, as does Secretary of State Treadwell who runs the Coastal Management Program, as does Theodore Roosevelt IV, great-grandson of Teddy Roosevelt, who was here in Washington and who is out of the country or would be here today. He fully, fully supports this effort.

But in New York State, I had two flagship parks that are worldwide famous. One, Niagara Falls, one of the great wonders of the world. The other, Jones Beach State Park, the largest public bathing facility in the world. Millions of dollars have come to both of these flagship parks over the years, to the Land and Water Conservation Fund. From everything from serious infrastructure work to things such as boardwalks and recreational facilities.

It would be impossible for New York State over the years to have brought those projects along, both Robert Moses projects, along without the help of this Federal matching grant program. And I think that is very important for everyone to remember. We are leveraging funds here. Not just local funds, indeed about 60 percent of everything New York got in that 30-year period went to municipalities, through a matching grant program.

But we are also leading the way, in New York, by leveraging private money. There are private corporations that would love to invest in parks, but they want to do it where they know they are not the only game in town. So when a municipality or the city of Syracuse or the city of Buffalo goes for funding under this Federal program, part of their match could be a giant corporation. It could be a Pepsicola or a Coca-Cola.

Saturn retailers have put in parks, have put in playgrounds within my parks. Ford Motor Company is giving us $100,000 for a nature center at Jones Beach. And the list goes on and on. But municipalities could approach their local banks and say, wait a minute, there is Federal match money out there.

In New York State, we are very lucky to have Governor George E. Pataki who is such a champion of this cause. He has given us environmental protection fund money in his budget every year. That is a matching program. He saw to it and worked hard to pass our Clean Air, Clean Water Bond Act, again, a matching program. But I can tell you that there are 800 projects in New York State—am I out of time already? Is that what that means? We are in trouble. Okay. Eight hundred projects that we couldn't fund. Eight hundred projects on the shelf, ready to go, if you give us back this

program. Thank you very much and I would be happy to take any questions.

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

Mr. TAUZIN. [presiding] Ms. Castro, we appreciate very much your testimony as well as the testimony of my dear friend from Louisiana. Louisiana is not used to snow, Jack. I just had a real tough time getting in to hear you this morning.

[Laughter.]

We are now pleased to welcome Mr. David Waller, the director of Georgia Wildlife Resources Division, Social Circle in Georgia. Mr. Waller, welcome and we will appreciate your testimony. Again, recognize the time limits. We apologize for that.

STATEMENT OF DAVID WALLER, DIRECTOR, GEORGIA WILDLIFE RESOURCES DIVISION, SOCIAL CIRCLE, GEORGIA

Mr. WALLER. Okay. Thank you, Mr. Chairman. I have submitted testimony and so I will just hit the high points from that. My name is David Waller and I am director of the Georgia Wildlife Resources Division and vice president of the International Association of Fish and Wildlife Agencies. I really appreciate the opportunity to appear before you today and would like to use this opportunity to convey the International's strong support of H.R. 701.

We believe this bill is the most sweeping wildlife funding bill in this half of the century and will go a long way towards conserving our Nation's fish and wildlife and providing much-in-demand conservation education and wildlife-associated recreation. We appreciate Mr. Young's leadership and that of Congressmen Dingell, Tauzin, and John in sponsoring this landmark legislation. The International would also like to recognize Congressman Miller for addressing some of the same needs in H.R. 798.

There is a compelling need to fully fund State wildlife conservation efforts in time to prevent species from becoming endangered. Many species in this country are declining and heading rapidly towards endangered species lists. And we have the opportunity now to act in a non-regulatory, incentive-based manner while there is still time and at much less cost to conserve our Nation's wildlife legacy. Dedicated, reliable, and adequate funding would not only allow States to conserve species and preclude the social and economic impacts associated with listing species, it would also generate significant new economic opportunities for local communities.

A wildlife-rich outdoor experience is vital to communities; it is vital to States' nature-based tourism; and vital to related outdoor industries. Wildlife watchers spent over $29 billion in State and local economies, generating more than one million jobs. This bill provides funding for State conservation, recreation, and education efforts which makes good economic sense.

States are the front-line managers of fish and wildlife in this country and have broad authority for fish and wildlife within their borders, including most Federal lands. Because of a consistent, dedicated source of funds, we have successfully restored many game species like the white-tailed deer and the wild turkey, the

striped bass, pronghorn antelope, and on and on. All of these are wonderful success stories. We are ready to do the same thing now for some of the non-game species such as the Baltimore oriole, the American goldfinch, box turtles, and many other declining species that are not yet endangered. The needs of State wildlife agencies to attend to these declining species exceeds $1 billion, but even half that amount would go a long way toward producing significant, on-the-ground results.

Mr. Chairman, as you know, for the past seven years, we have built up a national coalition of over 3,000 organizations and businesses that we call the Teaming with Wildlife Coalition. We believe Title III of H.R. 701 fulfills the basic goals of Teaming with Wildlife, but with a different funding source.

We strongly support H.R. 701 for the following reasons. It provides permanent and consistent funding, which is important. It is administered through the Pittman-Robertson Act, which is tried and proven. It allows States to determine their priorities, their conservation priorities. And it brings equity to wildlife conservation funding, giving all Americans the opportunity to join sportsmen in paying for conservation.

Mr. Chairman, in addition to these comments, the International respectfully urges you to raise the minimum level for a State from one-half of 1 percent to 1 percent to address the needs of some of the smaller States that have some of the greatest needs, including Hawaii and some Northeastern and Mid-Atlantic States.

Let me now briefly mention some things on H.R. 798, the Resources 2000 Act. Again, the International is pleased that Title VII of H.R. 798 provides funding for State-level wildlife conservation. We are also encouraged by the spirit of the cooperation between Chairman Young and Congressman Miller, that they have pledged to moving forward together toward a strong bipartisan solution that can pass Congress this year. We are very pleased with that.

Some of the concerns are, in H.R. 798, are the elaborate planning requirements; the term "native fish and wildlife," which could be problematic; the fact that conservation, education, and wildlife-associated recreation needs are not addressed; and a six-year phase-in from $100 million to $350 million. Let us not wait six more years to address these critical conservation needs.

In closing, Mr. Chairman, State wildlife agencies across the country stand ready to work hand-in-hand to assure a future for America's wildlife and help millions of people enjoy and appreciate wildlife from their backyards to the back woods. Thank you.

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

Mr. TAUZIN. Thank you very much, Mr. Waller. And we regret that Ms. Sarah Chasis, senior attorney, Natural Resources Defense Council, could not be with us today, I believe.

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

Mr. TAUZIN. So this completes the panel. The Chair recognizes himself briefly for a round of questions and we will ask all members to abide by the five-minute rule.

First of all, Mr. Caldwell, in your statement, you cite, of course, the 1993 policy committee report which, by the way, I have in my hand and I would ask unanimous consent be made a part of the record today.

Without objection, then, it will be so ordered.

[The information follows:]

Coastal Impact Assistance

Report to the OCS Policy Committeee from the Coastal Impact Assistance Working Group

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Introduction

Throughout the history of the Outer Continental Shelf (OCS) oil and natural gas program, States and local communities have sought a greater share of the economic benefits of OCS development. After the 102d Congress chose not to enact any OCS initiatives, the OCS Policy Committee, in its report *Moving Beyond Conflict to Consensus* (October 1993), recommended:

> **A portion of the revenues derived from OCS program activities should be shared with coastal States, Great Lakes States, and U.S. Territories.**

There are two fundamental justifications for a revenue sharing or impact assistance program. The first is to mitigate the various impacts of OCS activities, and the second is to support sustainable development of nonrenewable resources.

In *Moving Beyond Conflict to Consensus* , the OCS Policy Committee addressed impacts associated with OCS activities. The report stated that, despite strict environmental standards and the program's exemplary environmental record, "OCS development still can affect community infrastructure, social services and the environment in ways that cause concerns among residents of coastal States and communities. " These effects cannot be entirely eliminated and they underscore the fact that, while the benefits of the OCS program are national, a disproportionate share of the infrastructure, environmental and social costs are local.

Impacts include:

- the need for infrastructure, such as ports, roads, water and sewer facilities, to support expanded economic activity accompanying OCS development;
- the need for public services, such as schools, recreation facilities, and other social services, to support the population growth accompanying OCS development;
- the need to mitigate the effects of occasional accidents (e.g., oil spills) or cumulative air, water, and solid waste discharges on coastal and marine resources and on the economic activities (e.g., tourism and fisheries) that depend on those resources;

- The need to mitigate the physical impact of OCS activities (e.g., pipelines, wake wash, road traffic, canal digging, and dredging) on sensitive coastal environments,

- the visual impact on residents and tourists from production platforms and facilities, waste disposal sites, pipeline rights of way, canals, etc.; and

- the costs to State and local governments of effective participation in OCS planning and decisionmaking processes and of permitting, licensing, and monitoring onshore activities that support offshore development.

Addressing these needs would help to strengthen the Federal-State-local partnership that must underlie a reasoned approach to national energy and coastal resource issues, resulting in a more productive OCS program. The breakdown in this partnership is evidenced by the fact that new OCS development is now occurring only off the coasts of Alabama, Alaska, Louisiana, Mississippi, and Texas.

The second justification lies in the concept of sustainable development. In short, a modest portion of the revenues derived from development of nonrenewable resources, such as oil and natural gas, should be used to conserve, restore, enhance, and protect renewable natural resources, such as fisheries, wetlands, and water resources. This concept also underlies the Land and Water Conservation Fund (LWCF), which uses OCS revenues to acquire and develop park and recreational lands nationwide.

These arguments for establishing an impact assistance program are even more relevant today, and this report's recommendations strive to create an equitable program to address these vital needs.

OCS Policy Committee

The OCS Policy Committee was established to provide advice to the Secretary of the Interior through the Minerals Management Service (MMS) on policy issues related to oil and natural gas activities on the OCS. Members represent the coastal States and constituencies impacted by the OCS program. The Committee frequently establishes subcommittees and working groups to look at issues in-depth and report back to the full committee. In its report *Moving Beyond Conflict to Consensus* , adopted in October 1993,

the Policy Committee discussed coastal impact assistance and revenue sharing (Appendix A), asserting that a portion of OCS revenues should be dedicated to maintaining and enhancing coastal infrastructure. It recommended sharing revenues derived from OCS program activities as the appropriate mechanism to achieve this goal. The Committee reiterated its support at its spring 1997 meeting and recommended that the Secretary of the Interior initiate a legislative proposal in the 105th Congress to implement impact assistance and revenue sharing measures using the recommendations in *Moving Beyond Conflict to Consensus* as a starting point. The MMS asked the Committee to look at the mechanics of how a coastal impact assistance program would work. Chairman Palmer appointed the Coastal Impact Assistance Working Group (Appendix B) and asked its members to look at alternatives and make recommendations about how to implement such a program.

Current Use of OCS Revenue

The majority of OCS revenues go into the Federal Treasury where they help pay for Federal programs and reduce the deficit. Also, a portion of those revenues goes into two special-purpose accounts, the LWCF and the National Historic Preservation Fund (NHPF). The LWCF supports parks and recreation through two programs. First, it provides matching grants, on a 50-50 basis, to States and Territories for the planning, acquisition, and development of public outdoor recreation areas and facilities. All 50 states and 6 U.S. Territories have received grants under this provision. Second, it contributes to the purchase of Federal park, conservation, and recreation areas. The fund is authorized at $900 million per year, of which over 90 percent comes from OCS revenues. Congress typically appropriates only a fraction of the authorized money and did not appropriate any money for the State Grant Program in fiscal years (FY) 1996 and 1997.

From FY 1969 through FY 1996, almost $9 billion has been appropriated from the LWCF. The State Grant Program has funded more than 37,000 park and recreation projects, with a total Federal investment of about $3.36 billion. The remainder of the appropriated funds have been for Federal acquisitions.

The NHPF is a 50-50 matching grant program that provides grants

to States and Territories for historic preservation purposes. The NHPF receives all of its funding—$150 million per year—from the OCS program. Since 1969, over $617 million has been spent from the NHPF for projects in all 50 States and in the U.S. Terretories.

Section 8(g) of the OCS Lands Act mandates the Federal Government to share with affected States 27 percent of revenues generated from leasing and development of oil and natural gas resources in the "8(g)" zone. This zone is a 3-mile-wide band of Federal water located directly adjacent to a State's seaward boundary. This provision also mandated a one-time payment to certain coastal States from funds held in escrow and additional payments to these States in installments over 15 years (beginning in FY 1987). The following seven coastal States have received almost $2.5 billion under the section 8(g) provisions of the OCS Lands Act: Alabama, Alaska, California, Florida, Louisiana, Mississippi, Texas. This money is used by the States as they deem necessary, without Federal restrictions.

Historical Background

Since 1945 when President Truman issued a proclamation declaring that the United States had jurisdiction, control, and power of disposition over the natural resources of the OCS, there have been bills introduced in most sessions of Congress to settle jurisdictional matters between the Federal Government and the States over offshore lands. A major factor in this dispute is the equitable sharing of benefits derived from OCS development.

In the mid-1970's, during the heat of the OPEC oil embargo, President Nixon's call for leasing 10 million acres of offshore land for drilling, and the Nation's growing environmental movement, Congress began rewriting the OCS Lands Act (OCSLA). Additionally, in response to an increasing concern among coastal States and communities that, as a result of OCS development, they would be faced with large infrastructure costs, land use commitments for support bases, and potential, irretrievable environmental losses, Congress also addressed the long simmering issue of sharing a portion of Federal revenues from OCS production with adjacent coastal States.

The result of that early Congressional initiative was the enactment, in 1976, of the Coastal Energy Impact Program (CEIP), which was incorporated into the Coastal Zone Management Act (CZMA). The CEIP was a program of grants, loans, and loan guarantees

designed to assist coastal States in addressing the public service and infrastructure costs and environmental expenses caused by coastal and OCS energy activity. It was a complex section of law that, in general, included:

- **OCS formula grants** to be used by coastal States to retire State or local bonds guaranteed under another provision of the program, to pay for public services and facilities resulting from OCS activity, and to prevent or ameliorate the loss of valuable environmental or recreational resources resulting from coastal energy activity.

- **Energy Facility Siting Planning grants** for the planning for economic, social, or environmental costs caused by the siting or construction of new energy facilities in the coastal zone.

- **OCS State Participation grants** to assist States to carry out their responsibilities under the OCSLA.

- **Loans** to States and local governments for new or improved public facilities or public services required as a result of coastal energy activity.

- **Guarantees of Bonds** (and other evidence of indebtedness) issued by States or local governments to pay for public facilities or public services required as a result of new or expanded coastal energy activity.

Individual coastal State allocations under the OCS formula grants section, which most resembled revenue sharing bills considered by Congress in later years, were based on a formula composed of:

- 1/2 for the amount of OCS acreage leased in a year that is adjacent to a coastal State;

- 1/4 for the volume of offshore oil/gas produced in a year that is adjacent to the State; and

- 1/4 for the volume of offshore oil/gas first landed in the State.

Each coastal State with a CZM program or making good progress

toward having a program was eligible for the annual grants. The CEIP funds were appropriated by Congress. Thus, individual State allotments were based on OCS activities but the amount of money available was not. In this sense, CEIP was not a pure OCS revenue sharing program.

During the Carter Administration, modest appropriations were made for the OCS formula, for energy facility siting planning, and for OCS State participation grants; also substantial funds were made available for the loans. The Reagan Administration stopped funding CEIP, and Congress repealed the program in the 1990 CZMA amendments.

Around the same time the Reagan Administration terminated Federal support for CEIP, the Department of the Interior accelerated the oil and natural gas leasing program. Many parties questioned the advisability of terminating programs that provided the States with means to participate in OCS and coastal planning at a time when competing use conflicts were expected to escalate.

As a result, Congress considered a variety of OCS revenue sharing legislation in the early 1980's. The philosophy behind this legislation was that a portion of future increases in Federal revenues from publicly owned nonrenewable ocean energy resources should be allocated to coastal States for the continued sound management of renewable ocean and coastal resources. This legislation tried to balance OCS impacts and coastal zone resource management obligations but did not establish a clear one-to-one relationship between OCS revenues and impacts. Despite growing budget deficits in the early 1980's and strong opposition from the Administration, the House passed ocean and coastal block grant legislation as separate bills in the second session of the 97th Congress in 1982 and in the first session of the 98th Congress in 1983. In 1984, in the second session of the 98th Congress, the proposal was included in a House-Senate conference report on a bill that covered a broad range of fisheries and coastal matters and passed the House by over a three to one margin. But the conference report was killed in the Senate when the Administration opposed it. During the 99th Congress, OCS revenue sharing was added to pending budget reconciliation legislation but was removed before final passage because of a veto threat from the

Administration. Legislative activity on OCS revenue sharing then

ceased for the remainder of the decade.

In 1986, Congress amended section 8(g) of the OCS Lands Act, to provide revenues to States from State-Federal boundary tracts, as discussed above. The 27 percent share of revenues in the 8(g) zone provided for under these amendments was intended to compensate States for possible drainage of oil and gas from State lands and for other costs associated with Federal OCS activity. Revenues are shared, however, only for the first 3 miles seaward of State waters.

In 1991, the Department of the Interior developed a legislative initiative on OCS impact assistance at the request of President Bush. This initiative attempted to link size and distribution of payments more closely to the impact of OCS activities on State and local communities. It proposed establishing an impact assistance fund consisting of 12.5 percent of new oil and natural gas royalties and related revenues. Coastal States and communities within 200 miles of a producing tract were eligible to receive funds, the amount of which was inversely proportional to the distance between the nearest coastline point and that tract.

Following the Bush Administration's proposal in 1991, Congress considered impact assistance as part of the National Energy Policy Act of 1992. The competing versions, part of a larger OCS title, died in conference when the entire title was struck because of House-Senate differences over unrelated provisions directing the buyback of certain existing offshore leases. The proposals included:

- the Senate's proposal of two funds, a larger fund similar to the Bush Administration's proposal and a smaller fund that based shares on coastal population, shoreline mileage, and the number, location, and impact of coastal energy facilities; and

- the House proposal sharing 4 percent of all OCS revenues with States that had coastal zone management plans, with most of the money going to OCS-impacted States, based largely on fixed percentages specified in the bill.

After the OCS provisions were dropped from the National Energy Policy Act of 1992, the OCS Policy Committee created a subcommittee to examine the issues in those provisions. The

Committee endorsed revenue sharing and proposed two funds, each of which would allocate payments by formulas incorporating a number of coastal and energy-related factors (Appendix A).

In the 104th Congress, the Senate Energy and Natural Resources Committee considered a bill (S.575) to create an impact assistance program. The proposal was similar to the Administration and Senate proposals in the 102d Congress. The Senate Committee took no action on the bill.

The primary obstacle to enacting impact assistance legislation during the 1990's has been identifying budget offsets required by the Congressional Budget Enforcement Act (Act) to avoid any net loss to the Federal Treasury. This Act requires that any new program that would increase costs or reduce Treasury receipts must be offset by cost reductions or revenue increases so that there is no net effect on the Treasury, at least during the 5- to 7-year budget scoring window. The Act is a constraint if the revenue sharing proposal is going to be a direct spending entitlement—but it is not if the proposal is going to be an authorization, subject to an appropriation. In the latter case, recent budget resolutions between the Administration and Congress have placed ceilings on the amount that can be appropriated for domestic discretionary programs. It is these ceilings that put constraints on the Interior Appropriation's Subcommittee allocations and, thus, on any revenue sharing proposal subject to appropriations. Whether as an entitlement or an annual appropriation, any impact assistance proposal will compete with other priorities for scarce budget resources.

Recommendation

The Working Group recommends that an OCS impact assistance and ocean/coastal resource protection program be added to, and a concomitant increase in OCS revenues be transferred to, a revived and enhanced Land and Water Conservation Fund

As described in the background section of this report, the LWCF is an existing program funded primarily by OCS receipts and is available to all States and Territories of the United States, subject to appropriations, to apply to the acquisition and management of land and water areas for parks and recreation uses. The Working Group proposes that the LWCF, which currently is authorized at a level of $900 million per fiscal year, be used to distribute annually

payments equaling 27 percent of new OCS bonuses, rents, and royalties to States and Territories that have an approved coastal management plan or that are making satisfactory progress toward such a plan, pursuant to the Coastal Zone Management Act (16 U.S.C. 1451). The revenues would be distributed in accordance with the principles described below. The LWCF authorization would increase by the amount of the impact assistance funds. The $900 million authorization for Federal land acquisition and State grants, and the formula for allocating LWCF moneys between those two programs in accordance with the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601), would not be affected.

The Working Group believes that establishment of an OCS impact assistance fund under the umbrella of the LWCF would be appropriate in light of the recent resurgence of interest in the fund. The LWCF is broadly supported by both inland and coastal constituents who recently have been calling for its revival following a dormant period during which total appropriations have been far below authorized levels and no funds have been appropriated for distribution to States since 1995. The Working Group also supports such a revival and would like it to be accompanied by the additional mechanism for making more revenue available to coastal States, Territories, and localities. Thus, the proposed mechanism is intended to support, revive, and enhance the LWCF while ensuring that more funds derived from the marine realm are directed to uses in coastal and marine areas as recommended by the OCS Policy Committee in 1993.

Proposal

Source and Amount of Revenue

- **The amount of additional money to be available from the LWCF each year for distribution to coastal States and Territories and localities would be 27 percent of new OCS revenues**

The source of revenue would be OCS receipts that include bonus payments for leases issued after the proposed impact assistance program is enacted, rentals on all new leases, and royalties and related payments on production resulting from well completions taking place after enactment (i.e., new production on both existing and future leases). The concept of targeting new OCS revenues is consistent with some previous legislative proposals, but the

Working Group's definition of new revenues is more expansive in that it would include royalties paid on new well completions on existing leases with production predating enactment. This reflects the Working Group's view that since each new well completion is a source of impacts as well as revenues—particularly in the case of production from step-outs or new horizons—a portion of the revenues gained from each new completion should be made available to affected States and localities to deal with those accompanying impacts.

The amount of money proposed to be added to the LWCF for distribution to coastal States and Territories and localities—27 percent of new revenues—is based on the percentage considered in some previous legislative proposals, most recently S. 575, as well as the percentage specified in section 8(g) of the OCS Lands Act, as amended (43 U.S.C. 1337), which applies to the distribution of revenues derived from the Federal OCS located within 3 miles of State waters. The impact assistance program would apply only to those leases that are not subject to section 8(g).

- **Authorization of the proposed impact assistance program as an entitlement would be preferable to authorization subject to appropriations**

Funding the proposed program as an entitlement would provide certainty to the recipients that they will have access to this source of revenues in the future which will allow them to issue bonds backed by the revenue stream. The Working Group's preference for an entitlement is based on lessons learned from the history of the CEIP, which was discontinued after several years due to lack of appropriations, as well as the current situation with the LWCF. The Working Group does, however, recognize that in light of current attention to the budget deficit, it might be extremely difficult to obtain funding for an OCS impact assistance program as an entitlement.

Eligible Recipients

- **All coastal States (including those bordering the Great Lakes) and Territories would be eligible to receive revenues**

Inclusion of all coastal States and Territories as eligible recipients would recognize that they form a unified coalition of entities with similar interests relating to their coastlines and, therefore, should not be subdivided when it comes to receiving coastal impact assistance. This proposal also is consistent with the OCS Policy Committee's 1993 recommendation and with the policy of some past OCS bills that a portion of the revenues received from the extraction of nonrenewable resources should be used for the protection of renewable ocean and coastal resources.

- **Coastal counties, as well as local governments that State governors identify as affected by OCS activity, would be eligible and would receive payments directly (rather than passed through the State)**

Local government eligibility for impact assistance is consistent with several previous legislative proposals and with the OCS Policy Committee's 1993 recommendation. Coastal counties (parishes, boroughs, etc.) would be automatically eligible for payments. The governors of coastal States would have the discretion to identify which inland local governments should receive impact assistance, as long as the governor certifies that there are impacts. This is a departure from legislative proposals that stipulated that inland counties must be within 60 miles of the coast in order to be considered for eligibility. The Working Group has consciously eschewed such a requirement so that the governors will have maximum discretion to assure that impact assistance funds are properly directed to the affected communities. The Working Group also would provide an appropriate check on the discretion of the governors by providing localities the right to appeal the governors' decisions concerning eligibility. Distribution of payments among local communities is discussed below in the *Allocation* and *Details* sections.

The recommendation that payments go directly to localities is intended to avoid placing bureaucratic burdens on the State as well as to prevent any associated delays in payments to local governments and problems that could result. The Working Group recommends that consideration be given to using the existing Department of the Interior Payment in Lieu of Taxes program to distribute revenues to eligible localities in order to avoid creating new systems.

Allocation

- **The amount for which each State and Territory is eligible would be determined by a formula giving weighted consideration to OCS production (50 percent), shoreline miles (25 percent), and population (25 percent)**

The formula proposed by the Working Group is drawn from elements included in previous legislative proposals and the OCS Policy Committee's 1993 recommendation and is designed to distribute revenues logically and equitably. The OCS production factor would be determined based on production activity within 200 miles of a State using the "inversely proportional distance" provision in previous legislative proposals. Under this approach, the amount of oil and natural gas produced from each OCS lease would be calculated along with the minimum distance of each producing lease from a State's shore so that both volume and proximity of production would be considered. Thus, the closer a State is to production, the greater its allocation (e.g., if State A is twice as far from a producing lease as State B, its allocation under the production factor of the formula will be half the size of State B's). The production, shoreline miles, and population factors would be weighted as indicated above in an overall formula that would be applied to each coastal State to determine its share of the available OCS revenues. This approach is intended to ensure that while all coastal States and Territories will receive revenues generated by OCS activity, the majority of those revenues will go to the States and communities adjacent to OCS production and its associated impacts.

- **Each coastal State with an approved coastal management plan (or making satisfactory progress toward one) would receive a minimum of 0.5 percent of the funds available, and those lacking or not proceeding toward such a plan would receive a minimum of 0.25 percent of available funds**

The concept of assuring that each State receives a minimum share of the available revenues is consistent with several previous legislative proposals, and the specific levels proposed are those included in the OCS Policy Committee's 1993 recommendation.

Likewise, the proposed connection between the minimum amount and participation in the coastal zone management program has its roots with the CEIP and has been included in most prior legislative proposals and the Policy Committee's recommendation.

- **Eligible local governments of States within 200 miles of OCS production would be able to receive 50 percent of the funds allocated to the State, and local governments in States not within 200 miles of OCS production would be eligible to negotiate with the State for a share of up to 33 percent of the funds paid to the State**

Provision of a sizable percentage of the available revenue to localities has been a part of all of the legislative proposals developed during this decade and is included in the OCS Policy Committee's 1993 recommendation. The amount distributed to each eligible locality in a State within 200 miles of OCS production would be determined according to the same weighted formula used for eligible States, which would be applied to 50 percent of the State's funds. States not proximate to OCS production would share 33 percent of their funds with local governments that submit applications to and receive approval from the State for projects consistent with the purposes of this recommendation (see *Earmarking* and *Details* sections below). The Working Group considers it logical and equitable to stipulate that a higher share (50 percent) be available to the affected localities of a State adjacent to OCS production and associated impacts. Similarly, it is appropriate to provide that a lower share (up to 33 percent) would be available to localities in those States that are not adjacent to production, since impacts related to the OCS program other than those resulting from production (e.g., responsibilities relating to OCS lease sales and operations plans) are borne primarily at the State government level. Further, any portion of the 33 percent share that a State's localities do not request and receive would revert to that State's use.

Authorized Uses

- **Acceptable uses of funds include mitigating the impacts of OCS activities and projects relating to onshore infrastructure and public services**

Provisions specifying the use of funds were included in the CEIP have been a part of the majority of the legislative proposals that have been considered, and were included in the OCS Policy Committee's 1993 recommendation. The Working Group would incorporate and expand on the eligible use provisions of S. 575, which specified:

> projects and activities related to all impacts of Outer Continental Shelf-related activities including but not limited to—(1) air quality, water quality, fish and wildlife, wetlands, or other coastal resources; (2) other activities of such State or county, authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*); the provisions of subtitle B of title IV of the Oil Pollution Act of 1990 (104 Stat. 523), or the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*); and (3) administrative costs of complying with the provisions of this subtitle.

The Working Group proposes expanding the S. 575 criteria to include uses related to the OCS Lands Act and to onshore infrastructure and public service requirements resulting from OCS activity. Citing activities under the OCS Lands Act is intended to emphasize that consultation, information review, and other planning activities preceding OCS development and production entail significant expenses, especially for frontier area States and communities. Citing infrastructure and public service requirements is intended to recognize that intensive offshore activity results in onshore demands relating to port facilities, roads and railways, and public service needs such as schools and sewer and water facilities. The Working Group's proposed provisions concerning eligible uses of impact assistance funds are designed to carry forward the general reference of S. 575 to OCS-related uses while highlighting some of the specific monetary needs that are facing coastal States and communities as a result of the OCS program.

Details

- **States and counties eligible to receive funds would be required to submit plans and reports pertaining to use of the money**

The Working Group supports an approach to reporting that would incorporate and expand on some of the provisions of S. 575, which

call for an eligible locality to submit a project plan to the governor for approval before receiving funds and to certify annually the total amount of money spent, the amount spent on each project, and the status of each project. The Working Group also would require annual State certification of spending by localities and an accounting of all revenues received by the State. In addition, the Working Group recommends including a provision to give localities a right of appeal to the Federal administrator of the impact assistance program if a governor is perceived as failing to act promptly or as making unreasonable decisions with respect to a project plan. The proposed approach to reporting is intended to ensure responsiveness and accountability in a way that would not duplicate or complicate existing auditing requirements and, thus, would not be overly burdensome at the local, State, or Federal levels.

- **The program would be administered by the Secretary of the Interior**

The Working Group believes that since the LWCF and the OCS program are managed by the Department of the Interior, the Secretary of the Interior would be the appropriate official to administer the proposed OCS impact assistance program.

Mr. TAUZIN. And you decided to explain why we should share OCS revenue with all 30 coastal States and the 5 territories, rather than the 6 producing States. Can you summarize for us the good reasons why the committee came up with this idea?

Mr. CALDWELL. The primary reason is that all coastal States, producing and non-producing, are under severe stress today. Half of the population of the country lives in the coastal regions today and all coastal regions have been suffering severe storm damage in recent years, pollution damage, have been destroying and harming the estuaries, fisheries are under stress, everywhere. And we felt that to attempt to separate out and separately quantify the adverse impacts from offshore drilling would generate more controversy and would be basically impracticable. So we felt it was better to include all the coastal States and adopt a weighting formula in order to take care of the impact States.

Mr. TAUZIN. Also, Mr. Caldwell, you mentioned, and I want to refer to it too, that the policy committee was interestingly made up of industry representatives and environmental community representatives, State government representatives, pretty broad ranging. Would you comment on the importance of that and the meaning in terms of their recommendations to us?

Mr. CALDWELL. Yes, from Alaska, the chairman was from Alaska, Mr. Jerome Selby, the mayor of Kodiak, served as chairman. From Oregon, we had Mr. Eldon Hout, who works for the State government in the Environmental Department of Oregon. From California, we had Mr. Chabot, who is very active in environmental matters in San Francisco. From Texas, we had Mr. Paul Kelly, who represented the oil industry. And you had myself. I am secretary of natural resources. And from North Carolina, we also had a State official in that State's environmental department.

Mr. TAUZIN. So we had a pretty range of contributors.

Mr. CALDWELL. Yes, sir.

Mr. TAUZIN. Let me ask you the question that keeps coming to us all the time. Is this bill likely to incentivize oil and gas development where it otherwise would not occur? Has that happened in Louisiana with OCS coming in?

Mr. CALDWELL. No, sir. Louisiana has had 8,000 wells drilled offshore in the last 50 years and I don't think that there is any chance at all that Louisiana would change its views no matter what happened.

Mr. TAUZIN. Ms. Castro, you also commented about the importance of this bill for all the good things that it does. Are you concerned that it is going to incentivize drilling that might not otherwise occur?

Ms. CASTRO. No, I am not. Not with the language that I think that Chairman Young has put in there. And I think that the no new incentives is very critical to the success of this legislation and I am confident that the language will take care of that.

Mr. TAUZIN. Mr. Waller, you mentioned the importance of this Act, particularly as the States struggle to preserve species and wildlife habitats and what have you. One of the visions of Title III is, indeed, to conserve species and to help generate numbers of species before they ever reach a status that they might have to be list-

ed under ESA as threatened or endangered. Do you see this Act contributing to that vision? And how?

Mr. WALLER. Well, there is no question we want a preventive maintenance program to keep species from becoming endangered. And this certainly provides the funding that would allow that to happen. The States' biggest need right now is funding for our non-game programs. And when I say non-game, anything we do for wildlife conservation in the field affects game and non-game. So I don't want to get hung up with this non-game and game scenario. But we have the expertise on staff, we know what needs to be done, we just need the resources to make it happen with.

Mr. TAUZIN. All of you commented about the importance of permanent funding in this effort. Why is that so critical?

Mr. WALLER. We have very successful wildlife programs. The most successful wildlife program in the world, all the States do. And it is simply because we had a dedicated funding source in the form of the Pittman-Robertson Act. It has been in place for six years. It is a wonderful model. And we have done great things restoring game species. And we need additional funds to broaden our agencies to manage these other species that aren't being addressed.

Mr. TAUZIN. My time has expired. The Chair will now not only recognize the chairman back to the Chair, but also recognize the Ranking Minority Member Mr. Miller with, again, you have already mentioned, Mr. Waller, our sincere thanks for his efforts in his own version of this legislation. Mr. Miller.

Mr. MILLER. Thank you. Thank you very much, Mr. Tauzin.

Just a couple of questions because we have quite a few members here. I don't see it in your testimony and I don't know if you know it off the top of your head, Ms. Castro, here. You said you had about 700 projects off the shelf that are ready to go because you would be able to put together the funding source for those. Do you know what part of that is attributable to historic preservation or not? How that breaks down? Or, if you don't, if you could supply it for the Committee, I would appreciate it.

Ms. CASTRO. I will definitely supply it for you. And I must say, as you have brought up historic preservation, I ran out of time. I am the State historic preservation officer and I think it is really an important element that we not forget to fund historic preservation. When the Historic Preservation Fund was created, it was created with a funding stream of $150 million that, indeed, was coming from Land and Water. So, certainly, in the Governor's program, the Environmental Protection Fund, there is a percentage which goes to historic preservation. And the 800 projects that are out there, I don't want to give you an inaccurate percentage, but I will get it to you.

Mr. MILLER. That would be helpful. And Mr. Tauzin asked and Mr. Waller answered the question on one of the things both bills do is try to provide permanent funding. I assume that, one, that allows you to develop a schedule in terms of priorities, because, obviously, some things are more urgent than others. And also the question of scheduling the ability to raise matching funds and private funds and the rest of that if you know kind of what is coming on line over the next five years or what have you, as opposed to

the sort of hit-and-miss, you know, annual decision either sometimes we provide money and sometimes we don't.

And I know, in our area in California, that very often, you know, we have raised a substantial effort in the private sector, but there are those gaps and those gaps just remain because, like you say, people want to make sure that other people have the same interest and involvement in these projects, but you don't have any ability to close them and get on with the next one.

Ms. CASTRO. That is right. That is exactly right. And I was handed a correction by one of our senior staff members from Albany. The 800 projects, that 800 number, does not include historic preservation projects.

Mr. MILLER. Does not include. Okay.

Ms. CASTRO. We have additional historic preservation projects ready to roll that are also on the shelf and I will get that number to you.

[The information follows:]

BERNADETTE CASTRO,
NEW YORK STATE OFFICE OF PARKS,
RECREATION AND HISTORIC PRESERVATION,
April 19, 1999.

Hon. DON YOUNG,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C. 20510

Dear Chairman Young.

Thank you for the opportunity to testify before the House Resources Committee on March 9, 1999. I very much appreciate the leadership that you and the other members of the Committee have demonstrated to re-establishing the Land and Water Conservation Fund state side program, As you know this program is extremely important to all Americans interested in outdoor recreation that is close to home and can be accessed on a daily basis.

During my testimony questions were raised relative to our New York Historic Preservation and Heritage Areas System grant programs. Mr. Miller specifically asked that I provide some additional information on this subject and this I am delighted to do.

For Outer Continental Shelf revenues to be authorized for use in State-administered historic preservation projects within the context of legislation that would permanently fund the program, is a commendable suggestion. As the Historic Preservation Officer for New York State I have been frustrated by our inability to fund all the worthwhile historic preservation projects for which application is made annually in New York State. To this end, I strongly recommend that a provision be added to the Conservation and Reinvestment Act for Outer Continental Shelf revenues to be used for State-administered historic preservation projects. This additional funding source would help us conserve those projects listed on the National Register of Historic Places.

Since 1995, the Environmental Protection Fund, and more recently, the Clean Water/Clean Air Bond Act have provided state funding for historic preservation with heritage area projects. In that time, we have received a total of 691 applications for such projects, requesting almost $101 million; that figure represents $319 million worth of total projects cost. Unfortunately, we were able to fund only 200 of these projects. This means, despite a vigorous, fully-funded and highly-regarded state grants program, approximately 60 percent of these worthy projects remain unfunded.

Historic preservation projects are important in preserving our heritage and provide a key to securing both economic resurgence and quality of life for our communities. The tourism industry, the revival of neighborhoods and an enhanced, distinctive sense of place all stand to benefit from permanent funding to the Historic Preservation Fund. Historic preservation is an economic development program that strengthens communities. The tourism industry is New York's second largest sector of our state's economy and heritage tourism is its fastest growing segment. This is very good news indeed for increased employment and environmentally-friendly economic growth throughout New York. Essential to the success of this trend, however,

is continued encouragement and support for investment by State and local governments and the not-for-profit sector in new or improved attractions, be they parks or historic sites and structures, and in protecting what we already have. This is the public purpose that vitalizes New York's historic preservation grants, historic sites and heritage areas programs, and we need all the help we can get.

My colleague, the Virginia State Historic Preservation Officer, has detailed this tellingly:

States and localities leverage the Federal program with added incentives to increase public benefit. Each $1 appropriated to the States generates an investment of $55 by State and local governments and the private sector, States and localities know that:

- every million dollars spent on rehabilitating historic sites creates 29.8 new jobs (15.6 in construction and 14.2 in the professions and ancillary fields) and generates $779,800 in household income;
- that same million dollars creates 3.4 more jobs and adds $53,000 more to household incomes that a million dollars spent on new construction;
- many companies, especially those employing high paid knowledge workers, prefer to locate in communities with historic character and interest;
- preservation pays dividends to homeowners, since property values rise faster in historic districts than elsewhere; and
- historic attractions form the basis of America's burgeoning heritage tourism industry.

Here in New York we continue to make it known that full state-side funding of the Land and Water Conservation Fund is essential to preserve our important and valuable natural resources. What an added benefit it would be if permanent funding could benefit our rich cultural heritage as well!

Most sincerely,

BERNADETTE CASTRO,
Commissioner

Mr. MILLER. Thank you, that would be helpful.

Ms. CASTRO. Right.

Mr. MILLER. Mr. Waller, thank you for your testimony and I have read and will continue to read the concerns you raise, because I think they are very legitimate. Let me just ask you on this question of game, non-game, native, wildlife and all that. If I read your concerns correctly, you have concerns with how we do it in our legislation. But you do agree with the general theory that it can't just be concentrated on what people historically think is a game species. That really, as you said, when you do one thing out there in the habitat, it affects both. But there is this need for broader protection of species or creation of habitat for those species. Is that a fair statement?

Mr. WALLER. Yes, sir, there is a huge need for that. And that is what we are all about. We want to be comprehensive wildlife managers where we can address all the wildlife needs out there. And that is where we fall way short on our funding. And these proposals provide that for us.

Mr. MILLER. So you see that as a resource problem.

Mr. WALLER. Yes, sir.

Mr. MILLER. All right. Well, we will work on those concerns. Thank you for your testimony. Mr. Caldwell, also, thank you.

Mr. YOUNG. [presiding] The gentlelady, I believe.

Mrs. CHENOWETH. How do you mean that, Mr. Chairman?

Mr. YOUNG. From Idaho. Yes. I mean, Barbara—Helen's going first. Yes. Okay.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I wanted to associate myself in large part with the comments from Ms. Castro. They are very, very well-taken. And the fact is that we promised States money out of the Land and Water Conservation Fund and

then we whacked it off. And we broke a promise there. I really feel the resolution should come in refunding and keeping our promise to the American people. I have been working with Yvonne Farrell who is our director of the Idaho Parks and Recreation Department, a very, very capable lady. Looks very much like you and you sound like her.

Ms. CASTRO. Yes, she is. I know her quite well. Thank you for the compliment.

Mrs. CHENOWETH. So I really do identify with your problems and the concerns that you have. But I do believe that this bill is totally, totally overreaching in terms of allowing a partnership or mandating a partnership by Federal statute with the States and the local units of government.

And, you know, a very recent study by Dr. Samuel Sailey of the Reason and Public Policy Institute helps put this whole issue into perspective. He stated that less than 5 percent of the United States land base has actually been developed. And it is developed in terms of urbanization. Niney-five percent of our land base is still open spaces. And so my concern is, in the name of fish and wildlife and saving the species, what are we doing to our land base and our productive basis in this country?

I think we need to keep our promises, but we need to do it in a way that will assure the States that they still have their sovereignty. The parks departments can operate in as sovereign a manner as humanly possible and take care of their own States.

I do want to ask Mr. Caldwell, doesn't the State of Louisiana, won't they be receiving about $361,874,000 a year from this? The highest amount of money that will be coming into any State will be coming into Louisiana?

Mr. CALDWELL. Yes and I would be delighted to address that.

[Laughter.]

Mrs. CHENOWETH. And were there—to receive it. I am too. And were there any members on your commission from Texas? You mentioned one from Alaska, because——

Mr. CALDWELL. Yes.

Mrs. CHENOWETH. [continuing] Texas has—you know, I thought so, because Texas comes in with $204 million.

Mr. CALDWELL. Yes.

Mrs. CHENOWETH. And you already mentioned Alaska. One of the interesting things, Mr. Caldwell, is that your State, Louisiana, has about 1.6 percent Federal ownership. And Georgia has about 4.4, 4.5 percent Federal ownership. New York has 1.3 percent Federal ownership. Which means everything in addition to that is a productive base for you to generate income. Idaho has 62 percent in Federal ownership.

So I hope you understand why I am fighting this, because, first of all, I didn't come to Congress to see more land taken over and private property rights abused, which I think could happen in this bill. And, secondly, the federalization of our land base really does affect our sovereign ability to govern as a State and to produce. America grew to be the Nation that we did because of our ability to produce from our land base. And I think that, with just 5 percent of our land being involved in urbanization, I think this bill is a huge solution looking for a problem.

I do want to say, with regards to Mr. Waller's comments about non-game species, I tried in Boise, Idaho, to sell a house one time that some little squirrels had moved into the eaves and I had to go through—I shouldn't say it on the record—but it was literal hell trying to get my home sold because a non-game species had taken up homemaking in my eaves in my house.

Once this bill is passed and we give the status to non-game species, we are virtually increasing the Endangered Species Act that will affect real estate development, it will affect the ability of willing buyers, willing sellers to sell and to really utilize the marketplace freely. And it will, ultimately, affect States and local units of government and their tax base.

I want us to think really carefully about this. When we look at the definitions of what wildlife is in the bill on page 40 and wildlife-associated recreation, my gosh, you know, we are asking to have duck blinds and trails and all kinds of things mandated by the Federal Government. We are entirely overreaching in this. I hope you will take a look at this again. Thank you very much.

Mr. YOUNG. Any of the panel like to respond? David.

Mr. WALLER. I would, Mr. Chairman. The neat thing about this bill, it gives the States the prerogative to make the decisions on how the funds are spent. For instance, western States most likely wouldn't spend any money for land acquisition, but some of the eastern States, like Georgia, might. We have less than 8 percent of the land in Georgia under any kind of government ownership, including Federal Government, state government, and all government ownership. So that could be a priority in Georgia, to acquire some much-needed lands for hunting and fishing and other outdoor-related, wildlife-related activity.

But, in the West, that is totally their choice and that is the nice thing about this bill. And, again, some of our non-game species are declining in numbers. And what we would want to do is to go out and census those species and find out what the problems are and to solve those problems before they reach the Endangered Species list. Because when they reach the Endangered Species list, it kicks in all kinds of negative implications to landowners, to us in government that works with wildlife conservation. So we want to avoid that. And that is our whole emphasis is managing wildlife to keep them off that list.

And right now, we have good funding for a State wildlife agency to work on game species and I think we have done a very good job. There are huge numbers of success stories across the country where we have restored in Georgia the wild turkey and deer and out West antelope and elk and those kinds of things. And what we want to do, what we need, is additional funds to manage some of the species that we haven't had funding for in the past. And that is what this is all about.

Ms. CASTRO. Yes, I would like to respond. Over the 30-year period, Congressman, when New York received its money, three-quarters of the money received over the 30-year period, went to recreation projects. And I just wanted to speak on behalf, just for one second, the need for development money for parks and rehabilitation money. That is critical. I mean, an urban swimming pool. I can tell you, to rehab one urban swimming pool, you are looking at a

minimum of $1 million, just for new filters. This is not just a coat of paint. So I want to just remind all of us that a great deal of this money will go for other than acquisition and money that is sorely needed and, again, matching funds. It is a partnership, but for a very good reason.

Mr. YOUNG. The gentleman from Louisiana.

Mr. JOHN. Thank you, Mr. Chairman. I appreciate it and Mr. Secretary, I am going to definitely give you an opportunity to answer the gentlelady from Idaho's question.

But let me quickly begin—I have got a host of questions. I want to get through them very rapidly. We only have five minutes. I know that you have given that presentation often as a member of the MMS's OCS Policy Committee. You had some visuals that showed the need and the impact in Louisiana. Have you brought those here today.

Mr. CALDWELL. Yes, sir.

Mr. JOHN. Okay. I would like for you, if you have just one minute, to share them with the Committee and discuss what has happened in our State. This will be somewhat unique to Louisiana, however, it is also prevalent in a lot of the other coastal States for somewhat different reasons. But these are the kinds of issues that we are tackling. If you could just spend a little time to explain your charts to the Committee.

Mr. CALDWELL. I want to show you what I call my poster child. The town itself is 24 miles from the Gulf Canal, runs from the town to the Gulf. You see the land that has eroded in that short period of time. It amounts to 10 square miles. This is one we can quantify that is a direct result of OCS operations. This is just a portion. The total impact on Louisiana is shown by this other map in which we have lost, in the last 50 years, 1,000 square miles, which is marked in red, shown in red on the map. We anticipate that, in the next 50 years, we are going to lose another 1,000 square miles, as shown in yellow. That is an area the size of the State of Delaware. We believe that, with the funding provided by this bill, we can prevent 90 percent of that projected loss.

Mr. TAUZIN. Would the gentleman yield?

Mr. JOHN. One question and then I will yield. Although the magnitude is quite evident in Louisiana, is this a unique situation to Louisiana or does it apply to other States on the East Coast, West Coast?

Mr. CALDWELL. No, sir, on the East Coast, there is substantial loss occurring in the estuaries. There is degradation in the Chesapeake Bay program, for example, the Florida Everglades, in California, in the bays around San Francisco, deterioration is going on all over the country and this bill will address that.

Mr. JOHN. I will yield to the gentleman from Louisiana.

Mr. TAUZIN. Just so that I might ask unanimous consent to introduce into the record, in connection with this testimony, a video entitled The Sounds of Silence which we have produced regarding the 35-square-mile annual loss of land in Louisiana and a letter from one of the broadcasters in Louisiana who saw it, saying, I had no idea of the magnitude of the problem. We don't realize it even in Louisiana, it is so enormous.

Mr. JOHN. I thank the gentleman. The gentleman asked unanimous consent.

Mr. YOUNG. Without objection, so ordered.

[The information will be kept on file at the Committee office in the Longworth House Office Building.]

Mr. JOHN. Thank you. Next question. There has been a lot of concern raised about the distribution formula in H.R. 701. Mr. Secretary, where did the formula come from? As a member of the OCS policy committee, and this kind of talks right into the gentlelady from Idaho's question and concern about the amount of money that Louisiana is getting, I have a twofold question; first of all, where did the formula come from? And, secondly, why was it tied to the proximity of the production of a platform?

Mr. CALDWELL. Well, let me answer the last question first.

Mr. JOHN. Okay.

Mr. CALDWELL. The reason it is tied to proximity is because the closer you are to the well, the more onshore impact that there is. Ninety percent of the production is offshore of Louisiana, but, under this provision, we are only getting 8 percent. But we think that is enough——

Mr. JOHN. Would you restate the percentage again?

Mr. CALDWELL. Eight percent of the 90 percent goes to Louisiana.

Mr. JOHN. Ninety percent of the production takes place off Louisiana?

Mr. CALDWELL. Yes. Ninety percent of offshore production is off of the Louisiana coast.

Mr. JOHN. Okay.

Mr. CALDWELL. So we think that is fair enough.

Mr. JOHN. Okay. I have a couple of other real quick questions. We are running out of time. Does Louisiana plan on using Title I money to buy up private property?

Mr. CALDWELL. No.

Mr. JOHN. That is a concern that I hear often from private property groups.

Mr. CALDWELL. No. My department has no expropriation rights. In fact, we don't even buy property from willing sellers. We don't have the money. If they don't donate land rights to us, we don't do a restoration project. So, you know, property rights are not an issue at all in Louisiana.

Mr. JOHN. Okay. That is all I have. Thank you Secretary Caldwell.

Mr. YOUNG. Gentleman from Pennsylvania.

Mr. SHERWOOD. Thank you, Mr. Chairman. I am delighted to be able to work with you and the Committee on a bill that will reinvest the funding stream generated by the depletion of a non-renewable resource into our habitat and fish and wildlife. I understand very well that fish and wildlife habitat in wild and semi-wild areas, how important they are to our future and our national well-being.

But you have got to remember that I represent Pennsylvania. And, while we have the largest population designated as rural in the country and that we have our most forested acres at any time since 1840, we have great problems that came as a result of an industrial heritage. While we are talking about the money now that

comes from our present use of oil, I have to live with the problems every day that were generated by the scarring of the land from the mining of coal to supply the energy needs of the Northeast in years past, when there weren't any panels like this that were interested in what happened with the land after we raped it.

And so I am very interested in this, but I would like to say that my district represents a whole lot of the watershed of the Chesapeake. And I appreciate you mentioning, Mr. Caldwell, that estuary and how important it is. And we are spending money every day in the State of Pennsylvania to try and keep the water quality of the Chesapeake up and the silt down and all the problems that we all face.

But this bill, it worries me a little bit, Mr. Young and members of the panel, that this bill will not address Pennsylvania's problems very well and it may make it harder for us to access our Federal mine reclamation money. So, while I want to work very enthusiastically with it, those things are on my mind.

Mr. YOUNG. I thank the gentleman and I can assure you, as you go through the bill and see we can be helpful, we will be so because we don't want you to lose that reclamation money. You are absolutely correct. But this is not a quid pro quo; this is a new monies that were being spent outside on other programs other than the reclamation money and all the other things that we shouldn't have been doing. But I thank the gentleman.

Any—the gentlelady. I apologize, you were talking when——

Mrs. CUBIN. I know. It was my fault, Mr. Chairman. I would like to yield my time to Congresswoman Chenoweth.

Mr. YOUNG. Without objection, so ordered.

Mrs. CHENOWETH. I thank the chairman and the gentlelady. As Mr. Caldwell aptly pointed out, clearly there are legitimate concerns and certainly Louisiana has legitimate concerns, as does New York and all the other States. But, Mr. Chairman, Mr. Caldwell, we should address these legitimate concerns through existing programs like many that are already in place, through the appropriations process and not through off-budget entitlements. We are taking away the power that the Congress does have to hold the purse strings in trust for the people of this country and it should be done through the appropriations process.

If we were to put a map up there of Idaho, I can tell you that thousands of square miles would be in red because of the distress of our forests and our communities dwindling. And, you know, I would be the last to go even propose a program like this because I believe that we should take our solution through existing appropriations procedures. So that is one of the main reasons why I am not supporting this bill and would like to call your attention to that.

I do want to ask Mr. Weller, also, to carefully and with a critical eye, review pages 25 through 27 of the existing bill because the States will not be free to make their own decisions. Neither will local units of government. Local units of government who wish to go around the State on various programs, can go around their own governors and form alliances with the Federal Government. That is very alarming. I would like it, sir, if you would look at those pages and I would like to talk to you about it in the future. Okay?

Mr. WALLER. I would be delighted to talk with you about it.

Mrs. CHENOWETH. Thank you. I yield back that balance of my time.

Mr. YOUNG. The gentleman——

Mrs. CUBIN. I yield back the balance of my time.

Mr. YOUNG. Thank you. Then, Mr. Simpson.

Mr. SIMPSON. I thank you, Mr. Chairman. I appreciate the panel's input on this. Having served on the city council and used Land and Water Conservation Funds for golf course, swimming pool, other activities in Idaho, it is very important and I would like to make sure that we maintain that fund or reestablish that fund because recreation in all communities is very vital.

Mr. Caldwell, you mentioned that you would like to see this not subject to appropriation. That it would be a dedicated fund. It has been my experience either in a legislative body or in Congress that dedicated funds generally lose accountability. Are you concerned about that?

Mr. CALDWELL. No, sir. Not under the proposal. The reason for the dedicated fund is we know that the average coastal restoration project takes three years, so you are on a continual roll. And, particularly with respect to onshore infrastructure, there has got to a bonding source to rebuild the infrastructure. So those are the two primary reasons for the dedication. Plus the fact that Louisiana is a small State and I think if we came up here with our hat in our hand every year, we would go home pretty empty. And that is the practical answer to that. Whereas this time, we think we have built a coalition that can really get it done. That is on the dedicated funding. What was the other question?

Mr. SIMPSON. You mentioned that you have built a coalition. And I guess what I am trying to establish in my mind, are we building a coalition of coastal States—some coastal States, some non-coastal States—that are going to have access to this fund so that we can build enough support to pass it, that has actually nothing to do with mitigating the offshore drilling impacts on the coast? Just so that we can have enough funding in this to fund those States?

In other words, what I am saying is, you mentioned that all States are under great stress, just not the six that are producing the oil. All States are under great stress whether they are coastal States or non-coastal States. So why haven't we included all 50 States? Why just the coastal States?

So, I guess my question is, is this to address the unique concerns of the coastal States and we are just using this offshore drilling money as a funding source, not really having any relevance to the impact caused by the drilling?

Mr. CALDWELL. No, sir. My testimony this morning was limited to Title I, but the coalition, the three titles are built on the fundamental principle that we have advocated, which is the reinvestment of nonrenewable resources into renewable resources. That is why we have always supported designating the environmental projects into which you can make capital investments. That is the idea behind the whole bill and that is where the strength comes from. The coalition is not just about votes; it is about people who believe in this reinvestment principle. That is the basic underlying idea for all 50 States to share in. That is the rationale.

Mr. SIMPSON. Well, I agree with you in reinvesting. I think that is a good idea. I am not from a coastal State. I still believe in that principle. Your coalition seems to have left me out, even though I agree with that principle. I am curious why the Great Lakes States were included. And I love the Great Lakes States, don't get me wrong. I am curious why they were included. Great Salt Lake is probably closer to having something similar to a coast than many of the Great Lake States.

Mr. CALDWELL. Yes. That proposal was made to include Great Salt Lake. But the Great Lakes, of course, are subject to these same stresses. That is the idea, that all of the coastal regions have similar severe stresses that are degrading our coast at an alarming rate. And this is where half the population lives and, plus, they have immeasurable values that can be corralled by this reinvestment process and rebuilding our estuaries, rebuilding the fisheries, rebuilding the wildlife habitat, rebuilding our marshlands. The Louisiana marshlands are worth at least $10,000 an acre, even though they serve no purpose except to feed the little critters.

Mr. SIMPSON. But I guess, back to the basics. We are trying to separate—and I guess it is best to do this—this money is not just being reinvested to mitigate the costs caused by offshore drilling?

Mr. CALDWELL. Oh, no, sir.

Mr. SIMPSON. It is to be used for the unique problems that the coastal States have. Is that a correct statement?

Mr. CALDWELL. Yes, sir. All of it is environmental, capital type, investment, the vast majority of it. There might be some exceptions. But that is the thrust of the legislation and I hope it will stay that way.

Mr. SIMPSON. I appreciate your comments.

Mr. YOUNG. The gentleman from Louisiana.

Mr. TAUZIN. I thank the Chair. Just for a second, to point out that the gentleman says that we are talking only about Title I. Title II and Title III share with all 50 States, don't they, in PILT funding and urban recreation and renewal and all these, land acquisitions for parks and recreation? Isn't that shared with all 50 States under the bill?

Mr. CALDWELL. Yes, sir.

Mr. TAUZIN. All right. I thank the gentleman.

Mr. YOUNG. Are there any other questions of this panel?

Mr. MILLER. Mr. Chairman.

Mr. YOUNG. The gentleman from California.

Mr. MILLER. This in response to the point raised by Mr. Simpson. I think that there are two approaches here on the question of how much of the total pot is shared and in what manner. Clearly the coastal States, my own State of California and others, have argued over the years of an adverse impact from the development of the OCS and over the years we have tried to deal with that and this bill does that also. The other one, clearly, is the notion that the Federal leases belong to all of the people of all of the Nation. And that was the tradeoff in why Land and Water Conservation was there.

I think both of these bills are trying to figure out how you address both of those problems. Because you can argue that there is clearly less coastal impact, absent something going terribly wrong

as happened in Santa Barbara during the 1970s. But, in California, then there is, where you had to make changes to the coastline in Louisiana for barge canals and all of the coastal activity, there is a much larger industry there than offshore California.

So trying to balance the needs for those States to do that, but also make sure that we recognize this is a national asset, this pool, and that is why stateside, so many local communities have participated in that. And eventually, I guess, you know, this bill will come down about formulas and how those formulas are developed because, as the gentleman pointed out.

You know, you have different visions of how big the Chesapeake watershed is, depending upon where you live, just as in California, some people think of San Francisco Bay as San Francisco Bay, but we now know it runs almost to the Oregon border in terms of the impacts that happen in that bay. That all of the communities are looking for ways for mitigation, for protection, for creation of different kinds of assets. So, eventually, I think, while these two bills in intent are very much on track, the formulas are different and that is obviously going to be the question coming from all over the country.

Mrs. CHENOWETH. Will the gentleman yield?

Mr. MILLER. Yes.

Mrs. CHENOWETH. Thank you. I do want to say that, for Idaho, under Title I, there is absolutely zero funds for impacts and I am not asking for any. My seatmate was right. Title II, involving land acquisition, it would be funded at in excess of $6 million. Title III, involving non-game species, it would be funded at in excess of $5 million. So more Federal presence in land acquisition, non-game species is not what we want in Idaho. We want our forests fixed.

Mr. YOUNG. Mr. Tauzin.

Mr. TAUZIN. I thank the gentleman. I simply want to point out that may be true, but in the cost to the States, most of the Federal mineral development is offshore. In many of the interior States, the Federal mineral development is inshore. On the inshore Federal mineral development, your States and others would receive 50 percent of the revenue. If we were to get 50 percent of the revenues from the Federal lands offshore that goes to the States, we would be the richest Arab nation east of the Mississippi River.

[Laughter.]

It doesn't even come close to that in this bill. We are talking about 8 percent, I think, where we produce 90 percent of the funding. So the 50 percent——

Mrs. CHENOWETH. Would the gentleman yield?

Mr. TAUZIN. I don't have the time.

Mrs. CHENOWETH. For the record?

Mr. TAUZIN. If I could complete, then I will yield back. The 50 percent interior sharing is indeed meant to compensate States, as I understand it, because of the fact of these interior mineral developments on Federal land does have the impact on the State, on its citizenry, on the infrastructure. The development of offshore properties across the coastal States have enormous impacts. Mr. Caldwell just point one out where I have lost scores of, thousands, hundreds of miles of land in my district. I am going to represent

fish pretty soon. I will have to move to your State just to have a district.

The point I am making is that the law has always treated the coastal States will all of these impacts relatively unfairly. That it literally left the——

Mr. MILLER. If I can reclaim a little bit of my time on that. We also have developed over the years funds that have put in, you know, $.5 billion at a minimum into some of these coastal States to mitigate that impact. But we will get the formulas eventually——

Mrs. CHENOWETH. Would the gentleman yield? Would the gentleman yield, please?

Mr. MILLER. At my own peril, yes.

[Laughter.]

Mrs. CHENOWETH. Thank you, Mr. Miller. I do want to say that, in Idaho, because of the Federal policies, we are not able to generate any revenues from mining because mining has been shut down. We are not able to generate PILT funds because logging has been shut down. We are not able to generate funds from recreation because roads have been closed. We have a serious problem out there in the Western States and now we are faced with more land acquisition from private property——

Mr. MILLER. Well, the wonderful thing about this bill is this requires none of that to happen for you to share in the benefits.

Mrs. CHENOWETH. And we don't even have such things as spotted owl funds; not that we would ask for it, but it would help our counties. Thank you.

Mr. YOUNG. I want to thank the panel. I can assure you that we do appreciate your testimony and we will be pursuing this. As you can see, there is some difference of opinion, but I think we all have our eye on the goal and that is reinvestment into fish and wildlife; rehabilitation of the lands that are needed for fish and wildlife; and the protection of private property rights. I do believe this does much better than existing law and the existing action of the Appropriations Committee.

I cannot believe my good lady friend is supporting the Appropriations Committee that has done such a dastardly job, I mean, over the years, of trying to solve problems. And I am crushed that the 13 Czars who sit over there on those committees and decide how things should be split up and where it should go. And that is why I am supporting the dedicated—yes.

Mr. MILLER. The notion that somehow the appropriations process is the check on accountability——

[Laughter.]

It doesn't look that way to the other 400 members of Congress. Let me just say that.

Mr. SIMPSON. Well, Mr. Chairman, if I could just respond to that, I will tell you that at least there is some check that is elected, rather than no check that is clear.

Mr. MILLER. Well, we can work that out. But these guys are just—they are good highway robbers.

Mr. YOUNG. I want to thank the panel for sitting there very patiently.

[Laughter.]

Mr. SIMPSON. As long as it is a personal check.

Mr. YOUNG. Yes. And thank you for your testimony and please feel free to keep in communication with this Committee as we go through this process. Thank you very much.

The next panel—the votes have been canceled because of the snow. It is a snow day. So we will go ahead with panel three. Ms. Sam Kathryn Campana, mayor of Scottsdale, Arizona; Mr. Paul Hansen; Mr. Hurley Coleman; Mr. Grover Norquist; and Mr. Edward Norton. If there is enough room for all of you up there, if you are all there. Who are we missing? Ms. Campana is here. Mr. Hansen is here. Mr. Coleman is here. Mr. Norquist. Mr. Norquist. Mr. Norton. Mr. Norton, whoever you are, if you would get down to the end of the table there.

I welcome the panel and Ms. Campana. How do I pronounce that?

Ms. CAMPANA. Campana.

Mr. YOUNG. Campana. All right. You are first. From Arizona.

STATEMENT OF SAM KATHRYN CAMPANA, MAYOR, SCOTTSDALE, ARIZONA, REPRESENTING U.S. CONFERENCE OF MAYORS, WASHINGTON, DC

Mayor CAMPANA. That is right. Thank you, Mr. Chairman. Members of the Committee, and it is on behalf of 1,100 cities represented by the U.S. Conference of Mayors that I am here today and I want to thank you for this opportunity to appear.

Mr. YOUNG. Would you move the mike closer please? This is a bad room sometimes. Thank you.

Mayor CAMPANA. Thank you. Thank you for allowing me to appear today—although I must say I left 85 degree weather back in Scottsdale, so it is tempered a bit by that fact—to present testimony supporting the increased funding for the Land and Water Conservation Fund and for the Urban Parks and Recreation Recovery Program, UPARR.

For far too long, we believe the Federal Government has not fulfilled the commitment it made over 30 years ago when it created the Land and Water Conservation Fund program to ensure that all Americans would have access to nearby parks and recreation resources. So we applaud the leadership of you, Mr. Chairman, in forging this bipartisan bill that would restore funding to the statewide program of the Land and Water Conservation Fund and UPARR. We also applaud the Ranking Minority Member, Congressman George Miller, for his passionate leadership on this issue for many years and the proposals that he has made in this legislation.

The benefits of the Land and Water Conservation Fund and UPARR can deliver to local communities and neighborhoods many assets. The urban parks, recreation areas, and open space are critical to the vitality of the Nation's cities and the citizens we serve. Urban sprawl is threatening our natural open space. The demand for parks has skyrocketed and the backlog of necessary maintenance and repairs continue to grow. The Land and Water Conservation Fund and UPARR will help provide for the park down the street where parents play ball with their sons and daughters, where toddlers explore a playground, and where the neighborhood

soccer team practices, where our teenagers go to just blow off steam, and where seniors can walk along these park paths.

In my hometown of Scottsdale, Arizona, there are several examples of the direct community benefit resulting from the Land and Water Conservation Fund. Remember Arizona is a conservative, Western State and, as I travel through Scottsdale, I don't have to go far without encountering these community amenities. For example, the Land and Water Conservation Fund provided funding for the park where Scottsdale's first community swimming pool is located. Since then, Chestnut neighborhood park, Eldorado Park's lake, Jackrabbit Park, Scottsdale Bikeways, Chapparal Tennis Court lighting, and Vista Del Camino spray pads were funded in part through Land and Water Conservation funds.

Scottsdale received 20 Land and Water Conservation Fund grants from 1965 through 1984, totaling $2.1 million, but these funds were leveraged into $4.4 million. In Arizona alone, $46 million worth of Land and Water Conservation Funds accounted for $92 million of projects since the inception of the fund. And those are only small examples of many worthy projects throughout the country that have been supported by these funds.

But, without question, the greatest current concern of the Scottsdale community is the preservation of thousands of acres of pristine Sonoran Desert and mountains that are undeveloped and lie within Scottsdale city limits. As a matter of fact, our citizens were so committed to preserving this land that in 1995, they took the unprecedented step of approving by a wide margin, of .2 percent sales tax increase to preserve over 16,000 acres of the scenic McDowell Mountains and Sonoran Desert.

Three years later, 80 percent of the proposed area has been preserved, using $132 million in voter-approved sales tax dollars. In November, the Scottsdale community overwhelmingly approved another measure to expand the current preserve by 19,000 acres. Clearly, the preservation of this unique open space, with desert, mountains, Saguaro cactus, and wildlife, is a natural resource that Scottsdale citizens want to leave as a legacy for future generations. As a matter of fact, one-third of Scottsdale land mass, 60 of the 185 square miles, will be held forever in perpetuity.

So we urge you to revitalize Land and Water Conservation Fund and the UPARR programs so that these Federal dollars can be matched with millions in local dollars. When the Nation's mayors gathered for our 66th annual conference of mayors last June in Reno, we unanimously passed a resolution in support of the funding of the Land and Water Conservation and UPARR programs. While we strongly support funding for the statewide program of the Land and Water Conservation Fund that are called for under H.R. 701 and H.R. 798, we also encourage Congress to allow cities to apply directly for these funds, rather than just relying on the States to pass them through. In addition, we would ask you to allow UPARR funds to be used for land acquisition and maintenance of local parks and recreation programs.

In closing, I want to pass along a theory to which local officials subscribe. Former U.S. Conference of Mayors President and Knoxville Mayor Victor Ashe is fond of saying that our most important park is not Yellowstone, but the one that is down the street that

serves our children every day. The importance of our parks and open spaces cannot be underestimated.

The State and local assistance of Land and Water Conservation Fund and UPARR are two resources we should pursue and utilize so all Americans can continue to enjoy the Nation's wonderful natural resources and the outdoors. So, again, on behalf of the U.S. Conference of Mayors, we thank you for your interest in this revitalization and offer any assistance that we can provide as you draft this important legislation. Thank you for this opportunity.

[The prepared statement of Mayor Campana may be found at the end of the hearing.]

Mr. TAUZIN. [presiding] Thank you very much, Mayor Campana. And now we are pleased to welcome Mr. Paul Hansen, executive director of the Izaak Walton League of America in Gaithersburg, Maryland. Mr. Hansen.

STATEMENT OF PAUL HANSEN, EXECUTIVE DIRECTOR, IZAAK WALTON LEAGUE OF AMERICA, GAITHERSBURG, MARYLAND

Mr. HANSEN. Thank you, Mr. Chairman, members of the Committee, I am Paul Hansen, executive director of the Izaak Walton League. I am here today with the League's conservation director, Jim Mosher, and I appreciate the opportunity to present the views of the Izaak Walton League on these legislative proposals, which we believe offer a truly historic opportunity to significantly advance conservation of important natural resources. The Izaak Walton League is now in its 77th year. We have 50,000 members working nationwide and 325 chapters. It is our members who set our conservation policy and it is on their behalf that I provide these comments.

It is our view that this is an especially critical and auspicious time to secure a reliable and overdue financial commitment to our Nation's natural resources. These legislative proposals demonstrate exactly the kind of leadership, determination, and cooperation necessary to accomplish this task. I would like to share with you my wish and that of all of our members that we see parties work together to achieve this goal—a major victory for natural resources—in this session of the Congress. We are deeply committed to working with you and others to that end.

We have a special stake in this debate. The Land and Water Conservation Fund was a project of the Izaak Walton League of America 35 years ago. Our conservation director Joe Penfold first conceived of the fund and wrote much of the original legislation as part of the outdoor recreation resources review committee. Our members fought for the fund hard then and continue to fight for it today.

We have, however, over the years, been very distressed to watch as the original promise of this program was robbed, year after year, in the appropriations process. We have watched in dismay how $13 billion of important land conservation efforts have gone unmet while these funds were diverted for unintended purposes. I cannot overstate the importance to our members of full and permanent funding for this program. If we are to take advantage of this historic opportunity, I think we need to all put our cards on the table and do it soon and come to terms on a bill we can all agree to be-

cause, as we all know, our great hurdle will be with the appropriators.

We certainly understand the concern of western States regarding Federal land acquisition, especially where some States already have large portions of their acreage in Federal ownership. However, we are concerned about the provision in section 202 of H.R. 701 requiring that two-thirds of the funds for Federal acquisitions be spent east of the 100th meridian. We think that this provision creates an unwise and, we think, unnecessary restriction that could well result in lost opportunities to conserve important and critical western big game habitat and other resources.

The Payment in Lieu of Taxes provision in Title II should alleviate many of the concerns relating to the financial impact of Federal land ownership in these States. And we should acknowledge these public lands provide an economic resource to the States, a significant one, and to the local communities as well. They contribute to quality of life that draws visitors from around the country who support many local economies, whether for hunting and fishing or other forms of outdoor recreation.

The Land and Water Conservation Fund also provides for important State conservation and outdoor recreation needs. And, as you know, funding for this portion of the fund has been neglected in recent years. These stateside programs can provide resources that States and localities need to help control and mitigate urban sprawl, an important limiting factor in hunter access.

For the record, it is fair to say that, given a choice between the funding levels provided for in H.R. 701 and H.R. 798, we would predictably choose the latter, which provides more funding for both Federal and State sides of the program.

Our States do have the lion's share of responsibility to provide for the needs of wildlife under their stewardship. Indeed, they have a legal obligation to do so. With a few notable exceptions, the States are not meeting this responsibility. Twenty States currently contribute no general or dedicated funds to their fish and wildlife agencies and 21 other States provide less than 20 percent of the budgets. These agencies are entirely supported by hunters and anglers, through license fees and through the existing Federal aid programs.

Of course, the end result of this is that non-game species are not adequately supported and we need to see that these programs will be targeted to non-game species. The State matching provisions should provide incentive for States to do better in their job of managing fish and wildlife.

We feel that the proposed 90-10 Federal-State initial matching ratio misses an opportunity. We would encourage a matching requirement on the order of 25 percent at the onset, in order to challenge States to do their fair share, consistent with the existing formulas in Pittman-Robertson and Dingell-Johnson. We don't want this to be a Federal giveaway; we want it to be a partnership for wildlife and land acquisition with the States. It is equally important that State matching funds be made available.

Last, given the realities of budget constraints, we want to reiterate our opposition to seeking any budget offset that may be necessary from other important programs in Function 300, the Nat-

ural Resources Environment account. Robbing Peter to pay Paul is not an acceptable solution.

Finally, last October, Chairman Young and myself and others, Representative Miller, you were there as well, were in the Oval Office for the signing of the historic Act, for the National Fish and Wildlife Refuge Administration Act, which passed in this chamber with only one dissenting vote. We think we have an opportunity to repeat history with the legislation proposed here today and we would like to challenge all parties to try to set aside politics, organizational and personal agendas, and to work together on this important initiative. We have a unique and fragile window of opportunity to accomplish an historic conservation measure. If we do it boldly, not shrinking from the size of the task or the magnitude of the financial need and if we do it right, not trading one valued resource for another, then we can do it now and in a way that will allow us to celebrate together.

Finally, we are concerned about possible incentives for increased oil and gas development that might be created by this bill. We hear the concerns of some of our coastal colleagues. We are certainly reassured by statements by both bills' sponsors that were willing to continue cooperative efforts to resolve these concerns and we would like to encourage you in that direction.

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

[Additional material submitted by Mr. Hansen follows:]

HUNTING ETHICS/ LAND-ACCESS PROJECT

A Report by the
Izaak Walton League of America
and
Responsive Management

JANUARY 1999

This project was made possible by a grant to the Izaak Walton League of America from the U.S. Fish and Wildlife Service Division of Federal Aid. Assistance for the survey of corporate landowners was given by the American Forest and Paper Association and the American Pulpwood Association.

Responsive Management, a Virginia-based corporation specializing in public opinion and marketing research in natural resource issues, was retained by the IWLA to handle recruitment, conduct the focus groups and provide analysis.

EXECUTIVE SUMMARY

To better understand the cause of shrinking public hunting access on private lands, focus groups composed of hunters and landowners were conducted nationwide. Access issues also were examined using mail surveys sent to corporate landowners and state wildlife agencies.

It was found that landowner concerns of trespass, liability, control of access, managing wildlife, quality of hunting and safety all have roles in their decision to allow public access. These concerns were exacerbated by the loss of agricultural lands formerly suitable for hunting due to development and "sprawl."

Both landowners and hunters agree that changes in land use and land ownership have decreased the supply of private lands available for hunting. The conversion of agricultural and rural lands, in particular, was viewed as a significant threat to hunting access on private lands. Consequently, demand has increased, and will continue to increase, on landowners who continue to allow public access to their lands.

Public hunting access on private lands can best be assured over the long term by promoting policies to increase the economic viability of farming and to control sprawl, thus conserving the agricultural and rural landscape.

Many landowners believe they already allow the maximum number of hunters their land can support, but continued efforts by hunters to increase the quality of their behavior still can have a positive effect. By better understanding and respecting the landowner, and increasing their stewardship for the land and courtesy towards other recreationists, hunters can increase the quality and availability of hunting experiences on private lands.

Conversely, poor behavior by hunters and others still remains a factor in decreased public access on private lands. Owners and managers of corporate lands in particular stated that littering and vandalism were critical threats to the privilege of public access to their lands. Educational and outreach programs must continue to make it clear to hunters and other outdoor recreationists that access to private lands is a privilege, not a right, and with privilege comes the duty to act as responsible caretakers of the land.

State agencies responsible for managing wildlife populations and providing outdoor recreation opportunities are implementing diverse programs to address the access concerns of both landowners and hunters. Leasing, tax incentives, cooperative management and education programs are some ways in which state agencies try to encourage public access. To be successful, all access programs must acknowledge the landowners' wishes to exercise some degree of control over who is on their lands.

These access issues are not unique to hunting. Other forms of outdoor recreation are affected, and the status of public hunting access on private land may indicate the future of other outdoor pursuits as well.

Mr. TAUZIN. I thank the gentleman very much.

The Chair and I are pleased to welcome Mr. Hurley Coleman, Jr., the director of Wayne County Division of Parks of Westland, Michigan, for his statement. Mr. Coleman.

STATEMENT OF HURLEY COLEMAN, JR., DIRECTOR, WAYNE COUNTY DIVISION OF PARKS, WESTLAND, MICHIGAN

Mr. COLEMAN. Thank you, Mr. Chairman, and to Chairman Young, to Representative Miller, and to all of the members of the Committee. I am very happy to be here. I appreciate the support that I have received even this day and comments from Congressman Dingell who is a good friend. And I hope my anxiety doesn't show through here because I am really, really nervous and I will have spent all this time stuttering and won't make my points.

I am sitting here with about absolutely thousands of local park and recreation agency leaders who are invisible by their presence, physically, but are certainly supportive of the position that you are taking. I think that this Committee and this issue has energized public parks and recreation in a way that I haven't seen in the 23 years I have been involved in this field. I am sort of like the psalmist who mused while the fire burned inside and the fire is excitement that I feel that is generated because of these two bills, because they speak so closely to what is really happening on the local front, at home.

Three years ago in Wayne County, which is the sixth largest county in the country, there is a city called Detroit. You may have heard of it. It is a very large city. It has an older park there, Chandler Park, and next to it is one of the oldest housing developments in the country. And in this park, the condition of the park had deteriorated significantly and all those inherent problems with an old park, but it created the perfect haven for things like gang activities and drugs and strip dancing and one of the highest lists of police calls in the whole community.

Wayne County wanted to dedicate some funding to parks and recreation division because we are one of the oldest county park systems in the country. In our efforts, I had met with the city director, Ernest Burkeen, and talked about needs and it turned out that there is a significant need for a swimming facility in that part of town. Wayne County didn't have any park facilities in the city. We went to community meetings and met with a lot of individuals to determine if this was the right way to go.

It turns out that there was enough support throughout all of Wayne County to pass a piece of legislation in Wayne County to support parks and we invested in a multi-million dollar family aquatic center. We built a pool and opened it up and the first season, police calls were reduced by 85 percent. We saw an absolute culture of activity change in that park and in the neighborhood and in the vicinity that surrounded it.

And what this points out is not unique in Wayne County, but communities across the country have similar stories. We are all competing for local funding. We are competing against police and fire and health care. And crime prevention—these terms—crime prevention and alternatives to anti-social behavior—have now become a part of the lexicon of everyone that is looking for funding.

At one time that was what parks and recreation folks talked about all the time but now everybody is saying it. We do know that the most aggressive solution to negative anti-social elements in a park is the family picnic and that there are no geographic or economic boundaries to the things that people consider important recreation, which is why this moment is so important.

One of the reasons I am so excited is because I think this is one of the most historic moments of a discussion that could ever occur because the Land and Water Conservation Fund and the Urban Park And Recreation Recovery Act are examples of what can happen if the will, the political will, the process, and public involvement work together to make things happen. Because it is funding that is outside of the normal budget process that really makes things happen. And the reason that it is so important to occur here is because the Federal Government is so important to local service delivery.

If the Federal Government can work with us on a local level, it would decrease the pressure on the Federal system to create new Federal open spaces for recreation and open space. It would provide the most efficient use of national dollars by placing the delivery responsibility close to the needs. It will assist in the Federal Government; it will assist us in responding to two important issues: crime prevention and health care. And there is a natural connection between enhanced local recreation opportunities and crime reduction, along with the promotion of good health care habits.

I have submitted testimony that covers a lot of details and I hope that that will be included in the proceedings here because I knew I would be too nervous to remember everything. But as someone who has dedicated their career to improving the quality of life in a major metropolitan area, I consider this to be one of the most important moments in our Nation's history for us and recreation. It has been a long time since so much energy has been focused on improving the lot of Americans at home and I am trusting that you and the other members are going to make the decisions that will match the significance of this moment. I am trusting that you are going to support full funding of these important items and make a decision for tomorrow, today. I sit here hoping that I will have an opportunity to answer questions because I knew I wasn't going to be able to say everything. Thanks again for allowing me this opportunity.

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

Mr. TAUZIN. Thank you, Mr. Coleman. I want to hear you when you are not nervous. That was a very excellent presentation.

[Laughter.]

Mr. COLEMAN. Thank you very much.

Mr. TAUZIN. And now we are pleased to welcome—just arrived—Mr. Grover Norquist, the president of the Americans for Tax Reform, Washington, DC. Mr. Norquist.

STATEMENT OF GROVER NORQUIST, PRESIDENT, AMERICANS FOR TAX REFORM, WASHINGTON, DC

Mr. NORQUIST. Hi. Thank you. Sorry. Came across town with all the nice snow. I have submitted written testimony. I would just

like to say a few words as to why, on behalf of Americans for Tax Reform, we oppose this legislation. Obviously it costs money and it gets the government doing new things that it either hasn't done in the past or hasn't done so much in the past.

But Americans for Tax Reform does the no-tax increase pledge. We ask candidates for office to commit opposition to higher taxes. And the answer is that, both at the Federal and at the State level, the Federal Government already takes more money and more resources from American families than families should be required to pay and more than the government needs for the legitimate functions of the government. So we have 209 members of the House, 41 members of the Senate, and 1,120 State legislators who sign that pledge. I think, both in terms of tax revenue being taken from the American people and spent by Washington and State capitals, we are spending more than can be credibly asked.

The same is true of State and government ownership of land. There is not an argument for more land. The government may want to surrender some of the land that it controls or owns now, particularly in the West, which for too long this city and this government has treated as if it was a colony in the way that it has dealt with not allowing people out West to own land the way people in the East do. I grew up in Massachusetts. We didn't have to get permission from Washington to use or privately own land in Massachusetts the way people do in Alaska and Nevada and other States.

So the idea of putting more taxpayer dollars into taking land out of private ownership, private stewardship into the hands of the government is exactly the opposite of what we do when we invite people from Poland and Czechoslovakia or the Czech Republic and the Slovak Republic and the former Soviet Union and they ask for advice on how one should run their economy. The first thing we do is we tell them you shouldn't have the government running steel mills and owning land and doing things, because historically it doesn't work. And this something the Poles and the Rumanians have learned over time.

And the government does not do a good job as a steward of land. It does not do as good a job as private individuals do. P.J. O'Rourke made the observation if you don't understand this, go visit a public restroom and a private restroom. They are different institutions and they are treated differently based on who owns them and who is or isn't responsible for them.

I don't see an argument for Federal ownership of land outside of the military and national parks. We ought to be moving in the opposite direction from government ownership to private ownership and private stewardship in order to better protect both the economy of our rural areas, but also the environment of our rural areas. Thank you.

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

Mr. TAUZIN. Thank you, Mr. Norquist. And, finally on this panel, Mr. Edward Norton, the vice president of public policy for the National Trust for Historic Preservation here in Washington, DC. Mr. Norton.

STATEMENT OF EDWARD NORTON, VICE PRESIDENT OF PUBLIC POLICY, NATIONAL TRUST FOR HISTORIC PRESERVATION, WASHINGTON, DC

Mr. NORTON. Thank you very much. My name is Edward Norton. I am the vice president for public policy at the National Trust for Historic Preservation. The mission of the National Trust is protecting the irreplaceable. And I am here today to speak for the historic resources in America.

I should begin by saying that I share my colleague's enthusiasm—my colleagues to my right's—enthusiasm for this hearing today.

[Laughter.]

I wish to thank both the Chairman and Congressman Miller for introducing their legislation and for providing this hearing today.

If I could use what I think is an appropriate metaphor, I hope that, at the end of this process, we will have truly landmark legislation in which Congress provides full and permanent funding for protecting both our natural and our historic resources. I have worked on these issues now for almost 20 years, both as an advocate for the natural environment and the built environment. And, like my colleagues, I agree that we have a very special window of opportunity here that we should seize.

I am really here today on behalf of the National Trust and the historic preservation community to make special plea for the historic preservation funds. The National Trust, of course, supports full and permanent funding for the Land and Water Fund. We recognize the importance of protecting open space; providing parks both national parks, State parks, and local parks for recreation, wildlife protection, watershed protection, and a number of other benefits.

But we are here to say that that historic environment and the built environment is just as important as the natural environment. And to make our case that the Historic Preservation Fund be included in any bill, full and permanent funding for the Historic Preservation Fund be included in any bill that comes through this Committee.

The Historic Preservation Fund, which was established under the National Historic Preservation Act, provides a very critical funding mechanism for protecting our historic resources. It is the keystone of the partnership created by the National Historic Preservation Act between the Federal Government, State government, State and local government, and also the private sector. It is really a program that is the model of federalism. It achieves its benefits with very little regulation, no land acquisition, and with a very heavy reliance on the private sector. It is really a model, as I said, of the relationship between the Federal Government, State and local governments, and the private sectors.

It leverages hundreds of millions of dollars from State governments and the private sector. And, most important, you can see the benefits and you can experience the benefits of historic preservation programs in almost every community in the United States, in every one of your districts and the great landmarks that have been saved, the buildings and historic districts that have been preserved, and in the communities that have been revitalized. And you

can see the need and the opportunity to continue this work and the benefits that it will provide.

When I was preparing my testimony, I happened to look again at a book called With Heritage So Rich. It was written in 1966, sponsored by the United States Conference for Mayors and the book is now out of print. Actually, the National Trust is going to try to have this reprinted and if we do we will give it to each one of you, because I really think, as it did then, it sounds a clarion call for the importance of historic preservation and what it can do to revitalize our communities.

This book was written at a time when the urban renewal and the interstate highway system was having a very devastating impact on many of our stable communities in cities and towns both large and small across the United States. And it talked about the importance of reversing those trends. If you read the paper today and heard in some of the testimony this morning the threat of so-called sprawl and disinvestment in our cities, towns, and neighborhoods and our historic landscape. The Historic Preservation Fund really is a modest but very highly efficient Federal program for investing and reinvesting in our existing communities. It provides monies for the reuse of existing housing, commercial, and transportation infrastructure.

I really believe that if you look at the very modest levels of authorization for the Historic Preservation Fund, $150 million a year, and the benefits that it confers, that it at least stands in equal importance to the Land and Water Conservation Fund. And it is a fund and the use of that monies that has been undervalued, underappreciated, and, I would submit, underfunded. And we urge the Committee to look at this very carefully and to provide for full and permanent funding for the Historic Preservation Fund in this legislation. Thank you very much.

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

Mr. TAUZIN. Thank you very much, sir. That completes the panel. The Chair recognizes himself briefly and all members for five minutes.

Let me first ask you, Mayor Campana, I know you would like to have funding directly to the cities. One of the concerns that is constantly raised here, however, is that this allows for all sorts of new State acquisitions of land, particularly in States where there is an awful high percentage of State-owned property already. I was a former State legislator. I recall, often, how the State had, in our State, the process of providing 50-50 matches for Land and Water Conservation Fund purchases. Doesn't that process, by and of itself, serve as a barrier to inappropriate funding for acquisitions of land in a State? Isn't it pretty tough to get the State to agree on those kinds of thing and put up the money, Ms. Campana?

Mayor CAMPANA. We haven't found that to be true, Mr. Chairman. As a matter of fact, again, I will underscore that we are this conservative Western State and our governor most recently created the Arizona Preserve Initiative that is going to set aside matching funds and we intend to take advantage of that. These are not government programs; these are citizen-voted-on mandates that are happening, I think, all over the countryside. And we see it at the

local level over and over again. That is why the mayors think it is so important.

Mr. TAUZIN. So there is a process where the local folks through their legislature, through the process of providing funds either decide it is appropriate or inappropriate to add to any land or water acquisitions. Is that correct?

Mayor CAMPANA. I believe so.

Mr. TAUZIN. Mr. Hansen, you obviously are concerned, literally, for, I think, permanent funding for many of the goals of your organization. Aren't you concerned that the legislation you have chosen to support does not contain permanent funding while the one you have not chosen to support does?

Mr. HANSEN. Well, we are certainly not here to pick winners. As I emphasized, we do want to really encourage both approaches. I was speaking more directly to the approach by which the funds are obtained when I gave a little more of a high-sign to Mr. Miller's——

Mr. TAUZIN. But permanent funding is important to you, is it not?

Mr. HANSEN. Permanent funding is very important.

Mr. TAUZIN. In fact, Mr. Coleman, how important is permanent funding for the extraordinary circumstances you described to us of the deterioration of parks and recreation systems?

Mr. COLEMAN. As a matter of fact, that probably rings very loudly on the local level, primarily because we always have this battle of trying to figure out what we are going to be able to do with the little funds we get in our normal fiscal processes. It is only when there is a revenue potential outside of the normal budgeting process that we can really look at making improvements and that takes some time to develop and plan to look forward to. In the State of Michigan, we have developed a trust fund for our statewide funding and it is set aside and dedicated for that purpose and I think that restoration to a trust fund type of situation is really important.

Mr. TAUZIN. Let me turn to Mr. Norquist. Does the Americans for Tax Reform oppose all entitlement spending in America?

Mr. NORQUIST. Well, we would certainly argue that we shouldn't be getting in the business of adding additional ones. I was pleased that Congress voted to reform welfare and move decisions out to the States and that ended a certain entitlement——

Mr. TAUZIN. The point I am making is, some of them are not so bad, are they? I mean, some of them make sense. Why not conservation programs, particularly for coastal States that are losing so much as we are in Louisiana? Why is that such a bad idea to make sure there is a source of funding on a permanent basis to make sure you can begin addressing what are macro conditions out there?

Mr. NORQUIST. I understand that sometimes people in Washington look at it from the standpoint of permanent funding. I represent taxpayers. This is a permanent cost you are talking about. There are two sides to this. If somebody is going to be handing out money to other people, they first have to take it by force from other people. And the idea that we have permanent funding means we

have a permanent hand in people's pockets. And that is the objection.

I mean, I am not sure that we want all of the permanent trusts or spending programs that we have today. Certainly we are finally getting out from under the damage that was done by the welfare programs by this city, out from under the damage that was done by the agriculture programs that were run by this city. I think we should be looking to get less spending and less control and less resources flowing through the political process and more in the hands of individuals who create the wealth and who own it.

Mr. TAUZIN. Well, I am not going to win you over on this, I know. But let me point out a couple of things. One, it is not a fund for 34 States. All 50 States and all 5 territories share. The National Governors Association has, in fact, endorsed it on that basis.

Mr. NORQUIST. The National Governors Association is a government-funded, taxpayer-funded, lobby that we wish was not using taxpayer funds to lobby for these sorts of things.

Mr. TAUZIN. I understand. I also want to point out that the private property right protections in this bill go beyond current law. That current law allows for expropriation, condemnation authority. Now that is eliminated in this bill. It allows for condemnation authority for adjacent properties to inholdings. That is eliminated. It is only acquisitions within inholdings that are permitted from willing sellers.

And, most importantly, I want to point out, you mention that it would hurt the tax base. This bill actually provides for full funding to the local communities, whereas it, the PILT program, has been funded at 60 percent. So that actually the tax base is enhanced in here. I understand you don't like the money spent because the money has to come from someone, but the tax base is actually reestablished in the bill.

And, finally—and I will let you comment and we will end it—that this also provides for a great deal of State-based programming, as opposed to Federal-based programming, which I know has, again, it is just the same dollars, but the point I am making is that it does fit the conservative mold of having the decisions being made on the local level rather than so much on the Federal level. Those are simple points I want to make, recognizing I am not going to win you over in spite of that. And you can respond and then I will yield.

Mr. NORQUIST. Yes. From the taxpayers' perspective, this is a particularly horrid bill. It gets the government in the business of owning more resources and more land, rather than less. If we were talking to people from Poland, we would be giving them the opposite advice, not telling them to move towards greater State ownership and State control both of the means of production and of land.

I did fill out the form that was sent to me. Here. The Americans for Tax Reform does not receive any government money and I think the people who are arguing for spending more government money might want to be up on the table as to whether or not they are getting government money now. The Americans for Tax Reform is particularly concerned that in this town we have whole institutions that take taxpayer money, Federal, State, and local, and then come and lobby with that taxpayer money to argue for more taxpayer

money. That is why the taxpayers have been losing for so long and it has been so expensive for taxpayers.

But, as you know, you talk about property rights being guaranteed, we can have the property rights groups from around the country bring to you examples of people who have found their voluntary sale of property to the government to be less than voluntary because of harassment from bureaucracies and from various agencies that would do justice to some other country in another time, rather than American principles.

Mr. TAUZIN. I thank you. I don't have any quarrel with that. In fact, I respect your position a great deal in some of those respects. I would only point out I would rather ride on a Federal highway system in America than the one in Poland.

[Laughter.]

I yield to my friend from California, Mr. Miller.

Mr. MILLER. I thank the gentleman for yielding and, Mr. Hansen, if I might—just because obviously one of the purposes of this hearing is to try to find out what changes or amendments that need to be thought about to the text of both of these bills—and back to the issue of game, non-game, native species, what have you, what is your position now? Because I think your testimony is a little different than a previous letter we had on how to make sure that this range of habitat needs and species protection is taken care of.

Mr. HANSEN. Thank you, Mr. Miller, Mr. Chairman, the Izaak Walton League has been quite consistent in that we realize, as Mr. Waller and others have pointed out to you, that non-game is the overwhelming need for the State agencies. Game species are currently supported by license fees, by the Pittman-Robertson fund, and non-game, there are maybe $10 million out of $100 million need that is funded in any fashion. So we believe that these funds need to be primarily applied to non-game.

Mr. MILLER. Okay. That is helpful because the previous witness and I am just trying to—because, obviously, this is an area we have discussed among ourselves and discussed with many of the organizations to try to figure out how you do this properly.

Mr. HANSEN. Right. We have indicated our acceptance of having this be a subaccount of the PR fund because the PR fund has been around now for 60 years. It is functioning. It is functioning well. It has been highly successful. And so we think that it would just be——

Mr. MILLER. Okay. Well, we obviously would like to continue this discussion after the hearing about how this is done with you and others about this.

Mr. Coleman, I want to thank you for your testimony. You know, one of the early supporters of UPARR, obviously, has been law enforcement that has just, you know, demanded of cities and others that they have a sort of an additional arrow in their quiver, if you will, in dealing with young people, in dealing with the problem that so many parents are concerned about what happens to children, you know, in the late afternoon. My generation grew up with recreational programs and young kids today don't necessarily have that available to them.

And that kind of support, really universal from the cities and others about UPARR, I think, is very important to this legislation. And I think the case you cite in Detroit on the large and small scale can be cited elsewhere where the opportunity to change the dynamics of that neighborhood, of that facility, of making it into a first-class facility changes people's behavior throughout the neighborhood. It becomes really an engine for change. So thank you very much for your support and for your testimony.

And Ms. Campana, I want to thank you also on behalf of the Conference of Mayors. I think, you know, you make a very important point here. I would say, contrary to what Mr. Norquist suggests, people are voting all of the time with their pocketbooks about these issues with bond issues for parks, whether they are local parks or whether they are regional or State facilities; the setting aside of open space is rather dramatic in this country and is growing at a significant rate.

This was a fund that was, in fact, under our democratic process, it was promised to this Nation to protect these and provide for the acquisition and development of these resources. If there is a faulting of this democratic process, it is that the Congress went back on its promise when the OCS development was put in place in 1964. So I want to thank you also for your testimony.

Finally, before my time runs, I just want to say, Mr. Norquist, your comment here about Federal ownership of land and stewardships of land is fairly contrary to the record. In fact, we are a model worldwide for what we have been able to do in this country with the foresight and the development of these lands and the protection of these lands. In fact, we have a list much longer than we will ever be able to satisfy from emerging democracies all over the world who look at our national park system, who look at our wilderness systems, who look at our regional systems, and are now coming to us to say how can we develop and how can we provide this kind of protection elsewhere in the world?

Actually, Mr. Norton, I read the other day you are leaving to go off to China, right? To try and help develop a park system, or a park, I guess, not a——

Mr. NORTON. Park system.

Mr. MILLER. Park system there. And this is coming from all over the world, because they have recognized a number of things. Not only is this about good resource management, these also have become huge engines of economic activity as the population becomes more mobile, has the ability to travel, and all the rest of it, that these, in fact, are now major contributors to the GNP, if you will, of those nations. And it is about good stewardship. And I think, you know, very, very proud of what this Nation has done with the history of the stewardship of these Federal resources and also the partnership in helping States and localities develop their resources. Thank you.

Mrs. CUBIN. [presiding] Mrs. Chenoweth. You are recognized for five minutes.

Mrs. CHENOWETH. Thank you, Madam Chairman. I do want to make some comments with regards to the previous chairman's select comments about the condemnation of private property. Actually the bill, I am sorry to say, does not extend authority for protec-

tion of private property rights beyond existing law because, actually, it does acknowledge the fact that nothing in this Act shall be construed to limit any right to compensation that exists under the Constitution or any other laws. It doesn't do anything to reign in the rules and regulations under which the agencies are imposing a de facto condemnation without paying landowners under the wetlands provisions, under provisions drafted in the form of rules and regulations under the Endangered Species Act, and many other Federal programs.

In fact, the bill does state that no monies available—this is on page 21 of the bill—it says, you know, you can't condemn unless, I mean, you can go through the Constitution to condemn. But it also states that no monies available—under this paragraph for Federal purposes—shall be used for condemnation of any interest and property. So what we are doing here, you have got to understand, is we are allowing for condemnation, but we just don't allow for payment to the landowners. We are only allowing payment to a willing seller, under coerced conditions. And I think that is very, very sad.

In addition, the chairman, previous chairman-select, had mentioned that this bill's only purpose is to pay inholdings. It goes far beyond that. There is a little two letter in their, beyond the word inholdings, it says, "or any other Federal program authorized by Congress."

And, finally, the PILT payments. The fund will be controlled wholly at the discretion of the Secretary of Interior or the Secretary of Agriculture. So I am less than sanguine about what this bill will do for PILT.

I do want to ask Ms. Campana. You are from a State that has only 3.5 percent private property, I think, or some very small number. Isn't there a need to look at funding for the State component of the Land and Water Conservation Fund, instead of involving a piece of legislation that may impose more restrictions on your ability to govern in your States and in your cities?

Mayor CAMPANA. Actually, about 16 percent of Arizona is held in private hands and the rest of it is public, including even Indian reservations along with national, State, local parks. And possibly compelling was your argument about 95 percent of the land is undeveloped, only 5 percent developed.

But in a community like Scottsdale, where if none of my citizens are around, I will confess to you, that 10,000 people moved to Scottsdale last year. One hundred thousand people to the valley. So the open space that is next to the people who were there before is critically important and preservation of these historic lands and landscapes, they are overwhelmingly supporting these by 65 percent, 70 percent, the most recent election that we had was 75 percent of the people are supporting these.

Mrs. CHENOWETH. Let me ask the gentlelady. How are your counties funded? I know that in some of your counties—and I stand corrected on that percentage—but some of your counties have only 3.3 percent private ownership. How do these counties fund their schools and their roads?

Mayor CAMPANA. Our counties, Ms. Chairman and Congresswoman Chenoweth—and I am an Idaho girl by the way—some of

them don't even have home rule. As a matter of fact, we don't have county home rule. So this really is a State and local issue, which is why, again, representing the U.S. Conference of Mayors, I would like to ask for consideration that these be able to be applied for at the local level.

Mrs. CHENOWETH. I agree with you there. I do want to ask Grover Norquist—sometimes I think we are falling through the looking glass backwards with proposals such as this. I know that you are very involved in what this Congress is talking about in truth in budgeting. We talk about truth in budgeting and trust funds and many other things. I would like you to elaborate as to whether this bill comports in its funding mechanism with our concern about truth in budgeting.

Mr. NORQUIST. Well, short answer is no. I think that the challenge here, though, is we are creating additional entitlements, we are spending other people's money. I mean, everybody seems to be all excited about all the wonderful things they are going to do with money they take from other people. Then we are told everybody at the local level is willing to spend this money. Well, fine, then spend it at the local level, but somehow we are going to get the Federal Government to take it all because everybody at the local level is so excited about doing this so we are going to make them do it.

Somehow, the argument that everybody wants to do it so the first thing we have to do is make them do it strikes me that perhaps the first part was disingenuous or perhaps they are doing something that everybody is going to do anyway on this.

I mean, this question of spending these quantities of money to take land out of private stewardship and put it in the hands of the Federal Government and, again, if Mr. Miller was here, we could have people from California and the rest of the property rights movement around the country give examples of how Federal ownership of land is not the same thing as good stewardship of land. There seems to be this religious belief that if you put something in the hands of the government, they will take care of it.

For too long, this city did that to poor people and did an awful lot of damage to poor people with their welfare state, claiming they were helping people all the time while they were destroying families, destroying neighborhoods, and killing people's futures. Just because the government does it, doesn't mean it happens or it works well.

Mr. Miller may make the case that we are less destructive of our Federal lands than other countries. That is probably true. I wouldn't doubt that. But when you put stuff in the government's hands, nobody is in charge of it, at the same time that everybody is in charge of it.

You also end up, we are going to put this—I mean, you are talking about certain individuals are going to making these decisions, the opportunity for corruption and buying property. A business school professor once said there are two ways to get rich: sell something to the government or buy something from the government. And this is an opportunity for a lot of people who make political contributions to get very rich. This is written to create political corruption.

Mrs. CHENOWETH. Thank you, Madam Chairman.

Mrs. CUBIN. Mr. John, the chairman yields you five minutes.

Mr. JOHN. Thank you very much, Mrs. Cubin. First, a couple of comments and observations for Mr. Coleman. Of all the testimony that we have heard today, yours had the most profound and realistic impact when you talked about the park over in the city of Detroit, about how it is in a real sense, a representation of why we are here today.

In your 23 years working these issues, can you maybe give us a synopsis of where the funding has come from; has it been a funding stream that you could count on to develop parks and havens for helping kids and giving them, the children of America, a little place to play, rather than to get in trouble? Would you share with the Committee your experience with parks and the funding streams to construct them.

Mr. COLEMAN. Thank you to the Chair and to the Congressman, the one important thing that has to be remembered, especially in the urban areas, is that most of the park systems were initiated because an individual or some individuals donated park lands for the communities to be preserved and used as open space. From that, the communities then took the responsibility of maintaining them. The development of those facilities and the expansion of those facilities came as a result of specialized programs of development through grants, in the most part in most communities, through grants that came from Federal Government or came from the State government programs or it came from the private sector.

The dollars that are dedicated to operate are very finite because most of the public agencies are general fund. The service level never decreases, but the opportunity for resources from the general fund is always limited. And, over the years, even as the Land and Water Conservation fund and UPARR were developed, in the initial development of them, it was really exciting to know that there would be a pool of resources that we could apply for, we would have to come up and match those grants, and then use them to make improvements in restoration and acquisition.

Over the years, those funds dwindled because the dollars dedicated to the Land and Water Conservation Fund and UPARR dwindled to almost nothing. This is the most aggressive opportunity that we have seen at least in the last 10 or 15 years to try to put some dollars aside. The last time I think was about maybe seven years ago that I saw an opportunity for UPARR to be funded. It was funded at $5 million for the entire country. Five million dollars for over 50,000 agencies to apply for to match their dollars, match with local dollars. Now that is minuscule.

I think, as one of the other panelists indicated, all over the country local issues are being passed because the local citizens realize the importance of parks and recreation. And, in our case, there was a millage passed for the first time in the history of Wayne County to support parks and recreation. And Wayne County's funding had been deteriorating forever. So that deterioration on the local level can only be supplemented when there is a source outside of the local funding source to provide for those special projects' renovation, restoration, and acquisition.

Mr. JOHN. Right. Thank you very much. And, Mayor Campana, I would just like to also comment on your presence here today

which I think has been very eye-opening. One of the differences between the two bills is the operation and maintenance money in H.R. 798 which is provided for national parks. Do you believe that the operations and maintenance funding should become a part of House legislation or should funding be provided for acquisitions, as is provided for in both of those bills.

Mayor CAMPANA. Operation and maintenance is critical, I think. I, again, don't want to have to pick and choose between these bills and hope that there will be a consensus reached that will address all of this.

Mr. JOHN. Right.

Mayor CAMPANA. But it would be critical for us for operation and maintenance. Again, in some of these western States where there is a large amount of open space available, but there really aren't the funds set aside for maintenance or enhancement, you know, or renovation as was talked about back East. So I do think that is critical.

Mr. JOHN. Okay. Thank you very much.

And finally, Mr. Norquist, do you believe that monies which are collected for a specific purpose should be used for that specific purpose?

Mr. NORQUIST. It depends what the purpose is. That is not a yes or no question.

Mr. JOHN. Do you believe in trust funds?

Mr. NORQUIST. I believe they exist, yes. I have seen them.

[Laughter.]

Mr. JOHN. I believe that too. That is an easy one.

Mr. NORQUIST. When you talk about raising money for a specific purpose, this is a challenge——

Mr. JOHN. If I may continue. I want to make clear that we are not talking about raising any additional monies. These are monies that are already being collected as Federal offshore oil and gas royalties. This is not money coming out of individual taxpayers' dollars that you were speaking of earlier. This is from original revenues that are going to be redistributed into a trust fund for a specific purpose. Go ahead.

Mr. NORQUIST. Well, and if it wasn't done that, it would be used to pay down the national debt or to save social security as President Clinton wants. So this money is coming from somewhere and taxpayer monies will fill in the void somewhere. When you tax oil production, that is not free money, that raises the cost of oil to every American consumer. So when you raise the price to consumers, either through regulatory burdens or through tax burdens, consumers and individuals eventually pay that. This is not free money somehow. This doesn't come from nowhere. It comes out of the pockets of the American people at one level or another.

I think there is a real challenge because politically we see this in State, local, Federal Government. Politicians say let us spend money over here and let us allocate money for this particular item, rather than any sort of effort to prioritize between them or whether or not——

Mr. JOHN. But don't you think that, by setting up particular trust funds, as in the transportation trust fund as we did last year, i.e. the social security trust fund that we are talking about now.

We are prioritizing. A prime example is the social security trust fund that we all want to preserve. Don't you think that a trust fund signals to the taxpayers and the people that we represent that these are our priorities, and that is why we set these things up? Today this Federal offshore money, $4 billion of it, goes into the National Treasury and is spent on a myriad of things that you and I would not agree with, including some wasteful Federal programs.

What we are attempting to do here is to identify a need—and everyone here and, I believe, in America, recognizes conservation as a need. You say you represent taxpayers. I represent 4 million taxpayers in Louisiana that all are in support of this piece of legislation because of the damage being done to our State. Don't you think that sets a priority of spending in a way that is consistent with the wants and the needs of the taxpayer?

Mr. NORQUIST. Well, if people wanted to do something, they do need the Federal Government to come in with money to do it. They can do it on their own. This land is not not there. It exists. It is just privately owned. People are talking about having the government buy it, but what is going to happen is, instead of having land privately owned, the State or the Feds are going to by it. There is not more land. The same amount of land. It is just a question of who is in control and this city has a history of wanting to move that control out of the hands of towns and communities and individuals and into the hands of States and Federal Governments.

I think that is a mistake. I think private people take care of land than the government does. I mean, if your goal is to help take care of land.

Mr. JOHN. Well, and, again, an underlying fact in this piece of legislation is that there must be a willing seller and a willing buyer before that transaction takes place.

One final question——

Mr. NORQUIST. I made the point that that isn't always the case. And Mr. Tauzin suggested it wasn't necessary to have the property rights people come in to walk through that, but we can if you are not aware of cases where taxpayers have been coerced into selling, their property taken away and diminished by Federal regulations, not voluntary.

Mr. JOHN. There is no person in Congress more supportive of the rights of property owners than myself. And I respectfully disagree with your contention in this particular case. And, of course, that is what this hearing is all about.

One final observation, just to try to see where you are coming from. Recently the Federal Emergency Management Agency, FEMA, stated that it was going to get involved in some coastal projects because they felt that they could save taxpayers dollars by being more proactive in support of coastal restoration. When a hurricane hits Federal taxpayer's dollars are provided for disaster assistance. By getting involved in some of these coastal projects, that they could maybe prevent or actually save dollars by reducing the amount of damage inflicted. Do you think that it is a good stewardship of the taxpayers' dollars to be doing things like this?

Mr. NORQUIST. I am not an expert at what FEMA is talking about doing, so I don't know.

Mr. JOHN. Well, the fact is by funding coastal restoration projects and making sure that we preserve barrier islands that shield coastal communities from being flooded or dismantled by a hurricane we actually are saving taxpayers' dollars. And that is the point that I am trying to get across, that these are the kinds of projects that we are looking at in H.R. 701.

Mr. NORQUIST. Okay. I am not an expert on that. I would defer to some of the people who have lived through it. I know FEMA has a checkered history on how it has treated people and that it is a question of whether you want the Federal Government running an insurance program in the first place, or at least running it the way they do now.

Mr. JOHN. Thank you.

Mr. TAUZIN. [presiding] The gentleman's time has expired. I thank the gentleman. Let me thank the panel, unless the gentlelady has additional time. Let me just wrap by a couple of observations. One, I think the gentleman from Louisiana is trying to make the point, and I want Mr. Hansen to comment on this, that there is some connection between the money being derived and its purpose, as we collect highway taxes to build highways.

If the money that is being derived is income from Federal lands, isn't it a good purpose to use some of that money to, in fact, prevent the loss of lands and Federal lands or to enhance through maintenance and proper spending, the quality of that land? As long as it is owned by all the people, why have it deteriorate and go to waste and lose 35 square miles a year in Louisiana if, in fact, the money coming from production of Federal lands might be used to preserve and protect that land from further loss and degradation? Isn't maintenance, therefore, Mr. Hansen, a key ingredient of this formula?

Mr. HANSEN. Mr. Chairman, I think we would all agree that maintenance is a key component of how we want to see our public lands treated. I think there are certainly some concerns that this program not take the place of existing programs. That this be an additional program.

Mr. TAUZIN. Yes.

Mr. HANSEN. Certainly, the basic premise of the Land and Water Conservation Fund in both of these bills is that we take the depletion of a non-renewable resource and we take part of the revenue from that to use to support renewable resources.

Mr. TAUZIN. Isn't it much like income from a rental property being used to refurbish the rental property so it can be maintained in its income capacity or in its current state? Isn't that the kind of analogy we are talking about here? These are Federal lands producing Federal money and the concept is to turn this Federal money back into preserving and protecting these lands. In fact, to make sure that the purpose for which these lands were acquired in the first place is maintained, that they do what they were supposed to do, enhance the quality of natural life on this property.

Mr. HANSEN. Exactly. We are keeping some seed for next year.

Mr. TAUZIN. And the final thought, Grover—again, I know I am not going to convince you——

Mr. NORQUIST. You are talking about buying more land not taking—I mean, the Federal Government doesn't take very good care of the land it does own.

Mr. TAUZIN. Well, but let me make the final point, Grover, and I will let you respond.

Mr. NORQUIST. And you guys want to use other people's money to buy more of it.

Mr. TAUZIN. Yes. I happen to agree with you, you know, as an advocate for property rights when Federal regulations take away a person's right to use his property, that that is a taking under the Fifth Amendment. You know of our efforts to make that the law of our land in legislative language rather than requiring everybody to go to court on an individual basis and win that civil right. It is a civil right. We think there ought to be procedures and processes for people to protect their civil rights in the ownership of private property.

But such being the case, the argument we have always made is that if someone has some property that the Federal Government has said is so important for the national interest, it is a beautiful wildlife preservation area, that, rather then allowing you to destroy it, we are going to have rules and regulations that say you can't. We are going to keep it for that purpose.

Wouldn't it be much better to have a fund where the government can acquire it rather than simply tell people you can own it and pay taxes on it, but we are not going to let you use it? Wouldn't it be better to have a system whereby that person, having been deprived of their property, in fact, can simply surrender the title and be compensated as in an acquisition, rather than the current state of the law?

What I am saying is, I know the perfect. Perfect would be that, in those kinds of circumstances, that person should have a right to seek compensation for the damages those regulations did to the use of his property. But is, absent a perfect world where we can win those battles, wouldn't it be better to have a world where at least people could be compensated as in an acquisition for property whose right they only have left is to pay taxes on it?

Mr. Norquist.

Mr. NORQUIST. Well, we have in the United States some 30 to 40 percent of the land in the country owned or controlled by government now. The land that is just timber land or grazing land and other land could be sold off to have the revenues to allow people to buy some land that was perceived as important to the government that they haven't stolen or confiscated yet. I mean, there is a whole bunch out West. When you fly over the West, it is empty out there. And there is an awful lot of land that the Federal Government owns or controls that would be under much better stewardship in private hands. Sell that off and use those resources.

Unfortunately, some people, for ideological reasons, the same people who thought that the steel mills in Poland should be run by the government, think that land should be owned by the government. And that is just wrong. Historically it is wrong; economically it is wrong. And there has been an effort to go after and denude the rural areas of people and economic activity. There are a lot of

people who don't like rural areas and this is part of that drive, to drive people off those lands and, as Al Gore wants, into cities.

Mr. TAUZIN. Well, if we could win a land swap agreement in this bill and we could win that on the floor, I suppose that might a worthwhile venture. My point, however, is that, recognizing the political realities of what can be accomplished, it seems to me that if the Federal Government is going to have an enormous cost one day because Homer has to get relocated and FEMA has to spend enormous sums out there to relocate hundreds of thousands of Cajuns who won't be able to live any more in South Louisiana because all of the land has eroded away. If we can spend, if you will, a penny now to save it instead of the dollar later that it is going to cost us to go through all of this process, that is good government, wise use of the penny. Particularly if it is derived from the land itself.

And, secondly, if, in the process of preserving this land, we can tell those landowners for whom we literally have already taken their rights of use away, at least you can get compensated in a government purchase. It seems to me there are some benefits there that we have to weigh in the balance of where we are today.

I know that is no perfect answer. I know Ms. Chenoweth has gotten excited enough to want to join us here and I want to yield to her now, at this time. Mrs. Chenoweth.

Mrs. CHENOWETH. Well, Mr. Chairman, I just wanted to comment about your Cajuns. I am sympathetic about your Cajuns not having any more land because it is being eroded away, but I think the point that Mr. Grover Norquist and I am making is the fact that these same Cajuns or Native Americans or people who come to America because of the hopes and dreams of being able to own private property, they are not going to be able to live on the land because we have eroded away the land that they could purchase under private property agreements.

And I think, yes, in Louisiana, we need to take care of how your State has suffered because of the public benefit, as we do in Idaho. I would like to see map of Michigan, though, and see how many red spots appear on the map of Michigan because of the impact of this same program. So I don't think it would exist to near the degree. But we don't want to erode private property rights nor our private property land base.

Mr. TAUZIN. Well, I don't argue with the gentlelady. In fact, I see this legislation as advancing in significant areas the cause of private property. But we can, as I said, we will debate these things as we move along.

Let me thank you on behalf of the chairman, who had to run early. This continues, as you know, tomorrow so that we will keep up the process of public hearings until the Committee is prepared to act. But I can assure the gentlelady and others, these concerns are taken seriously. We will continue to work on the legislation to correct it. With that, the Chair declares this hearing adjourned.

[Whereupon, at 1:53 p.m., the Committee was adjourned.]

[Additional material submitted for the record follows.]

H.R. 701 TESTIMONY SUBMITTED THROUGH MARCH 30, 1999, WILL BE HELD IN THE COMMITTEE FILES AT 1324 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC.

Chizewski, Nicholas A.Bisbee, AZ

Nageak, Benjamin P.Mayor
Barrow, AK

Brabec, Dennis J.
People for the USA

Asbury, Donna L.
Project Wild

Thornton, Gordon
Thornton Dairy and Sheep Ranch

Baruch, Mary Ann
Mimbees, NM

Keeler, Judy
New Mexico State People For the USA

Vogler, Nancy
Lawson's Landing

Allen, W. Ron
National Congress of American Indians

Beard, Daniel
National Audubon Society

Rodgers, Julie
Eureka, CA

Torcaso, Roy
Wheaton, MD

Lamson, Susan
National Rifle Association

Scenic America Board
Washington, D.C.

Speakes Jr., Leland
The Foundation for North American Wild Sheep

Baughman, John
Director
Wyoming Game and Fish Department

Geringer, Jim
Governor
State of Wyoming

Schlecht, Eric V.
National Taxpayers Union

Davis, Mark
Committee to Restore Coastal Louisiana

McCollough, Mark
Maine Chapter of the Wildlife Society

Wichers, Donna
COGEMA Resources, Inc.

Franklin, Thomas M. and Thompson, Edith R.
Maryland's Team Wildlife

Miller, James
The Wildlife Society

Special Committee on Fisheries
Alaska State Legislature

Mumma, John
Western Association of Fish and Wildlife Agencies

Mumma, John
Colorado River Fish and Wildlife Council

Kitzhaber, John
Governor
State of Oregon

Williams, Nora
County Commissioner

Monroe County, Florida
Case, David J.
DJ Case & Associates
Kimball, John
Utah Department of Natural Resources
Peterson, Everett
Roseburg, OR
Johnson, Dave
Missouri Breaks Chapter, National Audubon Society
Perry, Gerald L. and Gayle L.
Tuscon, AZ
Baicich, Paul J.
The American Birding Association
Dann, Donald
Bird Conservation Network
Roell, Michael J.
Harrisburg, MO
Faulkner, Paul J.
Idaho Falls, ID
Weeks, W. William
The Nature Conservancy
Bennett, Carolyn
Evansville, IN
Winegrad, Gerald
American Bird Conservancy
Blythe, Dick
Indiana Grand Kankakee Marsh Restoration Project
Kropp, Marian
Boise Parks and Recreation
Meiklejohn, Brad A.
The Conservation Fund

STATEMENT OF BERNADETTE CASTRO, COMMISSIONER AND STATE HISTORIC PRESERVATION OFFICER, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Thank you Chairman Young and Members of the Committee for this opportunity to testify before you on the Conservation and Reinvestment Act and the Resources 2000 Act. My name is Bernadette Castro and I am the Commissioner of New York State Office of Parks, Recreation and Historic Preservation.

I speak to you today not only as the Commissioner of New York State Parks, but also as a member of the Board of Directors of the National Association of State Outdoor Recreation Liaison Officers, as co-chair of the Legislative Committee of the National Association of State Park Directors and as co-chair of Governor George E. Pataki's Empire State Task Force for Land and Water Conservation Funding.

I commend you, Mr. Chairman, for your leadership to re-establish the Land and Water Conservation Fund "state side" program through the introduction of this legislation, H.R. 701, that will benefit urban, suburban and rural areas throughout the country. My compliments to your Ranking Minority Member, Mr. Miller from California for his commitment to working with you on this important issue.

My testimony today will focus on the provisions of your bill that would re-establish the Land and Water Conservation Fund "state side" program.

As you know, in 1964 Congress created the Land and Water Conservation Fund (LWCF) to preserve, develop and ensure that all Americans had access to quality outdoor recreation and to strengthen the health and quality of life in our communities. It was a simple idea: a "pay as you go" program using revenues from resource use, primarily from Outer Continental Shelf oil and gas receipts that were to be used to support the creation of national and community parks, forests, wildlife refuges and open spaces.

Since its inception, LWCF has been responsible for the creation of nearly seven million acres of parkland, water resources, open space and the development of more than 37,000 state, municipal and local parks and recreation projects; 1,100 projects were undertaken in New York and resulted in 65,000 acres being acquired for rec-

reational use. From playgrounds and ball fields, scenic trails and nature preserves, LWCF has been the key to providing places for all Americans to recreate, relax and get outdoors.

Let me give you some examples of how "state side" money has been used in New York.

Over the years we have applied millions in LWCF state side funding to projects at Niagara Falls Reservation (State Park). Without this funding this oldest continuously operated state park in the nation, which sees nearly 7 million visitors annually would not be the treasure that it is today. These projects included the development and construction of a new visitor/information center, reconstruction of walkways, renovation of electric service and creative landscaping which interprets the system of Great Lakes.

At Jones Beach State Park, the largest public bathing facility in the world, we have invested millions in Land and Water Conservation Funds. Together this funding has restored this jewel to its historic splendor. Each year, 8 million visitors from around the world, enjoy this recreational resource on the Atlantic Ocean. Projects at this facility included total reconstruction of the 2-mile Jones Beach Boardwalk, restoration of the East End and West End Bath Houses (swimming pools and related facilities) and improvements to our parking areas and sewage treatment facilities.

In our urban areas we supported an application for a very special park, "A Playground for All Children." LWCF funding ($400,000) made it possible for the Flushing Meadow, Queens community to construct a playground for all children; for those that have physical challenges, as well as for other children to enjoy. It has served as a creative facility that was undertaken well before the era of the Americans With Disabilities Act. It included interpretive trails, playground apparatus, a sports and game area, a water wheel, sports courts, a "rolling" hill and sports track.

Working with Onondaga County, we directed LWCF funding to the Bumet Park Zoo in the city of Syracuse; $1.1 million dollars was applied to bring this aging facility up to modern standards for the public to enjoy in a park setting. LWCF funding helped complete this $12 million dollar project.

As you can see, state side funding has supported a variety of projects that appeal to the diversity of our population.

Governor Pataki has been a leader in the effort to renew "state side" funding. Last year, the Governor called for the creation of the Empire State Task Force on Land and Water Conservation Funding to educate the public on the importance of state side funding, what it has accomplished and what it could accomplish in the future and to support those efforts in Congress to re-establish this Federal funding source. On January 20, 1999, the Governor, through the Task Force, hosted over 400 leaders of parks and openspace advocacy groups in Albany for a summit to educate and advance reinstating "state side" assistance. Governor Pataki has also contacted many Members of Congress in the past to express his commitment to this vital program and what it means to New York State. The membership of the Task Force is diversified and includes Laurance S. Rockefeller as honorary Chairman, John P. Cahill, Commissioner of NYS Department of Environmental Conservation as my co-chair, NY Secretary of State Alexander F. Treadwell who is responsible for New York's Coastal Zone Management program, Theodore Roosevelt IV, Mark Rockefeller son of Nelson, several municipal organizations including the NY Conference of Mayors and Association of Counties, The Conservation Council representing sportsmen, and a variety of enviromnental organizations from the National Audubon Society NY Office to the Nature Conservancy, Open Space Institute and Trust for Public Land, just to name a few.

It is critical that a stable source of funds for the LWCF be established. As you know, LWCF has been critically underfunded at approximately one-third of its annually authorized level of $900 million, with no funding provided to the state-side matching grant program in recent years.

In New York, Governor George E. Pataki has been a leader in providing for the creation of recreation and open space lands and providing support for localities to develop outdoor recreation facilities. Through the Governor's efforts we have a fully dedicated Environmental Protection Fund and a Clean Water/Clean Air Bond Act, each contributing financial support to localities wishing to expand their openspace and recreational resources. New York State has done its share to provide some of the necessary resources for outdoor recreation and conservation.

However, we can not meet the need for local parks alone. Since 1995, State Parks has received 1,050 applications for park projects. Communities have sought to invest over $600 million in recreational facilities. Although most of these projects are solid, worth while park projects, 800 of them have yet to be undertaken. Federal support

of these projects will help New York leverage the investments we have made through our Environmental Protection Fund and Clean Air/Clean Water Bond Act.

We want to continue to build on success stories in New York such as restoring the beautiful beaches on Long Island, to building shaded parks in New York City, to helping revitalize waterfront areas and small town parks throughout the state. Mr. Chairman, we applaud your efforts and your commitment to re-establishing a Federal/state/local partnership by providing revenues for the revitalization of the "state-side" grant-in-aid Land and Water Conservation Fund.

Let me share with you what I believe should be included in any legislation that is advanced by the House:

1. The legislation should permanently provide $900 million dollars annually to support both the Federal and state side of LWCF without the need for annual appropriations.

2. This funding should be evenly split between the Federal and state side programs. These two programs complement each other and any new legislation should assure that they do not compete with each other for funding, nor should it place new limitations on the use of the funds that would reduce their effectiveness.

3. The legislation should provide for full funding for the Land and Water Conservation Fund state side program and address important wildlife needs and coastal zone issues.

4. The state side program should fund acquisition, planning, development and capital rehabilitation. It is worth noting that the state side program has in the past supported capital rehabilitation. These types of projects should be authorized by the plain language of the Act and not left to interpretation. I note that the Urban Park and Recreation Recovery Act (UPARR) provides for this type of project and the Senate version of CARA includes language in this regard that we believe should be added to the House version.

5. The allocation of all state side funds should be based on a formula that recognizes the recreational needs of the state's residents placing emphasis on population and land mass with a lesser component to be shared equally between all the states.

6. Projects should be prioritized based on a state implemented public process. In New York we are proud of these public processes that we use to review projects and establish priorities for our openspace program. We look forward to applying these processes to state side funding and the creation of our State Action Plan as required by H.R. 701. At this point I would also offer as an aside, that considering the effort that will be put into the creation of a state action agenda, at a minimum, the National Park Service should coordinate with the state prior to awarding UPARR grants to ensure a cooperative approach.

7. Any legislation which deals with revenues derived from the extraction of natural resources on the Outer Continental Shelf should not create incentives for that extraction. As a coastal state, New York is very interested in sharing an equitable portion of outer continental shelf revenues with other coastal states which will help fully fund the Land and Water Conservation Fund. Revenue derived from this national asset should be reinvested into initiatives which provide benefits for future generations. I congratulate the Chairman in recognizing this issue and taking steps to address the concerns that were expressed with last year's bill and I encourage the sponsors to take those additional steps necessary to eliminate the issue completely. However as a representative of a coastal state, I do not believe eliminating the entire program as proposed in Resources 2000 is the best solution.

8. Most importantly, funding for this program must not come at the expense of other Federal dollars which are provided in support of the states.

It is apparent from the outpouring of interest from groups throughout New York State that there is a great deal of momentum toward seeing a renewal of state-side funding for the LWCF and full funding for the entire Land and Water Conservation Fund.

For one moment, I must make some comments as New York's State Historic Preservation Officer. While we have been primarily focused on the use of the Land Water Conservation Fund for support of Federal land acquisition and the state side program, in the past Outer Continental Shelf revenues have also been used to support state activities to enforce the National Historic Preservation Act. I hope that any successful legislation will include a component to provide this funding to the Historic Preservation Fund and to increase funding over current amounts, so that we may be able to provide grants to preserve historic treasures which are on the National Register of Historic Places.

Thank you for this opportunity to testify.

STATEMENT OF DAVID WALLER, DIRECTOR, GEORGIA DIVISION OF WILDLIFE FOR THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Thank you, Mr. Chairman. My name is David Waller, Director of the Georgia Division of Wildlife and Vice-President of the International Association of Fish and Wildlife Agencies. As you know, all 50 State fish and wildlife agencies are members of the Association. I appreciate the opportunity to appear before you today with the strong support of the Association for H.R. 701, the Conservation and Reinvestment Act. The Association sincerely appreciates your efforts and those of Cong. Dingell, Cong. Tauzin, Cong. John and the other co-sponsors, in bringing this far-sighted conservation proposal to the table, which will provide consistent and dedicated funds to the states to conserve our fish and wildlife resources, provide for the protection and restoration of our coastal habitats and living resources, fund land and water conservation activities at all levels of government, and provide much-in-demand recreational opportunities for our citizens, thus resulting in economic growth to our communities. The Association is also encouraged that Cong. Miller and others have recognized many of these same needs in introducing H.R. 798, the Resources 2000 Act. We do have concerns about the focus, legislative construct, and funding levels in H.R. 798 which I will share later with you in my testimony. However, we strongly endorse the efforts of you and Cong. Miller to identify common ground in a bill that can pass Congress and be enacted into law this year. As you know, the need for these programs in the states are significant, they enjoy wide public support, and our children and their children will thank us for the commitment we make to ensure the conservation and vitality of America's natural resources.

The Association, founded in 1902, is a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and Federal Governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening Federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

Mr. Chairman, I know that you are well aware of the longstanding commitment and priority of the Association to secure the necessary funds so that the State fish and wildlife agencies can address the needs of all fish and wildlife species in their states, including conservation education and wildlife associated recreation needs. As you know, the states have principal and broad authorities for the conservation of fish and resident wildlife within their borders, even on most public lands. Congress has given the Federal executive branch agencies (USFWS and NMFS) certain statutory conservation obligations and responsibilities for migratory birds, anadromous fish and listed threatened and endangered species, but this responsibility remains concurrent with State jurisdiction. As Secretary Babbitt once remarked, States are the front-line managers of fish and wildlife within their borders.

You are also well aware of the long history and strong commitment of support for funding state fish and wildlife programs by the sportsmen and women of this country through their purchase of hunting and fishing licenses, and contributions from excise taxes they pay on sporting arms and ammunition, fishing tackle and other equipment, import duties on fishing tackle and pleasure boats, and gasoline excise taxes on outboard motor and small engine fuels. These funds are apportioned to the States under permanent appropriation in the form of matching grants under the Pittman-Robertson Act of 1937 and the Dingell-Johnson/Wallop-Breaux Act of 1950 and 1984, respectively. These license and excise tax funds are the principal source of funds for State fish and wildlife programs. Our successes under this legislation are well known from restoration of white-tailed deer and pronghorn antelope to wild turkey and wood duck and striped bass. There have been corollary benefits to species other than those that are hunted and fished, from the conservation of habitat, etc. However, there simply have not been either sufficient or dedicated funds for the State fish and wildlife agencies to adequately address the conservation needs of these so-called "nongame" species, which constitute approximately 90 percent (over 2,000 species) of the vertebrate species in the United States. H.R. 701 will position the State fish and wildlife agencies to duplicate the tried and true success of the Pittman-Robertson and Wallop-Breaux programs with species such as the cerulean warbler, bluebirds, loggerhead shrike, American goldfinch, bog turtle, and species of frogs and salamanders that are declining. Responding to early warning signs of decline in these species by addressing life needs and habitat requirements through cooperative non-regulatory programs with private landowners will not only conserve the species but also help avoid the social and economic disruption associated with listing species as threatened or endangered. Most threatened and endan-

gered species come from this universe of so-called nongame species, which makes sense if you think about it, because we have not had adequate funds to address these nongame species needs, whereas we have had the funds for game and sportfish species conservation. The more we know about declining species the quicker we can respond with a broad array of incentive-based, non-regulatory programs that gives us maximum flexibility in working with the landowners to allow them to meet both their land management objectives and fish and wildlife conservation objectives. This preventative conservation approach just makes good biological sense and good economic sense.

Seven years ago when the Association made a commitment to secure funding for comprehensive wildlife programs in the states, we began to enlist a support coalition that has now grown to over 3,000 conservation, business and other organizations. Our "Teaming With Wildlife" initiative, as we called this endeavor, built up tremendous grassroots support around a funding mechanism patterned after Pittman-Robertson and Wallop-Breaux that would extend existing excise taxes on sporting arms, ammunition and fishing equipment to other outdoor recreational gear at a very modest level. However, this user-fee approach did not gain the bipartisan political support in Congress needed for success. There was broad bipartisan recognition of the need for these funds and the merits of the proposed state based wildlife conservation, conservation education and wildlife-associated recreation programs, but *not* for the funding mechanism. Through the dedication, creativity and support of you and your sponsoring colleagues you have married these needs with those of coastal habitat and living resource conservation, and a recommitment of Congress to funding the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Act, all from a portion of revenues from gas and oil leases and royalties from the Outer Continental Shelf. We applaud your far-sightedness and appreciate your commitment to addressing all of these needs at the state level.

Before I comment on H.R. 701 and H.R. 798 specifically, let me summarize again for you the needs in the States for wildlife conservation, conservation education and wildlife associated recreation. The Association is currently updating our State-by-State needs assessment, and more specific information should be available soon.

- Less than 10 percent of state fish and wildlife agency funding is available for the conservation of 86 percent of our nation's nongame wildlife species. State agencies have barely enough funding from established game species funding sources to support vital conservation programs. While game species budgets for all 50 states add up to approximately $1 billion annually, nongame programs, lacking a similar dedicated funding source, fall short of $100 million. Thirty-two states operate nongame conservation, recreation, and education programs on less than 5 percent of their fish and wildlife budgets. H.R. 701 will provide the states with the funds to achieve preventative conservation through collecting good information (from fish and wildlife surveys and inventories), implementing appropriate management and habitat conservation endeavors, and retaining the State fish and wildlife agencies ability to work with greater flexibility with private landowners in a non-regulatory, incentive based manner.
- Dwindling fish and wildlife species and habitat directly affect some of the fastest growing forms of outdoor recreation. Wildlife viewing is the number one outdoor activity in the United States and has become a billion-dollar industry. Hiking participation has rise 93 percent and camping 73 percent in the past 12 years. Nature-based tourism is escalating at a higher rate than any other segment of tourism worldwide.

Impressive participation statistics translate into billions of dollars of economic activity each year:

— Wildlife watchers spent $29 billion in state and local economies during 1996, a 39 percent increase over 1991 spending, according to the latest U.S. Fish and Wildlife Service survey.

— Watchable wildlife recreation supports $22.7 billion in salary and wages and more than one million jobs.

- A documented upswelling of interest in conservation education programs is both good news and represents a challenge as state fish and wildlife agencies are hardpressed to keep up with the public demand for technical assistance for private landowners, developers and local governments, informational materials on wildlife, landscaping for wildlife, and requests on where to view wildlife. Innovative wildlife education programs enjoy positive responses, but often lack sufficient funding. Funds under the Conservation and Reinvestment Act will enable all 50 states to support increased recreation and education participation. Local communities will benefit from increased tourism. Nature tourists will extend their stay an extra day or two if they discover more wildlife watching op-

portunities during their visit. Finally, a caring citizenry is essential to the success of all wildlife conservation efforts and maintaining the natural systems that support us.

The Association estimates $1 billion or more in additional funding needs annually for all 50 states for these programs. However, even a half billion dollars will have a significant positive benefit for 2,000 nongame species, as well as benefit many other species as well. Often game and nongame species share the same habitat and both benefit from conservation efforts such as restoring wetlands, stream rehabilitation or habitat restoration.

Funding state conservation, recreation and education efforts together makes economic and social sense. To sustain the growth in nature-based tourism and outdoor recreation requires an investment in our nation's wildlife and land and water base. Particularly, opportunities close to urban and rural communities for fishing, hiking, wildlife viewing and outdoor recreation programs are becoming increasingly important for families and communities. Enhanced conservation education efforts will facilitate better-informed citizens and assure a high quality of life for people and wildlife.

H.R. 701 will provide the appropriate funds to the States to satisfy these very vital needs.

Mr. Chairman, here are the reasons the Association strongly supports H.R. 701.

- H.R. 701 re-commits the United States to a policy of dedicating revenues from the exploitation of non-renewable resources into securing the status of living renewable resources, conserving land and water resources, and providing recreational opportunities for our cities and local communities, through a permanent, indefinite appropriation to fund state-based programs. We appreciate and support the language in H.R. 701 which addresses the question of whether any of these revenues could be a potential incentive to states to encourage more drilling. Your language, we believe, appropriately ensures that no incentive is in the bill and that with regards to drilling in OCS waters, the bill is "drilling neutral."
- H.R. 701 builds on the support the states have relied on for decades from our Nation's hunters and anglers to finance state fish and wildlife programs by broadening this funding support to a permanent, indefinite appropriation from a general revenue source, the leases and royalties on Outer Continental Shelf gas and oil extraction. We support the use of the very successful Pittman-Robertson Act as the means of apportioning the funds to the States under a separate subaccount, to be used for the purposes of enhanced comprehensive fish and wildlife conservation, conservation education, and wildlife associated recreation programs. This is a proven, efficient system.
- H.R. 701 positions the States to avoid the economic and social disruption from listing species as endangered by taking preventative conservation measures early on to address life needs and habitat requirements of declining fish and wildlife species before they reach a level where listing is necessary to protect them.
- H.R. 701 focuses decisions on spending priorities at the local (not Washington) level, where states and communities are in the best position to know what those needs and priorities are. We must facilitate local identification of issues and problem solving, not top-down prescriptive solutions.
- H.R. 701 allows States to work with private landowners in a non-regulatory, incentive-based manner to achieve their land management objectives consistent with good conservation for fish and wildlife species.
- H.R. 701 allows and positions local communities to take best advantage of robust fish and wildlife populations through nature-based tourism opportunities (bird watching tours, hiking tours to natural vistas, etc.) thus providing local economic support to those communities.
- H.R. 701 builds on our citizens' strong sense of stewardship about their land by making them a part of the problem solving and implementation of solutions.
- Through ensuring the conservation of good habitat for fish and wildlife, the programs funded by H.R. 701 will ensure the quality of life for our citizens and future generations, since we all rely on the same life support systems.
- H.R. 701, in addition to wildlife programs, will provide funds for coastal restoration and enhancement programs, wetlands restoration, coastal zone management efforts, and environmental remediation from the impacts of on-shore landing of OCS gas and oil, through the proper location, placement and mitigation of pipelines, roads, and other infrastructures needs.
- H.R. 701 restores certainty to the state-side aspect of the Land and Water Conservation Fund program so that conservation and recreation projects of highest state and local priority are satisfied.

Mr. Chairman, the Association strongly encourages you to make one change in Title III of H.R. 701. In order to appropriately fund programs where the needs are the greatest, we respectfully request that the minimum funding level for a state be raised from 1/2 of 1 percent to 1 percent. This will greatly benefit some of our smaller primarily mid-Atlantic and northeastern states and Hawaii where pressures on wildlife and habitat are great and demands for recreation and education program are high. The apportionment to the other States will be reduced only very minimally, but the benefit will be great to the fish and wildlife resources and citizens in the smaller states. We urge your favorable consideration of that change.

Let me now comment on H.R. 798, the Resources 2000 Act. The Association is encouraged that H.R. 798 has a title that contains provisions for funding to the states for State-based enhanced wildlife conservation. We are also encouraged that H.R. 798 seeks to use certain OCS revenues under a permanent, indefinite appropriation. Finally, as I indicated, we are further encouraged that you and Cong. Miller have both publicly stated your interest and willingness to work together to find common ground between your proposals to move forward towards enactment of a bill this year.

However, we do have several serious concerns about some specific provisions of H.R. 798. First, the OCS source funds in H.R. 798 is limited to only royalties and revenues from wells in Western and Central Gulf of Mexico OCS waters that are producing as of January 1, 1999. We understand that this is the bill sponsors' way of ensuring that this bill is in no way a potential incentive to encourage further OCS drilling, and even though further (after January 1, 1999) OCS exploration and drilling will continue both within and outside of these areas, none of the revenues will go to fund the programs under this bill, rather, they will be deposited in the Federal treasury. We believe that the treatment of the incentive question in H.R. 701 is adequate and appropriate, and the consequence of the H.R. 798 language would be very self-limiting and guarantee substantial reductions over time in the amount of money available to fund conservation efforts. We believe that the price and supply of oil and natural gas is the driving determinant of new exploration and drilling, which is corroborated in the recent Congressional Research Service report on OCS Oil and Gas Leasing and Revenue (IB10005, January 1999).

Our second concern is that the native fish and wildlife conservation and restoration title in H.R. 798 amends the 1980 Fish and Wildlife Conservation (Federal nongame) Act, instead of Pittman-Robertson, and makes $100M–$350M available to the States for native fish and wildlife conservation, starting with $100M and ramping up over six years to $350M. The amendments to the 1980 Act replace the existing "nongame fish and wildlife" language everywhere with "native fish and wildlife," and add an additional purpose to preserve biological diversity by maintaining an assemblage of native fish and wildlife species. The definition of native fish and wildlife could be very problematic because it includes only species that currently or historically occur in an ecosystem, and are not there as a result of introduction. It also gives the Secretary of the Interior final decision authority as to what is a native species. It is virtually impossible to substantiate the origin of many of our indigenous fish species and this definition could exclude spending money on salmon restoration, for example. Also, the restoration of the Eastern peregrine falcon was from a captive-bred source of hybrid North American-European-African peregrine falcons, which under this definition in H.R. 798, would not be eligible for funding conservation activities therefor. It is not at all clear whether a project which would benefit native species plus other species of uncertain origin would be eligible for funding. We doubt that "native" is a workable legal definition because there are hundreds of species whose status as native is uncertain.

Our third concern with this title of H.R. 798 is that, while the elaborate and rather prescriptive planning requirements in the 1980 Act may have been appropriate in 1980, most states have already recognized the need to look comprehensively at the resource base, habitat availability, land use activities, and user demand in their state, and have articulated a strategic plan for the fish and wildlife resources in their state, after due and appropriate public review and participation. We believe that the states do not need to be legislatively directed to do more planning, but are ready and prepared now to spend money on the ground to address conservation needs. Some have responded to these concerns of ours by suggesting that if the states already have a plan, it should facilitate quick approval. Our concerns is that with a fairly elaborate planning process requirement, if any entity disagrees with the Secretary's approval of the state plan, there are enough legal hooks to hang litigation on, which could cause significant delays in getting funds to the State for immediate on-the-ground conservation activities.

Our fourth concern with this title of H.R. 798 is the availability of funds, which start at $100 million and are ramped up to $350M over six years. We know that

our needs are much greater than even $350K and conclude that $100M is simply not adequate to address those needs. Funding commensurate with the States' significant needs should be available from the start-up, as we have outlined earlier in this statement.

Our final concern with this title in H.R. 798 is that the 1980 Fish and Wildlife Conservation Act does not authorize funding for either conservation education or wildlife associated recreation. We have earlier stressed the needs in these two arenas also, and are disappointed that no funds are made available for those purposes in H.R. 798.

Mr. Chairman, let me conclude my remarks by reiterating our strong support for H.R. 701. This could be the most comprehensive piece of conservation legislation in our lifetime. We sincerely appreciate the efforts of you and Cong. Dingell, Cong. Tauzin, Cong. John and the other cosponsors in bringing the legislation to this point, and pledge the support and effort of the State fish and wildlife agencies in working with you to enact this legislation this year.

Thank you for the opportunity to appear before you today and I would be pleased to respond to any questions.

STATEMENT OF SARAH CHASIS, SENIOR ATTORNEY, DIRECTOR OF WATER AND COASTAL PROGRAM, NATURAL RESOURCES DEFENSE COUNCIL

My name is Sarah Chasis and I am a Senior Attorney with the Natural Resources Defense Council (NRDC) and Director of its Water and Coastal Program. I appreciate this opportunity to testify today before the House Resources Committee on H.R. 701, The Conservation and Reinvestment Act ("CARA"), a bill introduced by Chairman Young, and H.R. 798, The Resources 2000 Act, a bill introduced by Congressman George Miller.

My testimony on behalf of NRDC focuses on the Outer Continental Shelf (OCS) impact assistance Title of H.R. 701, The Living Marine Resources Title of H.R. 798, and the OCS revenues used to fund all titles of both bills.

NRDC is a national environmental organization, with over 400,000 members, dedicated to protecting natural resources and ensuring a safe and healthy environment. NRDC has a long history of involvement with the protection of ocean and coastal resources and has worked on a number of coastal and ocean issues, including offshore oil and gas drilling, coastal zone management and marine fish conservation.

In our view, the overarching goal for the coast and ocean title of these bills should be protection and restoration of our nation's fragile, but extremely valuable coastal and marine resources which are increasingly under pressure from a variety of forces. In achieving that goal, 5 principles should be closely adhered to:

- The legislation should provide no financial benefit to states from the lifting of current moratorium or from new leasing or new drilling. This should apply to all titles of the legislation, not just the coastal or OCS Impact Assistance Title.
- The state or local share of money should not be tied to the acceptance of new or closer leasing or drilling.
- Money that goes to the states and local governments must be spent on environmentally beneficial projects.
- There should be Federal agency oversight of how money is spent to ensure compliance with Federal environmental laws.
- Any offsets should not come from existing environmental programs.

These same basic principles are set out in the February 2,1999 letter to Chairman Young and other representatives from nineteen of the nation's major national conservation organizations that is attached to our testimony. This letter states that: "Our organizations are strongly opposed to any financial incentives that promote offshore oil and gas development," identifies incentives included in earlier versions of the legislation and recommends ways of removing them.

H.R. 701, while containing improvements over last year's bill (H.R. 4717), still falls seriously short when measured against the above principles. In contrast, H.R. 798 adheres to these principles very closely. As a result, we support H.R. 798, but must continue to oppose H.R. 701 unless and until the concerns we have raised are satisfactorily resolved. We stand ready to work with the members of the Committee and their staff to do this.

Following is our analysis of the two bills with respect to the principles enunciated above.

H.R. 701, THE CONSERVATION AND REINVESTMENT ACT

REVENUE SOURCE

H.R. 701 includes revenues from new leasing and new drilling as a funding source for all titles of the bill, with one exception. excluded from revenues for Title I ("Impact Assistance Formula and Payments") are revenues from leased tracts in areas under moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

While this latter language represents a definite improvement in the bill, it only affects Title I. In addition, it does not exclude revenues from new leasing and drilling in sensitive frontier areas not covered by the moratorium. The bill thus still falls short of meeting the first principle. The obvious concern is that if the many and varied beneficiaries of this legislation see that it is in their financial interest for new leasing and drilling to occur—in order to provide more funding for the legislation overall and for them in particular—it will erode support for the existing offshore oil and gas moratorium, which currently protects the east coast (with the exception of existing leases off Cape Hatteras), the coast of Florida (with the exception of existing leases off the Florida Panhandle), the central and northern California coast (with the exception of existing leases off the central California coast), Oregon, Washington and Bristol Bay in Alaska. It will also lead to support for new leasing and drilling on existing leases off North Carolina, the Florida Panhandle and central California, as well as in sensitive areas off Alaska—none of which are currently protected by moratoria and many of which, if not all, are extremely controversial.

It is crucial to remember that the moratorium only exist because Congress each year reenacts it as part of the Interior Appropriations legislation. Presently, a one-year COngressional Outer Continental Shelf Moratorium Contained in the FY 1999 Department of Interior appropriations bill precludes the expenditure of funds for new Federal offshore oil and gas leasing in specific coastal areas until October 1, of this year (1999).

This Congressional OCS moratorium prevents new leases for offshore drilling on any unleased tract along the entire U.S. West Coast, the East Coast, portions of Florida, and Bristol Bay in Alaska. Now in its seventeenth year, the moratorium must be renewed each year. As recently as the 104th Congress, the moratorium was removed in the House Subcommittee on Interior Appropriations, and was only narrowly reinstated after a big fight in the full House Appropriations Committee, in spite of strong opposition to the measure by then-chairman Rep. Bob Livingston. There have been previous years in which the OCS moratorium has survived in the House Appropriations Committee by a narrow single-vote margin.

Related actions have been taken by two successive presidents, which supplement, but do not replace, the protection granted by the Congressional moratorium. These "Presidential Deferrals" are political in nature and are not considered to be as dependable in providing assured protection over time. In 1991, former president George Bush announced that he was directing that any further OCS leasing within the areas protected by Congressional moratorium, except in Alaska, be deferred until after the year 2002. No formal executive order was issued by Mr. Bush, and it is considered that any subsequent president could reverse this decision.

DUring the 1999 "Year of the Ocean Conference" in Monterey, California, President Clinton, accompanied by Vice-President Al Gore and four Cabinet Secretaries, announced that they were directing the Minerals Management Service of the Department of Interior to extend the previous Bush OCS deferrals until the year 2012. No formal Executive Order has been issued by the Clinton Administration since this announcement, and it is considered vulnerable to possible policy reversals by subsequent administrations.

Even for Title I, the improvement is incomplete because revenu from new leasing and drilling in sensitive frontier areas not covered by the moratorium would still fund the Title. In addition, it is not clear from the language whether revenues from drilling on existing leases off North Carolina, the Florida Panhandle and Central California would be used to fund Title I. These leases are in moratoria areas but are not covered by leasing moratoria. Drilling on these leases is an extremely controversial issue in each of those states.

To address the problem, the legislation should define the term "Qualified Outer Continental Shelf Revenues" in the definitions section (Section 102) to exclude revenues from new leasing and new drilling after the date of enactment of the legislation, as the Resources 2000 legislation does. This would remove the financial incentive to support new leasing or drilling in moratoria and other sensitive coastal areas.

ALLOCATION OF STATE AND LOCAL SHARES

The legislation ties a state's share of funding under Title I directly to the amount and proximity of OCS leasing and production off its coast. This provides a clear financial incentive to states to accept new leasing and drilling.

Fifty percent of a state's allocable share is dependent on its being within 200 miles of a leased OCS tract. The more production on such tracts and the closer in to shore these tracts are, the more money the state gets. See Section 103 (c)(1) and (2). An improvement in this section of the bill is the exclusion of moratoria tracts from this calculation. Thus, even if moratoria tracts are leased or drilled, a state would not get more money. However, the language is ambiguous with respect to existing leases/production on tracts in moratoria areas. These tracts also should be excluded. Moreover, new leasing and drilling outside moratorium areas, including sensitive frontier areas off Alaska, would still be factored into the allocation formula, thus providing a significant incentive for allowing such activities to proceed.

We believe that the formula for allocating funds under Title I should not be tied to OCS leasing and production, but instead should rest on shoreline miles and population alone. Alternatively, if OCS activity has to be a factor, it should be based on a fixed, flat percentage based on historic OCS activity, not new activity that occurs after passage of the legislation. This would acknowledge states that have suffered OCS impacts to date, without providing an incentive for new leasing, exploration or production.

Another major concern with the bill concerns the method of allocating funds to local jurisdictions. Fifty percent of a state's share goes directly to eligible local political subdivisions. Section 103(E). Eligible political subdivisions are defined to be those that lie within 200 miles of any leased tract (including tracts in moratoria areas). Section 102(6). As a consequence, a locality with OCS leasing off its coast is entitled to share in 50 percent of the state's allocable share, with its share increasing the closer the leased tract(s) are, localities with no leasing are not entitled to any part of the state's allocable share. Obviously, this creates a major incentive for localities to accept new OCS leasing.

To address this problem the definition of eligible political subdivision should exclude tracts leased after enactment. Such tracts should also be omitted from the calculation of how much an eligible political subdivision receives.

USES OF THE MONEY

It is extremely important that funds distributed to state and local governments be used to restore and enhance coastal and ocean resources and not to cause further environmental degradation. For this reason, we strongly recommend that uses be restricted to:

Amelioration of adverse environmental impacts resulting from the siting, construction, expansion, or operation of OCS facilities, above and beyond what is required of permitted under current law;

Projects and activities, including habitat acquisition, that project or enhance air quality, water quality, fish and wildlife, or wetlands in the coastal zone;

Administrative costs the state or local government incurs in approving or disapproving or permitting OCS development/production activities under any applicable law including CZMA or OCLSA; and/or

Repurchase of OCS leases.

The uses of the money authorized in Section 104 of H.R. 701 do not ensure that further environmental degradat10n do not take place. Their focus is not on restoring the environment or ensuring activities do not further degrade the environment. While states may use funds for such purposes, there is no requirement that they do so. Moreover, states and localities would be free to use the money for a huge array of purposes, including promoting more offshore drilling, highway construction and the like.

We urge that our proposed language be substituted for that in the bill, or that the approach taken in H.R. 798, discussed below, be utilized.

OVERSIGHT

To ensure that the Federal dollars are spent responsibly, in an environmentally sensitive manner that complies with Federal law, it is important that there be Federal oversight and approval of state plans for utilization of the funds.

While the legislation requires the states to develop plans for use of the money and to certify the plans to the Secretary of Interior, the Secretary is given no authority to review and approve these plans. In addition, it is the state that determines consistency of local plans with Federal law, not the Federal Government! Section 105(c). The lack of Federal oversight combined with the broad uses to which the

funds may be put and the large Federal dollars involved mean that environmentally damaging projects could well be funded under this legislation.

OFFSETS

It is essential that OCS impact assistance not be funded at the expense of existing environmental programs.

H.R. 798, THE RESOURCES 2000 ACT

We strongly support H.R. 798 because it adheres to the principles we support. It does not provide incentives for new offshore leasing or drilling. The bill specifically excludes revenues from new leasing and production as a funding source for the entire bill. See Section 4(4) definition of qualified OCS revenues.

The bill also does not allocate revenues among states (or local jurisdictions) based on proximity to leased tracts or production.Title VI ("Living Marine Resources Conservation, Restoration, and Management Assistance") makes financial assistance available to coastal states based on coastal population and shoreline miles. Section 602(B)(1).

Finally, the bill requires that Title VI money be spent on the conservation of living marine resources, not on activities that could contribute to further environmental degradation. It provides significant new funding ($300 million) specifically for marine conservation.

We recommend that consideration be given to having some portion of the money under Title VI go to help fund existing underfunded marine and coastal conservation programs, such as coastal zone management, marine sanctuaries, and essential fish habitat protection. A portion of the funding under this title could be used to assist in achieving the goals of at least some of these programs; however, it would not appear to directly fund them. Similarly, we would like the opportunity of working with Congressman Miller and the Committee on the standards that apply to the state conservation plans to ensure that these plans are effective as possible and on ways to encourage states to move from the planning phase to the implementation phase expeditiously.

We appreciate this opportunity to testify and look forward to working with the Committee on this important legislation.

National OCS Coalition
Box 583, Bodega Bay, CA
<waterway@monitor.net>

Dear Representative,

On behalf of the National Outer Continental Shelf Coalition, we urge caution as you carefully evaluate pending offshore oil and gas revenue initiatives prior to associating yourself with them as a co-sponsor or supporter.

The recently-introduced House version of the Conservation and Reinvestment Act (H.R. 701), unfortunately, raises many of the same concerns identified in the attached letter sent to Representative Don Young by leading conservation groups prior to the bill's introduction. While making some improvements over last year's bill, the legislation continues to contain incentives for new offshore oil leasing and drilling adjacent to sensitive coastal areas, including those traditionally protected by congressional moratorium provisions.

The Conservation and Reinvestment Act would funnel revenues from new leasing and drilling off sensitive coastal areas, including areas currently protected by the offshore oil and gas moratorium, into Titles II and III of the bill. This would have the effect of weakening the current broad support for protection of some of America's most treasured shoreline.

In addition, financial incentives are included in Title I that encourage states and local governments to accept new and closer leasing and drilling off their coasts in order to gain a greater share of the funds. Finally, the uses of the money under Title I are still so broadly defined as to permit environmentally damaging projects to proceed.

Absent improvements necessary to address these concerns, we encourage you not to support H.R. 701.

Thank you for your consideration of this matter.

Sincerely,

Richard Charter
Co-Chair, National OCS Coalition

Mark Ferrulo
Florida Public Interest Research Group

Michael McOwen
LegaSea North Carolina

Barbara Jeanne Polo
Political Director, American Oceans Campaign

Andrew Palmer
People for Puget Sound

Dave Raney
Sierra Club Hawaii Chapter

Bruce Monroe
Sierra Club California
Ramsar Wetlands Task Force

Carwil James
Greenpeace USA Climate Campaign

February 12, 1999

Dear Representative:

Thank you for your continuing dedication to the protection of America's sensitive coastal areas from the dangers of offshore drilling.

The undersigned coastal and ocean protection groups and fishing industry representatives are writing to strongly endorse the attached letter from the Nation's leading conservation organizations. This letter raises serious concerns regarding the consequences associated with specific Outer Continental Shelf (OCS) impact aid legislation that was introduced in the last Congress. These same concerns apply to the recently introduced S. 25, also known as the Conservation and Reinvestment Act, as well as to a similar House version of the Conservation and Reinvestment Act.

We particularly object to the incentives for new offshore drilling contained in these proposals. The future of many of America's most important coastal ecosystems is at stake in this discussion, including the East Coast of the United States, large portions of the California coast, the shoreline of Washington and Oregon, Bristol Bay in Alaska, and portions of the Gulf coast of Florida--areas that have been protected by annually-enacted congressional OCS Moratorium provisions.

In the context of the abovementioned legislative proposals, it is important to note that North Carolina's Outer Banks, the Florida Panhandle, pristine wildlife habitats in remote "frontier" coastal areas of Alaska, and the nearshore waters off of Central and Southern California are all currently threatened by plans for new drilling rigs.

Because of legitimate concerns with these legislative proposals as currently drafted, we ask that you oppose S. 25 and other similar legislation unless and until the problems related to incentives for new OCS activities spelled out in the attached letter are addressed.

Thank you for your kind attention to this matter.

Sincerely,

Bob Shavelson
Cook Inlet Keeper
Homer, AK

Gershon Cohen, Project Director
Campaign to Safeguard America's Waters (C-SAW)
Haines, Alaska

Donald P. Gagnon, Chairman
Citizens League for Environmental Action & Recovery (CLEAR)
Manville, RI

David Pringle, Campaign Director
NJ Environmental Federation

Polly Bradley, Director
Safer Waters in Massachusetts (SWIM)
c/o Northeastern University Marine Science Center
East Point Nahant, MA

Phyllis Koenings, Administrative Director
Assateague Coastal Trust
Berlin, MD

Sandra J. Weston, President
Fulton Safe Drinking Water Action Committee (FSDWAC)
for Environmental Concerns, Inc.

Tom FitzGerald, Director
Kentucky Resources Council, Inc.
Frankfort KY

Caroline S. DuBois, Water Quality Coordinator
Action for the Preservation and Conservation
of the North Shore of Long Island
Oyster Bay, NY

Nina Bell, J.D., Executive Director
Northwest Environmental Advocates
Portland, OR

Andrew Palmer
People for Puget Sound
Seattle, WA

Mary Jamin Maguire, Vice President
Mississippi Corridor Neighborhood Coalition
Minneapolis, MN

Frances Gumninga, President
Bottineau Citizens In Action
Minneapolis, MN

Randy Kouri, Co-chair
Home Owners on the Mississippi for the Eco-system
Minneapolis, MN

Mississippi Corridor Neighborhood Coalition
Minneapolis, MN

Alexander Stone, President
ReefKeeper International
Miami, FL

Rosalie Shaffer
Northwest Group Sierra Club
Florida Chapter
Panama City, FL

Ken Linderman, Ph.D.
Coastal Research & Education, Inc.
Miami and Jupiter, FL

Sylvia M. Gregory, Issues Chairman
Peninsula Conservation Center Foundation
Palo Alto, California

Vicki Nichols
Executive Director
Save Our Shores

Barbara Vlamis, Executive Director
Butte Environmental Council
Chico, CA

Patricia W. MCCoy, President
Southwest Wetlands Interpretive Association
Imperial Beach, CA

Pamela Netzow, Chair
Russian River Environmental Forum
Santa Rosa, CA

Tom Yarish
Friends of the Esteros
Mill Valley, CA

Susan Jordan
League for Coastal Protection
Los Angeles, CA

Nadananda, President
Friends of the Eel River
Garberville, CA

Eleanor Lewallen, Director
Ocean Protection Coalition
Mendocino, CA

Arthur Feinstein, Executive Director
Golden Gate Audubon Society
Berkeley, CA

Sally Ann Lentz, Executive Director
Ocean Advocates

· American Oceans Campaign · Center for Marine Conservation · Defenders of Wildlife · Environmental Defense Fund · Friends of the Earth · Izaak Walton League · National Audubon Society · National Environmental Trust · National Parks and Conservation Association · National Trust for Historic Preservation · National Wildlife Federation · Natural Resources Defense Council · Physicians for Social Responsibility · Rails to Trails Conservancy · Scenic America · Sierra Club · The Trust for Public Land · United States Public Interest Research Group · · The Wilderness Society ·

February 2, 1999

Dear Representatives Young, Dingell, John, and Tauzin:

We are writing regarding H.R. 4717, the Conservation and Reinvestment Act of 1998, which you introduced on October 7, 1998. As leaders of America's largest environmental and conservation organizations we have a strong interest in the issues addressed by H.R. 4717.

Our organizations strongly support the objective of establishing a secure long term source of full funding for the Land and Water Conservation Fund (LWCF), as well as for state conservation efforts for non-game fish and wildlife species. We appreciate the leadership role that you have taken to secure such funding.

There continue to be critical issues of concern to us in the bill. This letter outlines proposed changes to the bill to address those concerns. We stand ready and willing to work with you to resolve our concerns. Without these changes, however, we believe that your bill would result in environmental degradation at the same time it is trying to promote environmental restoration.

As you know, our organizations are strongly opposed to the establishment of any financial incentives that promote offshore oil and gas development, as well as the blanket distribution of federal funds to certain states as provided for under Title I, the "OCS impact assistance" title. H.R. 4717 provides financial incentives to states and local governments to accept offshore oil and gas activities in at least two ways.

First, revenues for all three titles of the bill would come from existing and new leases. This will create an incentive for all states that would benefit from any of these titles to support new leasing as well as development on existing leases to increase the amount of money available to them. The effect of this will be to undercut political support for existing moratoria on OCS activities. It is important to emphasize that these moratoria are not permanent and can be revoked at any time by Congress.

In addition, the allocation formula in the impact aid title (Title I) ties 50% of a state's allocation directly to proximity to OCS production, providing a financial incentive for coastal states to promote offshore oil and gas production. The bill further requires that 50% of a state's allocation

be paid to local governments that are within 200 miles of OCS leased tracts, with the allocation increasing the closer the locality is to the leased tracts. This creates a substantial incentive for local governments to support new leasing and production off their coastlines and sends the message to communities that they will have to trade off their judgment as to the welfare and environmental protection of their communities for federal funding.

Besides incentives, there are other equally problematic issues with Title I.

It is well documented that OCS development has had major impacts on the coastal and marine environments of several states. H.R. 4717 does not, however, require that states actually use the money to ameliorate those impacts, and indeed would allow states to use the funds to subsidize environmentally harmful activities. H.R. 4717 requires no federal government oversight of how states spend federal funds distributed under Title I, including no federal government review to ensure that funds are spent in a manner consistent with federal environmental laws. Finally, we remain concerned about the source of the funds that will be needed to finance H.R. 4717 due to the requirement for funding offsets.

We recommend the following changes that would resolve these concerns, and would welcome the opportunity to work with you to that end.

1. Revenues for all three titles should not include I) any bonus bids from new leases or ii) revenues from new production on existing leases outside the Western and Central Gulf of Mexico. There are a number of areas (North Carolina, the Florida Panhandle, Central and Southern California, Alaska) which are currently subject to leasing moratoria or are of great environmental concern, but where production on existing leases is underway or being pursued. Including revenues from these areas, or from new leases, will provide incentives for states to support OCS activities in those areas in order to increase the amount of money available under all three titles of the bill.

2. Allocation of revenues in Title I should not tie allocation of revenues to OCS activities or proximity thereto, especially not to OCS activities commenced after enactment of the legislation. Instead, revenue allocation should be tied only to shoreline miles and/or population. If there has to be a tie to OCS activity, then, in addition to shoreline miles and population, we recommend that the allocation formula include a flat, static percentage allocation based on past leasing and/or production. This would acknowledge states that have suffered OCS impacts to date, without providing an incentive for new leasing, exploration or production.

3. Uses of Title I funds should be conditioned so that states cannot spend the funds on projects or activities that could do extensive environmental damage.

Uses should be restricted to:

I. amelioration of any adverse environmental impacts resulting from the siting, construction, expansion, or operation of OCS facilities, above and beyond what is required of permittees under current law;

ii. projects and activities, including habitat acquisition, that protect or enhance air quality, water quality, fish and wildlife, or wetlands in the coastal zone;

iii. administrative costs the state or local government incurs in approving or disapproving or permitting OCS development/production activities under any applicable law including CZMA and OCSLA; and/or

iv. the repurchase of OCS leases.

4. Oversight and accountability should be built in. States (on behalf of themselves and their local governments) should be required to submit annual applications for impact aid. In those applications, states should be required to demonstrate environmental damage or costs pursuant to (3) above, present detailed proposals for how impact aid will be used, demonstrate how such plans will benefit the natural environment of the coastal zone and be consistent with CZMA, CWA, and other environmental laws. Control and distribution of impact aid funds should reside with NOAA and/or EPA, not the Interior Department. NOAA and/or EPA should have the authority to review and approve in advance the annual plans proposed by each state and local government to ensure that the money will be used for the purposes above, will not be inconsistent with the CZMA, CWA or other environmental statutes, will benefit the coastal environment of the state and are well-justified in terms of demonstrated need, design and proposed manner and cost of implementation. NOAA and/or EPA must also be required to monitor implementation of the plans.

5. Offsets for the entire bill must be specified. To our knowledge, no one has indicated where the over $2 billion required to fund H.R. 4717 would come from. Presumably, some portion or all of this sum would be required to be offset elsewhere in the federal budget. Non-defense discretionary budget lines that include virtually all natural resource and environment programs are likely targets. These programs and the agencies that administer them already suffer from chronic underfunding. OCS impact aid should not be funded at the expense of essential existing environmental programs.

We also have concerns with other aspects of the legislation. In Title II, we would like to see full funding for both the federal and state LWCF (i.e., $450 million for each) and elimination of the requirement that at least two-thirds of the federal LWCF be spent east of the 100th Meridian. In addition, we are opposed to the apparent requirement that acquisition expenditures over $1 million, even for federal projects already authorized by Congress, receive the Committee's concurrence each year. We urge you to delete this duplicative requirement.

We are grateful for your efforts to secure permanent funding for the Land and Water Conservation Fund (LWCF), a cornerstone of American conservation, responsible for the acquisition of nearly seven million acres of park land, refuges, and open space and 37,000 state park and recreation projects. We greatly appreciate your efforts to ensure that H.R.4717 maintains the original intent of the act to provide an integrated approach to conservation by including
permanent funding for both the federal and state-matching grants components of LWCF. Needless to say, we believe that a fully and permanently funded LWCF, which addresses critical federal, state, and local needs, is essential if we are to ensure that our children inherit an American landscape and lifestyle to which they are entitled.

As you know, the nation today has a $10 billion backlog in federal land acquisition needs that includes areas critical to conserving wetlands, watersheds, and wilderness, protecting refuges and habitat, preserving important historic and cultural sites, and providing trails and open spaces for outdoor recreation. These are places that, if not protected now, could be lost forever.

In addition, as the nearly 200 ballot initiatives protecting open space that voters approved in the November elections demonstrated, urban and suburban sprawl and the loss of open space across the country have become primary concerns for communities with current funding not adequate to thwart the march of unwanted development and conservation of valuable natural resources.

Because of this tremendous need, we believe that the funds provided for LWCF and the Urban Parks and Recreation Recovery (UPARR) program, while significant, must be increased. We firmly believe that LWCF must be fully funded at its authorized level and that the amount for UPARR should be over and above the $900 million for LWCF. We also support the provisions made to fund UPARR but wouldprefer that program be funded with $150 million on its own rather than out of LWCF. In addition, we would like to see the Historic Preservation Fund funded at its full level of $150 million. Together these three complimentary funding sources have left a significant legacy and can help local and state governments achieve community restoration and smart growth in the 21st century.

As we mentioned earlier in this letter, we are also extremely concerned about two items in the current version of Title II that raise serious concerns because they represent a significant departure in the letter and spirit of LWCF. If not properly addressed, we believe these provisions would represent a step backward — and not forward — for conservation and open space protection. First, Regarding the distribution of LWCF funds (which already is contemplated under current law) we believe the requirement that two-thirds of these funds be spent east of the 100th Meridian would restrict the flexibility Congress will need in any given year to address future priorities wherever they occur. Second, the apparent requirement that federal LWCF acquisitions over $1 million receive separate congressional approval before they can receive funding is duplicative, unnecessary and time-consuming, as this activity is already authorized in various federal statutes. We also believe that both of these limitations on spending included in the bill may result in unforeseen obstacles and unnecessary delays for high-priority projects and willing-seller landowners.

We have the following additional concerns with Title III, the wildlife funding title. Your bill fails to ensure that funding provided for state wildlife conservation programs is adequately dedicated for nongame species conservation. Nongame species - those that are not hunted, fished, or protected under the Endangered Species Act - are declining at an alarming rate. Game fish and sport wildlife are supported through excise taxes paid by hunters and anglers, but comparable financial support for nongame species is lacking. Ensuring that Title III funds are adequately dedicated for nongame species conservation programs would help to remedy that problem.

While we have concerns about the adequacy of dedication for non-game funding, we support your bill's funding level of 10% of the overall OCS percentage for non-game wildlife programs. The funding needs for these non game conservation efforts are substantial.

In addition to the funding provided for state nongame conservation programs, we strongly urge you to provide additional dedicated conservation funding for those plants and animals most in need - endangered and threatened species. Our recommendation is to dedicate an additional $100 million annually from OCS revenues to the U.S. Fish and Wildlife Service for the purpose of implementing a private landowner incentives program for the recovery of endangered and threatened species.

Thank you for considering our views on H.R. 4717. We would welcome the opportunity to work with you, before you reintroduce the bill, to resolve these concerns. Please keep in mind that we cannot support this bill if these crucial concerns are not addressed.

Sincerely.

John Adams
President
Natural Resources
Defense Council

Brent Blackwelder
President
Friends of the Earth

David Burwell
President
Rails to Trails Conservancy

Philip Clapp
President
National Environmental Trust

John Flicker
President
National Audubon Society

Paul Hansen
Executive Director
Izaak Walton League

Gene Karpinski
Executive Director
US Public Interest
Research Group

Thomas C. Kiernan
President
National Parks and
Conservation Association

Fred D. Krupp
Executive Director
Environmental Defense Fund

Meg Maguire
President
Scenic America

Roger McManus
President
Center for Marine Conservation

William H. Meadows
President
The Wilderness Society

Richard Moe
President
National Trust for Historic Preservation

Robert K. Musil, PhD
Executive Director
Physicians for Social Responsibility

Carl Pope
Executive Director
Sierra Club

Will Rogers
President
The Trust for Public Land

Rodger Schlickeisen
President
Defenders of Wildlife

Mark Van Putten
President and CEO
National Wildlife Federation

David Younkman
Executive Director
American Oceans Campaign

STATEMENT OF MAYOR SAM KATHRYN CAMPANA, CITY OF SCOTTSDALE, ARIZONA, AND VICE CHAIR, U.S. CONFERENCE OF MAYORS, ARTS, CULTURE, AND RECREATION COMMITTEE

Mr. Chairman, members of the Committee, on behalf of the 1,100 cities represented by the U.S. Conference of Mayors, I want to thank you for this opportunity to appear before you today to present testimony supporting the increased funding for the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Program (UPARR).

For far too long the Federal Government has not fulfilled the commitment it made over 30 years ago when it created the Land and Water Conservation Fund program to ensure that all Americans would have access to nearby park and recreation resources. We applaud the leadership of you, Mr. Chairman, in forging a bipartisan bill that would restore funding to the stateside program of the Land and Water Conservation Fund and the UPARR. We also applaud the Ranking Minority Member, Congressman George Miller for his passionate leadership on this issue for many years and for the proposals he had made in his legislation.

The benefits the Land and Water Conservation Fund and UPARR can deliver to local communities and neighborhoods across this great nation are endless. Urban parks, recreation areas, and open space are critical to the vitality of our nation's cities and the citizens we serve. Urban sprawl is threatening our natural open space, the demand for parks has skyrocketed, and the backlog of necessary maintenance and repairs continue to grow. The Land and Water Conservation Fund and UPARR will help provide for the park down the street where parents play ball with their sons and daughters, where toddlers explore a playground, where the neighborhood soccer team practices, where teenagers can go just to blow off steam, and where seniors can walk along the park paths.

In my hometown of Scottsdale, Arizona, several examples of the direct community benefit resulting from the Land and Water Conservation Fund exist. As I travel through Scottsdale, I don't have to go to far without encountering these community amenities. For example, the Land and Water Conservation Fund provided funding for the park where Scottsdale's first community swimming pool is located. Since then Chestnut Park neighborhood park, Eldorado Park's Lake, Jackrabbit Park, Scottsdale Bikeways, Chapparral Tennis Court Lighting, and Vista Del Camino Spray Pads, were funded in part through Land and Water Conservation Fund. Scottsdale received 20 Land and Water Conservation Fund grants from 1965 through 1984, totaling $2.1 million, and leveraged these funds into $4.4 million. In Arizona alone, $46 million of Land and Water Conservation Fund accounted for $92 million of projects since the inception of the fund. These are only small examples of the many worthy projects throughout the country that have been supported by Land and Water Conservation Fund.

Without question, the greatest current concern of the Scottsdale community, however, is the preservation of thousands of acres of pristine Sonoran Desert and mountains that are undeveloped and lie within Scottsdale City limits. Our citizens were so committed to preserving this beautiful land that in 1995, they took the unprecedented step of approving by a wide margin a .2 percent sales tax increase to preserve over 16,000 acres of the scenic McDowell Mountains and Sonoran Desert.

Three years later, 80 percent of the proposed area has been preserved, using $132 million in voter-approved sales tax dollars. In November, the Scottsdale community overwhelmingly approved another measure to expand the current preserve boundary by 19,000 acres. Clearly, the preservation of this unique open space—with its scenic desert, majestic mountains, stately Saguaro cactus, and energetic wildlife—is a natural resource that Scottsdale citizens want to leave as a legacy for future generations.

We urge you to revitalize the Land and Water Conservation Fund and UPARR programs, so that these Federal dollars can be matched with millions in local dollars. When the nation's mayors gathered for our 66th Annual Conference of Mayors last June in Reno, Nevada we unanimously passed a resolution in support of full funding of the Land and Water Conservation Fund and the UPARR programs.

While we strongly support funding for the stateside program of the Land and Water Conservation Fund and the UPARR program as called for under H.R. 701 and H.R. 798, we also encourage Congress to allow cities to apply directly for these funds rather than relying on the states to pass them through. In addition, we would ask you to allow UPARR funds to be used for land acquisition and maintenance of local parks and recreation programs.

In closing, I want to pass along a theory to which local officials subscribe. Former U.S. Conference of Mayors President and Knoxville Mayor Victor Ashe is fond of saying that our most important park is not Yellowstone, but the one down the street

that serves our children every day. The importance of our parks and open spaces cannot be underestimated.

The state and local assistance program of Land and Water Conservation Fund and UPARR are two resources we should pursue and utilize so that all Americans can continue to enjoy our nation's wonderful natural resources, and the outdoors.

On behalf of the U.S. Conference of Mayors, we thank you for your interest in the revitalization of the Land and Water Conservation Fund and the UPARR programs and offer any assistance we can provide as you draft this important legislation.

Thank you for the opportunity to appear before you today.

STATEMENT OF PAUL W. HANSEN, EXECUTIVE DIRECTOR, IZAAK WALTON LEAGUE OF AMERICA

Mr. Chairman and members of the House of Representatives Committee on Resources, My name is Paul Hansen; I appreciate the opportunity to present the views of the Izaak Walton League of America on the Conservation and Reinvestment Act and the Resources 2000 Act. These legislative proposals, taken together with other similar proposals being considered in the Senate and along with the administration's Lands Legacy initiative, offer a truly historic opportunity to significantly advance the conservation of important natural resources. The Izaak Walton League is now in it 77th year of grassroots conservation work. We have 50,000 members and supporters throughout the country working in their local communities and on national conservation and environmental issues in over 325 chapters. It is our members who set our conservation policy and it is on their behalf that I provide these comments.

In our view, this is an especially critical and auspicious time to secure a reliable, long overdue financial commitment to our nation's natural resources. At the brink of a new millenium, with a strong and vibrant national economy producing budget surpluses at the Federal and state levels and with bipartisan support in both houses of Congress—now is the time to get it done. The legislative proposals that are the subject of this hearing demonstrate exactly the kind of leadership, determination and cooperation necessary to accomplish this task. I want to share with you my wish and that of our members to see all parties working together with the singular goal of achieving a major victory for natural resources in this session of Congress. We are deeply committed to working with you and others to that end.

I am especially pleased, as you requested, to address the League's interests with respect to the Land and Water Conservation Fund (LWCF) provisions of these bills. The League has a long and abiding interest in LWCF. You may know that Joe Penfold, a former Conservation Director of the League, conceived of this program 35 years ago as part of his participation on the Outdoor Recreation Resources Review Committee. Our members fought hard for it then, and LWCF has had our determined and continuing support. However, League members have been over the years equally distressed to watch as the original promise of this program was robbed year after year in the appropriations process. We have watched in dismay as $13 billion of important land conservation efforts have gone umnet while these funds were diverted for unintended purposes. I cannot overstate the importance to our members of full, permanent funding for this program.

LWCF is a critical conservation tool that supports land stewardship in two ways. It provides for acquisition of Federal lands to complete National Wildlife Refuges and create important new refuges. These special lands are crucial to maintaining the nation's abundant wildlife resources. Much of the good that should flow from the recent passage of the organic act for the National Wildlife Refuge System will not be realized without a fully funded LWCF. We appreciate the pivotal role played by the leadership of this Committee in crafting and passing that landmark legislation—a model for the current effort before us.

Other systems of Federal lands rely equally on LWCF to complete acquisition within their authorized boundaries and purchase in-holdings from willing and often eager sellers.

Some of these willing sellers have been waiting for some time for provision of sufficient financial resources to accommodate their sales. Federal acquisition needs also include new lands of special conservation value. It is often not possible to predict when these lands will become available thus management agencies must have flexibility to respond to opportunities as they arise—this includes readily available financial resources.

Our systems of public lands are assets of immeasurable value that we can and must pass on to future generations. They are the envy of the world and draw tour-

ists from every part of the world to see and enjoy. Without securing, conserving and expanding these land resources, we foreclose future opportunities for our children and theirs as they seek to exercise wise stewardship of the legacy they will inherit.

We fully support expanding Federal ownership of lands in the eastern half of the country. Expanded public lands would increase opportunities for outdoor recreation where demands from burgeoning population centers is high and fragmentation of natural habitats is impacting wildlife populations as well as wildlife-dependant recreation. In fact, League members are now working aggressively to restore a portion of the original 50,000 acre Grand Kankakee marsh, on the border of Indiana and Illinois, now designated as the Grand Kankakee Marsh National Wildlife Refuge. This is a hugely important wetland restoration effort that would have major, far-reaching benefits for resident and migratory wildlife alike. Its ultimate success will depend on the LWCF.

We understand the concern of western states regarding Federal land acquisition especially where some states already have large portions of their acreage in Federal ownership. However, we are concerned about the provision in Sec. 202 of H.R. 701 requiring that two-thirds of funds for Federal acquisitions be spent east of the 100th meridian. This provision creates an unwise, and we think unnecessary, restriction that could well result in lost opportunities to conserve important and critical western land resources. The Payment in Lieu of Taxes provision in Title II should alleviate some of the concerns relating to the financial impact of increased Federal land ownership in these states. We should also acknowledge that these public lands provide an economic resource to states and local communities. They contribute to the quality of life that draws visitors from around the country who support many local economies whether from hunting and fishing, other forms of outdoor recreation. Or simply vacationing.

LWCF also provides for important state conservation and outdoor recreation needs. Funding for this part of LWCF has been particularly neglected in recent years. The stateside program can provide resources that states and localities need to help control and mitigate for urban sprawl. Sprawl, with its consequences to quality of life, is a growing concern across the country, a trend clearly identified in the last election cycle. Sprawl is, as shown in a study we just released, an important limiting factor to hunter access and other wildlife-dependent recreation. Copies of this report have been provided for the Committee members and an Executive Summary is appended to this testimony.

Time is against us in the battle to wisely manage land use and conserve open space across our country. Planning options for local communities increasingly are foreclosed. Now is the strategic time to address this problem, and financial resources must be provided to help. Once converted to developed uses, open space is lost and with it the wildlife and other amenity values it supports.

For the record, it is fair to say that given a choice between the funding level provided for LWCF in H.R. 701 and H.R 798, we would predictably choose the latter which provides more funding for both the Federal and state sides of the program. The need will continue to out-strip available resources. Every conservation dollar is important.

For many years, the League has worked with groups around the country to secure a dedicated funding source for state fish and wildlife agencies. The agencies need these funds primarily for non-game wildlife management. This category of wildlife, unlike game and threatened and endangered species, has no specifically directed funding. We continue to feel that the Teaming With Wildlife funding mechanism that called for a small excise tax on outdoor equipment would have addressed an equity issue. Hunters and anglers have for decades willingly paid such a tax on their equipment and continue to provide the vast majority of funding for state fish and wildlife agencies. While we regret the loss of an opportunity to create equity in funding for wildlife, we do fully support the principle of reinvesting revenue from non-renewable resources in renewable natural resources—the concept embodied in LWCF and as provided for in these bills.

The need for financial support of state fish and wildlife agencies is well documented. Support is long overdue, both from within the states and from a dedicated Federal source. We believe that Federal aid is a critical and appropriate component. Wildlife is oblivious to political boundaries. While states have a statutory responsibility for managing most wildlife, these populations can and do cross boundaries and are a part of the nation's commonly held assets. All citizens have an interest in the wellbeing of wildlife populations, regardless of geography.

The states have the lion's share of responsibility to provide for the needs of wildlife under their stewardship. With a few notable exceptions, they have not met this responsibility. Twenty-one states currently contribute no general or dedicated funds to their fish and wildlife agencies, and another twenty-one provide less than 20 per-

cent (based on fiscal 1995 data). These agencies are supported entirely by license fees and existing Federal aid programs—this at a time when nearly every state is experiencing a budget surplus. We are about to release a report detailing the relationship between economic benefits derived from and state reinvestment in fish and wildlife conservation. We will see that members of this Committee receive a copy of that report.

The state matching provisions in Title III, Sec. 305(d) of H.R. 701 should provide a positive incentive for states to do better. However, we feel that the proposed 90:10, Federal:state initial matching ratio misses an opportunity. We would encourage a matching requirement on the order of 25 percent at the outset in order to challenge the states to do their fair share consistent with existing formula—not a Federal giveaway, but a partnership for wildlife. It is equally important that state matching funds not be diverted from existing fish and wildlife agency programs.

Amending the existing Pittman-Robertson, Federal Aid in Wildlife Restoration Act to provide for allocation of these new funds to the states makes good sense, and the distribution formula is equitable. Our current Federal aid programs have a long track record of achievement and effective operation, and we support that approach for handling the distribution of this new revenue.

With regard to Title I of H.R. 701, we continue to be concerned that the issue of possible incentives for increased oil and gas development is adequately addressed. We have been reassured with statements by the bill's sponsors' expressing their similar intentions. We remain willing to continue cooperative efforts to resolve this matter in bill language.

Lastly, given the realities of budget constraints, we want to reiterate our opposition to seeking any budget offset that may be necessary from other important programs in Function 300—Natural Resources and Environment. Robbing Peter to pay Paul is not an acceptable solution.

Mr. Chairman and members of the Committee—let me end by challenging all of us to set aside politics and organizational and personal agendas to work together on this important initiative. We have a unique and fragile window of opportunity to accomplish a historic conservation measure. If we do it boldly, not shrinking from the size of the task or magnitude of the financial need, and if we do it right, not trading one valued resource for another, then we can do it now—and in a way that will allow us all to celebrate together.

Thank you for your attention.

STATEMENT OF HURLEY J. COLEMAN, JR., WAYNE COUNTY DIVISION OF PARKS, WESTLAND, MICHIGAN

I have wrestled with the best way to introduce my comments for this testimony, primarily because I am somewhat intimidated by the magnitude of this moment, and also because I have longed to be here doing just this for many years. I have been involved in the provision of leisure services for the past 23 years as a graduate of Eastern Michigan University. I walked out of college knowing that the career path I had chosen would give me the chance to make a difference in peoples lives.

I chose public parks and recreation because I believed then, as I do now, that of all of the services that local government provides, recreation is the only one that touches people directly and personally. It is the service of choice, the creator of memories, and the barometer of the quality of life.

I presently serve the sixth largest county in the United States. We are celebrating an 80 year history of providing leisure service to the residents of Wayne County. This history is there only because of a few pioneering visionaries who determined that to set aside park lands for the future was important. This sentiment can be echoed throughout the country, especially in our urban areas where the only park lands are those acquired through donations or grants.

The Land and Water Conservation Fund and Urban Park and Recreation Recovery Program can be found at the center of the development of many of the great facilities in many areas of the country. In most of the major cities, parks programs were enhanced only when a source of funds outside of the normal financing process was identified. The evidence of this is the overwhelming number of grant applications to every dollar that is available, whether through Federal, state, private, or foundations.

I took the opportunity to talk with some of my peers throughout the country and, quite frankly, was not surprised to find that most of us have the same opinion. In communities all across the country, large and small, city and county, regional and state parks systems; we all find ourselves in competition for funding with other agencies within our organizations. Many of us have the constant baffle to validate

investment in recreation in comparison to commitments to public safety. It has even become fashionable to use terms like prevention and alternatives when describing law enforcement, when this is really the natural domain of the parks and recreation profession. It is the local recreation program that identifies the leadership qualities of the gang member and redirects it to a positive use, that mines the caves of the shy and withdrawn and inspires great talent. The most effective deterrent to negative leisure pursuits is the infusion of positive programming. The most aggressive deterrent to the negative social elements in a park is a family picnic.

Nowhere is the impact of recreation more visible than in the local, county, and state parks. It is these areas that the study commissioned in 1985, by President Ronald Reagan's COMMISSION ON AMERICANS OUTDOORS, identified as the opportunity of first response to educate, break barriers, and enhance appreciation of the nation's natural resources. In fact, a great parallel was drawn showing that the recreational desires of residents of rural, suburban, urban areas was essentially the same. These desires changed with the cultures and exposures, but had the same essence of enjoyment at heart.

This should come as no surprise, especially in these days of expanding urbanization. It is no secret that the definition of urban has changed significantly over the recent years. During this time period, the recognized value of greenspace as a component of healthy community environments has become a staple in community planning.

In the late 1850's, when the Olmstead tradition of New York's Central Park became the icon of green space protection, the other major cities were following suit, Philadelphia's Fairmount Park, Chicago's South Park, and Detroit's Belle Isle were representative of good government leadership in providing for regional type facilities. This effort was followed by the development of playground in Boston and other large cities that recognized the need for recreation for urban youth.

The growth of communities throughout the country followed the recipe of big cities, with large regional parks and smaller recreation programs on a localized basis. These were funded through gifts and donations. The communities were not providing services consistently until after World War II. Between the years of 1951 and 1974, the country experienced both explosive growth in services, however, it also became apparent that many of the older facilities were beginning to show deterioration and lack of investment. Communities were struggling to provide basic services as their audiences grew by leaps and bounds. It was evident that some assistance was necessary for these critical needs. Several agencies engaged in study of the situation and the following reports were produced:

1962-OUTDOOR RECREATION RESOURCES REVIEW COMMISSION REPORT established the Bureau of Outdoor Recreation (BOR) and the Land and Water Conservation Fund(LWCF).

1970-BOR produced *THE RECREATION IMPERATIVE,* the first nationwide outdoor recreation plan. Supported by a special study of urban recreation in 1972 by HUD, this report suggested that "up to 75 percent of the LWCF could be used to support the day use of major urban areas and at least 30 percent of the funds should serve the central city needs." This recommendation was not followed with action, but with more studies.

1963-Department of Interior published the *NATIONAL URBAN RECREATION STUDY,* which chronicled serious deficiencies in urban recreation nationwide, within the most serious needs in the inner cores of the nations largest cities which had demonstrated an inability to meet these needs without outside assistance.

I could continue with this mantra of painful recitations with studies that are as recent as last year, with much of the same results. However we find ourselves with an unprecedented opportunity. We, you, have the chance right now to take the place of the visionaries of the past and support a process that will provide for development, renovation, and enhancement of critical recreation resources in important living spaces throughout this country.

A great value of the LWCF and UPARR funds is the fact that local agencies must make an appropriate commitment to the investment to take advantage of the funds. Most projects would only take place if there were dollars available outside of the normal funding process. These funds, along with local match, make for the most successful return on investment that government can make in the quality of life of the citizens of this country.

A great example of this can be found in Wayne County, Michigan. The largest city in the county of Wayne is the City of Detroit. For it's entire eighty year history, Wayne County, as a result of it's development, only provided park facilities in suburban areas. This cannot be considered a criticism, considering that all of the parks had been donated or acquired as a result of county road development and expansion.

The Wayne County Parks restoration story is a unique one, but significant to the moment because it included an effort, for the first time in it's history, to develop a dedicated source of funding. Part of this plan included a proposal to invest a substantial amount of the millage proceeds in the City of Detroit. The project was identified when City of Detroit Parks and Recreation Director Ernest Burkeen and I talked about possibilities in the city.

Chandler Park is one of the oldest and largest parks in the city and rests in one of it's most impoverished areas. The park is bordered by one of the oldest housing developments in the country and both it and the park had fallen into grave disrepair. A study had been conducted to determine the most critical recreational need for the area. This study determined that some type of aquatic facility was necessary. The leadership of Wayne County, CEO Edward H. McNamara and his staff met with Mayor Dennis Archer and his staff, forging the plan to invest in a multimillion dollar family aquatic center in this park.

The park was a magnet for inappropriate activities, ranging from substance abuses of all sorts, gang banging, and even nude dancing on hoods of cars. Needless to say, it was not a family park. Police calls were recorded at one of the highest levels in the city in Chandler Park. The neighborhood was up in arms and dissatisfaction was the name of the game.

A number of community forums and neighborhood meetings suggested that there was overwhelming support for the project. The elected officials of Wayne County and the City of Detroit worked with us to lease a portion of the park and construct the aquatic center. Immediately after ground breaking, we began to notice a shift in the culture of activities that occurred in the park. What we see now is almost idyllic in nature, a complete culture change as a result of that facility, and police calls almost insignificant.

This is a true success story that could not have happened if a source of funds outside of the normal funding process had not become available. There also had to be political will and a process to make it happen. These elements existed in Wayne County for that instance, and some others, but should exist all across America.

In fact, the format and program is there. Since the inception of the LWCF and UPARR, these funds have served as a ray of hope for the providers of public recreation. There are not many sources outside of normal funding processes that are dedicated specifically for public parks and recreation. These not only do that, but inspired the same kind of activity in state and local government throughout the country. They served as catalysts for local investment in the quality of life of communities. Some projects would never happen without the 50 percent match of the LWCF or UPARR. Some communities would have no recreation center, no sports fields, no open space. Historic areas would not be preserved, the legacy of a national recreation infrastructure would not be protected.

I cannot impress upon you enough the intense needs for stateside funding at full levels, and if possible permanent status off budget. The number of projects would be overwhelming, so much that it would seem like creative writing 101. For example, a 1995 survey by the National Recreation and Park association identified capital investment needs for parks and recreation from the period 1995-1999. Local agencies alone will require a nationwide total of $27.7 billion for rehabilitation, land acquisition, and new construction. Less than half of that sum is currently identified as potentially available.

A recent national survey of local and state recreation and parks agencies yielded an immediate need for $1.7 billion to support 1,450 projects. This response occurred within a 6-week period. Last year in the Michigan there were $107 million in grant requests, but only $25 million were approved. This is not an atypical year for programs that the voters approved, and are very proud of. Nothing can underscore this need any more than a response like this. There are even more examples of unmet needs that we can cite:

Illinois—the cost of land is skyrocketing, making it difficult to protect valuable woodlands from development. Nature preserves, forest preserves, and park districts are losing the battle with developers because they can't compete with their unlimited resources or their ability to quickly respond to opportunities.

Nebraska—a very rural state where most communities have a population of less than 1,000 people. Their ballfields were developed with LWCF funds in the early years without lights. With only $100k allocated to the state, unlit ballfields was the best that could be done. Unlike some communities, softball is still one of the most important public recreation activities in Nebraska. The unmet need there is to have those fields lighted, but there are no ready funds to undertake that effort.

Wisconsin—there is an unmet need in Wisconsin that register somewhere near $8 million, according to some sources. A prime example is a 15 year old

project in Dane county that involves the acquisition of some 3,500 acres of prime open space for recreation purposes. The local appropriations process does not include funds beyond day to day operations and normal renovations.

There is the assumption that states and local communities are enjoying budget surpluses and unlimited funding opportunities. In fact those surpluses are paper for the most part, and are managed by limiting tax exposure by placing ceilings and other restrictions. In fact, the issue of funding from the Federal level has been raised on the basis of responsibility. So then, there is the query of "why should Federal dollars be spent on what seems clearly to be local and state responsibilities?"

First of all, the Federal Government will benefit because this effort will take the pressure off of the Federal Government to create new Federal lands for open space protection and recreation. This comes at a time when the Federal programs are experiencing pressure in areas of maintenance, operations, and capital improvements.

Secondly, the two biggest items facing the nation are crime prevention and health care costs. Investments in park and recreation facilities and programs is a direct counter to those expenditures. The evidence irrefutable. Consider this notion, the $35k that it will take to finance one incarceration will fund staff, equipment, and supplies for a small community recreation program.

The President is talking about livability, especially in urban areas. Critical urban areas must be made livable, with recreation as a prime component in the decision making process for corporate and family relocation. There is no better investment for local government than in the quality of life. In many communities, youth assistance programs are becoming the best method of promotion for a communities status as a livable city.

There are 43 communities in Wayne County. Some of them have experienced the highs and lows of urban renewal to the point that now they area struggling to stay alive. Many of these communities are looking to the county to provide support for their failing parks and recreation systems. We have all of the warm feelings and ideas that can be proffered at this time, however, resources are limited to what we can find allocated in our own budgets. This is the place, in the past, where the LWCF and UPARR have come to the rescue with grants that helped these communities. The most amazing thing is that each grant requires a substantial local match. This match encourages the initial investment as well as the long term allocation to maintain the facilities. Think of these programs as catalyst for local government investment in the quality of life enhancements that help these communities stay alive.

Today, our nation is poised on one of those pinnacles that faced the millennium leaders of our past. This is a moment of destiny that will establish a real agenda for the quality of life of Americans. This is the initiative that we expected from President Reagan's Commission on Americans Outdoors, from the Bureau of Outdoor Recreation, from the legislation that created the Land and Water Conservation Fund and Urban Park and Recreation Recovery Program.

This is the instance where the phrase **"CARPE DIEM-SIEZE THE DAY"** makes all of the sense in the world. I trust that you will make historic decisions for now and the future. Support funding these critical programs at their full levels for the first time in our recent history. Take the bold step for tomorrow, today.

STATEMENT OF GROVER G. NORQUIST, PRESIDENT, AMERICANS FOR TAX REFORM

Chairman Young, other members of this Committee, and ladies and gentlemen, thank you for the opportunity to address you this morning about the Conservation and Reinvestment Act (H.R. 701) and the Resources 2000 Act (H.R. 798).

My name is Grover Norquist, and I am president of Americans for Tax Reform, an organization of over 90,000 individuals, taxpayer advocacy groups, corporations and associations that are deeply concerned with the high levels of taxation and government spending. I come before you today to oppose attempts of the Federal Government to purchase more private land.

Federal royalties from onshore oil and gas production on Federal land are split with the States where the leases are. Federal royalties from Outer Continental Shelf (OCS) leases, are not shared with the States. The Conservation and Reinvestment Act is an attempt to build enough political support to send some of the OCS revenues to the States adjacent to offshore production, by spreading the funds across many other states. The real solution would be to send a portion of OCS revenues only to the six OCS States' general treasuries, just like onshore royalties.

Title I of the legislation gains support from 34 Coastal Sates by divvying up 27 percent of OCS revenues according to several formulae. The Great Lake States are defined as Coastal states, even though there is no oil production in the region, sim-

ply because those states provide a lot of votes in Congress. The six states with OCS production will get more money than other States. Louisiana will get the most followed by Texas, Alaska and Florida.

Title II of this legislation gains support from environmentalists by turning the Land and Water Conservation Fund of 1965 into a trust fund, not subject to further Congressional appropriation. This removes accountability and is a big concern of taxpayers. The trust fund would be generated by 23 percent of OCS revenues up to the authorized Land and Water Conservation Fund level of $900 million per year and would be used exclusively to purchase private land.

In fact all three titles create trust funds. Title III siphons off 10 percent of OCS revenues for the Pittman-Robertson Fund, which would provide funds to all states.

There are good policy and budgetary reasons to oppose trust funds. They tie Congress' hands far into the future when spending priorities may shift drastically. Budgeting should be done so that all proposals must compete for limited funds. After all, it is the taxpayers money, not the government's. Either these proposed trust funds should be offset by reducing the Interior and Related Agencies appropriation by an equal amount, or the budget cap for Interior must be lifted by over $2 billion. Neither of these options are palatable.

Lastly, turning over $900 million per year to the Land and Water Conservation Fund would be a massive increase in the purchase of private lands. The Federal Government already owns too much land as it is. Four Federal agencies control about 29 percent of the total acreage in the U.S. Other Federal agencies own a little more. No one has conducted a full study of how much land state and local governments own, but it's probably around 10 percent. This is too much. According to the Federal land agencies themselves, they have a backlog of over $12 billion in operations and maintenance on these federally held lands. But instead of addressing this problem, this bill would spend record amounts of money on buying more land and giving it to State fish and wildlife agencies, instead of taking care of the land that the government already owns.

This bill would triple land acquisition. Historically, annual appropriations for LWCF have been around $300 million, but most of that has always been for Federal, not state, acquisitions. H.R. 701 increases land acquisition spending to $756 million, $378 million each for state and Federal land acquisition. Part of the rapid increase in spending is due to the Urban Parks and Recreation Recovery Program, which will get $144 million annually of the $900 million total. This money may be used by the States and local to purchase additional land as well.

Buying all of this land will hurt rural communities and local property tax bases. This is important because in almost all jurisdictions, local property taxes are the primary funding source for important services such as schools, police protection and fire departments. Also, once all of this land is bought, taxpayers will have to take care of it. This will add to overall Federal spending and increase the $12 billion in existing backlog in maintenance and operations of land the Federal Government already controls.

As many on the Committee know Americans for Tax Reform asks congressional members and challengers to take the Taxpayer's Protection Pledge each year. Another of ATR's major projects is to calculate a Cost of Government Day as a follow-up to Tax Freedom Day. Cost of government takes into account all the costs of government such as regulation, not just taxation. This legislation would significantly add to Cost of Government Day.

Finally, I would like to close by saying that taking tax money to increase government at all levels (state, local and Federal) and decreasing private property ownership is not consistent with the philosophy of greater freedom through limited government, and therefore should not be a part of the 106th Congress's agenda.

Mr. Chairman, thank you for allowing me to address your Committee. I would be happy to address any questions that you might have.

STATEMENT OF EDWARD NORTON, VICE PRESIDENT FOR PUBLIC POLICY, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. Chairman and members of the Resources Committee, thank you for the opportunity to testify on behalf of the National Trust for Historic Preservation regarding efforts to safeguard funding to protect and conserve our nation's natural, historic and cultural resources.

The National Trust for Historic Preservation's mission is "Protecting the Irreplaceable." In 1949, Congress created the National Trust as private organization and charged the organization to lead the public/private effort to preserve our na-

tional heritage. The National Trust provides leadership, education, and advocacy to save America's diverse historic places and revitalize our communities.

Let me begin by commending both the Chainnan and Congressman Miller for recognizing the importance of dedicating revenue from Outer Continental Shelf fees and royalties to the purpose of protecting our nation's most valuable and irreplaceable resources. With the foundation created through the Chairman's Conservation and Reinvestment Act of 1999—H.R. 701—and Representative Miller's Resources 2000 legislation—H.R. 798, I believe this Committee can forge a constructive, vital piece of legislation that enhances efforts to protect these treasures.

There is a critical difference between the Chairman's Outer Continental Shelf Impact Assistance bill and Congressman Miller's Resources 2000 bill. This difference causes the National Trust for Historic Preservation and the historic preservation community to favor very strongly the Resources 2000 bill. Resources 2000 provides full and permanent funding for the Historic Preservation Fund ("HPF"). Accordingly, the National Trust recommends that this provision be included in any legislation developed by this Committee.

The Historic Preservation Fund, established under the National Historic Preservation Act, provides a crucial funding mechanism for protecting our nation's historic resources. The Historic Preservation Fund is the keystone of the partnership between the Federal Government, the state governments and the certified local governments, and the private sector created by the National Historic Preservation Act. This partnership has worked extraordinarily well for more than 30 years. The modest annual appropriations from the Historic Preservation Fund leverage hundreds of millions of matching dollars from state governments and the private sector. You can see and experience the benefits of this program in almost every community in the United States in great landmarks, buildings, and historic districts saved and communities revitalized.

The Historic Preservation Fund was established by Congress in 1976 with income from fees charged for offshore oil leases. The HPF provides matching grants to all 50 states and territories to survey districts, buildings and sites for listing in the National Register of Historic Places. It is also used to maintain and rehabilitate historic properties and to educate and inform the public. Prior to 1976 these funds came from general revenues of the U.S. Government.

The financial assistance created by the Historic Preservation Fund is distributed following manner:

The State Historic Preservation Offices. The HPF provides significant funding for the State Historic Preservation Offices (SHPOs) to pay half the cost of running the national preservation program. The National Historic Preservation Act requires the states to match the Federal share.

The States use their HPF allocations to perform a number of invaluable services, such as helping local governments establish historic preservation programs and local preservation commissions; providing preservation grants; designing annual priorities to meet the preservation goals mandated by State legislatures; encouraging economic development through cultural tourism, administering the Federal rehabilitation tax credit; conducting heritage education programs for the general public; providing information on historic preservation techniques; working with citizens and government agencies to identify historic places; nominating significant places to the National Register of Historic Places; and working with Federal agencies to minimize harm to National Register properties.

Federal funds are apportioned to the states based on a three-tiered formula that includes (1) a Tier One Base Award in which each State receives an equal share of funding per annum subject to inflation; (2) a Tier Two Award based on the noncompetitive factors of population and the area of the State [including water boundaries out to the three-mile limit]; and (3) the number of residences in each State over 50 years old as defined in the last U.S. Census.

Certified Local Governments. Local governments that have established an historic preservation commission and program that meets certain Federal and state standards are eligible to participate in the Certified Local Government (CLG) program. Participation in the program allows CLGs to apply for earmarked grants (a minimum of 10 percent of a State's HPF allocation) to participate in the National Register nomination process and receive technical assistance and training.

Tribal Preservation Offices. To preserve vanishing tribal languages, dialects and cultural practices, as well as to protect cultural artifacts on tribal lands.

Historically black colleges and universities. For preservation and protection of landmarks that symbolize the hope of the civil rights struggle and the contributions that historically black colleges and universities have made in the education of our Nation's citizens.

Save America's Treasures. This two year program was created to preserve and restore our nation's heritage as we enter the new millennium. The program allows appropriated funds to be transferred to Federal agencies toward preservation and restoration of endangered historic sites, artifacts, and documents identified by the National Park Service and other Federal agencies. All grants administered by the program must be matched, and the program includes a parallel private effort to raise money from corporations, foundations and individuals. It also includes a public education campaign highlighting the importance of preserving America's heritage.

The National Trust strongly supports, of course, full and permanent funding for the Land and Water Conservation Fund. Acquisition of land for national, state, and local parks, and protection of open space and greenways for recreation, fish and wildlife habitat, and watershed protection should all rank as high national priorities. The Land and Water Conservation Fund takes public funds from a non-renewable resource and invests it in our renewable and sustainable resources.

The same philosophy, and the same public purposes and policy underlie the Historic Preservation Fund. Our nation's historic and cultural resources stand equal to our natural resources. Our built environment, in which most Americans spend most of their daily lives is just as important as our natural environment. As we enter a new century, we should be devoting just as much thought about public policy and just as much public funding to the environment of our cities, towns, villages, communities and inhabited landscapes as we devote to protecting the natural environment.

In preparing this testimony today, I had occasion to read again *With Heritage So Rich: A Report of a Special Commission on Historic Preservation under the Auspices of the United States Conference of Mayors* in 1966. This report provided the foundation for the National Historic Preservation Act of 1966. I commend it to your attention because it is just as relevant today as it was in 1966. The report, written in the wake of urban renewal and the destruction of stable communities by the interstate highway system in the 1950's and early 1960's, concluded that "the pace of urbanization is accelerating and the threat to our environmental heritage is mounting." Today, we read and hear the same alarm bells about "sprawl" and disinvestment in our cities, towns, and neighborhoods. The Historic Preservation Fund is a modest, highly efficient Federal program for investing in our existing communities. This investment from the Historic Preservation Fund saves and re-uses existing housing, commercial, and transportation infrastructure. The Historic Preservation Fund leverages funds from the private sector. Most important, it preserves the sense of identity and special character that binds communities together—and we cannot place a value on those qualities.

In terms of authorized funding levels—$150 million, the Historic Preservation Fund is very modest compared to the Land and Water Conservation Fund. In terms of benefits conferred to the American people, the Historic Preservation Funds ranks at the very least as an equal.

Indeed, the National Trust respectfully submits that the Historic Preservation Fund is underappreciated, under-valued, and under-funded. The National Trust respectfully asks that this Committee give full and permanent funding for the Historic Preservation Fund equal consideration in the legislation now under consideration.

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

We are here to listen to testimony about the merits of H.R. 701, the Conservation and Reinvestment Act of 1999, and H.R. 758, the Resources 2000 Act. Although the supporters of these bills believe they are doing the right thing, I have some serious concerns.

The essence of these bills is to infuse massive amounts of money into land acquisition and wildlife conservation at both a state and Federal level. We can sit around for days and debate the pros and cons of land acquisition and not persuade each other. However, it is a bed rock principle with me that this country is better served when land is in private ownership, with, of course, a few very narrow exceptions. The fact is, our land management agencies can't properly manage what they have now. We have a $12 billion maintenance backlog on public land infrastructure. We are closing campgrounds and other recreational facilities. Yet, people want to add more? The fact is, many counties in the Western United States are upwards of 95 percent publicly held. There is very little private land for a tax base to run schools and build roads. Yet people want to add more? Whether Federal, state, county or local, the ultimate result of this bill will take land out of private ownership and further erode a county's ability to provide for its citizens.

I recognize the efforts of H.R. 701's authors to try to limit the use of these massive amounts of monies to certain areas. Indeed, I support the efforts to try to tighten up the use of the Land and Water Conservation Fund. Far too often we've seen the Fund used for purposes for which it was never intended. Since it's enactment, instead of the Fund being utilized by local units of government to enhance the urban quality of life, it has become a Federal land acquisition monster, spending hundreds of millions dollars annually to swallow up large tracts of land. H.R. 701 attempts to limit the Fund's Federal acquisitions to inholdings within congressionally designated units of land management. So long as a true willing seller, willing buyer relationship exists, this can be positive. I've been assured by the authors that this is their intent and that they will work with me to make sure the language is crystal clear.

Another troubling aspect of H.R. 701 is the specific language furthering the Federal Government's already too broad of reach even into state and local affairs. H.R. 701 mandates that the Federal agencies are considered a partner of the local units of government when they consider local land use and planning. This is absolutely unacceptable.

Taking land out of private ownership and local land control are only two of my concerns. I have serious problems about the funding mechanism of these proposals. H.R. 701 and H.R. 798 propose to use nearly a billion dollars per year of Outer Continental Shelf (OCS) oil and gas lease receipts. These monies, which currently go to pay down the principle on the national debt, would not be subject to appropriations, but rather would be directly expended by the Secretary. Like many other trust funds, this money is mandatory, not discretionary, and Congress has no choice in the matter. The land acquisition program then becomes an entitlement, which is completely unacceptable.

Additionally, the Constitution clearly states, "The Congress shall have [the] power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The net effect of providing a dedicated source of funds to the bureaucracy for land acquisition with virtually no congressional oversight is for the Congress to cede over its Constitutional responsibility to the Executive Branch. Congress would no longer be making the decisions about land acquisition; Executive Branch bureaucrats would.

Finally, OCS receipts are currently dedicated to pay down the principle of the national debt. Now that some in Congress claim we have a balanced budget—without the use of Social Security we remain about $60 billion in the red—many members are finding ways to spend the "extra" money. That's exactly what H.R. 701 and H.R. 798 does. What once were fiscal conservatives now are members who are rushing to spend money. By taking nearly a billion dollars off budget, we are increasing total Federal spending and reducing the rate by which we pay back our grand children. Some claim that we need to acquire this land to leave our children a legacy. In reality, the legacy that we leave behind is the $5.7 trillion national debt and a diminished taxable land base to provide for schools and roads.

This proposal has been considered before, and fortunately defeated. But whether it's the 1980's American Heritage Trust, President Clinton's Lands Legacy, or other derivatives of the same proposal, to continue to spend money to take land out of the taxable land base is fiscally irresponsible on many levels. With only 5 percent of our land base developed, this proposal is an expensive solution in search of a problem—a solution that will violate property rights, states' rights and the balance of power between Federal and state government. The country simply cannot afford these proposals. Without substantial changes, I will continue to work to defeat these measures.

NEWS FROM

CONGRESSMAN GEORGE MILLER

7th District, Calif. Committee on Resources.
Committee on Education and the Workforce.
2205 Rayburn Building, Washington, D.C. 20515

FOR IMMEDIATE RELEASE:
Tuesday, March 9, 1999

Daniel Weiss
202/225-2095

"Resources 2000"

(H.R. 798)

Opening Statement,
Honorable George Miller

Senior Democrat, House Resources Committee

Today's hearing is an historic step towards reasserting a legacy of resource protection and improvement that has been largely ignored, on a bipartisan basis, for too many years.

Restoring that commitment – to use the exhaustible resources of this country to provide permanent protection to public lands, marine and coastal resources, wildlife, historic preservation and urban recreation – is a gift this Committee, and this Congress, can truly provide to the nation on the eve of a new century.

It is with that goal that I introduced H.R. 798, the Resources 2000 bill, last month together with 50 co-sponsors and support from several dozen major national organizations. Chairman Young, Congressmen Tauzin, John and others share a similar objective with their legislation.

There are different approaches in our bills, but the major purposes are quite similar. While these hearings naturally will help clarify differences between our two bills, I hope the hearings serve a more important purpose — to build the national constituency for passage of a negotiated package that achieves our common, urgent goals.
Let's not allow this debate to descend into sniping at each other's bills or motives. We can either have a partisan debate for a few months, or the permanent protection of these public lands and wildlife resources forever. If we succeed, there will be plenty of credit to go around.

I would note that, perhaps contrary to popular thought, we have proven that this committee can enact major legislation when working bipartisanly and reasonably, as we did in the last Congress with the refuges and parks bills.

(more)

The great national parks and public lands system that is, for many Americans, the greatest achievement of the federal government, was born at the beginning of the current century under a Republican president, Theodore Roosevelt.

The environmental movement was born in mid-century by both Democratic and Republican Administrations and Congresses that passed laws ranging from the Endangered Species Act to the Coastal Zone Management Act to the National Environmental Policy Act.

Now, at the end of the century, Congress has an opportunity to address urgent needs. All across America, we see parks closing, recreational facilities deteriorating, open space disappearing, historic structures crumbling, and fisheries vanishing. These losses have a tangible impact on every American.

We need to invest in the future of America's public resources. We have taken the first step with the introduction of these two bills. The President has proposed his own public lands initiative. We take another important step with these hearings.

We can, and we must, continue to move forward together if we are to succeed in enacting this sweeping, but overdue, commitment during the 106th Congress, and I pledge my full cooperation to you, Mr. Chairman, and to the others who are deeply dedicated to this legislation.

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Permanent Protection for America's Resources 2000

Congressman George Miller and Senator Barbara Boxer

H.R. 798/S. 446

Land and Water Conservation Fund (Federal): $450 million
One-half of the annual $900 million allocation of the LWCF would be dedicated to Federal acquisition of lands authorized by Congress for our national parks, national forests, national wildlife refuges, and public lands.

Land and Water Conservation Fund (Stateside): $450 million
The other half would go for matching grants to the States (by formula and competitive grants) for the acquisition of lands or interests, planning, and development of outdoor recreation facilities.

UPARR: $100 million
Provides matching grants to local governments to rehabilitate recreation areas and facilities, provide for the development of improved recreation programs, and to acquire, develop, or construct new recreation sites and facilities.

Historic Preservation Fund: $150 million
Funding for the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administer numerous historic preservation programs.

Lands Restoration: $250 million
Funds a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

Endangered and Threatened Species Recovery Fund: $100 million
Funds implementation of a private landowners incentive program for the recovery of endangered and threatened species and the habitat that they depend on.

Living Marine Resource Conservation, Restoration, and Management: $300 million
Funding for the conservation, restoration and management of ocean fish and wildlife of the United States through formula grants to coastal states (including Great Lakes States) and competitive, peer-reviewed grants to private entities.

Native Fish/Wildlife Conservation, Restoration, Management: $350 million
Provides funding for the conservation, restoration and management of native fish, wildlife and plants through formula grants to the states for the development and implementation of comprehensive plans.

Farmland and Open Space Preservation Grants: $150 million
Matching, competitive grants to state, local and tribal governments for the purchase of conservation easements on farmland, ranchland, and forests, threatened by development and to keep them in agricultural use or open space.

March 1, 1999
Comparison of Miller and Young-Dingell-Tauzin-John bills

MILLER (H.R. 798)	YOUNG (H.R.701)
Would limit all program funding to revenues from existing, producing leases in the Gulf of Mexico as of January 1, 1999. Specifically disallows any leases/areas currently under moratoria to ever be used to fund Resource 2000 programs.	***Would limit only OCS Impact Aid Title to revenues from existing, producing leases as of January 1, 1999. Place no such restrictions on other programs, such as LWCF.***
Limits administrative costs to 2% across-the-board.	
LWCF-Federal ($450 million) One-half of the annual $900 million allocation of the LWCF for Federal land acquisition.	***LWCF-Federal($418 million-42% of 23% of total)*** *25% of 42% of annual OCS $ to Ag and 75% to Interior for acquisition within boundaries of areas designated Congress. At least two-thirds must be spent east of the 100th meridian. No funds may be used for condemantion.*
LWCF-Stateside ($450 million) One-half of the annual $900 million allocation for matching grants to States for acquisition, planning, and development of outdoor recreation facilities. Two-thirds to be divided: 30% equally among States, and 70% on population. One-third would be competitive grants. Modifies the requirements of the State Plan to be more flexible in meeting the purposes of the Act.	***LWCF-Stateside ($418 million-42% of 23% of total)—*** *matching grants to the States for acquisition of lands and planning, and development of facilities. Federal grants capped at $1 million/ project, unless waived by Congress. 60% of the funds to be divided equally among the States; 20% on population; and 20% on acreage. Would allow each State to define its own priorities and criteria for projects eligible for grants..*
UPARR ($100 million) Matching grants to local governments to fix-up recreation areas and facilities, develop recreation programs, and to acquire, develop, or construct new recreation sites/facilities.	***UPARR ($159 million or 16% of 23% of total)****—Generally similar to the Miller proposal except that once $725 million has been allocated, the authorization expires.*
Historic Preservation Fund ($150 million) For Historic Preservation Act activities: grants to the States, maintaining the National Register of Historic Places, etc. At least 50% to be spent on endangered historic properties.	***Historic Preservation Fund ($0)****—No similar provision*
Federal and Indian Lands Restoration ($250 million) For coordinated program on Fed& Indian lands to restore degraded lands, protect resources threatened with degradation, and protect public health/safety.	***Federal and Indian Lands Restoration ($0)****—No similar provision.*
Endangered and Threatened Species Recovery Fund ($100 million) For grants to private landowners for recovery of E&T species and habitat on which they depend. Monies to be used for "E&T recovery agreements" to carry out activities not otherwise required by the law that will contribute to the recovery of these species. Enforcement and monitoring included and no one paid to comply with ESA.	***Endangered and Threatened Species Recovery Fund--($0)*** *- Last minute provision slipped in, authorizing states to pay landowners that want to protect and enhance endangered species. No link to recovery of species. No identification of how much money can be spent or what the source would be. No monitoring or enforcement provisions and would pay people to*

March 1, 1999
Comparison of Miller and Young-Dingell-Tauzin-John bills

MILLER (H.R. 798)	YOUNG (H.R.701)
	comply with the law.
Marine Fish and Wildlife Conservation, Restoration, and Management ($300 million). 2/3 to coastal states (inc. Great Lakes, territories, etc.) for marine resource conservation plans; formula would give 2/3 weight to coastal population and 1/3 weight to length of shoreline. No state would receive more than 10% nor less than ½ of 1% per year. 1/3 for competitive grants for living marine resource conservation.	***Marine Fish and Wildlife Conservation, Restoration, and Management ($0)*** *No similar provision, although "OCS impact aid" funding could be used for similar activities, at each state's discretion. No guarantee they would be used for these purposes.*
Native Fish and Wildlife Conservation, Restoration, Management ($350 million) Fund states' comprehensive NATIVE wildlife conservation plans. Funds based 1/3 on area and 2/3 on population. Requires states to develop balanced plans to conserve and restore broad range of native fish and wildlife and their habitats. Uses the Fish and Wildlife Conservation Act as authorizing mechanism.	***Native Fish and Wildlife Conservation, Restoration, Management ($460 million)*** *– Funds would be based on 1/3 on area and 2/3 on population. Little guidance as to how funds should be spent. Not restricted to native fish and wildlife. Uses the Pittman-Robertson Act (which focuses on game species) as the authorizing mechanism.*
Farmland and Open Space Preservation Grants ($150 million) Matching, competitive grants to state, local and tribal governments for purchase of conservation easements on farmland, ranch land, and forests threatened by development to preserve them for agricultural uses or as open space. Could be used to match state or local long term bond initiatives to preserve green spaces. Could be used for administration by private, nonprofit organizations.	***Farmland and Open Space Preservation Grants ($0)*** *- No similar provision..*
Coastal Impact Aid -- No similar provision.	***Coastal Impact Aid*** ***($1.164 billion)*** *27% of $$ from each leased and producing OCS tract outside 8(g). Each state's share: 50% inversely proportional to the* ***distance between*** *nearest point on* ***coastline*** *and geographic center of each leased tract,; 25% on relative* ***shoreline miles;*** *and 25% on relative* ***coastal population.*** *Minimum payments of not less than 0.50%of total to each state and 0.25%. minimum to each coastal state. 50% of each state's share allocated among subdivisions .*
	Could be used for air quality, water quality, fish and wildlife, wetlands or other coastal resources activities/projects; other activities authorized by the CZMA, OPA, or the Clean Water Act; administrative costs; uses related to the OCSLA; mitigating impacts of OCS activities, including onshore infrastructure and public service needs.

COMPARISON OF MILLER-BOXER PROPOSAL WITH OTHER PROPOSALS

FY2000 Estimated OCS receipts totaling $2.8 billion

	This Year's Actual Budget	Clinton's FY2000 Request	Landrieu-Murkowski [1]	Young-Dingell-Tauzin-John	Miller-Boxer
LWCF-Federal	$343M	$442M	$202M	$270M	$450M
LWCF-State	$ 1M	$200M[2]	$270M	$270M	$450M
UPARR	0	$ 4M	$ 50M	$103M	$100M
Historic Preservation	$ 72M	$ 81M	0	0	$150M
Federal Lands Restoration	0	0	0	0	$250M
Endangered & Threatened Species Recovery	0	0	0	0	$100M
Marine & Fisheries Restoration	$ 64M[3]	$154M	0	0	$300M[4]
Native Fish & Wildlife Conservation	0	0	$196M	$280M	$350M
Farm, Forest Rangeland & Open Space Conservation	$ 38M	$150M[5]	0	0	$150M
OCS Impact Assistance	0	0	$756M[6]	$756M[7]	0
Totals	**$532M**	**$1.111B**	**$1.406B**	**$1.679B**	**$2.3B**

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[1] Landrieu-Murkowski (S. 25) and Young-Dingell (H.R. 701) would pay for their proposals by diverting a percentage from the gross OCS receipts; calculated to equal $2.8 Billion in 2000.

[2] Includes $50M for open space grants.

[3] Includes funding for federal CZMA, oceans, coral reef and marine sanctuaries programs.

[4] Funding in addition to Administration's request.

[5] Equal to Administration's Forest Legacy, Farmland Protection, Urban Forestry, Smart Growth proposals.

[6] In addition to 8(g) payments estimated to total $105M in FY2000 to Alaska-Alabama-California-Florida-Louisiana-Mississippi and Texas. A total of $2.7 Billion has been allocated to these 7 States since 1986under section 8(g).

Prepared by Congressman George Miller & staff based on data supplied by the US Department of the Interior. 3/3/99

STATE BY STATE COMPARISON OF RESOURCES 2000 AND OTHER PROPOSALS

FY 2000 Estimated Disbursements (OCS Receipts of $2.8 Billion)

State	Miller-Boxer Proposal	Young-Dingell Proposal	Murkowski-Landrieu Proposal
Alabama	$25M	$39M	$36M
Alaska	$98M	$112M	$93M
Arizona	$45M	$15M	$10M
Arkansas	$16M	$8M	$6M
California	$291M	$171M	$109M
Colorado	$37M	$16M	$10M
Connecticut	$22M	$14M	$11M
Delaware	$9M	$8M	$7M
Florida	$107M	$85M	$80M
Georgia	$39M	$21M	$17M
Hawaii	$38M	$15M	$10M
Idaho	$32M	$13M	$8M
Illinois	$55M	$32M	$23M
Indiana	$29M	$17M	$14M
Iowa	$13M	$8M	$6M
Kansas	$13M	$9M	$7M
Kentucky	$20M	$10M	$7M
Louisiana	$39M	$221M	$217M
Maine	$25M	$19M	$19M
Maryland	$32M	$22M	$19M
Massachusetts	$45M	$30M	$24M
Michigan	$52M	$33M	$27M
Minnesota	$33M	$20M	$17M
Mississippi	$17M	$52M	$50M
Missouri	$31M	$18M	$14M
Montana	$40M	$18M	$10M
Nebraska	$16M	$11M	$9M
Nevada	$47M	$14M	$8M
New Hampshire	$11M	$9M	$8M
New Jersey	$56M	$38M	$30M

State	Miller-Boxer Proposal	Young-Dingell Proposal	Murkowski-Landrieu Proposal
New Mexico	$28M	$12M	$8M
New York	$95M	$62M	$51M
North Carolina	$41M	$23M	$20M
North Dakota	$13M	$7M	$5M
Ohio	$55M	$30M	$24M
Oklahoma	$16M	$9M	$7M
Oregon	$49M	$23M	$15M
Pennsylvania	$51M	$28M	$21M
Rhode Island	$12M	$10M	$8M
South Carolina	$23M	$15M	$13M
South Dakota	$15M	$8M	$6M
Tennessee	$27M	$12M	$9M
Texas	$122M	$155M	$152M
Utah	$31M	$11M	$7M
Vermont	$6M	$5M	$3M
Virginia	$45M	$23M	$19M
Washington	$48M	$29M	$21M
West Virginia	$17M	$10M	$9M
Wisconsin	$28M	$16M	$13M
Wyoming	$23M	$9M	$7M
Puerto Rico	$21M	$11M	$9M
Guam	$5M	$5M	$5M
American Samoa	$3M	$4M	$4M
Mariana Islands	$1M	$4M	$4M
District of Columbia	$7M	$3M	$2M
Tribes/Native Corporations	$32M	$5M	$3M
Micronesia	$1M	$0.00	$0.00
Marshall Islands	$0.5M	$0.00	$0.00
Palau	$0.5M	$0.00	$0.00
Virgin Islands	$10M	$10M	$10M
Totals	**$2.3 Billion**	**$1.68 Billion**	**$1.4 Billion**

2/23/99 Office of Rep. George Miller from data provided by the US Department of the Interior

PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000
H.R. 798/S. 446 by Congressman George Miller and Senator Barbara Boxer
March 8, 1999

Organizations in Support *

American Oceans Campaign
Bay Area Open Space Council
Bay Area Ridge Trail Council
Bay Institute
California Police Activities League
Carquinez Strait Preservation Trust
Center for Marine Conservation
Defenders of Wildlife
Earth Island Institute
East Bay Regional Park District
Environmental Defense Fund
Friends of the Earth
Friends of the River
Golden Gate Audubon Society
Greater Vallejo Recreation District
Land Trust Alliance
Marin Conservation League
Martinez Regional Land Trust
National Conference of State Historic Preservation Officers
National Alliance of Preservation Commissions
National Audubon Society
National Environmental Trust
National Parks and Conservation Association
National Recreation and Park Association
National Association of Police Athletic Leagues
National Association of State Outdoor Recreation Officers
Natural Resources Defense Council
Physicians for Social Responsibility
Piedmont Environmental Council
Preservation Action
Save San Francisco Bay Association
Save-the-Redwoods League
Scenic America
Sierra Club
Society for American Archaeology
Solano County Farmlands & Open Space Foundation
Trust for Public Land
U.S. Public Interest Research Group
U.S. Soccer Foundation
Wilderness Society

** Partial List*

NEWS FROM

CONGRESSMAN GEORGE MILLER

7th District, Calif. Committee on Resources
Committee on Education and the Workforce.

FOR IMMEDIATE RELEASE
Tuesday, February 23, 1999

CONTACT: Daniel Weiss
202/225-2095

"PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000"

Restoring our national commitment to America's resources

WASHINGTON, D.C. — Congressman George Miller and Sen. Barbara Boxer announced today the introduction of new legislation that would provide the greatest commitment in history to the permanent protection and restoration of America's natural resources and heritage. The legislation would guarantee approximately $2.3 billion every year for the acquisition of public lands by the federal and state governments, restoration of national and urban parks, preservation of farmland and open space, preservation of historic buildings, and restoration of depleted fish and wildlife resources.

Funding for the legislation is taken from part of the over $4 billion currently provided annually to federal taxpayers in revenues from offshore oil and gas drilling. The legislation does not increase revenues from oil and gas drilling and does not impose any new taxes or royalties. Unlike other parks and wildlife legislation under consideration in Congress, the Miller-Boxer bill does ***not*** encourage the leasing, exploration or development of offshore areas for oil and gas, including areas currently covered by moratoria.

The bill would fully fund for the first time the Land and Water Conservation Fund, established by Congress a quarter century ago to acquire and protect public lands and other natural resources. The Fund was supposed to provide $900 million every year for that purpose — from oil and gas revenues — but rarely has Congress ever appropriated anywhere near that amount. The Resources 2000 bill is particularly significant because it would ***guarantee*** funding every year. The money would ***not*** be subject to approval by the Appropriations Committee.

Miller, the Senior Democrat on the House Resources Committee which has jurisdiction over public lands and natural resources, issued the following statement at a news conference here:

"We are announcing today the introduction of sweeping legislation to restore our national commitment to America's resources," Miller said.

(more)

"Congress and several Administrations have betrayed the bargain made over 30 years ago to reinvest the profits from offshore energy production in our public resources. The bill we introduce today — with the enthusiastic support of our nation's leading environmental, wildlife and historic preservation organizations — fulfills that promise.

"**PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000** will provide permanent, annual funding for high priority resource preservation goals: acquisition and sound management of public lands, parks and open space, marine and coastal resources, historic preservation, fish and wildlife, and urban recreation facilities. Our bill provides states, local communities, farmers and others with the resources they need to plan and manage our irreplaceable assets.

"And unlike the other OCS revenue bills under consideration, RESOURCES 2000 creates no incentives for additional leasing or development of offshore oil and gas: not in current areas, and certainly not in areas covered by legislative moratorium.

"Our bill also contains a far more equitable distribution of revenues than other bills, which lavish more than 60 percent of the public's money on a half dozen states and shortchange the rest of America.

"I am delighted that we are joined in introducing this bill not only by over 20 members of Congress, but also by many of the most broad-based, grassroots environmental, parks, and wildlife organizations throughout this country, including The Sierra Club, The Wilderness Society, Natural Resources Defense Council, Defenders of Wildlife, National Conference of State Historic Preservation Officers, National Parks & Conservation Association, Preservation Action, National Audubon Society, Center for Marine Conservation, US PIRG, National Recreation & Park Association, Police Athletic/Activities League (P.A.L.), National Alliance of Preservation Commissions, and Scenic America.

"The effort to provide these funds on a permanent basis is an idea whose time has come. Five years ago, I called for permanent, full funding for the Land and Water Conservation Fund to preserve our parks and public lands for generations to come. If we can do it with Social Security and with the Highway Trust Fund, we should be able to do the same with the fund the American people were promised to protect our national environmental treasures.

"I particularly commend the Clinton Administration for recognizing the importance of this initiative in its budget request for the fiscal year 2000. We are committed to working with the Administration and with the sponsors of other congressional initiatives — Senators Mary Landrieu (D-LA) and Frank Murkowski (R-AK), and my own chairman Congressman Don Young (R-AK) and his co-sponsors — to craft legislation that restores our resources' legacy, preserves our national environmental heritage, and is enacted on behalf of the American people during the 106th Congress."

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Praise for *Resources 2000*.....

"When you think about it, this plan means shining seas, fruited plains, and probably a majestic mountain or two. I hope your colleagues quickly line up to join you in making sure that the children of the next century will know America the Beautiful as more than just a song title."

The Honorable John Burton, President Pro Tempore
California State Senate

"In addition, [full funding] of the Historic Preservation Fund would be a godsend to endangered structures such as the Conservatory of Flowers, which first Lady Hillary Rodham Clinton recently visited as part of the America's Treasures Program."

The Honorable Michael Yaki
San Francisco Board of Supervisors

"Cities are grateful that Senator Boxer and Congressman Miller understand the need for parks, recreation facilities, and enhancement of our natural resources in order to serve our constituents who need these services near where they live."

The Honorable Rosemary Corbin, Mayor
City of Richmond

"The National Conference of State Historic Preservation Officers thanks you for your leadership on this issue and looks forward to working with you and your staff in support of this legislation."

Eric Hertfelder, Executive Director
National Conference of State Historic Preservation Officers

"The National Wildlife Federation's top priority for this Congress is passage of significant long-term funding for wildlife and wild places for both federal and state programs."

Mark Van Putten, President & CEO
National Wildlife Federation

"If you are into land conservation, this bill is a thrill."

Russell Shay
Land Trust Alliance

"Clearly, Congress should endeavor to protect our nation's marine resources for future generations. Resources 2000 is a giant step in that direction."

American Oceans Campaign

"The Society for American Archaeology is particularly enthusiastic about the proposed annual funding for programs fundable through the Historic Preservation Fund at $150 million, including grants to states and the National Park Service."

Vin Steponaitis, President
Society for American Archaeology

"PAL Police Officers and volunteers work with young people and depend on public lands to provide diverse and high quality opportunities for recreation. Your concern for America's resources and passage of the Land and Water Conservation Fund legislation will guarantee that our PAL kids and future generations for Americans will be assured of our precious natural resources."

Joe Wilson, Executive Director
National Association of Police Athletic Leagues

"The Golden Gate Audubon Society is honored to endorse Resources 2000, a visionary bill that will help ensure the future of our nation's natural resources and farmlands."

Arthur Feinstein, Executive Director
Golden Gate Audubon Society

"Citizens in communities all across the country voted last fall for over a hundred ballot and bond initiatives to protect America's special places. Now it's time for our lawmakers to catch up with the American people. The Congress should act quickly to pass this popular bill."

Carl Pope, Executive Director
Sierra Club

"Permanent Protection for America's Resources 2000 is a bold initiative to protect our precious natural and cultural heritage and the quality of life for all Americans."

John Adams, President
Natural Resources Defense Council

"This is exciting and much needed legislation if we are to preserve our historic and natural resources."

Patricia Gloyd, General Manager
Greater Vallejo Recreation District

"Our nation's local urban and great national parks are in need of repair and reinvestment from decades of intense use and lack of funding resources. We commend your leadership in sponsoring this historic initiative which will certainly benefit current and future generations nationwide."

Pat O'Brien, General Manager
East Bay Regional Park District

"Resources 2000 provides long-overdue funding for bipartisan conservation initiatives which will help Americans protect natural beauty, the character of their communities, and their heritage as we move into the new millennium."

Meg Maguire, Executive Director/President
Scenic America

"A healthy ecosystem is the bedrock of a healthy society. The Miller/Boxer bills will help to preserve the biodiversity we need for the development of new medicines and vaccines, and safeguard the parks and recreation areas so vital to human health and well-being."

Dr. Robert K. Musil, Executive Director
Physicians for Social Responsibility

"Here in California, it will benefit our state's wonderful rivers and watersheds."

Betsy Reifsnider, Executive Director
Friends of the River

"Resources 2000 is a bold, comprehensive approach to conservation. The legislation directs money where it is desperately needed: to purchase land for bird and wildlife habitat, to help endangered species recover, and to fight sprawl."

Daniel P. Beard, Senior V.P. for Public Policy
National Audubon Society

"America's Resources 2000 would significantly help our lands, oceans and creatures in the next millennium. Representative Miller and Senator Boxer have listened to the demand of the American people and are pushing for critical, much-needed funding for the environment."

Brent Blackwelder, President
Friends of the Earth

"Congress ought to lay down the law: federal lands must be kept safe, even added to, instead as a national yard sale for wealthy corporations to raid for cheap resources. The Permanent Protection for America's Resources 2000 bill sends that message loud and clear."

Philip E. Clapp, President
National Environmental Trust

"The Carquinez Straight Preservation Trust applauds your initiatives to provide protection for American resources...We strongly support your legislation."

Jerry Aspland, President
Carquinez Strait Preservation Trust

"The Bay Area Open Space Council thanks you for your bold leadership in introducing the Permanent Protection for America's Resources 2000 legislation."

John Woodbury, Program Director
Bay Area Open Space Council

"Millions of acres within our national parks are still privately owned and not protected because the federal government has failed to acquire the lands America wants preserved. Resources 2000 will provide the funding, not only this year, but in years to come, to secure these treasured places for the ages."

Tom Kiernan, President
National Parks and Conservation Association

"Your Resources 2000 offers the hope that permanent, annual funding will be secured for resource preservation goals."

Susan West Montgomery, President
Preservation Action

"Implementation of Permanent Protection for America's Resources 2000 would be a dream come true for conservationists and truly usher in a new millennium for wildlife."

Rodger Schlickeisen, President
Defenders of Wildlife

"We have been advocating for the use of the Land and Water Conservation Funds for land acquisition for several years, and we are very glad to see that this is one of the key elements in this proposed legislation."

Jerry Edelbrock, Executive Director
Marin Conservation League

106TH CONGRESS
1ST SESSION

H. R. 798

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. MALONEY of Connecticut, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. DELAHUNT, Mr. LANTOS, Mr. MARKEY, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. MEEHAN, Mr. STARK, Mr. WAXMAN, Ms. LEE, Ms. WOOLSEY, Mr. SHERMAN, Mr. KILDEE, Mr. BONIOR, Mr. FARR of California, Ms. ESHOO, Mr. PALLONE, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. CAPPS, Mr. INSLEE, Mr. GEPHARDT, Mr. KENNEDY of Rhode Island, Mrs. JONES of Ohio, Mr. RAHALL, Mr. GEJDENSON, Mr. ROTHMAN, Mr. FRANK of Massachusetts, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resources 2000 Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purpose.
Sec. 4. Definitions.
Sec. 5. Reduction in deposits of qualified OCS revenues for any fiscal year for which those revenues are reduced.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Budgetary treatment of receipts and disbursements.

TITLE I—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 101. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 102. Extension of period for covering amounts into fund.
Sec. 103. Availability of amounts.
Sec. 104. Allocation and use of fund.
Sec. 105. Expansion of State assistance purposes.
Sec. 106. Allocation of amounts available for State purposes.
Sec. 107. State planning.
Sec. 108. Assistance to States for other projects.
Sec. 109. Conversion of property to other use.

TITLE II—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 201. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 202. Purposes.
Sec. 203. Authority to develop new areas and facilities.
Sec. 204. Definitions.
Sec. 205. Eligibility.
Sec. 206. Grants.
Sec. 207. Recovery action programs.
Sec. 208. State action incentives.
Sec. 209. Conversion of recreation property.
Sec. 210. Availability of amounts.
Sec. 211. Repeal.

TITLE III—HISTORIC PRESERVATION FUND

Sec. 301. Availability of amounts.

TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION

Sec. 401. Purpose.
Sec. 402. Farmland, Ranchland, Open Space, and Forestland Protection Fund; availability of amounts.
Sec. 403. Authorized uses of Farmland, Ranchland, Open Space, and Forestland Protection Fund.
Sec. 404. Farmland Protection Program.
Sec. 405. Ranchland Protection Program.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND

Sec. 501. Purpose.
Sec. 502. Federal and Indian Lands Restoration Fund; availability of amounts; allocation.
Sec. 503. Authorized uses of fund.
Sec. 504. Indian tribe defined.

TITLE VI—LIVING MARINE RESOURCES CONSERVATION, RESTORATION, AND MANAGEMENT ASSISTANCE

Sec. 601. Purpose.
Sec. 602. Financial assistance to coastal States.
Sec. 603. Ocean conservation partnerships.
Sec. 604. Living Marine Resources Conservation Fund; availability of amounts.
Sec. 605. Definitions.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION

Sec. 701. Amendments to findings and purposes.
Sec. 702. Definitions.
Sec. 703. Conservation plans.
Sec. 704. Conservation actions in absence of conservation plan.
Sec. 705. Amendments relating to reimbursement process.
Sec. 706. Establishment of Native Fish and Wildlife Conservation and Restoration Trust Fund; availability of amounts.

TITLE VIII—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 801. Purposes.
Sec. 802. Endangered and threatened species recovery assistance.
Sec. 803. Endangered and threatened species recovery agreements.
Sec. 804. Endangered and Threatened Species Recovery Fund; availability of amounts.
Sec. 805. Definitions.

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) By establishing the Land and Water Conservation Fund in 1965, Congress determined that revenues generated by extraction of nonrenewable oil and gas resources on the Outer Continental Shelf should be dedicated to conservation and preservation purposes.

(2) The Land and Water Conservation Fund has been used for over three decades to protect and

enhance national parks, national forests, national wildlife refuges, and other public lands throughout the Nation. In past years, the Land and Water Conservation Fund has also provided States with vital resources to assist with acquisition and development of local park and outdoor recreation projects.

(3) In 1978, the Congress amended the Land and Water Conservation Fund to authorize $900,000,000 of annual oil and gas receipts to be used for Federal land acquisition and State recreation projects. In recent years, however, the Congress has failed to appropriate funds at the authorized levels to meet Federal land acquisition needs, and has entirely eliminated State recreation funding, leaving an unallocated surplus of over $12,000,000,000 for fiscal year 1999.

(4) To better meet land acquisition needs and address growing public demands for outdoor recreation, the Congress should assure that the Land and Water Conservation Fund is used as it was intended to acquire conservation lands and, in partnership with State and local governments, to provide for improved parks and outdoor recreational opportunities.

(5) The premise of using oil and gas receipts to meet conservation and preservation objectives also

underlies the National Historic Preservation Act (16 U.S.C. 470 et seq.). Revenues to the Historic Preservation Fund accumulate at a rate of $150,000,000 annually, but because the Congress has failed in recent years to appropriate the authorized amounts, the fund has an unallocated surplus of over $2,000,000,000 for fiscal year 1999. To reduce the growing backlog of preservation needs, the Congress should assure that the Historic Preservation Fund is used as was intended.

(6) Building upon the commitment to devote revenues from existing offshore leases to resource protection through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4) and the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Congress should also dedicate revenues from existing oil and gas leases to meet critical national, State, and local preservation and conservation needs.

(7) Suburban sprawl presents a growing threat to open space and farmland in many areas of the Nation, with an estimated loss of 7,000 acres of farmland and open space every day. Financial resources and incentives are needed to promote the

protection of open space, farmland, ranchland, and forests.

(8) National parks, national forests, national wildlife refuges, and other public lands have significant unmet repair and maintenance needs for trails, campgrounds, and other existing recreational infrastructure, even as outdoor recreation and user demands on these resources are increasing.

(9) Urban park and recreation needs have been neglected, with resulting increases in crime and other inappropriate activity, in part because the Congress has failed in recent years to provide appropriations as authorized by the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

(10) Although the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) has prevented the extinction of many plants and animals, the recovery of most species listed under that Act has been hampered by a lack of financial resources and incentives to encourage States and private landowners to contribute to the recovery of protected species.

(11) Native fish and wildlife populations have declined in many parts of the Nation, and face growing threats from habitat loss and invasive species.

Financial resources and incentives are needed for States to improve conservation and management of native species.

(12) Ocean and coastal ecosystems are increasingly degraded by loss of habitat, pollution, overfishing, and other threats to the health and productivity of the marine environment. Coastal States should be provided with financial resources and incentives to better conserve, restore, and manage living marine resources.

(13) The findings of the 1995 National Biological Survey study entitled "Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation", demonstrate the need to escalate conservation measures that protect our Nation's wildlands and habitats.

(b) PURPOSE.—The purpose of this Act is to expand upon the promises of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–4 et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) by providing permanent funding for the protection and enhancement of the Nations natural, historic, and cultural resources by a variety of means, including—

(1) the acquisition of conservation lands;

(2) improvement of State and urban parks;

(3) preservation of open space, farmland, ranchland, and forests;

(4) conservation of native fish and wildlife;

(5) recovery of endangered species; and

(6) restoration of coastal and marine resources.

SEC. 4. DEFINITIONS.

In this Act:

(1) COASTLINE.—The term "coastline" has the same meaning that term has in the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(2) COASTAL STATE.—The term "coastal State" has the meaning given the term "coastal state" in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(3) LEASED TRACT.—The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks (or both), as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(4) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term "qualified Outer Continental Shelf revenues"—

(A) except as provided in subparagraph (B)—

(i) means all moneys received by the United States from each leased tract or portion of a leased tract located in the Western or Central Gulf of Mexico, less such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes; and

(ii) includes royalties (including payments for royalty taken in-kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331) for such a lease tract or portion; and

(B) does not include any moneys received by the United States under—

(i) any lease issued on or after the date of the enactment of this Act; or

(ii) any lease under which no oil or gas production has occurred before January 1, 1999.

SEC. 5. REDUCTION IN DEPOSITS OF QUALIFIED OCS REVENUES FOR ANY FISCAL YEAR FOR WHICH THOSE REVENUES ARE REDUCED.

(a) REDUCTION IN DEPOSITS.—The amount of qualified Outer Continental Shelf revenues that is otherwise required to be deposited for a limited fiscal year into the Land and Water Conservation Fund, the Historic Preservation Fund, or any other fund or account established by this Act (including the amendments made by this Act) is hereby reduced, so that—

(1) the ratio that the amount deposited (after the reduction) bears to the amount that would otherwise be deposited, is equal to

(2) the ratio that the amount of qualified Outer Continental Shelf Revenues for the fiscal year bears to—

(A) $2,050,000 for fiscal years 2000 and 2001;

(B) $2,150,000 for fiscal years 2002, 2003, and 2004; and

(C) $2,300,000 for fiscal year 2005 and each fiscal year thereafter.

(b) NO REDUCTION IN DEPOSITS OF INTEREST.—Subsection (a) shall not apply to deposits of interest earned from investment of amounts in a fund or other account.

(c) LIMITED FISCAL YEAR DEFINED.—In this section, the term "limited fiscal year" means a fiscal year in which the total amount received by the United States as qualified Outer Continental Shelf revenues is less than—

(1) $2,050,000, for fiscal years 2000 and 2001;

(2) $2,150,000, for fiscal years 2002, 2003, and 2004; and

(3) $2,300,000, for fiscal year 2005 and each fiscal year thereafter.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity.

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

TITLE I—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 101. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms

of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)

SEC. 102. EXTENSION OF PERIOD FOR DEPOSITING AMOUNTS INTO FUND.

Section 2 (16 U.S.C. 460l–5) is amended—

(1) in the matter preceding subsection (a) by striking "During the period ending September 30, 2015, there shall be covered into" and inserting "There shall be deposited into";

(2) in paragraph (c)(1) by striking "through September 30, 2015"; and

(3) in paragraph (c)(2)—

(A) by striking "shall be credited to the fund" and all that follows through "as amended (43 U.S.C. 1331 et seq.)" and inserting "shall be deposited into the fund, subject to section 5 of the Resources 2000 Act, from amounts due and payable to the United States as qualified Outer Continental Shelf revenues (as that term is defined in section 4 of that Act)"; and

(B) in the proviso by striking "covered" and inserting "deposited".

SEC. 103. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–6) is amended by striking so much as precedes the third sentence and inserting the following:

"APPROPRIATIONS

"SEC. 3. (a) Of amounts in the fund, up to $900,000,000 shall be available each fiscal year for obligation or expenditure without further appropriation, and shall remain available until expended.

"(b) Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

"(c) The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.".

SEC. 104. ALLOCATION AND USE OF FUND.

Section 5 (16 U.S.C. 460l–7) is amended to read as follows:

"SEC. 5. ALLOCATION AND USE OF FUNDS.

"(a) IN GENERAL.—Of the amounts made available for each fiscal year by this Act—

"(1) 50 percent shall be available for Federal purposes (in this section referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.

"(b) USE OF FEDERAL PORTION.—The President shall, in the annual budget submitted by the President for each fiscal year, specify the purposes for which the Federal portion of the fund is to be used by the Secretary of the Interior and the Secretary of Agriculture. Such funds shall be used by the Secretary concerned for the purposes specified by the President in such budget submission unless the Congress, in an Act making appropriations for the Department of the Interior and related agencies for such fiscal year, specifies that any part of such Federal portion shall be used by the Secretary concerned for other Federal purposes as authorized by this Act.

"(c) FEDERAL PRIORITY LIST.—(1) For purposes of the budget submission of the President for each fiscal year, the President shall require the Secretary of the Interior and the Secretary of Agriculture to prepare Federal priority lists for expenditure of the Federal portion.

"(2) The Secretaries shall prepare the lists in consultation with the head of each affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency.

"(3) In preparing the priority lists, the Secretaries shall consider—

"(A) the potential adverse impacts which might result if a particular acquisition is not undertaken;

"(B) the availability of land appraisal and other information necessary to complete an acquisition in a timely manner; and

"(C) such other factors as the Secretaries consider appropriate.".

SEC. 105. EXPANSION OF STATE ASSISTANCE PURPOSES.

Section 6(a) (16 U.S.C. 460l–8) is amended by striking "outdoor recreation:".

SEC. 106. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

Section 6(b) (16 U.S.C. 460l–8) is amended to read as follows:

"(b) DISTRIBUTION AMONG THE STATES.—(1) Sums made available from the fund each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The

determination of the apportionment by the Secretary shall be final.

"(2) Two-thirds of the sums made available from the fund each fiscal year for State purposes shall be distributed by the Secretary using criteria developed by the Secretary under the following formula:

"(A) 30 percent shall be distributed equally among the several States.

"(B) 70 percent shall be distributed on the basis of the ratio which the population of each State bears to the total population of all States.

"(3) One-third of the sums made available from the fund each fiscal year for State purposes shall be distributed among the several States by the Secretary under a competitive grant program, subject to such criteria as the Secretary determines necessary to further the purposes of the Act.

"(4) The total allocation to an individual State under paragraphs (2) and (3) for a fiscal year shall not exceed 10 percent of the total amount allocated to the several States under this subsection for that fiscal year.

"(5) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of

any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (3), without regard to the 10 percent limitation to an individual State specified in paragraph (4).

"(6)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the United States Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

SEC. 107. STATE PLANNING.

Section 6(d) (16 U.S.C. 460l–8(d)) is amended to read as follows:

"(d) STATE PLAN.—(1)(A) A State plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. In

order to reduce costly repetitive planning efforts, a State may use for such plan a current State comprehensive outdoor recreation plan, a State recreation plan, or a State action agenda under criteria developed by the Secretary if, in the judgment of the Secretary, the plan used encompasses and promotes the purposes of this Act. No plan shall be approved for a State unless the Governor of the State certifies that ample opportunity for public participation in development and revision of the plan has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, and such criteria shall constitute the basis for certification by the Governor.

"(B) The plan or agenda shall contain—

"(i) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

"(ii) an evaluation of the demand for and supply of outdoor conservation and recreation resources and facilities in the State;

"(iii) a program for the implementation of the plan or agenda; and

"(iv) such other necessary information as may be determined by the Secretary.

"(C) The plan or agenda shall take into account relevant Federal resources and programs and be correlated

so far as practicable with other State, regional, and local plans.

"(2) The Secretary may provide financial assistance to any State for the preparation of a State plan under subsection (d)(1) when such plan is not otherwise available or for the maintenance of such a plan.".

SEC. 108. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 460l–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety.".

SEC. 109. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 460l–8(f)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B)(i) The Secretary shall approve such conversion only if the State demonstrates that no prudent or feasible alternative exists.

"(ii) Clause (i) shall not apply to property that is no longer viable as an outdoor conservation or recreation fa-

cility due to changes in demographics, or that must be abandoned because of environmental contamination which endangers public health and safety.

"(C)(i) The Secretary may not approve such conversion unless the conversion satisfies any conditions the Secretary considers necessary to assure the substitution of other conservation and recreation properties of at least equal market value and reasonable equivalent usefulness and location and which are in accord with the existing State Plan for conservation and recreation.

"(ii) For purposes of clause (i), wetland areas and interests therein, as identified in a plan referred to in that clause and proposed to be acquired as suitable replacement property within the same State, that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

TITLE II—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 201. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provi-

sion, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

SEC. 202. PURPOSES.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 203. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

SEC. 204. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended—

(1) in paragraph (j) by striking "and" after the semicolon;

(2) in paragraph (k) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(l) 'development grants'—

"(1) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction

on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, and support facilities; and

"(2) does not include landscaping, routine maintenance, and upkeep activities;

"(m) 'qualified Outer Continental Shelf revenues' has the meaning given that term in section 4 of the Resources 2000 Act; and

"(n) 'Secretary' means the Secretary of the Interior.".

SEC. 205. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city or town within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

SEC. 206. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended by striking so much as precedes subsection (a)(3) and inserting the following:

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

SEC. 207. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

SEC. 208. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State plans required under section 6 of the Land and Water Conservation Fund Act of 1965, in-

cluding by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

SEC. 209. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action plan of the grantee.".

SEC. 210. AVAILABILITY OF AMOUNTS.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"APPROPRIATIONS

"SEC. 1013. (a) IN GENERAL.—

"(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund that shall be known as the 'Urban Park and Recreation Recovery Fund' (in this section referred to as the 'Fund'). The Fund shall consist of such amounts as are deposited into the Fund under this

subsection. Amounts in the fund shall only be used to carry out this title.

"(2) DEPOSITS.—Subject to section 5 of the Resources 2000 Act, from amounts received by the United States as qualified Outer Continental Shelf revenues there shall be deposited into the fund $100,000,000 each fiscal year.

"(3) AVAILABILITY.—Of amounts in the fund, up to $100,000,000 shall be available each fiscal year without further appropriation, and shall remain available until expended.

"(4) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

"(b) LIMITATIONS ON ANNUAL GRANTS.—Of amounts available to the Secretary each fiscal year under this section—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

SEC. 211. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE III—HISTORIC PRESERVATION FUND

SEC. 301. AVAILABILITY OF AMOUNTS.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking "There shall be covered into such fund" and all that follows through "(43 U.S.C. 338)," and inserting "Subject to section

5 of the Resources 2000 Act, there shall be deposited into such fund $150,000,000 for each fiscal year after fiscal year 1998 from revenues due and payable to the United States as qualified Outer Continental Shelf revenues (as that term is defined in section 4 of that Act),".

(3) by striking the third sentence of subsection (a) (as so designated) and all that follows through the end of the subsection and inserting "Such moneys shall be used only to carry out the purposes of this Act."; and

(4) by adding at the end the following:

"(b)(1) Of amounts in the fund, up to $150,000,000 shall be available each fiscal year after September 30, 1999, for obligation or expenditure without further appropriation to carry out the purposes of this Act, and shall remain available until expended.

"(2) At least ½ of the funds obligated or expended each fiscal year under this section shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.

"(c) The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public

debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.".

TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION

SEC. 401. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to the Secretary of Agriculture and the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of conservation easements on farmland, ranchland, open space, and forestland in order to—

(1) protect the ability of these lands to continue in productive sustainable agricultural use; and

(2) prevent the loss of their value to the public as open space because of nonagricultural development.

SEC. 402. FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund that shall be known as the "Farmland, Ranchland, Open Space, and Forestland Protection Fund" (in this title referred to as the "Fund"). Subject to section 5 of this Act, there shall be deposited into the Fund $150,000,000 of qualified Outer Continental Shelf revenues received by the United States each fiscal year.

(b) AVAILABILITY.—Amounts in the Fund shall be available as provided in section 403, without further appropriation, and shall remain available until expended.

(c) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

SEC. 403. AUTHORIZED USES OF FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION FUND.

(a) FARMLAND PROTECTION PROGRAM.—The Secretary of Agriculture may use up to $50,000,000 annually from the Farmland, Ranchland, Open Space, and Forestland Protection Fund for the Farmland Protection Program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), as amended by section 404.

(b) RANCHLAND PROTECTION PROGRAM.—The Secretary of the Interior may use up to $50,000,000 annually from the Fund for the Ranchland Protection Program established by section 405.

(c) FOREST LEGACY PROGRAM.—The Secretary of Agriculture may use up to $50,000,000 annually from the Fund for the Forest Legacy Program established by section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

SEC. 404. FARMLAND PROTECTION PROGRAM.

(a) EXPANSION OF EXISTING PROGRAM.—Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary of Agriculture shall establish and carry out a program, to be known as the 'Farmland Protection Program', under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive soil for the purpose of protecting the continued use of the land as farmland or open space by limiting nonagricultural uses of the land.

"(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

"(c) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) an agency of a State or local government;

"(2) a federally recognized Indian tribe; or

"(3) any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

"(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Farmland Protection Program and the terms and conditions of the grant.

"(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan

to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

"(g) TECHNICAL ASSISTANCE.—The Secretary of Agriculture may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.".

(b) EFFECT ON EXISTING EASEMENTS.—The amendment made by subsection (a) shall not affect the validity or terms of conservation easements and other interests in lands purchased under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) before the date of the enactment of this Act.

SEC. 405. RANCHLAND PROTECTION PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary of Interior shall establish and carry out a program, to be known as the "Ranchland Protection Program", under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements on ranchland, which is in danger of conversion to nonagricultural uses, for the purpose of protecting the continued use of the land as ranchland or open space.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means—

(1) an agency of a State or local government;

(2) a federally recognized Indian tribe; or

(3) any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in sub-

section (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Ranchland Protection Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) RANCHLAND DEFINED.—In this section, the term "ranchland" means private or tribally owned rangeland, pastureland, grazed forest land, and hay land.

(h) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND

SEC. 501. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 502. FEDERAL AND INDIAN LANDS RESTORATION FUND; AVAILABILITY OF AMOUNTS; ALLOCATION.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund that shall be known as the "Federal and Indian Lands Restoration Fund". Subject to section 5 of this Act, there shall be deposited into the fund $250,000,000 of qualified Outer Continental Shelf revenues received by the United States each fiscal year. Amounts in the fund shall only be used to carry out the purpose of this title.

(b) AVAILABILITY.—Of amounts in the fund, up to $250,000,000 shall be available each fiscal year without further appropriation, and shall remain available until expended.

(c) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 503(b).

(d) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.

SEC. 503. AUTHORIZED USES OF FUND.

(a) IN GENERAL.—Funds made available pursuant to this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, using such criteria as may be developed by the Secretary to achieve the purpose of this title.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount provided to all Indian tribes for that fiscal year in the form of such grants.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts pro-

vided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 504. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VI—LIVING MARINE RESOURCES CONSERVATION, RESTORATION, AND MANAGEMENT ASSISTANCE

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program to—

(1) preserve biological diversity and natural assemblages of living marine resources, and their habitat; and

(2) provide financial assistance to the coastal States, private citizens, and nongovernmental entities for the conservation, restoration, and management of living marine resources and their habitat.

SEC. 602. FINANCIAL ASSISTANCE TO COASTAL STATES.

(a) AUTHORIZATION OF ASSISTANCE.—

(1) IN GENERAL.—The Secretary may use amounts allocated to an eligible coastal State under subsection (b) to reimburse the State for costs described in paragraph (3) that are incurred by the State.

(2) ELIGIBLE COASTAL STATES.—A coastal State shall be an eligible coastal State under paragraph (1) if—

(A) the State has a Living Marine Resources Conservation Plan that is approved under subsection (d); or

(B) the Secretary determines that the State is making sufficient progress toward completion of such a plan.

(3) COSTS ELIGIBLE FOR REIMBURSEMENT.—The costs referred to in paragraph (1) are the following:

(A) The costs of developing a Living Marine Resources Conservation Plan pursuant to subsection (d), as follows:

(i) Not to exceed 90 of such costs incurred in each of the first three fiscal years that begin after the date of the enactment of this Act.

(ii) Not to exceed 75 percent of such costs incurred in each of the fourth and fifth fiscal years that begin after the date of the enactment of this Act.

(iii) Not to exceed 75 percent of such costs incurred in the sixth or seventh year that begins after the date of the enactment of this Act (or both), upon a showing by the State of a need for that assistance for

that year and a finding by the Secretary that the plan is likely to be completed within that 2-fiscal-year period.

(B) Not to exceed 75 percent of the costs of implementing and revising an approved conservation plan.

(C) Not to exceed 90 percent of implementing conservation actions under an approved conservation plan that are undertaken—

(i) in cooperation with one or more other coastal States; or

(ii) in coordination with Federal actions for the conservation, restoration, or management of living marine resources.–

(4) EMERGENCY FUNDING.—Notwithstanding paragraph (1), the Secretary may reimburse a coastal State for 100 percent of the cost of conservation actions on a showing of need by the State and if those actions—

(A) are substantial in character and design;

(B) meet such of the requirements of subsection (d) as may be appropriate; and

(C) are considered by the Secretary to be necessary to fulfill the purpose of this title.

(5) IN-KIND CONTRIBUTIONS; LIMITATION ON INCLUDED COSTS.—(A) In computing the costs incurred by any State during any fiscal year for purposes of paragraphs (1) and (4), the Secretary, subject to subparagraph (B), shall take into account, in addition to each outlay by the State, the value of in-kind contributions (including real and personal property and services) received and applied by the State during the year for activities for which the costs are computed.

(B) In computing the costs incurred by any State during any fiscal year for purposes of paragraphs (1) and (4)—

(i) the Secretary shall not include costs paid by the State using Federal moneys received and applied by the State, directly or indirectly, for the activities for which the costs are computed; and

(ii) the Secretary shall not include in-kind contributions in excess of 50 percent of the amount of reimbursement paid to the State under this subsection for the fiscal year.

(C) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not required to be limited to, personal services rendered by

volunteers in carrying out surveys, censuses, and other scientific studies regarding living marine resources. The Secretary shall by regulation establish—

(i) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as in-kind contributions; and

(ii) the standards under which the Secretary will determine the value of in-kind contributions and real and personal property for purposes of subparagraph (A).

(D) Any valuation determination made by the Secretary for purposes of this paragraph shall be final and conclusive.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate among all coastal States the funds available each fiscal year under section 604(b), as follows:

(A) A portion equal to ⅔ of the funds shall be allocated by allocating to each coastal State an amount that bears the same ratio to that portion as the coastal population of the State bears to the total coastal population of all coastal States.

(B) A portion equal to ⅓ of the funds shall be allocated by allocating to each coastal State an amount that bears the same ratio to that portion as the shoreline miles of the State bears to the shoreline miles of all coastal States.

(2) MINIMUM AND MAXIMUM ALLOCATIONS.—Notwithstanding paragraph (1), the total amount allocated to a coastal State under subparagraphs (A) and (B) of paragraph (1) for a fiscal year shall be not less than ½ of one percent, and not more than 10 percent, of the total amount of funds available under section 604(b) for the fiscal year.

(c) AVAILABILITY OF FUNDS TO STATES.—

(1) IN GENERAL.—Amounts allocated to a coastal State under this section for a fiscal year shall be available for expenditure by the State in accordance with this section without further appropriation, and shall remain available for expenditure for the subsequent fiscal year.

(2) REVERSION.—(A) Except as provided in subparagraph (B), amounts allocated under subsection (b)(1) to a coastal State for a fiscal year that are not expended before the end of the subsequent fiscal year shall, upon the expiration of the

subsequent fiscal year, revert to the Fund and remain available for reallocation under subsection (b).

(B) Subparagraph (A) shall not apply to amounts that are otherwise subject to reallocation under this paragraph if the Secretary certifies in writing that the purposes of this title would be better served if the amounts remained available for use by the coastal State.

(C) Amounts that remain available to a coastal State pursuant to a certification under subparagraph (B) may remain available for a period specified by the Secretary in the certification, which shall not exceed 2 fiscal years.

(d) APPROVAL OF COASTAL STATE LIVING MARINE RESOURCES CONSERVATION PLANS.—

(1) SUBMISSION.—A coastal State that seeks financial assistance under this section shall submit to the Secretary, in such manner as the Secretary shall by regulation prescribe, an application that contains a proposed Living Marine Resources Conservation Plan.

(2) REVIEW AND APPROVAL.—As soon as is practicable, but no later than 180 days, after the date on which a coastal State submits (or resubmits in the case of a prior disapproval) an application for

the approval of a proposed Living Marine Resources Conservation Plan, the Secretary shall—

(A) approve the plan, if the Secretary determines that the plan—

(i) fulfills the purpose of this title;

(ii) is substantial in character and design; and

(iii) meets the requirements set forth in subsection (e); or

(B) if the proposed plan does not meet the criteria set forth in subparagraph (A), disapprove the conservation plan and provide the coastal State—

(i) a written statement of the reasons for disapproval;

(ii) an opportunity to consult with the Secretary regarding deficiencies in the plan and the modifications required for approval; and

(iii) an opportunity to revise and resubmit the plan.

(e) LIVING MARINE RESOURCES CONSERVATION PLANS.—The Secretary may not approve an Living Marine Resources Conservation Plan proposed by a coastal State unless the Secretary determines that the plan—

(1) promotes balanced and diverse assemblages of living marine resources;

(2) provides for the vesting in a designated State agency the overall responsibility for the development and revision of the plan;

(3) provides for an inventory of the living marine resources that are within the waters of the State and are of value to the public for ecological, economic, cultural, recreational, scientific, educational, and esthetic benefits;

(4) with respect to species inventoried under paragraph (3) (in this subsection referred to as "plan species"), provides for—

(A) determination of the size, range, and distribution of their populations; and

(B) identification of the extent, condition, and location of their habitats;

(5) provides for identification of any significant factors which may adversely affect the plan species and their habitats;

(6) provides for determination and implementation of the actions that should be taken to conserve, restore, and manage the plan species and their habitats;

(7) provides for establishment of priorities for implementing conservation actions determined under paragraph (6);

(8) provides for the monitoring, on a regular basis, of the plan species and the effectiveness of the conservation actions determined under paragraph (6);

(9) provides for review and, if appropriate, revision of the plan, at intervals of not more than 3 years;

(10) ensures that the public is given opportunity to make its views known and considered during the development, revision, and implementation of the plan;

(11) identifies and establishes mechanisms for coordinating conservation, restoration, and management actions under the plan with appropriate Federal and interstate bodies with responsibility for living marine resources management and conservation; and

(12) provides for consultation by the State agency designated under paragraph (2), as appropriate, with Federal and State agencies, interstate bodies, nongovernmental entities, and the private sector during the development, revision, and imple-

mentation of the plan, in order to minimize duplication of effort and to ensure that the best information is available to all parties.

SEC. 603. OCEAN CONSERVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may use amounts available under section 604(b) to make grants for the conservation, restoration, or management of living marine resources.

(b) ELIGIBILITY AND APPLICATION.—Any person may apply to the Secretary for a grant under this section, in such manner as the Secretary shall by regulation prescribe.

(c) REVIEW PROCESS.—Not later than 6 months after receiving an application for a grant under this section, the Secretary shall—

(1) request written comments on the project proposal contained in the application from each State or territory of the United States, and from each Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), having jurisdiction over any area in which the project is proposed to be carried out;

(2) provide for the merit-based peer review of the project proposal and require standardized documentation of that peer review;

(3) after reviewing any written comments and recommendations received under subsection (c)(1), and based on such comments and recommendations and peer review, approve or disapprove the proposal; and

(4) provide written notification of that approval or disapproval to the applicant.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a proposal for a grant under this section only if the Secretary determines that the proposed project—

(1) fulfills the purposes of this title;

(2) is substantial in character and design; and

(3) provide for the long-term conservation, restoration, or management of living marine resources.

(e) PRIORITY CONSIDERATION.—In approving and disapproving proposals under this section, the Secretary shall give priority to funding proposed projects that, in addition to satisfying the criteria of subsection (d), will—

(1) establish or enhance existing cooperation and coordination between the public and private sectors;

(2) assist in achieving the objectives of a National Estuary, National Marine Sanctuary, National Estuarine Research, Reserve, or other marine protected area established under Federal or State law; or

(3) assist in the conservation and enhancement of essential fish habitat pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(f) LIMITATION ON AMOUNT OF GRANTS.—The amount provided to a private person in a fiscal year in the form of a grant under this section may not exceed 2 percent of the total amount available for the fiscal year for such grants.

(g) TERMS AND CONDITIONS OF GRANTS.—The Secretary shall require that each grantee under this section shall conform with such record-keeping requirements, reporting requirements, and other terms and conditions as the Secretary shall by regulation prescribe.

SEC. 604. LIVING MARINE RESOURCES CONSERVATION FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund which shall be

known as the "Living Marine Resources Conservation Fund".

(2) CONTENTS.—The Fund shall consist of—

(A) amounts deposited into the Fund under this section; and

(B) amounts that revert to the Fund under section 602(c)(2).

(3) DEPOSIT OF OCS REVENUES.—Subject to section 5 of this Act, from amounts received by the United States as qualified Outer Continental Shelf revenues each fiscal year, there shall be deposited into the Fund the following:

(A) For each of fiscal years 2000 and 2001, $100,000,000.

(B) For each of fiscal years 2002, 2003, and 2004, $200,000,000.

(C) For each of fiscal year 2005 and each fiscal year thereafter, $300,000,000.

(b) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Of amounts in the Fund, up to the amount stated for a fiscal year in paragraph (3) shall be available to the Secretary for that fiscal year without further appropriation to carry out this title, and shall remain available until expended.

(2) USE.—Of the amounts expended under this subsection for a fiscal year—

(A) ⅔ shall be used by the Secretary for providing financial assistance to coastal States under section 602; and

(B) ⅓ shall be used by the Secretary for grants under section 603.

(c) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

SEC. 605. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone manage-

ment program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(2) FUND.—The term "Fund" means the Living Marine Resources Conservation Fund established by section 604.

(3) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(4) LIVING MARINE RESOURCES.—The term "living marine resources" means indigenous fin fish, anadromous fish, mollusks, crustaceans, and all other forms of marine animal and plant life, including marine mammals and birds, that inhabit marine or brackish waters of the United States during all or part of their life cycle.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION

SEC. 701. AMENDMENTS TO FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 2(a) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901(a)) is amended—

(1) in paragraph (1) by striking "Fish and wildlife" and inserting "Native fish and wildlife";

(2) in paragraph (2)—

(A) by striking "fish and wildlife, particularly nongame fish and wildlife" and inserting "native fish and wildlife, particularly nongame species"; and

(B) by striking "maintaining fish and wildlife" and inserting "maintaining biological diversity";

(3) in paragraph (3) by striking "fish and wildlife" and inserting "native fish and wildlife";

(4) in paragraph (4) by striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(5) in paragraph (5) by striking "fish and wildlife" and all that follows through the end of the sentence and inserting "native fish and wildlife.".

(b) PURPOSES.—Section 2(b) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901(b)) is amended—

(1) by striking "nongame fish and wildlife" each place it appears and inserting "native fish and wildlife";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following:

"(1) to preserve biological diversity by maintaining natural assemblages of native fish and wildlife;"; and

(3) in paragraph (2), as redesignated, by inserting after "States" the following: "(and through the States to local governments where appropriate)".

SEC. 702. DEFINITIONS.

Section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902) is amended—

(1) in paragraph (2) by striking "fish and wildlife" and inserting "native fish and wildlife";

(2) in paragraph (3)—

(A) by striking "fish and wildlife" and inserting "native fish and wildlife"; and

(B) by striking "development" and inserting "and restoration";

(3) in paragraph (4) by striking "fish and wildlife" and inserting "native fish and wildlife";

(4) by amending paragraph (5) to read as follows:

"(5) The term 'native fish and wildlife'—

"(A) subject to subparagraph (B), means a fish, animal, or plant species that—

"(i) historically occurred or currently occurs in an ecosystem, other than as a result of an introduction; and

"(ii) lives in an unconfined state; and

"(B) does not include any population of a domesticated species that has reverted to a feral existence.

Any determination by the Secretary that a species is or is not a species of native fish and wildlife for purposes of this Act shall be final.";

(5) by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(6) by adding at the end the following:

"(8) The term 'Native Wildlife Fund' means the Native Fish and Wildlife Conservation and Restoration Fund established by section 11.

"(9) The term 'qualified Outer Continental Shelf revenues' has the meaning given that term in section 4 of the Resources 2000 Act.".

SEC. 703. CONSERVATION PLANS.

Section 4 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2903) is amended—

(1) by redesignating paragraphs (1) through (10) in order as paragraphs (2) through (11);

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) promote balanced and diverse assemblages of native fish and wildlife;";

(3) in paragraph (3) (as so redesignated) by striking "nongame" and all that follows through "appropriate," and inserting "native fish and wildlife";

(4) in paragraph (4) (as so redesignated) by striking "(2)" and inserting "(3)";

(5) in paragraph (5) (as so redesignated) by striking "problems" and inserting "factors"; and

(6) in paragraphs (7) and (8) (as so redesignated) by striking "(5)" and inserting "(6)".

SEC. 704. CONSERVATION ACTIONS IN ABSENCE OF CONSERVATION PLAN.

(a) IN GENERAL.—Section 5 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2904) is amended—

(1) in the section heading by striking "**NONGAME**";

(2) by striking subsection (c), and redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated) by—

(A) in the subsection heading, by striking "NONGAME";

(B) striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(C) striking "and" after the semicolon at the end of paragraph (1), striking the period at the end of paragraph (2) and inserting "; and", and adding at the end the following:

"(3) are consistent with the purposes of this Act.".

(b) CONFORMING AMENDMENTS.—Section 6 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2905) is amended by striking "section 5(c) and (d)" each place it appears and inserting "section 5(c)".

SEC. 705. AMENDMENTS RELATING TO REIMBURSEMENT PROCESS.

Section 6 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2905) is amended—

(1) in the section heading by striking "**NONGAME**";

(2) in subsection (a)(3) by striking "nongame fish and wildlife";

(3) in subsection (d) by striking "appropriated" and inserting "available";

(4) in subsection (e)(2)—

(A) in subparagraph (A) by striking "1991" and inserting "2010";

(B) in subparagraph (B)—

(i) by striking "1986" and inserting "2005";

(ii) by striking "section 5(d)" and inserting "section 5(c)";

(iii) by striking "nongame fish and wildlife" and inserting "conservation"; and

(iv) by adding "or" after the semicolon;

(C) by striking subparagraphs (C), (D), and (E);

(D) by redesignating subparagraph (F) as subparagraph (C);

(E) in subparagraph (C) (as so redesignated) by striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(F) in subparagraph (C)(ii) (as so redesignated) by striking "10 percent" and inserting "50 percent";

(5) in subsection (e)(3)—

(A) in subparagraph (A) by striking "1982, 1983, and 1984" and inserting "2001, 2002, and 2003";

(B) in subparagraph (B) by striking "nongame fish and wildlife"; and

(C) by amending subparagraph (D) to read as follows:

"(D) after September 30, 2010, may not exceed 75 percent of the cost of implementing and revising the plan during the fiscal year."; and

(6) in subsection (e)(4)—

(A) in subparagraph (A) by striking "nongame fish and wildlife"; and

(B) in subparagraph (B) by striking "fish and wildlife" and inserting "native fish and wildlife".

SEC. 706. ESTABLISHMENT OF NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION TRUST FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Section 11 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2910) is amended to read as follows:

"SEC. 11. NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION FUND.

"(a) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States a fund which shall be known as the 'Native Fish and Wildlife Conservation and Restoration Fund'. The Native Fish and Wildlife

Conservation Fund shall consist of amounts deposited into the Fund under this subsection.

"(2) Subject to section 5 of the Resources 2000 Act, from amounts received by the United States as qualified Outer Continental Shelf revenues each fiscal year, there shall be deposited into the Fund the following amounts:

"(A) For each of fiscal years 2000 and 2001, $100,000,000.

"(B) For each of fiscal years 2002, 2003, and 2004, $200,000,000.

"(C) For fiscal year 2005 and each fiscal year thereafter, $350,000,000.

"(3) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

"(b) AVAILABILITY FOR REIMBURSEMENT TO STATES.—Of amounts in the Native Wildlife Fund—

"(1) up to the amount stated in subsection (a)(2) for a fiscal year shall be available to the Sec-

retary of the Interior for that fiscal year, without further appropriation, to reimburse States under section 6 in accordance with the terms and conditions that apply under sections 7 and 8; and

"(2) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Section 8 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2907) is amended—

(1) in subsection (a) by striking "appropriated" and inserting "available"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1) by striking "appropriated" and inserting "available"; and

(B) in paragraph (1)—

(i) by striking "8 percent" and inserting "2 percent"; and

(ii) by striking "the purposes for which so appropriated" and inserting "the purposes for which the amount is available".

TITLE VIII—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 801. PURPOSES.

The purposes of this title are the following:

(1) To provide a dedicated source of funding to the Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 802. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts in the Endangered and Threatened Species Recovery Fund established by section 804 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 804.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this sec-

tion shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 803. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this title in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this title for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this title to implement the

agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 804. ENDANGERED AND THREATENED SPECIES RECOVERY FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that shall be known as the "Endangered and Threatened Species Recovery Fund". The Fund shall consist of such amounts as are deposited into the Fund under this section.

(2) DEPOSITS.—Subject to section 5 of this Act, from amounts received by the United States as qualified Outer Continental Shelf revenues there shall be deposited into the Fund $100,000,000 each fiscal year.

(b) AVAILABILITY.—Of amounts in the Fund up to $100,000,000 shall be available to the Secretary each fiscal year, without further appropriation, for providing financial assistance under section 802, and shall remain available until expended.

(c) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as de-

termined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

SEC. 805. DEFINITIONS.

In this title:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term "family farm" means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) FUND.—The term "Fund" means the Endangered and Threatened Species Recovery Fund established by section 804.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(5) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(6) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 803.

I

106TH CONGRESS
1ST SESSION

H. R. 701

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. TAUZIN, Mr. JOHN, Mr. BAKER, Mr. RANGEL, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. ROGERS, Mr. TANNER, Mr. LIVINGSTON, Mr. LAMPSON, Mr. MCCRERY, Mr. TOWNS, Mr. GOSS, Mr. KILDEE, Mr. NORWOOD, Mr. SHOWS, Mr. HILLIARD, Mr. SESSIONS, Mr. LUTHER, Mr. ROEMER, Ms. MCCARTHY of Missouri, Mr. WEYGAND, Mr. WELLER, Mr. WATKINS, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. COOKSEY, Mr. HOLDEN, Mr. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Mrs. BONO, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Resources

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A BILL

To provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to

meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation and Reinvestment Act of 1999".

TITLE I—OUTER CONTINENTAL SHELF IMPACT ASSISTANCE

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) the Nation owns valuable mineral assets that are located both onshore and on the Federal Outer Continental Shelf and the policy of the Federal Government is to develop those resources for the benefit of the Nation, under certain restrictions that are designed to prevent environmental damage and other adverse impacts;

(2) development of these resources of the Nation is accompanied by unavoidable environmental impacts and public service impacts in the States that host this development whether the development occurs onshore or on the Federal Outer Continental Shelf;

(3) the Federal Government has a responsibility to assist States that host the development of Federal

mineral assets to mitigate adverse environmental and public service impacts incurred due to that development;

(4) the Federal Government discharges its responsibility to States that host onshore Federal mineral development by sharing 50 percent of the revenue derived from the mineral development with the host State pursuant to section 35 of the Mineral Leasing Act;

(5) today Federal mineral development is occurring as far as 200 miles offshore and occurs off the coasts of only 6 States and section 8(g) of the Outer Continental Shelf Lands Act does not adequately compensate these States for the onshore impacts of the offshore Federal mineral development;

(6) Federal Outer Continental Shelf mineral development is an important and secure source of our Nation's supply of oil and natural gas;

(7) the Outer Continental Shelf Advisory Committee of the Department of the Interior, consisting of representatives of coastal States, recommended in October 1997, that Federal mineral revenue derived from the entire Outer Continental Shelf be shared with all coastal States and territories to mitigate on-

shore impacts from Federal offshore mineral development and for other environmental mitigation;

(8) Federal mineral assets are a nonrenewable, capital asset of the Nation; the production and sale of this asset produces revenue to the Nation that is also a capital asset of the Nation; thus, a portion of the revenue derived from the production and sale of Federal minerals should be reinvested in the Nation through environmental mitigation and public service improvements; and

(9) it is fair to share a portion of the revenue derived from Federal Outer Continental Shelf production with the impacted States; and an emphasis on where this production takes place should not be construed as incentive for development.

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) The term "allocable share" means, for a coastal State, that portion of revenue that is allocated to that coastal State under section 103(e). For an eligible political subdivision of a coastal State, such term means that portion of revenue that is allocated to that political subdivision under section 103(e).

(2) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1455).

(3) The term "coastal State" means any State of the United States bordering on the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Bering Sea, the Gulf of Mexico, or any of the Great Lakes, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "eligible political subdivision" means a political subdivision of a coastal State which political subdivision has a seaward boundary that lies within a distance of 200 miles from the geographic center of any leased tract. The Secretary shall annually provide a list of all eligible political

subdivisions of each coastal State to the Governor of such State.

(7) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(8) The term "Governor" means the highest elected official of a coastal State.

(9) The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks and/or portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(10) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(11) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(12) The term "qualified Outer Continental Shelf revenues" means all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee.

(14) The term "the Fund" means the Outer Continental Shelf Impact Assistance Fund established under section 103(a).

SEC. 103. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States a fund which shall be known as the "Outer Continental Shelf Impact Assistance Fund". The Secretary shall deposit in the Fund in this section 27 percent of the qualified Outer Continental Shelf revenues.

(2) No revenues shall be placed in the Fund from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding mar-

ketable obligations of the United States of comparable maturity. All interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under chapter 69 of title 31 of the United States Code (relating to PILT) or under section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

(b) PAYMENT TO STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), the Secretary shall, without further appropriation, make payments in each fiscal year to coastal States and to eligible political subdivisions equal to the amount deposited in the Fund for the prior fiscal year (reduced by any refunds paid under section 106(b) and not including any interest earned as provided in subsection (a)(3)). Such payments shall be allocated among the coastal States and eligible political subdivisions as provided in this section.

(c) DETERMINATION OF STATES' ALLOCABLE SHARES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues deposited in the Fund for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated to each State as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF PRODUCTION SHARE.—If any portion of a coastal State lies within a distance of 200 miles from the geographic center of any leased tract, such State shall receive part of its allocable share under paragraph (1)(A) based on the Outer Continental Shelf oil and gas production offshore of such State. Such part of its allocable share shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile), as determined by the Secretary. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the

tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)) or which is making satisfactory progress toward one shall not be less than 0.50 percent of the total amount of the revenues deposited in the Fund for each fiscal year. For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraph (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of

the amount deposited in the fund is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(d) PAYMENTS TO STATE.—50 percent of each State's allocable share, as determined under subsection (c), shall be paid to the State, except that in the case of a coastal State in which there is no eligible political subdivision, 100 percent of the State's allocable share, as determined under subsection (c), shall be paid to the State.

(e) PAYMENTS TO POLITICAL SUBDIVISIONS.—50 percent of each State's allocable share, as determined under subsection (c), shall be paid to the eligible political subdivisions in such State. Such payments shall be allocated among the eligible political subdivisions of the State according to ratios that are inversely proportional to the distance between the nearest point on the seaward boundary of each such eligible political subdivision and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile), as determined by the Secretary.

(f) TIME OF PAYMENT.—(1) Payments to coastal States and eligible political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding

fiscal year. Payment shall not commence before the date 12 months following the date of enactment of this Act.

(2) Any amount in the Fund not paid to coastal States and eligible political subdivisions under this section in any fiscal year shall be disposed of according to the law otherwise applicable to receipts from leases on the Outer Continental Shelf.

SEC. 104. USES OF FUNDS.

Funds received pursuant to this title shall be used by the coastal States and eligible political subdivisions for the following projects and activities:

(1) Air quality, water quality, fish and wildlife (including cooperative or contract research on marine fish), wetlands, or other coastal and estuarine resources.

(2) Other activities of such State or political subdivision, authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the provisions of subtitle B of title IV of the Oil Pollution Act of 1990 (104 Stat. 523), or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(3) Administrative and planning costs of complying with the provisions of this subtitle. Up to one percent of the amounts made available to any State

in any fiscal year under this title may be used for purposes of administrative costs.

(4) Uses related to the Outer Continental Shelf Lands Act.

(5) Mitigating impacts of Outer Continental Shelf activities including onshore infrastructure and public service needs.

SEC. 105. OBLIGATIONS OF STATES AND ELIGIBLE POLITICAL SUBDIVISIONS.

(a) STATE PLANS.—Within 1 year after the date of enactment of this Act, the Governor of every State eligible to receive moneys from the Fund shall develop a State plan for the use of such moneys and shall certify the plan to the Secretary. The plan shall be developed with public participation and shall include the plan for the use of such funds by every political subdivision of the State eligible to receive moneys from the Fund. The Governor shall certify to the Secretary that the plan was developed with public participation and in accordance with all applicable State laws. The Governor shall amend the plan, as necessary, with public participation, but not less than every 5 years.

(b) PROJECT SUBMISSION.—Prior to receiving funds pursuant to this title for any fiscal year, an eligible political subdivision shall submit to the Governor of the State

in which it is located a plan setting forth the projects and activities for which the eligible political subdivision proposes to expend such funds. Such plan shall state the amounts proposed to be expended for each project or activity during the upcoming fiscal year.

(c) PROJECT APPROVAL.—Prior to the payment of funds pursuant to this title to any eligible political subdivision for any fiscal year, the Governor must approve the plan submitted by the eligible political subdivision pursuant to subsection (b) and notify the Secretary of such approval. State approval of any such plan shall be consistent with all applicable State and Federal law. In the event the Governor disapproves any such plan, the funds that would otherwise be paid to the eligible political subdivision shall be placed in escrow by the Secretary pending modification and approval of such plan, at which time such funds together with interest thereon shall be paid to the eligible political subdivision. Any eligible political subdivision that fails to receive approval from the Governor of such plan may appeal to the Secretary and the Secretary may approve or disapprove such plan based on the eligible uses set forth in section 104.

(d) CERTIFICATION.—Not later than 60 days after the end of the fiscal year, any eligible political subdivision

receiving funds under this title shall certify to the Governor—

(1) the amount of such funds expended by the political subdivision during the previous fiscal year;

(2) the amounts expended on each project or activity;

(3) a general description of how the funds were expended; and

(4) the status of each project or activity.

The certification under paragraph (4) shall include a certification that a project or activity is consistent with the State plan developed under subsection (a).

SEC. 106. ANNUAL REPORT; REFUNDS.

(a) REPORT.—On June 15 of each year, the Governor of each State receiving moneys from the Fund under this title shall account for all moneys so received for the previous fiscal year in a written report to the Secretary and the Congress. The report shall include a description of all projects and activities receiving funds under this title, including all information required under section 105(c).

(b) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, 27 percent of such refunds shall be paid from amounts available in the Fund.

TITLE II—STATE, LOCAL, AND URBAN CONSERVATION AND RECREATION

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Land and Water Conservation Fund Act of 1965 embodied a concept that a portion of the proceeds from Outer Continental Shelf mineral leasing revenues and the depletion of a nonrenewable natural resource should result in a legacy of places accessible to the public for conservation and public recreation and benefit from resources belonging to all people, of all generations, and the enhancement of the most precious and most renewable natural resource of any nation, healthy and active citizens.

(2) The States and local governments were to occupy a pivotal role in accomplishing the purposes of the Land and Water Conservation Act of 1965 and the Act originally provided an equitable portion of funds to the States, and through them, to local governments.

(3) Because of competition for funding and the limited availability of Federal moneys, the original intention of the Land and Water Conservation Fund Act of 1965 has been abandoned and, in recent

years, States have not received an equitable proportion of direct funding.

(4) With population growth and urban sprawl, the demand for conservation and recreation areas at the State and local level, including urban localities, remains a high priority.

(5) There has been an increasing need for Federal moneys to be made available for Federal purposes under the Land and Water Conservation Fund Act of 1965, with lands identified as important for Federal acquisition not being acquired for several years due to insufficient funds.

(b) PURPOSE.—The purpose of this title is to complement State, local, and private commitments envisioned in the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978 by providing grants for State, local, and urban conservation and recreation needs, and to provide a secure source of Federal purposes under the Land and Water Conservation Fund Act of 1965.

SEC. 202. FUNDING FOR STATE, LOCAL, AND URBAN CONSERVATION AND RECREATION.

(a) REVENUES.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c)(1)) is amended by redesignating paragraph (1) of subsection

(c) as subsection (d) and by amending subsection (c) to read as follows:

"(c) OUTER CONTINENTAL SHELF REVENUES.—(1) 23 percent of the qualified Outer Continental Shelf revenues (as defined in section 102 of the Conservation and Reinvestment Act of 1999) shall also be credited to a separate account in the Land and Water Conservation Fund in the Treasury in each fiscal year through September 30, 2015. Revenues covered into the fund under this subsection shall be available, without further appropriation, in the next succeeding fiscal year to carry out this Act. To the extent that such revenues in a fiscal year exceed $900,000,000, such excess shall be available, without further appropriation, in the next succeeding fiscal year for obligation or expenditure under chapter 69 of title 31 of the United States Code (relating to PILT) or under section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

"(2) The Secretary of the Treasury shall invest moneys in the separate account that are excess to expenditures at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding

marketable obligations of the United States of comparable maturity. All interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under chapter 69 of title 31 of the United States Code (relating to PILT) or under section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).".

(b) CONFORMING AMENDMENT.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is amended by striking "Moneys" and inserting "Except as provided under section 2(c), moneys".

(c) ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–7) is amended as follows:

(1) By striking "ALLOCATION" and inserting "(a) IN GENERAL" after "SEC 5.".

(2) By striking the second sentence and all that follows down through the period at the end thereof.

(3) By adding at the end the following new subsection at the end:

"(b) ALLOCATION.—Amounts available in the fund under section 2(c)(1) of this Act (16 U.S.C. 460l–5(c)(1)) for obligation or expenditure may be obligated or expended only as follows—

"(1) 42 percent shall be available for Federal purposes, 25 percent of which shall be made available to the Secretary of Agriculture for the acquisition of lands, waters, or interests in land or water solely within the exterior boundaries of areas of the National Forest System or any other land management unit established by Act of Congress and managed by the Secretary of Agriculture (notwithstanding the first proviso of section 7(1)), and 75 percent of which shall be available to the Secretary of the Interior for the acquisition of lands, waters, or interests in land or water solely within the exterior boundaries of areas of the National Park System, National Wildlife Refuge System, or any other land management unit established by Act of Congress and managed by the Secretary of the Interior. At least ⅔ of the moneys available under this subparagraph for Federal purposes shall be spent east of the 100th meridian. Up to one percent of the amounts made available in any fiscal year under this paragraph may be used for administration. No moneys available under this paragraph for Federal purposes shall be used for condemnation of any interest in property.

"(2) 42 percent shall be available for financial assistance to the States under section 6 of this Act (16 U.S.C. 460l–8) distributed according to the following allocation formula:

"(A) 60 percent shall be apportioned equally among the States.

"(B) 20 percent shall be apportioned on the basis of the ratio which the population of each State bears to the total population of all States.

"(C) 20 percent shall be apportioned on the basis of the ratio which the acreage of each State bears to the total acreage of all States.

Up to one percent of the amounts made available in any fiscal year under this paragraph may be used for administration.

"(3) 16 percent shall be available to local governments through the Urban Parks and Recreation Recovery Program (16 U.S.C. 2501–2514) of the Department of the Interior. Up to one percent of the amounts made available in any fiscal year under this paragraph may be used for administration.".

(d) TRIBES AND ALASKA NATIVE VILLAGE CORPORATIONS.—Section 6(b)(5) of the Land and Water Con-

servation Fund Act of 1965 (16 U.S.C. 460l–8(b)(5)) is amended as follows:

(1) By inserting "(A)" after "(5)".

(2) By adding at the end the following new subparagraph:

"(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Village Corporations (as defined in section 3(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(j)) shall be treated collectively as 1 State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Village Corporation receives more than 10 percent of the total amount made available to all tribes and Village Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Village Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (b).".

(e) LOCAL ALLOCATION.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.

460l–8(b)) is amended by adding the following new paragraph at the end:

"(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.".

(f) MATCH.—Subsection 6(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(c)) is amended to read as follows:

"(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 percent of the cost of outdoor conservation and recreation planning, acquisition, or development projects that are undertaken by the State.".

(g) STATE ACTION AGENDA.—(1) Section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)) is amended to read as follows:

"(d) STATE ACTION AGENDA REQUIRED.—Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act

so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

"(1) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

"(2) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space,

and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.".

(2) Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(h) STATE PLANS.—Subsection 6(e) of Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(e)) is amended as follows:

(1) By striking "State comprehensive plan" at the end of the first paragraph and inserting "State Action Agenda".

(2) By striking "State comprehensive plan" in paragraph (1) and inserting "State Action Agenda".

(3) By striking "but not including incidental costs related to acquisition" at the end of paragraph (1).

(i) CONVERSION.—Paragraph (3) of section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)) is amended by striking the second sentence and inserting: "The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Action Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Action Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the

Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

(j) COST LIMITATIONS.—Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9) is amended by adding the following at the end thereof:

"(d) MAXIMUM FEDERAL COST PER PROJECT.—No expenditure shall be made to acquire, construct, operate, or maintain any project under this section, the total Federal cost of which exceeds $1,000,000 unless the funds for such project have been specifically authorized by a subsequently enacted law.".

SEC. 203. URBAN PARK AND RECREATION RECOVERY ACT OF 1978 AMENDMENTS.

(a) GRANTS.—Section 1004 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2503) is amended by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h) respectively, and by inserting the following after subsection (c):

"(d) 'development grants' means matching capital grants to local units of government to cover costs of development and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreation facilities, support facilities, and landscaping, but excluding routine maintenance and upkeep activities;

"(e) 'acquisition grants' means matching capital grants to local units of government to cover the direct and incidental costs of purchasing new park land to be permanently dedicated and made accessible for public recreation use;".

(b) ELIGIBILITY.—Section 1005(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2504) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, the list of eligible governments shall include the following:

"(1) All central cities of Metropolitan, Primary or Consolidated Statistical Areas as currently defined by the census.

"(2) All political subdivisions of a State included in Metropolitan, Primary or Consolidated Statistical Areas as currently defined by the census.

"(3) Any other city, town, or village within a Metropolitan Statistical Area with a total population of 50,000 or more in the census of 1970, 1980, or subsequent updates.

"(4) Any other political subdivision of a State with a total population of 250,000 or more in the census of 1970, 1980, or subsequent updates.".

(c) MATCHING GRANTS.—Subsection 1006(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2505(a)) is amended by striking all through paragraph (3) and inserting the following:

"SEC. 1006. (a) The Secretary is authorized to provide 70 percent matching grants for rehabilitation, innovation, development, or acquisition to any eligible general purpose unit of local government upon approval by the Secretary of applications for such purpose by the chief executive of such a government.

"(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation, innovation, development, or acquisition grants may be transferred in whole or in part to independent special purpose local governments, private nonprofit agencies or political subdivisions or regional park authorities; except that such general purpose units of local government shall provide assurance to the Secretary that they will maintain public recreation opportunities at assisted areas and facilities owned or managed by them in accordance with section 1010 of this Act.

"(2) Payments may be made only for those rehabilitation, innovation, development, or acquisition projects which have been approved by the Secretary.

Such payments may be made from time-to-time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

(d) COORDINATION.—Section 1008 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2507) is amended by striking the last sentence and inserting the following: "The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Action Agendas for Community Conservation and Recreation required by section 6 of the Land and Water Conservation Fund Act of 1965, including the allowance of flexibility in local preparation of recovery action programs so that they may be used to meet State or local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes. The Secretary shall also encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of the State Action Agendas for Conservation and Recreation, in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965."

(e) CONVERSION.—Section 1010 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2509) is amended by striking the first sentence and inserting the following: "No property acquired or improved or developed under this title shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists (with the exception of those properties that are no longer a viable recreation facility due to changes in demographics or must be abandoned because of environmental contamination which endanger public health and safety). Any conversion must satisfy any conditions the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal market value and reasonably equivalent usefulness and location and which are in accord with the current conservation and recreation recovery action program.".

(f) REPEAL.—Section 1014 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2513) is repealed.

SEC. 204. OTHER RIGHTS PRESERVED.

Nothing in this title shall be construed to limit any right to compensation that exists under the Constitution or other laws.

SEC. 205. HABITAT RESERVE PROGRAM.

(a) ESTABLISHMENT OF HABITAT RESERVE PROGRAM.—There is hereby established within the Department of the Interior a Habitat Reserve Program (HRP) to be administered by the Secretary of the Interior in association with the applicable State fish and wildlife department in the State where the affected land is located. The Secretary shall enter into partnership agreements with the State fish and wildlife department and owners and operators of lands suitable for enrollment on a voluntary basis, under which the owners and operators manage the land for the protection and enhancement of protected species in exchange for incentive payments. Where the operator of such land is not the owner, both the owner and the operator must enter into the agreement.

(b) ELIGIBLE LANDS.—Lands eligible for enrollment in the HRP shall be privately owned lands that have been designated by the State agency as being necessary to preserve the existence of 1 or more species listed pursuant to the Endangered Species Act whose owners and operators have voluntarily entered into partnership agreements with the Secretary and the State agency, and which have been accepted for enrollment in accordance with this section.

(c) LIMITATIONS ON LANDS ELIGIBLE FOR ENROLLMENT.—(1) The Secretary and State agency shall not

place under contract more than 25 percent of the land or water in any one county at any one time, except to the extent that the State agency determines, after public comment, that doing so would not adversely affect the local economy of the county.

(2) No contract shall be entered into under this section concerning land with respect to which ownership has changed in the 3-year period preceding the first year of the contract if such land was acquired in order to qualify for this program.

(d) CONTRACT REQUIREMENTS.—(1) Each contract entered into under this section shall obligate the owner and operator of the land to implement the plan agreed to for not less than 5 years.

(2) The Secretary shall make available as grants to the State agency the funds specified in this title for the purposes of entering into landowner agreements as set forth in this title.

(e) MANAGEMENT PLANS.—The plan referred to in subsection (a)(1) above shall set forth the management practices to be carried out by the owner and/or operator of the habitat for the protection and enhancement of the habitat and the species.

(f) DURATION.—Contracts entered into hereunder shall be for a duration of 5 years, until land ownership

is transferred, or until the land ceases to be included within designated critical habitat of the species, whichever is shorter.

(g) PAYMENTS.—(1) The State agency shall establish an equitable method for determining the annual payments under this section, including through the submission of bids in such manner as the Secretary may prescribe.

(2) The Secretary shall pay the cost of establishing management measures and practices required pursuant to the approved management plan.

(3) Any payments received by an owner or operator under this section shall be in addition to, and shall not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under this section, or any other program administered by the Secretary or any other Federal department or agency.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. FINDINGS.

The Congress finds and declares that—

(1) a diverse array of species of fish and wildlife is of significant value to the Nation for many reasons: aesthetic, ecological, educational, cultural, recreational, economic, and scientific;

(2) it should be the objective of the United States to retain for present and future generations the opportunity to observe, understand, and appreciate a wide variety of wildlife;

(3) millions of citizens participate in outdoor recreation through hunting, fishing, and wildlife observation, all of which have significant value to the citizens who engage in these activities;

(4) providing sufficient and properly maintained wildlife-associated recreational opportunities is important to enhancing public appreciation of a diversity of wildlife and the habitats upon which they depend;

(5) lands and waters which contain species classified neither as game nor identified as endangered or threatened also provide opportunities for wildlife-associated recreation and education such as hunting and fishing permitted by applicable State or Federal law;

(6) hunters and anglers have for more than 60 years willingly paid user fees in the form of Federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance, through enactment of the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson

Act) and the Federal Aid in Sport Fish Restoration Act (commonly referred to as the Dingell-Johnson/ Wallop-Breaux Act);

(7) State programs, adequately funded to conserve a broad array of wildlife in an individual State and conducted in coordination with Federal, State, tribal, and private landowners and interested organizations, would continue to serve as a vital link in an effort to restore game and nongame wildlife, and the essential elements of such programs should include conservation measures which manage for a diverse variety of populations of wildlife; and

(8) it is proper for Congress to bolster and extend this highly successful program to aid game and nongame wildlife in supporting the health and diversity of habitat, as well as providing funds for conservation education.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs

of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision and implementation of wildlife-associated recreation and wildlife-associated education and wildlife conservation law enforcement;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 303. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-

toration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" in the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) CONSERVATION.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department that the Secretary determines meets the criteria in section 6(d), the projects

that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies wildlife conservation organizations and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

(e) 10 PERCENT.—Subsection 3(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(a)) is amended in the first sentence by—

(1) inserting "(1)" after "(beginning with the fiscal year 1975)"; and

(2) inserting after "Internal Revenue Code of 1954" the following: ", and (2) from 10 percent of the qualified Outer Continental Shelf revenues, as defined in section 102 of the Conservation and Reinvestment Act of 1999,".

SEC. 304. SUBACCOUNT AND REFUNDS.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended by adding at the end the following new subsections:

"(c) A subaccount shall be established in the Federal aid to wildlife restoration fund in the Treasury to be known as the 'wildlife conservation and restoration account' and the credits to such account shall be equal to the 10 percent of Outer Continental Shelf revenues referred to in subsection (a)(2). Amounts credited to such account (other than interest) shall be invested by the Secretary of the Treasury as set forth in subsection (b) and shall be made available without further appropriation, in the next succeeding fiscal year, for apportionment to carry out State wildlife conservation and restoration programs. All interest on such amounts shall be available, without further appropriation, for obligation or expenditure for

purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following).

"(d) Funds covered into the wildlife conservation and restoration account shall supplement, but not replace, existing funds available to the States from the sport fish restoration and wildlife restoration accounts and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects; provided such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(e) Notwithstanding subsections (a) and (b) of this section, with respect to the wildlife conservation and restoration account so much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the fourth succeeding fiscal year. Any amount apportioned to any State under this subsection that is unexpended or unobligated at the end of the period during which it is available for

expenditure on any project is authorized to be reapportioned to all States during the succeeding fiscal year.

"(f) In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues available for purposes of this Act, 10 percent of such refunds shall be paid from amounts available under subsection (a)(2).".

SEC. 305. ALLOCATION OF SUBACCOUNT RECEIPTS.

Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding the following new subsection:

"(c)(1) Notwithstanding subsection (a), so much, not to exceed one percent, of the revenues covered into the wildlife conservation and restoration account in each fiscal year as the Secretary of the Interior may estimate to be necessary for expenses in the administration and execution of programs carried out under the wildlife conservation and restoration account shall be deducted for that purpose, and such sum shall be available, without further appropriation, for such purposes in the next succeeding fiscal year, and within 60 days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended, if any, on the same basis

and in the same manner as is provided under paragraphs (2) and (3).

"(2) The Secretary of the Interior, after making the deduction under paragraph (1), shall make the following apportionment from the amount remaining in the wildlife conservation and restoration account:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof; and

"(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(3) The Secretary of the Interior, after making the deduction under paragraph (1) and the apportionment under paragraph (2), shall apportion the remaining amount in the wildlife conservation and restoration account for each year among the States in the following manner:

"(A) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

"(B) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States;

The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.".

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—Any State, through its fish and wildlife department, may apply to the Secretary for approval of a wildlife conservation and restoration program or for funds to develop a program, which shall—

"(1) contain provision for vesting in the fish and wildlife department of overall responsibility and accountability for development and implementation of the program;

"(2) contain provision for development and implementation of—

"(A) wildlife conservation projects which expand and support existing wildlife programs to meet the needs of a diverse array of wildlife species,

"(B) wildlife-associated recreation projects, and

"(C) wildlife conservation education projects; and

"(3) contain provision for public participation in the development, revision, and implementation of projects and programs stipulated in paragraph (2) of this subsection.

If the Secretary of the Interior finds that an application for such program contains the elements specified in paragraphs (1) and (2), the Secretary shall approve such application and set aside from the apportionment to the State made pursuant to section 4(c) an amount that shall not exceed 90 percent of the estimated cost of developing and implementing segments of the program for the first 5 fiscal years following enactment of this subsection and not to exceed 75 percent thereafter. Not more than 10 percent of the amounts apportioned to each State from this subaccount for the State's wildlife conservation and restoration program may be used for law enforcement. Following approval, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses but such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration pro-

gram, including funds to develop such program. For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs as defined in this title and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 306. LAW ENFORCEMENT AND EDUCATION.

The third sentence of subsection (a) of section 8 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g) is amended by inserting before the period at the end thereof: ", except that funds available from this sub-

account for a State wildlife conservation and restoration program may be used for law enforcement and education".

SEC. 307. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

March 9, 1999

Testimony for the United States House Committee on Resources
Submitted by
Jack C. Caldwell, Secretary, Louisiana Department of Natural Resources

Chairman Young and members of the committee, thank you for this opportunity to speak today on H.R. 701, what could be the most important conservation legislation of this century.

As Secretary of the Louisiana Department of Natural Resources, I also serve on the OCS Policy Committee which provides advice to the Secretary of the Interior through the Minerals Management Service. In this capacity, I served on the Coastal Impact Assistance Working Group, made up of members appointed from the OCS Policy Committee and charged with developing a formula for distributing a portion of the federal OCS revenues to the coastal states.

This formula was adopted by the OCS Policy Committee and I will explain how that formula was created. First, however, I'll share with you one example that emphasizes why the committee felt that federal OCS offshore revenues should be shared with states just as federal land-based revenues are shared.

In 1997, the state of Wyoming hosted development of federal mineral resources that generated more than $569.4 million in revenues. Wyoming received $239 million for its share of the revenues produced on federal lands.

In the same year, Louisiana hosted development of federal mineral resources offshore that generated more than $3.8 **billion** and received only $18.2 million for its share of the revenues produced in federal offshore waters.

Although coastal states that host federal OCS oil and gas exploration and development suffer the environmental and infrastructure impacts caused by that development, just as Wyoming and other states that host extensive land-based federal oil and gas development suffer impacts, these coastal states are not compensated in the same way and cannot mitigate the consequences of those impacts in the same measure.

In 1993, in its report *Moving Beyond Conflict to Consensus*, the OCS Policy Committee recommended that "A portion of the revenues derived from OCS program activities should be shared with coastal states, Great Lakes States, and U.S. Territories.

There are two fundamental justifications for a revenue sharing or impact assistance program: to mitigate the impacts of OCS activities and to support sustainable development of nonrenewable resources.

In its report, the committee addressed impact needs associated with OCS activities, such as community infrastructure, social services and the environment. The report stated that, "while the benefits of the OCS program are national, a disproportionate share of the infrastructure, environmental and social costs are local".

Some specific examples of impacts are:

- The need for infrastructure, such as ports, roads, water and sewer facilities to support expanded economic activity of OCS development;
- Need for public services, such as schools, recreation facilities and other social services, to support population growth accompanying OCS development;
- Need to mitigate the effects of accidents such as oil spills, or cumulative air, water and solid waste discharges on coastal and marine resources and on economic activities, such as tourism and fisheries;
- Need to mitigate physical impact of OCS activities, such as pipelines, wake wash, road traffic, canal digging and dredging on sensitive coastal environments;
- Visual impact on residents and tourists from production platforms and facilities, waste disposal sites, pipeline rights of way and canals;
- Costs to state and local governments of effective participation in OCS planning and decision making processes and of permitting, licensing and monitoring onshore activities that support offshore development.

The report went on to say that addressing these needs would strengthen Federal-State-Local partnerships that must underlie a reasoned approach to national energy and coastal resource issues, and the breakdown in this partnership is evident in the fact that new OCS development is now occurring only off the coasts of Alabama, Alaska, Louisiana, Mississippi and Texas.

The second justification is the concept of sustainable development. The report states that "a modest portion of the revenues derived from development of nonrenewable resources, such as oil and natural gas, should be used to conserve, restore, enhance and protect renewable natural resources, such as fisheries, wetlands, and water resources" This concept also underlies the Land and Water Conservation Fund which uses OCS revenues to acquire and develop park and recreational lands nationwide".

At its 1997 spring meeting, the OCS Policy Committee reiterated its support. The MMS then asked the Committee to look at the mechanics of how a coastal impact assistance program would work - thus, the Coastal Impact Assistance Working Group was formed to look at alternatives and to make recommendations to the Secretary of the Interior on how to implement such a program.

Members of the working group include: Jerome Selby, Kodiak, Alaska; Jack Caldwell, Louisiana Dept. of Natural Resources; Warner Chabot, Center for Marine Conservation, San Francisco, California; Kim Crawford, North Carolina Division of Coastal Management; Eldon Hout, Department of land Conservation and Development, Portland, Oregon; Paul Kelly, Rowan Companies, Inc., Houston, Texas.

The working group submitted a report, *Coastal Impact Assistance*, in September, 1997, that included its recommendations. The recommendations are as follows:

- The Working Group recommends an OCS impact assistance and ocean/coastal resource protection program be added to, and a concomitant increase in OCS revenues be transferred to, a revived and enhanced Land and Water Conservation Fund.
- The amount of additional money to be available from the LWCF each year for distribution to coastal States and Territories and localities would be 27 percent of the new OCS revenues.
- Authorization of the proposed impact assistance program as an entitlement would be preferable to authorization subject to appropriations.
- All coastal states, including those bordering the Great Lakes and Territories would be eligible to receive revenues.
- Coastal counties, as well as local governments that State governors identify as affected by OCS activity, would be eligible and would receive payments directly, rather than passed through the State.
- The amount for which each State and Territory is eligible would be determined by a formula giving weighted consideration to OCS production (50%), shoreline miles (25%), and population (25%).

The production, shoreline miles and population factors would be weighted as indicated in an overall formula that would be applied to each coastal state to determine its share of the available OCS revenues. This approach is intended to ensure that, while all coastal states and territories will receive revenues generated by OCS activity, the majority of those revenues will go to the states and communities adjacent to OCS production and who have the greatest need because

of the associated impacts.

- Each coastal state with an approved coastal management plan (or making satisfactory progress toward one) would receive a minimum of .5% of the funds available, and those lacking or not proceeding toward such a plan would receive a minimum of .25% of available funds.

- Eligible local governments of states within 200 miles of OCS production would be able to receive 50% of the funds allocated to the state, and local governments in states not within 200 miles of OCS production would be eligible to negotiate with the state for a share of up to 33% of the funds paid to the state.

- Acceptable uses of funds include mitigating the impacts of OCS activities and projects relating to onshore infrastructure and public services.

- States and counties eligible to receive funds would be required to submit plans and reports pertaining to use of the money.

- The program would be administered by the Secretary of the Interior.

As a member of the OCS Policy Committee and the working group that created the formula of allocation to the states and the recommendations put forth above, I am very proud of the committee's report. Under these recommendations, local communities get the lion's share, since that is where the money is needed the most. In addition, we broadened the scope of coastal states receiving money, recognizing that all coastal states have needs, from natural erosion processes to the recent trend of population explosion along our nation's coast.

In addition, it is my opinion as a member of the committee, that this legislation addresses the objective needs of states impacted most heavily by OCS related activities and is sound public policy, putting the revenues to good and legitimate uses.

The fact that the oversight of this legislation, H.R. 701, mirrors the philosophy of the committee's report is confirmation that the time has come for this concept to be put into law.

As Secretary of the Louisiana Department of Natural Resources, I would now like to tell you a compelling story. It's Louisiana's story about an irreplaceable part of America's coast that is disappearing at a catastrophic rate. If the loss is not stopped and reversed, the very industry we discuss today will be at risk, along with the economy, infrastructure, wildlife habitat, fisheries, communities and unique culture of south Louisiana.

Louisiana's coastal wetlands represent 40% of all the salt marshes in the contiguous United States. During the past 50 years more than one thousand square miles have disappeared. During this decade, our coastal wetlands are being lost at the rate of 25 to 35 square miles a year or the equivalent of a football field every 15 minutes. Even with current restoration efforts, we expect to lose almost one thousand more square miles by the year 2050. This dramatic loss represents 80% of all coastal wetland loss in the entire continental U.S.

The effects of natural processes like subsidence and storms combined with human actions, including impacts from offshore oil and gas exploration and development, have led to an ecosystem on the verge of collapse.

America is losing much more than acreage. Louisiana's coastal wetlands contribute 28% to the total volume of U.S. fisheries, provide winter habitat for one-half to two-thirds of the Mississippi Flyway waterfowl population and for many threatened and endangered species, the nursery ground for fish and shellfish for much of the nation's seafood consumption, and 40% of the nation's fur harvest. They provide for 400 million tons each year of waterborne commerce, and support and protect the multi-billion dollar a year oil and gas industry. Our coastal wetlands are home to more than two million people and serve as their buffer from hurricanes and storms.

Louisiana Offshore Oil and Gas Activity

Eighteen percent of U.S. oil production originates in, is transported through, or is processed in Louisiana coastal wetlands with a value of $6.3 billion a year. Almost 24% of U.S. natural gas production originates in or is processed in Louisiana's coastal wetlands with a value of $10.3 billion a year.

Louisiana's OCS (outer continental shelf) territory is the most extensively developed and matured OCS territory in the United States. It has produced 88.8% of the crude oil and condensate and 83.2% of the natural gas extracted from all federal OCS territories from the beginning of oil and gas exploration and development in the U.S. through the end of 1996.

As of December, 1998, Louisiana offshore leases totaled 5,363, with more than 27 million acres under lease,130 active drilling rigs, 4,489 producing oil wells and 3,813 producing gas wells.

Our latest annual production data for 1997 shows that 353,846,995 barrels of oil and 3,881,352,353 MCF (thousand cubic feet) of natural gas was produced. Between January and July, 1998, oil production was at 227,282,332 barrels, with gas at 2,281,832,468 MCF.

As of October, 1998, there were 3,439 platforms in the Gulf off Louisiana's coast.

In 1997, oil and gas production was valued at a combined total of $18.6 billion, with federal royalties totaling $2.9 billion.

Louisiana projection estimates for offshore oil and gas production and federal royalties:

	1999	2000	2001	2002	2003	2004
OIL Production (in Millions of Barrels)	413.0	493.9	524.8	541.2	556.7	572.2
Oil Royalties (in millions of $$)	1,177.5	1,392.0	1,471.4	1,523.9	1,537.2	1,450.4
GAS Production (in Million MCF)	3,700.8	3,527.3	3,308.5	3,318.3	3,373.4	3,428.4
Gas Royalties (in millions of $$)	1,360.9	1,292.2	1,175.5	1,082.2	993.5	911.6

Recently, the oil and gas industry has rebounded from a downturn in the 1980s. The main reasons are the discovery of oil and gas in deepwater fields of the central Gulf of Mexico, deepwater royalty tax relief, and new and improved technology used to extract oil from the deepwater Gulf.

Industry leaders are expressing a new optimism and the frantic pace of drilling is breaking old records. The deepwater Gulf of Mexico has emerged as the country's most significant oil and gas province and some estimates say within the next four to five years, as much as 30% of the country's total domestic output will originate from the Gulf of Mexico.

Market analysts predict this intense level of exploration could last 10 years. The success of Louisiana's oil and gas industry contributes billions to the state and national economies every year. Offshore companies paid about $2.4 billion to vendors and contractors in 165 Louisiana communities in 1992 alone. Nearly 4,000 vendors serve offshore operations and employ 55,000 people and more than 30,000 are employed offshore.

Port Fourchon is the geographic and economic center of offshore drilling efforts along the Louisiana Gulf Coast. More than $700 million in public and private investments have been made in the complex and the port will provide support to 75% of the deep water drilling prospects in the Gulf. It's tonnage has increased 275% in the last five years and it is anticipated to double again within two years. It handled more than 30 million tons of cargo in 1996.

More than 6,000 people currently depend on the port as an avenue to and from offshore facilities and more than 13,000 people depend on it for jobs, supplies, facilities and as a hurricane evacuation hub to safer locations north of the coast. Most of the major and independent oil and gas companies operating in the Gulf have a presence at Port Fourchon. On any given day, more than 1,000 trucks are unloaded and loaded there and pipe yards, shipyards, platform construction facilities, service bases and barge terminals within the immediate service area of the port are working at or near capacity.

Less than 20 miles southeast of Port Fourchon is the Louisiana Offshore Oil Port (LOOP), built by a group of major oil and pipeline companies. It serves as the central unloading and distribution port for all incoming supertankers to the Gulf region. The supertankers offload crude oil into LOOP's offshore pipeline continuously. The oil is then piped north to Lafourche Parish where it is stored and piped to markets all over the country.

The Oil and Gas Industry - Impacts Come Full Circle

The United States depends on the oil and gas shipped through and produced in Louisiana's coastal zone. Wetlands and barrier islands protect the billions of dollars worth of infrastructure that supports the industry from wave and storm damage and are an integral part of the nation's energy system. The industrial uses associated with offshore exploration and production, pipelines, and canal developments have directly and indirectly contributed to marsh destruction, putting the industry, itself, at risk.

Navigation channels and canals dredged for oil and gas extraction have dramatically altered the hydrology of the coastal area. North-south channels and canals have brought salt water into fresh marshes, killing vegetation and habitat. East-west canals have impeded sheetflow, ponding the water on the marsh and leading to stress and eventual loss. Canals have also increased tidal processes that impact the marsh by increasing erosion. Channel deepening has caused saltwater intrusion, endangering the potable water supply of much of the coastal region.

As of 1997, there were more than 20,000 miles of pipelines in federal offshore lands and thousands more inland. They all make landfall on Louisiana's barrier islands and wetland shorelines. The barriers are the first line of defense against combined wind and water forces of a hurricane and they serve as anchor points for pipelines originating offshore. These islands protect the wetland habitants from an offshore oil spill and are critical in protecting the state's wetland-oriented oil and gas facilities and thousands of jobs directly and indirectly tied to the industry.

If the barrier islands erode entirely, as expected in the next 50 years, platforms, pipelines and wells will be damaged in increasing numbers. More than 58% of the region's wells are located in coastal parishes. Most of them are more than 50 years old and were not designed to withstand the conditions of open water they could face in the next 50 years. More than 30,000 wells are at risk within the 20-parish coastal area. Wells that were on land only a few years ago are now surrounded by water, a situation hazardous to boat traffic and an environmental liability to habitat and fisheries.

Workers, equipment, supplies, and transportation facilities that accompany the rapid growth of the offshore oil and gas industry depend on land based facilities. Roads, housing, water, acreage for new business locations and expansions of existing businesses, waste disposal facilities and other infrastructure facilities will be needed in localized areas along the Louisiana coast. Existing land based infrastructure is already heavily overburdened and needs expansion and improvement, requiring extensive financial infusions from state and local governments. For example, Louisiana's only highway leading to Port Fourchon is on the verge of crumbling under the strain of the thousands of trucks that travel it each week. It will cost about $266 million to

make the highway safe and fully useable.

LOOP also depends on onshore infrastructure protected by wetlands. Without this protection, America will lose an essential trade and navigation center that would affect commerce throughout the world.

Other Impacts From Coastal Wetland Loss

Louisiana ranks first in the nation in total shipping tonnage, handling more than 450 million tons of cargo a year through its deep-draft ports of New Orleans, Baton Rouge, Lake Charles, South Louisiana, Plaquemines Parish and St. Bernard. The ports between Baton Rouge and New Orleans are the largest by tonnage carried in the world and serve the entire eastern part of the country.

The state's wetlands and barrier islands protect this internationally important port system, as well as navigation channels, waterways and anchorages from winds and waves. At present land loss rates, more than 155 miles of waterways will be exposed to open water in 50 years, leaving this key port system at risk and businesses throughout the nation losing preferred links to European and Pacific Rim markets.

Because of our coastal marshes and barrier islands, Louisiana's commercial and recreational fisheries are among the most abundant in America, providing 25% to 35% of the nation's total catch. Louisiana is first in the annual harvest of oysters and crabs and menhaden, and is a top producer of shrimp. Some of the best recreational salt water fishing in North America exists off Louisiana's coast. The reason for this abundance is that our coastal marshes provide the nursery for young fish and shellfish.

The long-term impacts of wetland loss relates to many species of fish and shellfish that depend on these habitats, translating into economic losses that affect the entire region and the nation. Nearly all Louisiana commercial species use the marsh at some stage of their life cycle, and fisheries loss will be proportional to marsh loss. By the year 2050, the annual loss of commercial fisheries will be nearly $550 million. For recreational fisheries, the total loss will be close to $200 million a year.

Louisiana's coastal wetlands provide a diverse habitat for many wildlife communities. The wetlands provide life cycle needs for resident species and wintering habitat for migratory waterfowl and other birds. Land loss and habitat change by the year 2050 will affect the nation's wildlife population. Sea birds, wading birds and shore birds are expected to decrease, along with raptors and woodland birds. Alligators and furbearers will decrease in certain areas of the coast, as will the abundance of ducks and geese.

Louisiana's cities and coastal communities are at great risk as the wetlands and barrier islands disappear, leaving people with no buffer from storm surges and the force of high winds. Miles of hurricane protection levees will be exposed to open water conditions, forcing widespread relocation and abandonment of coastal communities.

Wetlands create friction and reduce high winds when hurricanes hit. They also absorb hurricane storm surges. Scientists estimate that every 2.7miles of wetlands absorbs one foot of storm surge. The 3.5 million acres of wetlands that line Louisiana's coast today have storm protection values of $728 million to $3.1 billion.

The recent strike of Hurricane Georges, just a few miles east, brought home just how devastating a direct hit to New Orleans would be. The potential loss of life and property is incomprehensible and the threat of disaster was not lost on the city's residents. Bumper-to-bumper traffic snaked out of the city north and west for hours as more than one million people evacuated the crescent city. Hotel space was scarce as far north as Memphis.

With the loss of barrier islands and wetlands over the next 50 years, New Orleans will be a Gulf coast city and will lose its wetland buffer that now protects it from many effects of flooding. Hurricanes will pose the greatest threat, since New Orleans sits on a sloping continental shelf, which makes it extremely vulnerable to storm surges.

More than two million people in inland south Louisiana will be subject to more severe and frequent flooding than ever before. Coastal communities will become shorefront towns and the economic and cultural costs of relocation is estimated in the billions of dollars.

We expect an increase in homeowner and commercial insurance rates by 20% in some cases. Insurance coverage for wind damage may be discontinued, deductibles will increase by 20% by next year, and large insurance companies will stop issuing new policies in the coastal zone.

South Louisiana's unique culture is a national treasure and the very fabric of its distinct way of life is being eroded with the coast at great intangible cost to the nation and the world.

Coast 2050: A Vision of the Future

Louisiana began work in earnest to restore its coast in 1989 with the passage of Act 6 and in 1990 with passage of the Breaux Act or CWPPRA (The Coastal Wetlands Planning Protection and Restoration Act). Since then, more than 80 restoration projects are presently underway or already completed. We have gained the technical know-how and, by working with our federal partners, we are cementing long-term partnerships as we build projects together.

During the past 18 months, the Coast 2050 Plan was developed in partnership with the public. It is a technically sound strategic plan to sustain Louisiana's coastal resources and to provide an integrated multiple-use approach to ecosystem management.

Coast 2050 has received unanimous approval from all 20 Louisiana coastal parishes, the federal Breaux Act Task Force, the State Wetlands Authority, and various environmental organizations, including the Coalition to Save Coastal Louisiana. This approval is unprecedented.

The main strategies of the plan are watershed structural repair, such as restoration of

ridges and barrier islands, and watershed management, such as river diversions and improved drainage. In making recommendations, the process did not view the number of coastal wetlands acres saved as the only priority, but considered other resources as well, such as roads, levees, fish and wildlife resources, and public safety and navigation, in making recommendations.

The Breaux Act (CWPPRA) Task Force, the State Wetlands Authority and the Department of Natural Resources Coastal Zone Management Authority will establish it as a unifying strategic plan of action. It will become the CWPPRA restoration plan and Louisiana's overall strategic coastal plan. Proposed projects will be measured against the strategies in the Coast 2050 Plan before being approved.

In one way or another, everyone in the nation will feel the enormous loss of land along Louisiana's coast and current restoration efforts will only prevent 22% of the land loss projected to occur within the next 50 years. However, we know that a comprehensive restoration program using the Coast 2050 Plan as a guide, could restore and maintain more than 90% of our of the coastal land existing today.

The price tag is $14 billion to construct more than 500 projects that would be needed, but the price of infrastructure alone that would be lost is more than $150 billion.

For more than 50 years, Louisiana has shouldered the environmental and infrastructure impacts of supporting the OCS oil and gas industry. In 1997, royalties paid to the federal government from OCS revenues off the coast of Louisiana totaled $2.9 billion. Louisiana realized only a fraction in direct financial benefit, while losing another 35 square miles of its coast. If Louisiana receives its fair share of OCS revenues, we will be well on the way to restoring our coastline, justifying the $14 billion investment.

Senate Bill 25 makes good sense. Investing income from a non-renewable capital asset into renewable resources that will provide economic stability and health to an entire region and the nation for decades to come, is good business.

Louisiana and America cannot afford to wait.

Some of the information in this testimony was taken from: the preliminary final draft of Coast 2050: Toward A Sustainable Coastal Louisiana , the final draft of No Time to Lose , a report by the Coalition to Restore Coastal Louisiana, and reports written by Dr. Donald W. Davis, administrator, Louisiana Applied Oil Spill Research and Development Program.

HEARING ON H.R. 701, TO PROVIDE OUTER CONTINENTAL SHELF IMPACT ASSISTANCE TO STATE AND LOCAL GOVERNMENTS, TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965, THE URBAN PARK AND RECREATION RECOVERY ACT OF 1978, AND THE FEDERAL AID IN WILDLIFE RESTORATION ACT TO ESTABLISH A FUND TO MEET THE OUTDOOR CONSERVATION AND RECREATION NEEDS OF THE AMERICAN PEOPLE, AND FOR OTHER PURPOSES. CONSERVATION AND REINVESTMENT ACT OF 1999

H.R. 798, TO PROVIDE FOR THE PERMANENT PROTECTION OF THE RESOURCES OF THE UNITED STATES IN THE YEAR 2000 AND BEYOND

WEDNESDAY, MARCH 10, 1999

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

The Committee met, pursuant to call, at 11 a.m., in Room 1324, Longworth House Office Building, Hon. William J. Tauzin, presiding.

Mr. TAUZIN. [presiding] The Committee will please come to order. We ask our guests to take available seats and to get comfortable. We have some distinguished friends and witnesses here that we would like to accommodate as best we can.

Thank you very much.

[The bills H.R. 701 and H.R. 798 may be found at end of hearing.]

Mr. TAUZIN. Today we begin our second hearing on the twin proposals, H.R. 701 and H.R. 798, the CARA bill and the Resource 2000 bill, and we are very honored to have with us United States Senator Barbara Boxer, who will lead this panel, and the Honorable Jim McGovern, and Saxby Chambliss will also be here, I think, in just a few minutes.

Senator Boxer, we want to welcome you, and appreciate your making a long trek over to the House side, and this is a Committee you are very familiar with. We have missed you here on the Committee, and so glad to see you again today. I would be happy to yield to my friend, Mr. Miller, for a welcome.

Mr. MILLER. Mr. Chairman, thank you. Just to welcome the panel and to welcome my lead Senate co-sponsor on this legislation, and Mr. McGovern, who has been so helpful in helping us to draft this legislation, to say that I want to apologize to later witnesses. I may be in and out of this hearing. It was my intent to sit through the whole hearing, but we are doing the EDFLEX bill on the floor today, and I have an amendment to that legislation, but hopefully I will have some time here before I have to go to the floor. And I want to thank all of the witnesses for coming today.

Mr. TAUZIN. Thank you, Mr. Miller. And now we are pleased to welcome Senator Boxer, who will lead it off and, Senator Boxer, you are pleased to go forward at your convenience.

STATEMENT OF HON. BARBARA BOXER, A UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. Thank you so much, Mr. Chairman. It is very nice to see you and, of course, the rest of your colleagues on this Committee, several of whom are from California. It is nice to be here.

I am very pleased that your Committee is holding this hearing. It is an issue that I think means a lot to all Americans who want to see us protect and defend the beauty and history of our Nation, who want to see us be fair to our farmers. I think this is an opportunity for us to join hands across party lines and do something good for the people.

Congressman Miller and I introduced the Permanent Protection for America's Resources 2000 Act. I want to let you know that in the Senate, that just by a little calling around, I already have as co-sponsors Senators Biden, John Kerry, Feinstein, Senator Lautenberg, Senator Schumer, and Senator Torricelli.

Now, I know there are a good many bills out there and I think this is good. On both sides of the aisle, we are finally talking about making a permanent commitment to America's resources.

I want to say, on a personal note, Mr. Chairman, that during the impeachment trial over in the Senate, one speaker after the other got up and said, "You know, this is the most important vote we are ever going to cast."

And I sat back and thought, I don't want this to be the most important vote I ever cast, I want to do something for the legacy of this country, and I can think of nothing more important that we can do at this point, going into the next century, than making a commitment to permanently protect our natural resources.

If we go back to the beginning of the 20th century, one of the greatest conservationists of all time, Theodore Roosevelt, was our President. From 1901 to 1909, Teddy Roosevelt set aside places that millions of Americans still enjoy today. If not for Teddy Roosevelt's leadership, we might have lost such national treasures as the Grand Canyon, Muir Woods, and Crater Lake. These natural

monuments stand as a lasting testament to TR's foresight in pioneering work in environmental preservation.

As the 21st century approaches, it is our turn. We must renew our commitment to our natural heritage. And that commitment must go beyond the piecemeal approach. It must be a comprehensive, long-term strategy to ensure that when our children's children enter the 22nd century, they can herald our actions today, as we revere those of President Roosevelt.

Today, our natural heritage is disappearing at an alarming rate. Each year, nearly 3 million acres of farmland and more than 170,000 acres of wetlands disappear. Each day, over 7,000 acres of open space are lost forever. In California, in the year 2020, we are projected to have about 50 million people. We simply cannot lose every inch of open space at the rate it is disappearing.

Across America, parks are closing, recreational facilities are deteriorating, open spaces are vanishing, and historic structures are crumbling. Why is this happening? Because there is no dedicated funding source for all these noble purposes, a source which can be used only for these noble purposes.

The Miller-Boxer bill offers the most sweeping commitment to protecting America's natural heritage in more than 30 years. It will establish a dedicated funding source for resource protection.

We know a major funding source for resource protection already exists because each year the oil companies pay the Federal Government billions of dollars in rents, royalties, and other fees in connection with offshore drilling in Federal waters. In 1998 alone, the government collected over $4.6 billion from oil and gas drilling on the Outer Continental Shelf.

The Miller-Boxer bill would allocate only half of these revenues. We are not talking about all of these revenues, just half of these revenues every year for permanent protection.

Mr. Chairman, we fund permanently eight trust funds, and I'll go very quickly: $100 million every year for urban parks and recreational facilities; $350 million to restore native fish and wildlife; $250 million to restore Federal lands that are polluted or damaged; $300 million to protect and restore the health of our oceans; $150 million to protect our vanishing farmlands and open space; $100 million to purchase habitat to help endangered species recovery which will greatly help our farmers, and $150 million every year to restore and protect our historical and cultural heritage through fully funding the Historic Preservation Fund.

Mr. Chairman, I see that my yellow light is on. Could I ask unanimous consent for one additional minute over the five?

Mr. TAUZIN. I don't think that will be a problem and, without objection, so ordered.

Senator BOXER. Thank you, and I will try to talk as fast as I can. I want to point out that the Historic Preservation Fund was established by Congress in 1977, to provide a dedicated source of funding to preserve our significant historic properties. The problem is, we have not funded this noble purpose. If you take a look at San Francisco, for example, the Old Mint Building which was given by the Federal Government as a gift to welcome California into the Union in 1850, that building is a beautiful building. It cannot be torn down. It is historic. The rats have infested that building. That

building is empty, and I think to myself, if this was Paris, this would never happen. The bottom line is, we are losing these buildings, and they are present in your state, Mr. Chairman, and all over the country.

I did not mention the eighth trust fund, Land and Water Conservation Fund, which we fully fund at $900 million. The good news is the fund has collected over $21 billion since 1965. The bad news is only $9 billion of this amount has been spent. As you know, we have used that Land and Water Conservation Fund to kind of hide the deficit, and we have shorted that fund dramatically. We have shifted $16 billion to other accounts.

Mr. Chairman, I will not take anymore of your precious time and that of the Committee. I am very pleased that there are several bills on this subject matter. I have great confidence that working across party lines we can protect our Nation's natural heritage, and leave a lasting legacy for future generations.

Thank you so very much, Mr. Chairman.

[The prepared statement of Senator Boxer follows:]

STATEMENT OF HON. BARBARA BOXER, A SENATOR IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I want to thank you for the opportunity to testify before this Committee. This is an issue for all Americans who want to see us protect and defend the beauty and history of our nation.

That is why Congressman George Miller and I introduced the Permanent Protection for America's Resources 2000 Act. Co-sponsors in the Senate include Senator Joe Biden, Senator John Kerry, Senator Dianne Feinstein, Senator Frank Lautenberg, Senator Chuck Schumer and Senator Bob Torricelli.

I know there are many bills out there and this is good. On both sides of the aisle—we are finally talking about making a permanent commitment to America's natural resources.

As the 20th Century began, one of the greatest conservationists of all time, Theodore Roosevelt, was our President. From 1901 to 1909, Teddy Roosevelt set aside places that millions of Americans still enjoy today.

If not for Teddy Roosevelt's leadership, we might have lost such national treasures as the Grand Canyon, Muir Woods, and Crater Lake. These natural monuments stand as a lasting testament to TR's foresight and pioneering work in environmental preservation.

As the 21st Century approaches, we must renew our commitment to our natural heritage. That commitment must go beyond a piecemeal approach. It must be a comprehensive, long-term strategy to ensure that when our children's children enter the 22nd Century, they can herald our actions today, as we revere those of President Roosevelt.

Today, our natural heritage is disappearing at an alarming rate. Each year, nearly 3 million acres of farmland and more than 170,000 acres of wetlands disappear. Each day, over 7,000 acres of open space are lost forever.

Across America, parks are closing, recreational facilities deteriorating, open spaces vanishing, historic structures crumbling.

Why is this happening? Because there is no dedicated funding source for all these noble purposes—a source which can be used *only* for these noble purposes.

The Miller-Boxer bill offers the most sweeping commitment to protecting America's natural heritage in more than 30 years. It will establish a dedicated funding source for resource protection.

A major funding source for resource protection already exists. Each year, oil companies pay the Federal Government billions of dollars in rents, royalties, and other fees in connection with offshore drilling in Federal waters. In 1998 alone, the government collected over $4.6 billion from oil and gas drilling on the Outer Continental Shelf.

The Miller-Boxer bill would allocate a total of $2.3 billion every year from oil drilling revenues for permanent protection of America's resources. It provides:

- $100 million every year for urban parks and recreational facilities
- $350 million to restore native fish and wildlife

- $250 million to restore Federal lands that are polluted or damaged
- $300 million to protect and restore the health of our oceans
- $150 million to protect our vanishing farmlands and open space
- $100 million to purchase habitat to help endangered species recovery
- And $150 million every year to restore and protect our historical and cultural heritage through fully funding the Historic Preservation Fund.

The Historic Preservation Fund was established by Congress in 1977, to provide a dedicated source of funding to preserve our significant historic properties. And although Congress is authorized to spend $150 million from OCS revenues annually for this purpose, less than 29 percent of funding has been appropriated since 1977. That is more than $2 billion that could have been used to help restore the treasures of our nation scattered across the many states. In California, there's the Old Mint Building in San Francisco, Manzanar National Historic Site, and Mission San Juan Capistrano. Our bill would ensure that funds would be spent on their designated purpose.

Finally, the bill designates $900 million each year to purchase land by fully funding the Land and Water Conservation Fund as envisioned by Congress in 1965 when the Fund was established. Half would go to the States.

The good news is that Fund has collected over $21 billion since 1965. The bad news is that only $9 billion of this amount has been spent on its intended uses. More than $16 billion has been shifted into other Federal accounts.

The funding Congress has made available has allowed us to purchase some key tracts of land, but we have missed golden opportunities to buy critical open space because the Land and Water Conservation Fund was critically underfunded.

Thank you, Mr. Chairman, for holding this series of hearings. I look forward to working with you and other members of the Committee on this critical issue. This is necessary and important legislation that will benefit our Nation's natural heritage, and leave a lasting legacy for future generations.

Mr. Chairman, it's a chance to work across the aisle for all the people.

Mr. TAUZIN. Thank you, Senator Boxer, and with all the deference we accord to you, if you would like to stay you are more than welcome; if you need to get back to the Senate, we will make accommodations at this time.

Any member who wants to engage Senator Boxer at all?

[No response.]

Then we thank you, Senator Boxer.

Senator BOXER. Thank you so very much, and anytime you need help on this, Mr. Chairman, I am at your disposal. And thank you, Mr. McGovern, as well.

Mr. TAUZIN. Again, Barbara, we want to thank you and wish you the best on the Senate side. We, again, as I said, missed your presence here in the Committee for a few years.

Senator BOXER. Well, thank you. You should have told me that when I was here, Billy. You should have told me that when I was here. I didn't get that message.

[Laughter.]

Mr. MILLER. Better late than never.

Mr. TAUZIN. We couldn't miss you when you were here, just couldn't do it.

Thank you very much, Senator.

Now we are pleased to welcome Congressman Jim McGovern.

STATEMENT OF HON. JAMES McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. MCGOVERN. Thank you very much, Mr. Chairman, and I appreciate the opportunity to present testimony before this Committee, and I also want to pay tribute to our colleague in the Senate, Senator Boxer, for her leadership on this issue and on so many other issues that are important to our environment.

I particularly want to thank this Committee for taking up the cause of funding for the Land and Water Conservation Fund. In addition to you, Mr. Chairman, I want to especially thank Congressman Miller and my other colleagues for drawing attention to this important issue. Mr. Miller has been at the forefront of our efforts to protect the environment, and I am proud to stand with him in support of his bill, H.R. 798.

Senator Boxer has kind of already gone over the history of the Land and Conservation Fund, and I am not going to do that. I am here today to urge you to support full and permanent funding of the state-side Land and Water Conservation Fund and independent OCS funding for UPARR provided by H.R. 798.

Both the state-side program of the LWCF and UPARR give states the ability to determine their own needs and set their own priorities. State-side funding of these programs states and local communities to preserve their neighborhood parks, ball fields, scenic trails, nature reserves, and historical sites.

State-side LWCF is a necessary tool in the effort to mitigate the effects of suburban sprawl. The rapid and unplanned growth which we have been experiencing over the past decade is leaving an indelible mark on our suburban landscapes.

As large undifferentiated developments spread out into countrysides, communities are losing both their geographic cohesiveness and their sense of identity. State-side LWCF funding will enable states to compensate for vanishing farmland and rural landscapes as development extends outward from older central cities and new edge cities.

Mr. Chairman, the children of our cities need safe green spaces to play in. Unused open space in a city is a vacant lot, with garbage, glass, oftentimes with dirty needles, and drug dealing. Without safe, healthy parks, our children go from home to school and back without ever interacting with a natural area. State-side LWCF and UPARR will help neighborhoods transform dangerous vacant lots into stabilizing and inspirational green spaces or playgrounds.

State-side LWCF and UPARR legislation has a broad base of support which cuts through both suburbs and cities. I also believe it has broad bipartisan support here in the Congress.

Last year, I had an amendment to the Interior appropriation bill to put funding back into the state-side Land and Water Conservation Fund Program, which only failed by a handful of votes. I think if we had a better offset, it would have been successful. It is environmentalism which walks hand-in-hand with development. Last November, 10 states, 22 counties, and 93 towns voted on open space initiatives. Eighty-seven percent of these initiatives passed, triggering $4 billion in state and local conservation spending.

Further, in December, the United States Conference of Mayors sent a letter to the Clinton Administration requesting funding for the Land and Water Conservation Fund. One hundred fifteen mayors signed the letter.

Throughout my own district, I have been approached by mayors, town officials, business leaders, law enforcement officials, children's advocates, education leaders, and environmental advocates who have urged me to continue supporting the Land and Water Con-

servation Fund and UPARR funding. Projects for which Federal conservation assistance is needed vary from a long overdue city park in Worcester to open space preservation in the nearby town of Shrewsbury.

I was at a meeting with the Board of Selectpeople in Shrewsbury, Massachusetts, on Saturday, to talk about their local concerns. The first issue that they brought up was the Land and Water Conservation Fund. Shrewsbury is one of those suburbs that is one of the fastest growing communities in Massachusetts, and they are facing real financial constraints in their attempt to obtain open space land. We in Congress must respond to what everyone outside the beltway is asking for, full funding of state-side LWCF and UPARR programs.

For these reasons, I am asking the Committee to approve full funding for the stateside programs, and I will do whatever I can to assist the Committee in the deliberations. I thank you very much for the opportunity to be here.

[The prepared statement of Mr. McGovern follows:]

STATEMENT OF HON. JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Good Morning Mr. Chairman,

I want to thank you for this opportunity to present testimony before your Committee. I would also like to thank you for taking up the cause of funding the Land and Water Conservation Fund.

Additionally, I would like to thank Congressman George Miller and my other colleagues for drawing attention to this important issue. Congressman Miller has been at the forefront of our efforts to protect the environment, and I am proud to stand with him on H.R. 798.

As many of you already know, the Land and Water Conservation Fund (LWCF) trust account was created over thirty years ago. During that period it has been the principle source of Federal money to acquire new Federal and state recreational lands. More than 37,000 park and recreation projects have been developed since the Fund was established. Unfortunately, in the last ten years less than 25 percent of the $900 million taken into the Fund from offshore drilling receipts has been appropriated for Fund purposes. Further, the "state-side" matching grant program has been virtually unfunded since Fiscal Year 1995.

I am here today to urge you to support full and permanent funding of the state-side LWCF and independent OCS funding for UPARR provided by H.R. 798. Both the state-side program of the LWCF and UPARR give states the ability to determine their own needs and set their own priorities. State-side LWCF and UPARR empower states and local communities to preserve their neighborhood parks, ball fields, scenic trails, nature reserves, and historical sites.

State-side LWCF is a necessary tool in the effort to mitigate the effects of suburban "sprawl." The rapid and unplanned growth which we have been experiencing over the past decade is leaving an indelible mark on our suburban landscapes. As large undifferentiated developments spread out into countrysides, communities are losing both their geographic cohesiveness and their sense of identity. State-side LWCF funding will enable states to compensate for vanishing farmland and rural landscapes as development extends outward from older central cities and new "edge cities."

Mr. Chairman, the children of our cities need safe green spaces to play in. Unused open space in a city is a vacant lot, with garbage, glass, dirty needles, and drug dealing. Without safe, healthy parks, our children go from home to school and back without ever interacting with a natural area. State-side LWCF and UPPAR will help neighborhoods transform dangerous vacant lots into stabilizing and inspirational green spaces or playgrounds.

State-side LWCF and UPARR legislation has a broad base of support which cuts through both suburbs and cities. It is environmentalism which walks hand in hand with development. Last November, 10 states, 22 counties, and 93 towns voted on open space initiatives. Eighty-seven percent of these initiatives passed, triggering $4 billion in state and local conservation spending. Further, in December the United

States Conference of Mayors sent a letter to the Clinton Administration requesting funding for the LWCF and UPARR. 115 mayors signed the letter.

Throughout my own district, I have been approached by mayors, town officials, business leaders, and environmental advocates who have urged me to continue supporting LWCF and UPARR funding. Projects for which Federal conservation assistance is needed vary from a long overdue city park in Worcester to open space preservation in the nearby suburb of Shrewsbury. We in Congress must respond to what everyone outside the beltway is asking for, full funding of state-side LWCF and UPARR.

For these reasons, I ask the Committee to approve full funding for the stateside programs of the Land and Water Conservation Fund and OCS funding for UPARR, and to support H.R. 798.

Thank you, Mr. Chairman.

Mr. HANSEN. [presiding] Thank you. We appreciate our colleague's statement, and you are welcome to stay and join us on the dais if you are so inclined.

I'll recognize our colleague from Georgia, the Honorable Saxby Chambliss.

STATEMENT OF HON. SAXBY CHAMBLISS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. CHAMBLISS. Thank you, Mr. Chairman, it is a pleasure for me to be here today to have an opportunity to talk to you about something that I think is one of the most important pieces of legislation that certainly this Committee and the whole Congress has had an opportunity to deal with since I have been here.

I particularly want to thank the Chairman, Mr. Young, for the efforts that he has done every day to benefit wildlife and preserve the fish, the right and opportunity of all Americans to hunt, fish, trap, and enjoy our great outdoors.

I am pleased to have the opportunity to join the Committee today to express my support for the bipartisan efforts encompassed within H.R. 701, the Conservation and Reinvestment Act, or CARA. As Co-Chairman of the Congressional Sportsmen's Caucus, I applaud Chairman Young for crafting a bill that absolutely and positively gives our state fish and wildlife agencies the resources to adequately address the wildlife conservation funding problems. Specifically, I come before you today to applaud Title III of Chairman Young's bill, Wildlife-Based Conservation.

Primarily, I wear my hat as Chairman of the Congressional Sportsmen's Caucus today, but I also am here as Vice Chairman of the Budget Committee. As we are in the midst of preparing to markup our Fiscal Year 2000 Budget Resolution in committee, I must tell you that there are high hurdles that this bill faces with regard to our budgetary constraints, specifically the mandatory spending provisions.

While these constraints concern the Budget Committee and me greatly, I have expressed my support for this bill to the Budget Committee in no uncertain terms. I believe the merits outweigh the obstacles, and look forward to working with the Chairman and others to try to craft solutions to the concerns.

I am pleased that the Committee has heard testimony from David Waller, the Director of the Wildlife Resources Division of the Georgia Department of Natural Resources. David has been involved in the process of addressing the needs of his colleagues throughout the country for a number of years.

He has shown great leadership and flexibility to work within this budget-driven Congress to assist in crafting legislation that will address the vacuum of funding that state fish and wildlife directors face in addressing wildlife-based conservation and education projects, and by wildlife I mean conservation projects for both game and nongame species.

Mr. Chairman, it is clear that we must work to ensure we have an abundance of wildlife and habitat to enjoy, and that we continue to promote multiple-use habitat management for our wildlife and fisheries. The Chairman's bill goes a long way in ensuring these goals are achieved.

I want to share with you an example of how ordinary fish and wildlife departments can do extraordinary things given the resources not only by the state but also by the Federal Government.

My State of Georgia is home to the Nation's most successful wildlife turkey restoration program, which incidentally took Georgia's wild turkey population from 17,000 birds in 1973, to more than 400,000 birds today. In fact, Georgia has the country's largest harvest record of more than 80,000 birds in 1996, and this is just one example of how every state can be successful given the proper resources.

Our Federal-state partnerships are the key to continuing to preserve these type of opportunities in Georgia as well as around the country.

The Congressional Sportsman's Caucus, I believe, has an obligation to heighten its commitment to ensure that these Federal-state partnerships are strengthened. One step in that direction would be the passage of H.R. 701. It is important for all of us to recognize that we enjoy the great outdoors in different ways. I appreciate that not all Americans hunt and fish. Some take pictures, some watch, some hike, and some bike, but hunting and fishing does not diminish the natural wonders that we all enjoy. In fact, as everyone in this room knows, hunting and fishing and trapping are valuable conservation management tools. In fact, hunting and fishing has been enjoyed throughout the ages.

The Bible is full of quotations and citations to hunting and fishing that took place back in Biblical times. And that is why it is so important to help fund hunting and fishing related wildlife conservation and education programs. That is why we must ensure that the age of hunters does not continue to rise as it is doing right now nationwide.

The reason the age has risen in many states is a direct reflection of our inability to educate our children and offer them outdoor activities beyond the baseball diamond, the basketball court, and the playground.

I believe that Title III of the Chairman's legislation can help fill that gap. For too long, the Federal Government and private industry have not adequately addressed the needs of state fish and wildlife departments with regard to wildlife conservation and education projects. I believe both need to step up to the plate.

Mr. Chairman, I submitted to you a letter back in September of 1998 regarding your commitment to working to address concerns in Title III raised by some in the conservation community. I believe your comments demonstrate your commitment to working with the

individual state fish and wildlife agencies to adequately address their needs.

I would like to submit your letter for the record and at this time to read a few key sentences. Your letter to me, dated September 9, 1998, reads in part as follows:

"Congressman Chambliss, your letter aptly points out that while the goal of our proposal is similar to Teaming With Wildlife, our approach and funding mechanism are different. I share your interest in increasing funding to our state fish and wildlife departments for conservation and education efforts as TWW purported to achieve. However, I also share your pragmatic concerns with the way TWW obtained funding to achieve that end.

"The proposal contained within Title III of our proposal, in my opinion, not only achieves the goals contained within TWW, but surpasses them. This proposal gives a state fish and wildlife department broad discretion in achieving the individual goals to conserve wildlife within their state. Pittman-Robertson was chosen because it is an existing statutory mechanism which has successfully distributed funds to states for almost 60 years. Also, Pittman-Robertson currently contains language which allows a state the latitude to fund both game and nongame programs. However, we all recognize that this money has been primarily focused on programs directly supporting game species. It is for that reason that our proposal contains language to make it clear that these new funds are to be used on wildlife, both game and nongame."

And that ends my quote from your letter, Mr. Chairman.

I read your letter in a speech last year at the 88th Annual Conference of the International Association of Fish and Wildlife Agencies, which was held in my state, in Savannah. I think your position was clear then as it is today. I am thankful that the conservation community recognizes that wildlife conservation and education projects should be decided at the state level, and that state agencies should be given the flexibility to use funds for game or nongame purposes, rather than have the Federal Government make that decision for them.

I know folks in Georgia and around the country will benefit from this legislation because it provides a steady, dependable revenue stream. It helps fund both game and nongame wildlife conservation programs, and it provides the states the flexibility to tailor their funding priorities to suit their individual needs.

One of the most exciting parts of this bill that I am going to be working on is the wildlife associated education. We need to ensure that our future generations are educated about wildlife, and recognize that hunting and fishing are valuable conservation management tools.

I look forward to working closely with Chairman Young on this issue to ensure that the criteria for such wildlife education projects will accomplish this. Helping replenish renewable resources with funds derived from nonrenewable resources is good policy, and CARA accomplishes this while not raising taxes one penny.

Thank you again, Mr. Chairman, for allowing me to testify before your Committee today.

[The prepared statement of Mr. Chambliss follows:]

STATEMENT OF HON. SAXBY CHAMBLISS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Thank you Mr. Chairman. And thank you for all the efforts you do everyday to benefit wildlife and preserve the right and opportunity of all Americans to hunt, fish, trap and enjoy our great outdoors. I am pleased to have the opportunity to join the Committee today to express my support for the bipartisan efforts encompassed within H.R. 701, **The Conservation And Reinvestment Act** (CARA).

As co-chairman of the Congressional Sportsmen's Caucus, I applaud Chairman Young for crafting a bill that absolutely, positively gives our state fish and wildlife agencies the resources to adequately address their wildlife conservation funding problems.

Specifically, I come before you today to applaud Title III of Chairman Young's bill, Wildlife-based Conservation.

Primarily, I wear my hat as chairman of the Congressional Sportsmen's Caucus today; however, I am also joining you as the vice chairman of the House Committee on the Budget. As we are in the midst of preparing to mark up our FY 2000 Budget Resolution in Committee, I must tell you that there are high hurdles that this bill faces with regard to our budgetary constraints, specifically the mandatory spending questions. While these constraints concern the Budget Committee and me greatly, I have expressed my support for this bill to the Budget Committee in no uncertain terms. I believe the merits outweigh the obstacles and look forward to working with the chairman and others to try and craft solutions to the concerns.

I am pleased that the Committee has heard testimony from David Waller, the Director of the Wildlife Resources Division at the Georgia Department of Natural Resources. David has been involved in the process of addressing the needs of his colleagues throughout the country for a number of years. He has shown great leadership and flexibility to work within this budget-driven Congress to assist in crafting legislation that will address the vacuum of funding that state fish and wildlife directors face in addressing wildlife-based conservation and education projects—and by "wildlife" I mean conservation projects for both game and non-game species.

Mr. Chairman, it is clear that we must work to ensure we have an abundance of wildlife and habitat to enjoy and that we continue to promote multiple-use habitat management for our wildlife and fisheries. Your bill goes a long way in ensuring these goals are achieved.

I want to share with you an example of how ordinary Fish and Wildlife Departments can do extraordinary things given the resources not only by the state, but also by the Federal Government. My state of Georgia is home to the nation's most successful wild turkey restoration program—which incidentally took Georgia's wild turkey population from 17,000 birds in 1973 to more than 400,000 birds today. In fact, Georgia had the country's largest harvest record of more than 80,000 birds in 1996. This is just one example.

Our Federal-state partnerships are the key to continuing to preserve these type of opportunities in Georgia and around the country. The Congressional Sportsmen's Caucus, I believe, has an obligation to heighten its commitment to ensure that these Federal-State partnerships are strengthened. One step in that direction would be passage of H.R. 701.

It is important for all of us to recognize that we enjoy the great outdoors in different ways. I appreciate that not all Americans hunt and fish. Some take pictures, some just watch, some hike, and some bike. But hunting and fishing does not diminish the natural wonders we all enjoy. In fact, as everyone in this room knows, hunting, fishing and trapping are valuable conservation management tools.

In fact, fishing and hunting has been enjoyed throughout the ages—even biblical times.

Matthew 4:18

As Jesus was walking beside the Sea of Galilee, he saw two brothers, Simon called Peter and his brother Andrew. They were casting a net into the lake, for they were **fishermen.**

Genesis 25:27

The boys grew up, and Esau became a skillful **hunter**, a man of the open country, while Jacob was a quiet man, staying among the tents.

As you can see we have a long and storied history of sportsmen-related activities; however, everyday those traditions are threatened by those in the conservation community who are ill-informed and spread misinformation about the facts of hunting, fishing, and other sporting-related activities.

That's why it is so important to help fund hunting and fishing related wildlife conservation education programs; that's why we must ensure that the age of hunters does not continue to rise. The reason the age has risen in many states is the

direct reflection of our inability to educate our children and offer them outdoor activities beyond the baseball diamond and the playground.

I believe that Title III of your legislation can help fill the gap. For too long, the Federal Government and private industry have not adequately addressed the needs of State Fish and Wildlife Departments with regard to wildlife conservation and education projects. I believe both need to step up to the plate.

Mr. Chairman, I submitted to you a letter back in September of 1998 regarding your commitment to working to address concerns in Title III raised by some in the conservation community. I believe your comments demonstrate your commitment to working with the individual state fish and wildlife agencies to adequately address their needs.

I would like to submit your letter for the record and read a few key sentences: Young Letter to Chambliss, September 9, 1998:

> "... [Congressman Chambliss] your letter aptly points out that while the goal of our proposal is similar to Teaming with Wildlife (TWW), our approach and funding mechanism are different. I share your interest in increasing funding to our State Fish and Wildlife departments for conservation and education efforts, as TWW purported to achieve. However, I also share your pragmatic concerns with the way TWW obtained funding to achieve that end.
>
> The proposal contained within Title III of our proposal, in my opinion, not only achieves the goals contained within TWW, but surpasses them. This proposal gives a State Fish and Wildlife Department broad discretion in achieving the individual goals to conserve wildlife within their state. Pittman-Robertson was chosen because it is an existing statutory mechanism which has successfully distributed funds to states for almost 60 years. Also, Pittman-Robertson currently contains language which allows a state the latitude to fund both game and non-game programs. However, we all recognize that this money has been primarily focused on programs directly supporting game species. It is for that reason that our proposal contains language to make it clear that these new funds are to be used on wildlife (both game and non-game)."

I read your letter in a speech to the 88th Annual Conference of the International Association of Fish and Wildlife Agencies. I think your position was clear then as it today. I am thankful that the conservation community recognizes that wildlife conservation and education projects should be decided at the state level and the state agencies should be given the flexibility to use funds for game or non-game purposes rather than have the Federal Government make that decision for them.

I know folks in Georgia and around the country will benefit from this legislation because it provides a steady, dependable revenue stream; it helps fund both game and nongame wildlife conservation programs; and it provides the states' the flexibility to tailor their funding priorities to suit their individual needs.

One of the most exciting parts of this bill I'll be working on is wildlife-associated education. We need to ensure that our future generations are educated about wildlife and recognize that hunting and fishing are vital conservation management tools. I look forward to working closely with Mr. Young on this issue to ensure that the criteria for such wildlife education projects will help accomplish this.

Helping replenish renewable resources with funds derived from nonrenewable resources is good policy—and CARA accomplishes this while not raising taxes one penny!

Thank you again Mr. Chairman for allowing me to testify before your Committee today.

LETTER FROM MR. YOUNG TO MR. CHAMBLISS

The Honorable SAXBY CHAMBLISS
1019 Longworth Building
Washington, DC 20515

Dear Congressman Chambliss:

Thank you for your September 4, 1998-letter regarding the proposed Conservation and Reinvestment Act of 1998, specifically Title III.

As you know, this proposal is currently in the discussion stage where we are soliciting comments to better the proposal as we move this important legislation forward. To date, we have received numerous comments regarding the wildlife conservation provisions contained within Title III. I appreciate your participation in this important effort and the efforts of Mr. Waller, whose insights have been invaluable while working with the stakeholders to the Teaming with Wildlife (TWW) proposal. I hope that with your and Mr. Waller's assistance we can keep the TWW coalition whole and work together as we move forward to achieve our common goals.

Your letter aptly points out that while the goal of our proposal is similar to TWW, our approach and funding mechanism are different. I share your interest in increasing funding to our State Fish and Wildlife departments for conservation and education efforts, as TWW purported to achieve. However, I also share your pragmatic concerns with the way TWW obtained funding to achieve that end.

The proposal contained within Title III of our proposal, in my opinion, not only achieves the goals contained within TWW, but surpasses them. This proposal gives a State Fish and Wildlife Department broad discretion in achieving the individual goals to conserve wildlife within their state. Pittman-Robertson was chosen because it is an existing statutory mechanism which has successfully distributed funds to states for almost 60 years. Also, Pittman-Robertson currently contains language which allows a state the latitude to fund both game and non-game programs. However, we all recognize that this money has been focused primarily on programs directly supporting game species. It is for that reason that our proposal contains language to make it clear that these new funds are to be used on wildlife (both game and non-game).

I recognize that most states are requesting additional funding to address non-game funding demands. This proposal allows these states to utilize this new funding for those purposes. The proposal takes the approach that an individual state knows what is best for its wildlife conservation efforts and should be given the flexibility to address their needs. Additionally, we are currently in the discussion phase and look forward to working with the states as well as the conservation community to make changes to accomplish our common goals.

We are currently in an important process in shaping a wildlife program for the benefit of our Nations' valuable wildlife resource. I look forward to working with you and appreciate your correspondence and insight on this issue.

Sincerely,

DON YOUNG,
Chairman

Mr. YOUNG. Thank you, Saxby, and welcome to the witness table after yesterday's snow delayed you, we're glad to have you here. We have a small problem in this legislation, I want everybody in this room to know, concerning the budget. I know you have been working very closely to try to explain the importance of this to the leadership, and we will continue to try to build fires to make sure this becomes a reality. You have done quite well, and I do appreciate your testimony and support of this legislation. If it was not for you and Mr. Waller, I probably would not have become so enthusiastic about this project. You have educated me well, and so I do thank you.

Mr. McGovern, I also thank you. I would like to say, though, before I continue and pass it over to the gentleman from California, Governor Geringer could not make it today, his flight was canceled, but I will submit his written testimony in support of the bill.

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

Mr. YOUNG. Governor Carper has been delayed, he will be here about two o'clock, and he will be able to testify at that time. And I do apologize for everybody that expected the Governors to be here, but we can't also control the weather. But, thanks, both of you. The gentleman from California.

Mr. MILLER. Thank you, and I just want to thank both of our witnesses and our colleagues for being here. I think it shows the breadth of support that we have in the House for this legislation, and I think we can overcome some of the hurdles that we have before us. And I want to thank you both for your effort in helping to draft these proposals, and look forward to continuing to work with you.

Mr. YOUNG. Any other comments, statements, questions?

[No response.]

If not, I want to thank the panel again for being here. Thank you very much.

The second panel will be the Honorable Malcolm Wallop, and he is not here yet but he will show up; the Honorable Ron Marlenee, Safari Club International from Bozeman, Montana. The Honorable Javier M. Gonzales, Commissioner, Santa Fe County, Representing The National Association of Counties, Washington, DC Pietro Parravano is not here. He will be here, hopefully, later on, and we will put him on the witness list then. Sarah Chasis, are you here? Why don't you come on down. It is amazing what eight inches of snow will do to the East Coast. I mean, we only had 54 inches in Anchorage this last month.

Mr. MILLER. This is a mixed and matched panel this time.

Mr. YOUNG. That is all right, this makes it fun. All right.

This is Panel II and, Mr. Gonzalez, we will let you go first, if you are ready. Welcome.

STATEMENT OF HON. JAVIER M. GONZALES, COMMISSIONER, SANTA FE COUNTY, REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES, WASHINGTON, DC

Mr. GONZALES. Thank you, Mr. Chairman. Mr. Chairman and Members of the Committee, my name is Javier Gonzales. I am a Commissioner from Santa Fe County, New Mexico, and I am here today representing the National Association of Counties in my capacity as Second Vice President. I will summarize my prepared statement focused on CARA 1999, and I ask that the full text be included in the record.

Mr. T4 Young. Without objection, so ordered.

Mr. GONZALES. NACo is pleased to testify on behalf of this important bipartisan bill that, if enacted, will have a very positive effect on our Nation's counties and communities. This bill present an exciting opportunity because of the genuine support from such a broad range of interests and the fact that the Administration, the U.S. Senate, and this Committee have very similar proposals. Each bill uses OCS revenue as the source for funding the distribution proposed by this legislation, and each has similar uses in mind. I need not remind you that the potential budget pitfalls are significant and creative solutions need to be found.

At our recent Legislative Conference, our Board of Directors adopted a resolution in support of the concepts embodied in the CARA legislation. Our resolution states: "NACo strongly supports the principles of the Conservation and Reinvestment Act of 1999 that would reallocate Outer Continental Shelf oil and gas revenues to the LWCF, a coastal state revenue sharing program, add funding to the Urban Park and Recreation Recovery program and establish an innovative procedure for adding funding for the Payments In Lieu of Taxes—that is the PILT program—in addition to annual appropriated funds.

NACo will advocate a change in the stateside program to allow counties to directly apply for LWCF grants and provide authority for innovative and flexible methods for utilization of these grants such as "a leasing program, rather than outright purchase of land that removes them from tax roles." I believe this statement of policy is very unambiguous.

We also have another resolution, Mr. Chairman, one that was passed in July 1998, supporting OCS revenue sharing with coastal states, and one of our key principles for reauthorization of the Endangered Species Act parallels H.R. 701's section on Habitat Reserve Program. I believe it is clear why NACo supports the concepts of this legislation.

Let me take a few moments to comment on some of the issues surrounding this legislation. First, NACo is very pleased that the authors have chosen to recognize the significant impact OCS development can have on coastal counties and have taken steps to assure that any shared revenue from OCS development is shared with coastal counties.

Second, the bill acknowledges the need to fund the stateside portion of the LWCF and would assure that counties would share the revenues set aside of the states. It would be preferable to have counties be able to utilize their share of the Fund without having to work within the mandated structure of a state plan, but we believe an acceptable approach can be worked out during deliberations on the bill. We also believe we need to look at innovative approaches, such as conservation leasing to meet the goals of the LWCF without removing land from the tax roles.

Third, the innovative approach to adding money to the PILT program in Titles I and II should be applauded and the authors should be commended for recognizing the need to fund the PILT program at reasonable levels. Let me share with you some interesting facts from a soon-to-be-released PILT study by the Federal Government:

Overall PILT payments are about $1.31 per acre less than the property taxes that would be generated. PILT entitlement lands in the sample counties would have generated an average of $1.48 per acre if taxed by the county, but PILT payments only amount to an average of 17 cents, only 11 percent of the potential tax bill.

To fully fund PILT another $200 million would have to be added to the $125 million currently appropriated. Mr. Chairman, at this time, there was a typo in the text testimony that we presented. I would ask that the $100 million be changed to $200 million for the record.

Third, to achieve overall PILT/tax equivalency, another $696 million would have to be added to full funding of the PILT program and, even then, 18 percent of the counties would not be equivalent.

In the case of the East, taxes would exceed PILT payments by over 1,000 percent. Counties in the Interior West responded that moderate or substantial costs were imposed by the presence of Federal lands, particularly in the areas of search and rescue, law enforcement and road maintenance.

Fourth, NACo, through its Large Urban County Caucus, applauds the inclusion of funding for the Urban Parks and Recreation Recovery Act. Parks and open space are important factors in improving the quality of life in America's urban counties.

Fifth, NACo also supports the additional funding for the Pittman-Robertson Act, but we believe counties should play a larger role in the allocation and utilization of the disbursements.

Mr. Chairman, this concludes my testimony. I would like to thank you and the Members of the Committee for your interest in the needs and concerns of America's counties. We stand ready to

work with the Committee, the Senate, and the Administration to hammer out an acceptable bill that will set the tone for conservation in the 21st century. Thank you.

[The prepared statement of Commissioner Gonzales may be found at the end of the hearing.]

Mr. YOUNG. Thank you. Mr. Marlenee, because you are on the second panel, you will go next.

STATEMENT OF HON. RON MARLENEE, SAFARI CLUB INTERNATIONAL, BOZEMAN, MONTANA

Mr. MARLENEE. Well, Mr. Chairman, and Ranking Member George Miller and Committee Members, it is a pleasure to be here with you once again.

SCI is an organization of several thousand sportsmen across the United States and the world. We are as concerned with conservation and propagation of wildlife as we are with hunting. We know that there has to be habitat in order that we have wildlife of all sorts.

We have examined both bills before you. Let me say that in our opinion, not since Pittman-Robertson and Wallop-Breaux has legislation been considered that would have such a profound and long-term effect on wildlife. Sportsmen and women have been pouring millions of dollars in the past into wildlife and wildlife habitat. It has resulted in one of the greatest success stories known to outdoor recreation.

In recent years, this effort has been diluted and drained of funds by mandates and requirements of the Federal Government. Trying to keep up with funding the Endangered Species, Coastal Protection, and other programs, state wildlife agencies are having shortfalls that force them to dip into funds that sportsmen have paid into to enhance wildlife populations.

Bill 701 by Congressmen Young and Dingell and others could well be termed a partial solution for unfunded Federal mandates. These new funds that H.R. 701 creates will be available to state fish and wildlife agencies for conservation of game and non-game wildlife, endangered species, as the states deem appropriate.

Using OCS money, Title III of H.R. 701 will expand state wildlife conservation efforts and allow state agencies to work with all types of government and private landowners to achieve specific goals in virtually all areas of wildlife conservation, healthy habitat, and a diversity of wildlife.

During the 104th and 105th Congress, a concept to increase funds available to states for wildlife conservation was conceived as a new and additional excise tax on all outdoor recreation equipment. However, this idea, called "Teaming with Wildlife," was never introduced as legislation.

Although SCI supported the general concept of providing funds to the state agencies for wildlife conservation, we could not support the TWW approach. A new tax of any kind was unlikely to become law. In addition, the TWW draft would have forced the states to use most of the funds for non-game wildlife and outdoor recreation activities, regardless of state needs. We feel that it is critical to leave the decision to the state wildlife agencies. The TWW proposal would have been an incentive to spend valuable taxpayer money on

unwanted, or perhaps even unnecessary, programs. However, H.R. 701, introduced by Young and Dingell, corrects that.

In the 105th Congress, Chairman Young found a way to achieve the important goals of state funding for wildlife conservation without imposing the excise tax, or without robbing the state fish and wildlife agencies of the discretion to make professionally sound decisions.

As one of the leading organizations representing sportsmen, SCI supports Mr. Young and the co-sponsors of the Conservation and Reinvestment Act. H.R. 701 is a focused and carefully crafted effort. It is an effort to solve a few important needs whereas H.R. 798, although well intentioned, is an inappropriate approach that reaches into new programs and appears to expand other programs. It circumvents the committee process by pouring money into programs that have not been authorized, approved, or debated.

And I could name a few of those programs. Both bills deal with the acquisition of property. While this is not the primary expertise or interest of SCI, many concerns about these provisions have been expressed to us both from within and without our organization.

Mr. Chairman, we appreciate your sensitivity to those concerns, and we feel that your Bill 701 contains provisions intended to guard against undue infringement on private property rights. As a matter of fact, Mr. Chairman—as a matter of fact—the League of Private Property Voters has published a rating of Members of Congress for 1998, and I am sure you will remember that rating because your beaming face shines out from the inside pages as a 100-percent protection of private property rating with the League of Private Property Voters. I would hope, Mr. Chairman, that this publication would be included in the record along with my statement.

Mr. YOUNG. Without objection.

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

Mr. MARLENEE. In closing, Mr. Chairman, we would like to congratulate you for recognizing the need to provide more funding for the state fish and wildlife agencies and for finding an inventive way to accomplish that goal. We believe your bill appropriately recognizes the primary role of the states and their professional wildlife agencies in wildlife conservation.

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

Mr. YOUNG. I thank my good friend, Ron Marlenee, for his testimony, and it was all handwritten, I want everybody to notice that. It was not typed out or used on a fancy machine, so there is a little bit of sincerity put in this, which I deeply appreciate.

Ms. Chasis, you are next.

STATEMENT OF SARAH CHASIS, SENIOR ATTORNEY, NATURAL RESOURCES DEFENSE COUNCIL, NEW YORK, NEW YORK

Ms. CHASIS. Thank you, Mr. Chairman, and I would ask that my full written statement be accepted into the record.

Mr. YOUNG. Without objection, so ordered.

Ms. CHASIS. I also wanted to thank you, Mr. Chairman, for accommodating me. I tried like the devil to get here yesterday. It

took me eight hours to get from New York to Washington, and I appreciate your putting me on a panel today.

My testimony focuses on the Outer Continental Shelf Impact Assistance Title of H.R. 701, and the Living Marine Resources Title of H.R. 798.

In our view, the overarching goal for the Coast and Ocean Title of these bills should be protection and restoration of our Nation's fragile, but extremely valuable, coastal and marine resources which are increasingly under pressure from a variety of forces. In achieving that goal, five principles should be closely adhered to.

First, the legislation should not provide incentives for new leasing or new drilling. This should apply to all Titles of the legislation, not just the coastal or OCS impact assistance Title.

Second, the state or local share of money should not be tied to the acceptance of new or closer leasing or drilling.

Third, money that goes to the states and local governments should be spent on environmentally beneficial projects.

Fourth, there should be Federal agency oversight of how money is spent to ensure compliance with Federal environmental laws.

Fifth, any offsets should not come from existing environmental programs.

While we very much appreciate, Mr. Chairman, the improvements that you have made to Title I of H.R. 701, we feel still that the principles enunciated just now have not been fully complied with.

In contrast, H.R. 798 adheres to these principles very closely. As a result, we support H.R. 798, but must continue to oppose H.R. 701 unless and until the concerns we have raised are satisfactorily resolved.

H.R. 701 includes revenues from new leasing and new drilling as a funding source for all Titles of the bill, except that revenues from leased tracts in areas under moratorium are excluded from Title I. That is a crucial improvement, and we appreciate that.

However, that same language needs to apply to both Titles II and III, and we are in receipt of a letter from the Chairman indicating an interest and willingness to work on correcting that for Titles II and III, and we appreciate that and look forward to working with you on that.

The improvement in Title I, however, remains incomplete because revenue from new leasing and drilling in sensitive frontier areas, such as Alaska, would be used to fund the Title. In addition, revenues from drilling on existing leases off North Carolina, the Florida Panhandle, and Central California, may possibly be used to fund Title I. The bill is not clear on this point, and we seek clarification.

We believe that to address this problem, the legislation should define the term "qualified Outer Continental Shelf revenues" in the definition section, to exclude revenues from new leasing and new drilling after the date of enactment of the legislation. This is contained in Mr. Miller's bill, the Resources 2000 legislation.

Fifty percent of the state's allocable share under H.R. 701 is dependent on its being within 200 miles of a leased OCS tract. The more production on such tracts and the closer in to shore these tracts are, the more money the state gets. An improvement in this

section of the bill is the exclusion of moratoria tracts from this calculation. However, the language is ambiguous with respect to whether existing leases in moratorium areas that are not covered by the moratorium would be also excluded. These tracts, development of which is very controversial, should be excluded, in our view.

Moreover, new leasing and drilling outside moratorium areas, including sensitive frontier areas off Alaska, would still be factored into the allocation formula, thus providing a significant incentive for allowing such activities to proceed.

We favor a formula that is based on population and shoreline miles. If OCS activity is to be a factor in the allocation formula, we think it should be based on past historic activity and not tied to new leasing and drilling.

Another concern is the method of allocating funds to local jurisdictions. Fifty percent of a state's share goes directly to eligible local political subdivision. A locality with OCS leasing off its coast is entitled to share in 50 percent of the state's share, with its share increasing the closer the leased tracts are. Localities with no leasing are not entitled to any share of the state's allocable share. Obviously, this creates a major incentive for localities to accept new OCS leasing.

The uses of the money in H.R. 701 authorized in section 104 do not ensure that environmental degradation does not take place. Their focus is not on restoring the environment or ensuring activities do not further degrade the environment. While states may use funds for such purposes, there is no requirement that they do so.

The Secretary is given no authority to review and approve state plans. The lack of Federal oversight combined with the broad uses to which the funds may be put and the large Federal dollars involved mean that environmentally damaging projects could well be funded under this Title of the legislation.

With respect to H.R. 798, we strongly support it because it adheres to the principles we think should govern this legislative initiative. The bill specifically excludes revenues from new leasing and production as a funding source for the bill. In Title VI, the bill does not allocate revenues among states or local jurisdictions based on proximity of leased tracts or production.

Finally, the bill requires that the money be spent on the conservation of living marine resources, not on activities that could contribute to further environmental degradation.

We very much appreciate this opportunity to testify and look forward to working with the Committee on this important legislation.

Thank you.

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

Mr. TAUZIN. [presiding] Thank you, Ms. Chasis.

The Chair thanks the panel for their testimony, and the Chair will now recognize himself and other Members for five minutes.

Let me first thank you, Mr. Gonzales, on behalf of the sponsors of our legislation, and NACo, for their support. You mentioned some recommended changes to the Land and Water Conservation Fund, and in that context you mentioned "conservation leasing." Are there other changes you would recommend?

Mr. GONZALES. Mr. Chairman, at this point, no, we don't have any other changes, but we would work with the Committee for any proposed other changes that you would recommend.

Mr. TAUZIN. Again, we thank you for your support, and we will continue that dialogue if there are other discussions you would like to have.

Mr. GONZALES. Thank you, Mr. Chairman.

Mr. TAUZIN. Mr. Marlenee, we have been requested by a number of organizations to restrict the emphasis in Title III funds in their use on non-game programs. I understand you disagree with this. Could you give us an explanation of why you feel this is not in the best interest of the states?

Mr. MARLENEE. I am sorry, Mr. Chairman. Having forgotten my hearing aids, I have not been listening intently.

[Laughter.]

I am sure it is not the first time somebody did not listen to you.

Mr. TAUZIN. It is an old habit you have retained from your membership in this body. I was asking you, in regard to the requests we have gotten from several organizations to restrict the emphasis, that Title III funds should be used on non-game programs. I understand you disagree with that, and I just wanted to get your take on it.

Mr. MARLENEE. We feel that the states should have the opportunity to make the decision—game, non-game—and not have the Federal Government or not have legislation mandate that non-game species be singled out for a funding-specific funding. So, we feel that H.R. 701 does the balance and allows the states to do that.

Mr. TAUZIN. Ms. Chasis, let me engage you a bit. I want to thank you for, first of all, your acknowledging that there has been a great deal of work and conversation between the Chairman and the sponsors and your organization.

In the first Green Group letter, the only request made, I understand, of the sponsors of our legislation, was for the language prohibiting the use of "no funds from areas under drilling moratorium" under Title I, and that is now in the bill, as I understand it.

Since that time, we understand that the Green Group indicated they would like similar language regarding the other three titles of the bill. I want to emphasize the Chairman and the other sponsors have agreed to work that with you. If we do that, if we have all this language that says from Title I through Title III no funds are going to come from areas under drilling moratoria, how does the bill possibly serve as an incentive for lifting moratoria?

Ms. CHASIS. Well, if the correction is made for Titles II and III, that would be a big help. The allocation formula is also a problem, although the change made there is also very helpful. But for example, for local jurisdictions, they get to share in 50 percent automatically of the state's allocable share if they are within 200 miles of a leased tract. That does not exclude moratoria tracts.

So, that is another part of the bill that needs fixing in terms of the moratorium.

Mr. TAUZIN. In that area of your concern about proximity to production in the allocation of funding, you also make, I think, a very correct statement that Title I funds should be used to mitigate the

OCS production. Obviously, in our own state, we argue about how much of a deterioration of coastal wetlands is attributable to natural forces, how much is attributable to canals and other pipelines that have been laid to support the Offshore industry. But there clearly is—in fact, Jack Caldwell, yesterday, when you were not here, presented some pictures indicating some very clear ties between that development and the loss and degradation of those lands.

If, in fact, the money should be used to mitigate problems associated with near-shore production, I am having a great deal of difficulty understanding your concern that the money should be distributed on that basis. If, in fact, it is going to be used for that purpose, should it not be distributed on that basis?

Ms. CHASIS. Our concern is we think where there has been past harm that has occurred from OCS activity, it is appropriate for funds to go to mitigate those impacts, particularly if it is done in an environmentally sensitive way. We do not want the availability of the money, though, to serve as an incentive——

Mr. TAUZIN. You do not want the incentive problem.

Ms. CHASIS. Exactly.

Mr. TAUZIN. I understand. Finally, you mentioned the Federal Government oversight. As I read the bill, the Federal Government is involved in every Title. I mean, obviously, the Federal Government does not have a veto power over the state's use, but it is involved in every Title, in some cases by partnership with the state and local governments, in other areas as the advisor to the state and local government. That is not enough for you? You want the Federal Government to tell the states exactly what they have to do? What is your complaint there?

Ms. CHASIS. We think in Title I, all that happens is the state certifies the plan to the Secretary of Interior. There is no opportunity for the Secretary to review and approve the plan, and there is a huge amount of money involved, a broad array of uses, and we think to ensure that Federal environmental laws are adhered to, there needs to be that kind of review.

Mr. TAUZIN. I understand. I just make the point that the states have to obey Federal law just like we do. And I would find it rather strange that the states would submit a plan to the Secretary that would be violative of the Federal law, but we can discuss that as we move along.

The Chair now yields to the gentleman from Louisiana, Mr. John.

Mr. JOHN. I just have a couple of brief comments and a question for Mr. Gonzales. You mentioned an interesting concept that is not in either one of the bills and, if you could explain it a little further, it may give me a better understanding and the Committee a better understanding, of what exactly you are talking about when you refer to conservation leasing.

Neither one of our bills address that and, obviously, one of the concerns of both of our bills is the fact of the addition of more land through the Land and Water Conservation Fund, has been opposed by lots of groups. Tell me a little bit about your experiences with conservation leasing.

Mr. GONZALES. Mr. Chairman, Congressman John, conservation leasing is an innovative approach to where you do not, hopefully, remove lands from the tax roles. As you know, in local government we are very dependent, especially at the county level, and reliant on property taxes as a means for us to generate revenues and there, in turn, supply services to our communities. So, the hope would be as we move possibly to looking at acquiring some of these lands, that we would do it through the Lease Conservation Program so we do not take them off the private tax roles and onto the public where we cannot generate any taxes.

Mr. JOHN. That is a real interesting concept because the goal in both scenarios, whether the purchase of land or the actual leasing of it, is to conserve open spaces. This is an interesting concept that I will take to heart and maybe factor into some of the other discussions we have thoughout the day.

My next question is addressed to Ms. Chasis. You made several interesting comments, but most of them were directed toward your concerns about drilling incentives. I think that it is apparent in both bills in a lot of ways that we have gone very far to make sure that this legislation is in no way, shape or form about drilling incentives, and we have really talked a lot about that because we believe that in the past the incentives issue has been the nail in the coffin for other pieces of legislation that have focused on reserve sharing and impact assistance.

Your comments talked about the new leasing and the moratoria, and you talked about only past leases in history. Does that mean to me that only the production and the royalties and the leases in the Gulf of Mexico would be contributing to Title I?

Ms. CHASIS. Well, our position is that revenues from new leasing and production should be excluded from the revenue stream.

Mr. JOHN. But does that mean that only monies from the Gulf of Mexico drilling would be deposited as Mr. Miller suggests in his proposal, H.R. 798?

Ms. CHASIS. That is not how we have articulated it. It would be whatever existing leasing and production there is as of the date of enactment.

Mr. JOHN. In the present situation of the Land and Water Conservation Fund as it is today, do you believe that the LWCF has proven to be an incentive for drilling because that is tied to OCS funds?

Ms. CHASIS. I do not believe so, but the amount of money that has actually been appropriated there, as you know, has been much less than what is authorized, or than what would be spent under this bill. I mean, this bill is talking, for example, about $1.4 billion, according to MMS, for Title I alone. So, we are talking about a lot more money, and when we are talking about a lot more money there is the much greater potential for incentives.

Mr. JOHN. And, finally, as a follow-up, do you believe that a motivating factor in an oil and gas business' decision to invest multimillion dollars into drilling and OCS production, would be the fact that the state would receive some money from Title I of CARA 701? Would that lead an oil company to say, "Well, I think I am going to go drill because the state wil receive funding"—or the state says, "I think we are going to do this because we receive some Federal

dollars"—and that will be a determining factor in whether the drilling company decides to spend hundreds of millions of dollars to go out and explore for oil?

Ms. CHASIS. I think our principal concern is the incentive to state and local governments saying, "The only way you are going to get a significant amount of money is to accept new drilling and leasing." We would rather see the money spent for the uses, but not tied to that incentive.

Mr. JOHN. So your concern is that a state or—maybe not a local government, but a state—may somehow, in their state legislature, provide some kind of drilling incentives, whether it is tax incentives or something—in some kind of way entice companies to come into that area because the state may benefit with some of that.

Ms. CHASIS. Yes, but I think local governments are also an important component because often a relatively small amount of money can make a big difference to them. And if they see that they are going to get double the money they would otherwise get by accepting new leasing, then that is going to be a temptation.

Mr. JOHN. Well, it is my past experience that when an oil production company makes a decision to drill, there are a lot of other factors, and I do not believe that this will be one of them in any kind of way. And, secondly, we have worked very hard with a variety of environmental organizations because we understand the sensitivity of that issue.

And we will be glad to work with you as we go through this bill, to make sure that that is done because in no way, shape or form do we want to provide this as an incentive because, frankly, the oil and gas companies do not have a dog in this fight. I mean, this is about the dollars that they are presently paying, and this is about whether we use these funds to save our coastline, which NRDC should support as a top priority; especially when in Louisiana we are losing lands that are of great environmental value.

Mr. TAUZIN. The gentleman's time has expired. The Chair recognizes the gentleman from Maryland, who I think wants to yield to the gentleman from California.

Mr. GILCHRIST. I yield to the gentleman from California.

Mr. MILLER. Thank you very much. I wanted to ask a quick question because I am afraid I am going to have to offer my amendment on the floor after this vote.

Sir, I want to thank you for being here. I know it took you over eight hours or something to get here to Washington.

One of the differences in the two bills is we have a set-aside fund, if you will, for marine resources, and I wonder if you just might address that, the importance and what alternative funding there would be if you did not have this kind of set-aside.

Ms. CHASIS. We think that is extremely important. The living marine resources, those are the resources that are under tremendous pressure now from a variety of sources, offshore drilling being one of them, but also pollution, over-fishing, habitat degradation, and we think having a specific set-aside of $300 million, which is in your bill, is extremely important in terms of enhancing and ensuring the long-term sustainability of those resources. And there currently is not the kind of funding available through the appropriations process to——

Mr. MILLER. There is really no dedicated——

Ms. CHASIS. There is no dedicated money to do that, as compared to on-shore with wildlife and other programs. So, I think we see that as an absolutely crucial part of the overall approach, and would urge the Committee to look to that and take that.

Mr. MILLER. Thank you. And, again, thank you very much for all your effort to get here and to testify, it has been helpful. Thank the other panelists.

Mr. TAUZIN. The Chair would equally emphasize our appreciation. Cajuns have a hard time getting through snow, maybe even harder than New Yorkers.

We have two 15-minute votes on the floor. I can do one of two things: We can dismiss this panel and move to the next, or I can hold the panel until we get back. I am seeking some guidance from the Members. What would you like? Mr. Udall? The gentleman is recognized.

Mr. UDALL OF NEW MEXICO. Thank you. I would just, first of all, thank the panel for your testimony here today, and recognize the County Commissioner, Javier Gonzales, from the Third Congressional District in New Mexico. He is a rising young star in New Mexico politics and now, as I see, is going to be in two years the President of the National Association of Counties——

Mr. TAUZIN. I predict a future Congressman, myself.

Mr. UDALL OF NEW MEXICO. Well, that could be. That worries me every now and then, Bill, it worries me every now and then, but I want to say one thing. His comments—he is very consistent in terms of what he has done locally. In this last election, they had a $12 million bond issue to protect wildlife and create parks, so I think that effort was very important, and we look forward to working with you on these bills.

And I would just like to say to your association, I know as you meet you are going to look further at both of the bills that are under consideration, and we hope that you will give us specific comments about how they can be improved and how we can partner with you in terms of these issues that are being addressed. Thank you very much, Mr. Chairman.

Mr. TAUZIN. Thank you. Any other Member, quickly, we have got to move to the vote. Mr. Udall?

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman. That is not the first time my cousin has stolen all my time, but I just wanted to put a word behind this concept of agricultural easements and looking to NACo to help us understand this. In Colorado, there is a lot of pressure to maintain productive farmland and productive ranchland, and I think that is one of the very, very important parts of these bills. So, thank you very much for being here, to the whole panel.

Mr. TAUZIN. Thank you, Mr. Udall. Mrs. Christensen.

Mrs. CHRISTIAN-CHRISTENSEN. Just to add my thanks to the panel for being here, and my support for the bill and my interest in working with you to make sure that this bill becomes a reality. And I would like to just enter my formal statement for the record.

Mr. TAUZIN. Without objection, so ordered.

[The prepared statement of Mrs. Christian-Christensen follows:]

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

Thank you, Mr. Chairman for the opportunity to make a few opening remarks in general support of the bills before the Committee today. I want to begin by applauding you Mr. Chairman and Ranking Democrat Miller for once again recognizing and acknowledging the significant need for funding for recreation programs through the Urban Parks and Recreation Recovery Program (UPARR). While I am an original cosponsor of H.R. 798, I am pleased to note that even your bill, Mr. Chairman, would provide more than $100 million annually for this important program.

I have always been a strong believer in the importance of providing recreational outlets for our young people. Because of this, I have been very disappointed that over the past several years no funds have been appropriated for the UPARR program. Two years ago, both this Committee as well as its Senate counterpart, held oversight hearings on the lack of funding, since FY95, for state grants. In my district, our local parks are in very serious disrepair and our young people have no where to go for recreation. Because the Virgin Islands government is laboring under severe financial constraints, there are no local funds available to address this situation. That is why I am excited and very hopeful about the prospects of the two bills before us today and I look forward to working with you Ranking Democrat Miller to make sure that we are successful in securing funding for the UPARR program this Congress.

Thank you Mr. Chairman and I look forward to hearing from the witnesses.

Mr. TAUZIN. I thank the gentlelady. I want to submit for the record, without objection, the letter that Ms. Chasis referred to, to the Green Group, indicating our comments on the issue she has raised.

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

Mr. Marlenee.

Mr. MARLENEE. I ask permission that my written text be included in the record.

Mr. TAUZIN. Absolutely, without objection. Mr. Marlenee, by the way, my dad had a hearing aid, and he used to turn it off on me a lot, too.

[Laughter.]

Mr. TAUZIN. Again, thank you for your patience. We will reconvene as soon as these two 15-minute votes are over. The Committee stands in recess.

[Recess]

Mr. TAUZIN. The Committee will come to order. We are going to try to move along in the hopes that other Members will arrive as we proceed. We will assemble the next panel which will consist of the Honorable David Cobb, Mayor of the City of Valdez, Alaska. Welcome, Mayor. I know Congressman Young would like to be here to welcome you. I think he is on extraordinary business right now. It must be serious stuff.

We also have Mr. Mark Van Putten, President and CEO of National Wildlife Federation, Vienna, Virginia; Mr. Alan Front, Senior Vice President of The Trust for Public Land, San Francisco, California; and Mr. Thomas Cove, Sporting Goods Manufacturers Association in Washington, DC. Gentlemen, thank you for your patience. I apologize for the absence of Members. When we get in an afternoon session, when there is floor activity, it just gets difficult, I hope you understand, but your testimony will be made a public record, of course, the written testimony, and we would like you to engage conversationally as much as you can.

We will begin with the Honorable David Cobb, Mayor of the City of Valdez. Welcome, Mayor.

STATEMENT OF HON. DAVID COBB, MAYOR, CITY OF VALDEZ, ALASKA

Mayor. COBB. Thank you, Mr. Chairman. I first want to apologize for the weather yesterday.

Mr. TAUZIN. Is that Alaskan weather?

Mayor. COBB. I do want to thank the Honorable Mayor of Washington, DC for providing that weather so that we could feel right at home.

Mr. TAUZIN. Mayor, I want you to know I have seen Valdez. I have been to Alaska many times with my dear friend, Don Young, and it was never in Alaska as bad as it was here in Washington, DC.

Mayor. COBB. Mr. Chairman, my name is Dave Cobb, Mayor of Valdez, Alaska, home of the Trans-Alaska Pipeline Terminal. My testimony today is in support of H.R. 701, the Conservation and Reinvestment Act of 1999. This piece of legislation addresses the fundamentally important issues of enhancing the conservation and management of coastal areas, providing revenue for the Land and Water Conservation Fund, and for making funding available to enhance fish and game resources and management in all states.

Today, I represent not only Valdez, Alaska, but Mayor Hank Hove, from the North Star Borough, Fairbanks, and also Mayor Naqeak, Mayor of North Slope Borough. Collectively, we three Mayors are what is fondly called in Alaska as "The Trans-Alaska Pipeline Corridor Communities." We have the entire pipeline within our jurisdictions.

The City of Valdez supports this legislation to provide coastal impact assistance to state and local governments, to revitalize the Land and Water Conservation Fund Stateside Program, and to aid wildlife programs. We believe it is wise to re-invest revenues from all non-renewable natural resources in the resources that provide long-term public value.

What is more important to me is the coastal impact assistance issue. The Federal Government has a responsibility to the states and local governments affected by the development of Federal mineral resources to mitigate adverse environmental and public service impacts incurred due to that development.

While Valdez sets some 800 miles from the Outer Continental Shelf oil and gas developments, nevertheless, every drop of oil that comes off of those leases passes through our community. The impacts are real not only for water and sewer, for schools, this is the 20th anniversary—last year was—of the oil find on the North Slope. We will have the tenth anniversary this year of the infamous Exxon Valdez oil spill. The impacts continue. After 20 years, we still have major impacts on our communities.

The revenues that come to Valdez in particular, and the other pipeline corridor communities, are based on ad valorem property taxes assessed on the pipeline itself. Those property taxes have declined by about 51 percent since 1990.

What does that mean to a small community like Valdez of 4,500 people? Within the next two years, my community will lose $1.2 million in revenues from those declines. The oil industry in Valdez, Alaska makes up about 80 percent of my tax base.

Back during construction of the pipeline, Valdez was impacted with as much as 2,500 people to approximately 10,000 people. That happened again in 1989 after the oil spill. We went, in a two-week time period, from about 2,800 people to 10,000 people. You have to have infrastructure in place to take care of those situations. We put our infrastructure in place to support the industry. Now we must maintain and operate that infrastructure. We have spent approximately $150 million in infrastructure to mitigate public service impacts from the results of oil development in Alaska.

The cost to maintain infrastructure and public service needs do not rise and fall with the price of oil. As I have stated, the property tax base has fallen 51 percent since 1990. Oil and gas properties are declining at a rate of 7 percent annually. I do not know of any other community, certainly in the State of Alaska, but pretty much anywhere else, where your annual revenues will decline at 7 percent.

We have been frugal. We have tried to make the best of a bad situation. The upside, however, is the population of Valdez has increased 25 percent since 1980. We still provide services, port and dock services, police services, specialty training in bomb unit, terrorism and other security issues associated with the pipeline and the terminal. We provide fire service and equipment, petroleum firefighting apparatus. We have joint firefighting agreements between the Terminal because they sit inside the city limits of Valdez.

In addition, under Title II the City of Valdez supports full funding of the Land and Water Conservation Fund at $900 million, and full funding of the Stateside Program.

State and local governments are integral components in meeting the Nation's outdoor recreation needs. It is unbelievable that even in Alaska we have recreational needs. We have a vast, humongous state with two of the largest national parks in the Nation. Primarily, one is fairly well developed, the other is undeveloped at all. We still have recreational needs for the millions of tourists visiting Alaska every year. Public access to recreation opportunities and facilities depends on a combined system of local, state and Federal sites and services.

More than 367 projects have been constructed in 45 different Alaskan communities and on state parks lands since the Land and Water Conservation Fund was established. Each of these projects plays a key role in meeting the outdoor recreation needs not only of our local citizens in our state, but our Nation as well.

Valdez has more than $1 million of outdoor recreation projects that are eligible for LWCF Stateside funding. These projects include campground renovation, winter recreation facilities, parks, and beachfront access developments.

One of the things that greatly affects Alaska, and in particular Valdez, is that we do not have much private land. Prince William Sound is pretty much all controlled and owned by the Forest Service. Some Native corporations own land but, for the most part, very little private land in Alaska.

Other Alaskan communities such as Fairbanks, Unalaska, Sitka, Anchorage, Barrow and Juneau have more than $60 million in projects that need to be funded.

Mr. TAUZIN. Mayor, we ask you to kind of begin wrapping up, we are going to try to get other witnesses in. Mr. Pombo will sit in the chair just temporarily.

Mr. POMBO. [presiding] Go ahead.

Mayor. COBB. I will go ahead and close. Our local communities have a long history of impacts on our communities, and the provisions provided under Title I are greatly needed.

Thank you.

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

Mr. POMBO. Thank you.

Mr. Van Putten.

STATEMENT OF MARK VAN PUTTEN, PRESIDENT/CEO, NATIONAL WILDLIFE FEDERATION, VIENNA, VIRGINIA

Mr. VAN PUTTEN. Thank you, Mr. Chairman and Members of the Committee. I appreciate this opportunity to testify this afternoon on behalf of the National Wildlife Federation, America's largest conservation advocacy and education organization.

I want to begin by congratulating the sponsors of H.R. 701 and H.R. 798 for their tremendous leadership in introducing the two bills that are now pending before this Committee. If successful in passing a permanent conservation funding bill, your contribution would be a conservation milestone comparable to the passage of landmark laws like the Clean Air and Clean Water Acts, and the original Land and Water Conservation Fund.

The National Wildlife Federation has made it our top priority to work with you to ensure that this victory is accomplished. One caveat: To realize the tremendous possibility posed by these bills, as Representative John pointed out earlier, it is vital that the final bill does not create perverse incentives for negative environmental impacts, the nail in the coffin, as he put it earlier.

We are greatly heartened by the significant improvements that have been made to Title I of H.R. 701 to exclude areas currently covered by the oil and gas moratoria from the revenue stream. We thank you for that progress, and we look forward to working with you to ensure that any remaining incentives for increased oil and gas drilling are addressed before the Committee marks up the bill.

As my written testimony indicates, the Federation has an active interest in many of the major issues associated with this bill, but I am going to focus my oral remarks on the wildlife component of the two funding bills because this has been a priority to the Federation since our role in the creation of the Teaming With Wildlife Coalition.

Historically, fish and wildlife agencies have been responsible for managing and protecting the fish and wildlife that inhabit their borders. These efforts have yielded remarkable results, including the restoration of wild turkey, elk, black bear, and striped bass, to their native habitat; yet, the funds available to these agencies do not typically reflect their broad mandate, and the agencies must fill too often these difficult programmatic goals based on a limited budget.

Traditionally, much of the funding for wildlife management has come from the support of sportsmen and women through excise

taxes on hunting and fishing equipment and through the sale of sporting licenses. Consequently, it is not surprising that the vast majority of these resources have been used to manage game species; yet, roughly 90 percent of species, those that are not hunted or fished or federally listed as threatened or endangered—commonly referred to as "nongame" wildlife—receive significantly less reliable and less financial support. Annual funding for all state nongame wildlife programs amounts to less than $100 million compared to the more than $1 billion spent for state game programs.

It makes sense to prioritize the funding available under these bills to prevent the decline of nongame wildlife species before they reach a crisis point where most costly options are required.

We greatly appreciate the efforts by the sponsors of both bills to include substantial and reliable funding for these agencies that would be dedicated to on-the-ground state wildlife conservation. We strongly urge you to prioritize this funding for the historically underfunded nongame wildlife programs.

I would like to make a few observations specific to each of the pending bills. With respect to H.R. 701, I already mentioned our strong belief in the need to prioritize the funding for nongame wildlife bills. Given the longstanding emphasis state and wildlife agencies have placed on game species, this legislation should include that prioritization.

Second, H.R. 701 does not provide a clear mechanism to ensure public participation in the process, and the bill should be amended to include language that provides for public meetings and citizen advisory committees.

Third, and finally, we are concerned about some of the restrictions in Title II on the Land and Water Conservation Fund.

With respect to H.R. 798, we commend the drafters for their creativity, but we are concerned that channeling these funds through the Fish and Wildlife Conservation Act rather than the Pittman-Robertson Act would create some administrative disadvantages. It may require the creation of a new administrative infrastructure for distributing the funds and may make it more difficult to provide oversight and accountability. We recommend using the proven mechanism of Pittman-Robertson.

Second, this bill would not reach full funding of $350 million per year until five years out. Delaying the funds for wildlife conservation will impair the ability of states to develop effective programs.

Third, we recommend that funding levels for these state programs be increased by approximately $100 million to match the higher level in H.R. 701.

Mr. Chairman and Members of the Committee, the National Wildlife Federation is resolved to work with you in crafting a final legislation that assures reliable, permanent funding for wildlife conservation, adequate emphasis on those species that have the greatest need and have historically been shortchanged, an effective mechanism for distributing funds, and reasonable Federal oversight and public participation. You have the opportunity to make a historic contribution to wildlife conservation in America, and we are dedicated to work with you to achieve that end. Thank you very much.

[The prepared statement of Mr. Van Putten may be found at the end of the hearing.]

Mr. TAUZIN. Thank you very much, Mark, and, indeed, we will continue to dialogue as we go forward on the bills.

Next is Mr. Alan Front, Senior Vice President for The Trust for Public Land, San Francisco, California. I am reminded, Alan, of your assistance to us in Louisiana on the black bear conservation issues, and I want to thank you for that. By the way, you are not related to Allen Funt, are you, with Candid Camera?

Mr. FRONT. No, this is the correct spelling.

Mr. TAUZIN. Mr. Front.

STATEMENT OF ALAN FRONT, SENIOR VICE PRESIDENT, THE TRUST FOR PUBLIC LAND, SAN FRANCISCO, CALIFORNIA

Mr. FRONT. Thank you very much, Mr. Chairman. I am pleased to be here today to represent The Trust for Public Land, a national not-for-profit land conservation organization that works with communities, landowners, and public agencies across the country, with diverse constituencies, willing sellers, and public agencies, to secure important lands of public interest and to make those lands available for public use and enjoyment.

Mr. Chairman, if you can bear the weight of some additional appreciative laurels this afternoon, I would like to begin by expressing the Trust for Public Land's appreciation for your work and for the work of Chairman Young, the Ranking Member, Mr. Miller, your many respective co-sponsors, and the Members of this Committee, for advancing this important legislation at a time of critical need and particularly ripe opportunity.

There has never been a more challenging time for our Nation's public lands either at the Federal level or at the state and local level, and the inclusive process that you and the Committee have engaged in really holds great promise for enacted legislation that we hope to be able to embrace and see you at the signing ceremony for.

You have heard this morning on several panels about the need for additional conservation funding through the Land and Water Conservation Fund, through UPARR, and through some of the other mechanisms of these bills. I will not beat that horse, but I will share with you that with the Trust for Public Land's work on the ground with those communities, we have seen that need in the backlog of land acquisition, land protection, land restoration need.

We have seen those needs expressed at the local level across the country, from the forest lands of Maine to the beaches of the Gulf Coast and Florida, and elsewhere, to the Swann Valley in Montana, to the watershed lands of the Wasatch Front, all the way to Hawaii where public lands are the life's blood and the mainstay of the tourist economy that keeps that state going.

We are very pleased that both of these proposals, CARA and Resources 2000 which, I believe, in the Silicon Valley is called "R2K"—we are pleased that both of those bills, both of the bills that you are considering today, meaningfully seek to address the shortfall in funding in these conservation programs to bridge the gap between the express need in communities around the Nation

and the annual funding that Congress has diligently tried to provide but has not met the needs.

I would like to talk about some of the differences between those two proposals, but, first, I would love to celebrate for just a moment some of the commonalities between the two. Obviously, these bills are not identical, but even if they are not identical twins, there is a certain family resemblance that is very, very encouraging.

Both the bills provide permanent funding for the Land and Water Conservation Fund at its congressionally authorized level. Both of the bills restore a substantial commitment to state and local recreation through a meaningful recreation of the Stateside program, and both of these bills make an equally meaningful commitment to the Urban Parks and Recreation Recovery Act program, by putting, again, guaranteed funding into that program.

We do celebrate those, and those three items are critically important not only to the Trust for Public Land and its conservation work, but to the many willing sellers that we work with around the country who ought not to have to wait for compensation if they are willing to sell their priority public lands, and to the communities that depend on these lands not just for recreation, but also, in many cases, for their economic stability and sustainability.

Given those similarities and appreciating them, we also recognize that there are some differences, and in a few specific cases in the conservation titles of the bills, specifically in Title II of CARA, we are concerned about some of the limitations of the use of the Land and Water Conservation Fund that my tablemate made some reference to.

First, there is a geographic limitation that would steer a set percentage of the money to the eastern states, east of the 100th Meridian, and while we recognize the pressing needs on both sides of the 100th Meridian, we also recognize that Congress and the Administration, in their dual wisdom, have reckoned out for years how on a case-by-case basis to respond to the needs on either side of the line, and that is a flexibility that we would dearly love to see sustained in any successor to the Land and Water Conservation Fund.

The bill also limits Federal acquisition with respect to exterior boundaries, and while that is a particularly key issue for some of the Members on the Committee, we have also seen that many landowners own property that straddles the line between the public jurisdictions and the areas just outside the boundary, or own properties that are outside the boundaries but are necessary for programmatic initiatives that the agencies are pursuing. And so we would like to see that flexibility maintained as well.

Lastly, there is an additional restriction that would require new authorizing legislation for any project that was funded through this fund over a set amount. And all of the acquisitions that take place currently are already authorized, and we believe that a duplicative authorization requirement would delay projects in a real estate marketplace that is very dynamic, and cost communities their resources, and cost landowners excessive time.

Finally, I would like to ask that whatever bill is reported out also consider one budgetary dynamic, and that is that there obviously will need to be offsets identified for this new spending, and full and

fair disclosure is that it is new spending for an old obligation, for a historic partnership but new spending. It would be a tragedy to see that funding come out of the hide of the land management agencies that are trying to sustain their programs, and so however the mechanism is arrived at, we look forward to working with the Committee to make sure that offsets can be identified that will not close the Washington Monument while we try to protect additional parklands.

With that, I do appreciate the Committee's openness, and I appreciate this opportunity to speak to you, and I look forward to working with you up until that signing ceremony.

Thank you so much.

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

Mr. TAUZIN. Thank you very much, Mr. Front. By the way, in your earlier comments about thanking those who worked on the bill, I do not want to leave out the excellent work of my colleague from Louisiana, Chris John, who has been a key player in the early drafting and many discussions that have led to a bill that is getting closer and closer to a consensus product. We, by the way, affectionately call Resource 2000 not Y2K, but "Y2CHAOS".

[Laughter.]

Mr. TAUZIN. We are now pleased to welcome Mr. Thomas Cove, of the Sporting Goods Manufacturers Association of Washington, DC.

Mr. Cove.

STATEMENT OF THOMAS COVE, SPORTING GOODS MANUFACTURERS ASSOCIATION, WASHINGTON, DC

Mr. COVE. Thank you, Mr. Chairman. Sporting Goods Manufacturers Association is the national trade association for producers and distributors of athletic equipment, footwear and apparel. We have about 2,000 member companies.

I associate myself with the same remarks about commending the Chairman, you, Mr. Tauzin, you, Mr. John, as well as Mr. Miller. We have been at this table a couple of times.

I testified two years ago, it was a message of lament, we had little to look forward to. Four or five years ago, I was on the National Park Service Committee to address the state and local side of the Land and Water Fund, and while we produced a wonderful report, we generated very little activity where it mattered, which is up here fundamentally in this Committee.

So, we start with a tremendous optimism about the energy on this issue and profound appreciation for the leadership that all of you, as well as your staffs, have brought to this table.

I recognize there are substantive differences between H.R. 701 and H.R. 798, and I might look to my friend, Mr. Front, and take the same position he articulated. I would like to talk, first, about those parts of the bill that are close or, as he said, are members of the same family. I am not as articulate as Alan Front, but I try hard.

What we see on the Land and Water Stateside and on the UPARR program is a tremendous need in America today that we

can fund. We can fundamentally address a quality of life concern with America's families and communities.

Today, the sports and recreation infrastructure shows basically an equation out of balance. Demand outstrips supply across the Nation. Ball fields, courts, trails, rivers, greenways, bike paths, lakes, nature preserves, they are being taxed, taxed every day, and conflicts amongst our citizens are springing up and causing conflicts.

Let me just talk briefly about how it cuts across America, and I would reiterate that the bills' provisions with regard to UPARR and Land and Water speak directly to these needs.

First, it is an urban issue. Let me give you just some quick examples. In the city of Minneapolis, Minnesota, literally thousands of young girls and boys in the city want to but will not get to play soccer this year because there are no playing fields there.

Mr. TAUZIN. I thought wrestling was the big sport.

[Laughter.]

Mr. COVE. Well, we love the new Governor, but lots of folks want to do other things as well. There is one public soccer field in the entire city, there are 341 soccer fields in the Minneapolis suburbs.

With inner-city programs that we work with like Reviving Baseball in the Inner City, Soccer in the Streets, this is a common complaint. They've got kids coming out of everywhere to come play, and there is no place to play.

It is a suburban issue. Let me identify one Maryland county, in this county, 25,000 girls and boys play organized soccer, 74 fields to serve them. Last year in one age-specific league, 550 children were turned away, no space. In the next two years, county officials estimate that 60 to 120 additional fields in one county need to be built. Forty thousand kids are going to be in the soccer program in four years.

In Ft. Lauderdale, there are 1,000 kids on the waiting list to sign up for soccer in the American Youth Soccer Organization League.

The problem is not unique to soccer. Hopewell, New Jersey, they have not had football there for years because there are no fields. This year, parents wanted to start a youth football league, Pop Warner. One hundred and thirty kids signed up in the spring without any hope of having a field. Now they have a problem because they have to go out and raise money to start to buy equipment, which we love, but without a field there will be lots of children there, and parents as well, left unfulfilled.

It is a gender equity issue. In Georgia, for example, girls and women's softball league administrators do battle with the baseball folks, softball versus baseball. In one typical Georgia city, there are five fields for 800 boys and some girls who play baseball. There is one field for 300 girls who play softball. Girls do not get the chance to play.

Title IX has opened doors for girls and women to play nontraditional field sports like lacrosse, soccer, rugby, and field hockey. This is great, but the conflicts over field usage only get worse.

It is a cultural issue. We are seeing more and more youth sports leagues having to play on Sundays. Parents do not like having to make a choice between church, family time, and youth sports.

It is a socio-economic issue. One response to what people are facing out there is parents are starting to raise money and build their own facilities. But these are fee-based facilities, so only the people that can pay get to play. Only the people that are fully committed to that particular sport get to play, and the intramural athlete does not get to. It is not right to make basic recreation access limited by financial considerations.

Health and safety. A recent CDC study established that people living in unsafe neighborhoods are less likely to get outside for physical activity—no surprise. Almost 40 percent of people living in "not safe" neighborhoods reported no physical activity or exercise in the past month.

For older Americans, it is particularly important. The study found 63 percent living in unsafe areas got no exercise, compared with 38 percent in safer areas. I offer these examples just to put a human face on the problem, and I see my time is up. Let me speak just quickly to the two bills. Let me be clear as to what we think.

I said we think both of them are good. We generally support H.R. 701 because it will provide a permanent, dedicated, sustainable funding source for Federal and state Land and Water Conservation Fund and UPARR. This is the heart of the bill for us, and lots of America's families and kids.

SGMA supports H.R. 798 as well, but there are areas in the Chairman's bill, H.R. 701, that can be improved. I have listed them in my testimony. In fact, we have concerns about the allocation only within the exterior boundaries because there are trails that people use all the time, and willing sellers want to make that land available; they should be able to be accommodated. The two-thirds issue east of the meridian is a concern for us.

Let me make two points about other titles and I will close. First, I do need to say that my industry is against the use of coastal impact assistance as an incentive to promote offshore gas and oil drilling. We are not in a position to make that decision, whether it is an incentive or not, but we would ask that whatever final language is agreed to would be incentive-neutral to the most people as possible.

With regard to Title III, the sporting goods industry supports Title III and supports the dedicated revenue stream to provide funds for wildlife management. You may know that the previous option to tax products to pay for Teaming With Wildlife was not a big favorite of my industry. We are very happy and commend the Committee for taking an innovative approach, and we look to work with you to pass this bill. Thank you.

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

Mr. TAUZIN. Thank you very much. The Chair will recognize himself and other Members for five minutes. Let me begin by pointing out that, indeed, in past Congressional sessions, we have offered all sorts of bills to incentivize drilling. Coming from Louisiana, you can imagine how our citizens feel, like we have opened up the Gulf to drilling and accepted many of the consequences of that, including pretty severe impacts on our communities, as the Mayor of Valdez has pointed out.

We have been appalled that in some places other people have not accepted what we think is their responsibility. In fact, I remember when we had a five-year leasing discussion here, when the Secretary of the Energy Department testified that some tracts were in moratoria and not because of environmental concerns. They were low in environmental concerns, and they were high in hydrocarbon potential, they were just off because of politics.

So we have had those battles, but I want to make it clear, we do not make this battle here. We have attempted to try to make this incentive neutral and make sure that it is a program, however, that is well funded in the future, that is why we include both old and new revenues, and to make sure that it permanently provides for the many concerns that all of you have discussed today—Mayor, in terms of impacts, and the rest of you in terms of wildlife preservation and wetland preservation and recreational needs of our communities. You made a great case in terms of the human—all of you—in terms of the human elements here, the human elements of the community impacted by the declining tax base, Mayor, in Valdez. By the way, I chaired the first hearing after the Exxon Valdez disaster in Valdez. I was the Chairman of the Coast Guard Committee. So, I am keenly aware of what you have gone through, and how the community now continues to suffer with the declining tax base.

And for all of you, we, of course, are equally troubled by this or that provision in our bill and Mr. Miller's bill, as we try to balance these things out. Understand, I am a big property rights advocate, and so we are trying to make sure our property rights coalitions are not terribly offended by what we do here, that we protect property rights.

Mr. Front, I know that is a concern of your group, that private property rights are protected and respected throughout this effort. At the same time, I understand your concerns that if there is a need for additional trails or park space in a given community, that we want to make sure that that can happen. Tough balances, I hope you see that. And we are trying to find the right mix, and that is why we keep this dialogue going throughout the process.

For example, Mr. Front, you did mention your concerns about protections for private—could you expand on your concerns, and give us any suggestions how we might make sure that we are not offending the private property rights concerns of legitimate private property owners in America?

Mr. FRONT. I will be glad to, Mr. Chairman. First, I should note that we are certainly in favor of accountability and responsible use of these funds and appropriate deliberation. And what we recognize is that in the process that Congress and the Administration have engaged in over the years, there seems to have been exactly that sort of give-and-take, exactly those sorts of checks-and-balances. When the Hill has been overly concerned about an acquisition that the Administration has proposed, it has seen fit to put restrictions, or to cancel outright, the Administration's capacity to pursue that acquisition.

Mr. TAUZIN. Or at least to require willing sellers, as we have always tried to do.

Mr. FRONT. Yes. And my organization's perspective may be somewhat limited because not having imminent domain authority, not really wanting imminent domain authority, with the challenges that brings, all of our relationships with all the sellers that we work with—Black Bear owners in Louisiana and elsewhere—are on a very willing seller basis.

Mr. TAUZIN. Is there something wrong with our bill in that regard that you can recommend any improvement?

Mr. FRONT. Yes. The concerns that I have about the bill, and I believe that they can be worked out to the satisfaction of property rights advocates, are that the specific limitations, ironclad limitations, about how that money will be spent—two-thirds of it must be spent of the 100th Meridian, the money cannot be spent on exterior boundary acquisitions—and the delays inherent in requiring additional legislative authorization——

Mr. TAUZIN. Your concerns are more in the place where willing sellers cannot make——

Mr. FRONT. If there are willing sellers who would like to pursue acquisitions, but unfortunately they happen to lie outside of the framework of the restrictions——

Mr. TAUZIN. Let me move around quickly. Mayor, you said your tax base is declining on the pipeline. Is that because of depreciation?

Mr. COBB. Yes, it is, property tax devaluation of the pipeline itself.

Mr. TAUZIN. So you still have all the problems, your communities are growing, you still have all that fire protection and safety concerns, and yet your base is declining. The impact assistance is pretty critical to you.

Mr. COBB. Yes, sir.

Mr. TAUZIN. Quickly, Mr. Van Putten, you mention that public land is eroding. I can tell you big time in Louisiana, as Mr. John has pointed out with me. Congressman Regula recently said there is a $12 billion backlog in the maintenance of Federal lands. Would you support allowing the Federal Land and Water Conservation Fund to be used for rehabilitation and maintenance of public lands?

Mr. VAN PUTTEN. Congressman, that is an issue that I have not focused my attention on, and I will respond to you on behalf of the Federation in writing, if I may.

Mr. TAUZIN. That would be very, very good, I appreciate that, sir, because that is a big discussion here, how much should go into new acquisitions, how much should go into simply taking care of what we already have, and rehabilitating it where we are losing it. That is something we want to hear more on, if you do not mind coming back to us on.

Mr. VAN PUTTEN. Yes, sir, I will send you a letter.

Mr. TAUZIN. Mr. Cove, my time is out, but I did want to ask you one very quick question. Your statistics seem to indicate that the needs are not for a great deal more public land acquisition, except in the area of fields perhaps, but tell me—we keep hearing from other Members that what people are going to use this money for is to go out and buy great new swatches of land out there.

You seem to indicate the real needs in this area are for small acquisitions for new fields and new recreational opportunities for underserved women and underserved kids, particularly, and elderly people for safety purposes in urban communities, is that right?

Mr. COVE. Well, that is exactly what I said, and we have identified the Stateside Land and Water as a great success that has been lost—the investment has been broken for the last 15 years, and it is time to pay the price.

I would not want to give the impression, though, particularly from our business interests, that the Federal land issues are resolved. Purely on the business of recreation, there are tremendous needs out there, and we fundamentally believe that there is a considerable amount of land that would need to be purchased with regard to protecting it for conservation purposes for the good of the country.

Mr. TAUZIN. Thank you, gentlemen. The Chair yields to my friend from Louisiana, Mr. John.

Mr. JOHN. Thank you, Mr. Chairman. First, let me thank all of the panelists, especially the Mayor of Valdez, who traveled several time zones to get here. I have been up to your beautiful city, and we need to make sure that we do everything to help.

I also appreciate your testimony and your comments earlier, and also agree with them, that I do believe that the Federal Government has an obligation to help the states and local governments to mitigate the impacts of oil and gas development. So, I really appreciate you coming and sharing those thoughts with us.

Mr. Van Putten, you mentioned in your testimony a little earlier about the differences and similarities of our bills. One of the biggest differences, I believe, in R2K, as one of you called it, and H.R. 701, is that it limits the sources of these funds to come only from Gulf of Mexico leases that were in production as of January 1st. Obviously, this limits the available funding under H.R. 798, and denies some of the programs access to these resources. Do you see a reason why we should limit the funds for these programs to just from the Gulf of Mexico? Especially if the language in the bill we are going to continue to work on, prohibits any drilling in moratoria areas?

Mr. VAN PUTTEN. Well, Congressman, our goal is, as Ms. Chasis described it this morning, to assure that the bill is incentive-neutral with respect to oil and gas drilling. We think there are ways to do that while still addressing what Representative Tauzin alluded to, the need to assure there is long-term funding. One approach would be a snapshot approach as of a point in time. That is what Ms. Chasis suggested this morning would work. That could be revisited by the Congress at appropriate opportunities in the future.

Frankly, I do not see how the geographically focused approach that you suggest works any better in balancing those two goals of being incentive-neutral while at the same time assuring that the money will be there for the long-term to satisfy the identified needs.

Mr. JOHN. I am not suggesting that just the revenues come out of the Gulf of Mexico. To the contrary, that is not what H.R. 701 attempts to do—that is what H.R. 798 does. So, I just wanted your

thoughts on that. And, also, you talked about your concern about prioritizing the money in the nongame portion of our bill. I assume that is Title III, right?

Mr. VAN PUTTEN. Yes, sir.

Mr. JOHN. Expand on that, please. Are you suggesting that the Federal Government, in this legislation, actually slot out different dollars for different programs in priority fashion?

Mr. VAN PUTTEN. We are suggesting that this legislation clearly articulate a priority in the use of the Title III funds for nongame wildlife needs. Historically, because of the source of the funding in Pittman-Robertson and Dingell-Johnson is the excise tax on equipment used by hunters and anglers, they have been a very effective constituency for assuring that those funds are focused on those uses. The original Teaming With Wildlife approach, because it had an excise tax on equipment used by other wildlife enthusiasts, would have relied on the same dynamic. As my colleague to the left from the manufacturers alluded to, it has proven to be politically pragmatic not to pursue that funding approach. We accept that, but what we are looking for is the same kind of targeting then of this revenue to meet those historically unfunded needs of nongame wildlife and their habitat. We have broken the linkage in terms of the funding source and the use that has proven so effective with Dingell-Johnson and Pittman-Robertson, we accept that. All we are looking for then is the same kind of focus and targeting and prioritization for the uses of the Title III funds for nongame wildlife that was in the Teaming With Wildlife proposal.

Mr. JOHN. Thank you. Mr. Front, earlier today, we had a witness with NACo, National Association of Counties, and he brought an interesting concept to us about conservation leases in lieu of, or as an alternative to, outright purchase of land. And that was an interesting concept because it is in neither one of our bills. Could you maybe elaborate your position on that concept. Is that something we need to think about? Does it calm the fears of some of the property rights guys?

Mr. FRONT. Well, it is certainly an interesting concept, Congressman, and the real question. And it is a question that has not been adequately tested, in our view, out in the world, is whether or not there is a sufficient nexus of landowners in the landowning community who are interested in pursuing that as a way of offering up property while still paying the taxes and allowing it to be used for recreation or other public purposes.

Currently, the existing authorization of these conservation programs does allow for not so much for conservation leasing, but does allow for limited interest acquisition. Generally, the language in these programs is acquisition of lands or interest in lands. And so conservation easements and other innovative approaches are used now but, with respect to conservation leasing, we can look at this a little further and get back to you but, right now, our jury is still out as to how widespread its utility might be.

Mr. JOHN. Right. And I would like for you to articulate that to your association because I think it is something that may have potential, or it may not. And I know I am out of time but, finally, Mr. Cove, you had mentioned not only in your written testimony, but earlier in your testimony at the table, that you do not want to

see drilling incentives, but in your testimony you do not take that one step further and say that there are drilling incentives in the bill, but you suggest that you do not want to see them.

I guess my question is, are there concerns in our bill that suggest to you that there may be some drilling incentive language in there, as you suggested, you do not want to see.

Mr. COVE. You are making me say things that I probably wanted not to say in the course of the testimony but, frankly, we are not in a position to know—and we have been battered by our friends on both sides to take a position. In the industry, it is important. We are an industry that relies on the ongoing protection of our natural resources. When we hear from folks there are incentives, we take note, but we are in no way in a position to determine that, and would just ask that——

Mr. JOHN. I did not mean to put you on the spot, but it is a very sensitive issue for me and this Committee, that we address that issue to the best of our ability. And I understand that we are going to, at some point, have to draw a line in the sand about what is an incentive, and there will be some groups that will not agree with that.

Mr. COVE. As we say in the football business, I will punt on that.

Mr. TAUZIN. We cannot. Unfortunately, we cannot. The Chair yields to Mr. Pombo.

Mr. POMBO. Thank you. I think we punt all the time. Mayor Cobb, I, too, have had the opportunity to visit your city, and it is a very interesting place, and I appreciate what you are trying to do.

I do want to ask you in terms of your tax base, do you have a property tax on private property held within your city now?

Mr. COBB. Yes, we do.

Mr. POMBO. What percentage of your budget is made up of that property tax versus the tax that you currently receive off of the pipeline?

Mr. COBB. Well, each year, as our major property owner, the pipeline itself, declines, that money has to be made up somewhere, and so the non-oil side of the property tax has been on a steady increase. It will increase this year about 3.5 percent.

Mr. POMBO. You have had to increase that tax?

Mr. COBB. Yes.

Mr. POMBO. How would you feel if some of the current private property that is held within your city were bought by the government, whether it was state or Federal Government, to be used for some conservation purpose, or other purpose, that this Act deemed suitable?

Mr. COBB. An incident like that just happened. We just had a 100-acre parcel of waterfront property that borders on Port Valdez that was a joint effort between the city of Valdez, the State of Alaska, and the Exxon Valdez Oil Spill Trustees, we purchased that 100 acres, the city of Valdez threw in an additional 350 acres of wetlands, in a partnership effort to conserve that land.

I think the reason the land is being purchased is the key for me. And we have had $900 million worth of oil spill funds and about 50 percent of that has been spent on land acquisition. I am not crazy about some of those land acquisitions. I think if it is for the

purpose of protecting the environment, a specific endangered species, I am all for that, but I would hate to see what small amount of private property we have in our community turned over to either a state or the Federal Government and take it off the tax rolls.

Mr. POMBO. You come from a state that is approximately 98-percent-owned by Federal, state, or Native Alaskan groups, local government groups. You have heard questions raised about two-thirds of this funding being spent in the east. Do you have concerns about land acquisitions being done in the State of Alaska?

Mr. COBB. I do not have real concerns of that. I think while there may be some private inholdings within some of the Federal leases and stuff like that, I do not see them as being very large. I do not have problems with——

Mr. POMBO. You do not have a lot of property to buy.

Mr. COBB. We do not, not much of it at all.

Mr. POMBO. Mr. Front, I am familiar with your organization and a lot of the work that they do. Do you see yourself, if this legislation is adopted, working with the state and Federal Government to identify lands that should be held and help to put that forth?

Mr. FRONT. Congressman, in the identification of the lands to be acquired, we really do not. My organization does not set priorities. We do not determine what the public ought to acquire or ought not to acquire. Rather, we provide what I would consider a very technical service where, if there are landowners who have immediate needs for compensation and there are public jurisdictions that would acquire their properties, but the process is too slow or cumbersome to get to those needs as quickly as possible, we step in and serve as sort of a bridge role, but that does not extend to determining which lands ought to be acquired.

Mr. POMBO. So they identify the lands and you step in and buy them?

Mr. FRONT. Yes, or in some cases we may respond to landowner or community needs in advance of a government agency identifying anything, and create an opportunity and make that property available by buying some time with the landowner.

Mr. POMBO. In those cases where the government has not identified the acquisition but others have and you step in and buy that, do you then approach the Federal agencies or the land management agencies about the purchase of what you now have?

Mr. FRONT. Yes. We may approach Federal, or state, or local jurisdictions. We may talk to nonprofit groups that might have an interest in acquiring the lands. And we may look at private purchasers who would put the property to a conservation purpose.

Mr. POMBO. So, a substantial amount of this money would go into the kind of things that your organization does.

Mr. FRONT. Possibly. That would be subject, again, to whether the opportunities that we were taking advantage of were aligned with the opportunities that this body and the Administration identified.

Mr. POMBO. Mr. Chairman, my time has expired. I do have further questions.

Mr. TAUZIN. The Chair would be glad to extend the gentleman's time, if you so request. Without objection, so ordered.

Mr. POMBO. Thank you. One of the concerns that a number of people have with this legislation, or this kind of legislation, is that a focus of the land purchases has predominantly been in the West, over the past several decades, and a substantial portion of the Western states is already owned by the state and Federal Government. How much is too much? California, which I know you are very familiar with, how much of California should be owned by the state and Federal Government?

Mr. FRONT. That is a question I was not quite prepared to answer today, I will admit, and I am not sure that there is an objective standard. As a couple of my co-panelists have mentioned, some of these opportunities arise—Mayor Cobb had mentioned that it really is on a case-by-case basis, whether it is a 100-acre parcel in Valdez, or whether it is a few thousand acres in the bayous of Louisiana.

Mr. TAUZIN. Would the gentleman yield for a second?

Mr. POMBO. Sure.

Mr. TAUZIN. The number I have for California is 44.5, approximately, public owned.

Mr. POMBO. Federal

Mr. TAUZIN. Federal-owned, that is correct.

Mr. POMBO. Fifty-six percent, if you include the state government—56 percent of California. Now, thankfully, we are not on the level of Alaska, but 56 percent, over half of the State of California, is currently owned by state and Federal Government. That does not include local government ownership, which is substantial as well. And there is a huge concern over where it stops. The Mayor of Valdez was talking about how difficult it is to finance his infrastructure, his budget, there. We have counties in California that have filed bankruptcy because they are heavily owned by the Federal Government, and they cannot pay for their infrastructure costs, their schooling, all of the basic necessities that a county depends on. And that is why I ask the question, how much is too much?

Mr. FRONT. I guess the only answer I can give is, right now there is a deliberative process in which the counties have, I hope and believe, a very influential voice in whether or not land should come off their tax rolls. And the Administration and this Congress has the capacity either to direct funds towards projects that make sense to you all, or to suggest that those projects not proceed and that conservation take a backseat to local economic interests. In some instances, there are counties who take a look at a property coming off the tax rolls, and nonetheless favor the acquisition because of the economic and other benefits that the public land base might provide. And, so, because of that case-by-case dynamic, I guess what we would suggest, rather than drawing the line in the sand and saying the right number is 2 percent or 82 percent, is, rather, to say that we favor a deliberative process in which the counties and other interests do have a voice and in which good decisions can be made by you all.

Mr. POMBO. Well, unfortunately, in the real world, that is not the way it works. I do know of one specific Federal purchase that was done in my district that was opposed by the county, by the local government, by the elected Representatives from that area, includ-

ing myself, that the Federal Government purchased land, over my objections and over the objections of local government, is a part of a wildlife refuge. It is a decision that was made before I was elected to Congress that they wanted that, and they did it anyway, even though people objected to it. It is precedence like that that makes me very leery of opening this process in this way where we have an additional billion dollars to spend on land acquisition. I am very, very leery of being able to do that.

I do want to ask Mr. Cove a question. You said in your statement that you were concerned, or your organization was concerned, about directing two-thirds of these purchases to the eastern part of the United States. Now, a lot of property owners in the east are not wild about that either, but from your perspective, why? Why are you concerned about this? Over half of the west is already owned by the Federal Government. Why are you concerned about focusing the attention on the eastern two-thirds?

Mr. COVE. Well, fundamentally, I am concerned that it takes away from the flexibility of Congress to determine those priorities, but let me give you the more specific example. As you know, Mr. Pombo, many parts of the west are quickly becoming urbanized and suburbanized as well. If you look at places like Las Vegas, one of the fastest growing urban centers in the country, and Phoenix and Boise, Idaho. Those places are taking on the same problems of urban sprawl as in the East. They are seeing some of the older parts of the city becoming dilapidated. They need some of the same support that the eastern older cities do as well. That is our fundamental premise, there is enough work—and I can give you example after example through the western states and Texas—where the kinds of pressures I identify, the urban, suburban, the gender equity issues, the health and safety issues, are just as real in the west as they are in the east.

Mr. POMBO. I do not disagree with that, but I think that we are talking about different things. You know, in the State of Nevada, Las Vegas is the fastest growing city in the country right now. At the same time, it is in a state that over 80 percent of it the Federal Government owns. Not all 80 percent of that is environmentally sensitive land that should be held by the Federal Government. Could we not sell part of that federally owned land in the State of Nevada, and take that money and pay for urban parks?

Mr. COVE. That is a different question, and one which the officials within the Congress as well as in the State and county areas of Nevada should take up. Our concern is that we need to provide places for folks to recreate near where they live. UPARR and the Stateside of the Land and Water Conservation Fund do exactly that. I do not know of other ways, and I am well aware of the tensions about land exchanges, et cetera, but clearly we need to be able to find places near where folks live for us to protect, and not only for recreation but just to give them an ability to touch their natural world. We need to enable kids in the cities to go out and go fishing, to go out and understand what makes flowers bloom. We need to protect those places for the good of all of us. That is why we support across-the-board greater flexibility, rather than the two-third/one-third.

Mr. TAUZIN. Thank you, Mr. Pombo. Don't you ever tell me that you are not as articulate as Mr. Front—touching nature and watching flowers bloom.

Just a couple of points. We do have the $1 million limitation, as you all know, in the bill. It requires acquisitions of that nature to at least come before this Committee again, we try to put some protections in.

Mayor, also, a final point, we also fully fund PILT, Payment In Lieu of Taxes. I should hope that would have a serious and profound effect and assistance on communities like yours where property taxes are being lost. Comment?

Mr. COBB. It does. The PILT payments to Valdez I think roughly come in at about $130,000 a year. It is significant for a small community. As long as those continue to be funded, we fully support that.

Mr. TAUZIN. And we funded them at 60 percent. This bill takes it up to 100 percent.

Mr. COBB. Correct.

Mr. TAUZIN. So, again, it is a recognition that when communities do lose taxes because of acquisitions of land to the public domain, that the Federal Government owes some obligation to reimburse, and we provide 100 percent reimbursement.

Gentlemen, thank you. Mr. John, do you have any further comments or questions of this panel?

Mr. JOHN. No, Mr. Chairman.

Mr. TAUZIN. Mr. Pombo?

Mr. POMBO. No.

Mr. TAUZIN. Again, we thank you very much for your contributions, and we will assemble the next panel and get on with it. Thank you.

The next panel will consist of Mr. Kevin Paap, Vice President, Minnesota Farm Bureau, representing the American Farm Bureau Federation, Washington, DC; Mr. Mark Shaffer, Vice President, Defenders of Wildlife here in Washington, DC; third, Mr. Ralph Grossi, President of the American Farmland Trust, of Washington, DC, and Mr. Pietro Parravano, President, Pacific Coast Federation of Fishermen's Association, San Francisco, California. If you gentlemen would kindly assemble, and we will begin with Mr. Kevin Paap. Kevin, welcome, and we appreciate your oral testimony. Remember, your written testimony is a part of our record. If you will summarize and engage us in conversation, if you will.

Mr. Paap.

STATEMENT OF KEVIN PAAP, VICE PRESIDENT, MINNESOTA FARM BUREAU, REPRESENTING THE AMERICAN FARM BUREAU FEDERATION, WASHINGTON, DC

Mr. PAAP. Thank you. Good afternoon. My name is Kevin Paap. My wife and I operate a fourth generation farm in Garden City, Minnesota, where we raise corn, soybeans and boys. I am Vice President of the Minnesota Farm Bureau Federation. Minnesota is a coastal state identified in H.R. 701. I am appearing today on behalf of the American Farm Bureau Federation.

We appreciate the opportunity to appear before the Committee today to testify. We will direct our comments to the Land Acquisi-

tion and Wildlife Habitat Enhancement Programs. If funding is to be provided for Federal and state lands, we strongly urge that any such funds be first earmarked for repair and maintenance to existing lands before being authorized to purchase additional land. The Federal land management agencies have a significant backlog of repairs and maintenance to their lands that totals billions of dollars. We should first use any funds to take care of lands that we have. If our national parks are considered "American jewels," America would be better served to have fewer jewels that are high quality and polished, rather than more lower quality, unpolished and imperfect ones.

Because farmers and ranchers own much of the remaining privately-owned open space in the country, they are natural targets for having their land appropriated by governmental entities for various purposes. We are naturally skeptical, therefore, about any bill or action that involves or authorizes the acquisition of land by government.

We are pleased that H.R. 701 contains such safeguards with respect to the Federal component of the Land and Water Conservation Fund amendments. By limiting Federal purchases only to existing inholdings and to willing sellers, H.R. 701 prevents the runaway and uncontrolled acquisition of Federal lands that many people fear, unlike similar positions in H.R. 798 and other bills. However, the state component of the bill contains no such safeguards. We urge that the bill be amended to incorporate the same safeguards for state land acquisitions as exist for Federal acquisitions.

Also, unlike H.R. 798 and similar bills, H.R. 701 provides that for any money collected above the maximum authorized for the LWCF, the excess shall be applied to the Farm Bureau supported Payment In Lieu of Taxes program. We support the effort of H.R. 701 to give this program a needed shot in the arm.

No less significant are the provisions that seek to further the partnership between private landowners and the government to enhance wildlife and its habitat. Privately owned farm and ranch lands provide a significant amount of the food and habitat for our Nation's wildlife. The agencies must have the cooperation of farmers, ranchers and private property owners if our wildlife is to thrive.

The American Farm Bureau Federation believes that an appropriate balance between the needs of a species and the needs of people can be struck. Given the proper assurances, farmers and ranchers can play a significant role in management of species on their property.

We are therefore very pleased that both H.R. 701 and H.R. 798 contain programs that acknowledge and seek to implement such a partnership.

H.R. 798 provides a definite source of funding for its program whereas H.R. 701 does not.

H.R. 701 would create the Habitat Reserve Program, a program that provides those assurances and achieves that balance between species and landowner that is necessary for the well being of both.

Under this section, farmers and ranchers would enter into contracts for the protection of habitat for species listed under the Endangered Species Act. This program will enhance the conservation

of species because it provides for their active, on-the-ground management by affected landowners while at the same time it provides landowners with the flexibility to manage their property. The HRP thus provides benefits for both the species and the landowner, the type of win-win scenario that is needed.

In conclusion, we believe that H.R. 701 provides more overall balance than H.R. 798 and similar bills thus far introduced. We look forward to working with the Committee on the issues we have addressed in our testimony today.

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

Mr. TAUZIN. Thank you very much, Mr. Paap.

Now we welcome Mr. Mark Shaffer, Vice President of Defenders of Wildlife, here in Washington, DC.

Mr. Shaffer.

STATEMENT OF MARK L. SHAFFER, VICE PRESIDENT, DEFENDERS OF WILDLIFE, WASHINGTON, DC

Mr. SCHAFFER. Thank you very much, Mr. Chairman. Thank you for the opportunity to be here today and address the Committee on H.R. 701 and H.R. 798. My name is Mark Shaffer. I am Vice President for Program for Defenders of Wildlife. Defenders of Wildlife is a national nonprofit organization. We have nearly 300,000 members and supporters, and you may be aware that we are advocates for the conservation of our native wildlife and natural habitats.

We would very much like to thank Mr. Young and his co-sponsors and Mr. Miller and his co-sponsors and the entire Committee for your leadership in working to secure dedicated funding to conserve our Nation's natural resources. We hope the following comments will prove useful to you as these bills work their way through the Committee legislative process.

Defenders' highest priority this Congress is to see the passage of legislation that will provide dedicated funding to aid in the conservation of our Nation's wildlife legacy. Of the two bills under consideration here today, we believe that H.R. 798, the Resources 2000 Act, would accomplish this goal more effectively. We have that view for three reasons.

First, H.R. 798 would assure that monies directed to state fish and game agencies to bolster wildlife management at the state level would be for all wild plant and animal species. Also, it would require that each state undertake a thoughtful and thorough assessment of all their wildlife species, their habitat needs, the threats to these species and their habitats, and the management actions necessary to address those threats.

It is, after all, habitat that is the key to conservation success. Eighty-five percent of the more than 1,000 native species currently listed as threatened or endangered by the Federal Government are in that condition, at least in part, because of the loss or alteration of habitat. Without proper habitat protections, game and nongame species alike can become threatened or endangered in short order. We believe that such comprehensive conservation planning as is called for in H.R. 798, focused on habitat needs, is absolutely essential to assure the effective and efficient conservation of our wildlife heritage.

We would like to point out to the Committee that at least two states, Florida and Oregon, have undertaken such habitat-focused planning exercise. I have brought copies of each plan, and I offer them for the record and for your consideration.

Each of these efforts has its own unique features, but each serves as a prototype for the sort of comprehensive conservation planning that will be necessary to maintain our Nation's wildlife legacy. Properly done, such plans could be the blueprints for conservation success and could provide a common framework for effective coordination of conservation programs at the Federal, state and local levels.

The second reason we favor H.R. 798 is that, like H.R. 701, it provides dedicated funding for the LWCF, but unlike H.R. 701 we do not believe it provides any new incentives to expand offshore drilling, nor does it place undue restrictions on the Federal part of LWCF. I would just echo some of the concerns that some of the other witnesses on the previous panel expressed about restrictions on the Federal portion of LWCF, namely, the need for authorizing legislation on any acquisitions of $1 million or more, requiring that two-thirds of the yearly funding be spent east of the 100th Meridian, and the prohibition on the acquisition of properties outside of current boundaries to existing Federal land management units.

We have noted in our written testimony some examples of the problems that restrictions could create for addressing real conservation needs.

The third reason we favor H.R. 798 is that it includes significant dedicated funding for incentives to private landowners to help them be better stewards for threatened and endangered species. Private lands will play a critical role in our Nation's efforts to conserve its wildlife legacy.

After all, over 40 percent of currently listed species are not even known to occur on Federal lands. We know that many private landowners are good stewards of their land and want to do the right things to help maintain our Nation's wildlife heritage. We also know that some affirmative stewardship activities have a real cost. In those instances where landowners need assistance with positive actions on behalf of listed species, we believe it is appropriate for the government to provide that assistance.

By providing $100 million per year for endangered species recovery actions on private lands, H.R. 798 would enable the Fish and Wildlife Service and the National Marine Fisheries Service to support private initiatives that would serve the public good. We believe such an approach to endangered species management is long overdue, and we support it strongly.

Once again, thank you, Mr. Chairman, for your leadership in working for dedicated funding for conservation of our natural resources, and for providing this forum to hear our views.

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

Mr. TAUZIN. Thank you, Mr. Shaffer. Mr. Ralph Grossi, President, American Farmland Trust, Washington, DC.

Mr. Grossi.

STATEMENT OF RALPH GROSSI, PRESIDENT, AMERICAN FARMLAND TRUST, WASHINGTON, DC

Mr. GROSSI. Thank you, Mr. Chairman.

Mr. Chairman, American Farmland Trust appreciates this opportunity to provide your Committee with our views on the merits of H.R. 701 and H.R. 798. I am the President of AFT and the managing partner of a family farm that has been in the dairy, cattle and grain business in northern California for more than 100 years. AFT is a national, nonprofit organization working to stop the loss of productive farmland and promote farming practices that lead to a healthy environment.

I want to suggest to the Committee today that it is long past time that conservation policy be based on working with private landowners. H.R. 798 contains provisions that move us in that direction. AFT supports the Resources 2000 Act because this bill recognizes the important role that private landowners play in the stewardship of our natural resources, protecting their property rights while compensating them for the environmental goods they produce for the public.

At this time, we cannot support H.R. 701 because except for the Habitat Reserve Program provisions, it does not contain the provisions needed to address the critical needs of farmers and ranchers. My comments today will focus primarily on the specific provisions in H.R. 798 that direct conservation incentives toward private landowners.

For the past quarter century, conservation and environmental objectives in our country have been largely achieved by either imposing regulations or through government purchase of private land. However, these actions have failed to resolve conflicts over important environmental problems, like species and farmland protection, that rely on the participation of thousands of private landowners. At AFT, we very strongly believe that in the 21st century new approaches to land conservation will be needed that address the concerns of private landowners.

The farmland protection provisions of the Resources 2000 Act recognize that America cannot—indeed, should not—buy all the land that needs protecting. Instead, it acknowledges that America's private landowners play a vital role in producing conservation benefits for all Americans to enjoy, and rightfully offers to provide $150 million annually for the protection of the best farmland, ranchland, and forestland, while leaving it in private ownership.

I would urge you to consider similar provisions in H.R. 701, or whatever consensus bill emerges from the Committee. The easement acquisition or purchase of development rights approach proposed by 798 provides an innovative voluntary opportunity for appropriate local agencies to work with landowners by offering them compensation to protect the most productive farmland, farmland that is critical to both the agricultural economic base of our rural and suburban communities and the environmental values provided by well managed farms. It would also provide important matching funds to the many local and state efforts now underway to protect farmland.

Under the bill's provisions, protected lands would remain on the local tax rolls contributing to the local economy. The value of this

approach to local communities should not be understated. In every case, the studies that AFT has conducted around the country have shown that farmland provides more property tax revenue than it demands in public services, while sprawling residential development almost always requires more in services than it pays in taxes.

Conservation policy does matter to farmers and ranchers, who are strong believers in individual freedom and private property rights. Their support for conservation policies is absolutely critical because they own the land that is at stake in the increasing competition for land. But as competition for land has increased, so has disagreement over how to balance economic use with conservation of natural resources and the increasing demands being placed on private landowners to achieve objectives whose benefits accrue largely to the public.

The fact remains that for most landowners the equity in their land represents the hard work and savings of at least one, if not numerous, generations of the farm family. Their land is their 401(k).

As farmers, we are proud of the abundant supply of food and fiber we have provided Americans and millions of others around the world, and we are pleased that we also produce scenic vistas, open spaces, wildlife habitat and watershed integrity for our communities to enjoy.

In many cases, our farms and ranches serve as crucial buffers around our parks, battlefields and other important resources. These are tangible environmental goods and services that farmers should be encouraged to produce and appropriately rewarded for. It is only fair that the cost of producing and maintaining these goods that benefit so many Americans be shared by them.

The recent surge in local and state efforts to protect farmland suggests rapidly rising national concern over the loss of farmland and the environmental benefits it provides.

In last November's elections, 72 percent of 240 initiatives to protect farmland and open space were approved by voters across the Nation. In recent years, Governors Engler, Voinovich, Ridge, Pataki, Wilson, Whitman, Weld, Glendenning and others have supported or initiated farmland protection initiatives to protect their important farmland.

I see that my time is up. I can wrap up in about a minute and a half, if I might.

Mr. TAUZIN. Proceed, sir.

Mr. GROSSI. An AFT 1997 AFT study found that over the past decade over 400,000 acres of prime and unique farmland were lost to urban uses each year. The loss of soil to asphalt, like the loss of soil to wind and water erosion, is an issue of national importance.

However, food security is not the reason farmland protection has emerged as a national issue. Communities across the Nation are working to protect farmland because farmland protection is seen as an inexpensive way to protect those other values associated with the working landscape, and keeping land on local tax roles.

The Resources 2000 Act achieves that balance by adding carrots to the existing sticks of regulation among the tools available to local communities to protect their farmland.

Mr. Chairman, during this Congress you will have unprecedented opportunities to develop policies to encourage and reward stewardship on this Nation's private lands, and to redirect financial resources in a way that shares the cost of protecting our great natural resources between the taxpayers who enjoy them and the landowners who steward them. While it is not the domain of this Committee, in closing I call your attention to the Federal farm programs.

At a time when the public is demanding more of private landowners every day, I ask you and all of Congress to consider a major shift of commodity support payments into conservation programs such as farmland protection that will help farmers meet those demands that the American taxpayers and the public are putting on them.

Thank you very much for providing me with this opportunity today.

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

Mr. TAUZIN. Thank you very much, sir.

Finally, on this panel, Mr. Pietro Parravano, of the Pacific Coast Federation of Fishermen's Associations, San Francisco.

Welcome, Mr. Parravano.

STATEMENT OF PIETRO PARRAVANO, PRESIDENT, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, SAN FRANCISCO, CALIFORNIA

Mr. PARRAVANO. Thank you, sir. Good afternoon, Members of the Committee.

My name is Pietro Parravano, and I am a commercial fisherman from HalfMoon Bay, California, and President of the Pacific Coast Federation of Fishermen's Associations, representing working men and women in the West Coast commercial fishing fleet. Thank you very much for the opportunity to be here today to talk about Resources 2000 and the Conservation and Reinvestment Act of 1999.

The lives of the fishing men and women my organization represents are impacted every day by the health of our Nation's fisheries and, in particular, by the many species of salmon. Unfortunately, a number of these salmon stocks have been listed or are now candidates for listing under the ESA. Those of us that are coastal family fishermen, salmon has historically been the most important fishery.

The legislation we are discussing here today brings us optimism and hope for our future and that of our Nation's resources. It is time that we began putting money in instead of just taking it out of the fisheries. It is time that we begin funding fish habitat restoration instead of destroying it. That is why our Federation is vitally interested in the legislation being addressed here today, specifically Resources 2000.

Resources 2000 has two titles that are of particular importance to the fishing industry. The first is the title that establishes a permanent trust fund for the conservation and restoration of living marine resources and fish habitat. Much of this money will be allocated to the states to develop and implement conservation and management programs for living marine resources and their habi-

tats. This will be especially important to states developing conservation and management plans for the myriad of nonfederally managed fisheries. Two examples are the following: One, legislation which was authored by Mr. Young and Mr. Miller that extends the state's jurisdiction of the Dungeness crab fishery into Federal waters, and the second example is California's passage of AB 1241, which implements research, conservation and management program for its fisheries. The permanent funding source in Resources 2000 could assist states such as California in working and promoting sustainable fisheries.

The permanent funding source in Resources 2000 could also be used to complement existing Federal programs. Two examples are CalFed and the President's proposed $100 million program for salmon on the West Coast. The permanent funding source in Resources 2000 clearly defines that this money goes out to the states and specifies the areas that it is needed.

The second title of Resources 2000, also of great importance to us, is the one which establishes the endangered and threatened species recovery fund. We all know that listing a species under the ESA, by itself, does not guarantee species protection or recovery. Species protection and recovery, as we have seen on the West Coast with the number of salmon, requires political will on the part of the agencies to enforce the law and funding to implement protection and recovery programs. In the West, species such as Coho salmon that once supported major economic activities are now listed in California and Oregon. It is not enough that we merely stabilize the populations or get them to some threshold above listing qualification, but that we fully recover these fish so that they may once again support commercial and recreational fisheries, fish processing, tourism and coastal communities, but to do this will take political will and permanent funding.

The problem is not the ESA, but our failure to fund recovery of listed species. The quicker we develop and fund recovery programs, the sooner we can lift restrictions on other interests. Moreover, this fund will be invaluable for assisting landowners and water districts in making changes or taking actions, such as installing effective fish screens or fencing riparian areas to help protect and recover listed fish.

We appreciate the fact that H.R. 701 includes a provision that addresses endangered species, however, our preference is for the current language in Resources 2000 for a number of reasons. First, it provides an identified source and dedicated amount of money that will be spent annually to contribute to the recovery of endangered species. The current language in the proposed Conservation and Reinvestment Act does not do this.

Second, Resources 2000 uses this money specifically for recovery of species, a focus that has been missing all too long from existing ESA programs. If we do not recover salmon on the West Coast, they will never be removed from the Endangered Species list and our industry itself will never recover.

Third, Resources 2000 will only provide grants for recovery activities that are beyond the requirements of the law. The provision in H.R. 701 could potentially pay landowners to merely comply with the law. We do not think this is fair. As fishermen, we do not

get paid when we are told we cannot harvest salmon that has been listed due to a loss of habitat which is out of our control. We do not think others should be paid to merely comply with the law. Resources 2000 provides incentives to those who want to go beyond the law to recover our threatened and endangered species. We think this is the right approach.

Mr. Chairman, we appreciate the fact that some of the money allocated to the states in H.R. 701 could also be used for the purposes I have mentioned, but we are concerned that there is no guarantee that the money would be targeted directly to salmon and other marine fisheries and their habitats. The deliverables are just not there.

Mr. Chairman, I have about a minute left. Thank you.

Mr. TAUZIN. Proceed, sir.

Mr. PARRAVANO. We feel that this could once again force fisheries to compete with numerous other state programs and get the short end of the stick, as they have done for so many years. Therefore, we believe that it is imperative that the Marine Resources Fund found in Resources 2000 be part of any legislation that is supported by this Committee. Only then can we guarantee these resources will get funding that they desperately need and deserve.

In summary, we support Resources 2000 because it is comprehensive and it defines mechanisms with which altered and damaged habitat can recover. I want to express the gratitude of the working fishing men and women that I represent to you, Mr. Chairman, for your vision in introducing your two bills. Utilizing receipts from nonrenewable resource extraction from the marine environment to reinvest in renewable marine and fish resources is, we believe, good public policy.

Fishing is America's oldest industry. It is a wonderful calling. The members of my organization take pleasure in deriving our livelihoods on the beauty and bounty of the ocean. We take pride in providing the public wonderful and wild sources of healthy food. But our fish stocks and their habitats need investment desperately to be conserved and rebuilt. Members of my organization have dug deep in their own pockets to pay for fishery programs, but we cannot do it all by ourselves. We cannot, and should not, pay for damage done by others. That is why we need a permanent source of public funding to invest in and recover our public fishery resources. Thank you so much.

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

Mr. TAUZIN. Thank you very much, sir.

I don't have to tell you that, coming from Louisiana, where fishing is not just a profession, it is a way of life. We call ourselves sportsmen, that is fair, but we also have commercial fisheries as an industry. But I am very empathetic to your concerns.

By the way, I want to put into the record with unanimous consent, a letter from the West Coast Seafood Processors Association, which is endorsing the CARA Bill, for the very reason that it authorizes monies to be spent on marine research, which is a deep concern. I think we share that concern.

I understand you may prefer one language over the other, but we share that concern. Without objection, this will be made part of the record.

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

Mr. TAUZIN. Let me point out, as David Waller testified yesterday, that the reason in CARA that we have created the state flexibility in how it spends its money in these areas is because the "one size fits all" may not work. It may be that in California, for example, where the legislature has already established programs for marine research and assistance and marine habitats, that that state will, using the authority of CARA and the state guaranteed program, direct more money into that area than perhaps another state in the Great Lakes, which may have a different set of problems to deal with.

It is the state flexibility in this area that we have tried to capture in our bill, and I hope you understand, Mr. Parravano, it is not that we care less about the marine ecosystems or marine biologies, it is simply that flexibilities give our state some chance to actually make their programs fit.

Let me also address what, Mr. Paap and Mr. Grossi, you both talked about here, which is the issue of private property rights and the different versions of the bill as they apply to conservation easements and purchases of land and what have you. Let me first inform you that I think the Land and Water Conservation Fund can be now used for conservation easement type work.

There is controversy over that, however. There is controversy within our support group as to whether we ought to clarify it in the law. I think we ought to, frankly; I like the idea, and I think it makes good sense for us to encourage private owners to, indeed, go beyond the law, if you will—not only do what the law requires, but assist in creating habitat for species that are either threatened or endangered, or to help prevent them from ever getting there because that, indeed, impacts farmers and communities a great deal if that is allowed to happen.

So, we have some differences to the language and how we treat it, but I want to point out that in our bill we do have provisions in the last section for assistance to landowners with ESA problems. I caught an argument today that might argue against it, but we intend hopefully to fund that in the process of going through this Committee work.

So, funding the assistance to encouraging landowners to not only obey the law, but actually to take aggressive action to increase and encourage the propagation of species on their property that either are threatened or endangered or scheduled one day to be there if we do not do something now. It makes good sense, and I think you are going to see as we work the process of these bills we continue that effort.

The final thing I wanted to point out is that we keep hearing from a lot of folks about the incentives in this bill that might incentivize oil and gas drilling or something. I want to point out that interior states now share 50 percent of the revenues from the Federal Government from interior drilling, interior mining, interior production of minerals. In a perverse way, you could argue that that is an incentive for the states to encourage those activities in-

side the state. Again, we are trying to be as neutral on that proposition as possible so that that argument does not come back to bite us as we move this bill forward.

It is not a bill to try to encourage more offshore drilling, it is a bill that captures a permanent fund, some of those revenues to do the wildlife preservation that we have lacked for too many years, in too many areas, and to preserve marine ecologies and do research that might help us in the future.

We have also been joined today by Governor Carper, who has finally made it, so I do not want to prolong this panel, but if any of you have a comment to make in regard to my statement, I will be happy to receive it now. Any of you want to come back to me? Mr. Parravano.

Mr. PARRAVANO. I really appreciate your comments, and I feel that too long our public policy has been directed by this one-size-fits-all, and it is something that there are a lot of entities that suffer from that attitude.

It is time that somebody takes the lead in addressing the problems that are facing America's natural resources. I know in California we have been doing a lot of work with a lot of different groups, a lot of different agencies, in trying to promote sustainable fisheries and coastal communities because, if it was not for the natural resources that we find out in the ocean, our coastal communities would not exist.

Mr. TAUZIN. I only ask you to take that into consideration as you look at the two bills because instead of directing funding, we are trying to give the states flexibility in that area. And, again, my assumption is that California regards its fisheries as extraordinarily important, as we do in Louisiana. My assumption is California is going to make the right decisions when it comes to applying the marine research funds, et cetera.

Mr. GROSSI. On that front, Mr. Chairman—and I certainly do not mean to imply that H.R. 701 does not have incentives, clearly there are a number of incentives for private landowners, particularly in the habitat section—but I suggest that you consider taking Title IV from H.R. 798 and incorporating it in a final bill. Title IV is the title that deals specifically with the efforts that local communities and states are trying to put together to purchase development rights and keep good land in farming by making up some of the difference between its development and its farm value.

Mr. TAUZIN. Yes, and, again, it is something that I have great affinity for. I just want you to know that there are some differences of opinion among the co-sponsors on that somewhat controversial issue, but we are trying to get there.

Mr. GROSSI. I would just close that point by saying that Title IV in H.R. 798 is the companion piece to Senate Bill 333 that has very bipartisan support over in the Senate to reauthorize the Farmland Protection Program that was part of the 1996 Farm Bill. So, this would be in keeping with what is going on in other areas of policy.

Mr. TAUZIN. Thank you very much. Mr. Paap, thank you very much, too, for your statements in support of our efforts to preserve private rights in this thing.

Mr. Shaffer, I cannot argue at all with your comments, they have been very excellent. Thank you.

Mr. John.

Mr. JOHN. Very quickly, Mr. Grossi, just, I guess, a point of clarification in my mind and in the minds of the Members that are at the desk today, as it relates to conservation easements. Do you feel that they will reduce the value of property, or devalue property, thus eroding the tax base for local government?

Mr. GROSSI. No. In fact, I think there always is a concern when there is the removal of certain value off the property that is going to impact local property taxes in the local community. In fact, in the case of farmland protection, almost every state already has use-value taxation on farmlands so that the property taxes are based on that use-value.

Putting an easement on the land rarely has any additional impact on the property but, to the contrary, if the easement is purchased, it provides the landowner with significant liquid capital. And our survey showed that they spend this money, that some of them put it in savings like any other American would, but a lot of it goes right back into improving their farm operations, buying new equipment, buying more land.

So, the money used to buy the easements turns over in the community quite rapidly. In fact, about 85 percent of it turns over in the community within 24 months, according to our surveys.

Mr. JOHN. Thank you for that clarification because I agree with that observation also.

Final question to Mr. Parravano. In your testimony you mentioned funding of aquatic research. Obviously, that is very important to all of us, especially in Louisiana where we actually represent about 35 percent of the domestic seafood industry in the lower 48 states.

Mr. TAUZIN. Most in my district, by the way.

Mr. JOHN. Well, I have a few in my district, too. We have the bigger fish over on our side. We send them all to you guys. You do not have anything left, it is all eroding. So, we are very, very interested in aquatic research, and obviously coastal erosion impacts those estuaries, so that is something that is very, very dear to myself as I represent 300-plus miles of coastline. You specifically talked about two measures in California, about two laws that address fishing research.

I just would like to bring your attention to the language in H.R. 701, the CARA bill, on page 13, when it talks about the uses of the funds in section 104. It specifically says—and let me read this to make sure that it calms your fear about research. It says: Funds received pursuant to this title shall be used by the coastal states and eligible political subdivisions for—and it enumerates—air quality, water quality, fish and wildlife (including cooperative and contract research on marine fish).

So we do provide funding for research, although it is not mandated. As my colleague from Louisiana said, I think this language is consistent with the State of California and their concerns. I believe that a healthy coastline, a healthy estuary, is good for fishermen, and I know you would agree with that.

Mr. PARRAVANO. I certainly do, sir, and I appreciate those comments. One of the things we have been able to undertake in California is a partnership program that we have initiated with univer-

sities, with various colleges, where they utilize the resources of the fishermen in going after research programs because what we have seen too many times is that somebody does a study, or will go out and do some research, and the actual resources, the people that spend their time on the ocean, are never invited to participate in the programs.

So, that is one of the things we have found has worked out really well, that in order to really get proper research and proper analysis done of the resources, one has to incorporate the uses of the user groups.

Mr. JOHN. That is one of the reasons why you are sitting at this table today, to make sure that we have input of guys that have actually gotten their hands bitten a couple of times as they were grabbing all those fish. Thank you very much.

Mr. PARRAVANO. I would also like to express my thanks to the Committee for the flexibility in my presentation. My flight was canceled coming here, so I literally just got here. I do not even have my baggage. It is probably going to be waiting for me at the airport when I return.

Mr. TAUZIN. As a seafaring man, I know this has been rough on you. We appreciate you coming.

We also have an honored visitor who came a long way, so I want to thank this panel for your participation and contributions. Again, we will continue this dialogue to see if we can't get as perfect a product as we can, understanding that we have a lot of interests to balance here. Thank you very much.

We are now very pleased to welcome Governor Thomas Carper, who himself has spent many years with us here in the Congress and who we are pleased to see again.

Governor Carper, we often look back on those days with great affection and memory, and appreciate seeing you again, and have been very aware and following your career in Delaware, and want to congratulate you for the great job you are doing for the great people of Delaware. Governor Carper.

STATEMENT OF HON. THOMAS R. CARPER, GOVERNOR, STATE OF DELAWARE

Governor CARPER. Mr. Chairman—and I am really not sure if you are the Chairman of this Committee or Subcommittee. You used to be my Chairman when we were on the Merchant Marine and Fisheries Committee.

Mr. TAUZIN. I have moved around a lot since you were here.

Governor CARPER. Old habits die hard, so I am happy to call you "Mr. Chairman," and other Members of the Committee. We used to meet just down the hall there at the old Merchant Marine and Fisheries Hearing Room. In fact, that is where I went first, looking for all of you, and glad to have found you here.

I appreciate very much the chance to be back and to share some thoughts with each of you. I have a prepared testimony here, I am not about to ask you to let me go through it, given how long you have been here already, but I would ask for permission to have it entered into the record.

Mr. TAUZIN. Without objection, so ordered.

Governor CARPER. Let me just make three or four points, and I will be done and you all can be on to what you need to do. I understand there is a bill up on the House floor today, maybe expansion of education flexibility that my Congressman Mike Castle along with Tim Roemer from Indiana are pushing, and I hope that it will do well. It is important to the Governors and to the states.

Just a few points, if I could, Mr. Chairman and Members of the Committee. One is some thoughts on sort of the basic theory that underlies these bills that you are considering. The notion that finite resources, nonrenewable resources, gas and oil, as those resources are depleted, what should we do with the money.

And what we would suggest, as Governors, is that those dollars be used to invest in things of lasting value, to provide in some cases permanent resources such as recreational areas, park improvements, to help us with preserving open space AG land habitat, wildlife, and fishery resources as well. We would urge that as you go forward, this theory that seems to underlie both pieces of legislation that you are dealing with. That is a sound theory, and we would certainly support that.

Second is who ought to be involved in the decisionmaking as how any monies that come to the state are invested. Surprisingly, as Governor and Chairman of the National Governors Association, I would suggest the Governors should have a role in that. I understand that at least one of the bills provides for a more direct role for Governors.

Having said that, I would not say for a moment that Governors are omniscient and have the ability to know how all these dollars should be invested. It is one of those deals where we were actually better off, I think, for the decisionmakers to come up from the bottom, and from folks who live in the communities, live in the counties in the coastal areas, to have them be very much involved in the decisionmaking, and for Governors and other elected leaders in our states to recruit and to welcome that kind of input.

When I sat where you sit, I was more interested in making those decisions from Washington, but I hope not blindly so. Sitting where I sit today, I still remember how I felt when I was here, and would acknowledge that, but I would just ask you to keep in mind that some of the local folks have a real good feel for what their needs are, and we need to be mindful of that and remember that.

Another point I would make is there are some concerns that if we are not careful, the monies that flow back to the states might somehow provide a perverse incentive for us to go out and do more offshore development and activities. As Governors, we would say we are big boys and girls, we are not interested in doing that, we do not believe that perverse incentives lie there, certainly that is not our intent or spirit, and we would not use the financial resources in that way. In fact, we just adopted an NGA when we were in town here a couple of weeks ago, the policy that says that is not what we are about and that is not what we want to see happen.

The other point I want to make—this is kind of on a personal note. I used to run when I was down here. I used to go out and run a lot on the Mall and work out in the House gym just next door in the Rayburn Building. I do not get to do that much anymore,

but I still work out pretty regularly. And every Sunday morning I go for a run usually before my family wakes up, before we go to church, I go out and run five or six miles. And I run through a park called Bellevue.

And that was a park that was bought I want to say 25 years ago, and it was bought with monies from Land and Water Conservation Fund.

Over the years, those monies have been used to build bicycle paths, bicycle trails, other recreational amenities, and those monies have come from the Land and Water Conservation Fund. It has been a couple of years, several years, since monies have flowed to the states for those purposes.

But I just wanted to tell you on a very personal level, that I see on a weekly basis as I get out on Sunday mornings right after daylight, what we can do and what states can do with these kind of financial resources.

I do not know if you have ever been to our beaches in Delaware, but we have some places called Rehobeth, and Dewey, and Bethany, just wonderful places. And if you go through the parking lots at the Delaware beaches, you find the license tags on the cars—there is a bunch from Delaware, of course—but there is a bunch from Virginia, from the District of Columbia, from Maryland, from New Jersey, Pennsylvania, they come from all over. And people not just from our state enjoy those recreational assets, but people from throughout the region and actually throughout the country, actually throughout the world.

That park I mentioned, Bellevue State Park, not far from my home, where I like to run, if you go through the parking lot there on a weekend in the spring, summer or fall, you see license tags on the cars, they are not just from Delaware. We are only five miles from Pennsylvania. We have people from PA there, New Jersey, Maryland, and from all over the Eastern Seaboard, and we use these resources—that is just a great case in point where we have used these resources, financial resources, through the Land and Water Conservation Fund in ways that benefit not just the people in our own state, but people from throughout our region.

The last thing I would mention, when I was down here, a bunch of us were concerned about deficit reduction and balancing budgets—in fact, some of us worked together on that stuff for a number of years—and I commend you on the good work you are doing now with the President to get the budget under control.

I would just say, as you go through this process and there is some give-and-take, I understand, with the Budget Committee, you make a permanent source of funding without ongoing appropriations, a question of offsets, and you come to Governors and say, "What offsets would you be willing to live with?"

One Governor is going to say one thing, another will say another, depending on what our needs are. And I would just ask as we get to that point, if we are looking for permanent reauthorization and without going back for appropriations that are offsets that are needed, that we just continue to have a conversation on that point and we would welcome that.

The last thing I would say, just kind of looking back to when, Mr. Chairman, you and I served together, that Merchant Marine

and Fisheries Committee always amazed me. Our Chairman was Walter Jones, and walking by the hearing room I saw his name over the hearing room and it made me smile.

Chairman Jones and Members of the Committee were uncommonly good at taking different points of view—in some cases a Democratic proposal or Republican proposal—and working them through, and being able to set aside our differences to work things out and to go over to the floor and get our bills passed, almost without exception. In fact, it was in some ways the most productive Committee here, and was one of the smallest committees and one of the least known committees.

You have a couple of good proposals here from people that I have served with, you have obviously served with, and people I certainly respect, and I hope at the end of the day that kind of bipartisan spirit that used to characterize so much of what we did in Merchant Marine and Fisheries can come to the fore here and help you to work this out and, if you do, in ways that we will have a chance to provide some input, and we appreciate that chance today.

[The prepared statement of Governor Carper may be found at the end of the hearing.]

Mr. TAUZIN. Governor, thank you very much.

Obviously you know Merchant Marine and Fisheries Committee is gone, it has sort of merged with the Interior Committee, which has not always been as bipartisan as our old Merchant Marine and Fisheries Committee, but we are reaching for that here. As you know, Mr. Miller and Mr. Young have a lot of commonalities in the two bills we are going for, and I thank you for that message again, that we need to go back to those days.

I know when you mentioned Walter Jones, my young colleague from Louisiana, Chris John, said, "Walter Jones, he was Chairman?" His dad was Chairman. As you know, his son is now serving with us. Just to indicate how old we are all getting, I served with Chris' father in the state legislature, and I hunted with his grandfather. You know how old I feel right now?

[Laughter.]

Mr. TAUZIN. Again, Governor Carper, thank you for those comments. Indeed, it is true that we are trying to focus decisions on more of the states and local governments in many of these areas. We got a complaint this morning, someone wanted us to have all the decisions made here in Washington, the Federal Government overseeing and deciding all these questions. I think you bring the other perspective to us, that there are folks back home who have a better sense of what the needs in Delaware are.

Finally, Thomas Cove was here earlier, speaking for the Sporting Goods Manufacturers, and he put a real human face on how communities, like those in Delaware, are tested because there is not enough space for all the young ladies to play their sports and fields that are reserved for other sports that perhaps they are not as interested in, and how soccer fields are not available to kids who want to play soccer in many places in America. So, I think we have had some great testimony coming from others.

Finally, I would just mention to you that we heard one witness, Mr. Jack Caldwell, our Secretary of Natural Resources in Louisiana, who testified that without this bill, without help somewhere

soon, that in Louisiana we are about to lose in land acreage, acreage the size of the State of Delaware, to coastal erosion. That is how huge a problem we have. So, I guess that puts in perspective how big a problem it is for us and how much we appreciate your coming to urge us on in this effort. My good friend, Mr. John.

Governor CARPER. That also puts into perspective how big Delaware is.

[Laughter.]

Mr. JOHN. Thank you, Mr. Tauzin. I appreciate that when you were talking about age and serving with my Dad and Grandfather, I did a little figuring here as it relates to the bill, of what we are trying to address—the coastal erosion in Louisiana. If we, in fact, lose about 35 square miles every year, then we have lost, since you have been in Congress, about 1,750 square miles.

Mr. TAUZIN. The size of Rhode Island. Yes, I know.

Mr. JOHN. Actually, as it relates to age, it might be the size of Texas. No, I am just kidding. Governor Carper, thank you so very much for being here today. As I read your testimony, I was very encouraged by the bipartisanship and the geographical pull that is pulling everyone together and is really alive and well; How someone from your state and Louisiana can think so very much alike because we are brought together with the problems of our coastlines that are so important to us economically in a lot of ways. However, some Members of Congress question whether states that do not have any OCS production off their coast, should receive funding or have a need for coastal assistance.

Do you believe that any comprehensive bill that comes out of this Congress, whether it is this bill or any other bill, must provide funding for coastal restoration as part of that piece of legislation?

Governor CARPER. I believe it should be. Having said that, the lands that are off of our coasts and under the oceans, the question is who do they belong to, do they belong to the states alongside which they are located, or do they really belong to all of us? And we, as Governors, are convinced that they really belong to all of us, and we are a coastal state, you are a coastal state, but the idea that folks in Kansas and Iowa and Minnesota as well have some claim on those lands and the revenues derived from them, we believe that is an important point.

Mr. JOHN. I happen to agree, thank you very much for that. Also, would you clarify that the State of Delaware really does not have, as it relates to incentives, any plans of putting any oil rigs off its shores in exchange for any coastal revenues, is that a fact?

Governor CARPER. You got it.

Mr. JOHN. And, lastly, I do not believe that I would anticipate that you would come up and lobby the Congress to eliminate the Federal leasing moratorium just to get some of these funds up here as an incentive measure, isn't that true?

Governor CARPER. No, we would not do that. Actually, I think it is the——

Mr. JOHN. I'm sorry, I make light of that because I am trying to make a point about drilling incentives; We are trying to address those concerns as much as possible. I appreciate your answers to those questions.

Governor CARPER. Thank you. Can I make one other quick point? In Delaware, we have spent over the last four years almost $100 million of our own money—in fact, probably more than that—for open space preservation, ag-land preservation, for parks—and for our state, that is a huge amount of money. It is money spent out of our own pockets, so we are not just coming to the Federal Government and saying we want the Federal Government, with these revenues from the Outer Continental Shelf, to do this work for us. I just want you to know that we are putting our own money where our mouths are as well, and we feel that that is our obligation and we are trying to meet that obligation.

Mr. JOHN. We are hoping we can help you. Thank you for coming.

Mr. TAUZIN. Thank you, Chris. Governor Carper, you know the call, we have got to go. Deeply appreciate your coming and sharing your time with us, and great seeing you again. Good luck to you, sir.

The hearing stands adjourned.

[Whereupon, at 3:15 p.m., the Committee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF JAVIER GONZALES, NACO SECOND VICE PRESIDENT AND COMMISSIONER, SANTA FE COUNTY, NEW MEXICO

Mr. Chairman and members of the Committee, my name is Javier Gonzales. I am a Commissioner from Santa Fe County, New Mexico and I am here today representing the National Association of Counties (NACo)[1], in my capacity as Second Vice President.

NACo is pleased to testify on behalf of these important bills that, if enacted, will have very positive effects on our Nation's counties and communities. These bills present an exciting opportunity because of the genuine support from such a broad range of interests and the fact that the Administration, the U.S. Senate and this Committee have very similar proposals. It is important to note the bipartisan nature of these proposals and the distinct possibility that something will be done in this arena in this Congress. Each bill uses OCS revenue as the source for funding the distribution proposed by this legislation, and each has similar uses in mind. I need not remind you that the potential budget pitfalls are significant and creative solutions need to be found.

Today I will focus my remarks primarily on the Conservation and Reinvestment Act of 1999, (CARA), but will comment on H.R. 798 during my remarks.

At our recent Legislative Conference, our Board of Directors adopted a resolution in support of the concepts embodied in the CARA legislation. Our resolution states: "NACo strongly supports the principles of the Conservation and Reinvestment Act of 1999 (CARA'99) that would reallocate Outer Continental Shelf (OCS) oil and gas revenues to the LWCF, a coastal state revenue sharing program, add funding to the Urban Park and Recreation Recovery (UPARR) program and establish an innovative procedure for adding funding for the Payments In Lieu of Taxes (PILT) program, in addition to annual appropriated funds. NACo will advocate a change in the 'stateside' program to allow counties to directly apply for LWCF grants and provide authority for innovative and flexible methods for utilization of these grants such as a leasing program, rather than outright purchase of land that removes them from tax roles."

We also have another resolution, one that was passed in July 1998, supporting OCS revenue sharing with coastal states, and one of our key principles for reauthorization of the Endangered Species Act parallels H.R. 701's section on Habitat Reserve Program. We believe it is clear why NACo supports the approaches in this legislation.

Let me take this opportunity to comment on some of the issues surrounding this legislation.

First, NACo is very pleased that the authors have chosen to recognize the significant impact OCS development can have on coastal counties and have taken steps to assure that any shared revenue from OCS development is shared with coastal counties.

Second, the bill acknowledges the need to fund the stateside portion of the LWCF and would assure that counties would share the revenues set aside of the states. It would be preferable to have counties be able to utilize their share of the Fund without having to work within the mandated structure of a state plan, but we believe an acceptable approach can be worked out during deliberations on the bill. We also believe we need to look at innovative approaches, such as conservation leasing to meet the goals of the LWCF without removing land from the tax roles.

Third, the innovative approach to adding money to the PILT program in Titles I and II should be applauded and the authors should be commended for recognizing the need to fund the PILT program at reasonable levels. Let me share with you some interesting facts from a soon-to-be-released PILT study by the Federal Government:

- Overall PILT payments are about $1.31 per acre LESS than the property taxes that would be generated. PILT entitlement lands in the sample *counties would have generated an average of $1.48 per acre if taxed* by the county, but *PILT payments only amount to an average of 17 cents,* only 11 percent of the potential tax bill.
- To *fully fund* PILT another $2OO million would have to be added to the $125 million currently appropriated.

[1] The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county government. The goals of the organization are to: improve county government; serve as the national spokesman for county government; serve as a liaison between the nations counties and other levels of government; achieve public understanding of the role of counties in the Federal system.

- To achieve overall PILT/tax equivalency another $696 million would have to be added to full funding of the PILT program, and even then 18 percent of the counties would not be equivalent.
- In the case of the East, taxes would exceed PILT payments by over 1,000 percent.
- Counties in the Interior West responded that moderate or substantial costs were imposed by the presence of Federal lands, particularly in the areas of search and rescue, law enforcement and road maintenance.
- The presence of Federal lands in a county provide virtually no direct fiscal benefits (other than PILT and existing revenue sharing programs) to counties.

NACo is the only national organization advocating for additional funding for the PILT program, and we appreciate this attempt to do something about this shortfall.

NACo, through its Large Urban County Caucus, applauds the inclusion of funding for the Urban Parks and Recreation Recovery Act (UPARR). Parks and open space are important factors in improving the quality of life in America's urban counties. We believe improving our parks and preserving and acquiring additional open space will assist our efforts to attract new economic opportunities for our counties. The synergism created by inclusion of this provision helps bring together urban, suburban and rural counties in support of this legislation. It also brings to the debate on resources other interest groups, such as The U.S. Conference of Mayors, that have not traditionally been involved with legislation of this type.

NACo also supports the additional funding for the Pittman-Robertson Act, but we believe counties should play a larger role in the allocation and utilization of the disbursements.

On other matters, NACo is confident that this legislation does not adversely effect private property rights without due process and local involvement. This is an important consideration as this bill moves through the process. We believe there are adequate protections built into the bill to preclude an incentive for opening new areas for OCS oil and gas development. While supporting this bill approaches, NACo will make every effort to assure there are no unfunded mandates or requirements that would effectively preclude counties from participating and enjoying the benefits of this legislation.

H.R. 798, the Resources 2000 Act, has a role to play in the consideration of legislation in this area, however, we do not believe it is as "county friendly" as the CARA proposal and it attempts to fund a much broader array of programs that could reduce the amount of money available for counties to meet local needs. It also does not make any provision to assist the PILT program, which again is very important to the hundreds of counties nationwide that receive payments from this program. Title VIII speaks to the concept of incentives for the conservation and recovery of endangered species, as mentioned in our resolution on the subject, however, we would defer judgment at this time on the specifics of the Title.

I would like to take this opportunity to touch on specific provisions of H.R.701. Title Section 103 (a)(2) addresses the issue of incentives for new OCS development, the Committee may want to be even clearer in its intent. We applaud Section 103(a)(3) for its innovative approach to adding money for the PILT program. Section 103(e) assures that counties will benefit from OCS revenue sharing and we believe this is a critical element of the bill. In Section 105(a) dealing with state plans, the role for counties needs to be strengthened and expanded and subsections (b) and (c) need further review and fine tuning. Section 202 (a) needs clarification where it refers to the utilization of any excess revenue above $900 million where the excess would be available without further appropriation to the PILT program or the Migratory Bird Act of 1935, but does not make clear what entity decides where the money shall be allocated. I specifically wanted to note that the legislation in Section 202(b)(1) requires that 2/3 of the Federal LWCF be spent east of the 100th Meridian. Many county officials in the west would wholeheartedly support this requirement because, as you well know, the bulk of the Federal lands inventory is in the west. I wanted to reiterate our concern about mandates and Section 202(g) may present some concern. Section 205 establishing a *voluntary* Habitat Reserve Program is consistent with the principles of NACo's resolution on reauthorization of the Endangered Species Act. Section 205(c) specifically limits lands eligible for the program to no more than 25 percent of the land or water of any county at any one time unless a determination is made that exceeding that level would not adversely affect the local economy of the county. While in concept this is a good idea, the provision allows a *state agency* to make the economic determination rather than the local county commission. This needs to be changed. My final comment about the specifies is that counties need a larger role throughout Title III.

Mr. Chairman, this concludes my testimony. I have attached copies of the relevant policy resolutions adopted by the NACo Board of Directors. I would like to thank

you, and members of the Committee for your interest in the needs and concerns of America's counties. We stand ready to work with the Committee, the Senate and the Administration to hammer out an acceptable bill that will set the tone for conservation in the 21st century.

Thank you Mr. Chairman for the opportunity to testify on this important legislation.

ATTACHMENTS:

RESOLUTION TO RE-ALLOCATE STATESIDE FUNDING FOR THE LAND AND WATER CONSERVATION FUND

Issue: Support for additional funding for the Land and Water Conservation Fund (LWCF) and for other purposes.

Adopted Policy: NACo strongly supports the principles of the Conservation and Reinvestment Act of 1999 (CARA'99) that would reallocate Outer Continental Shelf (OCS) oil and gas revenues to the LWCF, a coastal state revenue sharing program, add funding to the Urban Park and Recreation Recovery (UPARR) program and establish an innovative procedure for adding funding for the Payments In Lieu of Taxes (PILT) program, in addition to annual appropriated funds. NACo will advocate a change in the "stateside" program to allow counties to directly apply for LWCF grants and provide authority for innovative and flexible methods for utilization of these grants such as a leasing program, rather than outright purchase of land that removes them from tax roles.

Background: The Federal Land and Water Conservation Fund was created in 1965 to provide matching funds to encourage and assist local and state governments in urban and rural areas to develop parks and ensure accessibility to local outdoor recreation resources.

In the past several years Congress has diverted Land and Water Conservation monies to programs unrelated to parks, conservation and recreation. This action has resulted in total elimination of state grant programs to assist counties to meet the needs of our rapidly increasing populations, and has created a backlog of upgrades, renovations and repairs to outdoor recreation facilities.

Past benefits to counties have been accessing, through a grant process, dedicated monies to provide important economic, social, personal and resources benefits to our citizens. Outdoor recreation reduces crime by providing positive alternatives and experiences for our citizens. Millions of state and county dollars have been invested in outdoor recreation and have been matched by local funds in the form of donated labor and materials and community force accounts.

Fiscal/Urban/Rural Impacts: Coastal state counties, both urban and rural, would receive substantial payments from the OCS revenue sharing program should this legislation be passed. Urban counties would benefit from additional funds for the UPARR program, rural public land counties would benefit from additional funds for PILT and all counties would potentially benefit from LWCF grants.

Adopted by: NACo Board of Directors
February 28, 1999

RESOLUTION IN SUPPORT OF OCS COASTAL IMPACT ASSISTANCE

Whereas, the coastal regions of the United States are fragile environmentally and under intense pressure from storms and natural disasters, population growth and, in some counties and states, from onshore support activities that are necessitated by the development of the nation's oil and natural gas resources on the Federal outer continental shelf; and

Whereas, each year the Federal Government receives billions of dollars in revenues from the development of oil and natural gas resources on the Federal outer continental shelf, a capital asset of this nation; and

Whereas, the Federal Government does not share directly with the coastal states or counties a meaningful share of these revenues, while the Federal Government share with states 50 percent of the revenues from onshore Federal mineral development; and

Whereas, at least a portion of the revenues from this capital asset of the national should be reinvested in infrastructure and environmental restoration in the coastal regions of this nation; and

Whereas, states and counties that host onshore activities in support of offshore Federal OCS mineral development should receive a share of these revenues to offset state and county impacts of this development; and

Whereas, the OCS policy committee of the United States Department of the Interior has recommended that all states and the territories should receive a portion of these revenues as an automatic payment annually pursuant to a formula based on proximity to offshore production, miles of shoreline and population; and

Whereas, members of Congress representing coastal states are preparing Federal legislation to enact the proposal to share a portion of Federal OCS revenues with all coastal states and the territories:

Therefore, Be it resolved, that the national association of counties (NACo) commends the members of Congress that are pursuing this initiative and the OCS policy committee for their recommendations; and

Be it further resolved, that NACo supports Federal legislation to share a meaningful portion of Federal OCS mineral revenues with all coastal states, their counties and territories pursuant to the formula recommended by the OCS policy committee.

Adopted by: NACo Board of Directors
July 21, 1998

RESOLUTION ON THE ENDANGERED SPECIES ACT REAUTHORIZATION

Issue: Provide for increased participation in the listing and recovery of endangered species by local officials and increase flexibility and innovation in responding to the need to recover species.

Adopted Policy: NACo shall petition Congress to amend the Endangered Species Act through its reauthorization process to provide:

1. A recognition that if it is in the national interest to protect species, then it must be a national priority to attempt to forestall listing by aggressively providing for pre-listing incentives to affected governments, public land lessees and private property owners to avoid the negative impacts of the Act by entering into conservation agreements with the Secretary of the Interior.
2. For greater involvement by local governments in planning and management decisions affecting the listing process.
3. For a significant improvement in the scientific review process by including verifiable peer review by a qualified agency other than the U.S. Fish and Wildlife Service.
4. The effects on the economic, social and cultural aspects of human activity, and their communities, must be fully studied, and taken into account in all decisions made pursuant to the Act.
5. Provisions should be adopted to require the U.S. Fish and Wildlife Service to use professionally trained specialists to rescue and remove threatened or endangered species within 120 days whenever it is necessary to maintain, repair and rehabilitate critical structures that provide for human health and safety.
6. Provisions should be included to require previously adopted habitat recovery plans for threatened and/or endangered species that were not developed in consultation with affected county governments, to be reviewed and modified to reflect genuine consultation with the affected county government.
7. A full partnership for the affected state, its local governments, public land lessees and affected private property owners in the post-listing consultation and decision making process, including critical habitat, habitat conservation plans and full-scale recovery plans.
8. Adequate protection of private and public property rights.
9. Prior to a listing, no action shall be taken to restrict or interfere with the use of private or public property without consultation with the affected land owner. Every effort should be made by the Secretary and the affected land owner to establish voluntary agreements for species conservation and habitat protection.

Following a listing, no action shall be taken to diminish the use of property until full consultation has taken place with affected landowners, or lessees, and full compensation is agreed upon between the landowner, or lessee, and the Secretary. If the Secretary refuses to act or limits the compensation to below fair market value, the affected landowner is granted status to pursue due process in the appropriate Federal District Court.

NACo believes that the land and wildlife management agencies must make a full accounting of funds spent since 1985 for mitigation, research, habitat studies and land acquisition, including private fund expenditures, and economic losses from land uses diminished or cancelled by agencies.

Background: After 22 years of experience in implementing of the Endangered Species Act, there now appears to be ample evidence of the need for reauthorizing

and revising the Act. It should be the policy of the United States to avoid the need for listing threatened and endangered species, by involving all affected parties in pre-listing conservation activities and by providing a range of incentives to those affected parties to enter into conservation agreements to avoid the need for listing. Counties can be involved to a much greater extent in sustaining of species, through the management of lands, and in making decisions which affect their habitat.

The Federal Government needs better verifiable peer review of the science that leads to listing of species, and the identification of critical habitat. There needs to be greater emphasis on the affects of listing of a species and designation of critical habitat on human individuals, their communities, and on the economic, social and cultural aspects of such a listing and/or designation of habitat. All affected parties should be involved in the postlisting decision and consultation process to assure that all concerns are raised, if not addressed.

The current Act provides too little flexibility for the Secretary of the Interior to utilize creative and innovative management approaches to address the conservation of the species, and does not provide for the full participation of state and local governments in the recovery process. Protection of some species has led to substantial loss of jobs, property loss due to natural disasters, (such as fire, flood, etc.) and economic hardship and reduced county revenues.

In many instances, the burden of protection of species has fallen on private property owners, who have been forced to provide habitat without adequate compensation for use of their land, while the decisions are made in Washington, DC, and the current Act lacks provisions for a full and complete analysis of proposed listings on the economic, social, and cultural values of humans and their communities. It does not contain provisions for adequately compensating affected private property owners for losses incurred by listing.

Counties depend upon a healthy economy to maintain viable communities and to produce revenues to provide needed services and counties have a strong interest in maintaining community sustainability while protecting natural biodiversity because reputable scientific evidence suggests that long-term stability for those communities that are natural resource dependent is directly related to adequate biodiversity:

Fiscal/Urban Rural Impacts: There are substantial costs to counties of all sizes from implementation of recovery plans under the ESA. Changes proposed by this policy would provide more flexibility and potentially reduce costs. More participation by county officials could improve recovery plans and avoid potential economic losses.

Adopted by: NACo Board of Directors
February 28, 1999

STATEMENT OF HON. RON MARLENEE, ON BEHALF OF SAFARI CLUB INTERNATIONAL

Mr. Chairman, I want to thank you for giving Safari Club International (SCI), the opportunity to testify before this Committee on H.R. 701 and H.R. 798. We have reviewed both bills.

SCI has verified the need for additional money for state fish and wildlife agencies. State agencies have been forced to spend money, raised by sportsmen, on the Endangered Species Act (ESA) and other Federal mandates not related to sportsmen's interests. This has resulted in a tremendous drain on Federal Aid to Wildlife Restoration Act funds, otherwise known as Pittman-Robertson funds.

SCI strongly supports H.R. 701 and the wildlife conservation that it will accomplish with the broad-based support of fish and wildlife agencies, implementing essential wildlife preservation. By creating a sub-account under "Pittman-Robertson," and funding it with a 10 percent draw on the Outer Continental Shelf (OCS) revenues, H.R. 701 will effectively expand the species restoration efforts which, in the past, have largely been funded by hunters and anglers nationwide.

These new funds will be available to State fish and wildlife agencies for conservation of game and non-game wildlife; endangered species conservation; conservation education; and other aspects of wildlife conservation, as the individual states deem appropriate.

As you know, over 60 years ago, Congress passed the Pittman-Robertson law and created a wildlife conservation and restoration program that is among the most successful Federal programs ever instituted. It has also become one of the most successful wildlife conservation programs in the world and has been responsible for the restoration of many species, such as white-tailed deer, elk, and wild turkey, which were rare or on the brink of extinction a century ago. Since then, Congress has added the Dingell-Johnson and Wallop-Breaux laws, to provide a complete program for fish and wildlife species. Under the provisions of these bills, sportsmen have willingly

paid user fees, in the form of excise taxes, on hunting and fishing equipment for six decades.

Using OCS money, Title III of H.R. 701 will expand state wildlife conservation efforts and allow state agencies to work with the Federal Government, tribal governments, private landowners and interested organizations to ensure achievement of state specific goals in virtually all areas of wildlife conservation, healthy habitat conservation, and a diversified variety of wildlife, as well as conservation education.

During the 104th and 105th Congresses, a concept to increase funds available to States for wildlife conservation was conceived as a new and additional excise tax on all outdoor recreation equipment. However, this idea, called "Teaming with Wildlife (TWW)," was never introduced as legislation.

Although SCI supported the general concept of providing funds to the State fish and wildlife agencies for wildlife conservation, we could not support the TWW approach. To begin with, in the newly conservative political climate of Congress, a tax of any kind was unlikely to ever become law. In addition, the TWW draft would have forced the States to use most of the funds for non-game wildlife and outdoor recreation activities, regardless of state needs. We feel that it is critical to leave the decision to the State wildlife agencies as to how best to use any additional funds for wildlife conservation. Like a lot of Federal legislation, the TWW proposal would have been an incentive to spend valuable taxpayer money on unwanted, or perhaps even unnecessary programs. However, H.R. 701, introduced by Representatives Don Young and John Dingell, corrects that.

In the 105th Congress, Chairman Young wisely saw a way to achieve the important goals of increasing state funding for wildlife conservation without imposing an unpopular tax, and without robbing the State fish and wildlife agencies of the discretion to make professionally-sound decisions on directing wildlife conservation funds to where they are needed most. This bill has been reintroduced in the 106th Congress as H.R. 701.

As one of the leading organizations representing sportsmen nationwide, SCI supports Mr. Young and the co-sponsors of the Conservation and Reinvestment Act. H. R. 701 is a focused and carefully crafted effort. By contrast, H.R. 798 scatters its funds on issues, and thinly distributes the OCS revenues. H.R. 701 is an effort to solve a few important needs; whereas H.R. 798, although well intentioned, is an inappropriate approach that reaches into new programs and appears to expand other programs. It circumvents the committee process by pouring money into programs that have not been authorized, approved, or debated.

H.R. 701 enhances the time-tested mechanisms of the Pittman-Robertson program to increase the funds available to the States for wildlife conservation. Under Pittman-Robertson, both game and nongame species have benefited dramatically. Species, which were nearly extinct, from the white-tailed deer to the beaver in the Eastern United States, are now back in force. By contrast, H.R. 798 would put a smaller amount of OCS revenues into the Fish and Wildlife Conservation Act of 1980, a law that has never been implemented and in which the "Findings" section fails to recognize a need for funding the full diversity of wildlife needs by emphasizing only those species called "non-game" wildlife.

Both bills deal with the acquisition of property. While this is not the primary expertise or interest of SCI, many concerns about these provisions have been expressed to us, both from within and from outside of our organization and so we would like to make a comment on the subject. We appreciate Mr. Young's sensitivity to those concerns and we feel that Congressman Young's bill, H.R. 701, contains provisions intended to guard against an undue infringement on private property rights. As a matter of fact, the League of Private Property Voters has published a rating of the members of Congress for 1998. Attached to this statement is the rating, which indicates that Congressman Young had a 100 percent "protection of private property" rating in 1998. With this kind of record, I'm sure Congressman Young will support provisions which strengthen private property rights even further.

In closing, Mr. Chairman, we would like to congratulate you for recognizing the need to provide more funding for the State fish and wildlife agencies and for finding an inventive way to accomplish that goal. We believe your bill appropriately recognizes the primary role of the States and their professional wildlife agencies in wildlife conservation.

We encourage the States to seek local and regional management solutions to wildlife conservation problems and we think that the funds provided by H.R. 701 can be an important part of that effort. We would rather see States using the funds provided by H.R. 701 to work together to manage various wildlife species and their associated habitats, than to see an escalation of Federal listings of endangered species. We feel that the States have both the proper interests and qualifications needed to

manage and conserve wildlife, and we do not favor unnecessary Federal intrusions on the lives and properties of people throughout the country.

Much of what the States have lacked in order to accomplish their conservation mission has been adequate funding to conserve wildlife before it reaches the point of endangerment. H.R. 798 does not provide enough funds and attempts to use an untried mechanism for distributing those funds. Its focus on wildlife conservation is watered down by its efforts to be all things to all people. H.R. 701 is a much better vehicle for the important work of wildlife conservation.

STATEMENT OF SARAH CHASIS, SENIOR ATTORNEY AND DIRECTOR OF WATER AND COASTAL PROGRAM, NATURAL RESOURCES DEFENSE COUNCIL

My name is Sarah Chasis and I am a Senior Attorney with the Natural Resources Defense Council (NRDC) and Director of its Water and Coastal Program. I appreciate this opportunity to testify today before the House Resources Committee on H.R. 701, The Conservation and Reinvestment Act ("CARA"), a Bill introduced by Chairman Young, and H.R. 798, the Resources 2000 Act, a Bill introduced by Congressman George Miller.

My testimony on behalf of NRDC focuses on the Outer Continental Shelf (OCS) Impact Assistance Title of H.R. 701, the Living Marine Resources Title of H.R. 798, and the OCS revenues used to fund all Titles of both Bills.

NRDC is a national environmental organization, with over 400,000 members, dedicated to protecting natural resources and ensuring a safe and healthy environment. NRDC has a long history of involvement with the protection of ocean and coastal resources and has worked on a number of coastal and ocean issues, including offshore oil and gas drilling, coastal zone management and marine fish conservation.

In our view, the overarching goal for the coast and ocean Title of these Bills should be protection and restoration of our nation's fragile, but extremely valuable coastal and marine resources which are increasingly under pressure from a variety of forces. In achieving that goal, 5 principles should be closely adhered to:

- The legislation should provide no financial benefit to states from the lifting of current moratorium or from new leasing or new drilling. This should apply to all Titles of the legislation, not just the coastal or OCS impact assistance Title.
- The state or local share of money should not be tied to the acceptance of new or closer leasing or drilling.
- Money that goes to the states and local governments must be spent on environmentally beneficial projects.
- There should be Federal agency oversight of how money is spent to ensure compliance with Federal environmental laws.
- Any offsets should not come from existing environmental programs.

These same basic principles are set out in the February 2,1999 letter to Chairman Young and other representatives from nineteen of the nation's major national conservation organizations that is attached to our testimony. This letter states that: "Our organizations are strongly opposed to any financial incentives that promote offshore oil and gas development," identifies incentives included in earlier versions of the legislation and recommends ways of removing them.

H.R. 701, while containing improvements over last year's Bill (H.R. 4717), still falls seriously short when measured against the above prjnciples. In contrast, H.R. 798 adheres to these principles very closely. As a result, we support H.R. 798, but must continue to oppose H.R. 701 unless and until the concerns we have raised are satisfactorily resolved. We stand ready to work with the members of the Committee and their staff to do this.

Following is our analysis of the two Bills with respect to the principles enunciated above.

H.R. 701, THE CONSERVATION AND REINVESTMENT ACT

REVENUE SOURCE

H.R. 701 includes revenues from new leasing and new drilling as a funding source for all Titles of the Bill, with one exception. Excluded from revenues for Title I ("Impact Assistance Formula and Payments") are revenues from leased tracts in areas under moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on january 1, 1999).

While this latter language represents a definite improvement in the Bill, it only affects Title I. In addition, it does not exclude revenues from new leasing and drilling in sensitive frontier areas not covered by the moratorium. The Bill thus still falls short of meeting the first principle.

The obvious concern is that if the many and varied beneficiaries of this legislation see that it is in their financial interest for new leasing and drilling to occur—in order to provide more funding for the legislation overall and for them in particular—it will erode support for the existing offshore oil and gas moratorium, which currently protects the east coast (with the exception of existing leases off Cape Hatteras), the coast of Florida (with the exception of existing leases off the Florida Panhandle), the central and northern California coast (with the exception of existing leases off the central California coast), Oregon, Washington and Bristol Bay in Alaska. It will also lead to support for new leasing and drilling on existing leases off North Carolina, the Florida Panhandle and central California, as well as in sensitive areas off Alaska—none of which are currently protected by moratoria and many of which, if not all, are extremely controversial.

It is crucial to remember that the moratorium only exist because Congress each year reenacts it as part of the Interior Appropriations legislation. Presently, a one-year congressional Outer Continental Shelf Moratorium contained in the FY 1999 Department of Interior appropriations Bill precludes the expenditure of funds for new Federal offshore oil and gas leasing in specific coastal areas until October 1, of this year (1999).

This congressional OCS moratorium prevents new leases for offshore drilling on any unleased tract along the entire U.S. west coast, the east coast, portions of Florida, and Bristol Bay in Alaska. Now in its seventeenth year, the moratorium must be renewed each year. As recently as the 104th Congress, the moratorium was removed in the House Subcommittee on Interior Appropriations, and was only narrowly reinstated after a big fight in the full House Appropriations Committee, in spite of strong opposition to the measure by then-chairman Rep. Bob Livingston. There have been previous years in which the OCS moratorium has survived in the House Appropriations Committee by a narrow single-vote margin.

Related actions have been taken by two successive presidents, which supplement, but do not replace, the protection granted by the congressional moratorium. These "Presidential Deferrals" are political in nature and are not considered to be as dependable in providing assured protection over time. In 1991, former President George Bush announced that he was directing that any further OCS Leasing within the areas protected by congressional moratorium, except in ALASKA, be deferred until after the year 2002. No formal executive order was issued by Mr. Bush, and it is considered that any subsequent president could reverse this decision.

During the 1999 "Year of the Ocean Conference" in Monterey, California, President Clinton, accompanied by Vice-President Al Gore and four Cabinet Secretaries, announced that they were directing the Minerals Management Service of the Department of Interior to extend the previous Bush OCS Deferrals until the year 2012. No formal executive order has been issued by the Clinton Administration since this announcement, and it is considered vulnerable to possible policy reversals by subsequent administrations.

Even for Title I, the improvement is incomplete because revenues from new leasing and drilling in sensitive frontier areas not covered by the moratorium would still fund the Title. In addition, it is not clear from the language whether revenues from drilling on existing leases off North Carolina, the Florida Panhandle and central California would be used to fund Title I. These leases are in moratoria areas but are not covered by leasing moratoria. Drilling on these leases is an extremely controversial issue in each of those states.

To address the problem, the legislation should define the term "Qualified Outer Continental Shelf Revenues" in the definitions section (section 102) to exclude revenues from new leasing and new drilling after the date of enactment of the legislation, as the Resources 2000 legislation does. This would remove the financial incentive to support new leasing or drilling in moratoria and other sensitive coastal areas.

ALLOCATION OF STATE AND LOCAL SHARES

The legislation ties a state's share of funding under Title I directly to the amount and proximity of OCS leasing and production off its coast. This provides a clear financial incentive to states to accept new leasing and drilling.

Fifty percent of a state's allocable share is dependent on its being within 200 miles of a leased OCS tract. The more production on such tracts and the closer in to shore these tracts are, the more money the state gets. See section 103 (c)(1) and (2). An improvement in this section of the Bill is the exclusion of moratoria tracts from this calculation. Thus, even if moratoria tracts are leased or drilled, a state would not get more money. However, the language is ambiguous with respect to existing leases/production on tracts inmoratoria areas. These tracts also should be excluded. Moreover, new leasing and drilling outside moratorium areas, including sen-

sitive frontier areas off Alaska would still be factored into the allocation formula, thus providing a significant incentive for allowing such activities to proceed.

We believe that the formula for allocating funds under Title I should not be tied to OCS leasing and production, but instead should rest on shoreline miles and population alone. Alternatively, if OCS activity has to be a factor, it should be based on a fixed, flat percentage based on historic OCS activity, not new activity that occurs after passage of the legislation. This would acknowledge states that have suffered OCS impacts to date, without providing an incentive for new leasing, exploration or production.

Another major concern with the Bill concerns the method of allocating funds to local jurisdictions. Fifty percent of a state's share goes directly to eligible local political subdivisions. Section 103(e). Eligible political subdivisions are defined to be those that lie within 200 miles of any leased tract (including tracts in moratoria areas). Section 102(6). As a consequence, a locality with OCS leasing off its coast is entitled to share in 50 percent of the state's allocable share, with its share increasing the closer the leased tract(s) are, localities with no leasing are not entitled to any part of the state's allocable share. Obviously, this creates a major incentive for localities to accept new OCS leasing.

To address this problem the definition of eligible political subdivision should exclude tracts leased after enactment. Such tracts should also be omitted from the calculation of how much an eligible political subdivision receives.

USES OF THE MONEY

It is extremely important that funds distributed to state and local governments be used to restore and enhance coastal and ocean resources and not to cause further environmental degradation. For this reason, we strongly recommend that uses be restricted to:

Amelioration of adverse environmental impacts resulting from the siting, construction, expansion, or operation of OCS facilities, above and beyond what is required of permitted under current law;

Projects and activities, including habitat acquisition, that project or enhance air quality, water quality, fish and wildlife, or wetlands in the coastal zone;

Administrative costs the state or local government incurs in approving or disapproving or permitting OCS development/production activities under any applicable law including CZMA or OCLSA; and/or repurchase of OCS leases.

The uses of the money authorized in section 104 of H.R. 701 do not ensure that further environmental degradation do not take place. Their focus is not on restoring the environment or ensuring activities do not further degrade the environment. While states may use funds for such purposes, there is no requirement that they do so. Moreover, states and localities would be free to use the money for a huge array of purposes, including promoting more offshore drilling, highway construction and the like.

We urge that our proposed language be substituted for that in the Bill, or that the approach taken in H.R. 798, discussed below, be utilized.

OVERSIGHT

To ensure that the Federal dollars are spent responsibly, in an environmentally sensitive manner that complies with Federal law, it is important that there be Federal oversight and approval of state plans for utilization of the funds.

While the legislation requires the states to develop plans for use of the money and to certify the plans to the Secretary of Interior, the Secretary is given no authority to review and approve these plans. In addition, it is the state that determines consistency of local plans with Federal law, not the Federal Government! Section 105(c). The lack of Federal oversight combined with the broad uses to which the funds may be put and the large Federal dollars involved mean that environmentally damaging projects could well be funded under this legislation.

OFFSETS

It is essential that OCS impact assistance not be funded at the expense of existing environmental programs.

H.R. 798, THE RESOURCES 2000 ACT

We strongly support H.R. 798 because it adheres to the principles we support. It does not provide incentives for new offshore leasing or drilling. The Bill specifically excludes revenues from new leasing and production as a funding source for the entire Bill. See section 4(4) definition of qualified OCS revenues.

The Bill also does not allocate revenues among states (or local jurisdictions) based on proximity to leased tracts or production. Title VI ("Living Marine Resources Conservation, Restoration, and Management Assistance") makes financial assistance

available to coastal states based on coastal population and shoreline miles. Section 602(B)(1).

Finally, the Bill requires that Title VI money be spent on the conservation of living marine resources, not on activities that could contribute to further environmental degradation. It provides significant new funding ($300 million) specifically for marine conservation.

We recommend that consideration be given to having some portion of the money under Title VI go to help fund existing underfunded marine and coastal conservation programs, such as coastal zone management, marine sanctuaries, and essential fish habitat protection. A portion of the funding under this Title could be used to assist in achieving the goals of at least some of these programs; however, it would not appear to directly fund them. Similarly, we would like the opportunity of working with Congressman Miller and the Committee on the standards that apply to the state conservation plans to ensure that these plans are effective as possible and on ways to encourage states to move from the planning phase to the implementation phase expeditiously.

We appreciate this opportunity to testify and look forward to working with the Committee on this important legislation.

STATEMENT OF ALAN FRONT, SENIOR VICE PRESIDENT, TRUST FOR PUBLIC LAND

Mr. Chairman and members of the Committee, my name is Alan Front, and I am pleased to appear before you today representing the Trust for Public Land (TPL)—a national nonprofit land conservation organization that works with communities, landowners, and public agencies across the country to secure recreational, scenic, historic, or other important resource lands for public use and enjoyment—as you consider the much-needed establishment of a truly dedicated Federal funding source for land conservation.

First, I would like to express TPL's gratitude and my own to Chairman Young and to Congressman Miller, along with their respective cosponsors, for their leadership in introducing legislation addressing this vital need and for their expeditious handling of these bills. We appreciate the inclusive process the sponsors of both bills have pursued from the outset, and particularly want to commend Chairman Young and his staff for considering diverse input from the conservation community. Given this cooperative spirit—and given the common threads in both proposals, the positive budgetary climate in which you will consider them, and the time-sensitive nature of many willing-seller resource land conservation opportunities now confronting us—we are extremely hopeful that today's hearing will be an important early step on the path to enacted permanent-funding legislation.

We are encouraged that both *The Permanent Protection of America's Resources 2000 Act* (H.R. 798) and *The Conservation and Reinvestment Act of 1999* (H.R. 701) propose to reinvigorate, and to amend the distribution and uses of, the Land & Water Conservation Fund (LWCF), which for 35 years has stood as the principal Federal engine for parkland protection at all levels of government as well as for state and local recreation projects. Both bills also restore the Federal Government's partnership, through a revitalized and modified Urban Parks and Recreation Recovery Act (UPARR) program, in metropolitan park projects.

H.R. 701 and H.R. 798 differ significantly, though, in their approaches to these programs, and in provisions regarding other programs. Based on these differences, as I will describe further, The Trust for Public Land supports *Resources 2000* as introduced, but is unable to support *The Conservation and Reinvestment Act* at this time.

From the standpoint of TPL's on-the-ground work in the real estate marketplace, I would like to offer some perspective on the land conservation titles of these bills and some specific modifications we suggest, particularly regarding Title II of H.R. 701. First, I will share a few thoughts as to why the permanent funding approach envisioned by both bills is so urgently needed.

The Need for Increased, Improved, Permanent Conservation Funding

The Land & Water Conservation Fund was established in 1964 to enable priority additions to Federal conservation areas and grants to states and localities for land acquisition and recreational facilities projects. LWCF was founded on a simple, elegant premise of finance: a portion of Federal revenues from the sale of non-renewable assets are reinvested in other irreplaceable assets for the nation's benefit. I would be pleased to provide the Committee with a recitation of statistics on annual Outer Continental Shelf (OCS) receipts and annual LWCF levels, though I suspect

these all are known to you; for today's purpose, suffice it to say that the fund's unappropriated balance exceeds $12 billion.

Many members of Congress have worked to sustain LWCF through challenging budgetary times and have advocated for specific projects and programmatic uses of the fund. But because LWCF, despite its elegant logic, was not truly set aside from OCS receipts but rather is addressed annually within the Interior Appropriations allocation, funding has varied widely from year to year and has fallen far short of the needs in America's parks, forests, refuges, and other public landscapes. Consequently, there is an immense backlog of willing-seller acquisition needs, support to state and local agencies essentially has dried up, and key opportunities are lost each year.

The shortage of LWCF dollars has posed extreme challenges to resources, effective public management, landowner needs, and community needs. The inability to acquire lands as they become available often leads to private inholding development that can take a toll on resource quality and recreational opportunities of adjacent public lands. Where inconsistent uses occur on private lands amid protected parklands, the true costs of "managing the holes" in public ownership can drain agency budgets, and in fact can far outstrip the cost of acquisition. The paucity of purchase funding can place willing-seller property owners in a difficult and unjust position; those who have public-spirited aims for their lands, or face excessive controversy over proposed private uses due to the public resources they host, often have to wait years for the just compensation that acquisition provides. For communities that depend on public land protection not only for recreation but also to provide safe drinking water, support tourism, or meet other local needs, the inability to secure public lands can have severe economic consequences.

Revitalizing LWCF and UPARR

Recognizing these challenges, both *Resources 2000* and *The Conservation and Reinvestment Act* would provide reliable, permanent funding to fulfill the original purposes and expectations of LWCF. H.R. 701 and H.R. 798 would set aside a portion of OCS revenues each year, without further appropriation, to fund LWCF at its currently authorized level. In both bills, this substantial, predictable annual commitment affords the opportunity to restore LWCF's stateside program, striking an important and overdue balance between essential funding of Federal needs and appropriate investment in state and local conservation and recreation. From our work with constituencies, landowners, and agencies on both sides of this equation, the Trust for Public Land applauds this big-picture approach.

In a number of salient details where the two bills diverge, however, TPL has substantial concerns regarding provisions in *The Conservation and Reinvestment Act* that we believe would result in undue restrictions and delays. Among these are the following:

—H.R. 701 would limit Federal LWCF funds to lands exclusively within exterior conservation area boundaries. But while most acquisition currently takes place inside these lines, our work with such agencies as the U.S. Forest Service sometimes takes us near but outside the boundaries to secure priority lands that contribute to established agency programs. In some cases, single ownerships are transected by agency boundaries. Congress and the agencies now pursue these sorts of "outholdings" with LWCF funds; hemming in this already-existing flexibility would be counterproductive.

—H.R. 701 would direct 2/3 of Federal LWCF to the eastern United States. There are pressing needs in these states, but the needs are no less pressing elsewhere. Currently, annual Congressional direction of LWCF and Administration budget proposals can focus dollars on priority projects when and where properties become available, irrespective of geography. To remain responsive to communities and property owners in these priority areas, Congress needs to retain this existing flexibility.

—H.R. 701 would require enactment of new law for any LWCF project whose Federal cost exceeds $1 million. Such a requirement would create enormous and often insuperable obstacles to timely project completion. Congress routinely deliberates and appropriates funds substantially in excess of this proposed limit with no new enabling legislation; in fact all acquisitions rely not only on those deliberations but also on existing authorizing statutes that already provide for these land purchases.

TPL firmly believes that this provision mandates duplicative enabling legislation and threatens to overload the apple-cart of this Committee's workload. Moreover, the resulting inevitable delays are certain to leave landowners and communities hanging, and in many cases to doom win-win projects that happen (as is so often the case) to be on short fuses. We therefore believe it is absolutely

essential that you retain the kind of project scrutiny that the Hill and the Administration now exercise, as H.R. 798 provides for, but that you not unnecessarily add to it.

TPL appreciates the inclusion in H.R. 701 of Indian Tribes and Alaska Native Corporations as eligible recipients of stateside LWCF funds. We are now working in a number of areas on tribal land conservation projects. To foster that work, we ask that this eligibility be extended, as it is to other stateside recipients, to include tribal land acquisition.

Both H.R. 701 and H.R. 798 also guarantee restoration of meaningful funding levels to the Urban Parks and Recreation Recovery Act program. As an organization dedicated to meeting community conservation and recreation needs, particularly where people live and work, TPL witnesses daily and first-hand the urgent backlog of urban park protection and reclamation needs. We therefore strongly support the proposed recommitment to this vital program. We also are grateful for the prposed updating of the program to better address the facilities and land protection demands facing our urban partners.

Given the demonstrated need across the nation for a fully-funded LWCF and for adequate UPARR investment, we urge the Committee to fund UPARR from OCS revenues beyond those intended for LWCF, as proposed in *Resources 2000,* rather than relying on LWCF funds for both programs as provided for in *The Conservation and Reinvestment Act.*

Other Conservation Provisions

Beyond LWCF and UPARR, *Resources 2000* also includes a number of other titles that TPL fully endorses, and to which we hope the Committee will give its full attention and support. Taken together, these provisions would establish a strong and integrated family of funds for resource protection, restoration, and management. We appreciate this holistic approach to the nation's environmental infrastructure.

Among the important threads in this fabric of stewardship is Title IV of the bill (Farmland, Ranchland, and Forestland Protection), which extends the conservation reach of the bill in extremely important ways. It provides for a steady investment in the Forest Legacy Program, which TPL has participated in extensively and which has done much to preserve working timber landscapes in a number of areas. Similarly, it provides critically needed funding to protect agricultural lands from loss to urban sprawl or other conversion. We hope the legislation the Committee advances will include this exceptionally useful, voluntary mechanism for sustaining traditional resource-based livelihoods and lifestyles.

The Road Ahead

TPL greatly appreciates the opportunity to share these perspectives with you as you review this landmark legislation. We look forward to providing any additional help we can to assist the Commmittee's consideration, and we hope that the 106th Congress will take advantage of this unprecedented chance to restore and enhance its commitment to conservation.

STATEMENT OF THOMAS J. COVE, VICE PRESIDENT, GOVERNMENT RELATIONS, SPORTING GOODS MANUFACTURERS ASSOCIATION

Good morning, Mr. Chairman. My name is Thomas Cove. I am Vice President of the Sporting Goods Manufacturers Association (SGMA). SGMA is the national trade association for producers and distributors of athletic equipment, footwear and apparel. We have more than 2,000 member companies.

I welcome the opportunity to testify this morning and would like to start by commending both the Chairman and Ranking Member for the leadership they have shown in calling for greater resources to be devoted to our nation's conservation and recreation programs. Both bills under consideration by the Committee this morning represent bold initiatives in an area that vitally needs visionary thinking and commitment. My industry and the broader recreation community are deeply encouraged by the introduction of these bills. We believe it is high time to debate how to reestablish the promise made to the citizens of this country 35 years ago to invest in natural, cultural and recreational resource protection with the proceeds of offshore oil and gas drilling. We have seen the unique promise of the Land and Water Conservation Fund cheapened for too many years.

A well-funded and widely supported LWCF will provide the tools for stewardship of our public lands, and, for the first time in years, is attainable. The recreation community sees this as an unprecedented opportunity and we intend to play whatever role we can to ensure the legislative process results in bold, breakthrough, bi-

partisan legislation that will indeed rekindle the auspicious LWCF vision. We need to get to work.

I recognize there are substantive differences between H.R. 701 and H.R. 798. The two proposals raise several important policy issues that must be addressed. These hearings are serving to highlight many of them. I share some of these concerns, and will speak to them later in my testimony. But initially, I would like to focus on provisions of the proposed bills that are quite similar, and are critically important to my industry and to America's families and communities, namely the state assistance program of the LWCF and the UPARR program.

Almost two years ago to this day, I testified before Chairman Hansen's National Parks and Public Lands Subcommittee in an oversight hearing on the state grants program of the Land and Water Conservation Fund. At that time I brought a message of lament. The stateside program had been virtually eliminated due to lack of funding. UPARR also was getting no appropriations. The Federal side of LWCF had to scratch for every dollar it could, and was annually funded at hundreds of millions of dollars below authorized levels. Backlog was increasing. More important, precious resources at the local, state, regional and Federal levels were being lost. Never to be recovered.

Today, it is with great expectation that I come before the Committee again. In place of lament, there is hope. In place of indifference, there is leadership. In place of a moribund program, there is new legislation. And, in place of tired claims of empty coffers, there is a real possibility for mandated spending of the incoming OCS revenues.

What has not changed, and what I would like to spend a moment addressing this morning, is the tremendous need in America today for the kinds of resources the Land and Water Conservation Fund and the UPARR program can protect and make available to the people.

In inventory of America's sports and recreation infrastructure today shows a simple equation way out of balance. The demand for accessible, safe, clean, recreation facilities—ball fields, courts, trails, rivers, greenways, bike paths, lakes, nature preserves and the like—is far outstripping supply. The problem is particularly acute, not surprisingly, near major metropolitan centers, but it is truly a nationwide concern. It is a basic quality of life issue that full funding of LWCF and UPARR would go a long way to alleviate.

Let me explain how the problem manifests itself around the country.

It is an urban issue. In the city of Minneapolis, Minnesota, it is estimated that literally thousands of young girls and boys want to but will not get to play soccer this year, due to lack of playing fields in their neighborhood. There is only one public soccer field in the entire city, (a second one is now under construction), while there are 341 soccer fields built and maintained in the Minneapolis suburbs.

Inner-city focused programs like Reviving Baseball in the Inner City (RBI), Soccer in the Streets, and Boys and Girls Clubs Housing Project program all report lack of fields and facilities as constraints to serving greater numbers of at-risk youth. Just last month at a meeting of mayors and large urban county executives, securing additional Federal support for urban parks was identified as the top priority of the group.

Images of unscathed community gardens and parks adjacent to torched buildings after the 1992 Los Angeles riots offer a powerful illustration of the value urban communities place on protected open space.

It is a suburban issue. The explosion of soccer participation is America is well established and the trend is continuing. Let me cite the example of a single Maryland county. In this county, 25,000 girls and boys play organized soccer, with only 74 soccer fields to serve them. Last year in one age-specific league, 550 children were turned away due to lack of field space. In the next two years, county officials estimate 60-120 fields will be required to meet recreational demand. By the year 2005, 40,000 county kids are expected to register for soccer. This is a single, not atypical, county.

In Ft. Lauderdale, Florida, there is a waiting list of 1,000 children to play in the American Youth Soccer Organization League. According to AYSO officials, the reason is that sub-divisions are being constructed without zoning requiring open space and parks.

Nationally, the United States Soccer Foundation has received 1,050 formal grant applications to build soccer fields in urban, suburban and rural areas in the past four years. The Foundation believes this represents a small fraction of the actual demand for more fields. The Foundation has been able to award grants to only 7 percent of the applicants.

The problem is not unique to soccer. There is no football field in Hopewell, New Jersey and the surrounding area. This year, after ten years without football, Hope-

well parents decided to gauge interest in setting up a local Pop Warner league. More than 130 kids signed up at the first call. Now this community is scrambling to find a usable space for its youth football program, while simultaneously raising thousands of dollars to buy equipment and supplies, hire referees and pay operating expenses. Lack of a field may yet keep those Hopewell kids from playing youth football.

It is a gender equity issue. In Georgia, girls and women's softball league administrators are forced to do battle with baseball officials over allocation of scarce fields. In one fairly typical Georgia city, there are five fields for the 800 boys (and several girls) who play baseball, while there is only one field for the more than 300 girls who play softball. Already at capacity, this girls softball program would expand substantially if more fields were made available. Such conflicts are documented across the country.

As Title IX has opened doors for girls and women to play non-traditional field sports like lacrosse, rugby and field hockey, conflicts over field usage have risen. With the United States hosting the Women's World Cup this summer, and the American women favored to gain international soccer's ultimate prize, we envision even greater rates of participation in girls and women's soccer, further complicating the field dilemma.

It is a cultural issue. Field scarcity forces many youth sports leagues to schedule games on Sundays, often from early morning until dusk. This presents a serious conflict for many parents who want to take their families to religious services or keep Sunday devoted to "family time." Many Pop Warner football leagues use the local high school football field for games. On any Saturday when the high school hosts a home game, the Pop Warner kids must play on Sunday. Frazzled league administrators are left with little choice but to schedule Sunday games, even though they know substantial numbers of would-be players won't be able to participate.

It is a socio-economic issue. One response to these field conflicts among local parents and supporters has been to develop and operate private, fee-based sports facilities. This market-based approach has produced some of the nation's finest fields, courts and support facilities, truly first-class athletic complexes. They are serving a valid purpose, especially for the elite athlete. But use of these facilities comes with a price, and often the price of admission effectively excludes large segments of the community from participation. The development of private fee-based facilities is welcome news for many, but it is not the fix to the widespread challenge of providing affordable recreation to all Americans. We should not allow a family's financial resources to limit young people's basic access to sports and recreation.

Economics also play a role in allocation of many public parks and ball fields. Cash-strapped public recreation departments establish fees for field rentals that only adult leagues can comfortably pay. Many youth leagues, already challenged to provide registration scholarships and equipment donations, cannot raise sufficient funds and are left with less desirable fields, or time slots.

It is a health and safety issue. A recently-released study by the Centers for Disease Control established that people living in neighborhoods they perceive as unsafe are demonstrably less likely to get outside for physical activity. Almost 40 percent of people ages 18 to 64 living in "not at all safe" neighborhoods reported no physical activity or exercise the previous month. The impact on older Americans is severe. The study found 63 percent living in unsafe areas got no exercise, compared with 38 percent in safer areas. The provision of safe, clean, nearby parks would provide vitally needed opportunities for Americans of all ages to get out and appreciate their natural environment.

Similarly, quality recreation facilities and programs offer safe haven to thousands of at-risk urban youth and their parents. Police Athletic League, Boys and Girls Clubs, public recreation departments in every major city in this country—they all provide recreation opportunities for young people during after-school and summer hours where few desirable alternatives exist. These safe haven programs often serve to reduce rates of violent crimes, teen pregnancy and truancy. Just ask the local police officers and social workers.

It is an educational issue. One of LWCF's greatest legacies is the preservation of the natural environment for generations to learn about in a hands-on, experiential manner. Scores of LWCF sites have served to awaken young people's awareness of, and appreciation for, the natural world around them. We are concerned that unabated sprawl and unchecked urban degradation may lead to generations of Americans who have no connection to the wonders of our country's vast natural legacy. We must ensure that refuges, parks, and nature centers are protected in places close to where people live, thereby guaranteeing children and families the chance to learn environmental ethics on their own terms.

I provided anecdotes to put a human face on the tremendous needs facing America's communities. The stories truly represent a nationwide challenge. The National Council of Youth Sports represents more than 53 national youth sport organizations, whose membership consists of more than 45 million children participating in organized sports programs. In its 1997 Member Survey, NCYS reported that 97 percent of its members organizations conduct outdoor programs and believe there is an immediate need to advocate for Federal support for LWCF-type legislation. At the same time, NCYS reported that up to that point in time 98 percent of its membership maintained no advocacy capability in Washington. The National Recreation and Park Association estimates the backlog of capital investment needs for state and local parks exceeds $25 billion.

State and local parks are where the vast majority of Americans recreate day in and day out. Though most Americans might love to visit our showcase national parks regularly, they are unable to for reasons of economics, geography, or competing leisure alternatives. Most Americans recreate close to home—in local, regional and state parks. Whether for toddlers in a playground, teenagers on a ball field or senior citizens on a nature trail, easily accessible recreation opportunities contribute significantly to quality of life for individuals, families and communities across the country. Participation in recreation is valued not just for enjoyment, but because Americans know it leads to improved physical and mental health, better appreciation of nature and the environment and stronger, shared values.

As such, the recreation industry and community regards LWCF (both Federal and Stateside) and UPARR, when funded, as an unqualified success story. The Land and Water Conservation Fund was a promise made to the American people beginning in 1965 that has delivered a return on investment that any Wall Street financier would be proud to call his/her own, even in today's high flying market.

The problem is that the investment was drastically reduced in the 1980's and early part of this decade. Today, we are feeling the impact. We cannot continue to pass on these needs to the next generation without action.

Which brings me back to the bills under consideration by the Committee.

Let me be clear. We generally support H.R. 701 because it will provide a permanent, dedicated, sustainable funding source for Federal and state LWCF and UPARR. This is the heart of the bill for us. SGMA supports H.R. 798 as presented. But the provisions I am about to address represent areas where H.R. 701 can be improved. We sincerely hope the Committee can address these concerns before the bill is brought to mark-up.

I want to raise specific legislative concerns we see in Title II, as they relate to the administration of the Land and Water Conservation Fund. The "Allocation" provision in Section 202 is unnecessarily restrictive in its limitation of purchases to lands solely within the exterior boundaries of Federal land management units. This poses a particular problem for my community because it will exclude many important recreation lands that fall outside a designated management unit. We strongly believe willing sellers of land on Utah's Bonneville Shoreline Trail or on the Ice Age Trail in Wisconsin should be able to be accommodated in order to protect valuable recreation resources.

Similarly, we oppose the requirement that 2/3 of Federal moneys be spent east of the 100th meridian. We believe Congress annually takes very seriously its obligations to determine priority uses of LWCF. We see this provision as overly constraining the flexibility of Congress to determine the nation's land acquisition priorities.

We believe that a $1 million cap on Federal contributions to individual projects is redundant and therefore, unnecessary. We believe there exists adequate control over the potential expenditures, through State Action Plans and congressional committee oversight.

With regard to Title I, my industry is strongly against the use of coastal impact assistance as an incentive to promote increased offshore oil and gas drilling. We are not in a position to adequately assess what might serve as an incentive, so we urge that all consideration be given to ensuring that final language represents as clearly as possible the notion that any funds distributed according to the three titles be incentive-neutral.

With regard to Title III, the sporting goods industry supports the need to develop a dedicated revenue stream to provide funds for wildlife and habitat management. We applaud the drafting work of this title, particularly as it moves away from previous proposals to impose excise taxes on sports products to produce the desired revenue stream. This appears to be an ideal resolution to a longstanding problem.

We believe one element of Title III should be changed. We would like to see modified the state matching requirements for the Title III funds so as to conform to mandated state matching requirements in Title II. It is illogical for recipient state and

local park agencies to be required to match 50 percent funding under Title II, while recipient state wildlife agencies are required to match as little as 10 percent.

In closing, Mr. Chairman, we applaud your leadership in proposing a bold return to the original promise of the Land and Water Conservation Fund and UPARR. We recognize competing interests hold strong views about how these funds should be administered. My message today is these programs will deliver immeasurable value and enjoyment to millions of American communities and families. We need to find a way to fund them. We urge the Committee to work together to develop a broadly supported, bipartisan bill that can be passed by the House and Senate, and signed into law. We stand ready to work with you to this end.

Thank you.

STATEMENT OF KEVIN PAAP, VICE PRESIDENT, FOR THE AMERICAN FARM BUREAU FEDERATION

Good afternoon. My name is Kevin Paap. I am a dairy farmer from Garden City, Minnesota, and serve as Vice President of the Minnesota Farm Bureau Federation. Minnesota is a coastal state identified in H.R. 701. I am appearing today on behalf of the American Farm Bureau Federation.

We appreciate the opportunity to appear before the Committee today to testify on H.R. 701, the Conservation and Reinvestment Act of 1999. The bill provides a dedicated source of funding from revenues derived from Outer Continental Shelf (OCS) leases for a variety of programs such as OCS impact assistance, land acquisition, payment in lieu of taxes, urban parks and recreational development, and wildlife enhancement. We will direct our comments to those programs that involve land acquisition and wildlife habitat enhancement.

One section of the bill provides a dedicated source of funding to the Land and Water Conservation Fund, which has been used primarily for the purchase of land by state and Federal Government agencies. This Fund has a Federal component, which provides money directly to Federal agencies, and also has a state component, which provides matching funds for use by state agencies.

If funding is to be provided for Federal and state lands, we strongly urge that any such funds be first earmarked for repair and maintenance of existing lands before being authorized to purchase additional land. The Federal land management agencies have a significant backlog of repairs and maintenance to their lands that totals billions of dollars. The U.S. Forest Service recently issued a moratorium on further road building in the National Forests because it could not keep up with maintenance of existing roads, which has an estimated $8 billion backlog.

We should first use any funds to take care of the lands that we have. If our national parks are considered "American jewels," America would be better served to have fewer jewels that are high quality and polished, rather than more lower quality, unpolished and imperfect ones.

Because farmers and ranchers own much of the remaining privately-owned open space in the country, they are natural targets for having their land appropriated by governmental entities for various purposes. In addition, condemnation of private lands by governmental entities results in the removal of those lands from the tax rolls, thereby increasing the tax burden for the remaining private landowners in the area. Farmers and ranchers have experienced numerous problems with different levels of government condemning their property for whatever purpose. We are naturally skeptical, therefore, about any bill or action that involves or authorizes the acquisition of land by government. We carefully review such proposals to ensure that there are adequate safeguards for private landowners.

We are pleased that H.R. 701 contains such safeguards with respect to the Federal component of the Land and Water Conservation Fund amendments (LWCA). By limiting Federal purchases only to existing inholdings and to willing sellers, the bill prevents the runaway and uncontrolled acquisition of Federal lands that many people fear. Other bills such as H.R. 798 do not contain these safeguards. Unlike similar provisions in H.R. 798 and other bills, we feel that the conditions placed on the expenditure of Federal LWCA funds in H.R. 701 adequately protect private property interests.

The state component of the bill contains no such safeguards. We urge that the bill be amended to incorporate the same conditions on the use of Federal matching funds for state purchases as exist for Federal acquisitions.

Also unlike H.R. 798 and similar bills, H.R. 701 provides that for any money collected above the maximum authorized for the LWCA, the excess shall be applied to the Payment In Lieu of Taxes program. This Farm Bureau supported program, which seeks to make up for lost local tax base resulting from the presence of Federal

lands by making payments for use in local areas, has been traditionally underfunded. We support the effort of H.R. 701 to give this program a needed shot in the arm.

No less significant are the provisions that seek to further the partnership between private landowners and the government to enhance wildlife and its habitat. Privately owned farm and ranch lands provide a significant amount of the food and habitat for our nation's wildlife. For example, over 90 percent of plants and animals listed under the Endangered Species Act (ESA) have some of their habitat on nonfederal lands, with 78 percent occupying privately owned lands. Approximately 34 percent of all listed species occur entirely on nonfederal lands. The agencies must have the cooperation of farmers, ranchers and private property owners if the ESA is going to work. Private landowners are clearly the key to the Act's success.

The American Farm Bureau Federation believes that an appropriate balance between the needs of a species and the needs of people can be struck. We agree with the basic goals of wildlife enhancement. No one wants to see species become extinct, yet at the same time no one wants to see people lose the capacity to produce food or to be without essential human services. Given the proper assurances, farmers and ranchers can play a significant role in management of species on their property.

We are therefore very pleased that both H.R. 701 and H.R. 798 contain programs that acknowledge and seek to implement this partnership. Both of these programs contain positive elements. Both programs provide for agreements between agency and landowner to benefit species on their property. H.R. 798 provides a definite source of funding for its program, whereas H.R. 701 does not.

H.R. 701 would create the Habitat Reserve Program (HRP). The HRP is the type of program that provides those assurances and achieves that balance between species and landowner that is necessary for the well-being of both. Farm Bureau is committed to making this type of program work.

Under this section, farmers and ranchers would enter into contracts for the protection of habitat for listed species. The private landowner would be paid for managing and protecting species habitat, similar to the way that the Conservation Reserve Program works. This program effectively recognizes the public benefit that private landowners provide for listed species, and responds in an appropriate manner. It encourages landowners to voluntarily provide needed management for species and habitat while at the same time allowing the landowner to productively use the land through payments received through the program.

This program will enhance the conservation of species because it provides for their active on-the-ground management by affected landowners instead of the current passive government management practices of easements and land use restrictions. At the same time, it provides landowners with flexibility to manage their property. The HRP thus provides benefits for both the species and the landowner—the type of "win-win" scenario that is needed.

In conclusion, we believe that H.R. 701 provides more overall balance than H.R. 798 and similar bills thus far introduced. We also believe that is offers the best chance of achieving any sort of consensus on the issues contained therein, so long as appropriate amendments as suggested in our testimony are incorporated.

We look forward to working with the Committee on the issues we have addressed in our testimony today.

STATEMENT OF RALPH GROSSI, PRESIDENT, AMERICAN FARMLAND TRUST

Mr. Chairman, American Farmland Trust (AFT) appreciates this opportunity to provide your Committee with our views on the merits of H.R. 798. I am Ralph Grossi, president of AFT and the managing partner of a family farm that has been in the dairy, cattle and grain business in northern California for over 100 years. American Farmland Trust is a national, non-profit organization with 31,000 members working to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment.

Mr. Chairman, I want to suggest that it is time that working with private landowners be the foundation of future conservation policy. H.R. 798 contains provisions that move us in that direction. American Farmland Trust supports the Resources 2000 Act because this bill recognizes the role that private landowners play in the stewardship of our natural resources, protecting their property rights, while compensating them for the environmental goods they produce for the public.

My comments today will focus on the specific provisions in H.R. 798 that direct conservation incentives toward private landowners. For the past quarter century conservation and environmental objectives in our country have been largely achieved by either imposing regulations or through government purchase of private

land. However, these actions have failed to resolve conflicts over important environmental problems like species or farmland protection, for example—that rely on the participation of thousands of private landowners. At AFT we very strongly believe that the in the 21st century new approaches to land conservation will be needed that address the concerns of private landowners.

The farmland protection provisions of the Resources 2000 Act recognize that America cannot—indeed should not—buy all the land that needs protecting. Instead it acknowledges that America's private landowners play a vital role in producing conservation benefits for all Americans to enjoy, and rightfully compensates them by providing $150 million annually for the protection of America's best farmland, ranchland and forestland while leaving it in private ownership.

The easement acquisition, or purchase of development rights, approach proposed by the bill provides an innovative, voluntary opportunity for appropriate local agencies to work with landowners by offering them compensation to protect the most productive farmland—farmland that is critical to both the agricultural economic base of our rural and suburban communities and the environmental values provided by well-managed farms. It would also provide important matching funds to the many local and state efforts working to protect farmland.

Under the bill's provisions, protected lands would remain on the local tax rolls contributing to the local economy. The value of this approach to local communities should not be understated. AFT has conducted more than forty Cost of Community Services Studies around the country. In every case, these studies have shown farmland provides more property tax revenue than it demands in public services, while sprawling residential development almost always requires more in services than it pays in taxes.

Conservation policy does matter to farmers and ranchers, who are strong believers in individual freedom and private property rights. Their support for conservation policies is absolutely critical because they own the land that is at stake in the increasing competition for its use. But as competition for land has increased, so has disagreement over how to balance economic use with conservation of natural resources and the increasing demands being placed on private landowners to achieve objectives whose benefits accrue largely to the public. Debate over land use has focused on private property rights and the appropriate role of government in protecting resources while polarization on this issue has in many cases stalemated effective policymaking.

Landowners often complain that government regulations infringe on their freedom and force them to bear an unfair share of the cost of protecting the environment, while the public argues that landowners have a duty to conserve resources for future generations.

But the fact remains that for most landowners the equity in their land represents the hard work and savings of at least one if not numerous generations of the farm family. Their land is their 401(k)! As farmers we are proud of the abundant supply of food and fiber we have provided Americans and millions of others around the world; and we are pleased that we also "produce" scenic vistas, open spaces, wildlife habitat and watershed integrity for our communities to enjoy. And in many instances, our farms and ranches serve as crucial buffers around our parks, battlefields and other important resources. These are tangible environmental goods and services that farmers should be encouraged to produce and appropriately rewarded for. It is only fair that the cost of producing and maintaining these goods that benefit so many Americans be shared by them.

Farmers are the caretakers of the land, and voters are starting to realize this fact. The recent surge in local and state efforts to protect farmland suggests rapidly rising national concern over the loss of farmland and the environmental benefits it provides.

In last November's elections 72 percent of 240 initiatives to protect farmland and open space were approved by voters across the nation. In recent years Governors Engler, Voinovich, Ridge, Pataki, Wilson, Whitman, Weld, Glendening and others have supported or initiated farmland protection efforts to address this problem. Nearly every day this year major newspapers have carried articles about sprawl and "smart growth," frequently citing farmland protection as one of the key components of the latter. And the President highlighted the need to help communities protect "farmland and open space" in his State of the Union speech.

Recent studies by American Farmland Trust have documented that more than 80 percent of this nation's fruits, vegetables and dairy products are grown in metropolitan area counties or fast growing adjacent counties—in the path of sprawling development. And a 1997 AFT study found that over the past decade over 400,000 acres of prime and unique farmland were lost to urban uses each year. The loss of soil

to asphalt—like the loss of soil to wind and water erosion—is an issue of national importance.

But one should not get caught up in the "numbers game." The fact is that every year we continue to squander some of this nation's most valuable farmland with the expectation that this land can be replaced with other land in this country or abroad, or with new technologies that promise to help maintain the productivity gains of the past half century. The reality is that we don't know whether new technologies will keep pace. What we do know is that whatever those technologies will be, it is likely that they will be more efficiently applied on productive land than on marginal land where higher levels of energy, fertilizer, chemicals and labor per unit of output are required. Simply put, it is in the nation's best interest to keep the best land for farming as an insurance policy against the challenge of feeding an expanding population in the 21st century.

However, food security is not the reason farmland protection has emerged as a national issue. Communities all across the nation are working to protect farmland because it produces a lot more than food and fiber.

- In many regions of the nation, enough farmland is being paved over to place the remaining farms at risk, due to the lack of a critical mass of land and services to support agriculture—farm machinery, supplies, marketing outlets, etc. Too often, while local leaders work to bring new business to a community they overlook agriculture as a true "wealth generator"—an industry that brings value to the community from renewable natural resources. In many traditional farm communities citizens are awakening to the prospect that this important, consistent economic base is at risk; and they recognize that one of the solutions is to ensure that the land base is protected. This calculus has little to do with the global food supply and everything to do with the value of farming to local economies.
- Residents increasingly frustrated with long commutes, deteriorating public services and a loss of the scenic views, watershed protection and wildlife habitat, that is so much a part of their quality of life, are among the strongest advocates for farmland protection. The working landscape around our cities adds value to the life and property of all the residents of a given community. And in some cases, farms that are far from the city add critical values; for example, the protection of farms hundreds of miles from New York City is helping improve the water quality and reduce water treatment costs for the residents of Manhattan.

Increasingly, farmland protection is seen as an inexpensive way to protect scenic vistas that enhance the community for both residents and visitors while keeping the land in productive use on local tax roles. Farmers are "producing" a valuable product for their new suburban neighbors—environmental quality; and farmland protection programs such as purchase of development rights and the use of conservation easements proposed by H.R. 798 have become mechanisms to compensate them for these "products."

As more communities struggle with the problems of suburban sprawl, private lands protection is emerging as a key strategy of smart growth. The techniques proposed by the Resources 2000 Act add an element of fairness to the difficult challenge of achieving public goals while balancing private property rights, by providing a means of compensation for value received by the community at large. They are a reasonable balance to the regulations that often lack fairness when applied alone.

The findings of a recent AFT survey show that most landowners are willing to share the responsibility of protecting the environment with the public through "hybrid" programs that combine reasonable regulations with adequate financial incentives. The Resources 2000 Act helps to achieve this balance by adding carrots to the sticks of existing regulation.

This bill will help protect the working agricultural landscape of America, and do it in a manner that shares the responsibility of stewardship between private landowners and the public at large by fairly compensating for value received. The Resources 2000 Act is an excellent example of how to govern in a better way, a way that involves communities and local and State government, a way that empowers farmers rather than imposing on them.

Mr. Chairman, during this Congress you will have unprecedented opportunities to develop policies to encourage and reward stewardship on this nation's private lands; and to re-direct financial resources in a way that shares the cost of protecting our great natural resources between the taxpayers who enjoy them and the landowners that steward them. While it is not the domain of this Committee, in closing I call your attention to the Federal farm programs. At a time when the public is demanding more of private landowners every day, I ask you and all of Congress to consider a major shift of commodity support payments into conservation programs

such as farmland protection that help farmers meet those demands in a way that is fair to all.

Thank you for providing me with this opportunity to testify today, and I look forward to working with you to establish a truly farmer-friendly conservation policy.

STATEMENT OF HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mr. Chairman, thank you for holding two days of hearings on this legislation. I appreciate the fact that you and the key sponsors of H.R. 701 have shown a willingness to work with members of the Committee and others on various provisions of this bill.

While I certainly share your interest in making sure that those States affected by offshore resource development are provided the necessary Federal revenues to mitigate those impacts, I remain concerned that this legislation should be subject to annual appropriations. In my view, if the bill does indeed create a dedicated fund, not subject to Congressional appropriation, we will be leaving the door open to possible land acquisitions by all levels of government. As I understand it, that is not the specific intent of Title I of your bill. However, absent specific barriers to land acquisition, my fear is that it is bound to happen. For example, there are too many instances of members on both sides of the aisle introducing legislation to establish a national park or monument in someone's honor. We in Congress are infamous for doing just that. Unfortunately, we don't always provide the money to pay for these new areas. As a result, we have a tremendous backlog of acquisitions already on the books. And, sadly, the Federal Government has far too difficult a time managing and maintaining the lands already in its possession.

In my own State of Wyoming, we have an overwhelming backlog of maintenance problems in Yellowstone National Park alone—from road construction to sewer system repairs—and it has become a priority of mine to address those needs. From that perspective, I'd like to reiterate my intent to work with you, Representative Tauzin and members of the Appropriations Committee to fashion a provision in H.R. 701 which would combat those problems. They are substantial and I personally would feel remiss in my responsibilities to my constituents if I failed to attempt to resolve them.

Aside from that, I would like to applaud your efforts to fund the Payments in Lieu of Taxes (PILT) program at the fully authorized level.

This has been another priority of mine for quite some time and I am hopeful that with your assistance we can convince the appropriators how vitally important these funds are to local communities. As I'm sure you are no doubt aware, the oil and gas industry throughout the West has been experiencing a severe downturn in production, resulting in a cumulative loss of 41,000 jobs and the shut-down of more than 136,000 oil wells and 57,000 natural gas wells since prices crashed in November, 1997. States like Wyoming rely heavily on those royalties for their school systems, not to mention fire and rescue and public safety funding. Absent those revenues and a PILT program that is not adequately funded, local counties have been struggling in recent years to make ends meet. So I look forward to working with you on that aspect of this legislation as well to see if we can provide some much need economic assistance to municipal activities and programs.

Again, thank you for holding this second day of hearings. I see we have some distinguished panels of witnesses and I welcome their testimony and the opportunity to seek their views on how we can improve upon H.R. 701.

STATEMENT OF SENATOR MALCOLM WALLOP (RET.), CHAIRMAN, FRONTIERS OF FREEDOM

Chairman Young, thank you for inviting Frontiers of Freedom to testify today on these important issues. My name is Malcolm Wallop, and I am chairman of Frontiers of Freedom. From 1977 until 1995, I represented Wyoming in the Senate, where I served on the Energy and Natural Resources Committee. As a rancher near Big Horn, Wyoming, I have a lifetime's experience of private stewardship and of Federal land management practices. I founded Frontiers of Freedom to defend the constitutional rights of all Americans and to restore constitutional limits on government at all levels.

Frontiers of Freedom opposes enactment of the Conservation and Re-investment Act, the Permanent Protection for America's Resource's 2000 Act, and other similar proposals, such as the Clinton-Gore Administration's Lands Legacy Initiative. While

my remarks today are directed at H.R. 701, most of them apply just as well to H. R. 798 and the Lands Legacy program.

Before discussing our objections to the bill, I would like to urge you, Mr. Chairman, and distinguished members of the Committee to hold extensive field hearings before you proceed to mark-up. This is major legislation, which would have serious consequences far into the future for a great many people. But from what I could see from the witness list released last Friday, nearly all the witnesses at these hearings represent institutions that would be financial beneficiaries of this legislation. I really don't think you need two days of hearings to find out that those who are to receive large sums of money from the Federal treasury are generally in favor of it.

There are people all across the country, however, who will be the targets rather than the beneficiaries of H.R. 701. It seems to me that you should at least listen to them. In 1988 when this Committee considered similar legislation, Chairman Udall's American Heritage Trust Act, Representative Vento's subcommittee heard testimony from a number of prominent opponents who have not been invited to testify at these hearings. I therefore urge you to hold field hearings, not in places such as Louisiana that stand to gain hundreds of millions of dollars a year from Title I, but in places where you can hear from people whose livelihoods and ways of life may be destroyed by enactment of H.R. 701. In particular, I hope you will travel to the Northern Forests of Maine, upstate New York, New Hampshire, and Vermont, which are now under assault by the preservationists; and to an area in the West, such as my own State of Wyoming, where the Committee can learn about the negative environmental and economic consequences of massive government land ownership.

Frontiers of Freedom agrees that revenues from Outer Continental Shelf oil and gas production should be shared with the States. However, we believe that it should be shared only with the States that actually have OCS production off their shores and in the same way that revenues from onshore Federal leases are shared with those States in which they are located—that is, fifty-fifty. We urge you to introduce legislation that would do that in a straightforward way and would enthusiastically support your efforts to pass such a bill. The method that H.R. 701 adopts is in our view much less satisfactory because it will send much less money to the six OCS States than the 50 percent that they should be receiving and because the funds distributed will be earmarked for a specific purpose rather than going into the States' general treasuries.

These shortcomings are insignificant compared to the way H.R. 701 ties OCS revenue sharing to a massive increase in government acquisition of private land. Simply put, Frontiers of Freedom believes that the land acquisition provisions are much too high a price to pay for any benefit's the bill may contain.

I have noticed that H.R. 701's proponents, when they have mentioned it at all, have downplayed the magnitude of land acquisitions mandated in Title II. Thus proponents have claimed that the $378 million per year for Federal land acquisition is only $50 or $60 million dollars per year higher than the historic average for Land and Water Conservation Fund acquisitions appropriated by Congress. Further, they seem to assume that state and local acquisitions are somehow more acceptable to private property owners. And they suggest that because the $378 million per year for state and local acquisitions can be spent on development projects, it therefore will be spent mostly on development projects.

If only this line of obfuscation were true. The fact is that H.R. 701 would vastly increase the rate of socialization of private land in this country. Title II turns the Land and Water Conservation Fund into a dedicated fund—that is, not subject to further congressional appropriation. Twenty-three percent of OCS revenues would be deposited into the fund up to the authorized level of $900 million per year. Of this $900 million, $378 million would go to the four Federal land agencies for land acquisition and $378 million to the States (of which 50 percent would then be distributed to local governments) for land acquisition and related development costs.

Two key facts are regularly not mentioned by H.R. 701's supporters. First, the bill would require that all Federal funds for state and local acquisitions be matched fifty-fifty by state and local governments. This means that the total available for buying land is twice times $378 million, or $756 million per year. The leveraging of Federal grants in this way is designed to make it very attractive for state and local governments to spend a lot of money buying private land, regardless of what their taxpayers might think.

Add this $756 million to the $378 million for Federal acquisitions for a grand total of $1.134 billion per year for land acquisition. But this is not all. The second fact not mentioned by the bill's proponents is that Title I funds can also be spent on buying land. According to the Committee's own projections, Title I would distribute

$1.24 billion in FY 2000 to the 34 "coastal States." It is likely that a large chunk of this money will be used to buy land.

As evidence, I would point to the fate of the Exxon Valdez trust fund. At the time that Exxon agreed to put $900 million into a fund to remediate the harmful environmental effects of the oil spill, few people thought that a lot of the money would be used to buy land. Yet, this is precisely what has happened. According to Senator Frank Murkowski, to date $380 million from the trust fund has been used to buy over 700,000 acres of private land, some of it far removed from Prince William Sound. Senator Murkowski recently complained that the trust had purchased 16 percent of the private land in Alaska "and they aren't done yet."

There is an obvious reason why Federal, state, and local land management agencies like to buy land. It increases the size of their empires, which leads to increases in agency budgets and staffs.

Thus I conclude that several hundred millions of dollars per year from Title I will likely be spent on land acquisition. This could well bring the total from Titles I and II to over $1.5 billion per year. This would represent approximately a five-fold increase in funds for land acquisition over the historic average of LWCF appropriations.

This is an appalling possibility. Before you lead Congress down this path, I urge you to consider how much land government already owns, the environmental condition it is in, and the political and economic consequences of that ownership.

According to the BLM, the Federal Government controls about 676 million acres of the nation's land. This constitutes just under 30 percent of the total. I don't have any idea how much land is owned by state and local governments, and I don't think anybody else does either, including state and local officials. The Cascade Policy Institute did a study of how much property just one county in Oregon owned. The total was staggering and came as a complete surprise to the county commissioners.

My point is this. All levels of government already own an enormous amount of land—far too much in my view and unquestionably far more than they can take care of adequately. Therefore, before embarking on a land-buying spree, it seems to me that this Committee could do a great service to the nation by initiating an inventory and assessment of the extent and nature of government land ownership in this country. Then the question needs to be asked, What is the public purpose for government to own this particular piece of land? I suspect that in many cases no plausible reason can be given.

Preservationists will undoubtedly reply that the purpose of all this government land ownership is to protect the environment. Can anyone who has first-hand knowledge of the poor condition of many of the Federal lands really take this claim seriously?

Private property ownership is widely recognized as the source of our economic well being and as the keystone of our system of limited government and individual liberty. Insofar as H.R. 701 lessens private property ownership, it thereby harms our prosperity and threatens our liberty. H.R. 701 should be defeated for that reason alone.

But it must also be recognized that private property ownership provides a higher level of environmental protection than does public or common ownership. This is simply because private property owners have an incentive—their own self interest—to take care of what is theirs. That incentive is usually lacking with public or common ownership. We had recent confirmation of this fact when the Iron Curtain fell. The preservationists who tout government ownership as an environmental panacea led us to believe that we would find a Garden of Eden in the land of socialized property. Instead, we saw one environmental horror after another—dead lakes, poisoned land, vanishing wildlife.

In this country, public accountability has prevented some of the worst consequences of socialization. But we must not be blind to the degradation caused by public ownership. Even Representative Ralph Regula, a staunch defender of Federal land ownership, has opposed major land acquisition increases simply because the Federal Government already owns far more land than it can manage properly. Representative Regula recently pointed to the fact that the four Federal land agencies have themselves identified a $12 billion backlog in maintenance and operations.

Adding land to the Federal inventory at a $378 million per year clip can only increase this colossal figure. This in turn can only lead to the further environmental degradation of our great national parks, forests, and refuges. In terms of stewardship of resources, H.R. 701 is irresponsible in the extreme. Nonetheless, proponents claim at every turn that the opposite is true: H.R. 701 ". . . represents a responsible re-investment of revenue from non-renewable resources into renewable resources of conservation and recreation." This claim overlooks that fact that buying the land is

just the beginning. After buying it, government must then take care of it. And that costs a lot of money and is annual expense in perpetuity.

Where is all the money to manage these new government lands going to come from? As far as I am aware, none of the bill's supporters has said a word about that crucial issue. It appears there are only two choices: either the budget caps for Interior must be increased by nearly two billion dollars per year; or Interior's budget must be slashed by nearly two billion dollars per year.

The first choice would be bad news for American taxpayers. The second choice would be catastrophic for the environmental condition of the Federal lands. With a current backlog in maintenance and operations of $12 billion, cutting $2 billion out of the Interior budget simply cannot be done without destroying the Federal land agencies.

The situation with respect to the state and local land acquisition side of Title II is even more troubling and raises serious federalism concerns. Removing hundreds of millions of dollars of private land from productive uses each year will significantly reduce economic activity in many States and local jurisdictions and consequently reduce the tax base. After all that is accomplished, these state and local governments will then be burdened with the cost of maintaining their new public lands. In effect, H.R. 701 encumbers state and local governments with an unfunded liability that will never end. This should be a serious objection to anyone who values federalism.

Finally, I would like to touch on the effects H.R. 701 will have on people whose land is targeted for acquisition. The fact that several provisions have been included to try to protect landowners signifies that you, Mr. Chairman, are aware of the real nature of land acquisition. For its advocates, the purpose of land acquisition has little to do with preserving the environment. Rather, it has everything to do with acquiring and using power over people and their resources. Land acquisition is used, in conjunction with the whole panoply of environmental regulations, to stop economic activity and to destroy local communities, to deny recreational access and to block transportation and utility corridors. It is also used as a weapon to threaten and control private landowners.

Prohibiting condemnation for Federal purchases and requiring congressional approval for acquisitions over one million dollars will help to curb some of the worst of these abuses, and so I commend you for including them in your bill. However, the efficacy of either of these provisions should not be overestimated. Government agencies have perfected techniques using environmental regulations to turn unwilling sellers into willing sellers. Moreover, this protection is given only to targets for acquisition by Federal agencies. State and local governments should also be required to purchase land only from willing sellers. Requiring congressional authorization for acquisitions over one million dollars is fine as far as it goes for protecting the rights of people who own property worth more than one million dollars. But I cannot understand why one class of citizens should be given more protection than another class of citizens. Indeed, it seems to me that small landowners are more in need of congressional protection from rapacious and unscrupulous land agencies than are big landowners. We would therefore suggest that congressional authorization be required for all acquisitions.

For all these reasons, I urge the Committee to abandon and defeat this unfortunate relic from the era of command-and-control environmentalism. Mr. Chairman, this concludes my testimony. I would be happy to answer any questions that you or other members of the Committee may have.

STATEMENT OF MARK DAVIS, EXECUTIVE DIRECTOR, COALITION TO RESTORE COASTAL LOUISIANA

My name is Mark Davis and I am the executive director of the Coalition to Restore Coastal Louisiana. On behalf of the Coalition, I would like to express our appreciation to the Committee and the Chairman for inviting us to come here today. The Coalition to Restore Coastal Louisiana is a broad based not-for-profit organization comprised of local governments, businesses, environmental and conservation groups, civic groups, recreational and commercial fishermen, and concerned individuals dedicated to the restoration and stewardship the lower Mississippi River delta and Louisiana's chenier plain.

We welcome this opportunity because the matters before the Committee today are of vital concern to anyone interested in the future and stewardship of this nation's waters, coasts, wildlife, and public lands. They are certainly of vital concern to those of us who live at the southern end of the Mississippi River for whom the ability to be better stewards of our coastal resources is vital to the survival of those things we hold most dear. Indeed for years, the Coalition has striven to raise awareness

of the need to protect and restore the vast but threatened system of wetlands and barrier shorelines that define coastal Louisiana culturally, ecologically, and economically. For that reason we have followed with great hope and interest the proposals now before this Committee and before the Senate to invest in the stewardship of this nation's natural treasures and to address the coast-side impacts of the production of OCS oil and gas.

In considering the bills that are the subject of this hearing, this Committee and this Congress are undertaking the laudable task of determining how best to invest in future of our invaluable natural heritage—our waters and coasts, our wildlife, and our public lands. Both bills, even with their differences, represent an important step forward in the stewardship of those resources and we commend their authors and sponsors for taking up this challenge. There is much hard work ahead as the bills are refined and reconciled as they must be if they are to deliver on the promise of better stewardship. As that work proceeds, we believe it is essential that it be guided by clear goals and policies so the end result is measured not primarily in dollars devoted to issues and locales but to the achievement of positive conservation and stewardship results.

While we strongly support the public lands and wildlife initiatives embraced by both Chairman Young's and Representative Miller's bills, it is the issue of coastal stewardship to which I will direct the bulk of my comments to today. Specifically, I would like to address the issue of the need to ameliorate the damages to coastal environments and communities as a result of their hosting the transportation, processing, and servicing facilities associated with OCS oil and gas activity. Apart from a few dollars provided under the Section 8g program, little has been done recognize those impacts, much less to address them. It is time to take them seriously and it needs to be an integral part of any legitimate effort to refocus the use of Federal OCS revenues.

Before wading too far into the issues of OCS revenues and coastal impact assistance it is important to note a couple of points. First, the impacts are very real. To anyone who has visited coastal Louisiana—which, along with Texas, supports in a logistical sense virtually all of the existing OCS activity in this country—those impacts on the natural resources, communities, and public infrastructure are undeniable. To anyone who hasn't, they are largely unimaginable.

The second point to be made is that those impacts deserve real solutions, not merely money and programs. The two great fears we hear from people who live in affected areas are (a) that nothing will be done and (b) that the impacts will be used to justify large infusions of cash that are not sufficiently directed toward effective solutions and that, if fact, could further exacerbate the problem. Of course the fear of many people who live in states that do not have OCS activity off their shores is that the availability of impact assistance funds could serve as an incentive to state and local governments to acquiesce to new OCS leasing and development. The challenge facing those wrestling with the coastal impact issue is how to define and address those impacts legitimately associated with oil and gas activity while not creating more problems elsewhere. We understand that will not be easy. You must understand that it must, nonetheless, be done.

Because if it is not, areas of vital natural, cultural, and economic importance are not to be lost forever—areas like the great Mississippi River delta and its neighboring coastal plain. Areas of that have already lost more than 1 million acres of coastal wetlands and barrier islands this century and that continue to disappear at the rate of nearly 30 square miles each year. This is serious stuff and it demands serious attention. Indeed, a failure to act may well be judged by not too distant generations as one of the greatest failures our time.

But knowing that one must act and knowing what to do are very different things. Various efforts have been mounted before, based on everything from amorphous fairness claims to fine spun legal arguments and none have worked. And the problems continue to get worse. If this history teaches anything it is that solutions to this coastal crisis will continue to be elusive until the nature of the problem and the nature of the solutions are better explained. Indeed, to approach it is any other way would be irresponsible.

With that in mind, the balance of my testimony will lay out in brief terms the range and scope of coastal impacts that the coast of Louisiana has incurred as a function of its role in serving as a support base for the offshore oil and gas industry. Obviously, that oil and gas activity does not occur in a vacuum. Other forces have been at play in our coast as well and they will also be noted to provide context. Indeed, it is probably impossible to pigeon-hole causes and effects. Flood control, navigation and oil and gas activity have combined to so completely alter the face of coastal Louisiana as to render it unsustainable without major corrective action.

I have chosen to focus on Louisiana for several reasons beyond the obvious one of it being the place that I know best. First, the vast majority of OCS activity in this country takes place off Louisiana's coast and is supported by on shore facilities and service providers. Second, as home to the mouth of the Mississippi River and its associated coastal plain, Louisiana contains the largest expanse of coastal wetlands in the lower 48 states, comprising more than 25 percent of the nation's coastal wetlands and 40 percent of its salt marshes. In short, the area most impacted by the OCS activity is also the most unique and productive wetland and estuarine system in North America. Any effort to address coastal impacts that does work for this case is fatally flawed, as is any effort to earmark a portion of OCS revenues for environmental and conservation purposes that fails to address the impacts associated with the generation of those revenues.

Nature and Coastal Louisiana

To understand what is happening in coastal Louisiana it is crucial to have some understanding of its natural and geologic history. The geology, biology, and culture of coastal Louisiana are defined by the Mississippi River and the deltas it has built over the years. The eastern half of Louisiana's coastal zone is a deltaic plain comprised of deltas created over thousands of years of seasonal flooding by the river. The western half of the coastal zone, the chenier plain, was built in large part by river borne sediments that were transported west by Gulf currents and deposited along the coast. The result of this process is a vast area of coastal wetlands unmatched in size and productivity anywhere in this nation. To put this in perspective consider the following:

- Coastal Louisiana contains over 25 percent of the nation's coastal wetlands and 40 percent of its salt marshes.
- Louisiana's coastal wetlands support the largest fisheries in the lower forty-eight states.
- Its coastal wetlands are a vital nursery and feeding area for millions of birds and waterfowl that traverse the Mississippi flyway.

Even under the best of conditions, land tends to be ephemeral stuff in Louisiana's coastal region. Through compaction and subsidence it, in essence, sinks. Only through the natural process of freshwater influx and deposition of new sediment from the Mississippi which would spread in a sheet-flow manner across the vast swamps and marshes was it possible to offset the losses attributable to compaction and subsidence. Coastal Louisiana is in fact not so much a place as it is a process, a process in which land building must balance land loss just to maintain a "no net loss" situation.

The Causes of Coastal Impacts on Coastal Louisiana

The fundamental problem facing the region today is the loss of that balance. Human activities such as levee construction, and channelization have to a large extent shut down the land building part of the process. Millions of tons of land-building sediment are now dumped into the deep waters of the Gulf of Mexico rather than into the marsh where they could create or stabilize land.

At the same time the land-building process was effectively halted, human activities were also altering or stressing existing wetlands to the point that, during the twentieth century, more than one million acres have been lost. Lost not primarily to actual development but to open water. Thousands of miles of oil and gas canals and navigation channels have carved up the coastal marshes, changing their hydrology and making them vulnerable to saltwater intrusion.

It is critical to highlight these impacts in order to counter two widely held misconceptions. First, that land loss in coastal Louisiana is primarily a natural phenomenon. It is not. The pace and scale of coastal collapse is entirely out of synch with the natural cycles of even a geologically dynamic area such as the Mississippi River delta. And second, that the human induced impacts were largely the doings of local residents for their enrichment or benefit. They aren't. The vast bulk of navigation, flood control and oil and gas activity in the region have been pursued as part of national programs to facilitate interstate commerce, develop oil and gas resources, and control Mississippi River flooding. To be sure, locals benefited to some extent, but, without a doubt, the primary beneficiaries of all this activity lay outside of the state of Louisiana.

Nowhere is this more evident than in the area of oil and gas activity. Oil and gas exploration and production have been part of Louisiana's history for more than a century. It developed over the course of many years. It began in an era when wetlands were considered "worthless" and continues today in an era when many now view them as priceless. It saw the very first successful OCS rig erected 10 miles off its coast by Kerr-McGee in 1947. No one knew how to drill for oil in such depths

then, much less how to manage the impacts—not that such impacts were at that time even really been much of a concern. And in the 25 years between the first production from that rig and the First Earth Day in 1970 (and the Santa Barbara spill that preceded it) more than 8,800 wells were in place in the Federal OCS waters off Louisiana's coast. By last count, Louisiana had more than 30,000 oil and gas wells in its coastal zone with another 20,000 in its offshore OCS area. The Federal OCS of its shores area are more than 50 percent leased and its coastal area is crisscrossed by tens of thousands of miles of pipelines that serve coastal and OCS facilities (more than 20,000 miles of pipelines offshore alone). Pipelines that run through its marshes, swamps and barrier islands. Pipelines that leave behind canals up to 70 feet wide and run for miles. Pipelines whose spoil banks serve as dams that disrupt the natural sheet-flow that is essential to the survival of the wetlands. Pipelines whose canals serve as conduits for salt water to penetrate deep into fresh water habitats. Pipelines that, in the case of a 24 inch pipe, can spill 2.5 million gallons of oil in an hour if ruptured.

In many other parts of the country, the effect of this scale of activity would be significant but limited in time and space. That is not the case in the coastal regions of Louisiana. Here they accumulate and magnify. That is why today, when the annual direct impacts of newly permitted projects measure often only in the hundreds of acres, the overall landloss rate continues to exceed 25 square miles per year. That is why the risk of major oil spills increases as the coast deteriorates thereby exposing literally thousands of older wells, pipelines, and production facilities that once were protected by miles of buffering marsh and barrier islands to open bay and open Gulf conditions. The impact genie is out of the bottle.

And it is critical to emphasize that even with the protection afforded by the Clean Water Act and the Coastal Zone Management Act the impacts continue. Indeed, new pipelines are being laid each day. Crewboats and immense platforms ply the dredged bayous and canals to service and expand the OCS industry. Waterways that were once fifty feet wide now span hundreds of feet from the wakes of these boats. The Calcasieu Ship Channel long has been identified as one of the main causes of the loss of nearly 80,000 acres of wetlands in southwestern Louisiana. And for the residents of the coastal zone, the worst part is that they get little or nothing from this OCS related activity. It produces relatively few jobs (and even fewer with growth potential), it produces no direct revenue for the state or local governments although it does require them to support the industry with roads, police and emergency services, and—when the inevitable down times come—to cope with the social cost of unemployment and family stress.

It has also become dramatically clear, as demonstrated during the 1998 hurricane season, that the future effects of these landscape and community pressures will be worse than in the past unless action is taken soon. The combined effects of subsidence, sea level rise and coastal wetland loss will directly threaten population centers such as New Orleans, transportation arteries, and the viability of the greatest estuarine fishery in the nation. Tropical Storm Francis, which did not even make landfall in Louisiana, left the main east-west highway in coastal Louisiana—a major evacuation corridor—under water for more than a week. Gulf waters that once were kept at bay by miles of marsh, lapped at the base of levees in towns such as Golden Meadow and Leeville. Indeed, so much has changed in recent years that the children of the Isle de Jean Charles community now miss as much as two weeks of school each year because the road to their town is too flooded to pass.

Conclusions and Solutions

In offering this testimony my purpose is not to sound a Cassandra warning, cast blame, or merely stake a claim to a pot of money. Rather it is to make the simple point that a coastal crisis is at hand as is the opportunity do something significant about it. And both deserve very serious attention. This is especially true since, for most Americans, the impacts to the Louisiana and Gulf coasts are abstractions if they are aware of them at all. And one cannot prioritize that which one is not aware of.

Because once one comes to terms with the extent of the unremedied impacts to coastal regions that support our nation's coastal and offshore petroleum activity, it should become clear that delay is not an option and that without prompt action the next generation of impacts will only be worse in terms of ecological, cultural, and economic consequences.

It should also become clear that these impacts deserve a committed national response—not merely a Federal or state response. The impacts resulted from activities that benefited the entire nation and that, by and large, reflected national priorities and values.

And finally, it should be clear that responses to the problems should be aimed at restoring sustainable function to our natural coastal ecosystems and addressing essential storm protection, drinking water, and transportation infrastructure that is already compromised. Elevating an evacuation route that now floods and serves to impede natural water flows is one thing, widening a road to allow new development in flood prone areas is something else. In sum, any response that puts more people in harms way, encourages more destructive impacts, or becomes essentially a general purpose block grant is not a solution. While we do not understand either of the bills being heard today to intend such an interpretation, additional clarification may be necessary. We would urge that the best way to ensure that any coastal impact assistance is used in the way the drafters intend would be to expressly build upon any existing watershed, coastal management plans, or restoration plans that may already be in existence. Many hours and taxpayer dollars have been spent under a multitude of authorities such as the Coastal Zone Management Act, the National Estuary Program, the Coastal Wetlands Planning, Protection and Restoration Act, and others to produce strategies and plans for improving coastal resources and waters. The planning provisions of any new legislation should build on that history rather than competing with them.

These suggestions are offered in the spirit of advancing this historic opportunity to safeguard our posterity. We may never have such a good opportunity again. We appreciate the efforts of the bills sponsors—we are particularly grateful to the members of Louisiana's delegation—who have taken up this cause. The Coalition to Restore Coastal Louisiana pledges to be of whatever assistance we can be in this effort.

Again, we appreciate the opportunity to appear here today and share our thoughts with the Committee.

H.R. 701 - Conservation and Reinvestment Act of 1999

CARA Summary:

- This bill resolves the inequity of oil and gas revenue distribution while providing for important conservation and recreation programs. It represents a responsible reinvestment of revenue from non-renewable resources into renewable resources of conservation and recreation for all 50 states and territories.

- The Senate companion bill titled *"The Conservation and Reinvestment Act of 1999"* (S. 25) is similar, but not identical.

In January 1999, the Clinton Administration unveiled a similar proposal titled *"The Lands Legacy Initiative"*. However, there are substantial differences. Some include:

- ✯ **CARA's emphasis on local government authority and involvement.** This is a key element of the House legislation but diminished in the President's initiative.
- ✯ **Protection of individual property rights** are included in the House legislation but excluded from the President's initiative.
- ✯ **New restrictions on access to public lands** by creating new wilderness areas which is a focal point of the President's initiative but not included in the House legislation.

Title I — OCS Impact Assistance

- Creates a revenue sharing fund for coastal states and eligible local governments to mitigate the various unintended impacts of OCS activities and to support sustainable development of nonrenewable resources.
- This is accomplished **without creating an incentive for new oil and gas development** and will have **no impact on current OCS leasing moratoria** or the President's Executive Order concerning outer continental shelf leasing.
- 27% of OCS revenues distributed amongst 35 coastal states and territories.
- Distribution formula based on production, coastline miles, and population. A provision was added in the 106th Congress to **ensure that areas held in moratoria are precluded** from both revenue inflows and for the computation in determining a state and eligible political subdivision's allocation.
- 50% of the funds are shared with local governments (counties, boroughs, parishes) in states where Federal OCS production exists. In all other cases, 100% of the state's allocation would be directly allocated to the state government.

Title II — Land-based Conservation

- By reallocating 23% of OCS revenue, CARA guarantees stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized $900 million level. This dedicated funding would provide for both the state and federal programs included in the

LWCF.

- This title of the bill also includes funding for important recreation projects through the Urban Parks and Recreation Recovery Program (UPARR). More than $100 million would be dedicated to this important program annually.
- In Titles One and Two contain provisions to fund Payment In Lieu of Taxes (PILT). While the funds from these two titles are held in the Treasury for a year before disbursement they will accrue interest on approximately $2 billion; that interest will be **provided directly to PILT**.
- CARA includes amendments to the LWCF Act to make the long awaited improvements regarding the operation of the state-side matching grant program.
- While funding is provided for Federal land acquisition within the federal-side of the LWCF, there are some protections to note:
  - ✓ *The funding cap for Federal LWCF expenditures, included in CARA, is near the $300 million historical average for Federal LWCF appropriation;*
  - ✓ *Acquisition can only take place with willing sellers and is only allowed within Congressionally approved boundaries;*
  - ✓ *None of the funding provided for federal purposes may be used for the condemnation of any interest of property.*
  - ✓ *An Act of Congress must be passed to approve projects (acquisition, improvements, buildings, etc.) over $1 million; and*
  - ✓ *2/3 of the funding available must be spent east of the 100th meridian.*

Title III—Wildlife-based Conservation

- This title of the Conservation and Reinvestment Act of 1998 will reallocate 10% of the revenue gained from oil and gas development in the Federal waters of the outer continental shelf (OCS) to provide dedicated funding for wildlife conservation and education programs.
- This funding will not only accomplish the goals of *"Teaming With Wildlife"*, but surpass the level of funding anticipated with that proposal.
- CARA **will not** establish an excise tax.
- Title III funds will be distributed through the Federal Aid in Wildlife Restoration Fund also known as Pittman-Robertson (P-R). Since fiscal year 1939, Pittman-Robertson has collected and disbursed more than $3 billion for wildlife conservation and recreation projects across America. Made possible entirely through the efforts and taxes paid by sportsmen, the funds are derived from an eleven-percent excise tax on sporting arms and ammunition, ten-percent on pistols and revolvers, and an eleven-percent tax on archery equipment sold specifically for bow hunting.

Staff Contact: Michael Henry, x69297

H.R. 798 - to provide for permanent protection of the Resources of the United

Resources 2000 Summary:

- Provides annual funding for resource preservation;
- Limits funding source to revenues from leases in the Western & Central Gulf of Mexico that were in production by January 1, 1999. Prohibits inclusion of any dollars derived from lease sales issued on or after date of enactment;
- Provides automatic trigger to proportionally reduce funds in fiscal years in which the total amount of eligible revenues received is less than the amounts spelled out above;
- Provides $250 annually for operations and maintenance of National Parks, Wildlife Refuges, public lands administered by BLM, and National Forests;
- Caps administrative expenses at 2% for each activity;
- Does not include any private property restrictions such as a prohibition against condemnation of private lands; and
- Coastal title excludes local governments as an eligible recipient of funding and caps the total amount of funds available to a single state at 10% in a fiscal year.

Summary of Resources 2000 funding by program:

Land and Water Conservation Fund (Federal) funded at $450 million:
One-half of the annual $900 million allocation of the LWCF would be dedicated to Federal acquisition of lands authorized by Congress for our national parks, national forests, national wildlife refuges, and public lands.

Land and Water Conservation Fund (Stateside) funded at $450 million:
The other half would go for matching grants to the States (by formula and competitive grants) for the acquisition of lands or interests, planning, and development of outdoor recreation facilities.

UPARR funded at $100 million:
Provides matching grants to local governments to rehabilitate recreation areas and facilities, provide for the development of improved recreation programs, and to acquire, develop, or construct new recreation sites and facilities.

Historic Preservation Fund funded at $150 million:
Funding for the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administer numerous historic preservation programs.

Lands Restoration funded at $250 million:
Funds a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

Endangered and Threatened Species Recovery Fund funded at $100 million:
Funds implementation of a private landowners incentive program for the recovery of endangered and threatened species and the habitat that they depend on.

Ocean Fish/Wildlife Conservation, Restoration, and Management funded at $300 million: Funding for the conservation, restoration and management of ocean fish and wildlife of the United States through formula grants to coastal states (including Great Lakes States) and competitive, peer-reviewed grants to private entities. *$300 Million begins in FY 2005 and each year thereafter; (FY 2000-2001=$100 Million; FY 2002-2004=$200 Million annually)*

Native Fish/Wildlife Conservation, Restoration, Management funded at $350 million: Provides funding for the conservation, restoration and management of native fish, wildlife and plants through formula grants to the states for the development and implementation of comprehensive plans. *$350 Million begins in FY 2005 and each year thereafter;(FY 2000-2001=$100 Million; FY 2002-2004=$200 Million annually)*

Farmland and Open Space Preservation Grants funded at $150 million: Matching, competitive grants to state, local and tribal governments for open space planning, acquisition and administration of threatened farmland and urban forests, to help communities grow in ways that ensure a high quality of life and strong, sustainable economic growth.

Total Funding: $2.3 Billion

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1998
Private Property
Congressional
Vote Index

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September 1998

The League of Private Property Voters

Private Property Congressional Vote Index

September 1998

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About this Index....

Private property rights were a significant part of the "Contract With America" during the 104th Congress. For the first time, in many cases, politicians took a stand on property issues. Dramatic improvements were attempted, with only modest results. The League of Private Property Voters feels the Private Property Congressional Vote Index may have been a factor in this process as well as in the substantial increase of grassroots activities.

Almost half a million Vote Indexes were published and distributed during 1996, leading up to the election. The Vote Index, since its creation in 1990, has been published to give voters a clear picture about how each member of Congress sided on private property issues.

The Private Property Congressional Vote Index enables you to quickly judge how each member of Congress voted on a number of private property, multiple-use or resource development issues. In the 1997-98 Vote Index, the House of Representatives scores were tabulated on twelve key roll call votes. The ESA Flood Waivers bill, HR 478, was a watershed bill. Not only was the Boehlert amendment vote a negative, but the original bill never made it for a vote. Because of it critical importance, LPPV counted this vote twice—either supporting or opposing the property rights position.

The Senate scores were tabulated on six key roll call votes. To get full credit, each Senator also needed to be a co-sponsor on S 781, the new Omnibus Property Rights Act introduced by Senator Hatch of Utah in May 1997. The League sent a telegram to each Senator informing them about this criterion.

These votes are not all of equal significance. And there are issues, that at first glance, might not seem to have any relevance to property rights issues. But taken as a whole, the key votes chosen for the Vote Index cover the whole range of property rights issues and therefore, we believe, present a fair picture of each Member's true position on private property rights.

How did Congress do?

In the beginning of the 104th Congress, as reported in the 1995-96 Vote Index, the House of Representatives showed a vast improvement in their private property vote performance, while the Senate only had a modest gain. Unfortunately, the House reversed their trend in the second half of the 104th Congress but the Senate held steady in their voting pattern. The 105th Congress regained some territory from the end of the 104th. Both the House and the Senate show good support for property rights issues.

Disappointing Moves

After the initial push to fulfill the "Contract With America," the House met with an incredible amount of opposition and negative press. Every attempt to "reform" or "modernize" any law that had the least to do with the environment was painted by the greens and the media as detrimental and a "reversing of 20 years of environmental progress." All efforts to move a positive private property rights agenda were met with endless debates and a volume of amendments that watered down the improvements to be useless. But it wasn't just the responsibility of Congress.

We, as grassroots activists, must take some of the blame. We believed we had elected the right people in the "Republican Revolution of 1994," who would solve the problems of the nation. So it was ok to sit back and wait for it to happen. We slumped, and so did the efforts in Congress.

We need to renew our efforts to educate both Congress and the general public. Many people in the cities are generations removed from the land. They have forgotten that true multiple-use stems from wise-use of public resources and private property rights. The fact is 30% of the entire United States is controlled by the Federal Government - the Bureau of Land Management, Forest Service, Fish and Wildlife Service and the National Park Service. But all this land is not in a single, continuous block. Millions of private inholdings checkerboard the Federal estate. And these Federally-controlled lands are otherwise "hampered" with permits for grazing water rights, mining claims and recreational pursuits to name only a few examples of private property rights on Federal lands.

Members of Congress know this, but a large majority of them, especially outside the rural West, continued to ignore and violate the legitimate private property rights across the country. They do it, not because they don't know any better, but because they treat property issues as merely a local and mostly a Western issue.

More than one Member of Congress has explained

to their constituents that although they voted against a certain property rights issue like a mining bill or Biospheres, their constituents needn't worry because Legislators always protect their own states' property rights. This would turn an important constitutional right into a privilege available only to those lucky enough to have a powerful political defender.

Property rights are no more a local or rural issue than any of our other constitutional rights. How would a politician be treated who suggested that he believed in free speech for Georgians but not for Californians? Or freedom of worship for Christians but not for Buddhists or Mormons? And yet, that is exactly how many Members of Congress continue to treat private property rights.

Property Rights Still Important

The League of Private Property Voters had over 600 grassroots organizations and individual sponsors on the 1995-96 Congressional Vote Index. The 1998 Vote Index is on pace to greatly exceed those numbers. To get the optimal effect from this Index, it is useful to consider why private property rights and multiple-use are so important.

There are five broad reasons:

- First, secure and enforceable property rights are necessary for civil order. When property ownership becomes vague and unsettled, strife and social breakdown soon follow.
- Second, our free market economy is based on secure and enforceable property rights. Our prosperity depends on private property ownership.
- Third, private property is what allows people to pursue their goals, independent from the state or society. Without the ability to own property, the personal achievement of individuality is put out of reach for all but the privileged few.
- Fourth, protecting the environment requires private property. When resources are owned in common, people take as much as they can as quickly as they can. For example, no one owned the great ship-mast forests of New England before the birth of our nation. These forests were overcut for generations. And yet, today, New England is heavily forested - and 85% privately held. Many of the professional environmental groups often deny the crucial role of property rights in protecting the environment. That is because political power means more to them than the actual health of the environment.
- And last, but maybe most importantly, our system of limited government, including our constitutional rights, survives because of the widespread ownership of property. Property is power. If the government owned or controlled all the property, it would possess all the power.

Because property ownership is dispersed (and, of course, land is only one form of property), so too is the power. And it is this dispersion of power among the people that keeps our limited government limited. This is also why we should be worried about the threat posed by a massive Federal estate.

We want more than constitutional rights on paper, we want enforceable rights that are upheld by our elected officials and protected by all citizens of the United States.

So, we offer the Private Property Congressional Vote Index as a means of keeping our elected representatives accountable and on task with this most important of issues.

— The Editors

PRIVATE PROPERTY RIGHTS CHAMPIONS AND ENEMIES

In the 1993-94 Vote Index, the League of Private Property Voters honored 111 Representatives and 35 Senators as Champions of Private Property Rights in recognition of their scoring 75% or above. 44 Representatives and 28 Senators achieved perfect 100% ratings. These scores dramatically improved in the 1995-96 Vote Index to 183 Representatives and 48 Senators who were honored as Champions underscoring that private property as an issue had increased in importance. The number of Representatives achieving 100% scores were 71, while 41 Senators rated a 100% score. Unfortunately, during the latter half of the 105th Congress, the House was painted by the Greens and the media as "anti-environmental" and their efforts were slowed down. **The 1998 Vote Index reflects continued improvement with 214 Representatives earning Champion scores, 150 of these rated 100%. The Senate garnished only 35 Champion scores, with only 17 rating 100% due to co-sponsorship of S761, the Omnibus Private Property Rights Act.**

In 1993-94, 232 Representatives and 55 Senators won the title of "Enemies of Private Property Rights" for scoring 30% or below. 49 Representatives and 33 Senators scored 0%. The number of Enemies of Private Property Rights went down in the 1995-96 Vote Index to 157 in the House and 40 in the Senate. The number of Enemies who scored 0% increased dramatically in the House to 84 Representatives while falling in the Senate to 23. **The 1998 Vote Index also reflects more Enemies in both bodies. The House had a total of 182 Enemies, 110 of whom rate 0%. The Senate, similarly, increased with a total of 34, 26 of whom rated 0%.**

The ***1998 Private Property Congressional Vote Index*** is created and published by The League of Private Property Voters, PO Box 423, Battle Ground, Washington 98604; phone (360) 687-2471; fax (360) 687-2973; E-mail crushman@pacifier.com© 1998 LPPV. Permission is hereby given to reprint this Index, in full or in part, provided credit is given to LPPV. Editors: Chuck Cushman, Bruce Grefrath, Susan Walker, and Elizabeth West.

UNITED STATES SENATE

The votes listed below show how each Senator supported (S) or opposed (O) the League of Private Property Voters position. A description of each vote is listed below along with the scorecard.

You will gain the greatest benefit by first looking up your Senator to see what his private property score was on the right side of the scorecard. Then read each vote description. The League's private property position listed near the top of the scorecard shows how we believe your Senator should have voted on each issue. Check to see whether your Senator supported (S) or opposed (O) the League's private property position.

US SENATE VOTES

Senate Vote #1: RS 2477 RIGHTS-OF-WAY ON FEDERAL LANDS. The 1997 Interior Appropriations bill included language to repeal an Interior Department directive that stopped states from claiming rights-of way on Federal lands under RS 2477. Senator Dale Bumpers (D-AR) offered an amendment to strike that section of the bill. Senator Ted Stevens (R-AK) made a motion to table (kill) the Bumpers Amendment. Motion agreed to 51-49 on May 7, 1997. The Property Rights vote was an S to support the Stevens motion.

Senate Vote #2: REPEAL THE "DEPLETION ALLOWANCE" FOR HARDROCK MINING COMPANIES. Senator Dale Bumpers (D-AR) offered an amendment to the Fiscal 1998 Budget Reconciliation Act to revise the Internal Revenue code and repeal the "depletion allowance" tax break currently available to hardrock mining companies. Senator Frank Murkowski (R-AK) raised a point of order against the Bumpers' Amendment that it conflicted with the Budget Act. Senator Judd Gregg (R-NH) countered with a motion to waive the Budget Act with respect to the Murkowski point of order. Gregg's Motion was rejected 36-63 on June 26, 1997. (A three-fifths majority -60- vote of the total Senate is required to waive the Budget Act. Subsequently, the chair upheld the Murkowski point of order and the amendment failed.) Property rights supporters voted to oppose Gregg's motion.

Senate Vote #3: JURISDICTION OF THE NINTH CIRCUIT COURT OF APPEALS. Senator Diane Feinstein (D-CA) offered an amendment to strike sections of the 1998 Commerce, Justice and State Appropriations that revised the jurisdiction of the Ninth Circuit Court of Appeals. She attempted to replace the jurisdiction language with language that set up a 10-member commission to study reorganization of the Federal Court of Appeals system, with emphasis on the Ninth Circuit. The Feinstein Amendment was rejected 45-55 on July 24, 1997. Property rights advocates voted no.

SENATE SCORECARD

PRIVATE PROPERTY POSITION:	#1 RS 2477 Rights-of-Way	#2 Hardrock Depletion Allowance	#3 9th Circuit Court Commission	#4 Forest Roads Funding	#5 American Heritage Rivers	#6 Hardrock Fees on Public Lands	#7 Property Rights Representative		
	Y	N	N	N	N	Y	Y		% SUPPORT
	VOTES							When	All
SENATOR	1	2	3	4	5	6	7	Voting	Votes
Alabama									
Sessions (R)	S	S	S	S	S	S	O	86	86
Shelby (R)	S	S	S	S	S	S	O	86	86
Alaska									
Murkowski (R)	S	S	S	S	S	S	O	86	86
Stevens (R)	S	S	S	S	?	S	O	86	71
Arizona									
Kyl (R)	S	S	S	S	S	S	O	86	86
McCain (R)	S	S	S	S	O	S	O	71	71
Arkansas									
Bumpers (D)	O	O	O	O	O	O	O	0	0
Hutchinson (R)	O	S	S	S	S	S	S	86	86
California									
Boxer (D)	O	O	O	O	O	O	O	0	0
Feinstein (D)	O	O	O	O	O	O	O	0	0
Colorado									
Allard (R)	S	S	S	S	S	S	O	86	86
Campbell (R)	S	S	S	S	S	S	O	86	86
Connecticut									
Dodd (D)	O	O	O	O	O	O	O	0	0
Lieberman (D)	O	O	O	O	O	O	O	0	0

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	#1. HR 2477 Rights-of-Way	#2 Mining Dependent Moratorium	#3 Takings Court Commission	#4 U.S. Trade Tribunal	#5 American Heritage Rivers	#6 Mineral Leasing Mills Limit	#7 Property Rights Conference	% SUPPORT	
	Y	N	N	N	N	Y	Y		
	VOTES							When	All
SENATOR	1	2	3	4	5	6	7	Voting	Votes
Delaware									
Biden (D)	O	O	O	O	O	O	O	0	0
Roth (R)	O	S	S	O	O	S	O	43	43
Florida									
Graham (D)	O	O	O	O	O	O	O	0	0
Mack (R)	S	S	S	S	S	S	O	86	86
Georgia									
Cleland (D)	O	S	O	O	O	O	O	14	14
Coverdell (R)	S	S	S	S	S	S	S	100	100
Hawaii									
Akaka (D)	O	O	O	O	O	?	O	0	0
Inouye (D)	S	S	O	O	O	S	O	43	43
Idaho									
Craig (R)	S	S	S	S	S	S	S	100	100
Kempthorne (R)	S	S	S	S	S	S	S	100	100
Illinois									
Durbin (D)	O	O	O	O	O	O	O	0	0
Moseley-Braun (D)	O	O	O	O	O	O	O	0	0
Indiana									
Coats (R)	S	O	S	S	S	O	O	57	57
Lugar (R)	S	S	S	S	S	S	O	86	86
Iowa									
Grassley (R)	S	S	S	S	S	S	O	86	86
Harkin (D)	O	O	O	O	O	O	O	0	0
Kansas									
Brownback (R)	S	S	S	O	S	S	O	71	71
Roberts (R)	S	?	S	S	S	S	S	100	83

Senate Votes....

FROM PAGE 4

Senate Vote #4: FUNDING FOR FOREST SERVICE LOGGING ROADS. Senator Richard Bryan (D-NV) offered an amendment to reduce funding for Forest Service road construction by $10 million and eliminate the Purchaser Credit Program. The amendment was rejected 49-51 on September 17, 1997. The private property vote was no.

Senate Vote #5: INTERIOR APPROPRIATIONS - AMERICAN HERITAGE RIVERS. Senator Tim Hutchinson (R-AR) offered an amendment that would require congressional approval before President Clinton could implement the American Heritage Rivers Initiative. Senator Alfonse D'Amato (R-NY) made a motion to table (kill) the Hutchinson Amendment. The D'Amato motion was agreed to 57-42 on September 18, 1997. The private property position was no.

Senate Vote #6: INTERIOR APPROPRIATIONS - MINING AND ROYALTY FEES. Senator Slade Gorton (R-WA) made a point of order against an amendment by Senator Dale Bumpers (D-AR) which would revise royalty and reclamation fees regarding mining operations on public lands. The point of order was for violating the Constitution by originating a revenue bill in the Senate and breaching the principles of the Supreme Court decision in Buckley vs. Valeo. The point of order was upheld 59-39 on September 18, 1997. The private property vote was yes.

Senate Vote #7: OMNIBUS PROPERTY RIGHTS ACT. This is not a vote of record. The Senate has not yet voted on S-781, which Senator Orrin Hatch (R-UT) introduced in 1997. The League of Private Property Voters is using sponsorship of S-781 as one element in the 1998 Vote Index. S-781 would establish a more efficient federal process for protecting property owners' rights guaranteed by the Fifth Amendment. It would compensate property owners for the "taking" of their property, or limiting the use of their property, by federal regulation, so that the fair market value has been reduced by 33%. S-781 is similar to a bill approved by the Senate Judiciary Committee with bipartisan approval during the 104th Congress but was not voted on by the full Senate.

SENATE KEY

S: Supported Private Property position
O: Opposed Private Property position
?: Did not vote
I: Ineligible to vote at the time

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	#1 HS 3477 Rights-of-Way	#2 Mining Operations Allowance	#3 McCarran Court Commission	#4 FS Roads Funding	#5 Arapahoe Heritage Rivers	#6 Mining Research Public Lands	#7 Property Rights Commission	% SUPPORT	
	Y	N	N	N	N	Y	Y		
	VOTES							When	All
SENATOR	1	2	3	4	5	6	7	Voting	Votes
Kentucky									
Ford (D)	O	S	O	O	O	O	O	14	14
McConnell (R)	S	S	S	S	S	S	O	86	86
Louisiana									
Breaux (D)	O	S	O	S	O	S	O	43	43
Landrieu (D)	O	S	O	O	O	O	O	14	14
Maine									
Collins (R)	O	O	S	S	O	O	O	29	29
Snowe (R)	O	O	S	S	O	O	O	29	29
Maryland									
Mikulski (D)	O	O	O	O	O	S	O	14	14
Sarbanes (D)	O	O	O	O	O	O	O	0	0
Massachusetts									
Kennedy (D)	O	O	O	O	O	O	O	0	0
Kerry (D)	O	O	O	O	O	O	O	0	0
Michigan									
Abraham (R)	S	S	S	S	O	S	O	71	71
Levin (D)	O	O	O	S	O	O	O	14	14
Minnesota									
Grams (R)	S	S	S	S	S	S	O	86	86
Wellstone (D)	O	O	O	O	O	?	O	0	0
Mississippi									
Cochran (R)	S	S	S	S	S	S	S	100	100
Lott (R)	S	S	S	S	S	S	S	100	100
Missouri									
Ashcroft (R)	S	S	S	S	S	S	O	86	86
Bond (R)	S	S	S	S	O	S	O	71	71

PRIVATE PROPERTY POSITION:	#1 HS 3477 Rights-of-Way	#2 Mining Operations Allowance	#3 McCarran Court Commission	#4 FS Roads Funding	#5 Arapahoe Heritage Rivers	#6 Mining Research Public Lands	#7 Property Rights Commission	% SUPPORT	
	Y	N	N	N	N	Y	Y		
	VOTES							When	All
SENATOR	1	2	3	4	5	6	7	Voting	Votes
Montana									
Baucus (D)	O	S	O	S	O	S	O	43	43
Burns (R)	S	S	S	S	S	S	S	100	100
Nebraska									
Hagel (R)	S	S	S	S	S	S	S	100	100
Kerrey (D)	O	O	O	O	O	O	O	0	0
Nevada									
Bryan (D)	O	S	O	S	O	S	O	43	43
Reid (D)	O	S	O	O	O	S	O	29	29
New Hampshire									
Gregg (R)	S	O	S	O	O	O	O	29	29
Smith (R)	S	O	S	S	S	S	O	71	71
New Jersey									
Lautenberg (D)	O	O	O	O	O	O	O	0	0
Torricelli (D)	O	O	O	O	O	O	O	0	0
New Mexico									
Bingaman (D)	O	S	O	O	O	S	O	29	29
Domenici (R)	S	S	S	S	O	S	O	71	71
New York									
D'Amato (R)	S	S	S	O	O	S	O	57	57
Moynihan (D)	O	S	O	O	O	O	O	14	14
North Carolina									
Faircloth (R)	S	S	S	S	O	O	O	57	57
Helms (R)	S	S	S	S	S	S	S	100	100
North Dakota									
Conrad (D)	S	S	O	O	S	O	O	41	41
Dorgan (D)	S	S	O	O	S	S	O	57	57

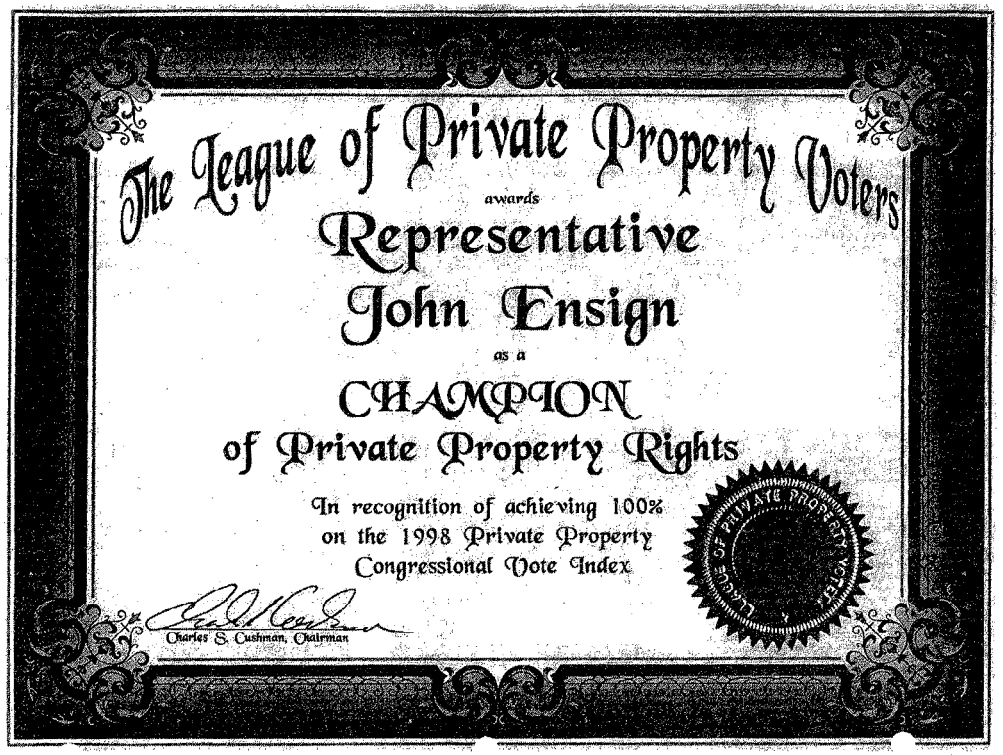
PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	#1. RS 2477 Rights-of-Way	#2 Mining Operation Moratoria	#3 Klamath Canal Commission	#4. U.S. Roads Funding	#5 Hawaiian Settlers Rights	#6 Mining & Grazing on Public Lands	#7 Property Rights Compensation		% SUPPORT	
	Y	N	N	N	N	Y	Y			
	VOTES								When	All
SENATOR	1	2	3	4	5	6	7		Voting	Votes
Ohio										
DeWine (R)	S	S	S	O	O	O	O		41	41
Glenn (D)	O	O	O	O	O	O	O		0	0
Oklahoma										
Inhofe (R)	S	S	S	S	S	S	O		86	86
Nickles (R)	S	S	S	S	S	S	O		86	86
Oregon										
Smith (R)	S	S	S	S	S	S	S		100	100
Wyden (D)	O	O	O	O	O	O	O		0	0
Pennsylvania										
Santorum (R)	S	S	S	S	S	S	O		86	86
Specter (R)	S	S	S	S	O	S	O		71	71
Rhode Island										
Chafee (R)	O	O	S	O	O	S	O		29	29
Reed (D)	O	O	O	O	O	O	O		0	0
South Carolina										
Hollings (D)	O	S	O	O	O	S	O		29	29
Thurmond (R)	S	S	S	S	S	S	S		100	100
South Dakota										
Daschle (D)	O	S	O	O	O	S	O		29	29
Johnson (D)	O	S	O	O	O	S	O		29	29
Tennessee										
Frist (R)	O	S	S	O	O	S	O		43	43
Thompson (R)	S	S	S	O	O	S	O		57	57

PRIVATE PROPERTY POSITION:	#1. RS 2477 Rights-of-Way	#2 Mining Operation Moratoria	#3 Klamath Canal Commission	#4. FS Roads Funding	#5 Hawaiian Settlers Rights	#6 Mining & Grazing on Public Lands	#7 Property Rights Compensation		% SUPPORT	
	Y	N	N	N	N	Y	Y			
	VOTES								When	All
SENATOR	1	2	3	4	5	6	7		Voting	Votes
Texas										
Gramm*(R)	S	S	S	S	S	S	S		100	100
Hutchison (R)	S	S	S	S	S	S	S		100	100
Utah										
Bennett (R)	S	S	S	S	S	S	S		100	100
Hatch (R)	S	S	S	S	S	S	S		100	100
Vermont										
Jeffords (R)	O	O	S	O	O	O	O		14	14
Leahy (D)	O	O	O	O	O	O	O		0	0
Virginia										
Robb (D)	O	O	O	O	O	O	O		0	0
Warner (R)	S	S	S	S	S	S	S		100	100
Washington										
Gorton (R)	S	S	S	S	S	S	O		86	86
Murray (D)	O	O	O	O	O	O	O		0	0
West Virginia										
Byrd (D)	O	S	O	S	S	O	O		43	43
Rockefeller (D)	O	O	O	O	S	O	O		14	14
Wisconsin										
Feingold (D)	O	O	O	O	O	O	O		0	0
Kohl (D)	O	O	O	O	O	O	O		0	0
Wyoming										
Enzi (R)	S	S	S	S	S	S	S		100	100
Thomas (R)	S	S	S	S	S	S	S		100	100

SENATE KEY

S: Supported Private Property position
O: Opposed Private Property position
?: Did not vote
I: Ineligible to vote at the time


The League of Private Property Voters
awards
Representative
John Ensign
as a
CHAMPION
of Private Property Rights
In recognition of achieving 100%
on the 1998 Private Property
Congressional Vote Index
Charles S. Cushman, Chairman
LEAGUE OF PRIVATE PROPERTY VOTERS

The League of Private Property Voters

declares

Senator
Harry Reid

as an

eNeMY
of Private Property Rights

In recognition of achieving 29%
on the 1998 Private Property
Congressional Vote Index

Chuck Cushman, Chairman

UNITED STATES HOUSE OF REPRESENTATIVES

The votes listed below show how each Representative (S) or opposed (O) the League of Private Property Voters position. A description of each vote is listed below along with the scorecard.

You will gain the greatest benefit by first looking up your Representative to see what his/her private property score was on the right side of the scorecard. Then read each vote description. The League's private property position listed near the top of the scorecard shows how we believe your Representative should have voted on each issue. Check to see whether your Representative supported (S) or opposed (O) the League's private property position.

US HOUSE VOTES

House Vote #1: ENDANGERED SPECIES ACT FLOOD WAIVERS. An attempt by Rep. Sherwood Boehlert (R-NY) to water down the ESA flood waivers bill with a substitute amendment to provide project exemption limitations to waivers of the Endangered Species Act consultation regulations for repair or replacement of flood control projects in counties declared federal disaster areas through 1998 and waive the requirements for repairs to any project that presents a substantial threat to human lives and property. The amendment passed 227-196 on May 7, 1997. A "yea" was a vote in support of the President's position. The private property position was a no. (This vote was counted twice because this vote was considered precedent setting for votes on other environmental issues in the 105th Congress. Members were told ahead of time that if this bill failed to pass, other environmental legislation would be postponed or ignored).

House Vote #2: FUNDING FOR WORLD HERITAGE/BIOSPHERE PROGRAMS. This was a second and separate vote on the State Department Appropriations Bill at the request of Rep. Jose Serrano (D-NY) on the amendment by Rep. Tom Coburn (R-OK) to prohibit funding for the World Heritage Program or the Man and the Biosphere Program administered by the United Nations Educational, Scientific, and Cultural Organizations and through the State Department and National Park Service in the United States. The Coburn Amendment passed 222-202 on June 11, 1997. The private property position was yes.

House Vote #3: FUNDING FOR FOREST SERVICE LOGGING ROADS. This vote was on an amendment by Rep. Norm Dicks (D-WA) to the amendment by Rep. John Porter (D-IL). The Porter amendment would have slashed forest road construction funds. The Dicks amendment was offered as a compromise to only cut funds for new timber logging roads by $5.6 million. The amendment also reduces funding from $50 million to $25 million for the Purchaser Credit Program, which gave timber credits to companies as payments for building new forest roads. The Dicks amendment passed 211-209 on July 10, 1997. (These roads are used for many years after all timber harvesting is completed by private

HOUSE SCORECARD

PRIVATE PROPERTY POSITION:	#1 ESA Flood Waiver Schedule	#2 World Heritage Program Funding	#3 Forest Service Logging Roads	#4 Tongass Timber Reform Act	#5 Forest Service Roadless Areas	#6 Forest Service Logging Roads	#7 Forest Service Roadless Areas	#8 Grazing Fees	#9 Mining Law Reform	#10 Property Rights Protection	#11 Property Rights Protection	#12 Takings Compensation		
	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	%SUPPORT	
	VOTES												When	All
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	Voting	Votes
Alabama														
Aderholt (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Bachus (R)	S	?	S	S	S	S	S	S	S	S	S	S	100	92
Callahan (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cramer (D)	S	O	S	O	O	S	S	O	S	S	S	S	69	69
Everett (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hilliard (D)	O	O	S	O	?	?	?	?	?	S	S	S	50	31
Riley (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Alaska														
Young (R)	S	S	S	?	S	S	S	S	S	S	S	S	100	92
Arizona														
Hayworth (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kolbe (R)	S	O	S	O	S	S	S	S	S	S	S	S	85	85
Pastor (D)	O	O	O	O	O	O	O	O	O	O	O	S	8	8
Salmon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Shadegg (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Stump (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Arkansas														
Berry (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dickey (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hutchinson (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Snyder (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
California														
Becerra (D)	?	O	?	O	O	?	O	O	O	O	O	O	0	0
Berman (D)	O	O	?	O	O	O	O	O	O	O	O	O	0	0
Bilbray (R)	S	S	O	S	S	S	S	S	S	S	O	S	85	85
Bono (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Brown (D)	O	O	O	O	O	O	O	O	O	?	O	O	0	0
Calvert (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Campbell (R)	S	S	O	S	S	S	S	S	S	S	S	O	85	85
Capps (D)	O	O	O	O	O	O	O	O	O	O	O	I	0	0
Condit (D)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Cox (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Cunningham (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dellums (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Dixon (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Dooley (D)	S	O	O	O	O	S	O	O	O	S	S	S	46	46

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	%SUPPORT	
						VOTES							When Voting	All Votes
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12		
California (cont.)														
Doolittle (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dreier (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Eshoo (D)	O	O	O	?	O	O	O	O	O	O	O	O	0	0
Farr (D)	O	?	O	O	O	O	O	O	O	O	O	O	0	0
Fazio (D)	O	O	O	O	O	O	O	O	O	S	S	S	25	25
Filner (D)	?	O	O	O	O	O	O	O	O	O	O	O	0	0
Gallegly (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Harman (D)	O	O	O	O	O	O	O	O	O	S	S	O	15	15
Herger (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Horn (R)	O	O	O	O	S	S	O	O	S	O	O	S	31	31
Hunter (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kim (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Lantos (D)	O	O	O	O	O	O	O	O	O	?	?	O	0	0
Lewis (R)	S	S	S	S	?	S	S	S	S	S	S	S	100	92
Lofgren (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Martinez (D)	O	?	?	O	O	O	S	O	S	?	S	S	44	31
Matsui (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
McKeon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Millender-McDonald (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Miller (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Packard (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Pelosi (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Pombo (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Radanovich (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92
Riggs (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Rogan (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Rohrabacher (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Roybal-Allard (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Royce (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Sanchez (D)	O	O	?	O	O	O	O	O	O	O	S	O	9	8
Sherman (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Stark (D)	O	O	O	O	O	O	O	O	O	?	O	O	0	0
Tauscher (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Thomas (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Torres (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Waters (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Waxman (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Woolsey (D)	O	O	O	?	O	O	O	O	O	O	O	O	0	0
Colorado														
DeGette (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Hefley (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McInnis (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Schaefer, D (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Schaffer, B (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Skaggs (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Connecticut														
DeLauro (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Gejdenson (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Johnson (R)	O	S	O	O	O	O	O	O	O	O	O	O	8	8

House Votes.... FROM PAGE 10

property owners, ranchers, miners, hunters, fishermen, off-highway vehicle users and other recreationists). The private property position was yes.

House Vote #4: BIOSPHERE AND WORLD HERITAGE — INTERIOR APPROPRIATIONS. The amendment by Rep. Tom Coburn (R-OK) was to prohibit the use of Interior Department funds in the bill for the US Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific and Cultural Organization. It passed 222-203 on July 15, 1997. (This is a different vote on a different appropriations bill than Vote #2). The private property position was yes.

House Vote #5: NATIONAL MONUMENT DESIGNATION—CONGRESSIONAL CONSENT. An amendment by Rep. Bruce Vento (D-MN) to strike the bill's provision to require the President to obtain congressional approval for proposed national monuments in excess of 50,000 acres. The amendment would have instead established a one-year delay from the time the President announces a monument designation to when the designation actually would take effect. The amendment was rejected 201-224 on October 7, 1997. Property rights position was no.

House Vote #6: NATIONAL MONUMENT DESIGNATION - FINAL PASSAGE. Passage of the bill to allow the president to unilaterally designate national monuments but require termination of a monument in excess of 50,000 acres within two years unless Congress adopts a joint resolution approving the monument. The bill also would require the president to notify the governor of the state in which the monument is to be located and seek written comments at least 30 days prior to the monument declaration. Passed 229-197 on Oct. 7, 1997. Property rights position was yes.

House Vote #7: UNITED NATIONS LAND DESIGNATION — RAMSAR CONVENTION EXEMPTION. An amendment by Rep. Bruce Vento (D-MN) would exempt from the bill's requirements all sites nominated for international designation under the Convention on Wetlands of International Importance Especially as

HOUSE KEY

- S: Supported Private Property position
- O: Opposed Private Property position
- X: House Speaker may excuse himself from voting
- ?: Did not vote
- I: Ineligible to vote at the time

House Votes....

FROM PAGE 11

Waterfowl Habitats, commonly known as the Ramsar Convention. The amendment was rejected 195-220 on October 7, 1997. The private property position was no.

House Vote #8: UNITED NATIONS LAND DESIGNATION — BIOSPHERE RESERVES TERMINATION. Rep. George Miller's (D-CA) amendment to the bill's provision that would terminate all existing Biosphere Reserves unless a reserve is explicitly authorized by Congress before December 31, 2000. The amendment failed 199-227 on October 8, 1997. The private property position was no.

House Vote #9: UNITED NATIONS LAND DESIGNATION - PASSAGE. Passage of the bill to prohibit federal officials from nominating US lands for protection under United Nations Educational, Scientific and Cultural Organization conservation programs without previous congressional approval. The bill also would terminate all existing US lands in the UN Biosphere Reserve program unless certain conditions are met, including congressional authorization for each reserve by Dec. 31, 2000. Passed 236-191 on Oct. 8, 1997. Private property advocates voted yes.

House Vote #10: PRIVATE PROPERTY RIGHTS - LOCAL LAND USE DECISION APPEALS. Rep. Sherwood Boehlert's (R-NY) substitute amendment to eliminate the bill's provisions that allow a private property owner to appeal local land use decisions in the federal courts, while retaining provisions that allow expedited federal court consideration of land use disputes involving the federal government. Rejected 178-242 on Oct. 22, 1997. The private property position was no.

House Vote #11: PRIVATE PROPERTY RIGHTS - PASSAGE. Passage of the bill to establish guidelines for allowing private property owners to appeal local, state and federal land use decisions in federal courts. The bill requires federal courts to consider all cases qualifying as "takings" under the Fifth Amendment to the Constitution, which prohibits the federal government from taking private property for the public good without giving just compensation to the land owner. Passed 248-178 on Oct. 22, 1997. Private property advocates voted yes.

HOUSE KEY

- S: Supported Private Property position
- O: Opposed Private Property position
- X: House Speaker may excuse himself from voting
- ?: Did not vote
- I: Ineligible to vote at the time

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y			
							VOTES							%SUPPORT	
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12		When Voting	All Votes
Connecticut (cont.)															
Kennelly (D)	O	O	O	O	O	O	?	O	O	S	O	O		9	8
Maloney (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
Shays (R)	O	S	O	O	O	O	O	O	O	?	O	O		9	8
Delaware															
Castle (R)	O	O	O	O	O	S	O	O	O	O	O	S		15	15
Florida															
Bilirakis (R)	S	S	O	S	S	S	?	S	S	S	S	S		92	85
Boyd (D)	S	O	S	O	S	S	O	O	O	S	S	S		62	62
Brown (D)	O	O	O	?	O	O	O	O	O	O	O	O		0	0
Canady (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Davis (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
Deutsch (D)	O	O	O	O	O	O	O	O	O	S	S	O		15	15
Diaz-Balart (R)	O	S	S	S	S	S	S	S	S	S	S	S		92	92
Foley (R)	?	S	O	S	S	S	S	S	S	S	S	S		91	77
Fowler (R)	S	S	?	S	S	S	S	S	S	S	S	S		100	92
Goss (R)	O	S	O	S	S	S	S	S	S	O	O	S		62	62
Hastings (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
McCollum (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Meek (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
Mica (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Miller (R)	S	S	O	S	S	S	S	S	S	O	S	S		85	85
Ros-Lehtinen (R)	O	S	?	S	S	S	S	S	S	S	S	S		91	77
Scarborough (R)	S	S	O	S	S	S	S	S	S	O	S	O		77	77
Shaw (R)	S	S	O	S	S	S	S	S	S	O	S	S		85	85
Stearns (R)	S	S	S	S	S	S	?	S	S	S	S	S		100	92
Thurman (D)	O	O	S	O	O	O	O	O	O	O	O	S		15	15
Weldon (R)	S	S	S	S	S	S	S	S	S	S	S	?		100	92
Wexler (D)	O	O	O	O	O	O	O	O	O	S	O	O		8	8
Young (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Georgia															
Barr (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Bishop (D)	S	O	S	O	S	S	S	S	S	S	S	S		85	85
Chambliss (R)	S	S	S	S	S	S	S	S	S	?	?	S		100	85
Collins (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Deal (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Gingrich (R)	X	X	X	X	X	X	X	X	X	X	X	X		NA	NA
Kingston (R)	O	S	S	S	S	S	S	S	S	S	S	S		92	92
Lewis (D)	O	O	O	O	O	O	O	S	O	O	O	O		8	8
Linder (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
McKinney (D)	?	O	O	O	O	O	O	O	O	O	O	O		0	0
Norwood (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Hawaii															
Abercrombie (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
Mink (D)	O	O	O	O	O	O	O	O	O	O	O	O		0	0
Idaho															
Chenoweth (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100
Crapo (R)	S	S	S	S	S	S	S	S	S	S	S	S		100	100

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	Y	%SUPPORT	
						VOTES									When	All
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12			Voting	Votes
Illinois																
Blagojevich (D)	O	S	O	O	O	O	O	O	O	O	O	O			8	8
Costello (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Crane (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Davis (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Evans (D)	O	O	O	O	O	O	O	O	O	S	O	O			8	8
Ewing (R)	S	S	O	S	S	O	O	S	S	O	O	S			62	62
Fawell (R)	O	O	O	O	O	S	O	O	O	O	O	S			15	15
Gutierrez (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Hastert (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Hyde (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Jackson (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
LaHood (R)	O	S	S	S	S	S	S	S	S	S	S	S			85	85
Lipinski (D)	O	O	S	O	O	O	O	O	O	O	O	S			15	15
Manzullo (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Porter (R)	O	O	O	O	O	O	O	O	O	O	O	S			8	8
Poshard (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Rush (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Shimkus (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Weller (R)	O	S	S	S	S	S	S	S	S	S	S	S			92	92
Yates (D)	O	O	?	O	O	O	?	O	O	O	O	O			0	0
Indiana																
Burton (R)	S	S	S	S	S	S	?	S	S	S	S	S			100	92
Buyer (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Carson (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Hamilton (D)	O	O	O	O	O	O	O	O	O	O	S	O			8	8
Hostettler (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
McIntosh (R)	S	S	O	S	S	S	S	S	S	?	?	S			91	77
Pease (R)	S	S	O	S	S	O	S	S	S	S	S	O			77	77
Roemer (D)	O	O	O	O	O	O	O	O	S	O	S	O			15	15
Souder (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Visclosky (D)	O	O	O	O	O	O	?	O	O	O	O	O			0	0
Iowa																
Boswell (D)	S	O	S	O	S	S	S	O	S	S	S	S			77	77
Ganske (R)	S	S	O	S	S	S	S	S	S	O	O	S			77	77
Latham (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Leach (R)	O	O	O	O	O	O	O	O	O	O	S	S			15	15
Nussle (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Kansas																
Moran (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Ryun (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Snowbarger (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Tiahrt (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Kentucky																
Baesler (D)	S	S	S	O	S	S	S	S	S	S	S	S			92	92
Bunning (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Lewis (R)	S	S	S	S	S	S	?	?	?	S	S	S			100	77
Northup (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Rogers (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Whitfield (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	Y	%SUPPORT	
						VOTES									When	All
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12			Voting	Votes
Louisiana																
Baker (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Cooksey (R)	S	S	S	S	S	S	?	S	S	S	S	S			100	92
Jefferson (D)	S	O	O	O	O	?	O	O	O	S	S	O			27	23
John (D)	S	O	S	O	O	O	O	S	S	S	S	S			62	62
Livingston (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
McCrery (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Tauzin (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Maine																
Allen (D)	O	O	O	O	O	O	O	O	O	O	S	O			8	8
Baldacci (D)	O	O	O	O	O	O	O	O	O	O	S	O			8	8
Maryland																
Bartlett (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Cardin (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Cummings (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Ehrlich (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100
Gilchrest (R)	O	O	S	O	S	S	O	S	O	O	O	S			38	38
Hoyer (D)	O	O	O	O	O	O	O	O	O	S	S	O			15	15
Morella (R)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Wynn (D)	O	O	S	O	O	O	O	O	O	O	O	O			8	8
Massachusetts																
Delahunt (D)	?	S	O	O	O	O	O	O	O	O	O	O			9	8
Frank (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Kennedy (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Markey (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
McGovern (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Meehan (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Moakley (D)	O	O	O	O	O	O	?	O	O	O	O	O			0	0
Neal (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Olver (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Tierney (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Michigan																
Barcia (D)	O	S	S	S	O	S	S	S	S	S	S	S			77	77
Bonior (D)	O	O	O	O	O	O	O	O	O	O	O	O			0	0
Camp (R)	S	S	S	S	S	S	S	S	S	S	S	S			100	100

House Votes....

FROM PAGE 12

House Vote #12: GRAZING FEES AND RANGELAND MANAGEMENT - PASSAGE. Passage of the bill to establish a statutory formula to calculate rancher fees to graze cattle and other livestock on lands administered by the Bureau of Land Management and the US Forest Service. The bill increases federal fees for grazing cattle on public lands, but decreases grazing fees for sheep and goats. Passed 242-182 on Oct. 30, 1997. The private property position was yes.

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y			
	#1 ESA Flood Waters Subsidies	#2 Wetlands Regulation Funding	#3 FY Lowers Wetlands Funding	#4 Lowers Wetlands Funding	#5 Wetlands Without Warning Signs	#6 Wetlands Without Warning Signs	#7 Wetlands Permit Delays	#8 Wetlands Permit Delays	#9 Endangered Species Act Reauthorization	#10 Endangered Species Act Funding	#11 Endangered Species Act Funding	#12 Endangered Species Subsidies			
	VOTES												%SUPPORT		
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	When Voting	All Votes	
Michigan (cont.)															
Conyers (D)	O	O	O	?	O	O	O	O	O	S	O	O	9	8	
Dingell (D)	O	O	S	O	O	O	O	O	O	S	O	O	15	15	
Ehlers (R)	O	O	O	O	S	O	O	O	O	O	O	S	15	15	
Hoekstra (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92	
Kildee (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Kilpatrick (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Knollenberg (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92	
Levin (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Rivers (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Smith (R)	O	S	S	S	S	S	S	S	S	S	S	S	92	92	
Stabenow (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Stupak (D)	O	O	S	O	O	S	S	D	O	O	O	O	23	23	
Upton (R)	O	S	O	S	S	S	S	S	S	S	S	S	77	77	
Minnesota															
Gutknecht (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92	
Luther (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Minge (D)	O	O	O	O	O	O	O	O	O	O	O	S	8	8	
Oberstar (D)	O	O	S	O	S	S	S	O	S	S	O	S	54	54	
Peterson (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Ramstad (R)	O	O	O	O	O	O	O	O	S	O	O	O	8	8	
Sabo (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Vento (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Mississippi															
Parker (R)	S	S	S	S	S	S	S	S	S	?	S	S	100	92	
Pickering (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Taylor (D)	S	S	S	S	O	O	S	S	S	S	S	O	77	77	
Thompson (D)	O	O	S	O	?	?	O	O	O	S	S	S	40	31	
Wicker (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Missouri															
Blunt (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Clay (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Danner (D)	S	S	S	S	S	S	S	S	S	S	S	?	100	92	
Emerson (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Gephardt (D)	O	O	O	O	O	O	O	?	?	O	O	O	0	0	
Hulshof (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92	
McCarthy (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Skelton (D)	S	O	S	S	O	S	S	S	S	S	S	O	77	77	
Talent (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Montana															
Hill (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Nebraska															
Barrett (R)	S	S	S	S	S	S	S	S	O	S	S	S	92	92	
Bereuter (R)	S	O	S	O	S	S	S	S	O	O	O	S	62	62	
Christensen (R)	S	S	S	S	S	S	S	S	O	S	S	S	92	92	
Nevada															
Ensign (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Gibbons (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y			
	#1 ESA Flood Waters Subsidies	#2 Wetlands Regulation Funding	#3 FY Lowers Wetlands Funding	#4 Lowers Wetlands Funding	#5 Wetlands Without Warning Signs	#6 Wetlands Without Warning Signs	#7 Wetlands Permit Delays	#8 Wetlands Permit Delays	#9 Endangered Species Act Reauthorization	#10 Endangered Species Act Funding	#11 Endangered Species Act Funding	#12 Endangered Species Subsidies			
	VOTES												%SUPPORT		
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	When Voting	All Votes	
New Hampshire															
Bass (R)	O	S	S	S	S	S	S	S	S	S	O	S	69	69	
Sununu (R)	O	S	S	S	S	S	S	S	S	S	O	S	77	77	
New Jersey															
Andrews (D)	?	O	O	O	O	O	O	O	O	O	O	O	0	0	
Franks (R)	O	O	O	S	O	O	S	O	O	S	S	O	31	31	
Frelinghuysen (R)	O	O	O	S	S	S	O	O	O	O	O	O	23	23	
LoBiondo (R)	O	S	O	S	O	O	S	S	S	S	S	O	62	62	
Menendez (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Pallone (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8	
Pappas (R)	O	S	O	S	S	S	S	S	S	S	S	O	69	69	
Pascrell (D)	O	O	O	O	O	O	O	O	S	S	S	O	23	23	
Payne (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Rothman (D)	O	O	O	O	O	O	O	O	?	S	S	O	16	15	
Roukema (R)	O	O	O	O	O	O	O	O	O	O	O	S	8	8	
Saxton (R)	O	O	O	O	O	O	O	O	O	O	O	S	8	8	
Smith (R)	O	S	O	S	O	O	O	S	S	O	O	O	31	31	
New Mexico															
Redmond (R)	I	S	S	S	S	S	S	S	S	S	S	O	91	91	
Schiff (R)	ill, not able to vote												NA	NA	
Skeen (R)	S	S	S	S	S	S	S	S	S	S	S	O	92	92	
New York															
Ackerman (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Boehlert (R)	O	S	O	O	S	S	S	S	S	O	O	S	54	54	
Engel (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Flake (D)	O	?	O	O	O	O	O	O	O	S	O	O	9	8	
Forbes (R)	O	?	O	S	O	O	O	S	S	O	O	O	27	23	
Gilman (R)	O	S	O	O	O	O	O	O	O	O	O	S	15	15	
Hinchey (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Houghton (R)	O	S	O	O	O	S	S	S	O	S	S	S	54	54	
Kelly (R)	O	S	O	S	O	O	O	S	S	O	O	S	38	38	
King (R)	S	S	S	S	O	S	S	S	S	S	S	S	92	92	
LaFalce (D)	O	O	O	?	?	O	O	O	O	O	O	O	0	0	
Lazio (R)	O	O	O	O	O	O	O	S	S	S	O	O	23	23	
Lowey (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Maloney (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Menton (D)	O	O	O	O	O	O	O	O	O	O	O	S	8	8	
McCarthy (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
McHugh (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
McNulty (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Molinari (R)	S	?	?	S	I	I	I	I	I	I	I	I	100	50	
Nadler (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Owens (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Paxon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Quinn (R)	O	S	O	S	S	O	S	S	S	S	S	S	69	69	
Rangel (D)	O	?	O	O	O	O	O	S	O	O	O	O	9	8	
Schumer (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Serrano (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Slaughter (D)	O	O	?	O	O	O	O	O	O	O	O	O	0	0	
Solomon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Towns (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y			
	#1 EPA Flood Wetlands Subsidies	#2 Mud Hollow Project Funding	#3 Y-2K Highway Project Funding	#4 Appropriations Process Reform	#5 Super Fund Reform	#6 Interior Appropriations	#7 Oil Royalties Subsidies	#8 Interior Appropriations	#9 Appropriations Process Reform	#10 Land and Water Conservation Fund	#11 Interior Appropriations	#12 Defense Appropriations			
	VOTES												%SUPPORT		
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	When Voting	All Votes	
New York (cont.)															
Velazquez (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Walsh (R)	O	S	O	S	S	O	O	S	S	O	O	S	46	46	
North Carolina															
Ballenger (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Burr (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Clayton (D)	O	O	O	O	?	O	O	O	O	O	O	O	0	0	
Coble (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Etheridge (D)	O	O	O	O	O	O	?	O	O	O	S	S	18	15	
Hefner (D)	O	O	S	O	O	O	O	O	O	O	O	S	15	15	
Jones (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
McIntyre (D)	O	S	S	S	O	O	S	S	S	S	S	S	69	69	
Myrick (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Price (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Taylor (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Watt (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
North Dakota															
Pomeroy (D)	S	O	S	O	O	O	O	O	S	O	O	S	38	38	
Ohio															
Boehner (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92	
Brown (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Chabot (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92	
Gillmor (R)	O	S	O	S	S	S	S	S	S	S	S	S	77	77	
Hall (D)	O	O	O	O	O	O	O	O	O	O	S	O	8	8	
Hobson (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85	
Kaptur (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Kasich (R)	S	S	O	S	S	S	S	?	S	S	S	S	92	85	
Kucinich (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
LaTourette (R)	O	S	S	O	S	S	O	?	S	O	S	O	50	46	
Ney (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Oxley (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Portman (R)	S	S	O	S	S	S	S	S	S	O	O	S	77	77	
Pryce (R)	S	S	?	S	S	S	S	S	S	S	S	S	100	92	
Regula (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Sawyer (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Stokes (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0	
Strickland (D)	O	O	O	O	O	O	O	O	O	?	?	O	0	0	
Traficant (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Oklahoma															
Coburn (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Istook (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Largent (R)	S	?	S	S	S	S	S	S	S	S	S	S	100	92	
Lucas (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	
Watkins (R)	S	S	S	S	S	S	S	S	S	S	S	?	100	92	
Watts (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100	

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y			
	#1 EPA Flood Wetlands Subsidies	#2 Mud Hollow Project Funding	#3 Y-2K Highway Project Funding	#4 Appropriations Process Reform	#5 Super Fund Reform	#6 Interior Appropriations	#7 Oil Royalties Subsidies	#8 Interior Appropriations	#9 Appropriations Process Reform	#10 Land and Water Conservation Fund	#11 Interior Appropriations	#12 Defense Appropriations			
	VOTES												%SUPPORT		
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	When Voting	All Votes	
Oregon															
Blumenauer (D)	O	O	O	O	O	O	O	O	O	O	S	S	O	15	15
DeFazio (D)	O	O	S	O	O	O	O	O	O	O	O	O	O	8	8
Furse (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Hooley (D)	O	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Smith (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Pennsylvania															
Borski (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Coyne (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Doyle (D)	O	O	S	S	S	O	S	O	S	O	S	O	O	46	46
English (R)	O	O	S	O	O	O	O	S	O	S	S	S	S	38	38
Fattah (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Fogletta (D)	O	O	O	O	O	O	?	O	O	O	O	O	O	0	0
Fox (R)	O	S	O	S	O	O	O	S	S	O	S	O	O	38	38
Gekas (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Goodling (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Greenwood (R)	O	S	O	S	S	S	S	S	O	O	O	O	O	46	46
Holden (D)	S	O	S	S	S	O	S	O	S	S	S	S	S	77	77
Kanjorski (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Klink (D)	O	O	S	O	S	S	S	O	S	O	O	O	O	38	38
Mascara (D)	O	O	S	S	O	O	O	O	O	O	S	O	O	23	23
McDade (R)	O	S	S	S	S	S	?	S	S	S	S	S	S	92	77
McHale (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Murtha (D)	O	O	S	O	S	O	S	O	O	O	S	S	S	38	38
Peterson (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Pitts (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Shuster (R)	S	S	?	S	S	S	S	S	S	S	S	S	S	100	92
Weldon (R)	O	S	O	S	S	S	O	O	S	?	S	?	?	54	46
Rhode Island															
Kennedy (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Weygand (D)	O	O	O	O	?	?	O	O	O	O	S	O	O	8	8
South Carolina															
Clyburn (D)	O	O	O	O	O	O	O	O	O	O	O	S	O	8	8
Graham (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Inglis (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Sanford (R)	O	S	O	S	S	S	O	S	S	O	O	O	O	38	38
Spence (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Spratt (D)	O	O	O	O	O	O	O	O	O	O	O	O	O	0	0
South Dakota															
Thune (R)	S	S	S	S	S	S	S	S	S	S	S	S	S	100	100

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PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	#1 EPA Flood Hazard Subsidies	#2 Nixon Impeds Property Rights	#3 EPA Limits Flood Control	#4 Endangered Species Overkill	#5 Federal Takeover of Forests	#6 Federal Takeover of Parks	#7 Federal Takeover of Beaches	#8 Federal Takeover of Wetlands	#9 Land Trusts Threaten Property Rights	#10 Property Rights Amendment	#11 Property Rights Amendment	#12 Property Rights Amendment	%SUPPORT	
	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y		
	VOTES												When	All
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	Voting	Votes
Tennessee														
Bryant (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Clement (D)	O	O	?	O	O	O	O	O	O	S	S	O	18	15
Duncan (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Ford (D)	O	O	O	O	O	O	O	O	O	S	S	O	15	15
Gordon (D)	O	O	O	O	O	O	O	O	O	S	S	O	23	23
Hilleary (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Jenkins (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Tanner (D)	O	O	S	O	O	S	S	S	S	S	S	S	62	62
Wamp (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Texas														
Archer (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Armey (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Barton (R)	?	S	S	S	S	S	S	S	S	S	S	S	100	92
Bentsen (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Bonilla (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Brady (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Combest L (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
DeLay (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Doggett (D)	O	O	O	O	O	O	O	O	O	O	O	O	8	8
Edwards (D)	S	O	S	O	S	S	S	O	S	S	S	S	77	77
Frost (D)	O	O	S	O	O	O	O	O	O	S	S	S	31	31
Gonzalez (D)	O	O	O	O	?	?	?	?	?	?	?	?	0	0
Granger (R)	S	S	S	S	S	S	S	S	S	S	S	?	100	92
Green (D)	O	S	O	S	O	S	S	S	S	S	S	O	62	62
Hall (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hinojosa (D)	O	O	O	O	O	O	O	O	O	S	S	S	23	23
Jackson-Lee (D)	O	O	O	O	O	O	O	O	?	?	O	O	0	0
Johnson E (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Johnson S (R)	S	S	O	?	S	S	S	S	S	S	S	S	91	85
Lampson (D)	O	S	O	O	O	O	O	O	O	O	O	O	8	8
Ortiz (D)	S	O	S	O	S	S	O	O	O	S	S	S	62	62
Paul (R)	S	S	O	S	S	S	S	S	S	S	S	O	85	85
Reyes (D)	?	O	O	?	O	O	O	O	O	O	O	S	9	8
Rodriguez (D)	S	O	S	O	O	O	O	O	O	O	O	S	23	23
Sandlin (D)	S	O	S	S	O	S	O	S	S	S	S	S	77	77
Sessions (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Smith (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Stenholm (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Thornberry (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Turner (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Utah														
Cannon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cook (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Hansen (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Vermont														
Sanders (I)	O	O	O	O	O	O	O	O	O	O	O	O	0	0

PRIVATE PROPERTY POSITION:	#1 EPA Flood Hazard Subsidies	#2 Nixon Impeds Property Rights	#3 EPA Limits Flood Control	#4 Endangered Species Overkill	#5 Federal Takeover of Forests	#6 Federal Takeover of Parks	#7 Federal Takeover of Beaches	#8 Federal Takeover of Wetlands	#9 Land Trusts Threaten Property Rights	#10 Property Rights Amendment	#11 Property Rights Amendment	#12 Property Rights Amendment	%SUPPORT	
	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y		
	VOTES												When	All
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12	Voting	Votes
Virginia														
Bateman (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Bliley (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Boucher (D)	O	O	?	O	O	O	O	O	O	O	O	O	0	0
Davis (R)	O	O	O	O	O	O	S	S	S	S	S	S	46	46
Goode (D)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Goodlatte (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Moran (D)	O	O	O	O	O	O	?	O	O	O	O	O	0	0
Pickett (D)	S	O	S	O	S	S	S	S	S	S	S	S	85	85
Scott (D)	O	S	O	S	O	O	O	O	O	O	S	O	23	23
Sisisky (D)	S	O	S	S	S	S	O	S	S	S	S	S	85	85
Wolf (R)	O	S	O	S	S	S	S	S	S	S	S	S	85	85
Washington														
Dicks (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Dunn (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hastings (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McDermott (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Metcalf (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85
Nethercutt (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Smith A (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Smith L (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85
White (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	8
West Virginia														
Mollohan (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Rahall (D)	O	O	S	O	O	O	O	O	O	O	S	O	15	15
Wise (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Wisconsin														
Barrett (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Johnson (D)	O	O	S	O	O	O	O	O	O	O	O	S	15	15
Kind (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Kleczka (D)	O	S	O	O	O	O	O	O	O	O	O	O	8	8
Klug (R)	O	O	O	S	S	S	O	S	O	O	O	O	31	31
Neumann (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85
Obey (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Petri (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85
Sensenbrenner (R)	O	S	O	S	S	S	S	S	S	S	O	S	69	69
Wyoming														
Cubin (R)	S	S	S	S	S	S	S	S	S	?	?	?	100	77

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The 1998 Private Property Congressional Vote Index was co-sponsored by:

as of September 28, 1998

A & V Enterprises
Adirondack Solidarity Alliance
Alabama Cattlemen's Association
Alabama Coal Association
Alamo Ranch Co.
Alaska Forest Association
Alaska Miners Association
Allen Brothers Forest Management Inc.
Alliance For America
American Borate Co.
American Land Rights Association
American Policy Center
Aspire Inc.
Associated Industries of Vermont
Associated Oregon Loggers
A W Dilley & Co.
Barnum Timber Co.
Bates Construction
Beistline Inc.
Bighorn Sheep
Bill Behan Foundation
Black Hills Regional Multiple Use Coalition
Blue Ribbon Coalition
Bonnell Logging Co.
Bow Tie Inc.
Brace Farms
Brizard Co.
Broughton Land Co.
Brubaker-Mann Inc.
Burgess Logging
California Cattlemen's Association
California Desert Coalition
California Off-Road Vehicle Association (CORVA)
California Women in Timber, Hayfork
California Women in Timber, Shasta
California Women in Timber, Siskiyou
Cambior USA Inc.
Canoe Trip Outfitting Co.
Citizens Council of the Sleeping Bear Dunes
Citizens for Constitutional Property Rights
Citizens for Private Property Rights
Citizens for Property Rights
Citizens Resource Group
Cliff Wold's Canoe Trip Outfitting Company
Coalition for Property Rights
Colorado Inholders Association
Communities for a Great Northwest
Concerned Alaskans for Resources & the Environment (C.A.R.E.)
Concerned Citizens of Eureka County
Connell Ranch
Conservationists with Common Sense
Conservative Caucus Foundation
Conservationists With Common Sense
Country Properties
Cox Ranch
Crooked Lake Northshore Association
Curry County Oregon Project
Davis Mountains Trans Pecos Heritage Association
Defenders of Property Rights
Delta Construction
Double R Properties
Douglas County Grassroots Association
East Mojave Property Owners Association
East Perry Lumber Co.
Eastern Oregon Miners Association
Edmunson Ranch
Ellis Sheep Co.
Empire State Forest Products Association
Emray Corp/Cima Cinder Quarry
Environmental Conservation Organization
Evergreen Resource Management
Family Water Alliance
Federal Land Bank Association of Mason, TX
Ferry County Action League
Fire Island National Seashore Advisory Board
Florida Farm Bureau
Forest Landowners Association Inc.
Formation Capital
Frank A. Conkling Co.
Fur Commission USA
G G Armstrong & Son Ltd.
Glen Craft Villas
Grassroots for Multiple Use
Gulf Lumber Co.
Gustin Corp.
Hames Corp.
Hammond Ranches
Haner Log Co. Inc.
Harbor Enterprises Inc.
Herron Lumber Inc.
Hexaco
High Desert Multiple Use Coalition
Hill Country Heritage Association
Hill Country Heritage Society
Howard Tree Farms Ltd.
Hunt Forest Products Inc.
Hunting & Angling Club
Independent Forest Products Association
Indian Springs Ranch
Intermountain Ranches
J & J Forest Products Inc.
Jackson Hole Hereford Ranch
Jim C. Hamer Co.
Joe M. Cullinan & Associates
John F King & Sons Inc.

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as of September 28, 1998

Jordan Brothers Ranch
Kil Ranch
Klamath Alliance for Resources and Environment (KARE)
Landowners Association of North Dakota
L-Bar Ranch
Lazy Y S Ranch
Louisiana Forestry Association
Lumbermen's Association of Texas
Lynch Bros.
MacMullin Forestry & Logging
Maine Conservation Rights Institute (MECRI)
Maine Property Rights Alliance
Maughan Ranch
McCuen Properties
McCulloch County Property Owners Association
McMullin Logging
Midwest Trail Riders Association
Minerals Evaluation Network
Mining Construction
Montana Resource Providers Coalition
Montana Woolgrowers
Montanans for Multiple Use
Mount Sopris Hereford Ranch
Muleshoe Ranch Co.
Multiple Use Association
Multiple Use Land Alliance
National Hardwood Lumber Association
National Inholders Association
National Republican Senatorial Committee
National Trappers Association
Nevada Cattlemen's Association
Nevada Farm Bureau
New Mexico Cattle Growers Association
New Mexico Public Lands Council
New Mexico Woolgrowers Action Committee
New Mexico Woolgrowers Association
New York Blue Line Council
North Shore Association
Northwest Council of Government
Northwest Mining Association
Olympic Forest Products
Oregon Farm Bureau
Oregon Lands Coalition
Oregonians for Food & Shelter
Parsons Ranch Co.
People for the Constitution
People for the USA, Denver Chapter
People for the USA, Lucerne Chapter
Peters Ranch
Pima County Rural Property Owners
Pine River Lumber Co. Ltd.
Prescott Livestock Auction
Private Landowners of Wisconsin (PLOW)
Property Owners Association of Riverside County
Property Owners Standing Together (POST)
Property Rights Foundation of America
Public Affairs Inc.
Pulp & Paperworkers Resource Council (PPRC)
Quail's Nest Industries
Radar Inc.
Real Estate Nightmares
Resource Development Council
River Ranch Inc.
Riverside & Landowners Protection Coalition
Riverside Farm Bureau
Roney Land & Cattle Co.
Rosboro Lumber Co.
Roswell Wool Operating
Rovig Minerals Inc.
RSG Forest Products Inc.
Saddleback Mountain Inc.
San Joaquin County Citizens Land Alliance
Save Our Industries and Lands (SOIL)
Schlegel Ranch Co.
Schmitz Ranch
Sea-Fourth Properties
Sierra Aggregate Co.
Silverthorn LLC
Singing Valley Ranch
Smith & Edwards
South Dakota Women in Timber-Black Hills Chapter
Stardust Lodge
Steen Mountain Ranch
Stone Container Corp.
Stone Forest Container Corp.
Stop Taking Our Property (STOP)
T Hanging Heart
Take Back Arkansas
Take Care/Sierra Forest Products
Tee Bar Ranch Co.
Texas Agri-Women
Texas Wildlife Association
Thirty One Bar Ranch
Timber Producers Association of MI & WI
Timber Products of Michigan
Tomahawk Ranch
Trans Texas Heritage Association
Transvest Inc.
TREES - Coastal Chapter
Trinity River Lumber Co.
True Drilling Co.
U-C Coatings Corp.
US Taxpayers Alliance
USG Forest Products
V-Cross Cattle Co.

The 1998 Private Property Congressional Vote Index was co-sponsored by:

as of September 28, 1998

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Washington Property Owners Coalition
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PRIVATE PROPERTY VOTE INDEX
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1998
Private Property Congressional Vote Index

LEAGUE OF PRIVATE PROPERTY VOTERS
PO Box 423, Battle Ground, Washington 98604
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September 1998

The Stamp Family of New York presents Champion Congressman Gerald Soloman (R-NY) with his certificate.

LPPV member Myron Ebell presents certificate to Champion Congressman Bob Smith (R-OR).

LPPV Chairman Chuck Cushman presents certificate to Champion Congressman Chet Edwards (D-TX).

Linda Hay of Juneau, Alaska presents certificate to Champion Congressman Don Young (R-AK).

93 Representatives & Senators were presented their Champion of Property Rights certificates at an awards ceremony held in Washington DC on June 9

LEAGUE OF PRIVATE PROPERTY VOTERS
PO Box 423
Battle Ground, WA 98604

UNITED STATES HOUSE OF REPRESENTATIVES

The votes listed below show how each Representative (S) or opposed (O) the League of Private Property Voters position. A description of each vote is listed below along with the scorecard.

You will gain the greatest benefit by first looking up your Representative to see what his/her private property score was on the right side of the scorecard. Then read each vote description. The League's private property position listed near the top of the scorecard shows how we believe your Representative should have voted on each issue. Check to see whether your Representative supported (S) or opposed (O) the League's private property position.

US HOUSE VOTES

House Vote #1: ENDANGERED SPECIES ACT FLOOD WAIVERS. An attempt by Rep. Sherwood Boehlert (R-NY) to water down the ESA flood waivers bill with a substitute amendment to provide project exemption limitations to waivers of the Endangered Species Act consultation regulations for repair or replacement of flood control projects in counties declared federal disaster areas through 1998 and waive the requirements for repairs to any project that presents a substantial threat to human lives and property. The amendment passed 227-196 on May 7, 1997. A "yea" was a vote in support of the President's position. The private property position was a no. (This vote was counted twice because this vote was considered precedent setting for votes on other environmental issues in the 105th Congress. Members were told ahead of time that if this bill failed to pass, other environmental legislation would be postponed or ignored).

House Vote #2: FUNDING FOR WORLD HERITAGE/BIOSPHERE PROGRAMS. This was a second and separate vote on the State Department Appropriations Bill at the request of Rep. Jose Serrano (D-NY) on the amendment by Rep. Tom Coburn (R-OK) to prohibit funding for the World Heritage Program or the Man and the Biosphere Program administered by the United Nations Educational, Scientific, and Cultural Organizations and through the State Department and National Park Service in the United States. The Coburn Amendment passed 222-202 on June 11, 1997. The private property position was yes.

House Vote#3: FUNDING FOR FOREST SERVICE LOGGING ROADS. This vote was on an amendment by Rep. Norm Dicks (D-WA) to the amendment by Rep. John Porter (D-IL). The Porter amendment would have slashed forest road construction funds. The Dicks amendment was offered as a compromise to only cut funds for new timber logging roads by $5.6 million. The amendment also reduces funding from $50 million to $25 million for the Purchaser Credit Program, which gave timber credits to companies as payments for building new forest roads. The Dicks amendment passed 211-209 on July 10, 1997. (These roads are used for many years after all timber harvesting is completed by private

HOUSE SCORECARD

PRIVATE PROPERTY POSITION:	#1 ESA Flood Waiver Substitute	#2 World Heritage/Biosphere Funding	#3 Forest Logging Roads Funding	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	%SUPPORT When Voting	%SUPPORT All Votes
CONGRESSMAN				1	2	3	4	5	6	7	8	9	10	11	12		
Alabama																	
Aderholt (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Bachus (R)				S	?	S	S	S	S	S	S	S	S	S	S	100	92
Callahan (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cramer (D)				S	O	S	O	O	S	S	O	S	S	S	S	69	69
Everett (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hilliard (D)				O	O	S	O	?	?	?	?	?	S	S	S	50	31
Riley (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Alaska																	
Young (R)				S	S	S	?	S	S	S	S	S	S	S	S	100	92
Arizona																	
Hayworth (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kolbe (R)				S	O	S	O	S	S	S	S	S	S	S	S	85	85
Pastor (D)				O	O	O	O	O	O	O	O	O	O	O	S	8	8
Salmon (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Shadegg (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Stump (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Arkansas																	
Berry (D)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dickey (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hutchinson (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Snyder (D)				O	O	O	O	O	O	O	O	O	O	O	O	0	0
California																	
Becerra (D)				?	O	?	O	O	?	O	O	O	O	O	O	0	0
Berman (D)				O	O	?	O	O	O	O	O	O	O	O	O	0	0
Bilbray (R)				S	S	O	S	S	S	S	S	S	S	O	S	85	85
Bono (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Brown (D)				O	O	O	O	O	O	O	O	O	?	O	O	0	0
Calvert (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Campbell (R)				S	S	O	S	S	S	S	S	S	S	S	O	85	85
Capps (D)				O	O	O	O	O	O	O	O	O	O	O	!	0	0
Condit (D)				S	S	O	S	S	S	S	S	S	S	S	S	92	92
Cox (R)				S	S	O	S	S	S	S	S	S	S	S	S	92	92
Cunningham (R)				S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dellums (D)				O	O	O	O	O	O	O	O	O	O	O	O	0	0
Dixon (D)				O	O	O	O	O	O	O	O	O	O	O	O	0	0
Dooley (D)				S	O	O	O	O	S	O	O	O	S	S	S	46	46

PRIVATE PROPERTY VOTE INDEX

CONGRESSMAN	#1 ESA Prior Written Scientific Data	#2 World Heritage Program Funding	#3 FLPMA Public Lands Transfer Authority	#4 Biosphere/World Heritage Program	#5 Interior Approp. Limit on Monument Designation	#6 Interior Approp. Limit on Monument Designation	#7 U.S. Land Use Restrictions	#8 Coastal Barrier Restrictions	#9 Gift Ban Loophole	#10 Interior Approp. Regulatory Moratorium	#11 Interior Approp. Gifts Restriction	#12 Interior Approp. Land Acquisition	%SUPPORT When Voting	%SUPPORT All Votes
PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y		
						VOTES								
California (cont.)														
Doolittle (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Dreier (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Eshoo (D)	O	O	O	?	O	O	O	O	O	O	O	O	0	0
Farr (D)	O	?	O	O	O	O	O	O	O	O	O	O	0	0
Fazio (D)	O	O	O	O	O	O	O	O	O	S	S	S	23	23
Filner (D)	?	O	O	O	O	O	O	O	O	O	O	O	0	0
Gallegly (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Harman (D)	O	O	O	O	O	O	O	O	O	S	S	O	15	15
Herger (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Horn (R)	O	O	O	O	S	S	O	O	S	O	O	S	31	31
Hunter (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kim (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Lantos (D)	O	O	O	O	O	O	O	O	O	?	?	O	0	0
Lewis (R)	S	S	S	S	?	S	S	S	S	S	S	S	100	92
Lofgren (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Martinez (D)	O	?	?	O	O	O	S	O	S	?	S	S	44	31
Matsui (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
McKeon (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Millender-McDonald (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Miller (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Packard (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Pelosi (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Pombo (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Radanovich (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92
Riggs (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Rogan (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Rohrabacher (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Roybal-Allard (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Royce (R)	S	S	O	S	S	S	S	S	S	S	S	S	92	92
Sanchez (D)	O	O	?	O	O	O	O	O	O	O	S	O	9	8
Sherman (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Stark (D)	O	O	O	O	O	O	O	O	O	?	O	O	0	0
Tauscher (D)	O	O	O	O	O	O	O	O	O	O	O	O	8	8
Thomas (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Torres (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Waters (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Waxman (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Woolsey (D)	O	O	O	?	O	O	O	O	O	O	O	O	0	0
Colorado														
DeGette (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Hefley (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McInnis (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Schaefer, D (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Schaffer, B (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Skaggs (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Connecticut														
DeLauro (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Gejdenson (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Johnson (R)	O	S	O	O	O	O	O	O	O	O	O	O	8	8

House Votes....

FROM PAGE 10

property owners, ranchers, miners, hunters, fishermen, off-highway vehicle users and other recreationists). The private property position was yes.

House Vote #4: BIOSPHERE AND WORLD HERITAGE — INTERIOR APPROPRIATIONS. The amendment by Rep. Tom Coburn (R-OK) was to prohibit the use of Interior Department funds in the bill for the US Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific and Cultural Organization. It passed 222-203 on July 15, 1997. (This is a different vote on a different appropriations bill than Vote #2). The private property position was yes.

House Vote #5: NATIONAL MONUMENT DESIGNATION—CONGRESSIONAL CONSENT. An amendment by Rep. Bruce Vento (D-MN) to strike the bill's provision to require the President to obtain congressional approval for proposed national monuments in excess of 50,000 acres. The amendment would have instead established a one-year delay from the time the President announces a monument designation to when the designation actually would take effect. The amendment was rejected 201-224 on October 7, 1997. Property rights position was no.

House Vote #6: NATIONAL MONUMENT DESIGNATION - FINAL PASSAGE. Passage of the bill to allow the president to unilaterally designate national monuments but require termination of a monument in excess of 50,000 acres within two years unless Congress adopts a joint resolution approving the monument. The bill also would require the president to notify the governor of the state in which the monument is to be located and seek written comments at least 30 days prior to the monument declaration. Passed 229-197 on Oct. 7, 1997. Property rights position was yes.

House Vote #7: UNITED NATIONS LAND DESIGNATION — RAMSAR CONVENTION EXEMPTION. An amendment by Rep. Bruce Vento (D-MN) would exempt from the bill's requirements all sites nominated for international designation under the Convention on Wetlands of International Importance Especially as

HOUSE KEY

- S: Supported Private Property position
- O: Opposed Private Property position
- X: House Speaker may excuse himself from voting
- ?: Did not vote
- I: Ineligible to vote at the time

House Votes....

FROM PAGE 11

Waterfowl Habitats, commonly known as the Ramsar Convention. The amendment was rejected 195-220 on October 7, 1997. The private property position was no.

House Vote #8: UNITED NATIONS LAND DESIGNATION — BIOSPHERE RESERVES TERMINATION. Rep. George Miller's (D-CA) amendment to the bill's provision that would terminate all existing Biosphere Reserves unless a reserve is explicitly authorized by Congress before December 31, 2000. The amendment failed 199-227 on October 8, 1997. The private property position was no.

House Vote #9: UNITED NATIONS LAND DESIGNATION - PASSAGE. Passage of the bill to prohibit federal officials from nominating US lands for protection under United Nations Educational, Scientific and Cultural Organization conservation programs without previous congressional approval. The bill also would terminate all existing US lands in the UN Biosphere Reserve program unless certain conditions are met, including congressional authorization for each reserve by Dec. 31, 2000. Passed 236-191 on Oct. 8, 1997. Private property advocates voted yes.

House Vote #10: PRIVATE PROPERTY RIGHTS - LOCAL LAND USE DECISION APPEALS. Rep. Sherwood Boehlert's (R-NY) substitute amendment to eliminate the bill's provisions that allow a private property owner to appeal local land use decisions in the federal courts, while retaining provisions that allow expedited federal court consideration of land use disputes involving the federal government. Rejected 178-242 on Oct. 22, 1997. The private property position was no.

House Vote #11: PRIVATE PROPERTY RIGHTS - PASSAGE. Passage of the bill to establish guidelines for allowing private property owners to appeal local, state and federal land use decisions in federal courts. The bill requires federal courts to consider all cases qualifying as "takings" under the Fifth Amendment to the Constitution, which prohibits the federal government from taking private property for the public good without giving just compensation to the land owner. Passed 248-178 on Oct. 22, 1997. Private property advocates voted yes.

HOUSE KEY

- S: Supported Private Property position
- O: Opposed Private Property position
- X: House Speaker may excuse himself from voting
- ?: Did not vote
- I: Ineligible to vote at the time

CONGRESSMAN	#1 ESA Flood Victims Subsidies	#2 Flood Victims Drought Funding	#3 ESA Listing Moratorium	#4 Coastal Wetland Planning Protection	#5 Ramsar Wetland Treaty	#6 Biosphere Reserves Termination	#7 Fish Landowner Takings	#8 UN Land Designation	#9 UN Land Designation Passage	#10 Property Rights Appeals	#11 Property Rights Passage	#12 Ballast Water Regulation	%SUPPORT When Voting	%SUPPORT All Votes
PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y		
	VOTES													
Connecticut (cont.)														
Kennelly (D)	O	O	O	O	O	O	?	O	O	S	O	O	9	8
Maloney (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Shays (R)	O	S	O	O	O	O	O	O	O	?	O	O	9	8
Delaware														
Castle (R)	O	O	O	O	O	S	O	O	O	O	O	S	15	15
Florida														
Bilirakis (R)	S	S	O	S	S	S	?	S	S	S	S	S	92	85
Boyd (D)	S	O	S	O	S	S	O	O	O	S	S	S	62	62
Brown (D)	O	O	O	?	O	O	O	O	O	O	O	O	0	0
Canady (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Davis (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Deutsch (D)	O	O	O	O	O	O	O	O	O	S	S	O	15	15
Diaz-Balart (R)	O	S	S	S	S	S	S	S	S	S	S	S	92	92
Foley (R)	?	S	O	S	S	S	S	S	S	S	S	S	91	77
Fowler (R)	S	S	?	S	S	S	S	S	S	S	S	S	100	92
Goss (R)	O	S	O	S	S	S	S	S	S	O	O	S	62	62
Hastings (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
McCollum (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Meek (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Mica (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Miller (R)	S	S	O	S	S	S	S	S	S	O	S	S	85	85
Ros-Lehtinen (R)	O	S	?	S	S	S	S	S	S	S	S	S	91	77
Scarborough (R)	S	S	O	S	S	S	S	S	S	O	S	O	77	77
Shaw (R)	S	S	O	S	S	S	S	S	S	O	S	S	85	85
Stearns (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92
Thurman (D)	O	O	S	O	O	O	O	O	O	O	O	S	15	15
Weldon (R)	S	S	S	S	S	S	S	S	S	S	S	?	100	92
Wexler (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Young (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Georgia														
Barr (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Bishop (D)	S	O	S	O	S	S	S	S	S	S	S	S	85	85
Chambliss (R)	S	S	S	S	S	S	S	S	S	?	?	S	100	85
Collins (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Deal (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Gingrich (R)	X	X	X	X	X	X	X	X	X	X	X	X	NA	NA
Kingston (R)	O	S	S	S	S	S	S	S	S	S	S	S	92	92
Lewis (D)	O	O	O	O	O	O	O	S	O	O	O	O	8	8
Linder (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McKinney (D)	?	O	O	O	O	O	O	O	O	O	O	O	0	0
Norwood (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hawaii														
Abercrombie (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Mink (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Idaho														
Chenoweth (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Crapo (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100

PRIVATE PROPERTY VOTE INDEX

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	%SUPPORT	
								VOTES					When Voting	All Votes
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12		
Illinois														
Blagojevich (D)	O	S	O	O	O	O	O	O	O	O	O	O	8	8
Costello (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Crane (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Davis (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Evans (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Ewing (R)	S	S	O	S	S	O	O	S	S	O	O	S	62	62
Fawell (R)	O	O	O	O	O	S	O	O	O	O	O	S	15	15
Gutierrez (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Hastert (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Hyde (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Jackson (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
LaHood (R)	O	S	S	S	S	S	S	S	S	S	S	S	85	85
Lipinski (D)	O	O	S	O	O	O	O	O	O	O	O	S	15	15
Manzullo (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Porter (R)	O	O	O	O	O	O	O	O	O	O	O	S	8	8
Poshard (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Rush (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Shimkus (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Weller (R)	O	S	S	S	S	S	S	S	S	S	S	S	92	92
Yates (D)	O	O	?	O	O	O	?	O	O	O	O	O	0	0
Indiana														
Burton (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92
Buyer (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Carson (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Hamilton (D)	O	O	O	O	O	O	O	O	O	O	S	O	8	8
Hostettler (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McIntosh (R)	S	S	O	S	S	S	S	S	S	?	?	S	91	77
Pease (R)	S	S	O	S	S	O	S	S	S	S	S	O	77	77
Roemer (D)	O	O	O	O	O	O	O	O	S	O	S	O	15	15
Souder (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Visclosky (D)	O	O	O	O	O	O	?	O	O	O	O	O	0	0
Iowa														
Boswell (D)	S	O	S	O	S	S	S	O	S	S	S	S	77	77
Ganske (R)	S	S	O	S	S	S	S	S	S	O	O	S	77	77
Latham (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Leach (R)	O	O	O	O	O	O	O	O	O	O	S	S	15	15
Nussle (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kansas														
Moran (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Ryun (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Snowbarger (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Tiahrt (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Kentucky														
Baesler (D)	S	S	S	O	S	S	S	S	S	S	S	S	92	92
Bunning (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Lewis (R)	S	S	S	S	S	S	?	?	?	S	S	S	100	77
Northup (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Rogers (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Whitfield (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100

PRIVATE PROPERTY POSITION:	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	%SUPPORT	
								VOTES					When Voting	All Votes
CONGRESSMAN	1	2	3	4	5	6	7	8	9	10	11	12		
Louisiana														
Baker (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cooksey (R)	S	S	S	S	S	S	?	S	S	S	S	S	100	92
Jefferson (D)	S	O	O	O	O	?	O	O	O	S	S	O	27	23
John (D)	S	O	S	O	O	O	O	S	S	S	S	S	62	62
Livingston (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
McCrery (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Tauzin (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Maine														
Allen (D)	O	O	O	O	O	O	O	O	O	S	O	O	8	8
Baldacci (D)	O	O	O	O	O	O	O	O	O	O	S	O	8	8
Maryland														
Bartlett (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Cardin (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Cummings (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Ehrlich (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100
Gilchrest (R)	O	O	S	O	S	S	O	S	O	O	O	S	38	38
Hoyer (D)	O	O	O	O	O	O	O	O	O	S	S	O	15	15
Morella (R)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Wynn (D)	O	O	S	O	O	O	O	O	O	O	O	O	8	8
Massachusetts														
Delahunt (D)	?	S	O	O	O	O	O	O	O	O	O	O	9	8
Frank (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Kennedy (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Markey (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
McGovern (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Meehan (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Moakley (D)	O	O	O	O	O	O	O	?	O	O	O	O	0	0
Neal (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Olver (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Tierney (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Michigan														
Barcia (D)	O	S	S	S	O	S	S	S	S	S	S	S	77	77
Bonior (D)	O	O	O	O	O	O	O	O	O	O	O	O	0	0
Camp (R)	S	S	S	S	S	S	S	S	S	S	S	S	100	100

House Votes....

FROM PAGE 12

House Vote #12: GRAZING FEES AND RANGELAND MANAGEMENT - PASSAGE. Passage of the bill to establish a statutory formula to calculate rancher fees to graze cattle and other livestock on lands administered by the Bureau of Land Management and the US Forest Service. The bill increases federal fees for grazing cattle on public lands, but decreases grazing fees for sheep and goats. Passed 242-182 on Oct. 30, 1997. The private property position was yes.

Congress of the United States

Washington, DC 20515
February 26, 1999

Mr. John Adams, President, National Resources Defense Council
Mr. Brent Blackwelder, President, Friends of the Earth
Mr. David Burwell, President, Rails to Trails Conservancy
Mr. Philip Clapp, President, National Environmental Trust
Mr. John Flicker, President, National Audubon Society
Mr. Paul Hansen, Executive Director, Izaak Walton League
Mr. Gene Karpinski, Executive Director, US Public Interest Research Group
Mr. Thomas C. Kiernan, President, National Parks and Conservation Association
Mr. Fred D. Krupp, Executive Director, Environmental Defense Fund
Ms. Meg Maguire, President, Scenic America
Mr. Roger McManus, President, Center for Marine Conservation
Mr. William Meadows, President, The Wilderness Society
Mr. Richard Moe, President, National Trust for Historic Preservation
Dr. Robert K. Musil, Executive Director, Physicians for Social Responsibility
Mr. Carl Pope, Executive Director, Sierra Club
Mr. Will Rogers, President, The Trust for Public Land
Mr. Rodger Schlickeisen, President, Defenders of Wildlife
Mr. Mark Van Putten, President and CEO, National Wildlife Federation
Mr. David Younkman, Executive Director, American Oceans Campaign

Gentlemen and Gentlewoman:

Thank you for your comments of February 2 regarding the Conservation and Reinvestment Act of 1998 (CARA '98). On February 10, 1999, we reintroduced the Conservation and Reinvestment Act of 1999 (CARA '99). We wish to express our appreciation for your detailed and comprehensive response to our solicitation for comments on CARA '98. Your letter was given careful review and consideration; as a result of these and other comments, CARA '99 addresses several of the issues you raised. We have chosen to leave other issues for debate during the legislative process, which will continue very soon with hearings in the U.S. House of Representatives. We are pleased by your expressed willingness to work with us during that process in the months ahead.

We also would like to express particular appreciation to those of you who have made staff available to provide their expertise, comments and suggestions during the several months CARA '98 and '99 have been under development. We hope you will find that several changes contained in CARA '99 reflect their efforts to make positive changes to advance this comprehensive conservation and revenue sharing legislation. A summary of some of the key provisions and changes follow.

Title I -- Outer Continental Shelf Impact Assistance

- We strongly believe that CARA '99 provides no incentives for new offshore drilling and decisively settles any concerns about this bill having an impact on the current federal leasing moratoria. Our bill contains a new provision which *prohibits* an allocation increase

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in Title I funds for states which initiate production in areas subject to moratoria. Consequently, there is no incentive for states and local governments to support new leasing as a result of the distribution of revenue or deposits into the OCS Impact Assistance Fund within Title I.

Since introduction, we have heard some comments that the Title I moratoria language does not go far enough to address the perception of incentives included within CARA '99 and that the language should be carried through into Titles II and III. This is a new concern that we did not anticipate. During the past 35-years, the LWCF has proven not to be an incentive for new OCS development. Similarly, for 60-years Pittman-Robertson has been responsible for great success by its funding of conservation projects.

For us, this bill provides a reinvestment of revenue, not a vehicle for providing oil and gas incentives. With this in mind, we want to assure you that the intent of the moratoria provision within CARA was to address moratoria in a manner to resolve the issue of incentives. Leaving Titles II and III open to this debate was not our intention and is a technical correction which will be addressed at the first opportunity. In the interim, we hope that you will work with us to address this imperfection.

- We believe the pressures of population, development and recreation growth along America's coasts require immediate action. While coastal states receive no share of the revenues from offshore drilling in federal areas, the federal government has for years shared 50 percent of such revenue from *onshore* federal areas with states for impact mitigation. At the same time, Americans are increasingly making the coasts their home, with the National Oceanic and Atmospheric Administration (NOAA) having recently estimated that, during the next 20 years, coastal counties' cumulative populations will soar from 80 million to 127 million. According to the Congressional Research Service (CRS), "Coastal growth is not equally distributed. While coastal Oregon and Washington counties, for example, are likely to grow relatively slowly, coastal areas in the South are likely to grow rapidly."

It is in many of these same areas that offshore oil and natural gas production takes place, providing the revenue that could fund the programs established under our bill. It is only natural that areas closest to production would experience the most significant impacts; that is why we have included proximity to production as a factor in the Title I distribution formula.

- The impact assistance funds will be made available to states and local governments to address coastal, marine, and other environmental impacts. Our legislation allows states and communities receiving coastal impact aid to direct it for needed projects which will improve coastal communities' environment, health and livability. Some of your informal comments resulted in the addition of aquatic research as an allowable activity, clarification that estuarine areas and planning activities are eligible to receive funding, and a removal of objectionable legislative language.

- The public will be involved in decision making. We have added a new section to CARA '99 which requires states to develop an impact aid plan with local governments and certify the plan to the Secretary of Interior, with assurance that the plan was developed with public participation. As with CARA '98, the plan must assure project consistency with all applicable state and federal laws.

Title II -- State, Local and Urban Conservation and Recreation

- The Land and Water Conservation Fund would be permanently funded at $900 million per year. This landmark provision, which President Clinton matched as part of his Lands Legacy proposal, would finally address the substantial lack of funding available for federal and state activities, in which we have seen only of a fraction of the fully authorized funding level during the life of this program. While we understand your desire to see LWCF funding maximized for projects which are a priority to your organizations, CARA '99 retains a substantial revenue stream (more than $100 million annually) for the Urban Parks and Recreation Recovery Program (UPARR). UPARR has successfully provided our increasingly urban nation with access to the outdoors, contributing to greater understanding and appreciation of our lands, air and waters. Given the tremendous increase proposed for all LWCF activities, we hope you will support UPARR as an integral part of the LWCF legacy.

Title III -- Wildlife Conservation and Restoration

- CARA '99, like CARA '98, provides a permanent dedicated stream of approximately $350 million for wildlife and their habitats. These funds will be available to states to address critical needs for wildlife (both game and nongame species), including species that are threatened or endangered. We understand your concern in making certain that nongame species' needs are addressed from Title III funds. We strongly believe that the states will utilize these funds for the purposes of this new subaccount within the highly successful Pittman-Robertson fund. We expect to have this issue further addressed during the hearing process.

As Members of Congress -- with greatly different political philosophies -- who have labored long and hard on a consensus product, we understand how difficult it probably was for all 19 of you to comprehensively address the many issues raised by this major legislation. There clearly will be many other ideas offered to address priorities other than those contained in CARA '99. While an answer to the budgetary question is still to be resolved, we are certain that sensible budgetary solutions will follow sound policy choices. Your support of this endeavor is important to clearing this critical hurdle.

We look forward to a vigorous discussion on each of those priorities and appreciate the input you have offered so far. We hope you will continue to work with us while addressing policy concerns as well as helping surpass the budgetary hurdle with your support for this historic and bipartisan legislation.

Sincerely,

Don Young, M.C.

John D. Dingell, M.C.

W.J. "*Billy*" Tauzin, M.C.

Chris John, M.C.

H.R. 701
Conservation and Reinvestment Act of 1999

Dave C. Cobb, Mayor, City of Valdez, Alaska

Testimony - March 10, 1999

HR 701 – CONSERVATION AND REINVESTMENT ACT OF 1999

GENERAL POINTS:

- The City of Valdez SUPPORTS this legislation to provide
  - Coastal Impact Assistance to State and local governments;
  - Revitalize the Land and Water Conservation Fund STATESIDE Program;
  - And, to aid wildlife programs.

- We believe it is wise to RE-INVEST revenues (from our non-renewable natural resources) in resources that provide long-term public value.

TITLE 1: COASTAL IMPACT ASSISTANCE

- The Federal Government has a responsibility to the States and local governments affected by the development of Federal mineral resources to mitigate adverse environmental and public service impacts incurred due to that development.

- Valdez has spent more than $150 million on infrastructure to mitigate the public service impacts that resulted from oil development in Alaska.

- The impacts continue more than 20 years after the initial development:

  - Population increases and decreases, depending on oil production and pricing fluctuation, create an unstable environment for our local government.

- The costs to maintain infrastructure and public service needs do not rise and fall with the price of oil.
  - Property Tax base down 59% since 1980
    - Oil and Gas property is declining in value an average of 7% annually since 1990
  - Population up 25% since 1980

- The level of governmental services are tied to the Trans Alaska Oil Pipeline – Alyeska Marine Terminal
  - Port and Dock services
  - Police services (specialty training in bomb unit, terrorism and other security issues)
  - Fire services and equipment (petroleum fire fighting apparatus)

TITLE 2: LAND AND WATER CONSERVATION FUND

- The City of Valdez supports full funding of the Land and Water Conservation Fund at $900 million and full funding of the STATESIDE Program.

- State and Local governments are an integral component in meeting the nation's outdoor recreation needs.
  - Public access to recreation opportunities and facilities depends on a combined system of local, state and federal sites and services.

  - More than 367 projects have been constructed in 45 different Alaskan communities and on State Parks lands since the Land and Water Conservation Fund was established. Each of these projects plays a key role in meeting the outdoor recreation needs of our nation.

- Valdez has more than $1 million dollars of outdoor recreation projects that are eligible for LWCF Stateside funding.
    - These projects include campground renovation, winter recreation facilities, parks, and beachfront access developments.
    - These projects not only help to meet the needs of our local residents, but provide critical support to Alaska's tourism industry.
        - A prime example is the proposed new Marine Park in Valdez. Funds from the Exxon Valdez Oil Spill Settlement were recently allocated to purchase 90 acres of Waterfront property in Valdez. The City of Valdez has donated an additional 50 acres of adjoining property, and Alaska State Parks has agreed to manage the property. Funds from the LWCF Stateside Program would help to develop outdoor recreation opportunities such as trails, picnic areas, restrooms, etc.

          This Marine Park would provide outstanding recreational opportunities for visitors from throughout the United States and our local residents.

          Expanding the services offered to Alaska's visitors creates additional economic opportunities for Alaska's visitor industry.
- Other Alaskan communities such as Fairbanks, Unalaska, Sitka, Anchorage, Barrow and Juneau have more than $60 million dollars in projects that need to be funded. I have several letters that are included in the packet and many more are on their way.
- Alaska State Parks has more than $5 million dollars in projects that are in need of funding.

- The **decision of funding projects needs to be made on a local/state level**. States have successfully implemented LWCF Stateside funds for more than 30 years. Statewide comprehensive outdoor recreation plans ensure that resources are shared in a balanced manner and that needs that are unique to a state or region is met. . ALASKANS need to DECIDE what is IMPORTANT IN ALASKA – not someone in Washington DC.

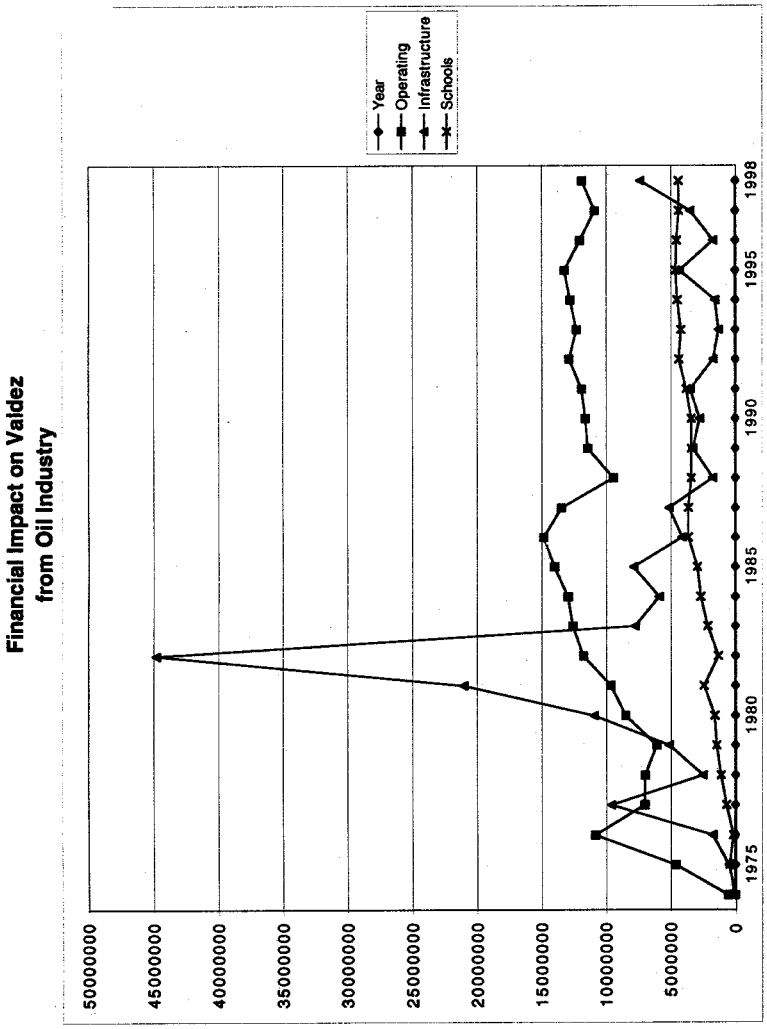
- Recreation facilities....

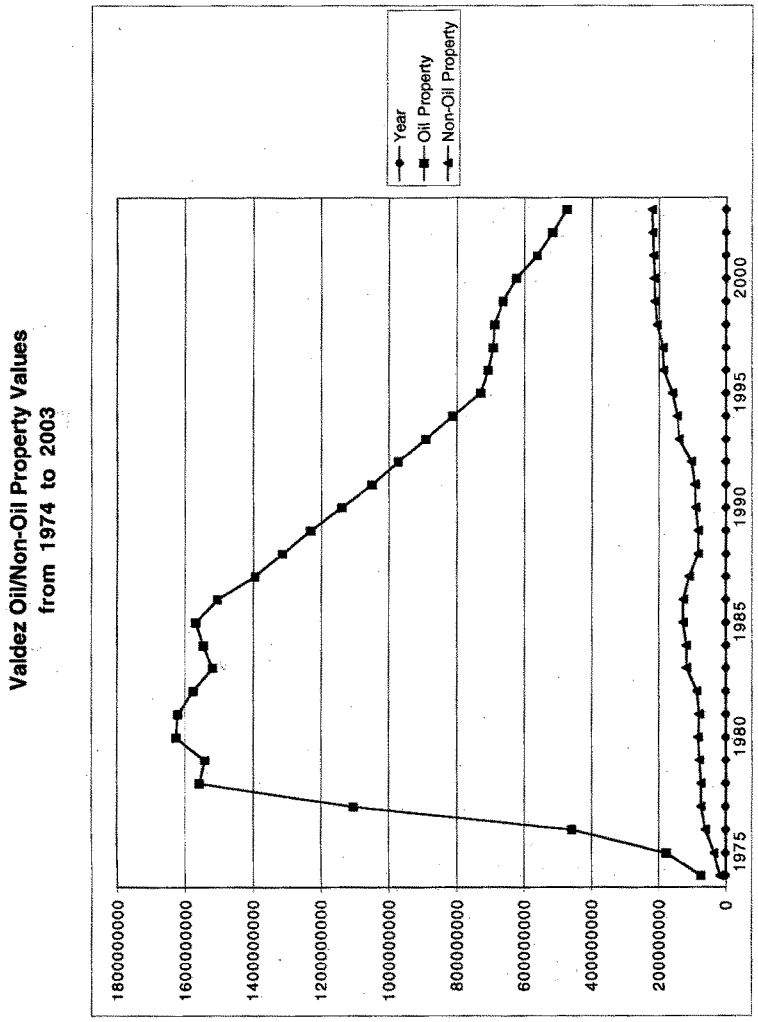
    - Create Healthy Communities / A Healthy Nation
        - Places for families to play together and spend quality time in a low stress activity
        - Places for children to learn skills and experience nature

    - Create Economic Opportunities
        - Increase/Support Tourism
        - Enhances Land and Property Values

TITLE 3: WILDLIFE CONSERVATION AND RESTORATION

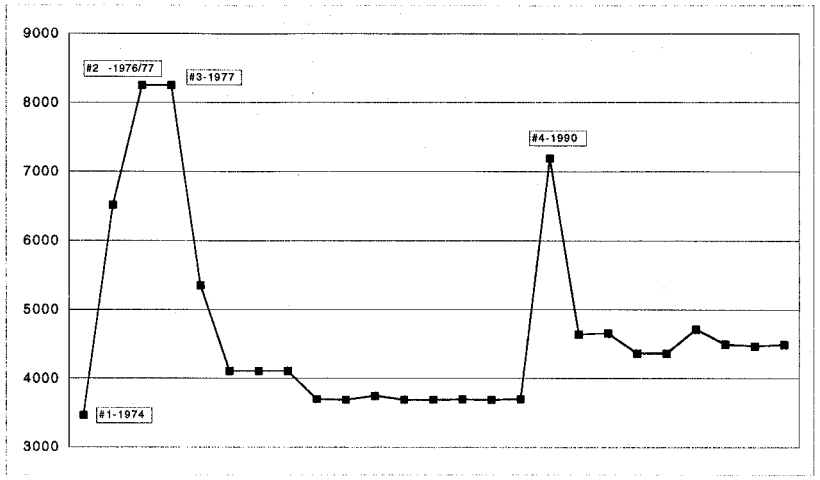
- The City of Valdez supports funding of, **AND URGES LOCAL GOVERNMENT ACCESS TO**, wildlife conservation and restoration programs.


Financial Impact on Valdez
from Oil Industry
Year
Operating
Infrastructure
Schools
50000000
45000000
40000000
35000000
30000000
25000000
20000000
15000000
10000000
5000000
0
1975
1980
1985
1990
1995
1998


Valdez Oil/Non-Oil Property Values
from 1974 to 2003
Year
Oil Property
Non-Oil Property
1800000000
1600000000
1400000000
1200000000
1000000000
800000000
600000000
400000000
200000000
0
1975
1980
1985
1990
1995
2000

Valdez Population from 1974 to 1998

Year	Population
1974	3,462
1975	6,512
1976	8,253
1977	8,253
1978	5,349
1979	4,103
1980	4,103
1981	4,103
1982	3,694
1983	3,687
1984	3,744
1985	3,687
1986	3,687
1987	3,690
1988	3,686
1989	3,696
1990	7,193
1991	4,635
1992	4,653
1993	4,360
1994	4,360
1995	4,713
1996	4,496
1997	4,469
1998	4,486



#1 Pipeline Construction Began
#2 Peak Construction
#3 First Oil through the Pipeline
#4 Oil Spill Impact

Land and Water Conservation Fund Projects 1965-95

Valdez/Copper Basin Area

LAND AND WATER CONSERVATION FUND GRANT PROGRAM					
Project Sponsor & Name	**LWCF #**	**Federal Amount**	**Year Funded**	**Acres Acq.**	**Development**
City of Valdez					
Valdez City Park, Ph I	02-00148	91,000.00	1973		ball fields, open play area, tennis courts, basketball court, volleyball court, playground, trails, restrooms, parking & water
Baseball Diamond	02-00223	15,000.00	1977		ballfield in City Park
Alpine Woods Neighborhood Park	02-00255	29,138.20	1979		tot lot, shelter, restroom & road
Alpine Woods	02-00309	73,438.04	1984		volleyball court, basketball court, tennis court, multi-use field, trails, restrooms & parking
		208,576.24			
Alaska State Parks					
(Copper Basin) Valdez Glacier Wayside	02-00075	94,475.68	1972		campground, picnic area & road
(Copper Basin) W/S - Worthington Glacier	02-00298A	72,049.88			upgrade wayside
(Copper Basin) W/S - Blueberry Lake SRS	02-00298B	151,868.76			upgrade wayside
		318,394.32			
VALDEZ/COPPER BASIN AREA TOTAL		526,970.56			

Valdez Parks and Recreation Master Plan
1999-2003

CAPITAL IMPROVEMENT PLAN - LWCF ELIGIBLE PROJECTS

Proposed Year of Completion

	1999	2000	2001	2002	2003	Beyond
Barney Meyring Park						
Restroom at South End						$130,000
ADA Playground Improvements			$50,000			
Valdez Glacier Campground						
ADA Improvements		$25,000				
Restroom Upgrade/Replacement		$300,000				
Dock Point Park						
Picnic Shelter			$75,000			
Ruth Pond Park						
Dock/Beach Improvements		$10,000				
Mineral Creek Trails						
Fill	$10,000					
Trail Expansion					$50,000	
Airport/Aleutian Neigh. Park						
Construct New Park		$75,000				
Zook/Loop Rd. Neigh. Park						
Construct New Park				$75,000		
Cottonwood Neigh. Park						
Construct New Park			$75,000			
Robe River Park #2						
Construct New Park				$75,000		
Ice Skating Facility						
Construct		$10,000	$500,000			
Skateboard Park						
Construct	$200,000					
Soccer Field						
Construct		$7,500				
BMX Track						
Construct		$100,000				
TOTAL CIP	**$210,000**	**$527,500**	**$700,000**	**$150,000**	**$50,000**	**$130,000**

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

March 1, 1999

Hon. Don Young
U.S. Representative
2111 Rayburn Bldg.
Washington D.C. 20515-0201

Dear Congressman Young,

I am writing on behalf of the City and Borough Assembly of Sitka to thank you for your sponsorship of the Conservation and Reinvestment Act of 1999 which would provide funds for the Land and Water Conservation Fund (LWCF). In the past, LWCF support has translated into improvements to our system of picnic areas, playgrounds, ball fields, trails and parks. Many of these projects simply would not have happened without this critical support.

We are excited about the potential future investments in our community that the LWCF would provide. The following is a sample list of projects in the Sitka area which may be submitted to the Land and Water Conservation Fund should your legislation become law:

Sitka Combined Recreation Complex - More than $450,000 has been dedicated by the City and Borough Assembly for preliminary planning and engineering to create this multiple use recreation park. Current plans include facilities for football, baseball, track and an indoor multi-purpose ice rink. Estimated cost: $6.5 million

Moller Park Upgrade - This area has been transformed with the help of LWCF from a place that attracted junk cars and other refuse to become Sitka's primary recreation site, including baseball, soccer, football, ice skating, track and playgrounds. Future LWCF funds would be used to create additional recreation opportunities including possible ballfield upgrades, picnic areas, pathways and a scenic overlook. Estimated cost: $300,000

Thimbleberry/Heart Lake Recreation Area Restoration: Funds would be used to restore severely damaged hiking trails linking the two lakes and to create additional recreation amenities in this area popular for hiking, fishing, hunting, ice skating, and berry picking. Estimated Cost: $350,000

The City and Borough of Sitka urges passage of the Conservation and Reinvestment Act of 1999 and the outstanding economic and quality-of-life benefits they bring to our community.

Sincerely,

Gary L. Paxton
Administrator

MAR. 2.1999 2:42PM FNSB MAYOR'S OFFICE NO.348 P.3/3

Fairbanks North Star Borough Office of the Mayor
809 Pioneer Road P.O. Box 71267 Fairbanks, Alaska 99707-1267 907/459-1300
Fax 907/459-1102
Email mayor@co.fairbanks.ak.us

March 1, 1999

The Honorable Don Young
United States House of Representatives
2111 Rayburn Building
Washington DC 20515-0201

Dear Congressman Young:

I would like to express the Fairbanks North Star Borough's strong support for SB25 and HR701. From my perspective, it is more than appropriate that OCS revenues are passed on to the states, especially since states such as ours that have active oil and gas production on the OCS must support the systems that accompany such activity. Impacted states should share in the benefits of production.

I am also in strong support of the Conservation and Reinvestment Act because of the stipulation that a portion of OCS revenues will be distributed to the state-side Land and Water Conservation Act (LWCF). The LWCF has not been funded in many years. Our park and recreation needs are many and unfunded. It seems appropriate that development activities contribute to the creation and maintenance of parks and recreation areas. I am not one who is anti-development, but I think creating parks and open spaces for residents with proceeds from development strikes a good balance. Everyone wins.

The borough also supports the third part of the legislation that makes 7 percent of OCS revenues available for nationwide wildlife conservation programs. I am somewhat surprised to find myself in the position of supporting wildlife conservation efforts. However, I think you have achieved a reasonable balance with this legislation and thus, I support it wholeheartedly.

Thank you for introducing the Conservation and Reinvestment Act. We support it, we endorse, and we applaud your efforts. Please let me know if I may be of any assistance to you in your endeavors.

Sincerely,

Hank Hove
Mayor

HH:rlf

NATIONAL WILDLIFE FEDERATION®
People and Nature: Our Future Is in the Balance

Office of the President

GIVING BACK TO NATURE

Testimony before the House Resources Committee
by Mark Van Putten
President and CEO, National Wildlife Federation
March 10, 1999

Mr. Chairman, Members of the Resources Committee, thank you for this opportunity to testify before you. My name is Mark Van Putten; I am here on behalf of the National Wildlife Federation, the Nation's largest conservation advocacy and education organization.

I want to congratulate the sponsors of H.R. 701, the Conservation and Reinvestment Act of 1999 (CARA) and H.R. 798, the Permanent Protection for America's Resources 2000 Act (Resources 2000) for their tremendous leadership in introducing the two bills that are now pending before this Committee. Each presents an historic opportunity to enact permanent and meaningful conservation funding that would benefit wildlife, wild places, and generations of Americans to come. Your bills, and the support they have received, suggest that at long last the Nation is ready to produce a solution to its pressing conservation funding needs.

If we are successful in passing a permanent conservation funding bill, it would be a conservation milestone comparable to the passage of landmark laws like the Clean Air and Clean Water Acts, and the original Land and Water Conservation Fund. There are considerable hurdles, budgetary and otherwise, yet to be overcome. Like you, however, we recognize that there is a rare window of opportunity to pass significant legislation.

The National Wildlife Federation (NWF) has made it our top priority to work with you to ensure that this victory is accomplished. It is our objective to have the final legislation incorporate the following five principles:

- assures permanent, dedicated funds that do not require annual Congressional appropriation;
- assures the program does not reduce or divert funds that are currently available for other conservation purposes;
- includes funding for state fish and wildlife agencies that would support conservation, recreation and education programs for a diverse array of fish and wildlife species;
- guarantees funding for the Land and Water Conservation Fund at the authorized $900 million level and divides those funds equally between federal and state programs; and
- provides funds for coastal conservation efforts in a manner that does not create an incentive for coastal states and their local governments to support inappropriate new offshore oil and gas development and includes strong guidelines to ensure that the funds are used for the

restoration and enhancement of coastal natural resources.

Though this testimony details the differences between CARA and Resources 2000, it is important to recognize that these bills are not so far apart that reconciliation is unthinkable. Both bills direct that receipts from non-renewable oil and gas drilling off of the Outer Continental Shelf (OCS) be used for the protection and renewal of our vulnerable coasts, public lands, and wildlife resources. Moreover, both bills acknowledge the serious conservation needs that now exist and respond by providing a dramatic increase in conservation funding resources (more than $2 billion annually). We strongly encourage the Members of this Committee to work together to ensure that there is the necessary bipartisan support to make permanent conservation funding a reality.

OVERVIEW OF THE CONSERVATION NEEDS

Not so long ago, America's network of public lands, which includes our national parks, grasslands, forests, and wildlife refuges, was the model for and envy of the rest of the world. Over time, however, this endowment has eroded under the pressure of ill-use and over-demand. We are now learning that even the largest of these protected areas often cannot provide enough habitat for wide-ranging species like grizzly bears and bison. Nor are these protected areas impervious to the development that presses up against their borders. Some of our most fragile ecosystems, such as the Everglades, have declined to the point that challenging restoration efforts are necessary. And, there are some tremendously rich ecological systems — such as the northern forests of New England and vital swamplands in the Greater Okefenokee ecosystem — that face threats from future development if they do not receive protection soon.

The management of our precious wildlife resources constitutes another significant area of conservation need. Nearly all wildlife management dollars are devoted to the protection of either game species (species that are either hunted or fished) or endangered species. Yet, roughly 90% of all species are considered "nongame" species (i.e. they are not hunted or fished, nor are they classified as threatened or endangered). As the pressure on the habitat of this nongame wildlife increases, the species are left to fend for themselves. Ironically, the failure to intervene with early protective measures means that these nongame species frequently decline until they are finally listed as endangered or threatened. Funding should be dedicated to the prevention of nongame species' decline in order to avoid the more costly recovery measures that are frequently incurred once a species has been listed.

The threats faced by our fragile coastal ecosystems present a third category of conservation needs. America's coastal zones, which are among the most biologically rich natural systems on the continent, are facing devastating impacts such as loss of coastal wetlands and estuaries. Factors such as development, sea level rise, offshore oil and gas development and water pollution are damaging our coastal areas — some almost beyond repair.

These conservation funding needs are desperately real. Each year that passes without adequate conservation funding brings a greater chance that irreplaceable natural resources will be lost

forever. By directing several billion dollars annually to the cause of conservation, both of these bills would make a substantial difference in the efforts to preserve our Nation's natural heritage.

What makes these two bills so historic, however, is the fact that they would finally provide a reliable source of conservation support. Currently, conservation funding is subject to annual appropriation — a highly political, sometimes fickle, and always unreliable process. As a result, conservation funding levels have fluctuated dramatically from year to year and often been dramatically reduced without much warning.

FUNDING AT ANY COST?

The opportunities presented by these conservation funds are enticing. It is vital, however, that any conservation funding bill does not inadvertently create negative environmental impacts by encouraging more oil and gas development or other types of environmental degradation. One of the big hurdles remaining for these bills is the fact that CARA continues to contain language that directly links a state's conservation funding levels to the amount and proximity of oil and gas drilling occurring off its shores. We are heartened by the significant improvements that have been made to Title I of CARA to exclude areas currently covered by the oil and gas leasing moratoria from the revenue stream. We look forward to working with the Committee to ensure that any remaining incentives are addressed before the bill returns for mark-up.

The following testimony provides a comparison of the primary features of the two bills, evaluates them in light of NWF's five principles, and offers suggested changes to the bills.

FUNDING STATE FISH AND WILDLIFE CONSERVATION

State fish and wildlife agencies are responsible for the management and protection of all fish and wildlife species that inhabit their borders. Their efforts in the conservation of fish and wildlife species have yielded remarkable results including the restoration of wild turkey, elk, black bear, and striped bass populations to their native habitats. Yet funds available to these agencies do not typically reflect the broad mandate that the agencies must fill, and all too often, difficult programmatic decisions must be made based on limited budgets. Substantial new funding would provide a much-needed shot in the arm to state fish and wildlife agencies for improvements in on-the-ground management of wildlife species.

Traditionally, much of the funding for wildlife management has come from the support of sportsmen and women through excise taxes on hunting and fishing equipment and through the sale of sporting licenses. Given that hunters and anglers pour millions of dollars annually into state wildlife programs, it is not surprising that the vast majority of those funds have historically been used for the management of hunted and fished (or "game") species.

Yet roughly 90% of species, those that are not hunted or fished or federally listed as threatened or endangered (often referred to as "nongame" species), receive significantly less reliable financial

support. Annual funding for all state nongame programs amounts to less than $100 million compared to more than $1 billion spent for state game programs. It makes sense to set aside funding dedicated to prevent the decline of wildlife species before they reach a crisis point when recovery is often more costly.

There is widespread agreement about the need to increase funding for wildlife conservation, however, there are important questions about where the money should come from and a long history of previous failed attempts to get dollars for these programs. In 1980, Congress passed the Fish and Wildlife Conservation Act, which was designed to protect the Nation's nongame wildlife resources. The law was intended to augment state wildlife programs aimed at nongame species. Unfortunately, Congress never appropriated funds for this program — so the law was rendered meaningless.

The National Wildlife Federation, along with other organizations, developed the Teaming with Wildlife Initiative to address the unfulfilled promise of the Fish and Wildlife Conservation Act. The Teaming with Wildlife concept sought to garner funds for wildlife from a user fee on outdoor recreation equipment. The Teaming with Wildlife Initiative faced its own set of political obstacles and the user fee concept has yet to make it into the legislative arena. The idea of funding nongame wildlife programs, however, does appear in a modified form in these bills.

H.R. 701 (CARA)- State Fish and Wildlife Funding

H.R. 701 would automatically direct 10% of the annual OCS revenues to states to allow for the development and implementation of programs for wildlife conservation, conservation education, and wildlife associated recreation. To accomplish this, the bill creates a new subaccount under the existing Federal Aid to Wildlife Restoration Act (the Pittman-Robertson Act) for funneling these funds to the states. Based on predicted FY2000 OCS revenues, this title would provide approximately $459 million annually to the states. States would receive their allocation based on the state's population and land area relative to other states.

This bill would fund management efforts necessary to sustain healthy populations of wildlife (e.g. gathering scientific data, monitoring species, direct management of habitat, captive breeding, relocation, etc.). Additionally, it would support recreation-associated efforts such as construction of wildlife viewing structures and clearing trails. In several places, the bill's language indicates that its intent is to benefit a "diverse array of wildlife and associated habitats, including species that are not hunted or fished." The bill does not, however, give explicit priority to nongame species.

Suggested Changes to CARA

Given the longstanding emphasis that state fish and wildlife agencies have placed on game species, the legislation should be written in a way that clearly directs states to prioritize the use of these funds for species that are not hunted or fished. Bill language that requires the states to place an increased emphasis on nongame species would help to rectify the historic imbalance that has left

these programs relatively underfunded.

Additionally, although one of the bill's purposes is to "provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program," it provides no clear mechanism or requirement to ensure that public participation is actually part of the process. The bill should be amended to include language that would provide for public meetings or citizen advisory committees to guide the programs that states develop with these federal funds. Strong public participation would help ensure that the concerns of nongame and other species with pressing needs are addressed.

H.R. 798 (Resources 2000)- State Fish and Wildlife Funding

Resources 2000 also provides funding to state fish and wildlife agencies for wildlife conservation, however, it uses a different approach. While CARA relies on the Pittman-Robertson Act to convey OCS revenues to states, Resources 2000 makes use of the "Fish and Wildlife Conservation Act of 1980." This Act, which was passed nearly two decades ago, recognized the lack of reliable funding for comprehensive nongame wildlife management. Unfortunately, however, no funds have ever been requested by the Executive branch, nor has Congress ever appropriated funds to this law. Resources 2000 amends this Act and redirects it to "preserve biological diversity by maintaining natural assemblages of native fish and wildlife." Over the next 5 years, the bill gradually increases funding for this program to $350 million annually (nearly $100 million less than CARA). Like CARA, states would receive their allocation based on its population and land area relative to other states.

Suggested Changes to Resources 2000

Channeling state fish and wildlife agency funds through the Fish and Wildlife Conservation Act, rather than the Pittman-Robertson Act could create some administrative disadvantages. The Pittman-Robertson program has been tremendously successful for over 60 years and has a well established mechanism for ensuring that states receive the funds that they are entitled to, but also that states are accountable for their use of these funds. Because the Fish and Wildlife Conservation Act has never received any funding, it is likely to be difficult to establish the infrastructure necessary for distributing the funds and to provide reasonable oversight and accountability. NWF recommends using the proven mechanism of Pittman-Robertson.

In addition, wildlife conservation funding needs are extensive and immediate. Resources 2000 would not reach its full funding level of $350 million per year for wildlife funding for five years. By delaying the flow of substantial funds for wildlife conservation, states will be unable to make effective, pro-active program developments for several years. We recommend that the bill be amended to provide the full level of wildlife funding from the outset. Finally, we recommend that funding levels for state fish and wildlife programs be increased by approximately $100 million to match the higher level offered by CARA.

THE LAND AND WATER CONSERVATION FUND

There is also a long history of unfulfilled funding for land and habitat acquisition. The Land and Water Conservation Fund (LWCF) was created by Congress in 1965 to preserve wildlife habitat and wildlands, as well as to protect our outdoor recreational resources for future generations. Like CARA and Resources 2000, LWCF is based on the idea that revenue paid into the Federal Treasury for the right to exploit off-shore oil and gas reserves — (i.e. royalties from private companies that drill for oil and gas on the Outer Continental Shelf) — should be used for conservation purposes. Revenue for LWCF comes primarily from OCS receipts, with some additional portion coming from the sale of surplus government property.

LWCF is authorized to receive $900 million annually, however, it has rarely come even close to receiving this amount from Congress. LWCF funds are subject to annual approval by Congress and each year LWCF funding gets caught up in the political process. In general, LWCF funding has plummeted since 1979. And for the last four years, the state-side of LWCF received no funding — leaving state and local governments without sufficient resources to meet community demands for accessible local recreational opportunities. Instead, these OCS receipts have been funneled back into the general treasury. It is estimated that approximately $11 billion of OCS funds meant for LWCF have been diverted for other uses that are completely unrelated to conservation.

Although LWCF has always received less funding than was authorized, it nonetheless has provided phenomenal contributions to our Nation's land-based resources. It is responsible for the acquisition of over 7 million acres of federal parks and open space. Playgrounds, swimming pools, and scenic trails around the country are also attributable to LWCF.

Nonetheless, the demand for funds to acquire lands and recreational areas has always far outpaced the supply. Additionally, the recent lean LWCF funding years have left an enormous backlog of worthwhile projects that are awaiting funding. Both CARA and Resources 2000 go a long way towards fulfilling the original promise of the 1965 Land and Water Conservation Act.

H.R. 701 (CARA)- LWCF

CARA provides 23% of annual OCS revenues to be permanently and automatically directed to the Land and Water Conservation Fund with 42% of these funds going to the states ($378 million), 42% to federal land acquisitions ($378 million), and 16% for the Urban Parks and Recreation Recovery (UPARR) Act of 1978 ($144 million). It funds UPARR using funds intended for LWCF and caps the combined total at $900 million; this leaves both funds below their fully authorized levels.

CARA places a number of serious restrictions on how these LWCF funds may be used including: no expenditures can be made for purchases that exceed $1 million unless they have been specifically authorized by a subsequently enacted law; 2/3 of the funds must be spent on lands east of the 100th meridian; land acquisitions must be within the exterior boundaries of existing federally managed

areas (e.g. the National Forest or Park systems) or a land management unit established by an Act of Congress; and funds can not be used for condemnation purposes.

Suggested Changes to CARA

It is appropriate that this bill be amended to ensure that each of these programs reach their full level of authorized funding ($450 million each) and that the state and federal-sides of LWCF receive equal amounts of funding. While the Urban Parks program provides worthwhile urban recreation areas, it should be kept separate and distinct from LWCF.

One of the more damaging provision in this title is the requirement that federal purchases over $1 million be authorized by subsequently enacted law. It means that many LWCF projects will be forced to get approval through Congress and will be subject again to the often fickle political process that currently hinders the application of LWCF. This restriction should either be lifted entirely or the cap set at a much higher level (e.g. $100 million). If this last change is not made, the benefits of permanent and automatic LWCF funding may be lost as each individual project stalls out waiting for Congressional approval.

In addition, we urge that the other restrictions on LWCF's application also be removed from this bill. The requirement that 2/3 of the funds be spent in the East is an arbitrary and illogical restriction, particularly in light of the accompanying requirement that the federal lands be acquired only in areas within the external boundaries of existing federal lands (there are far fewer tracts of federal land in the East). This latter provision would restrict the use of LWCF federal funds to only those areas that are within existing federal areas (inholdings) and could have devastating implications for the use of LWCF.

H.R. 798 (Resources 2000)- LWCF

Resources 2000 does not significantly amend the LWCF. It provides permanent and automatic appropriations, at the fully authorized level, to both the state and federal sides of LWCF (i.e. $450 million each). Although Resources 2000 does fund the Urban Parks and Recreation Recovery Program (at $100 million), it keeps it entirely separate from LWCF. The bill's LWCF title is free of the types of problematic and unnecessary restrictions found in CARA.

COASTAL CONSERVATION

It is hard to overstate the devastating environmental impacts of OCS drilling — impacts that result from the initial exploration and development of the platforms; from the production, transportation, and refining of oil and gas; and ultimately, from our own consumption of OCS petroleum. Unfortunately, the lion's share of these impacts are borne by America's coastal zones, which rank among the most biologically rich and economically significant natural systems on the continent. These coastal zones are home to over half the Nation's population, play a critical role in absorbing flooding and blunting storms, provide important spawning habitat for commercially valuable

fisheries, and harbor a disproportionate fraction of rare and endangered wildlife. Unquestionably, our Nation's important coastal resources face a variety of threats from sources other than offshore oil and gas drilling, including pollution and development of coastal wetlands.

Coastal conservation efforts have been underway for decades, however, they have failed to address the significance of the threats in a systematic or comprehensive way. If properly crafted, CARA and Resources 2000 could help mitigate the damage to the environment that is created by offshore oil and gas development and other coastal threats.

H.R. 701 (CARA)- Coastal Conservation

CARA provides 27% of annual OCS revenues (approximately $1.24 billion) to 35 coastal states (including the Great Lakes states) for use in the following areas: air and water quality; fish, wildlife, wetlands, and coastal restoration; and onshore infrastructure and public service needs. This enormous pot of money is divided among the states using a formula based 50% on the state's proximity to OCS drilling, 25% on its population and 25% on its shoreline miles. The bill does stipulate that revenue from areas currently covered by a drilling moratoria would not go toward CARA, however, it does not address the incentives problem for new drilling that might occur in areas outside the moratoria.

Suggested Changes to CARA

CARA should be amended to restrict the use of "coastal impact assistance" funds so that they are not used to subsidize environmentally harmful infrastructure development. Instead, these funds should be directed to projects that ameliorate the environmental impacts of OCS oil and gas development. Rather than subsidizing unwise development, the bill should require a demonstration that each impact assistance project will benefit the natural environment and will be consistent with the Clean Water Act, the Coastal Zone Management Act, and other federal environmental laws. Further, the majority of these funds ought to be used for direct coastal conservation purposes. Priority should be given to uses of the funds that directly offset the impact of OCS drilling, protect and enhance fish and wildlife habitat, and support the repurchase of OCS leases.

Additionally, the proposal still contains features that create a financial and political incentive for coastal states to accept inappropriate offshore oil and gas development. The allocation of OCS leasing revenues to coastal states and their local governments is based on a formula that includes and rewards increased production. In order to ensure that our nation's coastal zones are properly managed, allocation of funds to coastal states should not be tied to new leasing, exploration, production, or geographic proximity to such activities. Alternatively, allocation of state shares of coastal impact assistance should be set at the time the bill is passed (i.e. fixed at the rate of current production levels) or based on an average production level over the last 20 years. Funds generated from future leasing that occurs in areas currently excluded from the funding revenue stream (i.e. areas currently covered by the moratoria area) should be set aside in a "catastrophic response account" to be used for emergency costs associated with oil and gas accidents such as the recent

tanker spill that occurred in Coos Bay, Oregon.

H.R. 798 (Resources 2000)- Coastal Conservation

Like CARA, Resources 2000 contains a funding program that addresses coastal conservation. Resources 2000, however, places more of an emphasis on ocean species and marine ecosystems than CARA. Resources 2000 has no provision that serves as a "coastal impact assistance" fund to mitigate the impact of OCS drilling. Instead, Resources 2000 provides $300 million (phased in over a five year process) that is divided with 2/3 going to 35 coastal states for ocean fish and wildlife conservation and 1/3 going to the Commerce Department to support competitive grants for living marine resource conservation.

Notably, funding for this program is completely de-linked from OCS production levels and the proximity of drilling sites to a particular state. Instead, states receive their allocations using a formula that is based 2/3 on population and 1/3 on shoreline miles. Moreover, the revenue source for all of the titles in Resources 2000 is limited to OCS revenues from currently producing leases in the Gulf of Mexico (as of January 1, 1999).

Suggested Changes to Resources 2000

The devastating impacts that offshore oil and gas drilling can have on a state's coastlines are substantial. States like Louisiana are losing their coastal wetlands and beaches at an alarming rate because of the associated impacts of the offshore oil and gas production and transportation processes. It is appropriate that at least some portion of the revenue derived from the significant impacts of OCS drilling should be used to mitigate its impacts. A coastal impact assistance component should be added to Resources 2000 and can be designed in a way that does not link the revenue directly to the amount or proximity of drilling occurring off a state's shore.

Additionally, Resources 2000 has limited the "qualifying OCS revenues" to those that are occurring under currently operating leases. As a result, when these leases stop producing oil, the accompanying revenue will be gone and the law will essentially sunset itself. While cognizant of the risk of using any funds from new oil and gas drilling for fear of creating additional incentives to drill, there are alternative ways of eliminating the incentives issue without jeopardizing long-term funding. For instance, the bill could be amended to allow funds generated from future leasing that occurs in areas currently excluded from the funding revenue stream (i.e. areas currently not in production) to be set aside in a "catastrophic response account" to be used for emergency costs associated with oil and gas accidents such as the recent tanker spill that occurred in Coos Bay, Oregon.

H.R. 701 (CARA)- Endangered Species

CARA includes a provision that establishes a Habitat Reserve Program within the Department of Interior for private landowner assistance. The provision allows the Secretary to enter into

agreements with private landowners and the relevant state agencies to enroll lands, on a voluntary basis, for the protection of endangered species in exchange for incentives payments. The provision provides no guidance as to what types of lands should be enrolled in this Habitat Reserve Program, nor does it indicate what the obligations of the landowners are under these plans (except for a requirement that the plans last at least 5 years). Furthermore, the provision includes a disclaimer that the amount received under this program shall in no way affect the amount received under other federal incentives programs.

Although this provision appears in Section 205 of the bill, the LWCF title, it is unclear whether there is actually any money allocated to the program and if so, where it is supposed to come from.

Suggested Changes to CARA

This provision should be tightened up considerably if it is to be left in the bill. A clear funding source, and amount of funds, needs to be designated. It is inappropriate to draw endangered species funds from LWCF— the two issues have historically been kept separate for fear that endangered species' needs would overwhelm LWCF and steer it away from its intended course.

The purpose of the Habitat Reserve Program needs to be clarified. What are the obligations of the landowners? It needs to be made clear that these landowners are engaging in activities above and beyond the existing requirements of the Endangered Species Act. As it currently stands, this program could be used to pay people to comply with their existing obligations under the law. While it is appropriate to allow landowners to continue to receive payments for their conservation activities under other incentives programs, such as the Conservation Reserve Program, they should not be paid twice for the same set of activities. This program should fund activities that the landowner would not otherwise be doing under these other types of agreements. Finally, a monitoring and review process is necessary to ensure that the landowner really is carrying out the conservation activities for which the government is paying.

H.R. 798 (Resources 2000)- Endangered Species

Resources 2000 creates a dedicated source of funding ($100 million annually) to create an incentives program for private landowners who are contributing to the recovery of endangered and threatened species (as well as the habitat upon which they depend). The U.S. Fish and Wildlife Service and National Marine Fisheries Service (the two agencies responsible for implementing the Endangered Species Act) would use the funds to provide grants to landowners who enter into "recovery agreements" that contribute to the recovery of the species in ways that go beyond the existing obligations under the law. These recovery agreements must have clear goals and be periodically reviewed to evaluate whether the goals are being met. Priority would be given to small landowners and farmers.

Increased outreach to landowners is desperately needed to ensure the continued survival of many endangered species that are found primarily on private lands. These proposed "recovery

agreements" would provide beneficial incentives to encourage landowners, who might otherwise be uninterested, to contribute to the recovery of species.

CONCLUSION

The conservation needs for state fish and wildlife management, as well as for coastal and land conservation programs are tremendous. And the threats to these resources loom larger the longer it takes us to act. CARA and Resources 2000 have the potential to make a lasting, historic contribution to the conservation cause.

We look forward to working with the sponsors of these bills to ensure that the two proposals are merged in a way that brings out the best in both of them and allows the final piece of legislation to have the broad base of support necessary to ensure passage into law.

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Testimony before the U.S. House of Representatives

Committee on Resources

Resources 2000 Act (H.R. 798) and
Conservation and Reinvestment Act of 1999 (H.R. 701)

Defenders of Wildlife presents the following testimony on the Resources 2000 Act (H.R. 798) and the Conservation and Reinvestment Act of 1999 (H.R. 701). Defenders is a nonprofit conservation organization with more than 300,000 members and supporters that advocates the conservation of all native wild animals and plants in their natural communities. We would like to thank Chairman Young and Congressman Miller for their leadership in working to secure dedicated funding to conserve our nation's natural resources, and hope that the following testimony will assist you and your staff as these bills work their way through the committee legislative process.

Defenders' highest legislative priority this Congress is to see the passage of legislation that will provide dedicated funding to aid in the conservation of our nation's imperilled biodiversity, and believes that Outer Continental Shelf revenues are an appropriate source of such funding. As provided in greater detail below, Defenders believes that of the two bills under consideration during these hearings, the Resources 2000 Act would clearly accomplish this goal more effectively. Defenders, therefore, strongly supports and endorses the Resources 2000 Act. As an initial point, Defenders cannot support any legislation that would provide incentives for offshore oil and gas drilling nor allow coastal impact aid funding to be used for environmentally damaging activities. It is our view that H.R. 701 would do so and H.R. 798 would not. On that basis alone we cannot support H.R. 701 in its current form.

The Resources 2000 Act would fund a menu of programs that we believe collectively will make a significant contribution to the conservation of our nation's biodiversity. For example, the Lands Restoration fund will support needed restoration on federal and tribal lands; while the Farmland and Open Space Preservation Grants will help state, local, and tribal governments assist private landowners in protecting farmland, forestland, and ranchland from unwanted development through permanent conservation easements. We would like to focus our testimony, however, on those three titles dealing with funding for the development and implementation of comprehensive state wildlife conservation plans, full and dedicated funding for the Land and Water Conservation Fund, and dedicated funding for the recovery of endangered and threatened species.

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1. Planning and Implementation Assistance to the States for the Development and Implementation of Comprehensive Wildlife Conservation Plans.

H.R. 798 and H.R. 701 both propose to provide a portion of Outer Continental Shelf revenues to fund state wildlife conservation programs - a goal that we strongly support. H.R. 701 would accomplish this goal by augmenting state fish and game agency funding through the existing Federal Aid in Wildlife Restoration Act (a.k.a. Pittman- Robertson). Defenders supports the approach taken in H.R. 798 which would utilize the Fish and Wildlife Conservation Act of 1980 (FWCA) as the funding vehicle.

In 1980, Congressman Forsyth and Senator Chafee co-sponsored landmark legislation designed to provide much-needed financial assistance to state fish and game agencies to begin to better address, in a comprehensive and proactive way, the conservation needs of the whole array of species that make up our wildlife heritage. The FWCA recognized the many significant values of wildlife species, the majority of which are neither hunted, trapped or otherwise caught. It also recognized that the traditional sources of funding for wildlife management, such as those available through Pittman-Robertson, were so closely tied to game species, that "nongame species" were not receiving adequate conservation attention, and as one result, many were becoming listed as threatened and endangered. This far-sighted legislation sought to do two things. First was to establish a reliable source of funding for nongame management to complement the very successful game management programs of the state fish and wildlife agencies. The second was to ask the state fish and game agencies to develop and implement conservation plans and programs for nongame fish and wildlife. Although enacted into law, the FWCA was effectively never funded by Congress.

H.R. 798 would rightfully remedy that situation. Moreover, it would update and further refine the goals of the FWCA. Since 1980, science and society have come to recognize the fundamental value of biodiversity–the full array of species and the natural communities and ecosystems they form across the landscape. We have also come to recognize that the leading threat to the maintenance of our biodiversity is the continued loss of habitat. And, without proper habitat protections, game and nongame alike can become threatened or endangered species in short order. Today, we should be more concerned with defining and meeting the habitat needs of all our wildlife species, rather than focusing on such transient distinctions as game or nongame.

H.R. 798 would both fund FWCA and amend it in recognition of this evolution in our understanding of the conservation problem. It replaces the term "nongame" with "native fish and wildlife species" to better express our true goal for comprehensive conservation. In the same spirit it expands the definition of wildlife to include invertebrates, wild plants, and endangered and threatened species; all essential components of our biodiversity heritage. And, it maintains the requirement of FWCA for the development and implementation of comprehensive, statewide conservation plans. The FWCA's emphasis on sound, comprehensive planning is particularly important. Even with the significant funding levels proposed in both H.R. 701 and H.R. 798, it

will be necessary to strategically prioritize and target how the money is spent to most efficiently and effectively conserve biodiversity. The FWCA was prescient in understanding the need for a comprehensive, state-wide assessment of our wildlife species, their habitat needs, the threats to these species and their habitats, and the management actions necessary to address those threats. It was intended as an intensive look at what it would take to conserve all species. Equally important, the FWCA recognized the need for meaningful participation and expressly provided for it in the development, implementation and revision of state plans. Twenty years later, with an ever-growing list of threatened and endangered species--now more than 1000 native species, eight-five percent of which are at risk due to habitat loss--the need for such comprehensive planning efforts has never been greater.

What would such plans look like? At least two states–Florida and Oregon–have taken the initiative to attempt such comprehensive, state-wide conservation plans. In Florida, the effort was led by the Game and Freshwater Fish Commission, demonstrating what the state agencies could do with adequate funding of the FWCA. In Oregon, I am proud to say that the effort was led by Defenders of Wildlife and The Nature Conservancy, but with active participation and support from relevant state and federal agencies, and the private sector. I have brought copies of each plan and I offer them for the record and your consideration. Each effort has its own unique features but each serves as a prototype for the type of comprehensive, state-wide conservation planning that will be necessary to maintain our nation's biodiversity. This is the kind of far-sighted, proactive, problem-solving approach to conservation that was envisioned in the FWCA and that, with passage of H.R. 798 can become a reality in all states.

We believe such planning exercises are absolutely essential to the effective and efficient conservation of our wildlife heritage, be it game, nongame, or endangered species. Properly done, such plans could be the blueprints for biodiversity conservation success, and could provide a common framework for effective coordination for existing or new conservation programs at the federal, state, and local levels.

2. <u>Full and Permanent Funding for LWCF.</u>

One of the major tools we have available to us to provide the habitat essential to maintain our biodiversity heritage is the LWCF. Full and dedicated funding for the LWCF has been a top priority for Defenders of Wildlife and the rest of the environmental community for many years. We support the funding levels provided for both federal and stateside LWCF in HR 798. This level of funding is needed both to address the estimated $10-12 billion in current acquisition needs for our National Wildlife Refuges, Forests, Parks, and BLM managed special areas and to give states and local entities the resources they need to preserve dwindling vestiges of habitat and greenspace.

The ability to acquire land across a continuum of jurisdictions–federal, state, and local– is a critical tool in the increasingly difficult battle to preserve what remains of our nation's dwindling wildlife habitat and natural ecosystems. As our nation's population grows by about

2.5 million people annually, accompanying development and sprawl continue to fragment and destroy habitat. Loss of habitat is the primary cause of species endangerment and will lead to more listings under the Endangered Species Act.

A 1995 report by Defenders, "Endangered Ecosystems: A Status Report on America's Vanishing Habitat and Wildlife" found that extensive habitat destruction is reaching the point where the nation faces the loss of not just thousands of species, but hundreds of natural ecosystems as well. The report identified the 21 most endangered ecosystems which include the south Florida landscape, southern Appalachian spruce fir forest, California native grasslands, southwest riparian forests, southern California coastal sage scrub, and tallgrass prairie. The ten states with the greatest overall risk of ecosystem loss were found to be Florida, California, Hawaii, Georgia, North Carolina, Texas, South Carolina, Virginia, Alabama, and Tennessee; however all states were found to have serious problems.

A secure and adequate stream of LWCF funding is absolutely necessary to help slow this loss before it accelerates further. H.R. 798 would accomplish this without imposing the types of unacceptable restrictions on federal LWCF projects contained in H.R. 701; restrictions that would limit needed flexibility and could result in unforeseen obstacles and unnecessary delays for high priority projects and willing seller landowners.

The first of these restrictions would require subsequent and specific authorization for funding of each federal acquisition in excess of $1 million. This is unnecessary and duplicative, as federal acquisition is already authorized in a number of statutes. And it would put numerous federal projects right back where they are now -- unnecessarily delayed because funding is unavailable. For example, even under the existing acquisition process, landowners are routinely told by the Fish and Wildlife Service that they must wait at least one and one-half to two years for Congress to provide funding. Examples of projects that could be affected are numerous including some in excess of $1 million proposed for FY 2000 such as acquisitions for Everglades and Saguaro National Parks, Archie Carr, Ding Darling and Pelican Island National Wildlife Refuges, BLM California Wilderness and Desoto (MS), Flathead (MT), and Coconino (AZ) National Forests.

The second restriction, requiring that two-thirds of yearly funding be spent east of the 100th meridian imposes an arbitrary geographic limitation that could affect new opportunities similar to the recent Headwaters Forest and New World Mine projects and timely acquisitions from willing sellers of inholdings in a number of western states including Washington, Oregon, California, Montana, Wyoming, Idaho, Nevada, Utah, Colorado, New Mexico, and Arizona.

The third restriction would prevent acquisition outside the exterior boundaries of our current land management systems. We believe that this would pose a serious impediment to the creation of any new units in our federal lands systems and could result in the loss of numerous conservation opportunities. Moreover, this provision would affect the National Forest System's current authorization allowing acquisition of lands adjacent to its boundaries. The ability of the

National Forest System to acquire adjacent lands can be particularly important in preventing fragmentation of habitat and establishing wildlife corridors. A prime example of an ongoing project which could be jeopardized by this language is the North Florida Wildlife Corridor or Pinhook Swamp which eventually will provide a linkage between the Okeefenokee National Wildlife Refuge in Georgia and the Osceola National Forest in Florida. This linkage would complete a large, regionally significant conservation area providing a stronghold for wide-ranging species such as the Florida black bear and the federally endangered Florida panther; these species have been pushed into areas so small that a predominant cause of mortality is motor vehicle collisions. The North Florida Wildlife Corridor is looked to nationally as an example of a successful-public-private-non-profit cooperative venture to enhance the value of protected areas by establishing their connection as one major ecosystem and for this reason was identified as a model for future land acquisitions in the 1993 National Research Council study Setting Priorities for Land Acquisition. This purchase is also important in protecting a recharge area for the aquifer that supplies drinking water for more than 20.5 million citizens of Florida and Georgia and will be open as a recreation area for hiking, fishing, hunting, camping, and wildlife observation.

Finally, while we support funding for the Urban Parks and Recreation Recovery program (UPARR), we believe it should be provided in addition to the $900 million for LWCF as in H.R. 798 , not taken out the total for LWCF as in H.R. 701.

3. Funding for the Recovery of Endangered and Threatened Species.

Finally, Defenders strongly supports the Endangered and Threatened Species Recovery title of H.R. 798 which would provide much needed and dedicated funding to assist in the recovery of those species of wildlife most in need - endangered and threatened species. Through non-regulatory incentives other than fee simple acquisition, this money would be available to those private landowners interested in assisting with the recovery of federally listed species.

The Endangered Species Act (ESA) is the most important piece of legislation ever enacted into law to conserve endangered species and their habitats. Since 1973, the ESA has prevented the extinction of hundreds of species and has helped focus attention on the need to conserve our nation's imperilled biodiversity. We can and must, however, do better. Due in part to improper implementation and inadequate funding, few species listed under the ESA have recovered. If we are to fulfill the goal of the ESA - the conservation of endangered and threatened species and the ecosystems upon which they depend - we cannot be satisfied with merely holding species at the brink of extinction. There must be a concerted effort to implement programs and actions that promote the recovery of listed species and their habitats.

Habitat loss is recognized as the primary factor leading to the endangerment of species in the U.S. Much of that habitat is found on non-federal lands. It has been estimated that nearly half of all federally listed species occur exclusively on non-federal lands, and that over sixty percent of their populations are on non-federal lands. Clearly, if we are to recover our nation's

endangered and threatened species, we must conserve and restore their habitats on non-federal lands.

The Resources 2000 Act would help accomplish this goal by providing much needed funding for the purpose of enlisting the voluntary participation of private landowners in the recovery of endangered and threatened species. Under this provision, $100 million a year of dedicated funds would be available to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for the purpose of assisting private landowners in the development and implementation of endangered and threatened species recovery agreements. This provision contains two important standards to guide the types of agreements to be funded, but without being so prescriptive as to restrict innovation. First, the agreement must clearly contribute to the recovery of an endangered or threatened species. Second, financial assistance under this program would be restricted to voluntary activities that are not otherwise required under law, including mitigation performed under an ESA incidental take permit.

Section 205 of Title II of H.R. 701 appears to be an effort to provide a Habitat Reserve Program for endangered and threatened species. While we support the concept of such a program, the section as currently drafted contains several flaws. First, there is absolutely no money allocated for the program. The provision is therefore meaningless, no matter how well intentioned. The source of funding is also important. Defenders could not support such a program if it were funded from U.S. Fish and Wildlife Service and National Marine Fisheries Service operating budgets or existing programs, or federal LWCF. Second, there is no restriction against use of these funds for actions otherwise required under the law, including mitigation performed as a condition of an ESA incidental take permit. Utilizing taxpayer dollars to pay people to comply with the law is unacceptable.

In conclusion, Defenders believes there is an historic opportunity in the 106th Congress to pass landmark legislation to fund the menu of programs needed to help protect our magnificent natural heritage as we move into the 21st century. We look forward to working with both Chairman Young and Congressman Miller as this process moves forward. Thank you.

FROM : WEST COAST SEAFOOD PROC.

MAR. 9.1999 3:53PM P 1
PHONE NO. : 503 227 0237

West Coast Seafood Processors Association
2130 SW 5th Ave., Suite 240, Portland, OR 97201
503-227-5076 / 503-227-0237 (fax)

Serving the shore-based seafood processing industry in California, Oregon and Washington

March 3, 1999

Honorable Don Young
Chairman, Committee on Resources
U.S. House of Representatives
1324 Longworth HOB
Washington, D.C. 20515

Dear Don:

On behalf of the West Coast Seafood Processors Association (WCSPA), whose members process the majority of Pacific groundfish, Dungeness crab, and pink shrimp landed in Oregon, Washington, and California, I am writing to thank you for your introduction of H.R. 701, the "Conservation and Reinvestment Act of 1999."

We are especially pleased that you have included language authorizing the use of state and eligible political subdivision funds for research on marine fish. As you know from the hearings held by your committee last year, the appalling lack of research funding on the west coast has caused significant harm to our seafood industry. We have responded by trying to help fund research out of our own pockets, but our assets are limited. Your language will provide an opportunity for us to work in partnership with coastal States to ensure sound conservation and management of our marine resources.

Please add WCSPA to the growing list of supporters for your bill. If there is anything we can do to further the progress of this excellent piece of legislation, please let me know.

Sincerely,

Rod Moore
Executive Director

T E S T I M O N Y

Statement of
Governor Thomas R. Carper

before the

Committee on Resources
Subcommittee on Energy and Mineral Resources
House of Representatives

on

Reinvestment of OCS Revenues

on behalf of

The National Governors' Association

March 10, 1999

NATIONAL GOVERNORS' ASSOCIATION
Hall of the States • 444 North Capitol Street • Washington, DC 20001-1572 • (202) 624-5300

Good morning, Mr. Chairman and members of the committee. My name is Tom Carper. It is a pleasure to return to these hallowed halls not as a member of Congress, but as the Governor of Delaware and the chairman of the National Governors' Association (NGA). I am testifying on behalf of the nation's Governors, but I want to note that my statement also represents the thinking of the Coastal States Organization (CSO). The chair of the CSO is Sarah Cooksey, Administrator of the Delaware Coastal Management Programs, and the positions of NGA and CSO have been carefully coordinated.

I am especially pleased to testify today concerning H.R. 701 and H.R. 798. These bills are very important not just to Delaware and its coastal areas, but to all states. I want to give special thanks to Mr. Young, Mr. Dingell, and Mr. Miller for their hard work in developing these bills in the kind of bipartisan and inclusive process that is so necessary to move forward on the nation's business. We sincerely hope that this spirit of bipartisanship and cooperation will enable you to come together in support of one bill that you can send to the President for signature this year.

Both bills are predicated on two very important premises: first, the oil and gas resources lying under the sea on the outer continental shelf belong to all Americans; and second, as the nation depletes these nonrenewable resources, it ought to invest the revenues it derives in assets of permanent value to all Americans. These assets include, for example, better air and water quality in coastal areas, park and recreation lands and facilities in all states, and fish and wildlife resources everywhere. As the oil and gas resources belonging to all Americans are produced and used, there should remain in their stead a lasting legacy of protected lands; a restored environment; a strong infrastructure of park, recreation, and cultural resources; and healthy communities of fish and wildlife. The Governors have long supported this principle of reinvesting revenues from the development of nonrenewable resources.

Equally important is the principle that a significant share of these investments should be made by state governments rather than by the federal government. Under the current system, these OCS revenues are simply swallowed up in the federal budget. The pending legislation will ensure that a significant share of OCS mineral leasing revenues is invested in assets important to our people, by officials who live among them and are directly accountable for their decisions. These investment decisions should be made from the bottom up, with appropriate citizen involvement, rather than top down from Washington, and the Governors, close to home and close to the resources to be protected, will know better than Washington bureaucrats how to invest these OCS revenues. For this reason, the Governors strongly support the

provisions of the bills that entrust state officials to make investment decisions, with appropriate accountability.

For reasons of accountability the Governors also believe it is important that funds under the bills come directly to the Governor for investment in the natural resource priorities of the state. It is the Governor who has the best view of the state's needs and who is ultimately accountable for addressing those needs. This is equally true for impact assistance under Title I, investment in park and recreation facilities under Title II, and for fish and wildlife priorities under Title III.

We believe the bill should afford the Governor the flexibility to target the state's investments to its unique natural resource priorities, with appropriate involvement of citizens and local elected officials, for purposes including but not limited to:

- Coastal protection, restoration, and impact assistance;
- Park, recreation, and cultural resource investments; and
- Investments in wildlife conservation and education.

This flexibility should include but not be limited to the ability to shift funds among the purposes outlined in the bill's three titles.

We note that under both bills funds will be made available in future years without the need for further appropriation. We also note that the President pledged to work with the Congress to create a permanent funding stream for purposes similar to those in these bills, as part of his lands legacy initiative. Making funds available in the future without the need for further appropriation provides much needed stability and certainty in funding. However, it is absolutely essential that important budget problems associated with this approach be resolved. *In particular, it is critical that the funds provided to states under this legislation not come at the expense of any other federally supported state programs.* The Governors urge you to work with your colleagues on the budget committee to avoid all budget offsets that would be required under the budget act for such automatic appropriations. Our final support of any reinvestment legislation will depend on a satisfactory resolution of this concern.

The policy recently adopted by the National Governors' Association recommends that OCS reinvestment legislation should not provide incentives to states for additional exploration or development in the OCS, or

affect current moratoria. For the record, I reject the argument that states would support additional exploration and production or undercut current moratoria on the basis of sharing in OCS revenues. You may be assured that our decisions on such matters are not and have never been "for sale," and that the sharing of OCS revenues does not provide any incentive for additional activity on the OCS.

This view is supported by the January 1999 report by the Congressional Research Service. This report notes that the corporate decision to lease on the OCS is driven by economics. The report also notes that:

> It is difficult to envision a grant to a state overwhelming the energy economics intrinsic in a given lease tract...no state has given any indication that it would seek new production in environmentally sensitive areas just to get a fractional interest in royalty revenue.

H.R. 701 addresses this issue by ensuring that no funds from any activity in an area covered by a moratorium in existence on the first of this year will be directed towards the pool of funds that is shared with states, unless the lease was issued before the moratorium was established and was in production on the first of this year. This provision goes a very long way to addressing our recommendation about this issue, and we look forward to working with you to ensure that appropriate language is included in the final bill.

Mr. Chairman, I want to dispel any notion that this bill is a "get rich quick" scheme for states. For one thing, and without endorsing the particular allocation formulas in the bill, we would like to highlight the fact that much of the money under the bill is directed to coastal areas that have been severely burdened by development impacts, infrastructure needs, and environmental pressures associated with resource development on the outer continental shelf. Those OCS development decisions are entirely beyond the control of the affected states. To that extent, much of these bills would simply help those areas remain whole in the wake of the enormous needs stemming from mineral production activities off their coasts.

Even the coastal areas off which there is no mineral production face enormous needs for coastal protection and restoration. One of the things we need to do in Delaware is beach replenishment. Delaware's beaches are the state's most heavily utilized outdoor recreation resource. Some of the beaches, such as Rehoboth and Bethany beaches, are highly developed with residential and commercial development. The pine forests, large dunes, and extensive marshes of other parts of the shoreline have been made into state parks or fish and wildlife management areas that protect critical habitats. These public lands, natural areas, and conservation lands provide aesthetically pleasing resources and recreation for both Delawareans and visitors. We need OCS revenues to help us maintain Delaware's beaches. An estimated 4-6 million dollars

of annual costs are projected for each of the next 10 years, with costs rising thereafter. The state share of initial construction costs of planned federal projects amounts to $3,190,000 for Rehoboth-Dewey and $7,733,000 for Bethany-South Bethany. Beach nourishment projects have a high multiplier effect in protecting public infrastructure and aesthetic resources and in maintaining a thriving tourist economy.

With respect to the other titles of the bill, the magnitude of our needs for investment also is enormous. Since enactment of the Outer Continental Shelf Lands Act in 1954, federal offshore lands have produced more than $122 billion in government revenue. However, for years the Congress has failed to provide states with their statutory share of monies under the Land and Water Conservation Fund (LWCF), and the backlog of pent-up demand for park, recreation, and cultural resources is overwhelming. The National Recreation and Parks Association estimated that between 1990 and 1994, state and local governments needed $37 billion to catch up on their backlog of land acquisition, park development and rehabilitation needs. Since little money has been available from the LWCF, that backlog continues to grow.

Close to my home is Bellevue State Park, an example of the kinds of projects supported by the LWCF. I jog there regularly. Land & Water Conservation Fund assistance was used in 1973 to acquire the park. For this I am thankful. Since the acquisition, the Division of Parks & Recreation has used LWCF assistance to develop a bikeway, ball fields, fishing access, picnic areas and restrooms accessible to the disabled. For me, these and other outdoor recreation facilities at Bellevue make it a great park. It is popular among local residents and is a major asset in attracting visitors along the eastern seaboard.

I recognize that special sensitivity is needed with respect to the federal side of the LWCF, and that the equity of private property owners must be respected in the implementation of conservation and recreation plans. It may be necessary to draw distinctions by region, or to recognize the large federal holdings in a number of states. But the federal side of the LWCF is also important to all Americans, and should not be inappropriately restricted. I refer you to NGA Policy NR-14, Recreation Resources, which is attached.

When it comes to wildlife, the reinvestment of OCS revenues will give states the opportunity to be proactive in ensuring that we bequeath to our children and grandchildren healthy populations of unique and beautiful species. Among other things, these monies will allow us to get ahead of the curve on the Endangered Species Act, and take appropriate steps before species are listed as threatened or endangered. Such nonregulatory conservation efforts that preclude the need to list species just makes good biological and economic sense.

In summary, the earmarking of monies to states under these bills does not represent a misappropriation of funds or a "rip-off" of the federal treasury. These funds represent a reimbursement for some of the costs borne by areas impacted by the on-shore infrastructure wear and tear and environmental stresses associated with activities on the OCS. And they represent a sound investment in important assets of lasting value to the nation for this generation and generations yet to come.

Mr. Chairman, in closing it is important to mention a different issue not directly connected with the bills we have been discussing today, but related to the reinvestment of nonrenewable resource revenues. The issue concerns the large accumulated balance in the Abandoned Mine Land Trust Fund. As I am sure you know, for many years the federal government has been collecting a tax on coal production that ostensibly is returned to states to remediate abandoned mined lands. Those funds are not being spent. We believe that this represents a basic violation of the "trust" in the trust funds, and we ask that you address this issue by working with your colleagues to ensure that all of these funds are used for the purposes for which they are collected.

Mr. Chairman, I have attached a copy of NGA Policy NR-24, entitled "Reinvesting Nonrenewable Resource Revenues," and ask that it be made a part of this statement. The adoption of this policy at the recent NGA Winter Meeting reflects the importance the Governors place on these issues. The nation's Governors pledge to do all that we can to work with you and other members of Congress and the administration, to move legislation forward and see it signed into law.

Thank You.

NATIONAL GOVERNORS' ASSOCIATION

NGA Policy

NR-24. INVESTING NONRENEWABLE RESOURCE REVENUES

24.1 Preamble

The Governors reaffirm the principle that when nonrenewable resources belonging to all Americans are liquidated, some of the proceeds should be immediately reinvested in assets of lasting value to the nation.

24.2 Recommendations

24.2.1 OCS Revenues Reinvestment. The Governors urge the U.S. Congress to share a meaningful portion of Outer Continental Shelf (OCS) mineral revenues with all states and territories. Such action should not provide incentives to states for additional exploration or production on the OCS, affect current moratoria on offshore oil or gas leasing, or provide any pretext or rationale for the royalty valuation methodology used to assign value to oil and gas produced on the OCS.

OCS mineral revenues provided to states must allow flexibility for Governors to target investments to state natural resource priorities including but not limited to:

- coastal protection, restoration, and impact assistance;
- park, recreation, and cultural resources; and
- wildlife conservation and education.

24.2.2 Abandoned Mine Reclamation Trust Fund. The Governors urge Congress to address the build-up of a large unappropriated balance in the Abandoned Mine Reclamation Trust Fund. As described more fully in NGA policy NR-23, Abandoned Mine Reclamation Financing, pursuant to Title IV of the Surface Mining Control and Reclamation Act, reclamation fees collected from coal operators are intended to be used to administer the abandoned mine land grant program.

24.3 Conclusion

NGA support for such action consistent with these principles ultimately depends on identifying appropriate funding for these investments. Governors would not support any initiative that is funded at the expense of other federally supported state programs.

Time limited (effective Winter Meeting 1999–Winter Meeting 2001).
Adopted Winter Meeting 1999

NATIONAL GOVERNORS' ASSOCIATION

NGA Policy

NR-14. RECREATION RESOURCES

14.1 Preamble

The Governors believe that participation in outdoor recreation provides important physical, mental, and social benefits to the American public, and that responsibility for providing diverse and high-quality opportunities for such recreation is shared by federal, state, and local government interests and the private sector. Continuing growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and conversion of open spaces to other uses has further added to the challenges we face. This is particularly true of resources within physical and economic reach of the majority of urban populations. The expansion, development, and management of recreational space and facilities is an important national challenge that can contribute to both quality of life and the economy. To effectively meet this challenge, federal recreation efforts must be modified to include a far greater emphasis on state and local decisionmaking and on partnerships, particularly with the private sector, than currently exists. The system must also be reinvented to enhance program efficiencies and effective program administration.

14.2 A Vision for America's Great Outdoors

The Governors support a vision of a safe, clean, planned, and well-maintained network of recreation areas available to all Americans. Important objectives can be achieved by reviving and strengthening the existing Land and Water Conservation Fund (LWCF) and Urban Park and Recreation Recovery (UPARR) programs. The Governors recognize the valuable work done by the National Park Service Advisory Board report, "An American Network of Parks and Open Space," with its call for a balanced formula for ensuring state, local, and national funding allocations to meet the nation's diverse needs for recreation resources. In addition, the Governors support continuing substantial funding for recreation programs through appropriations for the federal land-management agencies and through the expenditure of monies at the federal and state levels under programs such as the Pittman-Robertson Act and the Aquatic Resources Trust Fund. The Governors also encourage the continued use of private capital for investment in recreation facilities on public lands and further encourage increased funding for operational expenditures for recreation facilities and services through general fund appropriations and recreation fees paid by those who directly use those facilities and services. To ensure that recreation funds are spent wisely, the Governors believe that, at every level of government, an effort should be made to understand and accommodate recreationists' needs and interests.

14.3 Guiding Principles

The Governors believe that the creation and maintenance of a nationwide network of recreation areas should be guided by the following principles.

- Priorities for spending funds must come from a sustained effort to understand the needs of recreationists on the part of those involved in local, state, and national planning activities. State and local recreation resources planning activities, including comprehensive outdoor recreation plans, should continue to be a foundation for decisionmaking. The Governors encourage a revitalized LWCF/UPARR program to streamline federal requirements currently imposed on such state planning and granting processes. At the same time, the Governors acknowledge the importance of an open, public process for allocating grants-in-aid and support continuation of this important tool for effective citizen participation.
- To assist in a better determination of national priorities and their interaction with the expressed priorities of state and local governments, the Governors also encourage integration of federal recreation resource planning processes with their state and local counterparts.
- Programs for land conservation, preservation of cultural landscapes, and recreation resource development require a shared partnership among citizens, private landowners, all levels of governments, and private organizations.
- The equity of private property owners must be respected in the implementation of recreation and conservation programs.
- As the nation's recreation resources investments are made, the Governors encourage continued attention to providing quality recreation opportunities to all citizens, reflecting the diverse needs for recreation that is safe, accessible, affordable, enjoyable, and open.
- National strategies and programs that aid state and local governments should be flexible, effective, and efficient.
- The long-term future of our nation's recreation resources is dependent on a citizenry that is both familiar with and appreciative of these resources. Programs that promote such understanding and appreciation should be encouraged in both the private and public sector.

14.4 Funding

The Governors believe that Congress should encourage the provision of adequate and predictable funding for the nation's outdoor recreation resources from both private and public sources.

The Governors support the principle that nonrenewable resources leaving federal ownership, such as oil and gas recovered from the Outer Continental Shelf, should be used as a means to establish assets of lasting value to the nation.

The Governors recommend that Congress make available no less than 60 percent of funds for state and local governments with the balance to federal agencies to be used by both principally for the purposes of acquiring outdoor recreation areas and providing for and protecting outdoor recreation opportunities. The Governors also support increased private investment in recreation facilities on public lands.

The Governors believe it is imperative to adequately maintain public recreation lands and the facilities on them. The Governors recommend that, in addition to general fund revenues, where appropriate and practicable, user fees and private sector funding should be considered to help achieve this objective. The Governors strongly recommend that LWCF not be used for these purposes.

14.5 Federal Responsibility and Partnership

Federally managed public lands and resources serve a critical function in meeting national recreational needs, not only in providing opportunities for outdoor recreation but in providing the means, through the Federal Lands Highway Program, to access and enjoy those opportunities. Federal agencies should develop comprehensive outdoor recreation resource use and access plans in consultation with state and local governments and coordinate their planning with the recreation resource needs identified by state and local governments and private organizations. New federal institutional arrangements are needed to give greater visibility and authority to recreational program

administration on federal lands and to foster innovative state, local, and private program partnerships. The efficiency and effectiveness of federal recreational support can be enhanced.

14.6 Railroad Rights-of-Way

The Governors believe that where it is consistent with state law and respects the rights of adjacent landowners, it is in the public interest to conserve and maintain abandoned railroad corridors whenever suitable for use as public trails and greenways, for other public purposes, or for possible future rail use. Such efforts can help achieve the goal of the President's Commission on Americans Outdoors of establishing "a continuous network of recreation corridors . . . across the country."

14.7 Scenic Byways

The Governors believe that funding for the National Scenic Byway Program, which recognizes the economic and social value of fostering travel on the nation's most scenic routes, one of the most popular forms of recreation in the country, should be continued.

14.8 User-Pay/User-Benefit Grant Programs

The Governors believe that grant programs that return fees paid by users, for example, federal gasoline taxes or excise taxes on specific products, to programs which directly benefit those users, should be continued. Examples include the programs funded under the Pittman-Robertson Act, the Aquatic Resources Trust Fund, and the National Recreational Trails Fund.

Time limited (effective Annual Meeting 1997–Annual Meeting 1999).
Adopted Winter Meeting 1995; reaffirmed Winter Meeting 1997; revised Annual Meeting 1997.

STATEMENT OF PIETRO PARRAVANO, PRESIDENT, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS

Good morning Mr. Chairman and Congressman Miller. My name is Pietro Parravano and I am a commercial fisherman from HalfMoonBay, California and president of the Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the west coast commercial fishing fleet. Thank you very much for the opportunity to be here today to talk about Resources 2000 and other legislation drafted to use offshore oil and gas receipts to protect marine resources and endangered species.

The lives of the fishing men and women my organization represents are impacted every day by the health of our nation's fisheries and, in particular, the many species of salmon, a number of which have been listed or are now candidates for listing under the Endangered Species Act. Salmon, as you know, has historically been the single most important fishery for commercial, recreational and tribal purposes along the Pacific Coast from Santa Barbara to Southeast Alaska. It has become readily apparent to me and my membership that a source of permanent funding is needed for the conservation and recovery of many salmon and marine fish stocks. For those of us who are coastal family fishermen, there are no foreign fisheries for us to buy quotas for, there are no fish for us to import; we depend directly on the fish stocks off our shores.

My industry—America's oldest industry—depends directly on the health of our nation's fish stocks. Healthy fish populations and their habitats for us is not about "being green," it's about greenbacks in our wallets and our bank accounts. And it is high time we begin looking at our fish resources as a financial investment. It is time we begin putting money in, instead of just taking it out of, fisheries; it is time we begin funding fish habitat restoration, instead of destroying it. That is why my organization is vitally interested in the legislation being addressed here today and, specifically, Resources 2000.

Resources 2000 has two titles that are of particular importance to the fishing industry. The first is the title that establishes a permanent trust fund for the conservation and restoration of living marine resources and fish habitat. Much of this money will be allocated to the states to develop and implement conservation and management programs for living marine resources and their habitats. This will be especially important to states developing conservation and management plans for the myriad of non-federally managed fisheries.

One example, is the Dungeness crab fishery, which last year, you Mr. Chairman and you Congressman Miller co-authored successful legislation, supported by the states of California, Oregon and Washington and the fishing industry, to extend state jurisdiction over this fishery into Federal waters. This first title in Resources 2000 could augment state funding for the management of this fishery. And, in the past two years, the State of California, for example, has embarked on an ambitious program with the passage of state legislation (SB 346 and AB 1241) to develop a research, conservation and management program for its fisheries beginning with squid, nearshore rockfish, white sea bass, and emerging fisheries. This fund in Resources 2000 could assist states such as California that have begun working for sustainable fisheries.

We strongly support the way the funding for this program in Resources 2000 is designed to get money out to the states and on the ground where it is needed. We do not want this money to be used to fund existing Federal programs. Instead, we think it should compliment existing programs. In California, for example, these funds could compliment programs, such as CalFed—aimed at restoring the state's Bay-Delta ecosystem and fisheries (Central Valley fall-run chinook are now the main population of salmon harvested offshore California, Oregon and Washington) and providing the state a safe water supply, as well as the President's proposed $100 million program for coastal salmon stocks in Alaska, Washington, Oregon and California. These funds would also compliment state funding programs, such as the California Commercial Salmon Stamp program, which uses money from an industry derived—and supported—fee to fund necessary salmon propagation and restoration efforts. It is important to remember, too, that while salmon is finally beginning to get the funding it needs, many other fisheries also need attention.

Mr. Chairman we appreciate the fact that some of the money allocated to the states in your bill could also be used for the purposes I have mentioned above, but we are concerned that there is no guarantee that the money would be targeted directly to salmon and other marine fisheries and their habitats. We feel that this could once again force fisheries to compete with numerous other state programs and get the short end of the stick as they have for so many years. Therefore, we believe that it is *imperative* that the marine resources fund found in Resources 2000, that

allocates $300 million for marine species and their habitat be part of any legislation that is supported by this Committee. Only then, can we guarantee these resources will get the funding they so desperately need and deserve.

The second title of Resources 2000, also of great importance to us, is the one which establishes the endangered and threatened species recovery fund. Listing species under the Endangered Species Act by itself does not guarantee species protection or recovery. Species protection and recovery, as we have seen on the west coast with a number of salmon and other anadromous fish listings, requires political will on the part of the agencies to enforce the law *and* funding to implement protection and recovery programs. As you know, Mr. Chairman and Mr. Miller, listed species are not just snail darters and spotted owls. In the west, species such as coho salmon, that once supported major economic activities, are now listed in California and Oregon. It is not enough that we merely stabilize the populations or get them to some threshold above listing qualification, but that we *fully* recover these fish so they may once again support commercial and recreational fisheries, fish processing, tourism and coastal communities. But to do this will take political will and money.

Let me also point out that the funding in Resources 2000 for threatened and endangered species is not just important to the fishing industry. Many private landowners, water districts, farmers and others are seeing the use of their land or resources restricted in order to provide some measure of protection for listed species. The problem is not the Endangered Species Act, but our failure to fund recovery of listed species. The quicker we develop and fund recovery, the sooner we can lift restrictions on other interests. Moreover, this fund will be invaluable for assisting landowners and water districts in making changes or taking actions, such as installing effective fish screens or fencing riparian areas, to help protect and recover listed fish.

We appreciate the fact, Mr. Chairman, that your bill includes a provision that addresses endangered species, however our preference is for the current language in Resources 2000 for a number of reasons. First, it provides an identified source and dedicated amount ($100 million) of money that will be spent annually to contribute to the recovery of endangered species. The current language in the proposed Conservation & Reinvestment Act, does not do this.

Second, Resources 2000 uses this money specifically for recovery of species, a focus that has been missing all too long from existing ESA programs. If we do not recover salmon on the west coast, they will never be removed from the Endangered Species list and our industry itself will never recover.

Third, Resources 2000 will only provide grants for recovery activities that are beyond the requirements of the law. The provision in your bill, Mr. Chairman, could potentially pay landowners to merely comply with the law. We do not think this is fair. As fishermen, we do not get paid when we are told we cannot harvest endangered salmon and we do not think others should be paid to merely comply with the law. Resources 2000 provides incentives to those who want to go beyond the law to recover our threatened and endangered species. We think this is the right approach.

I want to express the gratitude of the working fishing men and women I represent to you Mr. Chairman and you Congressman Miller for your vision in introducing your two bills. Utilizing receipts from non-renewable resource extraction from the marine environment to reinvest in renewable marine and fish resources, is we believe, good public policy. Fishing is America's oldest industry. It is a wonderful calling. The members of my organization take pleasure in deriving our livelihoods on the beauty and bounty of the ocean; we take pride in providing the public wonderful and wild sources of healthy food. But our fish stocks and their habitats need investment desperately to be conserved and rebuilt. Members of my organization have dug deep in their own pockets to pay for fishery programs, but we cannot do it all by ourselves; we cannot pay for damage done by others. That is why we need a permanent source of public funding to invest in and recover our public fishery resources. Thank you. I will be happy to answer any questions Committee members of staff may have.

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