

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HEARINGS

BEFORE THE

COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES

ON

H.R. 883

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

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

MARCH 18, 1999, WASHINGTON, DC AND MAY 1, 1999, ROLLA, MISSOURI

Serial No. 106-16

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**HEARING ON H.R. 883, TO PRESERVE THE
SOVEREIGNTY OF THE UNITED STATES
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“AMERICAN LAND SOVEREIGNTY PROTEC-
TION ACT”**

THURSDAY, MARCH 18, 1999

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

The Committee met, pursuant to call, at 2:02 p.m., in room 1324, Longworth House Office Building, Hon. Helen Chenoweth [acting chairman of the Committee] presiding.

Mrs. CHENOWETH. The Committee will please come to order.

I want to welcome our witnesses, this very distinguished panel. We have two panels of very distinguished witnesses and we are all looking forward to hearing from these witnesses.

Today we hear testimony on H.R. 883, which gives the Congress a role in approving international land designations, primarily United Nations' World Heritage Sites and Biosphere Reserves. H.R. 883 now has more than 145 cosponsors.

So that everyone understands, my concern is that the United States Congress, and therefore the people of the United States, have been left out of the domestic process to designate Biosphere Reserves and World Heritage Sites. H.R. 883 makes the Congress and the people of this country relevant in this process.

The Biosphere Reserve program is not even authorized by a single U.S. law or even an international treaty, and that is wrong. Executive branch appointees cannot, and should not, do things that the law does not authorize. In fact, both Biosphere Reserves and World Heritage Sites programs are administered through the United Nations Educational, Scientific, and Cultural Organization, commonly referred to as UNESCO. However, the United States withdrew from UNESCO in 1984 because the Reagan Administration found it riddled with gross financial mismanagement. Fifteen years later, even the Clinton Administration has not rejoined

UNESCO. As a result, it defies the imagination as to why our government is still participating in these UNESCO programs.

We, as the Congress, have a responsibility to ensure that the representatives of the people are engaged on these important international land designations. Now I do not think that Article IV, Section 3 of the Constitution advises that in governing our lands that we simply opt out of policies that may appear ineffectual. But instead, it expressly requires that we, the Congress, make all needful rules and regulations regarding land, as if to suggest that we are to jealously guard against the slightest possibility that foreign entities have any power over what belongs under the strict purview of the United States of America.

Yet, these international land designations have been created with virtually no congressional oversight, no hearings, and no congressional authority. The public and the local governments are rarely consulted. Until now, no one has lifted an eyebrow to examine how the U.S. domestic implementation of these programs has eaten away at the power and the sovereignty of the Congress to exercise its Constitutional power to make the laws that govern what goes on in the public lands.

Today, we will begin to look at these very issues. We intend to move this legislation from the Committee to the House floor for a vote very soon.

With that, it is time to begin. I once again want to welcome all of our witnesses who will testify today. I would like to introduce our first panel. First, we have the Honorable Jeane Kirkpatrick, former Ambassador to the United Nations, she's now with the American Enterprise Institute in Washington, DC; joining her is Ms. Melinda Kimble, Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, located here in Washington; Mr. Brooks Yeager, Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of the Interior, Washington; and Dr. Jeremy Rabkin, Associate Professor, Department of Government, Cornell University, Ithaca, New York.

Mr. VENTO. Madam Chair, I have an opening statement.

Mrs. CHENOWETH. Mr. Vento, I apologize. We would like to hear from the Minority.

Mr. VENTO. Mr. Chairman, this is not new legislation. The Congress first considered it in 1996 and 1997. In both instances the other body, the Senate refused to consider the measure on the floor and the Administration indicated it would veto the measure if passed.

This measure is misguided because it aims at the symbols of Federal policy when what the supporters are legislatively really opposing is the underlying policy itself. While some of my colleagues and I might like to see us doing even more, this country has set a national policy goal of the long-term preservation of environmental resources. The commitment this Nation has made to the preservation, conservation, restoration policies of land sometimes demand that certain activities which threaten these resources be prohibited and/or tightly limited. The reality of the situation is that no U.N. commando team will penetrate U.S. borders to seize control of our most precious parks, all in the name of conservation. Be-

sides, many are promising today that we will soon have a crack missile defense system to thwart any and all attempts to seize the sovereignty of our great Nation out from under our control.

Any and all land use restrictions in place are a function of U.S. law, not an international treaty or protocol. Our participation in the World Heritage Convention, the RAMSAR Convention, the Man and the Biosphere Program, as an example, are emblematic of an underlying policy and a symbolic value and importance the U.S. places on its natural resources, our natural legacy. These international cooperative agreements are an extension of our own domestic policy. They do not dictate it; they flow from such policy and law. These sites we have nominated under the World Heritage Convention are listed because Congress chose to enact policy and law to protect them and establish special land managers to regulate and enforce such law.

To address a specific example that gave rise to this bill, the problem with the New World Mine was that it was, in fact, too close to Yellowstone National Park, not that it was too close to a World Heritage Site. If we want to debate the basic principles in environmental protection, that's fine. But we should not waste our time passing legislation that seeks to abolish the programs that grew out of these basic tenets.

We have evolved over 200 years an American land-use ethic in case law. This is particularly true because the decision to abandon these programs has consequences. And let's be clear, the goal of this measure is to abandon these programs, not simply to regulate them. To require Congress to act for each and every parcel of land to be considered is to effectively stop all future nominations and designations.

The legislation sends a signal around the world that our Nation, the United States of America, which forged the policy path to institute these various treaties and protocols, is undercutting the values and benefits of international recognition for important cultural or environmental sites. It sends a signal that the United States is undercutting and abandoning values for ecosystem research coordinated through the U.S. Man and the Biosphere Program.

At the same time, when the United States is thrust into a role of dominant power and in the central role as a world leader in so many areas, why would we voluntarily abdicate perhaps the most important leadership position we occupy, that of a leader in an effort to make this life on this planet sustainable? This would convey to the hundreds, in fact, a hundred and sixty-some nations who are members of the World Heritage Convention Program, it would convey to these nations who are participants of the conservation treaties and protocols that special interest, domestic political and parochial considerations come first in the United States. If the United States cannot even permit recognition to be accorded, why should the other nations bother to participate?

Finally, it is particularly troubling that we are pursuing this misdirected and misguided policy based on gross misinformation. Each agreement covered by this bill states on its face that it contains no provision that affects in any way the authority or ability of participating nations to control the lands within its borders. These programs give the U.N. no more control over land of this

country than the awarding of Gold Medals gives the U.S. Olympic Committee control over an American athlete. To claim that these international programs somehow infringe on the sovereignty of this Nation is simply factually inaccurate.

This is not all that is inconsistent about H.R. 883. While this legislation is similar to the measure introduced last Congress, it differs from the version that passed the House in one important respect. During floor debate, 242 of our Members of Congress supported an amendment that I offered which would require specific congressional authorization for any international agreement seeking to make U.S. land available for commercial use as well. A majority of our colleagues felt that if you're going to reassert our role in governing the use of these lands for conservation purposes, we should be consistent and reassert congressional oversight of international agreements which cover commercial exploit of uses of U.S. lands as well.

How can we stand by and let important conservation programs be thrown by the wayside for superfluous reasons and then permit foreign companies to haul away precious and valuable resources rightfully owned by the American taxpayers who receive practically nothing in return? The House clearly asserted that sentiment last Congress and most certainly would hopefully do the same in this Congress.

Mr. Chairman, programs like this are good programs. They do not flow from the U.N. The argument is pervasive only to those who have creative and overactive imaginations. Rather, these programs are being targeted because they do play a role in highlighting instances where we, as Congress and as a Nation, fall short in meeting the very goals and values that the U.S. espouses and that these international agreements represent.

Madam Chairman, this is an issue of takings, not of private property but of stripping international recognition from the esteem and from the United States citizens of the world. The reaction to this symbolic program of conversation is ironic when, in fact, we look to the next century. The United States should be joining with the family of nations leading the advancement of knowledge and working to implement such know-how into a host of environmental agreements, some with teeth and enforcement mechanisms, because of the health, the welfare, and to benefit Spaceship Earth and the people.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Vento.

The Chair recognizes the real Chairman, Mr. Young. Do you have an opening statement, sir?

Mr. YOUNG. I beg to differ with the good Chairperson, she is the Chairman today. And I do thank you for participating in this; I have a series of hearings.

I am very pleased to see the panel is here and look forward to their testimony, and we look forward to the passage of this legislation again, as we did last year.

I thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

Under Rule 4(g), we like to limit time for our witnesses to five minutes. And also I do want to state that if any other members

have any opening statements, under unanimous consent, they will be entered into the record.

Mr. VENTO. Madam Chair, a point of inquiry. I don't have the testimony from the distinguished former Ambassador, Ms. Kirkpatrick, nor the disclosure statement. Is there some reason for that? Doesn't the Rules of the House provide at least for the disclosure statement and the advanced copies of this testimony?

Mrs. CHENOWETH. Mr. Vento, the testimony came in a little bit late. But we would be happy to provide as soon as we can copies of the information.

Mr. VENTO. Do I have it? I am not aware of it being in my portfolio and I am asking about it.

Mrs. CHENOWETH. It is noted for the record.

So without any other questions, we will proceed with our first witness. Mrs. Kirkpatrick, we look forward to hearing from you.

**STATEMENT OF HON. JEANE J. KIRKPATRICK, AMERICAN
ENTERPRISE INSTITUTE, WASHINGTON, DC**

Ms. KIRKPATRICK. Thank you very much, and I thank you for inviting me. I am pleased to be here to make some general remarks based principally on my experience in the United Nations and reading and reflection on it since.

What I would like to do is make some general comments concerning the practices, the patterns of the U.N. organization and some of their impacts on the operation of programs. Specifically, I would quote Paul Johnson, who has said that the 1970s could perhaps be termed as the "Decade of collectivism," particularly for the United Nations, because there was a great explosion of collectivist initiatives in the 1970s, nowhere as much as the United Nations where a whole series of new orders and conventions were adopted and undertaken, including the 1972 Convention on the Protection of World Cultural and Natural Heritage, but also the 1974 new international economic order, and a half dozen other initiatives in the 1970s establishing global organizations in a U.N. framework to undertake some new activity which had never been undertaken before, not just by the United Nations but, in most cases, by anyone.

And the thrust of these conventions was regulatory, for the most part, and it was in most cases an effort to establish a louder voice on the part of larger numbers of countries in the establishment of policies in a very wide range of spheres. A characteristic of the new organizations was the practice of making decisions on the basis of what in the United Nations is considered the General Assembly Principle, which is the basis of one country, one vote. The governing body of most of these organizations is chosen ultimately in a U.N. arena which permits the decision-making on the basis of one country, one vote. The problem with the one country, one vote principle is, of course, that the United States' vote counts exactly as much as St. Christopher, Nevis, or Barbados, or Germany equally with Guinea, or Britain with the Bahamas, or whomever. When decisions are made on the basis of one country, one vote, there is very little account taken of interest in the decision or technological competence or capacity to, in fact, implement decisions made.

The Convention Concerning the Protection of World Cultural and Natural Heritage provides such a pattern of decision-making.

Those decisions are made by delegates to the World Heritage Committee and the Biosphere Program International Coordinating Council. They choose the International Coordinating Council which is chosen by a UNESCO assembly which itself operates on the basis of one country, one vote.

I might in parenthesis simply say that I was representing the United States in the United Nation and the U.S. representation in the U.N. during the period that the decision was made to withdraw U.S. participation in UNESCO. I would like to say just a word about this. It was a decision that was made not easily and not rapidly. It was proposed early in the Reagan Administration and a commitment was solicited from my cabinet colleagues by me, I might say, and received that they would not withhold U.S. support from UNESCO or membership in UNESCO until and unless we had made our very best effort at reform of the really egregious abuses which characterized the UNESCO governance system. And for more than two years, three years the Reagan Administration, in cooperation with all parts of the U.S. Government, made an effort to correct some of the fraud, waste, and mismanagement which virtually everyone who looked at the problem agreed existed.

Having failed, we decided reluctantly that it was really necessary to withhold U.S. participation and withdraw U.S. membership from UNESCO. And I would reiterate what the Chairman has pointed to; that is, no subsequent Administration has deemed it desirable to rejoin UNESCO. It is a poorly managed organization. Most of its decisions and most of its domains are made on the basis of one country, one vote and there is a very great deal of fraud and mismanagement. I think some improvement has been made but not dramatic. The World Heritage Sites and designations are no different than many other aspects of UNESCO; namely, they are not managed in a way that provides for systematic representation of countries involved.

I would just like to mention one more general point concerning U.N. operations. All U.N. decisions are made either on the basis of some special selection of countries because of interest or competence or on the basis of one country, one vote. The General Assembly is, of course, one country, one vote, and the Security Council provides for weighting of votes. The Convention Concerning Protection of World Cultural and Natural Heritage provides simply for decisions ultimately on the basis of one country, one vote, in which no special attention is paid or account taken of the investments, or the concerns, or the effects on Americans of any particular decision by the World Heritage Sites.

I personally have been disturbed by the fact that there is no voice for elected officials, no voice for the American people in these processes. And I believe personally that the United States should not participate in U.N. activities, whether it be the Law of the Sea, or the Chemical Weapons Conventions, or World Cultural and Natural Heritage Programs, where decisions are made on the basis of one country, one vote, where our great involvement is not matched by some commensurate voice in decisions affecting our properties and our interests.

Thank you.

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

Mrs. CHENOWETH. Thank you very much, Mrs. Kirkpatrick. I will have to say that I am sure that all of my colleagues up here and thousands of people wish that we could just sit down and talk to you by the hour and listen and learn from you. It is a great honor to have you here at the Committee.

And now the Chair recognizes Ms. Melinda Kimble for her testimony.

STATEMENT OF MELINDA L. KIMBLE, ACTING ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ms. KIMBLE. Thank you, Madam Chairman. Madam Chairman and members of the Committee, I welcome this opportunity to comment on H.R. 883, and I respectfully request that the full text of my written statement be included in the record.

Mrs. CHENOWETH. Without objection.

Ms. KIMBLE. H.R. 883 directly affects implementation of the World Heritage Convention, the U.S. Man and the Biosphere Program, and the RAMSAR Convention on Wetlands. These conventions and initiatives have been long-standing components of the United States' international and environmental diplomacy.

The United States agrees that the public and the Congress should participate in an open, transparent, and participatory nomination process for World Heritage Sites, Biosphere Reserves, and RAMSAR sites. The Administration believes, however, that this legislation goes too far in addressing concerns about the implementation of these long-standing international agreements and programs.

This bill would take what is currently a bottom-up grassroots approach and impose a cumbersome top-down approval process. The United States was the principal architect of the World Heritage Convention and the first country to ratify it. This convention respects the sovereignty of countries on whose territory World Heritage Sites are located. It makes clear that the responsibility for identifying and delineating such sites rests with the national governments that are party to the convention.

The Man and the Biosphere Program, or MAB, is a voluntary and cooperative science program which promotes the study of the interaction of Earth's human and natural systems. In Kentucky's biosphere reserve at Mammoth Cave National Park, local authorities work together to protect the area's water quality. In the Everglades biosphere reserve, policy-makers and scientists have produced strategies for restoring this vast ecosystem while preserving the area's social and economic structures.

Nominations for the U.S. biosphere reserves are prepared by locally established committees interested in pursuing the designation. They obtain letters of concurrence from local and State government representatives and landowner approval for all included properties.

H.R. 883 appears to be based on a belief that the World Heritage Convention and the U.S. Man and the Biosphere Program threaten

U.S. sovereignty, mandate land-use regimes, and restrict the rights of private property owners. Rather, the main purpose of both is to recognize sites of exceptional ecological, scientific, or cultural importance. Neither regulates the management of these sites or affects the land-use rights of the country in which they may be located.

We also have concerns about Section 5 of H.R. 883, which restricts international agreements generally with respect to the nomination or designation of Federal lands for conservation purposes. This section could hamper the ability of local communities to gain recognition of a specific wetland site in their area as a Wetland of International Importance under the RAMSAR Convention on Wetlands. Such a listing affects neither the management regime for these areas nor resource use within them.

This convention exists because of a global concern over the loss of wetlands and the migratory birds that depend on these habitats. At the local level, RAMSAR designations promote greater public awareness of wetland values and the need to protect them. The network of RAMSAR sites in Canada, the United States, and Mexico provide safe breeding and wintering grounds for waterfowl. These birds, in turn, generate significant economic activity in the United States through hunting, tourism to these sites, and bird-watching.

We believe that U.S. participation in the World Heritage Convention, U.S. Man and the Biosphere Program, and the RAMSAR Convention on Wetlands serves important national interests and helps link national and international initiatives with local stakeholders. U.S. leadership and influence in these conventions and programs encourages other nations to similarly value and care for significant sites in their countries.

The Department of State opposes H.R. 883. If it were to pass, the Secretary of State would recommend a veto. Recognition of a U.S. site as a World Heritage Site, a Biosphere Reserve, or a RAMSAR site in no way undermines our sovereignty. Such recognition also does not impose additional Federal land-use restrictions over such areas or adjacent areas. We believe this legislation runs counter to the U.S. role in supporting both local and global environmental cooperation and could greatly impede the nomination of new sites under these conventions and programs.

This concludes my statement, Madam Chairman.

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

Mrs. CHENOWETH. Thank you, Ms. Kimble.

The Chair now recognizes Mr. Brooks Yeager for his testimony.

STATEMENT OF BROOKS B. YEAGER, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. YEAGER. Thank you, Madam Chairman. If I may be allowed to summarize my statement and have the full statement included for the written record of the Committee.

Mrs. CHENOWETH. Without objection.

Mr. YEAGER. Before I start, I would like to say on a personal note how genuinely glad I am to see Representatives Tom and Mark

Udall in this room which Mark's father and Tom's uncle for so long was a wonderful chairman of this Committee. So, it is really a great pleasure.

Madam Chairman and members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 883, the American Land Sovereignty Protection Act. The chief effect of this legislation in our view, Madam Chairman, would be to place cumbersome and unwise restrictions on U.S. participation in the World Heritage Convention and other international conservation agreements.

Ironically, these agreements in many cases were the product of U.S. world conservation leadership and have been supported by Presidents of both parties going back to President Nixon. Through them, the United States has been successful in engaging many other nations in the world effort to establish and protect national parks and to better conserve unique and important natural and cultural resources.

The restrictions on participation and the burdensome requirements of H.R. 883 appear to be a response to worries that these agreements in some way diminish U.S. sovereignty over our own parks and refuges and public lands. But in our view, nothing could be further from the truth. Because the restrictions of H.R. 883 are unnecessary, and would unwisely weaken the worldwide conservation leadership and influence that the United States has earned, we must strongly oppose the bill. If this legislation were to pass, the Secretary of the Interior would join the Secretary of State in recommending a veto.

Madam Chairman, with your permission, I would like to introduce some documents for the Committee record. The documents show the long, 30 year history of enthusiastic and nonpartisan support for these agreements, particularly for the World Heritage Convention. They also show an equally long bipartisan consensus that U.S. involvement in World Heritage and other such international conservation conventions poses no threat to U.S. sovereignty.

In particular, I would like to start, Madam Chairman, with the message from the President of the United States on November 23, 1972, introducing the World Heritage Conservation Convention to Congress, in which President Nixon said "The Convention places basic reliance on the resources and efforts of the States within whose territory these natural and cultural sites are located, but, at the same time, would provide a means of assisting States which have insufficient resources or expertise in the protection of areas for the benefit of all mankind."

In particular, in the letter of submittal from the Secretary of State at the time, it notes that the U.S. actually moved to strengthen drafts of the convention during the negotiations during the early 1970s to have a convention that would match the U.S. desire at the time for world conservation to move forward with U.S. leadership and influence.

The second document I would like to introduce for the record, Madam Chairman, is a letter from Secretary of Interior William Clark, dated April 1984, to Secretary of State George Schultz, and this addresses the point that was raised by Ambassador Kirkpatrick about our disassociation at the time from UNESCO. In fact,

we did disassociate from UNESCO and I have no basis to second-guess Ambassador Kirkpatrick's judgment as to why that was and believe that's the case. But at the same time, it was the considered policy of the Reagan Administration at the time to retain our affiliation with the World Heritage Convention.

In fact, this letter speaks exactly to that point. It says the Convention is identified as a clear U.S. initiative, the concept having first been raised in President Nixon's 1971 environmental message. "This country's close identification with the program was emphasized by our having deposited the first instrument of ratification and by six years of Executive leadership through U.S. membership on and chairmanship of the World Heritage Committee." The rest of the letter goes on to explain why, despite the fact that we had disassociated from UNESCO, we should stay in the World Heritage Convention.

The third letter that I would like to introduce is also from the Reagan Administration. It is a letter from Ray Arnet when he was director of the Fish and Wildlife Service, in which Mr. Arnet explains why it is important in the context of the World Heritage Convention for the World Heritage Committee to have some responsibilities to oversee the integrity of World Heritage Sites. It explains clearly that it is U.S. policy that once a site is nominated that there should be an effort to try to retain the values for which the site was nominated.

I have a press release from Secretary Hodel when he was Secretary, also during the Reagan Administration, indicating how proud the department was at the time that the Statue of Liberty could be recognized as a World Heritage Site so that that would be the official recognition that "she is the most widely recognized symbol of freedom and hope around the world."

Mr. VENTO. I ask that these letters be made part of the record, Madam Chairman.

Mrs. CHENOWETH. Without objection, so ordered. But he is not through yet.

Mr. YEAGER. Right. Thank you, Madam Chairman. I have two other documents, one from the Governor of New Mexico Gary Caruthers explaining why he is very happy that the Taos Pueblo was nominated for a World Heritage Site, and one from our Solicitor John Leshy explaining why, in very clear terms, he believes that there is absolutely no infringement on U.S. sovereignty in the course of the designation or administration of World Heritage Sites in the United States.

I guess reading those documents took me a little more time than I thought it would. My time is almost up. I would just like to say, Madam Chairman, I think there has been a very long history of nonpartisan support for these conventions. And as Melinda Kimble made clear, the U.S. through these conventions has, in effect, marketed the idea of the national park and of the better preservation of cultural and natural heritage throughout the world. I know that when the Secretary of Interior and I were in South Africa together, just two months ago, people in Cape Town were enormously overjoyed at the thought that they might be able to have the Cape National Park be brought into the World Heritage system, because for them it was an indication of the pride that they have in their local

heritage and the fact that their local heritage really is of a unique stature that deserves world recognition.

That is what these designations are about. That is what these agreements are about. I think it would be unfortunate to hobble them with unnecessary requirements. In fact, Congress has had an important role; it ratified the agreement for World Heritage, it enacted the legislation that told us how to administer the World Heritage program, and we follow that legislation very carefully. We do consult Congress when we nominate sites. I think there may be room for improvement in those areas, but we don't think there is any need to bog down the programs and to vitiate their purpose for the United States. Thank you.

[The prepared statement of Mr. Yeager and accompanying documents may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Mr. Yeager. There was a total of eight documents that you presented, wasn't there?

Mr. YEAGER. I'm sorry, I'll count them, Madam Chairman. Seven but one of them is a letter in response. I have the whole packet here for you.

Mrs. CHENOWETH. Okay. Thank you very much. They will be entered into the record, without objection.

And now the Chair recognizes Dr. Jeremy Rabkin for his testimony.

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

Dr. RABKIN. Thank you. I just want to begin by replying to some things that have already been said. Congressman Vento started off by saying that this bill that we're talking about today is just symbolic, it is a symbolic gesture that is not really going to the heart of things. And we have heard that from both my co-panelists from the Clinton Administration that the objections of people who are concerned about American sovereignty are just about symbolism and all of them insist there is no threat to American sovereignty here. If you get past the symbolism, there is no threat to American sovereignty.

But then when they go on to explain why we need to keep the World Heritage Convention intact and they talk about other countries, they say this would undermine U.S. leadership, this would undermine the influence of this convention. And it seems that for other countries it is not just symbolic. It seems that for other countries their sovereignty is not something to be absolutely relied on. It seems that we expect we will be able to influence other people but we won't be influenced.

Now I actually think it is a plausible argument that this finally has no influence on anybody who doesn't want to be influenced. There is no ultimate sanction here except removing something from a list and if you want to shrug that off, you can. On the other hand, if we are going to take this seriously, we have to assume that it means something to be removed from the list, that countries are intimidated by that, they are embarrassed by the bad publicity. So I think it is reasonable to say, yes, it does mean something and we should worry about how this, if you want to call it symbolism, bad

publicity, embarrassment is wielded against us. I think that is a minimally responsible thing.

Let me add one other thing that is not in my testimony but I think is a point worth making here. My guess is that if you look over the history of this, it is certainly my impression from reading past minutes, this does exert influence, this system the World Heritage Convention system, it does exert influence on the “nice” countries, on the Western countries, on the developed countries. And it exerts influence on them because they have local NGOs or local political opponents who say, “Oh, oh, we got in trouble. Look, we were condemned. This is serious. This is important. We have to do something about it.” If you have local people to work with, then UNESCO or the World Heritage Committee can have some influence.

I will quickly proceed to tell you a story about Australia where I think this is exactly what happened. And I think that is more or less what happened in Yellowstone. The countries where it is most important for us to exert influence, it seems to me, are less developed countries and less democratic countries, and I think for those countries the World Heritage Convention means about as much as the Convention on Civil and Political Rights. China signed that human rights convention and within the past year has been arresting everyone who mentions it in public in China. It similarly has signed the World Heritage Convention and I wouldn’t give two cents for the amount of influence or leverage you are going to have on China because it is basically a dictatorship and they will silence people who try to talk about this convention, and the World Heritage Committee knows that. And, anyway, it is basically connected with UNESCO and, as Ambassador Kirkpatrick said, UNESCO is a very corrupt, very politicized organization.

So I think probably when you get down to this, it can only be used effectively against Western countries, which means it is more likely to be used against us than it is likely to be used in a useful way against countries that we would like to encourage to improve their protection of natural and historic sites.

Let me quickly tell you this story about Australia and then draw some morals from it. Within the past year, there has been a big dispute in Australia about one of their sites, the Kakadu National Park which is in the Northern Territories in Australia. It has been listed as a World Heritage Site since the early 1980s. All of that time they have set aside certain areas adjoining the park for mining. There has been a mine operating there now for almost twenty years and there hasn’t been any complaint about it. Another parcel of land which was set aside for mining, they have over the last few years studied whether it would be all right to have mining go on there. And the Australian government, after two-and-a-half years of extensive, careful review, more or less analogous to our environmental impact studies, decided, yes, you can go ahead and do mining there.

Opponents of the mine then appealed to the World Heritage Committee. It was a very political process. You had opposition members of parliament writing to the committee. You had people involved in the Green Party in Australia appealing to Green Party members in Europe—particularly, the German Foreign Minister,

who now is from the Green Party, and they also found allies in France—and they got European countries to express an interest in this. They got the European parliament to say this was wrong. And then, of course, they got the World Heritage Committee to say, yes, this is wrong and we are going to say that your park is in danger.

Now the Australian government said, look, this is our park. We are sovereign—they said all the things that Congressman Vento and my colleagues here have said you are allowed to say—this is our decision. And the World Heritage Committee told them, no, you are wrong, you better not do this. And they have these domestic opponents of the mine saying, “Oh, look, we are in trouble now. We have violated international law. We are going to be an international outlaw. We will become a pariah. This is terrible.” And the government is in a considerable bind. That I think is the kind of thing we have to worry about.

Let me just draw three quick morals. First, I think there is a Constitutional question here about whether we can get into treaties that have nothing to do with international exchange. I think you might be able to defend the World Heritage Convention if you focus on the exchange of tourists. But you want to be careful to say what is it really that this is about, what is being focused on. And in the Australian case, the World Heritage Committee said this will have a negative impact on local aboriginal people in the Northern Territories. So you have this international committee coming in and saying what we are really protecting is the relations of the Australian government with its own people. If that is what this is about, I question whether the United States can constitutionally participate.

Second, I think there is a question, okay, we could commit ourselves to a treaty text but can we go from a treaty text to regulations and interpretations made by an international committee under that treaty. And I think there is serious constitutional doubts about that. But that is what has happened here. The issue in Australia, as in Yellowstone, was not actually the site but areas adjoining the site. How do areas adjoining the site become subject to the World Heritage Convention? The answer is the Committee has decided on its own that that is what should happen; there should be a buffer zone and they added that to the treaty. Can we sign not only a treaty but have with the treaty a blank check to an administrative body to expand the reach and meaning of the treaty?

And finally, if we can make, which I think we can, certain kinds of submissions to the International Court of Justice or to arbitration panels of the WTO where it is understood to be a judicial or quasi-judicial procedure, can we really do that with just the same constitutional integrity if we are making a submission to what is basically a world political body, almost a sort of quasi-legislature, which is what really the World Heritage Committee has made itself into.

One last point. I would just like to disagree slightly with what Jeane Kirkpatrick said, of course, I agree with the substance of what she said, but she kept saying it is one country, one vote under the World Heritage Convention. It is worse than that. There are more than one hundred countries that have signed, but when it

comes to making these rules and making these determinations they don't all of them vote one country, one vote. There is a very elite list of twenty-one countries represented on the committee. We have usually been on that committee but there is no reason to expect that we will always be on that committee. So we could be condemned by a forum in which we not only are just one of many, but we might not even be one. We might not be represented at all on this committee and still we are giving to this committee the power to condemn us and to help opponents of some policy here mobilize opposition.

That is not the way our government is supposed to work. You cannot talk about grassroots activity here. We have an elected Congress. They are supposed to make decisions, not some coalition of NGO activists and international sponsors in other countries meeting in Geneva or Kyoto or somewhere else. We ought to be able to decide for ourselves what we think is proper in our own territory, and I think this bill will help us to do that. Thank you.

[The prepared statement of Dr. Rabkin may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Dr. Rabkin, for your testimony.

Now we will open the hearing up to questions from the members.

The Chair recognizes Mrs. Cubin.

Mrs. CUBIN. Thank you, Madam Chairman. I was busy passing out Girl Scout cookies to the staff up here.

I really appreciated the testimony of the panel. I want you to know I gave up complaining for Lent. Next year, I am going to give up smoking for Lent. I haven't smoked in twenty-one years and I think I will be much more successful at that. So I don't want you to think that the remarks that I am making and the questions I am asking are complaining. But I have to talk a little bit about what happened in Yellowstone, since I represent Wyoming.

I truly appreciate Dr. Rabkin's comments. I also don't understand how what happened in Wyoming reflects that it was a grassroots effort that came in and declared that Yellowstone was a site in danger. The New World Mine had been in the process of completing an Environmental Impact Statement for three years. The information that was coming out indicated that the mine developed outside of Yellowstone would, in fact, did not damage Yellowstone. I was not in favor of developing that mine, don't get me wrong, but I am in favor of following the process that has been established for the Environmental Impact Statement and the process that has been established to enforce the laws of the United States of America.

So three years this goes on and they were ready to make their report. UNESCO came in and in three days, without even seeing all of the documentation and the studies that had been put forward for the EIS, three days later they determined that this was a Heritage area in danger.

I can't see how in any way that is a grassroots effort. And I absolutely agree that the political pressure that is brought to bear just by virtue of the fact that publicity comes forward, oh, my goodness, Yellowstone is now in danger, totally disregarding the facts, the watershed that would have supplied the New World Mine did not even go to Yellowstone; it went in an entirely different direction.

So I just agree with Ambassador Kirkpatrick that we have to have people from the United States representing our own best interests.

Would you respond, Dr. Rabkin, on the things that happened in Yellowstone and comment on that for me.

Dr. RABKIN. Well, I agree with everything that you said. I think that was a very troubling episode. And it is troubling because, contrary to what the defenders of the existing system are saying, this was very intrusive. You brought in an international inspection team to say you are handling this in the wrong way, you in the United States should not be doing this, you should be doing something else, otherwise we will condemn you by declaring your site in danger.

And you see the potential for mischief here in the fact that American Executive officials basically were in cahoots with this international organ——

Mrs. CUBIN. Right. They were invited in by the BLM.

Dr. RABKIN. They paid for it, they facilitated it, and then they went to the meeting of the World Heritage Committee and said we don't object if you say that Yellowstone is in danger. So what you are basically doing is, in some cases, supplying an international megaphone to a mid-level executive bureaucrat. Mr. Frampton is a fine fellow and everything but he shouldn't on his own be able to make decisions.

Mrs. CUBIN. Right.

Dr. RABKIN. And we gave him a global megaphone to say the world has said that this mine is wrong. That's not how we are supposed to make decisions in this country.

Mrs. CUBIN. What I perceive my job as being is preserving the process that is established by law.

Dr. RABKIN. Yes.

Mrs. CUBIN. The outcome is beyond my expertise—I am a chemist—it is beyond my expertise and beyond actually my judgement about it other than as a citizen. Because when the scientists come forward and say these are the facts and this is what should be done, then we have to respect that these are the facts or that they are not the facts. And what happened here was the total process was interrupted and the process was not allowed to go on. Frankly, I don't under——

Dr. RABKIN. Could I just add one thing?

Mrs. CUBIN. Please?

Dr. RABKIN. When there is a dispute about an environmental review in this country, you have all kinds of safeguards which the Congress has legislated. You have judicial review, you have due process requirements so that people can say, wait a minute, this is junk science, this is not a fair review, this was done improperly, and you can appeal and you can have an authoritative judgement saying no, that was not properly done, do it over again. There is, of course, nothing like that at the international level, which is why a number of these reviews, and people say this about the Australian case as well, are not only slipshod, but they are utterly partisan and tendentious. People basically go in there with a preconceived notion of what is wrong and then write up a report saying, yes, it really is wrong.

And that kind of thing you have no recourse for. There are no international courts that you can complain to, there is no international congress to complain to. You have just basically turned loose these international busybodies who do their own intriguing, and that is not a process.

Mrs. CUBIN. And the entire process was interrupted before it was allowed to go to completion and before, like you said, the scoping hearings were allowed to occur. It was truly an intrusion on the laws of the United States of America.

Mr. YEAGER. Madam Chairman, may I be given a chance to respond to this question since it involves activities of the Department of the Interior?

Mrs. CHENOWETH. Mr. Yeager, we are in the questioning process right now. I am sure Mr. Vento will be asking you about it.

So the Chair recognizes Mr. Vento.

Mr. VENTO. Thank you, Madam Chairman. As far as I know, you are here to testify on the constitutional basis. Mr. Rabkin, are you aware of any constitutional decisions that have been made that these events violate the Constitution? Do you have a yes or no answer?

Dr. RABKIN. They haven't been litigated, so no.

Mr. VENTO. There is none. None.

Dr. RABKIN. Not yet.

Mr. VENTO. Ms. Kirkpatrick, are you aware of any designations that have gone on in which a nation did not want the designation?

Ms. KIRKPATRICK. Yes. I am aware of processes having been set underway without the nation involved desiring a designation. Let me just say, the issue is the process. It is the question of representation and responsibility and accountability—

Dr. RABKIN. Israel. Israel was condemned—

Mr. VENTO. Mr. Rabkin, I didn't ask—

Dr. RABKIN. Israel was condemned as well.

Ms. KIRKPATRICK. Exactly. Jerusalem was designated against the desire of the State of Israel, absolutely.

Mr. VENTO. It is one of the RAMSAR. It is a site in danger that—

Ms. KIRKPATRICK. No, but it has been designated a World Heritage Site against the desire and against the opposition of the State of Israel.

Mr. VENTO. Excuse me, Ms. Kirkpatrick. I think it was a candidate site. In fact, most of them themselves nominate these particular sites.

Now in terms of the Yellowstone case, Mr. Yeager wanted to join in and say something. I invite him to do so at this point. But in fact, that was after the fact. It doesn't make any difference how it became a Man and the Biosphere or World Heritage Site, this is an incident or something that occurred after the site. As far as I know, the Department of Interior used its authorities that it has under law and granted by this Congress to accomplish the end, didn't it, Mr. Yeager?

Mr. YEAGER. Yes, that is correct, Representative Vento. I wanted to try to correct the record, although there was quite a long exchange about the Yellowstone situation. But I was involved at some levels in that discussion inside the Administration over time and

have some personal knowledge of the facts. It is my belief that the visit of the World Heritage inspection group had absolutely no significance whatsoever for any of the decisions that were made with regard to Yellowstone.

The Park Service was, in fact, a participating agency in the Yellowstone EIS and the Park Service believed then and believes now that the New World Mine would have caused damage to Yellowstone National Park. In fact, one of the drainages from the mine does drain directly into Miller Creek which drains into the Park. And there was considerable technical information to that effect even in the course of developing the EIS.

Representative Cubin is correct, the EIS was never finished, but that was not the result of the intervention of the World Heritage Committee, it was the result of a decision by the President. It was a decision that the President is quite proud of, that the Secretary of Interior supports, and that we all believe was made correctly according to U.S. law and that resulted in the protection of the park.

Mr. VENTO. The authorities exercised did not flow from the Man and the Biosphere or the World Heritage Convention or the RAMSAR Treaty?

Mr. YEAGER. No, they did not.

Mr. VENTO. They flowed from power that this Congress has conveyed and bestowed upon the land management agencies in the Department of Interior specifically.

Mr. YEAGER. That is absolutely correct.

Mr. VENTO. Ms. Kimble, can you tell us what the effect of the State Department—what clear agreements, other than RAMSAR, might be affected by a blanket prohibition contained in this bill? What would be the affect on these conventions, treaties, and protocols?

Ms. KIMBLE. I think you have to look at conventions in force. I think we have looked particularly at this bill which gets to land-use issues as primarily affecting the RAMSAR Wetlands Convention. We don't have other major conventions outside of World Heritage itself that deal with land-use right now.

Mr. VENTO. So would this bring to a stop any type of designation of these types of sites in North America? Don't we have treaty obligations under the Migratory Bird Treaty and so forth?

Ms. KIMBLE. Well, let me say, the Migratory Bird Treaty is a very important treaty, but I see RAMSAR as most important in terms of encouraging the protection of wetlands globally and certainly in the Hemisphere. It is not only the United States that has obligations to protect its wetlands. Our obligations are consistent with RAMSAR but are based on Federal law under the Clean Water Act. But other States have made their obligations consistent with RAMSAR under their legislation. This means RAMSAR encourages Mexico and Canada, for instance, to also protect these sites.

So the real strength of RAMSAR is promoting international cooperation on wetlands protection. Obviously, we believe the United States should be an active participant. Although you will note that when we ratified RAMSAR we believed that our existing legislation was sufficient to implement it.

Mr. VENTO. Yes. Ambassador Kirkpatrick, during the 1980s when we withdrew from UNESCO, did you protest? Were you of a different opinion at that time with the then Reagan Administration authorities with regards to continued participation in World Heritage and Man and the Biosphere and the other programs?

Ms. KIRKPATRICK. No. Let me just say that the implementation of these programs is—my point, I didn't make it very clearly—it is a direct consequence of the political forces inside the United Nations bodies at that time. The fact is that the United Nations is a highly political institution, just like the U.S. Congress is, and it is supposed to be. But it was not functioning in a way that demonstrated such undesirable political consequences.

Mr. VENTO. We set aside these programs and stayed in them.

Ms. KIRKPATRICK. That's right. No, no, because they were not objectionable. They were functioning adequately at that time.

Mr. VENTO. But do you think that we ought to at this point abandon this particular type of role, as has been implied here by the other witness on the panel, Dr. Rabkin, do you think we ought to abandon participation in these particular programs?

Ms. KIRKPATRICK. Do I believe the United States should withdraw from participation in these programs?

Mr. VENTO. Yes.

Ms. KIRKPATRICK. I have never suggested it. I do believe, however, that the Congress has both an obligation and a responsibility to participate in decisions that affect American citizens and property.

Mr. VENTO. But the point is there is no constitutional challenge to the fact that the Congress has given authority to the State Department and others to, in fact, do this. There is no constitutional question here in your mind, is there?

Ms. KIRKPATRICK. There are constitutional questions in my mind concerning the implementation of some of these powers.

Mrs. CHENOWETH. I thank the gentleman for your questions.

The Chair recognizes Mr. Pombo.

Mr. POMBO. Thank you, Madam Chairman. I yield to the woman from Wyoming.

Mrs. CUBIN. Thank you, Mr. Pombo.

I would like to respond to Mr. Yeager. The outcome is exactly what I wanted it to be. What I am absolutely opposed to is how I think the process was violated. And let me tell you how that was violated. The Administration had a desired outcome and what they did when they invited UNESCO in was it was a part, and a big part, but it was only a part of getting the desired outcome. Now, if I am satisfied that the ends justify the means, then that is okay with me. But I am not. My job, and I think all of our jobs, is to protect the process.

And while this Administration may like the outcome that they got this time, when another administration with an entirely different philosophy about the environment and about these issues comes into play, if we allow this sort of thing to continue, then they are not going to like the outcome the next time and neither are you. And that was the point that I was trying to make.

Mr. POMBO. Reclaiming my time. To follow up somewhat on the point that Mrs. Cubin was making, Ms. Kimble, can you clarify for me what authority exists under these programs? What can they do?

Ms. KIMBLE. Let me say, these programs are designed to promote international cooperation and to recognize sites that have specific ecological, cultural, or scientific value. Congressional authority was certainly given for the World Heritage Convention when the Senate gave advice and consent and the Congress subsequently passed implementing legislation.

Mr. POMBO. No. What authority is under these agreements? What can they do? Do they have land-use authority?

Ms. KIMBLE. The only thing they can do is put sites on a registry. In the case of the World Heritage Convention, sites that are nominated by states party to the convention go on a registry as World Heritage Sites and the World Heritage Committee, which the United States has continued to participate in as a member since we left UNESCO, continues to review the operation of these sites.

I just checked, for instance, to see how many sites are listed in other countries. Many, many more developing country sites have been listed than developed country sites, in part because developing countries do not have the capacity to protect their sites. And many of these listings of the World Heritage Convention saying these sites were in danger prompted action by the world community, including technical assistance and aid, to help these countries protect their sites.

Other sites have been brought to the attention of the World Heritage Committee. For instance, I was familiar with a case when I was working in international organizations when Dubrovnik in Yugoslavia was listed as a site in danger because of the ongoing war in the former Yugoslavia.

So what this committee does is it identifies places of significant importance under terms of the World Heritage Convention, the World Heritage Convention continues to monitor these sites and report on them. And it is truly an issue of peer pressure and support, but it is cast truly in most cases in a very positive light encouraging countries to protect these sites. The purpose of the World Heritage Convention, as the Nixon Administration saw it, was to promote protection, and that I think was a constructive objective.

Mr. POMBO. Under the scenario that you describe of what they are able to do, it is somewhat confusing because some of the victories that are claimed under these sites, all of the wonderful things that they do, in your testimony and in other people's testimony, the claim is made that these are totally voluntary; they have no regulatory authority, they have no ability to tell anybody what to do.

At the same time, in quoting from your prepared statement, you say it "played a key role in the effort to restore the Coho salmon to areas of northern California through the Golden Gate Biosphere Reserve Program." If they have no regulatory authority, no ability to tell us what to do, if they do not threaten our sovereignty, there is no ability to do anything, yet they claim helping to recover an endangered species.

Ms. KIMBLE. Let me make a very clear distinction, if I could. First of all, Man and the Biosphere and the Biosphere Reserve Pro-

gram is a United States program that operates in connection with the broader UNESCO program. The purpose of that program is voluntary scientific cooperation. In the case of the Coho salmon, designating the area as a Biosphere Reserve promoted more active engagement in scientific studies in programs to help restore the salmon population in that area.

Mr. POMBO. More active than what?

Ms. KIMBLE. The action was taken by individual——

Mr. POMBO. Excuse me, it is my time. More active than what currently exists under NMFS, and Fish and Wildlife, and the Sport Fishing Association, and all of the different organizations that are involved in trying to recover the Coho salmon? This has been a major ongoing deal in Northern California, one that I am painfully aware of.

Ms. KIMBLE. Let me say, as I understand——

Mr. POMBO. To come in here and claim credit for——

Mrs. CHENOWETH. Will the gentleman hold, please?

Mr. POMBO. I do have further questions.

Mrs. CHENOWETH. I know you do.

Ms. Kimble, will you please let Mr. Pombo finish his statement.

Mr. POMBO. My time has expired. I do have other questions for the witnesses and I will wait until everybody has had the opportunity to ask their first round of questions. Thank you.

Mrs. CHENOWETH. Thank you very much.

The Chair recognizes Mr. Inslee for questions.

Mr. INSLEE. Thank you, Madam Chair.

Dr. Rabkin, I have been listening with interest to your discussion of the constitutional question you have raised. I want to tell you there are folks who on occasion come here to Congress and they make arguments that certain things are unconstitutional. It is really great theater, it is really great propaganda, it really does a lot of things to inflame people, to make them think that legitimate treaties that have been confirmed by the United States Senate somehow are going to end up with black helicopters coming across the border in Canada. I want to tell you that when leaders talk about that it does inflame people's passions and it does make them actually believe that the black helicopters are coming across the border.

I want to tell you that frequently there are people who come here and argue that certain things are unconstitutional knowing that they have never ever gone through the legitimate means that are established to challenge the constitutionality of an Act or a treaty adopted by Congress and yet come in here and argue for weeks and months and years that certain things are unconstitutional back to their constituents when they have never tested that issue in the courts of this country.

Now my understanding is, and your answer to Mr. Vento's question, that neither you nor anyone else has asked the U.S. Supreme Court to rule on the constitutionality of this issue. If that is true, I want you to tell me if you are one of those folks who come here and argue the constitutionality of statutes and never actually go through the means of testing that issue in the courts of this land?

Dr. RABKIN. The Supreme Court of the United States does not give advisory opinions. You cannot show up and say I would like

some advice. You have to have an actual case or controversy. I have in other contexts argued that people are much, much too promiscuous in going into the courts and trying to make everything into a Federal case. It would be very difficult to mount a Federal case about this because you would have to show that somebody was directly coerced by it.

Mr. INSLEE. This has been on the books, one of these bills, since 1973, the other one has been here since sometime during the Reagan Administration. Are you telling me that our system of justice is so incompetent and impotent that it prevents American citizens from ruling the constitutionality of this? Is that what you are telling this Committee?

Dr. RABKIN. I would not put it that way. But if you look at treaties generally, you will see there are hardly any cases about treaties because it is very difficult directly to challenge the treaty.

Mr. INSLEE. Have you made any effort to challenge these treaties in the courts of our land?

Dr. RABKIN. I personally have not.

Mr. INSLEE. Do you know anybody who has come forward from the Yellowstone incident that people are complaining about, or any of these instances and said this is a terrible affront to the constitutional process of this country, it has got to be ruled unconstitutional by the courts. Have you done that? Has anybody done that? Or do they instead just come to the Congress and bleat and whine about this year after year and never test this issue. Is that what has happened here?

Dr. RABKIN. I do really think you are misunderstanding. You cannot, just because you have an argument or a view or a principle, get it into court. There has to be an actual case where you can show that someone was directly coerced, and I don't think that has happened yet.

Mr. INSLEE. Apparently no one has even tried to have a judicial interpretation of this issue. Is that an accurate statement to your knowledge?

Dr. RABKIN. I think that is accurate.

Mr. INSLEE. But it is accurate that people have come month after month, year after year to this Congress and made that argument, yourself included. Is that accurate?

Dr. RABKIN. Oh, I don't know if it was month after month. But people have made that argument, sure.

Mr. INSLEE. So isn't it true that you are in the wrong place. You ought to be in the judicial system to get an interpretation of this, don't you think?

Dr. RABKIN. I totally disagree with you, sir. I think it is very important for the Congress of the United States to uphold the Constitution and not shrug its shoulders and say, oh, well, go to court. You have taken an oath yourself, sir, to uphold the Constitution. You should take that oath seriously. You should not berate citizens when they come to you and ask you to honor that oath.

Mr. INSLEE. I appreciate your reminding me of the oath that I have taken and have fulfilled hour by hour, day by day to the last dog dies, and I will do that. But it is a serious issue. I just want to tell you it is troublesome to me because we get this in other context, just not in the Resources Committee, where people raise con-

stitutional issues. And when I say why don't we get a ruling on this, we have a branch of government that can give us an answer to this, for some reason they are very reluctant to ever do that. And I will tell you why they are reluctant. Because they know the Supreme Court would rule these are constitutional. That is why the U.S. Senate has confirmed them. Thank you, Mr. Rabkin.

Mrs. CHENOWETH. Thank you, Mr. Inslee.

The Chair recognizes Mr. Tancredo.

Mr. TANCREDO. Thank you, Madam Chairman.

Mr. Yeager, what is your relationship—you mentioned earlier that you had some personal involvement with and understanding of the issues revolving around the Yellowstone Park issue. If you could help me out here and just tell me, what is your relationship, for instance, to the National Park Superintendent, Mr. Finley? Do you know him?

Mr. YEAGER. I do know him, yes.

Mr. TANCREDO. In what capacity are you aware of his work?

Mr. YEAGER. I am the Deputy Assistant Secretary for Policy and International Affairs. Among the offices that report to me is an office called the Office of Environmental Policy and Compliance. When we have the responsibility to comment or to participate in NEPA work, work under the Environmental Policy Act, assessments or impact statements that are done by other agencies, that office helps to coordinate the bureau's responses and to make sure that our responses are consistent and does necessary technical work with the bureaus.

So in that capacity, among others, I was asked to look into this issue. There was quite a long technical discussion that involved all the agencies about the mine. I can tell you that that technical discussion was extensive, got into great detail about elements of the EIS, was participated in by people, among others, the water quality staff of the Park Service in Denver, the Bureau of Reclamation dam experts, and others who had technical expertise on issues raised in the EIS.

Mr. TANCREDO. Would you consider Mr. Finley to have that kind of technical expertise? Would he have been a participant at any point along the line in any of the discussions? Would he have been made aware of the technical aspects of it?

Mr. YEAGER. I assume as the Superintendent he was made aware. But he was not actually a participant in the discussions, no. The discussions were held largely by technical people.

Mr. TANCREDO. But you feel, to the extent that you are able to, and I recognize that there is some separation between your responsibility and his that might not allow you to have a definitive knowledge here, but you feel comfortable that he would have had a good working knowledge of the World Heritage Sites?

Mr. YEAGER. I honestly can't testify to his knowledge. I view him as a competent Park Superintendent.

Mr. TANCREDO. Let me ask you to make an assumption given his responsibilities as a National Park Superintendent. Would you think he would have had at least a working knowledge of the World Heritage Sites provisions?

Mr. YEAGER. My assumption is that he would have had a working knowledge of all issues affecting his park.

Mr. TANCREDO. Then how would you have responded to the following quote by Mr. Finley as appeared in the Casper Star Tribune, September 9, 1995, a copy of which I have here. "As ratified by Congress, the provisions of the World Heritage Treaty have the force and statutory authority of Federal law. By inviting the committee to visit the park and assess the mine's potential impacts, the Interior Department acted as it was legally required to do."

Mr. YEAGER. What is the question?

Mr. TANCREDO. How would you respond to that? Would you say that is an accurate statement?

Mr. YEAGER. I probably would not. You would have to read it again for me to respond.

Mr. TANCREDO. Let me do that. How about if I just gave you—

Mr. YEAGER. Representative Tancredo, maybe it would be better for me to read to you how our solicitor has interpreted our responsibility to the World Heritage—

Mr. TANCREDO. I am really interested in your opinion of it.

Mr. YEAGER. I understand that you value my opinion. But I think there are those in the government whose job it is to make legal interpretations and I generally try to follow them, and our solicitor is one of those people. Neither Mike Finley, the superintendent, nor I are asked to render legal opinions about the position of the United States—

Mr. TANCREDO. He did, of course, do exactly that here, he rendered a legal opinion.

Mr. YEAGER. Well, with your permission, if you ask for my personal response, I would ask the solicitor. And here is what the solicitor says. "As a party to the World Heritage Convention, the United States has undertaken to take the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of natural and cultural heritage features designated in U.S. territory. In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and State laws. Therefore, the World Heritage Committee's recent decision to name the Yellowstone National Park to the World Heritage List of Sites in Danger does not impinge in any way on the United States sovereignty and does not supplant the—"

Mr. TANCREDO. That is really not the question I asked you. You are responding to a question I did not ask.

[Simultaneous conversation.]

Mr. TANCREDO. Mr. Yeager, you are responding to a question I did not ask.

Mr. YEAGER. I would like to finish—

Mrs. CHENOWETH. Excuse me, will the gentlemen hold, please. The Congressman has the time and he is controlling the time. I would appreciate your respecting that. Thank you.

Mr. TANCREDO. I will simply end my time, and I know we are running out of time here, but I guess it is my observation here that apparently it is not just some wayward enthusiasts who might have an incorrect impression about what this whole program is about and may be coming here idealistically asking us to deal with it. Maybe it is even people like the superintendent of the National Park who has a misinterpretation of exactly what this is all about.

So perhaps it is not all that illogical for us to be pursuing it from the standpoint that there are aspects of this that are appropriately brought before us today and I think this bill appropriately addresses those aspects. Thank you, Madam Chairman. I yield back the balance of my time.

Mrs. CHENOWETH. Thank you.

The Chair recognizes Mr. Mark Udall.

Mr. UDALL OF COLORADO. Thank you, Madam Chair.

I want to thank the panel for taking time to speak with us today and help us understand this important issue a little more in depth.

Ms. Kimble, I had a question for you. It seems to me from what I have been hearing that really what has been said is the United States took the lead in establishing a lot of these programs in the 1970s. Is that right?

Ms. KIMBLE. We took the lead in establishing the World Heritage Convention. We subsequently joined the Man and the Biosphere Program at UNESCO some three years after it was formed.

Mr. UDALL OF COLORADO. In that spirit, Madam Chair, if I might, I would like to read a short paragraph out of a letter that I received and ask that the rest of the letter be included in the record.

Mrs. CHENOWETH. Without objection.

Mr. UDALL OF COLORADO. Thank you, Madam Chair. The letter is addressed to me, of course, and it says "Dear Congressman Udall, I write to urge you to oppose H.R. 883, the American Land Sovereignty Protection Act, sponsored by Resources Committee Chairman Don Young. This legislation is neither warranted nor wise. It is an unfounded attack on international conservation programs that recognize areas in the world that are of 'outstanding universal value.' Contrary to this bill, I believe the Congress should strengthen and encourage measures that would lead to greater participation by the United States in the World Heritage Convention, RAMSAR Wetlands Convention, the Biosphere Reserve Program, and other worthwhile international conservation programs."

This letter is from the Honorable Russell Train, who served on the Council of Environmental Quality for President Nixon. It points out to me the bipartisan nature of the creation of many of these efforts around the world. I would ask, as I mentioned earlier, that the rest of the letter be included in the record.

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

Mr. UDALL OF COLORADO. If I might make one other comment, it seems to me, Mr. Yeager, you can confirm or disagree with me, in attempting to respond to Mr. Tancredo's question, you were saying that Mr. Finley is an excellent superintendent but the Solicitor is a better attorney. Is that true?

Mr. YEAGER. That is much more elegantly put. Thank you very much.

Mr. UDALL OF COLORADO. Thank you, Madam Chair.

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

Mr. UDALL OF COLORADO. Sure.

Mr. VENTO. Thank you. I would just point out, I don't intend to extend my questioning period, but I would just point out that we are relying on a newspaper article here, too. Superintendent Finley

has been in a number of parks including the Everglades which is also designated as a Man and the Biosphere Reserve. So I think that we are just relying on a newspaper article here in terms of what he might have said. I think that if we really want to find out what his view is or how this impacted, I think that would be appropriate. I think it could also be interpreted that he was saying what is consistent with the existing laws and authorities that exist in terms of that area, which, incidentally, has BLM, Forest Service, Native American lands, and a whole variety of lands in what is called the Greater Yellowstone Ecosystem.

I thank the gentleman for yielding.

Mr. UDALL OF COLORADO. Thank you, Mr. Vento.

I see I have a little bit of time left. I might add that Russell Train at the end of his letter pointed out that areas in the United States including private lands recognized under international agreements are subject only to domestic law. "There is no international legal protection or sanction for these areas. Thus, I am opposed to requiring congressional authorization of a site prior to nomination or designation." And I think he makes that additional point that I think we need to make here.

So, Madam Chair, I thank you for the time and yield back the remainder.

Mrs. CHENOWETH. Thank you Mr. Udall.

The Chair now has some questions. The issue of the New World Mine has been quite prominent in this hearing and I want to get some things on the record.

First, that the World Mine operated on private property through a patent, and that there were fourteen nongovernmental organizations who had appealed to the United Nations Educational, Scientific, and Cultural Organization. They in turn, on March 6, 1995, wrote a letter to Mr. George Frampton, Department of Interior, in which they stated to him the following: The World Heritage Committee has the authority to act unilaterally in placing a site on the List of World Heritage Sites in Danger. Now I would like to juxtapose that to Article IV, section 3 of the Constitution which clearly says that Congress needs to make all needful rules and regulations.

I do not believe that it takes a battery of lawyers, Supreme Court Justices, and everybody else to understand the clarity of those two positions. Our United States Constitution is exceedingly clear as to Congress' responsibilities. I furthermore do not believe that a constitutional issue should be run by the Supreme Court before the Congress deals with it. I think we have to have the boldness and the courage and the tenacity to study these issues and to respond in a manner that is thoughtful, as our constituents would expect us to. I think to do otherwise simply engages us in the old paralysis of analysis.

The statement that was contained in the March 6, 1995, letter to Interior Assistant Secretary George Frampton is an official communication that needs to be taken very seriously because that letter goes on to state the following: "It is important to note that Article I of the World Heritage Convention obliges the State party to protect, conserve, present, and transmit to future generations World Heritage Sites for which they are responsible. This obligation extends beyond the boundary of this site, and Article 5(a) rec-

ommends that State parties integrate the protection of sites into comprehensive planning programs." Now we must remember that this document was generated as a response to fourteen NGOs recommending that the World Mine be taken into this world jurisdiction.

So without objection, I would like to enter into the record this letter to Mr. Frampton. Is there any objection? Hearing none, so ordered.

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

Mrs. CHENOWETH. I do have a question for Dr. Kirkpatrick. What advice can you give the Congress to improve its oversight of international organizations such as the situation we are dealing with here?

Ms. KIRKPATRICK. I do believe that the oversight of multilateral organizations poses some very special problems actually for any legislative body vested with oversight. The reason being that multilateral organizations characteristically not only practice bureaucratic decision-making of necessity, but that bureaucratic decision-making is a good many steps further removed from an elective body than the bureaucratic decision-making in a single government. It is easier for the Congress of the United States to practice oversight of the U.S. Government, U.S. bureaucracy, though that is not easy, as we know.

The oversight of international organizations is complicated because the countries engaged have different views concerning the appropriateness of oversight, concerning the rectitude, if you will, of oversight, and concerning which bodies have the right, in fact, to oversight. And the United Nations is a very complex organization.

By the way, may I just say that I don't believe that the issue here is conservation or environment or whether there should be World Heritage Sites. I think the issue is who should be charged with protecting them and developing them and how that should be determined. Under the American system, I believe that the chain of elected representation and responsibility and accountability is absolutely essential. All our individual rights are vested in that chain of representation and responsibility and accountability, and that chain has the most tenuous possible connections with operations of multinational bureaucratic organizations.

The only way really that the Congress can exercise that oversight I think virtually is to try to work through its own departments charged with the management of representation in those organizations. So that the Congress would work through the State Department and through other environmental agencies. And that is one of the problems. It just makes it that much more difficult to reflect and represent and respond to popular opinion, to the opinion of Americans. And I wish you good luck. I think it is very difficult to practice oversight of those organizations.

Mrs. CHENOWETH. It is a challenge.

Ms. KIRKPATRICK. It is a challenge.

Mrs. CHENOWETH. I want to thank the witnesses very much for your valuable testimony. I do want you to know that you have five working days to extend or amend your testimony should you wish.

We would look forward to any additions that you might have of your testimony.

Excuse me, I am reminded by counsel that it is ten working days.

Dr. RABKIN. Thank you, Madam Chairman.

Mrs. CHENOWETH. You are welcome.

Mr. VENTO. Will we get the testimony from Jeane Kirkpatrick today?

Mrs. CHENOWETH. Yes, I think it will come up through the recorder.

I want to thank these witnesses very much and excuse this panel of witnesses. Thank you for your time.

Now I would like to turn the Committee over to Barbara Cubin. I have to go to the floor for a speech and she will take the Chair for a while. Thank you.

Mrs. CUBIN. [PRESIDING] We will now hear from our second panel. We have Mr. Stephen Lindsey from Elgin, Arizona; Mr. David B. Rovig, President, Greystar Resources, Billings, Montana; Ms. Ann Webster Smith, Chairman Emeritus, U.S. Committee of the International Council on Monuments and Sites, Washington, DC; and Ms. Laurel MacLeod, Director of Legislation and Public Policy, Concerned Women for America, Washington, DC.

Mr. VENTO. Madam Chair, I am going to have to excuse myself, but I do want to welcome the witnesses, especially the witness from ICOMOS who is a long-time witness before the Committee on these particular issues. We have oversight hearings every year on the budget and we would bring them in when I had that responsibility, and I am pleased to see her back.

Ms. SMITH. Thank you.

Mrs. CUBIN. All right, everyone is at the witness table now.

I would like to recognize Mr. Lindsey for his oral testimony. As Chairman Chenoweth mentioned, we do limit the oral testimony to five minutes but your entire statement will be printed in the record. And if you will just watch the lights there, the yellow light tells you when you have sixty seconds left. And we will be better about watching our time, too.

So, Mr. Lindsey?

STATEMENT OF STEPHEN G. LINDSEY, ELGIN, ARIZONA

Mr. LINDSEY. I really thank you for letting me come here. I do appreciate being asked to come. There are a lot of doctors and folks who have a lot more knowledge than me. I work the land. I am a rancher in Southeast Arizona. My name is Steve Lindsey, and I live in Canelo, Arizona, a little burg there as you are headed towards Parker Canyon Lake, about 75 miles Southeast of Tucson on the west side of the Hoecake Mountains. The ranch that my family owns borders the Fort Hoecake on the east side.

The history of the ranch, my great-great-grandfather moved into the area in 1866 and homesteaded in what is now Parker Canyon. In 1910, my great-grandfather moved down to Canelo where we live now and homesteaded a piece. His house burned down in 1923 and he bought the adjacent homestead. We are now living in that house that he bought in 1923.

In 1996, the Southwest Center for Biodiversity petitioned the U.S. Fish and Wildlife Service to list as endangered the Canelo Hills Ladies Tresses along with two other cienegas species, cienega being a wetland, in Spanish it means a swamp. Everybody now calls them "riparian areas" but for years we just called them cienegas. They petitioned them to list these species.

The Canelo Hills Ladies Tresses grows there on our place. It is found in five different places around the country that they know of and is doing best on our place where it is grazed, is doing the worst on the Nature Conservancy where it is not grazed. So as you can see in the Federal Register, you can look this up and you can see that the grazing is not detrimental to this plant.

After it was listed in 1997, through a lot of public input and a lot of fights and a lot of things—I didn't figure it needed to be listed, my family didn't figure it needed to be listed—after it was listed in January of 1997, in February of 1997, through the paper—Mr. Vento was talking about a newspaper article—through the paper the Phoenix Republic we found out that the Southwest Center for Biodiversity was now petitioning Interior Secretary Bruce Babbitt to put our 310 acres, well 60 acres of wetland, under the RAMSAR Treaty. I didn't even know what a RAMSAR Treaty was back then. I made some phone calls and that's what I am doing here now is trying to figure out what in the world is going on petitioning Bruce Babbitt instead of why aren't we coming to Congress and why are we making my private property part of the public input. What is going on here? That is what I am doing here is trying to find out.

I read the other day that a country's most important natural resource is their children. How true that is. I have got nine children. My wife is my staff, she came with me here today. We have been ranching on this place since fourth generation right there on that place, fifth generation rancher in Southeast Arizona. I am desiring with all my heart to pass this ranch on down to my sons and my daughters. I don't see why, being that we have been ranching and we have had a viable cattle outfit for all of those years, why we now need international oversight.

I have heard a lot of the discussions today about different things that will be able to be done through these conventions. And Karen Suckling, of the Southwest Center for Biodiversity, said in the newspaper article, "By protecting these Arizona wetlands through the RAMSAR Convention, we get international oversight." I am a little concerned with that, with why we need international oversight on our property that has been in my family since 1910. We have been ranching now for 89 years on 60 acres of wetland. I have got some pictures here if you would want to see them of this wetland. I understand that the Chesapeake Bay is a RAMSAR site and Chesapeake Bay sure has a heck of a lot more water in it than our 60 acres down there in Southeast Arizona.

I just have a little bit more time, so I will shut up. Thank you very much.

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

Mrs. CUBIN. Thank you, Mr. Lindsey.

Mr. Rovig?

**STATEMENT OF DAVID B. ROVIG, PRESIDENT, GREYSTAR
RESOURCES LTD., BILLINGS, MONTANA**

Mr. ROVIG. Madam Chairman, I ask that my prepared statement be made part of the official record.

Mrs. CUBIN. Without objection.

Mr. ROVIG. Madam Chairman and members of the Committee, I am David B. Rovig, a mining engineer from Billings, Montana. I want to testify in support of H.R. 883, the American Land Sovereignty Protection Act. H.R. 883 addresses several key issues that are of great importance to protecting private property rights, access to strategic resources, and our Nation's sovereignty. These issues are, and have been, the cornerstones of our country's success.

No nation has ever achieved or sustained greatness without access to natural resources, and certainly no great nation has ever allowed other nations to dictate its resource policy. Likewise, only those nations respecting private property rights have ever sustained greatness. These very important tenets have worked well for over 200 years but now seem to be tested at almost every turn by those who now manage our government's affairs and their handlers in the pseudo-environmental community.

Let me place in personal terms the need for H.R. 883. In 1987, I was one of the founders of Crown Butte Resources Ltd., a company that acquired a few claims in the mountains, and \$40 million later had discovered a world-class gold deposit called the New World Mine in south-central Montana. Unfortunately, as it turned out, it was within three miles of a remote corner of Yellowstone Park.

That project made business sense from the very beginning. It also was a project that we knew from the beginning would be very closely monitored and it would have to meet or exceed a mountain of regulations and requirements. After a very careful review, we knew those hurdles would be difficult but passable. Crown Butte worked with the State of Montana and Wyoming and several Federal agencies to chart a course for the completion of an Environmental Impact Statement. That process alone would take several years and cost several millions of dollars.

The now well-known piracy of the process began in late February 1995 when fourteen environmental groups requested that Yellowstone National Park be listed as a World Heritage Site in Danger. They saw that we were meeting all the legal and regulatory tests, so they felt a scare tactic of placing Yellowstone on the World Heritage List of Sites in Danger might be their only chance to stop the mine. They did this with the full support of Yellowstone Park management.

The Administration's bullying tactics and complete sell-out to the obstructionist agenda of a few elitist pseudo-environmental groups resulted in an unparalleled government denial of the free enterprise system, unparalleled at least until it was used as a stepping stone to the even larger and more egregious intrusion known as Escalante-Grand Staircase land grab. What a horrible precedent. Now every objection to development in the West includes a demand for government buy-outs.

Mining in this area was nothing new. Only with today's standards, it was to be done with a minimal impact on the environment

and with the approval and oversight of many State and Federal agencies. As I mentioned before, we were in that very structured and deliberative process when a committee operating under the umbrella of the United Nations came to Yellowstone National Park, already a World Heritage Site, to see if it should be added as a site in danger. Incredibly, when the visit was first publicly announced, the Interior Department was going to pay for the travel costs of the U.N. members.

These three or four committee members, from such places as Thailand, made a three-day tourist type visit to the park during which a three-hour road tour of the New World Mine site was made. After this short visit, which consisted largely of media events and photo ops, this group of "experts" concluded that the New World project did endanger Yellowstone Park. In arriving at this outrageous decision, they chose to ignore the many volumes of scientific evidence that had been gathered on the project over several years and at great cost by some of the world's true experts from industry and government.

The nearly completed New World Mine Environmental Impact Statement was probably the most comprehensive technical document ever assembled for such a project. The negation of this document was a slap in the face of the many agency professionals, primarily from the Forest Service in the State of Montana, who had justifiably developed a great professional pride in their management of such a complex effort.

Past Congresses and Administrations, in conjunction with Federal agencies and State governments, have developed a very detailed and extensive review process with full public involvement. The studies and information required are extensive and exhaustive by any measure. That process should have been honored. Instead, it was scuttled. All who played by the rules paid a dear price in doing so. The State of Montana, which had invested time and talent of its best regulators, were left out of the decision altogether. Montana paid the price of losing all the economic benefit of this project and others that might have followed could bring. Partly because of decisions like this, Montana currently ranks fiftieth in the Nation's per capita income. The miners, the engineers, the businessmen, the property owners, the counties, the municipalities were all left in the economic lurch.

To this day, I know the New World Mine could have been developed and operated in a manner that fully protected Yellowstone's resources while contributing to the Nation's economy. Please do not forget that I am a life-long Montanan and I want Yellowstone to be there for my children and grandchildren as well as yours. I was trained from a very early age that if you played by the rules you would be judged accordingly. That was not the case with the New World Mine. Three other directors and I resigned from the Crown Butte board rather than agree to take a piddling amount of Federal money and pull the plug on the project. A great deal of hard work went into a viable project and it went out the window with an ill-conceived political/media decision.

In closing, I would make three recommendations. First, pass H.R. 883 with strong provisions protecting our sovereignty. Our country developed the concept of a system of national parks. We don't now

need others to tell us how they should be managed. Second, let the system work. How can we continue to invest vast sums of money in projects where a very comprehensive evaluation system is in place and then, when a select group decides it should not go forward, have the Federal Treasury pick up the bill? No mining business or other business should take on complex projects with the idea that Uncle will buy them out if the politics get too hot. And lastly, Mr. Chairman, common sense and reason have to be placed back in the process. Every day a new layer of regulation is added at some level in the process. Every day some obstructionist group uses that new regulation or some mutation of it to effect new barriers the Congress could not possibly have imagined. And every day we in the business world are forced to look outside our borders for new projects. I hope that is not what America is about. Thank you.

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

Mr. POMBO. [PRESIDING] Thank you, Mr. Rovig.

Ms. Smith?

**STATEMENT OF ANN WEBSTER SMITH, CHAIRMAN EMERITUS,
U.S. COMMITTEE OF THE INTERNATIONAL COUNCIL ON
MONUMENTS AND SITES, WASHINGTON, DC**

Ms. SMITH. Mr. Chairman, members of the Committee, thank you for an opportunity to be here today. I am going to summarize my remarks and ask that the full remarks be included in the record.

On behalf of some 600 members of the United States Committee of the International Council on Monuments and Sites, we oppose H.R. 883 because we feel that it would limit or deny to Americans the opportunity to protect, recognize, and honor that of their cultural and natural patrimony which is or could be recognized to be, in the language of the World Heritage Convention, "of outstanding universal value" and worthy of the prestige that such recognition by 156 other nations and the international community would imply.

We are a professional membership organization with members who represent architecture, archeology, art and architectural history, town planning, urban history, archives. Our organization was established in 1965 and we're concerned with the conservation, protection, rehabilitation, and enhancement of historic properties and groups of buildings, historic districts and sites, including archaeological sites, and in educational and informational programs designed to reflect that concern. U.S./ICOMOS is one of a network of independent non-governmental national committees representing similar professions, with more than five thousand members in almost a hundred countries, the International Council on Monuments and Sites, ICOMOS.

Membership in ICOMOS, like ratification of the World Heritage Convention, we have found seems to be a mark of nationhood especially on the part of the newly independent states. We heard conversations today about the fact that developing countries are not as interested in some of this legislation and some of these international conventions as more developed countries are. We don't think that is true. We think that the "new" countries and devel-

oping countries are even more proud of what they have and even more anxious to have what is theirs recognized and protected within their own countries and in educational terms by listing on the World Heritage list.

More importantly in terms of the proposed legislation, H.R. 883, ICOMOS is one of the two non-governmental bodies, the other one being the International Union for the Conservation of Nature (IUCN), which are named in the Convention as the professional consulting bodies on nominations to the Convention. As you know, the Convention is a list of natural and cultural or man-made properties that have been determined to be of "outstanding universal value" to each nation and all nations.

We would like to address those aspects of this bill which address the Convention and U.S. participation in it. Rather than reducing or limiting U.S. participation, like Russell Train, who was instrumental in the development of the legislation in the first place and had a long and brilliant career on behalf of the American Government under President Nixon and others, U.S./ICOMOS would encourage this Committee to strengthen and encourage measures which would lead to greater U.S. participation in the World Heritage Convention.

The Convention has its roots in proposals put forward during the first Nixon Administration at the Stockholm Conference on the Environment in 1972. Russell Train headed that U.S. delegation. Subsequently, the U.S. was the first nation to ratify that Convention. Since that time, 156 other nations have ratified the Convention and some 582 properties, 117 natural properties, and 445 cultural or man-made, and 20 mixed, which are both natural and cultural, have been listed on the World Heritage list and recognized for their outstanding universal value. It is the single most accepted international convention or treaty in history.

In this country, important historic properties such as Thomas Jefferson's Monticello and Independence Hall have been listed, eight historic properties, and twelve natural properties of unique distinction, such as the Everglades and Grand Canyon National Park. In other countries, cultural properties of such undeniable outstanding universal value as the Acropolis, Westminster Abbey, and the Great Wall of China have been listed, along with whole towns or urban areas, such as Quebec City, Venice and its lagoon, and Islamic Cairo.

In this country, as in other countries, the nomination of properties is a governmental process which determines which properties from among its national patrimony it considers to be of such "outstanding universal value." In the United States, this process is directed by the National Park Service, proposed nominations are given careful professional review within the Park Service, nominations are reviewed and discussion concerning them is then published in the Federal Register. It is not a secret process.

Listing on the World Heritage List includes no international legal protection or sanction. Protection for nomination or listed properties grows out of the laws and statutes of the U.S. or any other nominating countries and the country's protective measures must be stated as a part of the nomination. In nominating a property, the U.S. or other nominating countries are neither limited nor

prohibited from any proposed use or action except those limits or prohibitions that have been established by the country's own laws.

Nomination forms for properties listed call for a statement of laws or decrees which govern the protection of monuments and sites, including evidence of a master plan, a land-use plan, other plans. The nomination form asks for information as to whether these legislative or statutory measures prevent uncontrolled exploitation of the ground below the property, the demolition or reconstruction of buildings located on the property, or permit other significant changes. The nominations must also indicate what, if any, measures exist to encourage the revitalization of the property.

To examine specific provisions of H.R. 883, section 2(a), nomination and listing do not affect or diminish private interest in real property, does not impinge in any way on private property rights, does not conflict with congressional or constitutional responsibilities, and does not diminish private interest in real property.

What is the value of the Convention and the World Heritage list? Those countries that are State Parties participate in the convention and that it as a mechanism for encouraging national pride, for stimulating education concerning each country's own national treasures whether they represent history, cultural, or natural wonders. The countries where properties are located see listing on the list as a means for economic development, particularly in terms of encouraging tourism and visitation, a major source of local and foreign investment in many countries. In most countries that adhere to the Convention, a World Heritage Convention listing is sought because they know that it works to stimulate local pride, economic development, and to encourage private investment.

In the United States—I am sorry, I am beyond my time but I would like to say this—in the United States, in spite of our own heritage, in spite of our beautiful and well-planned historic areas such as Savannah, Charleston, New Orleans, Georgetown, Annapolis, or San Antonio, no towns are listed. Why is that? It is because an element of the 1980 amendments to the National Historic Preservation Act had limited the nomination process. Even though in other countries their historic districts, their historic ensembles or quarters are listed, we in the United States cannot nominate ours because of our own limiting legislation and guidelines for its implementation. Many historic communities or towns are very aware of this and are very frustrated by the fact that they are not entitled to the recognition which historic districts in other countries receive.

We would encourage the House Committee on Resources to give serious consideration to the negative impact that H.R. 883 would have on existing measures for recognition such as the World Heritage process. The process grew out of a U.S. initiative, the U.S. was the first nation to ratify it, and it is a measure which has done much to achieve recognition and protection of the cultural and natural heritage which are found to be of "outstanding universal value." We see this as a program which is benign, constructive, educational, and enriching. We would encourage that you try to find ways in which it can be strengthened rather than diminished or weakened. Thank you.

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

Mr. POMBO. Thank you.
Ms. MacLeod?

STATEMENT OF LAUREL MACLEOD, DIRECTOR OF LEGISLATION AND PUBLIC POLICY, CONCERNED WOMEN FOR AMERICA, WASHINGTON, DC

Ms. MACLEOD. Good afternoon. I would like to thank members of the Committee for giving me the opportunity to address you today. I also request that the full text of my remarks be placed in the record.

I am the Director of Legislation for Concerned Women for America and I am here today representing CWA, which is the nation's largest public policy women's organization in the country, and here representing over 500,000 members.

As a women's organization, we first became concerned about Biosphere Reserves and World Heritage Sites after receiving many letters from individuals across the country who claimed that their private property rights were being infringed upon. We researched the subject and discovered a number of disturbing things.

The biosphere reserve philosophy, as we have already heard today, was the brainchild of the United Nations Educational, Scientific, and Cultural Organizations, UNESCO. UNESCO still directs the international Man and Biosphere Program, which coordinates the creation and use of biosphere reserves around the world. Here in the United States, our Man and the Biosphere Reserve subsidiary, called USMAB, is run through the State Department. USMAB nominates land or water sites for Biosphere Reserve designation, then UNESCO makes the final designation and approves the site. Incredibly, Congress plays no role in this process even though there are now 47 Biosphere Reserves in the United States, comprising about 44 million acres of land.

Practically, Biosphere Reserves already have a detrimental effect upon private property ownership. For example, the boundaries of the Champlain Adirondack Biosphere Reserve, called CABR, which is the largest reserve in this nation, encompasses land owned by both Federal and State Governments as well as private property owners. One USMAB document called "Biosphere Reserves in Action" explains that the biosphere reserve managers of CABR are trying to find "environmentally sound solutions" to problems of "conflicting" uses. In other words, people, industry, consumption, and technology are the "conflicting" uses that are in the way of environmental goals.

While the USMAB sings the praises of this biosphere reserve philosophy, many of the 400,000 people living in it are singing a very different song. Hardest hit are the people living on the 3 million acres of private property that was arbitrarily turned into a heavily regulated buffer zone around the Adirondack State Park. They were not compensated and reportedly these land management decisions have resulted in much poverty and unemployment.

Our members are also very concerned about American sovereignty as it relates to the World Heritage Sites. As you know, the Statue of Liberty, Independence Hall, Monticello, the Florida Everglades, and many other places like that in the United States are designated World Heritage Sites in accordance with the Convention

Concerning the Protection of World and Natural Heritage. This ratified treaty requires our government to choose monuments and historical sites for special designation and preservation. A very reasonable and worthwhile activity. However, there is a catch.

Once a World Heritage Site is designated and approved, any preservation questions that arise are sent to the World Heritage Committee, and that is a United Nations body that answers to UNESCO, not to Congress. This process of dealing with preservation questions invites sovereignty problems. For example, in 1995, the Crown Butte Mine Company decided to start a mining project that was one mountain range removed from Yellowstone National Park, which is a World Heritage Site and also a Biosphere Reserve. Ninety percent of the proposed mine consisted of private mining claims. Yet a coalition of environmental groups wrote to the U.N. World Heritage Committee and cited the proposed mine along with "timber harvest, homebuilding, new population clusters, and human-bear conflicts" as the dangers that were threatening Yellowstone. But remember, these were the things outside the boundaries of Yellowstone.

In response, UNESCO's World Heritage Committee chastened the Interior Department, which in turn invited the U.N. Committee to come to the United States and examine Yellowstone and the mine proposal. The committee came and held a hearing on September 8, 1995, and the Committee Chairman from Thailand stated that the "United States has a duty to take steps to preserve the Yellowstone ecosystem across administrative boundaries of the park. Some 12 million acres of national forest and wilderness that surround Yellowstone must be considered an extension of the National Park if the whole system is to be preserved." In other words, a United Nations representative came into this country and told our government, a sovereign nation, that a large buffer zone should be built around Yellowstone, despite the fact that it would certainly affect and harm private property owners.

Later, the World Heritage Committee decided that Yellowstone is, indeed, a World Heritage Site in Danger, and in 1997 Congress appropriated the funds to buy the New World Mine, ending the publicity that had highlighted the harm to private property rights.

Members of the Committee, you are the men and women elected by citizens in this country to legislate in the United States. And it is up to you to defend the private property rights of citizens when they are being, in effect, taken away by the implementation of decisions made by unelected bureaucrats. The over 500,000 members of Concerned Women for America wholeheartedly believe that H.R. 883 is needed to bring Congress back into a process from which it has been too long excluded. Only Congress, not UNESCO, not the Interior Department, or the World Heritage Committee can best represent the needs of the American people and of our land.

We applaud Representative Don Young for his tireless work on this important legislation, and we respectfully request your favorable disposition of this bill. Thank you so much for your time and attention to this important matter.

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

Mr. POMBO. Thank you.

Ms. Smith, do you believe that all of the sites that have been designated under these three Acts were deserving of that designation, at least the ones within the United States, not worldwide?

Ms. SMITH. I can only speak to the World Heritage List and the World Heritage Convention.

Mr. POMBO. Okay, in terms to those?

Ms. SMITH. I would say that the process has been scholarly, professional, and with enormous attention to detail. The Park Service has been extremely conscientious about its role in the nomination of properties. As a matter of fact, in the United States we have been even more conscientious about our role in terms of the nomination of properties than some other countries have been I would say.

The Convention is such a wonderful tool for education. It is such a wonderful tool for making school children and adults understand the value of our past and the importance of retaining that past for our future. I think that everything that we have nominated indeed merited listing.

Mr. POMBO. May I ask, why are you concerned that if there was another step in the process that required congressional approval that it would somehow, and I don't remember your exact quote, but in your oral testimony you said something to the effect that this would take away from the American people something. Do you believe that Congress would take away any of the current World Heritage Sites that are listed in this country?

Ms. SMITH. No, I don't think there would be—I can't imagine that there would be any measures to reduce our current listings.

Mr. POMBO. That is a pretty inflammatory statement that you made in your oral testimony. I am just wondering which sites you think were not deserving or you believe that Congress would not approve.

Ms. SMITH. No, on the contrary, I think that there are others which should be listed. That is my concern.

Mr. POMBO. Are they not as deserving as the ones that are on the list? Would the case be much harder to make on the ones that you think should be listed?

Ms. SMITH. No. It is a very deliberative process.

Mr. POMBO. Why do you believe then that if this bill were enacted into law and it required another step that said Congress had to approve that we would somehow not find these sites deserving or not find these sites up to snuff in terms of putting them on the World Heritage List?

Ms. SMITH. I have two concerns. One is that I have long been concerned about the fact that no historic district in this country is listed on the World Heritage List whereas every other country in the world has nominated historic districts to the World Heritage List.

Mr. POMBO. I will give you that. I am just wondering what another step in the process that required congressional approval would—do you believe that Congress would look at the historical districts and say these are not worthy of being listed and we don't want to nominate them?

Ms. SMITH. The process for the nomination of historic districts includes the requirement that all private property owners consent to

the listing of their properties. That is what has limited their nomination.

Mr. POMBO. That is under current law?

Ms. SMITH. Yes. The 1980 amendments and Interior's guidelines for their implementation.

Mr. POMBO. So if we had another step in the process that required congressional approval, it would not affect what you are speaking to right now?

Ms. SMITH. I would like to see the Congress look differently at the nomination of districts because World Heritage Listing does not affect anything that a private property owner can do with his property in a city or in a rural area.

But as far as the other properties, the National Park Service has not nominated a U.S. property to the World Heritage List for about five or eight years. And for the last five or eight years every other country in the world has been nominating properties and they have been going on and on and on. Next week ICOMOS in Paris will consider 57 new nominations which have been put forward this year, none from the United States. None last year. None the year before. And all of this is because the Park Service is very reluctant to nominate properties and because of the limits on historic district nominations.

Mr. POMBO. It is very confusing to me, and I am sure to others as well, that proponents of these programs always say that there is nothing here, there are no restrictions, there are no problems, there is no power, there is no regulatory authority, there is nothing to be afraid of under these programs. But you are so concerned that Congress might have to approve this. I don't understand how you get from a totally voluntary program that is just a recognition of the importance and everything, that you are so terrified that Congress would have to approve those that you come in here and you say this is going to deny future generations the historical areas if we have congressional approval of nominations. How do you get from that to that?

That is very inflammatory rhetoric that has very little to do with what we are talking about. We are saying, and there many people, including myself, who believe that there is a constitutional duty on the part of Congress to approve joining in on any of these. And whether it is the World Heritage Sites or the Man and the Biosphere, whatever it is, maybe some of them are deserving, maybe some of them are not, I don't know, I have not, like you, spent all the time studying these and learning all about them. Maybe it is a good program, maybe it is not. But why is everybody so afraid of saying Congress has to approve it?

Ms. SMITH. I don't think anybody is afraid and we certainly don't wish to inflame the rhetoric on the question of the World Heritage List. I think that we feel that Congress should be encouraging the listing of properties on the World Heritage List.

Mr. POMBO. And they may. That may be exactly what happens. Myself or Mr. Inslee, or any other member of the Committee, may be in here saying I have got a great site in my district that should be on the World Heritage Site list. I would venture to say that Mr. Lindsey and his representative is probably not going to be in here saying that is the perfect site to be on there. But I am sure there

will be members in here saying they have something they think ought to be put on there and would become the strongest advocates of the program. But everybody is so terrified. If there is nothing here, you know, don't pay attention to the man behind the curtain, if there is nothing here, then why are you afraid? And I am not putting words in your mouth. You said this would take away from future generations the enjoyment of our history and culture—for Congress to approve these?

Ms. SMITH. Another layer of approvals makes it even more difficult to nominate and recognize properties than is the case today.

Mr. POMBO. That very well may be true and I will not quibble with you on whether or not that is in fact true, because I believe it is true. But there are many people, including myself, who believe that we have a constitutional duty and responsibility that before any American properties, whether voluntarily or not, are put in a World Heritage Site we have a responsibility to act. I don't know why that should concern you.

Unfortunately, my time has expired. I am going to recognize Mr. Inslee for any questions he may have at this point.

Mr. INSLEE. Mr. Chair, our side of the aisle would certainly defer to the Chair if you want to proceed for a period, if I could reserve some time at the end.

Mr. POMBO. I would be happy to. I will keep going, so if you want to—Just give me another five minutes and I will pass on the next round.

Mr. INSLEE. That is great. If you would just reserve a couple minutes for me at the end, I would appreciate it.

Mr. POMBO. Thank you.

Mr. Lindsey, so that I understand the process that you went through, how did you find out that your property was being suggested for listing under the RAMSAR Treaty?

Mr. LINDSEY. Our neighbor read it in the paper, actually, in the Phoenix Republic and sent us the article from the paper.

Mr. POMBO. You were not the one who went forward and suggested that? From the previous testimony that we heard from the Administration, I was led to believe that all of these sites are nominated by the property owners and by the local people. That is not the case?

Mr. LINDSEY. No. It took us very much by surprise. We don't figure we need to be under the RAMSAR Convention, sir. So no, that is not the case.

Mr. POMBO. So it wasn't your idea? In fact, you opposed it?

Mr. LINDSEY. In fact, I am opposing it. Yes, sir.

Mr. POMBO. And was it your neighbors who had nominated the property? Was it a group of neighbors that all got together and nominated the property and they just didn't talk to you about it?

Mr. LINDSEY. No, sir. It was a local environmental group based in Tucson called the Southwest Center for Biological Diversity.

Mr. POMBO. And you said Tucson was 75 miles?

Mr. LINDSEY. Yes, sir, 75 miles.

Mr. POMBO. So it was not local people that were doing this?

Mr. LINDSEY. No, sir.

Mr. POMBO. Do any of your neighbors belong to that group? Are they the ones who brought that group in and said this is something we should do?

Mr. LINDSEY. No, sir. I believe the reason they petitioned to have it listed was because of the Endangered Species Act. They did find that orchid there and it states in the article that it will give them international oversight over these endangered species.

Mr. POMBO. Are you familiar with the Endangered Species Act?

Mr. LINDSEY. Very much so, yes, sir.

Mr. POMBO. Would you under current law be able to change, destroy, harm, harass the habitat of the endangered species?

Mr. LINDSEY. Not of the plants, sir. The way the Endangered Species Act is written, actually the Federal Government, thank you, Lord, has no jurisdiction over a plant on private property. And this is one of the reasons I feel that this same environmental group that sued for that listing, by the way, this is why I feel that they went ahead and petitioned Babbitt to have this listed as a RAMSAR site so they could have that oversight of our private property.

Mr. POMBO. This is interesting because under current U.S. law under the Endangered Species Act, plants that are listed as endangered are not regulated on private property.

Mr. LINDSEY. Exactly.

Mr. POMBO. If this was listed as a RAMSAR site and there were some international designation over this property, how could that possibly affect you?

Mr. LINDSEY. I don't know, sir, if you have read anything in the RAMSAR Treaty, Convention on Wetlands of International Importance. This is the Convention's strategic plan for 1997 to 2002. It states the Convention of Wetlands of International Importance, Especially Waterfowl Habitat, "to integrate conservation and wise use of wetlands and all contracting parties into national, provincial, and local planning and decision-making on land-use, ground water management, catchment, river basin, and coastal zone planning, and all other environmental planning and management." That's a broad brush, sir. Something, as I say, we don't feel that we need to have implemented on our private property.

Second, the introduction states that "Through this plan, the Convention's long-standing technical work in wetlands is strengthened and new catalytic role in the development and assistance of community is established. The Convention's technical and policy work becomes more closely related to the broader concerns of the Convention on Biological Diversity and its traditional involvement with water fowl is related more clearly to the Convention of Migratory Species." This is mission creep, sir. This is not what this RAMSAR Treaty was written to do.

Mr. POMBO. The interesting point about it is that proponents of these programs, opponents of this legislation continue to say that there is no regulatory authority, there is nothing that they can do.

Mr. LINDSEY. I wonder how many of those people, sir, have landed inside those biosphere regions, how many of those people's private land that has been in their family for years is being considered for a RAMSAR Treaty? It is all right for us out West. Out

West, we are a whole different ball of wax, it is a whole different game out there, as you well know being from California, sir.

Mr. POMBO. I am seventh generation cattleman and fifth generation on my ranch. So I can understand what you are talking about.

Mr. LINDSEY. Yes, sir.

Mr. POMBO. Mr. Rovig, I had a question about the situation that you found yourself in. Did you ask to be included within the World Heritage Site, the Yellowstone listing? Did you invite people——

Mr. ROVIG. Absolutely not. We, too, read about it in the paper.

Mr. POMBO. You read about it in the paper?

Mr. ROVIG. Correct.

Mr. POMBO. So in your case it was not voluntary?

Mr. ROVIG. Absolutely not.

Mr. POMBO. Was it your neighbors that wanted to include you within the site?

Mr. ROVIG. By any normal definition of neighbor, certainly not.

Mr. POMBO. The adjoining property owners?

Mr. ROVIG. No, none of them.

Mr. POMBO. Who wanted to include you?

Mr. ROVIG. A group of environmentalists primarily out of the Bozeman area. The Greater Yellowstone Coalition took it upon themselves to——

Mr. POMBO. Forgive me. How close is that to your property?

Mr. ROVIG. By road, Bozeman would be about 150 miles.

Mr. POMBO. So they would not be considered locals?

Mr. ROVIG. No.

Mr. POMBO. Was it a grassroots movement from within the local community that——

Mr. ROVIG. Of course not. It is a coalition of national and possibly even international environmental groups.

Mr. POMBO. I am just trying to square the testimony that we received earlier with what actually happens. We are told that it is a grassroots movement, it is local people, it is people nominating their own properties. Tell me about the site that you had. Is it somewhat unique from the surrounding properties?

Mr. ROVIG. It is unique in that it is private ground. Nearly everything around us is Federal ground in some fashion or another. But topographically and geographically, no, it is not unique. It is in a mountain range that goes tens if not hundreds of miles in every direction.

Mr. POMBO. I have had the opportunity to fly over that particular area in a little Cessna and it looked the same for a long time.

Mr. ROVIG. It looks the same for a very long time. You fly over it in a 727 and it looks the same for quite a while.

Mr. POMBO. That it does.

Mr. ROVIG. This property was oftentimes portrayed as being in Yellowstone Park when, in fact, it is about three miles northeast of the most northeastern corner of the park. As Ms. MacLeod indicated, it was a mountain range away. In fact, it is two mountain ranges away where all of the facilities would be. There would have been no possibility of any visual intrusion into the park from the proposed operation.

Mr. POMBO. You have been in the mining business for a long time.

Mr. ROVIG. Yes, sir.

Mr. POMBO. I looked at your biography. If you were to go out and start a mine today, how difficult would it be to go through U.S. environmental standards before you could open that mine?

Mr. ROVIG. Difficult enough that I am not going to try it again.

Mr. POMBO. Give me an estimate of months it would take to get it approved.

Mr. ROVIG. Well, to give you some specific examples. In the State of Montana, one mine trying to be permitted by Asarco, a major corporation, has been in the Environmental Impact Statement process for twelve years.

Mr. POMBO. Twelve years?

Mr. ROVIG. Yes, sir. It is not uncommon in the United States for mine permitting to take in excess of five years. That one, I agree, is perhaps a bit of an anomaly. But five or more years is not out of the norm.

Mr. POMBO. In your experience, would you be fairly comfortable in testifying here today that any mine that would be approved for operation within the United States would be environmentally safe and sound?

Mr. ROVIG. Every modern mine that is permitted under the NEPA and various State policies in recent years has proven to be a very good neighbor, environmentally and in every other way. Too often, people are trying to make the case that a mine today will result in events that happened yesteryear. But in fact, there are more regulations put I think on the mining industry than anything but maybe the nuclear industry now. At the New World, we were going to have to achieve I believe it was 37 Federal permits and about 14 State permits to take that thing forward.

Mr. POMBO. The folks that took I think you said a bus tour of the site, are you familiar with what countries all of those folks were from?

Mr. ROVIG. Right now, I can't tell you where they were from. They were all from well outside the U.S. The chairman was from Thailand, I believe one was from Germany, and I don't know where the other two were from.

Mr. POMBO. All right. Thank you.

Mr. Inslee, I will give you an opportunity, or I will go to Ms. Chenoweth if you want to question.

Mr. Inslee is recognized.

Mr. INSLEE. Thank you.

Mr. Lindsey, what does a Ladies Tress look like, that plant?

Mr. LINDSEY. It grows six to twelve inches high. You know how an orchid looks, it has got little spikelets on it that go like that.

Mr. INSLEE. It is not a problem for your cattle operations itself, there are no toxins or anything involved?

Mr. LINDSEY. No, sir. Actually, like I said, it is found in five different places that they know of in Southeast Arizona, four of those places are grazed, one place isn't. It is doing the best, according to the Federal Register, on our place, and the other three grazed follow in suit. It is not doing well where it isn't grazed because, of course, plants grow up around it and nothing poops on it, so it doesn't get the fertilizer and the sunlight that it needs.

Mr. INSLEE. How do you feel, generally speaking, about efforts to preserve that plant? Do you think that is a good idea or not a good idea, or does it matter to you?

Mr. LINDSEY. It is a good idea. My family has been preserving it for 89 years now. We have been ranching cattle on that place and my family has been preserving it for 89 years. See, they don't have a history on this plant. It was found on our place in 1968 by some school teachers that took us on a little field trip when I was a young kid and they discovered it there. They don't know if this plant grew in every canyon. They don't know anything about this plant. Just all of a sudden it shows up and now we have got an environmental group here that has an agenda and so they want it listed as endangered.

Mr. INSLEE. Do I take it then that you sort of agree with reasonable steps to preserve it, that's okay with you?

Mr. LINDSEY. Sure.

Mr. INSLEE. Okay.

Mr. LINDSEY. Let me restate that. I'm sorry. Reasonable steps to preserve it as long as nobody comes on my private land and tells me how to do it.

Mr. INSLEE. Okay. What do you think should be done to help preserve it?

Mr. LINDSEY. I think we better leave it like it is because if we start helping to preserve it, after 89 years in my family of cattle grazing and historically from the 1700s cattle have been in that area, if we start fencing it off and trying to preserve it, as we as humans do, that bugger is going to die.

Mr. INSLEE. Has anybody attempted to restrict your cattle operations or ordered you to reduce your number of head or anything like that?

Mr. LINDSEY. No, sir, not as of yet. As I said, the Federal Government, the U.S. Fish and Wildlife Service does not have any jurisdiction over that plant and it is not listed with the State yet.

Mr. INSLEE. So at least to date there is no intrusion on your operations by the Federal Government or these RAMSAR agreement folks?

Mr. LINDSEY. Exactly. Today.

Mr. INSLEE. So as I understand it, as of this moment nobody has tried to interfere with your operation?

Mr. LINDSEY. No, sir.

Mr. INSLEE. So I guess you are saying you are just concerned that could happen in the future?

Mr. LINDSEY. You bet.

Mr. INSLEE. Okay. Now let me tell you what I know about this and then I'm going to ask a question. What I know about this treaty, as far as I can tell, it doesn't give any international authority the right or privilege in any way, shape, or form to impose a regulatory burden on a property owner in the United States. It doesn't give them the ability to order you to reduce your head, it doesn't give them the ability to order you not to graze on that 60 acres where this cienega—how do you pronounce that?

Mr. LINDSEY. Cienega.

Mr. INSLEE. Cienega, where that is. It doesn't give any of these groups that authority to do that. What it does do is it allows them

apparently to shine some public attention to this issue, but it does not give them ability to regulate specifically your operations.

Now if that is true, if that is true that nobody can regulate your land under these treaties, I am not asking you to accept that, if that is true, do you have a problem with it then if they can't regulate it?

Mr. LINDSEY. You bet, because this is my private property, sir. That is something that my great-grandfather homesteaded. The pursuit of happiness, okay, he wanted to do this. He settled there with the Federal Government's blessing. We don't need that. The Endangered Species Act was signed into law in 1972 and it didn't start biting us on the rear ends until the 1990s. So if that happens now, you understand what I am saying. Why do that on private property, especially if it doesn't let anybody have any jurisdiction? That is what I asked them about this species, why list it, why go through all those hoops, why spend the taxpayers' money when it is found in five places and everyone of those places is private property? Why list it period? Why not just leave us alone?

Mr. INSLEE. I appreciate your comments. My time has run out.

Mr. ROVIG, do I understand that the property you are describing that was subject to this potential mine, none of it was in an area listed or designated by any of these treaties? Is that accurate?

Mr. ROVIG. When we got there, that is correct.

Mr. INSLEE. Was there a proposal to list your specific identified fee-title held property or property that held mineral rights on it, was there any designation of your property by any of these treaties?

Mr. ROVIG. I don't know how specific the designation was, but certainly the whole visit was based on the idea that the New World Mine was somehow or other going to endanger Yellowstone Park and the area. The whole effort was focused on that point.

Mr. INSLEE. But do I understand correctly, and I have been told this is true, I just need you to confirm it or say it is inaccurate, that in fact there was no designation of your property under these treaties? Is that accurate?

Mr. ROVIG. Specifically, that is correct, yes.

Mr. INSLEE. Thank you, Mr. Chairman.

Mr. POMBO. Thank you.

Mrs. CHENOWETH. [presiding] It looks like we are going to be calling for a vote right away. So I will just finish up with my questioning.

Mr. Lindsey, welcome to the Committee. I have heard you before and I appreciate your coming. Regarding the Canelo Hills Lady Tresses, I understand that the Nature Conservancy has some property adjacent to yours or very close to yours.

Mr. LINDSEY. Yes, ma'am.

Mrs. CHENOWETH. And are they one of the four properties that you were referring to with regards to how successful this endangered species is?

Mr. LINDSEY. No, ma'am. No, not successful.

Mrs. CHENOWETH. Can you tell me, do both properties have similar densities of this particular species?

Mr. LINDSEY. No, ma'am. We have more on our property. According to the biologist for the Nature Conservancy, there are more plants growing on our property.

Mrs. CHENOWETH. And you are grazing on your property?

Mr. LINDSEY. Yes, ma'am.

Mrs. CHENOWETH. Okay. Thank you.

Mr. ROVIG, with regards to any potential designation on the New World Mine, wasn't it true that there was an understanding there was a buffer zone outside of the designated border for a Biosphere Reserve and the World Heritage Site?

Mr. ROVIG. The folks that have self-appointed themselves to take care of that area have continually called it the Greater Yellowstone Ecosystem, and I believe that is what the World Heritage Committee was focusing on is that, yes, there would clearly have to be a buffer zone of who knows how large surrounding it.

Mrs. CHENOWETH. But you did not realize that this may impact your operation of the mine? You had not been advised of that ahead of time?

Mr. ROVIG. We were advised of nothing regarding the U.N. visit, that is correct.

Mrs. CHENOWETH. Do you think that the World Heritage Committee's action regarding the New World Mine had an adverse effect on the New World property at all?

Mr. ROVIG. Oh, I don't think there is any question about it. It was just one of several stepping stones that were used to hijack the process. There was an EIS in place that was soon to come out in draft form and I think the general consensus was that it would come out showing the New World Mine could have gone ahead rather smartly and complied with all environmental concerns. I think that is the reason that this hijacking took place.

Mrs. CHENOWETH. Are you pleased with the outcome?

Mr. ROVIG. I am disgusted with the outcome.

Mrs. CHENOWETH. I am glad to get that on the record. I am, too.

Mr. ROVIG. I am glad to put it on the record.

[Laughter.]

Mrs. CHENOWETH. Again for the record, wasn't the New World Mine project on private land outside the World Heritage Site?

Mr. ROVIG. It clearly was outside the Yellowstone Park boundary by about three miles. It was largely on private land. The reserve was about 90 percent under private holdings. Yes, there were some mining claims on Forest Service land that would have been part of the project. They would have been primarily mill sites.

Mrs. CHENOWETH. When did discovery take place at that site?

Mr. ROVIG. Discovery of that site took place, as far as we know, in the 1860s. But as far as my involvement, I bought the first piece of property up there in 1982, acquired the second piece in 1987, and we really from 1987 forward made the world class discovery of the New World Mine.

Mrs. CHENOWETH. But from discovery until it was taken over, it had been in continuous operation? What was the history there?

Mr. ROVIG. From 1987, we had continual operations save during some of the winter months when it just was impossible. But the project certainly was going forward but without some of those site

operations. We tried drilling through one winter and it just was not physically possible up there.

Mrs. CHENOWETH. Okay. But there had been enough activity on the mine to keep the site active from discovery until 1987?

Mr. ROVIG. Oh, absolutely. We had six or seven drills running most of the time that we could access the property.

Mrs. CHENOWETH. Thank you, Mr. Rovig.

Mr. Lindsey, I understand that you wrote a poem about the proposal to designate your property as a RAMSAR wetland.

Mr. LINDSEY. Yes, ma'am.

Mrs. CHENOWETH. For the record, I wonder if you would share that with the Committee?

Mr. LINDSEY. Yes, ma'am. When I first started, I said a country's most important natural resource is their children and I said that my wife and I have nine children, five boys and four girls. With all my heart, I want to pass this ranch on to them. Only 2 percent of the Nation, as we know, is raising the food for the rest of the 98 percent because it is a hard way to make a living, and now with government regulations it is even harder. And I wrote this poem, and I can get kind of emotional when I quote this poem.

"We was riding on the mountain up above the old Page place, right smack dab on top of Page Peak overlooking a lot of space.

To the northeast lay Aljarita and to south there lay the rough, and gathering cows in this country is usually pretty tough.

But today I wasn't worried cause I knew I had the best, I had my five boys with me, there was Joshua, and Jake, and Nest,

And little Joe and Nathan they was riding with us too, and when it comes to catching wild cows, these boys has caught a few.

So I sent Joshua and Jake to the northeast and the rest they all went south, that left me and my cow dog Sally and she's a foaming at the mouth.

But I says wait a minute Sally, I need some time to think, and I leans across my saddle and my heart begins to sink.

I says there goes the sixth generation to ranch this old rock pile, the cowboy life is what they want, they don't want that city style.

But it seems some arm-chair ecologists don't think that sixth generations is enough, cause they've got that college learning and all that book-reading stuff.

Well they found an endangered orchid and a water dog and a floating plant, and next you know they'll find a bug or some endangered ant.

They want to take away this ranch and take away my right to graze, and now an international treaty has been added to this maze.

Soon, one nation indivisible will be governed by foreign laws, by countries that can't even run themselves they've got so many flaws.

Well my great-great-grandpa, my great-grandpa, my grandpa, and my dad, each passed this ranch on to their boys and, be it good or bad,

This country is in good enough shape to run javelina, and lions, and deer, things I see most everyday and their extinction isn't near.

Well I guess I'll just quit worrying. Sally she's chomping at my leg, she wants to catch a cow so bad she's like a powder keg.

And look, them boys they've caught a cow and they've tied her to a tree, but I guess I'll just quit worrying and ride on down and see."

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Lindsey. That's a fitting closure to this very interesting hearing.

I want to thank the panelists for your witness and your testimony on this issue. Thank you very, very much. And as you know, you have ten working days to amend your testimony should you wish.

The staff may have questions, likely they will, and so we would appreciate your answers to additional questions as quickly as possible.

Thank you very much.

This hearing is adjourned.

[Whereupon, at 4:30 p.m., the Committee was adjourned, to reconvene at the call of the Chair.]

[Additional material submitted for the record follows.]

AMERICAN LAND SOVEREIGNTY PROTECTION ACT—H.R. 883

BRIEFING PAPER

INTRODUCTION

Designation of United Nations' World Heritage Sites, RAMSAR Sites and Biosphere Reserves results in centralization of policy-making authority at the Federal level, particularly in the Executive Branch. It also results in reduced input into land use decisions by state and local government and individuals. These designations also affect the use and market value of private lands adjacent to or intermixed with Federal lands. The American Land Sovereignty Protection Act (H.R. 883) requires specific approval of Congress before any area within the U.S. is included in an international land reserve and protects the property rights of neighboring landowners. The bill currently has 142 cosponsors. A similar bill, H.R. 901, passed the House in the 105th Congress by a vote of 236-191.

BACKGROUND

The objectives of H.R. 883 are to preserve the sovereignty of the United States over our own lands and to protect state sovereignty and property rights in adjacent non-Federal lands.

H.R. 883 asserts the power of Congress, established by the Constitution, over management and use of lands belonging to the United States. The international agreement covering World Heritage Sites, for example, largely leaves Congress out of the process. The bill reforms this process by requiring clear Congressional approval before lands within the United States can be included in these international agreements.

United Nations Biosphere Reserves, RAMSAR Sites and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Sites are natural sites or cultural monuments recognized by UNESCO under "The Convention Concerning Protection of the World Cultural and Natural Heritage." RAMSAR Sites are wetlands recognized by UNESCO under the "Convention on Wetlands of International Importance especially as Waterfowl Habitat." Biosphere Reserves are part of the U.S. Man and Biosphere Program which operates in conjunction with a worldwide program under UNESCO. The U.S. program operates without legislative direction, is not authorized by Congress, nor is the program part of an international treaty. Over 68 percent of the land in our National Parks, Preserves and Monuments have been designated as a United Nations World Heritage Site, Biosphere Reserve or both. Biosphere Reserves alone cover an area about the size of Colorado, our eighth largest state. There are now 47 UNESCO Biosphere Reserves, 15 RAMSAR Sites and 20 World Heritage Sites in the United States.

ANALYSIS

In creating international land use designations, such as Biosphere Reserves, World Heritage and RAMSAR Sites, through Executive Branch action, the United States may be indirectly implementing international treaties, such as the Convention on Biological Diversity, to which the United States is not a party or which the United States Senate has refused to ratify. For example, the *Strategic Plan for the U.S. Biosphere Reserve Program* published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeographical diversity of the United States and **fulfills the internationally established roles and functions of biosphere reserves** [emphasis added]." Furthermore, the Seville Strategy for Biosphere Reserves, which was adopted in late 1995 and establishes the international goals of the Man and Biosphere Program, recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biological diversity, strategies and action plans provided for in Article 6 of the Convention on Biological diversity."

Also disturbing is that designation of Biosphere Reserves and World Heritage Sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for World Heritage Sites. The Operational Guidelines for the Implementation of the World Heritage Convention state:

"In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them

feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee."

A number of local elected officials have testified in previous oversight hearings that they were never consulted about plans to designate Biosphere Reserves and World Heritage Sites in their areas.

In making these international land designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated site. Honoring these agreements could force the Federal Government to prohibit or limit some uses of private lands outside the boundaries of the designated area unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policy-makers in an awkward position. Federal regulatory actions could cause a significant adverse impact on the value of private property and on the local and regional economy. The involvement of the World Heritage Committee in the Environmental Impact Statement process for the New World Mine Project, which was located on privately owned land near Yellowstone National Park, exemplifies this problem. Creation of a buffer zone, possibly ten times as large as the park was suggested by at least one member of the Committee.

It is clear from the Yellowstone example, that at best, World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policy-making authority is farther centralized at the Federal/Executive Branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is diminished. The Executive Branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

LEGISLATIVE HEARING

Ten witnesses, including the Hon. Jeane J. Kirkpatrick, Ambassador to the U.N. during President Reagan's Administration, will testify at the legislative hearing on H.R. 883, at 1:30 p.m. on March 18, 1999. For the Administration, Ms. Melinda L. Kimble, Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, will testify on behalf of the State Department and Ms. Kate Stevenson, Associate Director for Cultural Resources, Stewardship and Partnership, National Park Service, will testify on behalf of the Interior Department. Dr. Jeremy Rabkin, a professor in the Department of Government at Cornell University, will discuss the Constitutional problems with international agreements such as the Convention Concerning Protection of the World Cultural and Natural Heritage. Remaining witnesses include a former mining executive associated with the New World Project, an Arizona rancher, a representative from the Concerned Women for America, a representative from a historical preservation group and a representative from a labor organization.

Staff Contact: John Rishel (x60242).

STATEMENT OF JEANE KIRKPATRICK, LEAVEY PROFESSOR, GEORGETOWN UNIVERSITY, SENIOR FELLOW, AMERICAN ENTERPRISE INSTITUTE

I thank the Committee for inviting me to comment on H.R. 883. My comments will be brief and reflect my U.N. experience and reflection on that experience.

1. I served as U.S. Permanent Representative to the United Nations at the time the United States made the decision to withdraw from UNESCO. We made that decision slowly and carefully because the fraud, waste and mismanagement of that organization had reached truly shocking levels and resisted our serious efforts at reform. I note that neither the Bush nor the Clinton Administration has proposed rejoining UNESCO. (There is general agreement that very modest progress has been made in UNESCO's practices.) The United States, however, continued to participate in the Biosphere Reserve Program and the World Heritage List Program sponsored by UNESCO.

2. I note that the United Nations is a highly political body in which most countries act on most issues on the basis of group identifications and blocs, (rather than a conception of a general good). A large portion of the issues with which the U.N. deals pit haves against have nots even though these dimensions have little relevance to the issues at hand in any particular case. Most alignments on most issues are highly unfavorable to the United States and there is little we can do to change this. The most powerful, more less permanent majority, is the bloc of less developed countries still usually called the G-77. Its positions usually reflect "Third World"

ideology. The continuing influence of formerly colonial countries—United Kingdom, France, Belgium, Netherlands—in these countries gives those governments a substantially larger influence in and on the G-77 than the United States. It is also worth noting that the European Union itself constitutes a bloc of 16-17 members (votes) while the United States is *one*. The point is that the United States has a permanent disadvantage in U.N. arenas.

3. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage provides a system for international recognition for sites of great cultural, historic or natural significance. The World Heritage Committee developed a list of World Heritage Sites of which there are now some four dozen sites in the United States. Like the “Man and the Biosphere Program,” RAMSAR and Biosphere Reserves, the World Heritage Sites are “overseen” by UNESCO. These oversight functions are sometimes intrusive and these programs have become very controversial, especially after the involvement of the World Heritage Committee in the Crown Butte Mine controversy by putting Yellowstone Park on its list of sites “in danger.”

Currently, over one hundred Congressmen have responded to this growing controversy by sponsoring an “American land Sovereignty Protection Act,” which will require that Congress approve on a case by case basis international land designations in the United States, restore Congressional oversight of these programs, protect the rights of private owners since the Article 4, Section 3 of the U.S. Constitution states: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

At issue is who will decide, who should decide, and what would be the consequences of giving Congress a larger role versus permitting the role of UNESCO oversight in the United States to continue and to continue to expand.

The Administration considers this legislation an unnecessary and undesirable violation of international obligation; which have been assumed and not compatible with sound conservation and environmental policy.

Supporters of this legislation believe that it restores Congress’ constitutional role, protects property rights and American sovereignty, and will result in a solid, sound environmental policy.

I agree. International committees—whatever the substance of their decisions—do not represent the American people and cannot be held accountable by them. They do not know American problems in detail, do not feel the consequences of their decisions and suffer no penalties for their mistakes. Nothing less than self-government and private property are at stake.

STATEMENT OF MELINDA L. KIMBLE, ACTING ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman and Members of the Committee:

Thank you for providing the opportunity to comment on H.R. 883. I am here today because this bill includes specific provisions relating to oversight of *the Convention on the Protection of the World Cultural and Natural Heritage* (known as “the World Heritage Convention”), *the U.S. Man and the Biosphere Program* (called “U.S. MAB”) and also has impact upon *the Ramsar Convention on Wetlands*. These are initiatives that the Department of State supports, either administratively or financially, or both. They are components of the Administration’s international strategy for environmental diplomacy.

As you know, environmental issues form a cornerstone of United States foreign policy. Modest investments on behalf of the environment, at home and abroad, bring significant payoffs to our national economy, health, domestic environment, and quality of life. In pursuing this mandate, the United States has a strong policy of international engagement on environmental issues. Secretary Albright has stated: “Today, environmental issues are part of the mainstream of American foreign policy.”

The World Heritage Convention and the U.S. Man and the Biosphere Program contribute to this overall mission. Both function well, at minimal cost and with minimal burden on our government and our citizens. Aside from aiding in international environmental diplomacy and providing a forum by which the United States has been able to assert successfully influence and leadership, they provide economic benefits to the U.S. (especially with regard to tourism), and our U.S. Man and the Biosphere Program provides a valuable framework for international scientific cooperation on the environment.

The Administration agrees that the public and the Congress have the right to participate in decisions related to the nomination and recognition process for World Heritage Sites and Biosphere Reserves, and should have a reasonable opportunity to do so. However, this legislation also addresses concerns that are not grounded in the actual provisions or implementation of these existing international agreements or programs. This bill would take what is currently a bottom-up, grass-roots approach and impose cumbersome top-down approval processes. Therefore, the Department of State strongly opposes H.R. 883. If this legislation were to pass, the Secretary of State would recommend a veto.

World Heritage Convention

The Convention on the Protection of the World Cultural and Natural Heritage is a landmark conservation agreement that helps draw international attention to the unique natural or cultural significance of sites such as the Cathedral of Chartres, the Pyramids at Giza, the Serengeti National Park, the Taj Mahal, and the Grand Canyon.

The United States was the principal architect of the Convention. President Nixon stated at the time:

"It would befitting . . . for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance to assist in their protection and management." Statement by Richard Nixon, Feb. 8, 1971, in *Dept. of State Bulletin*, Vol. LVIX, No. 1653, 1971, P. 256.

Following the conclusion of negotiations in 1972, the United States became the first country to ratify the Convention, in December, 1973. The U.S. plays a strong leadership role in the Convention and is currently completing its second six-year term on the twenty-one member World Heritage Committee.

The Convention respects the sovereignty of countries on whose territory World Heritage sites are located. It makes clear that the responsibility for identifying and delineating such sites rests with the national governments that are Party to the Convention. It specifies in article 6(1) that the international community's duty to cooperate for the protection of world heritage occurs within a context of full deference to "the sovereignty of the . . . [nations] . . . on whose territory the cultural and natural heritage" is located, and "without prejudice to property rights provided by national legislation."

The World Heritage Convention plays a key role in promoting global support for environmental conservation and cultural preservation, advances U.S. interests in these global values, and serves as a key element in our international environmental conservation program. With its 152 participating nations, the Convention is one of the most widely accepted international conservation treaties. It provides a mechanism for U.S. leadership and influence with many of its international partners.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under their own legal systems. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the proposal of a site and its consideration by the World Heritage Committee.

The U.S. nomination process is clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR 73—World Heritage Convention). Under the regulations, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel meets in public sessions to consider proposed nominations and to review completed studies.

Relevant Committees of the House and Senate are notified of all pending proposals and are again informed when the Department of the Interior has decided to nominate a site. Over the years, when Members of Congress have commented, they have commonly supported proposed nominations in their respective states.

U.S. Man and The Biosphere Program

The Man and the Biosphere (MAB) Program was established by resolution of the 16th General Conference of UNESCO in 1971 as a voluntary and cooperative science program to promote the study of the interaction of the earth's human and natural systems. Contrary to the assertions of many opponents of the program, MAB is intended to explore the relationship between people and their environment and not to remove people from their land.

The U.S. began to participate in MAB in 1974. When the U.S. left UNESCO in 1984, the Reagan Administration recommended that Congress continue to provide funds to allow for an independent U.S. Man and the Biosphere Program, given the benefits of voluntary scientific cooperation. This was done with the understanding that there would be continued cooperation as appropriate between U.S. MAB and the UNESCO MAB Program.

In this capacity the U.S. MAB Program continues today, pursuing national and international efforts in cooperative environmental science. The Department of State provides a small administrative Secretariat to coordinate the U.S. Man and the Biosphere program, with the voluntary collaboration and support of about a dozen Federal agencies.

At the international level, U.S. MAB promotes pairings of biosphere reserves for comparative study. On a regional scale, cooperation among biosphere reserves is facilitating scientific and technical exchanges that benefit both scientists and land managers. For example, in the tri-national region of the Petan Rainforest of Mexico, Guatemala and Belize, U.S. MAB supports efforts that bring park managers and scientists together across boundaries to deal with common conservation issues. In Kentucky, county land managers and development authorities utilize the biosphere reserve to protect water quality in Mammoth Cave National Park and the surrounding area.

The U.S. MAB Program promotes information sharing among MAB sites around the world. U.S. MAB's various software innovations have been adopted in North America, Europe, and Latin America. MABFauna and MABFlora are highly successful database products produced by U.S. MAB for sharing information about plants and animals in protected areas. Another initiative, MABNet Americas, was highlighted by the Bolivia Summit on Sustainable Development as a model for integrated scientific data exchange in this hemisphere. These U.S. MAB efforts towards data standardization are an important contribution to the on-going development of the InterAmerican Biodiversity Information Network (IABIN) and network through which biological information is shared throughout the Western Hemisphere.

U.S. biosphere reserves are an important part of the U.S. MAB Program. However, we recognize there has been considerable confusion about the definition of a biosphere reserve. "Biosphere reserve" is a title granted to a protected area or series of protected areas that conduct exemplary programs in conservation, science, and management of natural resources. Biosphere reserves foster cooperation and voluntary implementation of activities that improve the relationship among communities, economic enterprises, and those who manage natural resources. Although U.S. biosphere reserves take various forms, the typical U.S. biosphere reserve is synonymous with a national park or national forest. However, private conservation organizations and even a private landowner have sought biosphere reserve status for their lands. The added recognition as a biosphere reserve provides national and international prestige. At present there are 47 biosphere reserves in the United States.

At this time, nominations for U.S. biosphere reserves are initiated at the local level by volunteers who form a committee to seek international recognition for their conservation efforts. Letters of concurrence are generated by local interest groups and local and state government representatives; these letters must be attached to each nomination package. Landowner approval is required for a property to be included. Participation in the U.S. Biosphere Reserve program is voluntary and does not alter the rights of private landowners or those of local, state, or national land management authorities.

The global network of biosphere reserves includes areas where national and local commitments have been made to long-term environmental monitoring, interdisciplinary research, and environmental education. As with World Heritage and Ramsar wetlands sites, the MAB sites in the U.S. are managed under the relevant Federal and/or state laws and regulations. There is no international regulatory framework. The day-to-day management of these areas does not change because of Biosphere Reserve recognition.

MAB activities that further U.S. interests include projects that:

- Brought together policy makers, social scientists and natural scientists to produce specific strategies for restoring a healthy Everglades while also preserving the social and economic structures of South Florida.
- Fostered an agreement signed by former Governor Symington of Arizona in 1996 and his counterpart from the adjacent Mexican state of Sonora, Manlio Beltrones to promote cooperation between the protected areas of the region.
- Developed a local tourism plan for the Southern Appalachian Biosphere Reserve which benefited the community of Pittman Center, Tennessee.

- Played a key role in the effort to restore the Coho salmon to areas of Northern California through the Golden Gate Biosphere Reserve.

Continuing international collaborations (mainly with nations in Latin America, Europe, and the Newly Independent States of the Former Soviet Union) are of importance to the Department of State because they further the Administration's goal of fostering wise environmental stewardship around the world while at the same time strengthening relations between the U.S. and key counterpart nations. The Man and the Biosphere Program has a significant role here, especially in international scientific exchange.

H.R. 883

H.R. 883, like its predecessors H.R. 901 and S. 691, appears to be based on the mistaken belief that the World Heritage Convention and the U.S. Man and the Biosphere Program threaten U.S. sovereignty, mandate land-use regimes, restrict the rights of private landowners or exclude the public from the nomination and recognition process. The main purpose of World Heritage and the MAB Biosphere Reserve Program is to award recognition to sites of exceptional ecological, scientific, or cultural importance. Neither program regulates the management of these sites nor affects the land-use rights of the country in which they are located.

H.R. 883 seeks to legislate the process of nomination of World Heritage or Biosphere Reserve sites. In fact, local initiative already plays a key role in the nomination process for U.S. sites, involving local stakeholders, state and local governments, and the Federal Government. As mentioned earlier, the nomination process for World Heritage Sites is clearly delineated in law and regulation and includes full and appropriate public and congressional participation. This legislation could pose an unwarranted barrier to site nominations by local communities.

The process of Biosphere Reserve recognition and the functioning of recognized Biosphere Reserves is increasingly based on consultation and initiative of local stakeholders, state, and local governments. We believe these initiatives work well and with ample local involvement. In the Catskills there was disagreement about biosphere reserve nomination and as a result the nomination was duly withdrawn. In the Ozarks, there was citizen concern over nomination, and, again, it proceeded no further. The State Department has not received a single letter from any state governor or any local elected official requesting the abolition or de-listing of any U.S. biosphere reserve or World Heritage site. Also, we have not received any letters or studies documenting that any past listing of a biosphere reserve or World Heritage site has harmed the value of adjacent private property.

It is clear, however, that MAB is often misunderstood. We are committed to both clarifying the program's operations and ensuring appropriate public and congressional notification and consultation during the nomination process. We believe that the bill, H.R. 1801, introduced in the 105th Congress by Congressmen George Brown and George Miller, addresses these issues and provides a good legislative base for improved functioning of U.S. MAB.

Moreover, section 5 of H.R. 883 restricts international agreements generally, with respect to the nomination, classification, or designation of Federal lands for conservation purposes. The effects of this more general section are difficult to evaluate. We are concerned that, given the provision's current breadth, it would likely have unintended impacts that could hamper the United States' ability to fully participate in existing bilateral and multilateral agreements.

Specifically, we are concerned about the effect of this section on U.S. implementation of and participation in the Ramsar Convention on Wetlands. President Reagan submitted this Convention to the Senate, which provided advice and consent to ratification in 1986. The Convention reflects a broad-based concern over the loss of wetland habitats and their dependent resources, and recognition of their vital role in preservation of migratory birds.

Our membership and international participation in the Ramsar Convention provides many benefits. Most prominent is reinforcement of the protection of a whole range of wetland-loving migratory birds, including many important game species (ducks, geese, coots, rails, etc.). The network of Ramsar sites in Canada, the U.S. and Mexico supports safe breeding and wintering sites for these waterfowl and gamebirds—birds that generate significant income in the U.S. through hunting related enterprises as well as those associated with nature appreciation and bird watching.

Like the World Heritage Convention, the Ramsar Convention makes clear that the responsibility for identifying and for protecting wetlands of international importance that are suitable for listing under the Convention rests with the country in whose territory the site is located. It also states that the inclusion of a wetland in the Ramsar list, "does not prejudice the exclusive sovereign rights of the Con-

tracting Party in whose territory the wetland is situated." There are currently 17 designated Ramsar sites in the United States.

Conclusion:

We believe that U.S. participation in the World Heritage Convention, the U.S. Man and the Biosphere Program and the Ramsar Convention on Wetlands serve important national interests and help link national and international initiatives with local stakeholders. Recognition of Everglades National Park as a World Heritage site, as a biosphere reserve and as a Ramsar site has added no management restrictions and yet has provided worldwide recognition that is a source of pride and additional economic opportunity to the local communities. Moreover, U.S. leadership in the World Heritage Convention, the Man and the Biosphere Program, and the Ramsar Convention encourages other nations to similarly cherish and care for significant sites in their countries.

In conclusion, the Department of State strongly opposes H.R. 883. Recognition of a U.S. site as a World Heritage site, a biosphere reserve or a Ramsar Wetlands of International Importance in no way undermines U.S. sovereignty over such sites. Such recognition does not impose additional Federal land use restrictions over such areas or the abutting region. H.R. 883 would create unnecessary bureaucratic burdens on U.S. government agencies and would impose top-down controls on what is currently a bottoms-up nomination process. We believe this legislation runs counter to the U.S. role in supporting both local and global environmental cooperation. This bill would greatly impede the nomination of new sites under the World Heritage Convention, biosphere reserves under the MAB Program and Wetlands of International Importance under the Ramsar Convention.

This concludes my statement, Mr. Chairman. I will be happy to take any questions that you may have.

STATEMENT OF BROOKS B. YEAGER, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 883, the American Land Sovereignty Protection Act. The chief effect of this legislation would be to place cumbersome and unwise restrictions on U.S. participation in the World Heritage Convention and other international conservation agreements. Ironically, these agreements were, in many cases, the product of U.S. world conservation leadership and have been supported by Presidents of both parties going back to President Nixon. Through them, the United States has been successful in engaging many other nations of the world in the effort to establish and protect national parks and to better conserve unique and important natural and cultural resources worldwide. The restrictions on participation and the burdensome new requirements of H.R. 883 appear to be a response to worries that these agreements in some way diminish U.S. sovereignty over our own parks and refuges—but nothing could be further from the truth. Because the restrictions of H.R. 883 are unnecessary, and would unwisely weaken the worldwide conservation leadership and influence that the United States has earned, we must strongly oppose this bill. If this legislation were to pass, the Secretary of the Interior would recommend a veto.

U.S. participation in the World Heritage Convention and other international conservation agreements has benefited parks and adjacent communities and has been helpful to U.S. foreign policy objectives. Both the idea of national parks and the World Heritage Convention, originating a century apart, are American ideas that are universally acclaimed and accepted worldwide. Their international acceptance is a continuous affirmation of the United States' prestige and global influence. U.S. participation in international conservation agreements insures that these ideals continue to extend their reach and also that U.S. sites receive the prestige and recognition they deserve, on par with that enjoyed internationally by the Great Pyramids of Egypt, Victoria Falls, the Serengeti Plain, and Vatican City.

World Heritage designation does not impose any particular new management requirements; it often presents new opportunities. In Hawaii, the World Heritage designation of Hawaii Volcanoes National Park is serving as the linchpin in a strategy to draw more tourists to the island, and is an element of the town of Volcano's strategic planning. At Wrangell-St. Elias and Glacier Bay, two parks that are listed jointly with Canadian parks across the border, World Heritage designation has resulted in direct cooperation with Canada on mountain rescue, managing traffic, and rescue operations on the Alsek River. The Reagan administration recognized the value of such designations when it chose to highlight one of its major initiatives in

private-sector fundraising for parks—the restoration of the Statue of Liberty—by nominating the Statue to the World Heritage List in 1984.

H.R. 883 attempts to fix alleged problems that do not exist. American sovereignty is not at risk. First, international agreements, such as the World Heritage Convention, do not in any way exclude Congress from exercising oversight of land management decisions, nor could they ever do so. Second, the nomination processes for the various international conservation designations are generally consultative and are based on conservation measures already in place at the local level. Third, land-use decisions pertaining to internationally recognized sites remain the sole responsibility of the sovereign nation in which the site is located. In the United States, such decisions fall under the jurisdiction of the appropriate Federal, state, or local governments, tribes, or private property owners, and are subject to the domestic laws already in place.

The designation of sites under the World Heritage Convention and other such agreements has no more effect on national law in the U.S. or elsewhere, than does the winning of a Nobel Prize or an Olympic Medal. The United Nations does not gain any authority to dictate land-management decisions in any country or at any level. This Administration has no intention to cede sovereignty over U.S. lands to international organizations; neither did the five previous administrations, both Republican and Democratic, which have all participated enthusiastically in the international conservation agreements targeted by this bill.

Nor is there any evidence that international recognition restricts land use or stops economic growth. To the contrary, World Heritage sites, U.S. Biosphere Reserves, and Ramsar designations have been embraced in many local areas of the U.S. as value-added designations, which increase partnerships among Federal, state and local governments, and private property owners for mutual benefit. Additionally, they have contributed to increases in tourism, which is especially vital to local economies, and have fostered research on important environmental problems.

Rather than being harmful to local and community interests, a World Heritage designation appears to be economically beneficial to those near designated sites, especially an attraction for foreign tourists. During the period 1990-1995, visitation to U.S. World Heritage parks increased 9.4 percent, as opposed to a 4.2 percent increase for all national parks. There is evidence to suggest that a significant part of the increase derived from increased international tourism; World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and visit the parks.

For example, Wrangell-St. Elias National Park reports that an increase in foreign visitation from Europe, currently at 10 percent, may be due to its World Heritage designation. Grand Canyon National Park, where foreign visitation is roughly 40 percent, reports that foreign visitation is more likely as a result of a World Heritage designation than to an individual nation's "national park" designation. Given that the total economic benefit of the Grand Canyon to the surrounding region is estimated at \$350 to \$700 million per year, the impact of the World Heritage designation is clearly salutary there.

H.R. 883

H.R. 883 would unduly restrict the legal and administrative framework for implementation of important U.S. commitments to international environmental cooperation, which have traditionally enjoyed bipartisan support in Congress and the Executive Branch. It would also allow those who oppose cooperative efforts in international conservation on ideological grounds to block the efforts of communities to utilize these agreements for their own benefit. Section 3 of the bill would amend the National Historic Preservation Act of 1966, as amended, to require express authorization by Congress of each future nomination of Federal sites for inclusion in the World Heritage List. It would also instruct the Secretary of the Interior to object to the inclusion of any property (including private lands) in the U.S. on the List of World Heritage in Danger, absent authorization by a Joint Resolution of Congress. Section 4 would establish a similar congressional authorization process for biosphere reserve designations. It would prohibit the nomination of new biosphere reserves for international recognition under UNESCO and void the designation of all existing biosphere reserves unless authorizing legislation is passed by December 31, 2000. The bill unnecessarily encumbers what are now modest, grass roots-based programs that fulfill our commitment to environmental stewardship in the world.

The amendments to the National Historic Preservation Act, that would be made under Section 3, would require the Secretary of the Interior to make a determination of any adverse effects on commercially viable uses should an area be nominated as a World Heritage site or be placed on the List of World Heritage in Danger. The adverse effects must be considered for lands being nominated or listed and also for

all lands within 10 miles of the area. However, since designating an area as a World Heritage site or listing it as "in danger" does not change U.S. law, nor impose land-use restrictions, the designation cannot adversely affect commercially viable uses. Also, sections 3 and 4 of the bill set additional reporting requirements for all areas that have been recognized as World Heritage Sites or Biosphere Reserves. This is a burdensome and unnecessary requirement and flies in the face of recent congressional action to eliminate unneeded reports to Congress.

With respect to the legal effect of the World Heritage Convention, the Congressional Research Service said in its May 3, 1996 report, "World Heritage Convention and U.S. National Parks," that: "The Convention has no role or authority beyond listing sites and offering technical advice and assistance." The clear understanding that the Convention carries no land management authority or obligation goes back to President Nixon's statement on the issue.

The case of "biosphere reserves" established in connection with UNESCO's Man and the Biosphere program similarly admits no international control of U.S. lands. Indeed, the charter document for the UNESCO program clearly states that, "Biosphere Reserves, each of which remain under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary." (As used in this quote the word "State" refers to sovereign nations.)

World Heritage

The World Heritage Convention, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. international environmental foreign policy for a quarter century. The U.S. played a notable leadership role in drafting the Convention and was the first signatory in 1973. The Senate ratified the Treaty by a margin of 95-0. Although 156 nations now participate, the U.S. has continued its leadership role, twice serving as chair, and currently completing a second consecutive 6-year term on the World Heritage Committee.

It is noteworthy that, although the Reagan Administration chose to withdraw the United States from UNESCO, that Administration opted to remain active in World Heritage and promulgated the program regulations, still in force, that made the program fully operative in the U.S. Under President Bush, in 1992, Secretary of the Interior Manuel Lujan hosted the meeting of the World Heritage Committee, in Santa Fe, New Mexico, the second time in the Committee's more than 20 years of active work that it met in the U.S.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and agrees to take the necessary steps to preserve and protect them under its own legal systems. In fact, a nation can only nominate a site within its own border and no nation can nominate a site in another nation. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the proposal of a site for study and its consideration by the World Heritage Committee.

The U.S. nomination process is completely voluntary and clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR Part 73). Under the regulations, the National Park Service staffs the Inter-agency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate sites have originated from private organizations and citizens and local governments as well as from park superintendents. Every proposed nomination must have a strictly defined boundary. The criteria and documentation requirements for nomination are highly selective; many proposed properties have been turned down or deferred for cause. Relevant committees of the House and Senate are notified of all pending proposals and again informed when the Department has decided to nominate a property. Over the years, when Members of Congress have commented on proposed sites, they have overwhelmingly supported proposed nominations in their respective states. This existing congressional input has worked very well. No site has been nominated if its nomination did not enjoy overwhelming support from both local leaders and the State's congressional delegation.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage List, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed. No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives elected from 21 member countries, reviews all national nominations. At present, 582 properties have been listed. The Committee also places properties on the List of World Heritage in Danger. Only the Committee can place properties on either List. Neither list-

ing as a World Heritage Site nor inclusion on the List of World Heritage in Danger supersedes or diminishes United States sovereignty. Neither imposes any legal requirement for U.S. sites beyond those already contained in U.S. law. The World Heritage Committee does not acquire management authority over World Heritage Sites by virtue of any listing.

The U.S. World Heritage nomination process is fully respectful of private property rights. Affirmative concurrence is required from all non-Federal owners before properties can be nominated for inclusion on the World Heritage List. The two private U.S. properties on the World Heritage List are Monticello and Taos Pueblo. Three other properties in the United States or Puerto Rico are on the World Heritage List. These are the University of Virginia in Charlottesville, Virginia owned by the Commonwealth of Virginia and Cahokia Mounds and La Fortaleza in San Juan, Puerto Rico owned by the Commonwealth of Puerto Rico. The nominations for all these sites enjoyed the full support of all relevant stakeholders.

U.S. Biosphere Reserves

Though the Department of the Interior plays a leading role for the U.S. under the World Heritage Convention, it plays a cooperative role in our participation in the Man and the Biosphere Program. As with World Heritage Sites, the designation and management of U.S. Biosphere Reserves provide benefits from international recognition, and allow U.S. sites to be linked to a global network for cooperation in science, education, and technical assistance. Recognition does not pose a threat to the sovereignty of American lands, it does not impose new management requirements on public lands, and it does not impose new land-use or regulatory restrictions on private property owners. In addition, designation does not imply any intent on the part of the Federal Government to acquire property in the surrounding area.

There are 47 designated biosphere reserves in the United States. Biosphere reserves represent purely voluntary commitments on the part of land managers to emphasize conservation, science and education as they seek solutions to issues of conservation and development in cooperation with local residents, governments, and other parties in their region. The purposes of these associations are to facilitate the discovery of practical solutions to complex conservation and development problems by providing a science-based framework for pursuing common goals. This cooperative setting allows each party to share resource and economic expertise that no one group could obtain on its own. Biosphere reserve recognition is proposed by local entities, in consultation with local governments and other interested parties. Approval by landowners, public and private, is required. As a matter of practice, when such proposals appear to have been developed without sufficient local consultation, or where local opposition is obvious, they have been returned with guidance regarding the need for local support.

Mammoth Cave is a good example of this program. The Mammoth Cave Area Biosphere Reserve was designated in 1990 and includes Mammoth Cave National Park and its primary groundwater recharge basins. The Barren River Area Development District (BRADD), which is chartered by the Commonwealth of Kentucky and is responsible for regional planning within the ten-county area surrounding Mammoth Cave, selected the U.S. biosphere reserve model as the tool to address regional water quality issues. The biosphere reserve activities are coordinated through the BRADD, whose Board of Directors is made up of locally elected officials, and is viewed as a locally managed effort rather than a Federal undertaking. To coordinate resource management activities, the BRADD established a Biosphere Reserve Council which consists of Western Kentucky University, USDA Forest Service, USDA Farm Service Agency, USDA Natural Resource Conservation Service, Tennessee Valley Authority, U.S. Economic Development Administration, Army Corps of Engineers, agencies of the Kentucky Natural Resources Cabinet, the Resource Conservation and Development District, the Caveland Sanitation District, and the National Park Service. Together, these previously unlikely partners have made significant accomplishments that have directly benefited the area. These accomplishments include:

The Mammoth Cave Area Water Quality Project—A partnership approach to protecting the Mammoth Cave Watershed, which includes significant financial resources available to farmers from the USDA on a cost-sharing basis, significant investment by the NPS for monitoring, and support from the EPA to continue this effort.

Regional GIS/GPS and Development of a Geospatial Data Center—Members of the Biosphere Reserve Council have pooled their resources to enhance data sharing and analysis capability and to establish a geographic information system and global positioning base station which has a variety of applications of

benefit to all members. Additionally, a grant from the U.S. Geological Survey has established a Geospatial Data Center at Western Kentucky University.

Economic Development and Impact Studies—The Economic Development Administration funded a study in the area to assess the potential for compatible industrial development. The results of this study have been made available to the community to assist in economic and infrastructure planning. Also, the USGS in partnership with local universities is working on an economic impact study of the park and local area to assess the impact of tourism expenditures. The Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits and received recognition for working together to resolve complex conservation and development issues and protect resource values. A survey of biosphere reserve managers in 1995 suggests that, in cases where their cooperative endeavors are identified explicitly with the biosphere reserve concept, there are more cooperating parties and more participation of local organizations than in other types of cooperative efforts.

Biosphere Reserves are also important internationally because they provide a network of protected areas, particularly essential as stopovers for migratory birds that U.S. shares with other nations. For example, Mexico's newly created Sian Ka'an Biosphere Reserve in the Yucatan Peninsula provides wintering habitat for species seen during the summer in the United States, many of which are in decline because of habitat loss. Each year more than 65 million Americans watch and feed birds and more than 25 million Americans travel away from their homes specifically to watch birds. These bird-watching Americans spend \$5.2 billion annually, generating an annual total economic return to the U.S. economy of nearly \$20 billion. U.S. citizens also are frequent visitors to internationally recognized sites of other countries. American businesses directly benefit from this visitation of U.S. citizens to foreign countries, as they operate tour companies that frequent biosphere reserve sites abroad.

RAMSAR

Finally, Section 5 of the bill restricts international agreements in general with respect to the nomination, classification or designation of Federal lands for conservation purposes. This general language will have a detrimental effect on the United States ability to provide world leadership in environmental conservation efforts. Specifically, it will hamper the U.S. ability to implement the Ramsar Convention on Wetlands, an international agreement submitted by President Reagan in 1986, that recognizes the vital role wetlands play in local communities for water quality, migratory bird habitat and aesthetic and recreational enjoyment.

Designations of appropriate sites as "wetlands of international importance" under the Ramsar Convention have been a positive force for conservation of these sites. Since the Convention was ratified in 1986, 17 sites have been designated, all at the request of the local communities where the sites occur. The U.S. Fish and Wildlife Service, the agency which oversees the Ramsar Convention, does not actively seek out and designate Ramsar sites, one of the reasons that the implementation of the Convention in the United States has been successful without major controversies. The Service considers educating and informing citizens about the Convention a starting point; then the genesis of a nomination must begin with the community. This approach sparks interest by citizens, helps bring a community together, and builds support for a nomination. Sometimes it can develop partnerships between unlikely groups. Citizens take pride in their special places and international recognition can only improve this pride.

A number of States and local communities have used designation as a means of enhancing locally based conservation and economic efforts. A review conducted by the Fish and Wildlife Service in 1996 found a number of positive values from Ramsar designations, all as a result of the voluntary, cooperative spirit in which designations are made. For example, the New Jersey Department of Environmental Protection noted that Ramsar designation has been used as a non-regulatory tool to achieve wetland protections, and found a significant increase in tourism to designated sites, increasing local revenue. On the Lower Connecticut River, the State of Connecticut found that their designation of the lower Connecticut River wetlands complex as a Ramsar site has had a positive impact upon property values. Realtors are actively using this designation to attract buyers to abutting properties and the sale prices for these lands have increased. The State expects to see a positive impact on the tax base for Connecticut River townships from the Ramsar designation. And in Southern Illinois, the local communities are depending on the Ramsar designa-

tion of the unique cypress and tupelo swamps on the Cache River to help draw tourists and improve the economic viability of this depressed region.

Policy and guidelines for nomination of sites to the List of Wetlands of International Importance was published in a Federal Register Notice dated April 12, 1990, Vol. 55, No. 77. This action was taken in accordance with the articles of the Convention. These guidelines are needed to (1) assure that petitions for listing are consistent with the Convention's criteria and obligations, and (2) allow mechanisms for appropriate review of proposed site nominations. It is important to note that Article 2, Part 3, of the Convention document specifically states "the inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated."

The Fish and Wildlife Service will continue its policy to consider proposed sites only if (1) there is concurrence from the State, Commonwealth, or Territory where the site is located; (2) the ownership rights of the lands being considered are free from encumbrances or dispute; and (3) the lands are in public or private management that is conducive with the conservation of wetlands. In all cases where private lands are involved, endorsement of a potential listing by the landowners is mandatory. In addition, the Fish and Wildlife Service has made it a requirement for all nominating organizations to provide written approval from the appropriate member(s) of the Congressional Delegation.

The Administration believes that the requirement under H.R. 883 that would require Congressional approval for listing sites under the Convention on Wetlands would substantially delay the benefits which designation of sites under the Convention can bring and would make the process much more time-consuming and bureaucratic. It would also remove the locally driven designation process and replace it with a prescriptive Federal process if the entire Congress would have to approve every designation. Why should a member from New York be able to deny a Ramsar designation from a community in Texas that is seeking the designation? On the other hand, the required approvals from any private property owner(s), the State, Commonwealth, or Territory in which the property resides, and the Congressional delegation, should ensure that citizens directly effected by a designation are supportive and make a formal Congressional approval process unnecessary.

Conclusion:

International site recognitions such as World Heritage and U.S. Biosphere Reserves do not threaten U.S. sovereignty or interests. Rather, they enhance the prestige and recognition of areas already protected under domestic law and provide economic benefits to communities that benefit from being internationally recognized. The "national park" idea was something inherently American that has been extended internationally through these programs; to inhibit them would be a disservice to this idea in the United States and would diminish U.S. influence abroad. We strongly believe that the United States should continue to play a leading role in these worldwide efforts that benefit the citizens and the environment of both our nation and of the entire world.

This concludes my prepared remarks.

STATEMENT OF STEPHEN G. LINDSEY, CANELO, ARIZONA

Hello, my name is Steve Lindsey, and I live in Canelo, Arizona. Canelo is located in Southeastern Arizona on the west side of the Huachuca Mountains, about 14 miles north of the Mexican border. My mother, my father, my wife and I and nine children make up the population of Canelo.

My great-great grandfather came to this area in the late 1860's. He homesteaded in what is now called Parker Canyon, which is 10 miles to the south of Canelo.

His son, my great-grandfather, homesteaded in Canelo on Turkey Creek in 1910. He started running his cattle on the creek at that time, but prior to that, the country was considered open range and had supported cattle from the early 1800's.

My father and I are still operating a cow-calf operation on that same homestead, along with the help of my sons and daughters. The private property that we own lies in Turkey Creek, and 320 acres private are deeded land. Probably 60 acres of that is all that would be considered a wetlands. The vision most people, especially in the east, have of a creek is very different from that in the arid Southwest. Turkey Creek, known as a "cienega" which means wetland in Spanish, only has flowing water four months of the year. Most of the cienga is actually a bog with little standing water, but the soil is saturated. There are a few cottonwood and willow trees along the cienega with a few ephemeral springs that I call wet weather springs because they are only evident after the spring and summer rains.

The deeded land we own is also the property we legally need to own in order to qualify for a U.S. Forest Service grazing lease on about 11,500 acres.

So all together my family has been operating a successful cattle ranch on Turkey Creek for 87 years. We hope to keep this a way of life for years to come, not only to keep the land in the family, but to supply a commodity, our beef calves, to the nation. My three sons and two of my daughters have shown an active interest in the cattle operation, especially my oldest son who is with me quite consistently on the land learning about the grasses and continuing the process to show that we don't so much raise beef as we raise the grass to support the beef. I want my children in the type of lifestyle that promotes the character of living off the land and how we must be self sufficient, hard working, moral and ethical in all of our dealings. Without this land we would be forced to live in the city and rear our children in an environment that I don't feel is the best for their learning and young adulthood.

I have heard that in some family businesses that after the founders die the second generation either is not committed to the business or does not have the knowledge to run the business and make it economically viable. But in the ranching industry this does not seem to be the case. Ranches such as ours have been passed on from generation to generation and kept as viable businesses, operations and ways of life. My children, who without this ranch, would not have the work ethics they have and would not be active in their desire to keep not only the environment healthy, but also 320 intact and not subdivide it.

On June 3, 1993 the Southwest Center for Biological Diversity (SWCBD) petitioned the U.S. Fish and Wildlife Service to list the Canelo Hills ladies tresses (*Spiranthes Delitesens*) as an endangered species. Then in 1995 SWCBD sued U.S. Fish and Wildlife to list the ladies tresses.

These plants seem to require a perpetually moist soil, and are reported to grow in five known places, all of them in Southeastern Arizona. One of these places is Turkey Creek, on my family's private property.

The ladies tresses was listed this year on January 6, 1997. The SWCBD states that cattle grazing may damage the ladies tresses, when in fact, even the Federal Register (Vol. 62, No. 3, January 6, 1997) states that the Canelo Hills ladies tresses grow much better where the cattle have disturbed the land. These plants only flower in July and August when the rains come, and that is the same time that we have moved our cattle, on a rotational basis, to the pastures out the riparian area where the tresses flower. We manage our cattle on rotation. We do this so that the cattle will not be in the same pastures more than once in any given year. We practice this rotation method because cattle will find a locale and stay there if we don't move them. Rotating them ensures healthy pastures and a healthy environment.

We have a film from the 1940's of our land, but there is much more willow and cottonwood growth and regeneration now than there was then. We know that our good management practices on the practices on the ranch and using a holistic resource management system to rejuvenate the riparian area have been very successful.

Sam Spiller, Arizona state supervisor for U.S. Fish and Wildlife Service, said at a U.S. Forest Service permittee meeting in the old Canelo school house on Saturday May 17, 1997 that he wasn't sure the reason why there were so many endangered species in Southeastern Arizona. I felt like telling him that the reason we have these endangered species is because we still have the open areas and habitat where these species can live. But endangered species are scarce or do not live in areas that have already been developed like Phoenix and Tucson. It is because people like myself and my family and the past generations have chosen to continue to ranch and uphold a way of life that has virtually disappeared and been paved over in the larger urban areas. Because we have chosen this way of life and because I have a strong desire to pass this way of life on to my children and leave this land open and undeveloped that I feel I am being singled out. There is a potential threat that I will be punished for the choices my family has made. I hope that this does not happen and we can continue ranching this land as we have for 5 generations.

Furthermore, the Canelo Hills ladies tresses on our private property in Turkey Creek are doing much better than the ladies tresses on the The Nature Conservancy (TNC) property in O'Donnel Canyon, one mile west of our property. Dr. Peter Warren, a botanist with TNC, specifically told me that the population of tresses on our property are doing much better than does on TNC's land in O'Donnel Canyon. The ladies tresses on TNC property are not grazed.

The benefit of grazing was also noted in the Federal Register rule (Vol. 62, No. 3, p.677) listing the ladies tresses: "Discussions of well-managed livestock grazing and *Spiranthes* presented in the proposed rule did not indicate a detrimental effect. The Service stated that our preliminary conclusion is that well-managed livestock

grazing does not harm *Spiranthes* populations. Additionally, the Service acknowledges that *Spiranthes* may favor some form of mild disturbance and would not recommend the removal of grazing as a component of responsible stewardship."

When I heard the ladies tresses was proposed to be listed I was very concerned that the Federal Government would be able to put restrictions on our private property and on our cattle operation. But I was reassured by the U.S. Fish and Wildlife Service that there would be no detrimental impacts to our way of life. I was not reassured (are you ever reassured when the government says "don't worry"?). In fact I was very concerned because I am very well aware of implications of the Endangered Species Act and how it has restricted land use of private property owners, especially across the west. I feared that I would lose my way of life and no longer be able to operate the cattle ranch and operate it as generations had done in the past and also pass it on to my children.

Then just 22 days after the listing of the ladies tresses I learned that the SWCBD decided to use a little known international wetlands treaty to designate our 60 acre wetland as a wetland of international significance under the RAMSAR convention. I very much in shock at how quickly the SWCBD, the same group that petitioned to have the ladies tresses listed, then tried to use an international treaty to influence or control the uses of our land. Kieran Suckling of SWCBD said, in a newspaper article in the Arizona Republic on February 1, 1997, "By protecting these Arizona wetlands through the RAMSAR Convention, we get international oversight." This scared me when I read this article knowing that I might not only be regulated by the state and Federal Government because of the endangered ladies tresses orchid but now because of an international treaty to protect wetlands. Now I feared that there would global oversight of my small piece of land.

My first thoughts went then to the pledge of Allegiance that we are a nation indivisible and that this sovereign nation would be governed by other countries and their governments. I feared greatly not only for my family but also for the families in the United States that would be affected in coming years by the lack of sovereignty that this convention represented. Sovereignty is what has made this nation great and strong for over 200 years, and that is why I cherish my and my family's freedom and rights that the Constitution of the United States has promised us.

In the small amount of information I have been able to obtain on the RAMSAR convention I have learned some interesting facts. The convention was signed in February 1971 in Ramsar, Iran and 93 countries have joined the convention. Over 800 wetlands covering over 500,000 square kilometers (which is the size of France) have been designated under the convention.

I have also taken a look at the convention's Strategic Plan for 1997-2002. It states that official name of the treaty is "Convention on Wetlands of International Importance especially as Waterfowl Habitat." The only time I see waterfowl on my land is in the fall and spring when they are migrating for four weeks in each season. I see at most 25 ducks at any one time but the average number of ducks I see is around 6. I would hardly see my land as wetlands of international importance especially for waterfowl habitat. I think it is ridiculous that my land is being considered for designation under this treaty. I do understand that the Chesapeake Bay is under the same convention, and I think anyone will agree that the Chesapeake Bay is a wetlands of international importance for waterfowl, unlike my 60 acres in Southeastern Arizona.

The Plan's Action 5.2.5 says, "Promote the establishment and implementation of strict protection measures certain Ramsar sites and other wetlands of small size and/or particular sensitivity." That is what my wetland is, and I do not want or need more protection measures. I already have to worry about the Endangered Species Act.

I also found some other disturbing things in the Strategic Plan.

First, the thing that worries me most is Operational Objective 2.2. "To integrate conservation and wise use of wetlands in all Contracting Parties into national, provincial and local planning and decision-making on land use, groundwater management, catchment/river basin and coastal zone planning, and all other environmental planning and management." I see this that for the past five generation that my family has not been doing a good enough job protecting our wetlands and now someone is trying to tell us how to manage our private property and cattle operation. I thought this convention was not supposed to have any land use regulations. This does not seem to be the case. I don't want the United Nations helping put more land use restrictions on my family's property.

Second, the Introduction states, "Through this Plan, the Convention's long-standing technical work in wetlands is strengthened, and a new catalytic role vis-a-vis the development assistance community is established. The Convention's technical and policy work becomes more closely related to the broader concerns of the Conven-

tion on Biological Diversity, and its traditional involvement with waterfowl is related more clearly to the Convention on Migratory Species." This mission creep worries me because now the true intent of the Convention has grown, and there is more chance that it will encroach on my property rights.

Third, General Objective 2 states, "The Conference of the Contracting Parties has determined that the concept of wise use applies to broad planning affecting wetlands." It also says, "the greatest emphasis in Ramsar implementation will be placed on wetlands in the context of land-use planning, water resource management and other decisions affecting wetlands. Where Contracting Parties are developing national wetland policies (or other policies encompassing conservation and wise use of wetlands), such policies should be in conformity with other national environmental planning measures. Legislative changes may also be necessary." This sounds like land use regulation that will affect my private property rights and restrict my land use.

Fourth, the Mission Statement says, "The Convention's mission is the conservation and wise use of wetlands by national action and international cooperation as a means to achieving sustainable development throughout the world." Sustainable development seems to be a far cry from protecting waterfowl. Also, "national action" sounds a lot like more Federal regulations to me. The Introduction states the Convention is "stressing the need to integrate the conservation of wetland biodiversity with sustainable development . . . and the health and well-being of people everywhere." This worries me for the same reasons that the Mission Statement does.

Fifth, Operational Objective 3.2 states, "To develop and encourage national programs of EPA [Education and Public Awareness] on wetlands, targeted at a wide range of people, including key decision-makers, people living in and around wetlands, other wetlands users and the public at large."

Operational Objective 4.2. states, "To identify the training needs of institutions and individuals concerned with the conservation and wise use of wetlands and to implement follow-up actions."

Operational Objective 7.2 states, "To strengthen and formalize linkages between Ramsar and other international and/or regional environmental conventions and agencies, so as to advance the achievement of shared goals and objectives relating to wetland species or issues."

What this seems like to me is that they are seeking public input from people that have absolutely no rights to my land. As I said before, this mission creep worries me very much. I see this language and I can only conclude that my rights as a private property owner are threatened.

In the Arizona Republic story on February 1, 1997 the SWCBD contends that ". . . wetlands are being systematically destroyed, drained or polluted by urban sprawl, mining, livestock grazing and timber cutting." This does not apply to my wetland, but I worry that much of the language from the Strategic Plan can be used by groups like SWCBD to violate my property rights and deprive me of the use of my land.

My family and I strongly feel that the past 89 years of history speak for themselves. If we were not true stewards of the land, we could not have run a successful cattle operation for the past 5 generations.

As I said before, my heart's desire is to live on this land and pass it down to my sons and daughters knowing that they too can be good stewards of the land without having to fear more government land use regulations. I plead with the people present here today to consider these words. The same government that promised my great-great-grandfather and my great grandfather, the land, through the Homestead Act, and pursuit of happiness is now the same government that is helping destroy these dreams.

It is absolutely necessary that this bill, H.R. 883, include the Ramsar convention and that this bill is passed and implemented. As a sovereign nation we cannot give any more power to those whose desire is to control our very existence.

STATEMENT OF DAVID B. ROVIG, P.E., BILLINGS, MONTANA

Mr. Chairman and members of the Committee, I am David B. Rovig, a mining engineer from Billings, Montana. I want to testify in support of H.R. 883, The American Land Sovereignty Protection Act. H.R. 883 addresses several key issues that are of great importance to protecting private property rights, access to strategic resources and our Nation's sovereignty. These issues are, and have been, the cornerstones of our country's success. No nation has ever achieved or sustained greatness without access to natural resources and, certainly, no great nation has ever allowed other nations to dictate its resource policy. Likewise, only those nations respecting

private property rights have ever sustained greatness. These very important tenets have worked well for over two hundred years, but now seem to be tested at almost every turn by those who now manage our government's affairs and their handlers in the pseudo-environmental community. I know this legislation passed in the 105th Congress and hopefully that will be the case again.

Let me place in personal terms the need for H.R. 883. In 1987, I was one of the founders of Crown Butte Resources Ltd., a company that acquired a few claims in the mountains, and \$40,000,000 later had discovered a world class gold deposit called the New World Mine in south-central Montana. Unfortunately, as it turned out, it was within 3 miles of a remote corner of Yellowstone Park. That project made business sense from the very beginning. It was also a project that we knew from the very beginning would be very closely monitored and that would have to meet or exceed a mountain of regulations and requirements. After a very careful review, we knew those hurdles would be difficult but passable. Crown Butte worked with the State of Montana and several Federal agencies to chart a course for the completion of an Environmental Impact Statement. That process alone would take several years and cost several millions of dollars. Every concern of the State and Federal governments was addressed and we were well on our way to receiving the required permits. The challenge was enormous, expensive, and unpredictable, but through numerous changes to mining plans, ranging from how we handled tailings to where our facilities would be located progress was made.

The now well-known piracy of the process began late February 1995 when fourteen environmental groups requested that Yellowstone National Park be listed as a World Heritage Site in Danger. They saw that we were meeting all the legal and regulatory tests so they felt the scare tactic of placing Yellowstone on the World Heritage Sites in Danger list might be their only chance to stop the mine. They did this with the full support of the administration and Yellowstone Park management. It seems the New World Mine was a project the radical environmentalists and the Clinton Administration loved to hate. However, if one looks at the facts that are associated with the New World Mine they tell a vastly different story than what you have heard or read in the media or in information provided by the Clinton Administration. The Administration's bullying tactics and complete sellout to the obstructionist agenda of a few elitist pseudo-environmental groups resulted in an unparalleled government denial of the free enterprise system. Unparalleled, at least until it was used as a stepping stone to the even larger and more egregious intrusion known as the Escalante-Grand Staircase Land Grab. What horrible precedents—now every objection to development in the West includes a demand for government buyouts.

There is a great deal of history tied to the New World Mine project dating back to the mid-1800's. Mining in this area is nothing new. Only, with today's standards, it was to be done with minimal impact on the environment and with the approval and oversight of State and Federal agencies. As I mentioned before, we were in that very structured and deliberative process when a committee operating under the umbrella of the United Nations came to Yellowstone National Park, already a World Heritage Site, to see if it should be added as a Site in Danger. Incredibly, when the visit was first publicly announced, the Interior Department was going to pay for the travel costs of the U.N. members. Fortunately, public outcry resulted in that decision being withdrawn. These three or four committee members from such places as Thailand paid a three-day tourist-type visit to the Park during which a three-hour road tour of the New World Mine site was made. After this short visit, which consisted largely of media events and photo ops, this group of "experts" concluded that the New World project did endanger Yellowstone Park. In arriving at this outrageous decision they chose to ignore the many volumes of scientific evidence that had been gathered on the project over several years and at great cost by some of the world's true experts from industry and government. The nearly completed New World Mine Environmental Impact Statement was probably the most comprehensive technical document ever assembled for such a project. The negation of this document was a slap in the face to the many agency professionals, primarily from the Forest Service and the State of Montana, who had justifiably developed great professional pride in their management of such a complex effort. I ask you, how could they make those findings: (A) after a short visit to Yellowstone Park and the mine site, (B) without even a basic understanding of the environmental review process that was taking place, and (C) without consulting with our elected representatives in Congress? These three failings are inexcusable in America.

Past Congresses and Administrations, in conjunction with Federal agencies and State governments, developed a very detailed and extensive review process with full public involvement. The studies and information required are extensive and exhaustive by any measure. Many agencies were in the process of doing all the necessary

reviews and requiring Crown Butte to provide all the necessary data for an Environmental Impact Statement. That process should have been honored. Instead, it was scuttled. All who played by all the rules paid a dear price in doing so. The State of Montana which had invested the time and talent of its best regulators was left out of the decision. Montana paid the price of losing all the economic benefit this project and others that might have followed could bring. Partly because of decisions like this, Montana currently ranks fiftieth in the nation's per capita income. The miners, the engineers, the businessmen, the property owners, the counties and municipalities, all were left in the economic lurch which was facilitated in part by three day visitors from other continents.

To this day, I know the New World Mine could have been developed and operated in a manner that fully protected Yellowstone's resources while contributing to the Nation's economy. Please do not forget that I am a life-long Montanan and I want Yellowstone to be there for my children and grandchildren, as well as yours. I was trained from a very early age that if you play by the rules you will be judged accordingly. That was not the case with the New World Mine. Three other directors and I resigned from the Crown Butte Board rather than agree to take a piddling amount of Federal money and pull the plug on the project. A great deal of hard work went into a viable project and it went out the window with an ill-conceived political/media decision. If that is to be the future process we must follow, our country has lost its focus and its fairness. You always hear the naysayers say, "put your mine some place else because this area or this site is too special." I have a simple reply to that. The Creator put both on earth, the grandeur of Yellowstone, and the gold of the New World Mine. Gold is where you find it, not where you wish it to be.

In closing, I would make three recommendations. First, pass H.R. 883 with strong provisions protecting our sovereignty. Our country developed the concept of a System of National Parks. Do we now need others to tell us how they should be managed? Second, let the system work. How can we continue to invest vast sums of money in projects where a very comprehensive evaluation system is in place and then, when a select group decides it should not go forward, have the Federal treasury pick up the bill? I do not think any business, mining or otherwise, should take on complex projects with the idea that "Uncle" will buy them out if the politics get too hot. Lastly, Mr. Chairman, common sense and reason have to be placed back in the process. Everyday a new layer of regulation is added at some level in the process. Everyday some obstructionist group uses that new regulation, or some mutation of it, to effect new barriers the Congress could not possibly have imagined and everyday we, in the business world, are forced to look outside our borders for new projects. I hope that is not what America is about. Your actions on H.R. 883 and other similar types of legislation are one small step in arriving at an answer.

Thank you, Mr. Chairman, I would be happy to answer any questions.

STATEMENT OF ANN WEBSTER SMITH, CHAIRMAN EMERITUS, U.S. COMMITTEE OF THE INTERNATIONAL COUNCIL ON MONUMENTS AND SITES (U.S./ICOMOS) AND VICE PRESIDENT, INTERNATIONAL COUNCIL ON MONUMENTS AND SITES (ICOMOS)

Mr. Chairman, members of the Committee. Thank you for the opportunity to appear before you to testify on legislation which would amend the Antiquities Act of 1906 and Section 401 of the National Historic Preservation Act dealing with U.S. participation in the World Heritage Convention, H.R. 883, the American Land Sovereignty Protection Act, a bill "to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands."

On behalf of some 600 members, the U.S. Committee of the International Council on Monuments and Sites (U.S./ICOMOS) opposes this bill because it would deny Americans the opportunity to protect, recognize and honor that of their cultural and natural patrimony which is or could be recognized to be, in the language of the World Heritage Convention, "of outstanding universal value" and worthy of the prestige that such recognition by 156 other nations and the international community implies.

U.S./ICOMOS is a professional membership organization with some 600 members who represent the fields of architecture, town planning, history and architectural history, archaeology and archives. U.S./ICOMOS is a non-governmental cultural heritage organization established in 1965 and is concerned with the conservation, protection, rehabilitation and enhancement of historic properties and groups of buildings, historic districts and site, and in educational and information programs designed to reflect that concern. U.S./ICOMOS is one of a network of independent

non-governmental national committees representing similar professions in more than 90 countries, the International Council on Monuments and Sites (ICOMOS).

More importantly, in terms of the proposed legislation, H.R. 883, ICOMOS is one of two non-governmental bodies (the other being the International Union for the Conservation of Nature) which are named in the World Heritage Convention as professional consulting bodies on nominations to the World Heritage List, a list of natural and cultural or man-made properties determined to be "of outstanding universal value," to each nation and to all nations.

U.S./ICOMOS would like to address those aspects of H.R. 883 which deal with the World Heritage Convention and U.S. participation in that Convention or treaty. Rather than reducing U.S. participation in the Convention, we would encourage the Committee on Resources to strengthen and encourage measures which would lead to a greater United States participation in the World Heritage Convention. For that reason, we would oppose any steps such as those proposed in H.R. 883 which would diminish or limit the level of U.S. actions concerning the Convention and the World Heritage List which the Convention has created.

The World Heritage Convention has its roots in proposals put forward during the first Nixon Administration at the Stockholm Conference on the Environment in 1972 where the Hon. Russell Train headed the U.S. delegation. Subsequently the United States was the first nation to ratify the Convention. Since that time 156 nations have ratified the Convention and some 582 properties (117 natural, 445 cultural or man-made and 20 "mixed" or combining both cultural and natural features) have been listed on the World Heritage List of Cultural and Natural Heritage "of outstanding universal value."

In this country, important historic properties such as Thomas Jefferson's Monticello and Independence Hall have been listed along with natural properties of unique distinction such as Everglades and Grand Canyon National Parks. In other countries, cultural properties of such undeniable "outstanding universal value" as the Acropolis, Westminster Abbey, and the Great Wall of China have been listed along with whole towns or urban areas such as Old Jerusalem, Venice and its Lagoon and Islamic Cairo.

The nomination of properties is a governmental process in each country (or State Party to the Convention) which determines which properties from among its national patrimony it considers to be "of outstanding universal value." Listing on the World Heritage List includes no international legal protection or sanctions. Protection for nominated or listed properties grows out of the laws and statutes of the nominating country and the country's protective measures must be stated as a part of the nomination. In nominating a property, the nominating country is neither limited nor prohibited from any proposed use or action except those limits or prohibitions that have been established by the country's own laws. Nomination forms for properties proposed for listing call for a statement of laws or decrees which govern the protection of nominated monuments and sites, including the nominated property, evidence of a master plan for the historic preservation of the nominated property, together with a land-use plan, an urban development plan or a regional development plan if any exist. The nomination form asks for information as to whether these legislative or statutory measures prevent uncontrolled exploitation of the ground below the property, the demolition and reconstruction of buildings located on the property or permit other significant changes such as raising building height or other transformation of the urban fabric. The nomination must also indicate what if any measures exist to encourage revitalization of the property.

The nomination form seeks to identify protective measures whether national or Federal, state or provincial, regional or local, which may apply to the property. There are no measures for international protection and no international sanctions set forth within the provisions of the Convention guidelines. Any protective measures which may exist are, in the parlance of the United States, national, state or local. No international protection is claimed or implied except the protection which might grow out of moral suasion or concern for a property believed to be "of outstanding universal value." And there is no international mechanism for enforcement at any level.

To examine the specific provisions of H.R. 883 section 2(a), nomination to and listing on the World Heritage List do not affect or diminish private interests in real property (4), do not impinge in any way on private property rights, and (6) do not conflict with congressional constitutional responsibilities (7). As for section 2(b), nomination and listing do not impose restrictions on the use of nominated or listed lands (3), and do not diminish private interests in real property (4). Following the nomination by a national government ("State Party"), an intense professional evaluation is made of each property or group of properties by experts in different fields of expertise who also examine the case that the nominating country has made for

inclusion in the World Heritage List. In the case of natural properties, that evaluation is made by the International Union for the Conservation of Nature (IUCN); in the case of cultural properties, that evaluation is made by ICOMOS. In all cases, the evaluations are conducted as a part of a several-tier process, thoughtful, scholarly, deliberate and positive.

What is the value of the Convention and its World Heritage List? Those countries (or States Party) participating in the Convention see it as a mechanism for encouraging national pride, for stimulating education concerning each country's own national treasures whether they represent history, culture or natural wonders. The countries where properties are located see listing on the World Heritage List as the means for economic development especially in terms of encouraging tourism and visitation, a major source of local and foreign investment in many countries.

In most countries of the world, historic cities, towns and historic districts under the leadership of their local, state or regional and national officials, seek listing because they know that such recognition serves to stimulate local pride, economic development, to encourage private investment and public recognition of the quality of the area that is so recognized. The Ancient Cities of Aleppo and Damascus are listed, the historic quarters of Budapest are listed as are the historic centers of Florence and Rome, of Cracow and Warsaw, of Bath in England, of Segovia and Toledo in Spain, of Berne in Switzerland, of the historic areas of Istanbul, of Dubrovnik, of Potosi in Bolivia, of the towns of Ouro Preto, Olinda and Salvador de Bahia in Brazil, of Quebec City in Canada where another property, the small historic town of Lunenburg was recently inscribed, of Quito, and of Mexico City. These are among the many historic towns and centers that other countries have seen fit to nominate and have listed for those qualities which give them their "of outstanding universal value."

In each country and in each of these cities and towns, all dynamic and living urban areas as well as being areas rich in history and tradition, the people of the community, the pride of the community and the economy of the community have all benefited in real financial terms as a result of listing as well as in terms of pride and a sense of community and patriotism.

But in the United States, in spite of our own rich heritage and in spite of our own beautiful, historic, well planned and widely visited historic areas such as Savannah, Charleston and New Orleans, such as Georgetown, Annapolis and San Antonio, and many many more, no historic towns and areas are listed. Why is that? Because an element of the 1980 amendments to the National Historic Preservation Act, has limited the nomination process by calling for the consent of each owner in an historic district to such listing.

This statutory limitation on the nomination of historic properties in the United States has been frustrating for the citizenry of those historic communities which greatly desire the honor and distinction that World Heritage listing implies and which would like to join other historic communities on this honor roll of the cultural heritage. Equally frustrating to them is the fact that they are being denied the unmistakable economic benefits of tourism and private investment which such international recognition would bring them.

Several years ago residents of Savannah sought to nominate that beautiful and historic city to the World Heritage List. Savannah has long been listed on the National Park Service's list of National Historic Landmarks. But because of the 1980 statutory requirement for owner consent for properties covered by the nomination, the city chose to nominate only the publicly owned spaces, the streets, the parks and the plan of Savannah, to the World Heritage List. Much Georgia's Congressional delegation including Savannah's own Congressional representative, supported and endorsed the Savannah nomination.

Procedures for nomination to the List for properties categorized as "cultural" creates no criterion for the listing of such properties but instead, in relation to inhabited historic towns, distinguishes four categories:

- (1) "Towns which are typical of a specific period or culture, which have been almost wholly preserved which have remained largely unaffected by subsequent developments.
- (2) "Towns that have evolved along characteristic lines and have preserved, sometimes in the midst of exceptional natural surroundings, spatial arrangements and structures that are typical of the successive stages in their history
- (3) "Historic centers' that cover exactly the same area as historic towns and are now enclosed within modern cities
- (4) "Sectors, areas or isolated units which, even in the residual state in which they have survived, provide coherent evidence of the character of a historic town which has disappeared. . . ."

In reviewing the Savannah nomination of its parks, streets, open spaces and publicly owned areas, it was determined that the proposed listing did not fall into any of the specified categories of properties or inhabited historic towns that might be listed under the World Heritage criteria. Those reviewing the nomination called on the city of Savannah to nominate the whole historic area but because of the 1980 Historic Preservation Act's limitations on U.S. nominations (i.e. the owner consent provision), the city was unable to do so. This was a great disappointment to the residents of Savannah and similarly a disappointment for those other historic towns and cities in the U.S. who were considering the nomination of their own historic areas, many of which are still seeking the recognition and positive benefits that World Heritage listing would bring. Indeed, their property rights are denied by virtue of the 1980 amendments and would be further impinged by enactment of H.R. 883.

This is viewed with deep concern by those Americans who recognize and cherish their historic and culturally significant areas. Beyond the situation which exists today, however, H.R. 883 would, in effect, further limit the ability of the United States to place its treasures on the rolls of the world's patrimony where they might enjoy the recognition and the benefits that other countries have seen in their own nominations of their national treasures.

World Heritage listing is designed to protect properties, to protect and to preserve communities, and to serve as a mechanism for encouraging investment and economic development designed to further enhance such properties. H.R. 883, in seeking to limit the recognition of quality which World Heritage listing encourages, is diminishing rather than enhancing measures such as World Heritage listing which serves to educate, to stimulate pride, to encourage public and private investment, to benefit communities as well as those who live in them and those who visit them.

We would encourage the House Committee on Resources to give serious consideration to the negative impact that H.R. 883 would have on existing measures for recognition such as the World Heritage process, a process which grew out of a United States initiative, a Convention which the United States was the first of 156 nations to ratify, a measure which has done much to achieve recognition and protection of the cultural and natural heritage which is found to be "of outstanding universal value."

The World Heritage Convention for which the United States was the initiator and standard bearer is the single most popular international convention in the world today. And yet, rather than seeking to expand the impact of the Convention and the very real benefits that it has brought to other corners of the world, H.R. 883 seeks to deny American communities an opportunity to participate in this benevolent, constructive, educational, enriching program. The enactment of H.R. 883 would largely eliminate U.S. participation in the World Heritage Convention, a Convention which resulted from a U.S. initiative, a Convention which in 1972, during the Nixon Administration, the U.S. was the first nation to ratify, a Convention which has brought pride to its participants and appreciation of the values imparted by recognition of the cultural and natural heritage to schoolchildren and scholars alike.

May 5, 1999

The Honorable Bruce F. Vento
House of Representatives
2304 Rayburn House Office Building
Washington, DC 20515-2304

Dear Mr. Vento:

Thank you for your letters of March 24th and April 28th regarding my testimony before the House Resources Committee on the March 18th hearing of the American Land Sovereignty Protection Act, H.R. 883. In my opinion the important issue here is protection of Americans' rights of democratic process. I sought to emphasize the dangers I see in Congress' waiving of its role and responsibilities over matters which fundamentally affect citizens of the United States and ceding that role and its associated powers to a global organization in which affected Americans have no representation.

As I understand it, the proposed Act does nothing more than affirm Congressional role in the management of our public lands, a role mandated to it by the Constitution under Article IV, Section 3, which states: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." I believe that is a clearly worded duty which Congress is bound by the Constitution to uphold.

Your letter raises several questions concerning my testimony, each of which I have addressed below.

I. Please explain the simultaneous decision to *continue* our active participation in the World Heritage Convention and the U.S. Man and the Biosphere Program [after your support for the successful U.S. withdrawal from UNESCO], both of which are coordinated at the international level by UNESCO.

The United States' Permanent Representative to the United Nations oversees U.S. participation in many United Nations' programs and organizations, including aspects of U.S. participation in UNESCO. The World Heritage and Man and the Biosphere programs, however, were not among them when I held that job.

As you know, the Department of the Interior has primary responsibility for the World Heritage and the Biosphere programs. The Department of the Interior, along with a federal interagency panel controls all aspects of these programs. No member of Congress is included on this panel. Neither was a United States' U.N. Ambassador when I held that position. The Code of Federal Regulations July 21, 1980 public notice of proposed U.S. World Heritage Nominations for 1981 states U.S. law at the time I was our UN Ambassador:

*"In the United States, the Secretary of the Interior is charged with implementing the provisions of the Convention, including preparation of U.S. nominations. Recommendations on the proposed nominations are made to the Secretary by an interagency panel including members from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the Heritage Conservation and Recreation Service, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Advisory Council on Historic Preservation; and the Department of State."*¹ (Emphasis added).

I was never included on the panel as the Department of State Representative. I was never invited to participate in any decisions concerning these programs.

I raised the issue of the U.S. withdrawal from UNESCO to make a point: the UNESCO of the 1980's demonstrates quite well both an example of an incompetent and corrupt international organization and the nearly insurmountable obstacles of trying to reform it and hold it accountable. During my tenure as U.S. Ambassador, I sought to limit the proliferation and scope of U.N. based of international organizations which were accountable to no responsible, democratically elected government. This discussion serves to reinforce the point I was trying to make during my testimony, namely, that Congress should take an active role in the oversight of programs which impact private citizens in this country.

II. [A]s you know, 7 of the 20 World Heritage Sites in the United States were listed as such during your tenure as our Ambassador to the U.N. In your capacity as U.N. Ambassador, did you oppose these nominations based on the

¹ "Proposed U.S. World Heritage Nominations for 1981, Public Notice," 45 FR 48717, July 21, 1980. You will find the same language in each annual notice.

fact that Congress had not specifically authorized these listings? At any point in your tenure, did you attempt to have any existing designations withdrawn on the same basis?

I refer you to my answer above. The Department of the Interior is charged with implementing the provisions of this program, not the United States' UN Representative's office. I had no role and I was not aware of the details of these programs. Now, however, that this issue has ripened, I believe it is time to restore Congress' proper role in this matter.

III. "Your prepared testimony . . . includes the statement, 'International Committees—*whatever the substance of their decisions*—do not represent the American people and cannot be held accountable by them,' (emphasis added). Is it accurate to conclude from this statement that you believe specific Congressional authorization should be required for U.S. participation in *any* program which involves an 'international committee?'"

Obviously, these committees do not represent the American people. That is not their function. I want to be absolutely clear on this point. Only our representatives on those committees represent Americans. Obviously, the Cuban or Libyan delegates to these committees do not represent the American people and, in fact, often oppose American interests, regardless of the issue. Neither do the New Zealand -- to take a country at random -- or Brazil. The United States' Congress, on the other hand, is elected by and does, in fact, represent the American people. U.N. based committees, unlike Congress, are not accountable to the American people because they have not been elected by or chosen in any way by the American people. They do not represent and are not concerned with U.S. national interests nor the interests of U.S. citizens.

In this democracy, the citizens grant powers to our elected leaders through our votes from the local and state levels up to the Congress and the Presidency. We give *them* the power to declare our lands national parks and the right to enact the laws that restrict our use of our properties. We give our duly elected leaders the authority to select the judges who will interpret those laws. Our elected leaders, in turn, respond to our wishes because, just as we have granted them power, so may we take it from them in the next election. Representation and accountability are the foundation of the freedoms we cherish. Having fought and won elections yourself, you know this principle well.

In U.N. organizations, there is no accountability. UN bureaucrats are far removed from the American voters. Many of the States Parties in the World

Heritage Treaty are not democracies. Some come from countries that do not allow the ownership of private property. The World Heritage and Man and the Biosphere committees make decisions affecting the land and lives of Americans. Some of these decisions are made by representatives chosen by governments not based on democratic representation, certainly not on the representation of Americans. What recourse does an American voter have when UN bureaucrats from Cuba or Iraq or Libya (all of which are parties to this Treaty) have made a decision that unjustly damages his or her property rights that lie near a national park? When the World Heritage committee's meddling has needlessly encumbered a private United States citizen's land and caused his or her property values to fall, that citizen's appeals to these committees (if that is even possible) will fall on deaf ears.

As for your question "Is it accurate to conclude from this statement that you believe specific Congressional authorization should be required for U.S. participation in *any* program which involves an 'international committee'?" my answer is, in any U.N. based committee which makes decisions that importantly affect American citizens. Speaking to the issue at hand, which is the requirement of congressional authorization of World Heritage and Biosphere site designations, I definitely believe congressional authorization should be required. Congressional role should be protected, I believe, should be required, in any process, any time the Constitution specifically places a duty on Congress to act. The question presented here is specific. The Constitution mandates congressional responsibility over public land management. The World Heritage and Biosphere programs directly impact the management of public and private lands in the United States. Congress should be involved.

The Constitution grants and requires Congress' broad control over the management of the public lands. The Executive branch, through the Department of the Interior and in conjunction with the World Heritage and Man and the Biosphere programs (the "international committees" created by this Convention) should not be allowed to exercise Congress' constitutional authority.

IV. "Should Congressional authorization be required for any international agreements/contracts which allow use of our national resources and public lands, such as mining or timber harvesting? If it is the case that your support for requiring Congressional authorization is limited only to those areas included in H.R. 883, please explain the specific characteristics of 'international committees' dealing with conservation which makes them particularly threatening?"

First of all, as you know, any U.N. based agreements or contracts which allow use of our natural resources and public lands require various forms of

authorization from our elected officials. In this particular case, the authorization must come from Congress. The Convention itself requires that "the inclusion of a property in the World Heritage List requires the consent of the State governed." [Article II, Section 3] The State in question is the United States and its consent requires the consent of the people through their duly elected representatives in accordance with the Constitution. That means Congress, the body delegated the authority over land management by the Constitution. The "American Land Sovereignty Protection Act" is consistent with both U.S. and international law.

In the second part of your question, you ask what are the specific characteristics of 'international committees' dealing with conservation which makes them particularly threatening?" My answer is, those committees which affect substantial interests of U.S. citizens. If American citizens have an interest in the conservation of a particular area, that decision should be made by Congress, the body delegated responsibility by the Constitution for making these decisions in full view of the American public. And if each decision requires consideration of costs and benefits to the property rights of individual voters affected, so be it. UNESCO committees are not competent to address the complex private property and public interest issues presented here. They have no interest in how their actions affect private U.S. citizens. I believe Congress should not abdicate its responsibilities for land management to international groups whose members have no concern for protecting individual property rights and American interests.

Sincerely,



Jeane J. Kirkpatrick

P.S. I am enclosing my Disclosure Requirement

cc: Kurt Christensen, Staff Member, House Committee on Resources
and Members of the Committee



Cornell University

DEPARTMENT OF GOVERNMENT
MCGRAW HALL
ITHACA, NEW YORK 14853

March 23, 1998

Honorable Jay Inslee
308 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Inslee:

We had, as you probably recall, a series of exchanges at the hearing of the Committee on Resources on March 18, concerning H.R. 883, the American Land Sovereignty Protection Act. Your questions to me focused on one particular issue: how can anyone claim that there are constitutional objections to the existing implementation of the World Heritage Convention, if such objections have not been endorsed by court decisions? Since you raised this question several times, you may be interested in a more extended response than I could offer within the brief time available at the hearing.

I still stand by the general answer I gave at the hearing. Our federal courts do not give advisory opinions. Courts will only rule on a bona fide case and such a case had not yet been presented. It remains true in the meantime that Congress has an independent duty to safeguard the Constitution, which is why members of Congress -- and not merely judges -- take an oath to uphold the Constitution.

But there is more to it than that. No treaty -- that is, no full form treaty, ratified by the requisite two-third vote of the Senate -- has ever been held by any court to be in violation of the Constitution. One reason is that courts have generally tried to steer clear of interference in diplomacy and foreign affairs. A related reason is that most treaties do not have direct effect in U.S. law but must be implemented by subsequent legislation. In such cases, courts can avoid a direct challenge to the treaty by questioning the implementing legislation (or implementing actions by U.S. administrative authorities) rather than questioning the treaty, itself. (See, e.g., *Boos v. Barry*, 485 U.S. 312 [1988] and *Bullfrog Films v. Wick*, 847 F.2d 502 [9th Cir., 1988], citing 1st Amendment protections to strike down implementing legislation for a treaty on protection of embassies, in the former case, and an agreement on tariff reductions for specified kinds of imported films, in the latter.)

Disputable actions under the World Heritage Convention would have to be challenged in this way. The convention, by its own direct force, will not alter property rights or even federal policy within the United States. Rulings of the World Heritage Committee must be implemented by U.S. authorities to have any effect here. Thus, it was not the finding of the World Heritage Committee that doomed the New World mine outside of Yellowstone Park, but President Clinton's subsequent action, inducing the mine operators to accept a different site in exchange for relinquishing the disputed mine near

Yellowstone. President Clinton claimed the authority to force (or induce) this resolution, independently of the World Heritage Convention.

But it remains an important question whether the Convention can be cited as background justification for a federal policy. In some cases, courts have ruled that legislation which would not otherwise be within the constitutional competence of Congress (or administrative actions within the constitutional competence of the president) can be so, when undertaken to implement international obligations under a treaty (or executive agreement). (See *U.S. v. Missouri*, 252 U.S. 416; *U.S. v. Belmont*, 301 U.S. 32-4; *Dames & Moore v. Regan*, 453 U.S. 654). If President Clinton had claimed that his action was "required" by our obligations under the Convention, it would be important to clarify whether an international convention could actually impose such obligations, consistent with the Constitution. And it would be important to clarify this question, even if courts decided to duck it.

Let me give you an analogy. Suppose that the United States (following our recent experience in Kosovo) entered into an expanded NATO treaty, stipulating that the U.S. would send troops to prevent civilian massacres, whenever the NATO Secretary General determined that such action was necessary. Surely, there would be reasonable dispute about whether the United States could constitutionally commit itself to such a treaty -- by which the decision to commit U.S. troops had been delegated to the political judgment of a foreign official.

Defenders of this hypothetical treaty might well argue that the president would, as a practical matter, always retain the ultimate authority to refuse to commit U.S. troops to any particular NATO venture. But if the president invoked the treaty as his reason for sending troops, there would still be dispute about whether the president could actually be obligated to do so, as a matter of legitimate treaty law (or, as some might put the point, "morally obligated" to do so on the basis of a "binding international commitment"). This would be a legitimate subject of dispute, even though it is unlikely that any federal court would have the temerity to resolve the issue directly: whether such a treaty was constitutionally proper would undoubtedly strike the judges as too speculative or abstract for judicial resolution before troops were actually engaged -- and too much of a "political question" when the troops were already under fire.

If you think this analogy is far-fetched, I would remind you about the long debate we have had over presidential war powers since World War II. President Truman claimed that a resolution of the UN Security Council was sufficient authority to commit a half-million U.S. troops to the defense of Korea in 1950 -- without any declaration of war by Congress. President Bush was much more hesitant about asserting this authority forty years later, when troops were sent to liberate Kuwait: he ended up seeking (and gaining) direct congressional approval for military operations in the Gulf War. Scholarly opinion and congressional opinion had changed quite a bit between 1950 and 1990.

Yet no decision of any U.S. court had weighed in on the underlying constitutional issue. Courts had, in fact, ducked the question whenever it was presented to them. But Congress did not duck the question. That is why the

War Powers Act was enacted in 1974 -- because Congress was determined to clarify limits on presidential war powers, without waiting for courts to do so. And Congress wanted to clarify these limits, even though it was widely accepted that any improper military action could be ended in a particular case by cutting off all funding for the particular action (as was finally done in Southeast Asia). But Congress did not want to leave so much ambiguity about what sorts of presidential war-making might be "proper," knowing well that presidents would derive moral or political authority from congressional silence in the absence of such a general, clarifying enactment as the War Powers Act.

The situation with regard to the World Heritage Convention seems quite parallel. The Convention gives the president the moral authority to act and at least some cover of legal authority. It is a fair and reasonable question, however, whether it is constitutionally proper to give such open-ended authority to the president, given the reach which the Convention has now turned out to have.

Suppose that a future president refused to implement actions which the World Heritage Committee pronounced necessary to "protect" a particular U.S. site. I am quite confident that U.S. environmentalists would denounce the president's refusal as a breach of our international obligations. And I suspect the claim would be echoed by many members of Congress. That has been the recent experience of the Australian government in the dispute over the Jabiluka mine (as I document in my written testimony). Surely it is a fair question whether such protests -- call them "legal" or "political" or "moral," as you prefer -- are grounded in a treaty that can actually be regarded as "binding" under the terms of the Constitution's treaty power.

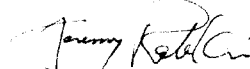
Finally and perhaps most importantly, you should be aware that there is a great deal of discussion already taking place on the general issues at stake here. As I indicate in my written testimony, constitutional doctrine was once thought to place limits on the kinds of commitments we have made in the World Heritage Convention. The most recent commentaries take a different view. But the new view is not based on Supreme Court opinions or court opinions of any kind. In essence, the most prominent scholars of recent years have decided to ignore the stipulations that an earlier generation of scholars found in the Constitution -- with at least incidental support from dicta in earlier Supreme Court rulings. It is quite odd to say that defenders of the earlier view must be able to cite current Supreme Court rulings -- though champions of the modernist view cite no court rulings, either.

In the end, I think, there is no escaping the responsibility of Congress to make its own constitutional determinations here. You may not agree with the constitutional arguments I have advanced in my testimony. You may think there is no constitutional problem at all in adhering to a treaty which commits the United States to follow whatever domestic policy a politicized, international regulatory authority directs us to follow. In that case, you need feel no qualms at opposing H.R. 883 -- an effort to cure constitutional problems that others do see here. But you must be persuaded in your own mind that there really are no constitutional problems with the World Heritage Convention, as it has now been shown to operate.

You cannot reasonably say that it is no responsibility of Congress to address the constitutional issue because that problem can always be handled by the courts. That should never be an excuse for Congress to accept unconstitutional measures and it is particularly inappropriate here, where courts have long-standing (and probably well-founded) reluctance to intervene. Your abdication would either doom the country to an accretion of more and more constitutionally questionable treaties -- or invite courts to start playing a more activist role in U.S. foreign policy, on the hit-or-miss basis on which cases happen to come before the courts. Neither of these is a pleasing prospect.

I hope this extended explanation will be of some assistance to you.

Yours sincerely,



Jeremy Rabkin

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| 98th Congress } 2d Session } | SENATE | { EXECUTIVE P |
| file copy | | |
| CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE | | |
| MESSAGE | | |
| FROM | | |
| THE PRESIDENT OF THE UNITED STATES | | |
| TRANSMITTING | | |
| THE CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, DONE AT PARIS ON NOVEMBER 23, 1972 | | |
| <i>Belongs in 1473-475 file.</i> | | |
| MARCH 28, 1973.—Convention was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate. | | |
| 82 115 | U.S. GOVERNMENT PRINTING OFFICE WASHINGTON : 1974 | |

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LETTER OF TRANSMITTAL

To the Senate of the United States:
 THE WHITE HOUSE, March 28, 1972.

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris on November 23, 1972. I transmit also for the information of the Senate, the report from the Department of State with respect to the Convention.

This Convention creates international machinery for the identification and protection of natural and cultural areas of outstanding universal value which constitute the common heritage of mankind. For this purpose, the Convention establishes a World Heritage Committee to develop and maintain lists of areas of outstanding importance and a World Heritage Fund to provide international assistance for preservation and conservation.

While the Convention places basic reliance on the resources and efforts of the States within whose territory these natural and cultural sites are located, it would also provide a means of assisting States which have insufficient resources or expertise in the protection of areas for the benefit of all mankind.

I therefore recommend that the Senate give early and favorable consideration to the Convention and that it be declared that the President is authorized and directed to make such declaration for which provision is made under Article 16(2), as explained in the report from the Department of State.

RECHARD NIXON,
 Report of the Department of State; and (2)
 Convention.)

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LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, March 20, 1972.

The President,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a recommendation for transmission to the Senate for active and consent to ratification, the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris, November 25, 1972. The Secretary of the Interior and the Chairman of the Council on Environmental Quality concur in this recommendation.

In its final form, the Convention has been the result of a process of negotiation which began in 1964, followed by a period of a year in which the Secretary of the Interior, in coordination with the Council on Environmental Quality, and under the foreign policy guidance of the Secretary of State to develop initiatives for presentation in appropriate international forums to further the objective of a World Heritage Trust.

The Convention was negotiated under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Secretary of State and the Director-General of UNESCO in 1970 entrusted the Director-General of UNESCO with the task of drafting a convention for the protection of monuments and cultural sites of universal value. Pursuant to this decision, the UNESCO Secretariat produced and circulated to UNESCO Member States a draft convention for this purpose, and after receiving comments from a number of States, circulated a revised draft for comment to all UNESCO Member States.

From the point of view of the United States, these drafts were not entirely satisfactory, particularly with regard to their failure to make adequate provision for the protection of natural areas of universal value. Accordingly, prior to the meeting of the Special Committee of Experts, the United States delegation tabled a new draft. This draft, among other things, provided that both natural and cultural areas be covered on an equal basis, that a World Heritage Register be established to contain a list of sites of outstanding universal value, that a World Heritage Board be created to draw up the Register and to administer international assistance for sites and areas on the Register, that the expertise of non-governmental organizations such as the International Council on Monuments and Sites (ICOMOS) and the International Union for the Conservation of Nature and Natural Resources (IUCN), be utilized to the maximum extent practicable, and that the United States make voluntary contributions to provide international assistance for the protection

tion of the natural and cultural areas in the Register, whether or not in the danger of destruction.

The Special Committee of Experts adopted a revised Draft Convention which in almost all important respects accommodated these United States positions. This Draft Convention was referred to the UNESCO General Conference which met from October 17 to November 21, 1972. In the interim, it was overwhelmingly endorsed by the U.N. Conference on the Human Environment and the World Heritage Conference in Paris, November 1972. On November 16, the UNESCO General Conference adopted the Convention.

The Convention places with the Parties the primary responsibility of taking appropriate actions to restore and preserve cultural sites and natural areas within their own territories which may have universal significance to mankind and to develop the scientific and technical resources necessary to protect them from dangers or any other threat. Convention further provides that the World Heritage Committee to be established under the UNESCO framework, to be composed of representatives of a number of the Parties, which would develop criteria and compile a World Heritage List of cultural and natural sites of universal value, drawn from inventories submitted by Parties, and a List of World Heritage in Danger of those sites which require major assistance to avert immediate and serious threats to their integrity.

The Convention and the World Heritage Fund to be utilized by the World Heritage Committee to provide international assistance for the protection or rehabilitation of sites on the World Heritage List. Article 16 of the Convention provides for both voluntary and compulsory contributions by Parties to the Fund but permits each Party, at the time of ratification, to declare whether it will accept any obligation to make compulsory contributions.

The World Heritage Committee would be assisted in its work by a

such non-governmental expert bodies as the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN).

The Convention thus establishes a regular mechanism for identifying and preserving sites of outstanding universal value which must be due to protect and conserve these areas. The Convention should prove particularly critical with regard to those States which do not have the resources and expertise necessary to protect sites within their territories, or which have not become sufficiently aware of the importance of these sites or the character of natural or man-made threats to them.

At present, the article analysis setting forth the details of the Convention is enclosed.

I recommend that the Senate give advice and consent to ratification of the Convention subject to a declaration under Article 16(2) that the United States shall not be bound by the provisions of Article 16(1), which require compulsory contributions to the World Heritage Fund in amounts determined by the Parties meeting in general assembly.

Such compulsory contributions as limited by Article 16 are unlikely to provide anything more than a small portion of the funds necessary to carry out this work, and it is better to rely on voluntary contributions from States and private bodies and individuals for this purpose.

This Convention is of great importance to the United States and the world community, and represents an important step forward in the protection, preservation, conservation and transmission to future generations of the outstanding heritage of mankind. I hope that the Senate will consider and approve the Convention at an early date. Respectfully submitted,

WILLIAM P. ROGERS,

(Enclosures: (1) Certified copy of Convention concerning the Protection of the World Cultural and Natural Heritage; and (2) Article by Article Analysis.)

CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Convinced that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Recognizing that the protection of the cultural and natural heritage often remains the prerogative of the individual States, and that it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Desiring that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary measures for this purpose,

Convinced that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Recognizing that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Convinced that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community and nations to protect and preserve the cultural and natural heritage of outstanding importance, and to assist in the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto,

Convinced that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of safeguarding the cultural and natural heritage of outstanding importance with modern scientific methods, on a permanent basis and in accordance with universal value, organized in a permanent basis and in accordance with modern scientific methods,

Deciding, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention,

3. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

Article 1
For the purposes of this Convention, the following shall be considered as "cultural heritage":

monuments; architectural works, works of monumental sculpture and painting, archaeological remains, inscriptions, engravings, cave paintings and prehistoric ruins and groups of buildings or groups of separate or connected buildings which are of outstanding universal value from the point of view of history, art or science;

groups of buildings; groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

monuments, groups of buildings or sites of nature and of natural areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

Article 2
For the purposes of this Convention, the following shall be considered as "natural heritage":

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delimited natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3
It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4
Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular financial, artistic, scientific and technical, which it may be able to obtain.

Article 5
To ensure that effective and active measures are taken for the protection, conservation, and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention

shall endeavour, in so far as possible, and as appropriate for each country:

(a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

(b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means of investigation and research;

(c) to develop scientific and technical studies and research, and to work out such operating methods as will make the State capable of countering the dangers that threaten its cultural or natural heritage;

(d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;

(e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake in accordance with the provisions of this Convention and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERNATIONAL COMMISSION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value,

called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 12 States Parties to the Convention, elected by States Parties to the Convention in meetings of general assembly, and of 12 members of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world, and shall take into account the need to include in the Committee a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other international organizations or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of one-third of the members designated at the time of the second election shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of those members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property

forming part of the cultural and natural heritage, situated in its territory, or inclusion in the list provided for in paragraph 2 of this Article. The inventory shall include information about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States, in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of property forming part of the cultural heritage and natural heritage, as defined by the Convention, and a list of property forming part of the cultural heritage and natural heritage, as defined by the Convention, which are in danger of being lost. It shall have outstanding, unexpired value and significance, and it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory sovereignty or jurisdiction over which is claimed by two or more States shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, when ever circumstances shall so require, under the title of "List of World Heritage in Danger," a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. The list may include only properties of outstanding value in the field of cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban use, or ownership of the land; major alterations due to unknown causes; management of any reason whatsoever; the outbreak or the threat of conflict; and other serious and specific dangers, such as earthquakes, landslides, volcanic eruptions, changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publishes such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, take such measures as it deems appropriate and resort to the following measures for the conservation of the property in question: the State Party in whose territory the property is situated shall be responsible for the conservation of the property in question.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean

that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage situated in their territories, and included on a preliminary list suitable for inclusion in the lists referred to in Paragraphs 2 and 1 of Article 11. The purpose of such requests shall be to obtain the protection, conservation, presentation or rehabilitation of such property.

2. The basis for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determined in accordance with the nature and extent of the assistance requested, and may, in the process, make such necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the poorest and most representative of a nation's cultural and natural heritage, the most representative of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted by the Fund established under Article 15, and shall make it known to the States Parties to this Convention. It shall seek to increase these resources and shall take all useful steps to this end.

6. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

7. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study and Research in the Preservation and Restoration of Cultural Property (the Rome Centre), the International Union of Monuments and Sites (IUCM), the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

Article 15 FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:

- (a) voluntary contributions made by the States Parties to this Convention;
- (b) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other inter-governmental organizations;
 - (iii) individuals;
 - (c) any interest due on the resources of the Fund;
 - (d) funds raised by collections and receipts from events organized for the benefit of the Fund; and
 - (e) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes and in such manner as the Committee may decide. The Committee shall not be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to this Convention. The amount of such contributions shall be determined by the General Assembly of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the ma-

majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational, Scientific and Cultural Organization.

2. Any State Party to the Convention may, at any time, withdraw from this Convention by declaring, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw from the said declaration by notifying the Secretary-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least once a year, and shall be subject to the conditions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this does not affect its right to participate in the work of the Committee.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 5 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of its cultural and natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided

for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, subparagraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided to inscribe in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon requests for international assistance for the protection of cultural and natural heritage shall be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

(a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

(b) provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

(c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

4. The Committee shall decide the conditions under which the State concerned does not possess or is not in a position to acquire:

(a) low-interest or interest-free loans which might be repayable on a long-term basis;

(b) the granting, in exceptional cases and for special reasons,

of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be provided for the protection, conservation, presentation and rehabilitation of the cultural and natural heritage of outstanding universal value. The Committee shall draw upon the most advanced techniques for the protection, conserva-

tion, presentation and rehabilitation of the natural and cultural heritage and the assistance of the United Nations Educational, Scientific and Cultural Organization. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the States concerned to ensure that the property submitted to protection, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for the heritage of the world and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. The reports shall be brought to the attention of the World Heritage Committee, which shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 29

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authentic.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of deposit of the tenth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central government shall be the same as for those States Parties which are not federal States;

(b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States nominal members of the Organization, and the States observers of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 33.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall be consulted by the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as, from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretary-General of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies, one of which shall be deposited with the Secretary-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

The Director-General of the United Nations Educational, Scientific and Cultural Organization, duly authorized by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its seventeenth session, which was held in Paris and declared closed the twenty-first day of November 1972.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of November 1972.

The Secretary-General of the General Conference:

YOUNG HAIRYONG

The Director-General:

RISE MARIU

ARTICLE BY-ARTICLE ANALYSIS

ARTICLE 1

The Article defines "cultural heritage" for the purposes of the Convention to include monuments, works of architecture, monumental sculpture and painting, groups of buildings and other architectural ensembles, which have outstanding universal value from a historical, aesthetic, scientific or ethnological point of view.

ARTICLE 2

This Article defines "natural heritage" for the purposes of the Convention to include geological, physical and biological formations, habitats of the fauna and flora, and natural areas of outstanding "outstanding universal value" from a scientific, aesthetic or conservationist viewpoint.

ARTICLE 3

Article 3 emphasizes the primary responsibility of each State Party to the Convention to identify, protect, conserve and transmit within its territory which fall within the definitions in Articles 1 and 2.

ARTICLE 4

This Article recognizes that each Party has a duty to identify and protect its own fully recognized natural heritage and to ensure the protection of mankind to ensure its transmission to future generations and to provide such financial, technical and scientific resources as may be necessary to fulfill this duty to the extent of its own ability or through technical assistance it may be able to obtain.

ARTICLE 5

Article 5 describes with greater particularity the measures which Parties are expected to undertake to protect areas of the cultural and natural heritage within their own territories. Among such measures, to the extent of each State's ability, are: the adoption of a general policy of integrating the protection of the cultural and natural heritage into its national development planning; the establishment of a permanent development of scientific and technical research and expertise to identify and counteract dangers thereto; the adoption of appropriate legal, financial, administrative, and technical measures to identify, restore and protect this heritage; and the establishment of national and regional centers to encourage the training and scientific research necessary for these purposes.

Article 6

This Article recognizes that the areas described in Articles 1 and 2 constitute a heritage of mankind as a whole which the international community should assist and protect, and that each Party should undertake, including by provision of technical assistance, to assist others in this effort and to refrain from deliberate actions which might damage any areas in the cultural and natural heritage situated on others' territory. The Committee recognizes the sovereignty of each State over its territory and property rights protected by its legislation.

Article 7

This Article recognizes that international protection of the world cultural and natural heritage should be effected through an international system of cooperation and assistance, as provided in subsequent articles.

Article 8

Article 8 establishes an Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, hereinafter referred to as the Committee, within the UNESCO framework. The Committee would be composed of 21 States Parties elected by all Parties meeting in general assembly during the ordinary session of each UNESCO General Conference. The size of the Committee would be increased to 21 members after at least 40 States have become Parties. In electing the Committee, equitable representation is to be given to the various regions and cultures of the world.

Representatives of the Rome Centre, ICOMOS, IUCN, and other appropriate intergovernmental or non-governmental organizations may be invited to attend Committee meetings in an advisory capacity.

Article 9

This Article prescribes the term of office of members of the Committee, which extends from the end of the session of the UNESCO General Conference in which they are elected to the end of the third subsequent session (a period of 6 years). However, one-third of the members of the Committee is to be replaced at the end of the first subsequent session and another one-third at the end of the second subsequent session, so that the entire Committee would stand election at each session of the General Conference. The Article also requires Parties to select as their representatives persons qualified in the field of natural or cultural heritage.

Article 10

This Article provides for the adoption by the Committee of its own Rules of Procedure, and permits it to create such committees or subcommittees or to engage in such public or private consultations as it finds necessary for the performance of its functions.

Article 11

Article 11 provides for the creation of a World Heritage List of areas of outstanding universal value, and a List of World Heritage in Danger of areas requiring special immediate international efforts to avert man-made or natural dangers.

The World Heritage List consists of those natural and cultural areas which the Committee deems to be of universal outstanding value. The List is drawn up, kept up to date and published by the Committee on the basis of criteria developed by the Committee during its work. Areas may be placed on the List only after they have been included in its territory which fall within the definitions in Articles 1 and 2. The inclusion of an area on the List requires the consent of the State in whose territory it is located.

The List of World Heritage in Danger is also maintained and published by the Committee, and consists of those areas on the World Heritage List for which the Committee finds important properties are in danger of being destroyed or seriously damaged. Areas may be placed on the "Danger List" as a result of any of a number of serious and immediate threats, including human developments, natural calamities, abandonment or changes in ownership, or accelerated natural deterioration. Before placing a request for inclusion of an area on the "Danger List", the Committee is required to consult with the Party on whose territory the area is located.

Article 12

This Article recognizes that the mere fact that an area does not appear on the Lists provided in Article 11 does not necessarily mean that it lacks outstanding universal value for other purposes.

Article 13

This Article provides for the consideration by the Committee of requests for inclusion of areas on the Lists, and for the nomination of the resources of the Fund established under Article 15. The Committee is directed to determine an order of priorities for its decisions in this regard, bearing in mind the relative importance of the areas requiring protection, the urgency of the work to be done, and the relative ability of States to protect their own areas through their own resources. The Committee is authorized to call upon and coordinate the efforts of the ICOMOS, IUCN and other international and national governmental and non-governmental organizations with similar objectives.

Decisions of the Committee are to be taken by two-thirds of the members present and voting.

Article 14

This Article provides for the appointment of a Secretariat by the UNESCO Director-General to assist the Committee in its duties, and

requires the Director-General to utilize the services of the organization mentioned in Article 13 in preparing for the meetings of the Committee and in implementing its decisions.

ARTICLE 15

Article 15 establishes a Fund for the Protection of the World Cultural and Natural Heritage. Outstanding interest in the Fund is the "World Heritage Fund," as mentioned in conformity with UNESCO Financial Regulations. The resources of the Fund are to include contributions of the Parties, contributions, gifts and bequests of other States, United Nations bodies, and public or private bodies or individuals, and income from Fund resources. Political conditions may not be attached to contributions to the Fund, but contributions may not be made for purposes other than those for which the Committee has approved the program. Fund resources may only be used for purposes designated by the Committee.

ARTICLE 16

Article 16 makes provision for compulsory contributions by Parties to the Fund on a biannual basis in amounts determined by the Parties meeting in general assembly on the basis of "a uniform percentage applicable to all States". In no case are such contributions to exceed 1% of a State's contribution to the Regular Budget of UNESCO. One percent of the contribution of the United States to the Regular Budget of UNESCO for 1973 amounts to \$13,500,000.

However, Article 16(2) permits a Party to declare that it will not be bound by this provision for compulsory contributions. States which make such a declaration agree that they will undertake to make voluntary contributions to the Fund on a regular basis to assist the Committee to plan its operations effectively, and that voluntary contributions "should not be less than the contributions which the State would have paid if they had been bound" by the compulsory contribution requirement.

Any Party which is in arrears with its compulsory or voluntary contributions, as the case may be, would not be eligible for membership on the World Heritage Committee.

ARTICLE 17

This Article requires Parties to consider or encourage the establishment of public and private foundations to invite donations to the fund.

ARTICLE 18

This Article pledges Parties to lend their assistance to international fund-raising campaigns conducted by the Fund.

ARTICLE 19

Article 19 provides that any Party may request international assistance for any areas in the cultural or natural heritage within its ter-

ritory. The submission of appropriate information and documentation is required.

ARTICLE 20

This Article provides that international assistance under the Convention may only be granted for the protection of areas entered on one of the lists maintained by the Committee under Article 11, for the identification of potential heritage areas, and for the training of specialists in the disciplines required for the identification and protection of such areas.

ARTICLE 21

This Article directs the Committee to establish procedures for the consideration and content of requests, including information on the operation proposed, the cost expected, the degree of urgency involved and the reasons why the requesting State's resources are not adequate to meet all requests. Requests for support of such areas are not to be made until the Committee has approved the request. The Committee is to establish a reserve fund to meet such possible contingencies.

ARTICLE 22

Article 22 delineates the forms of assistance which the Committee may grant, including the making of technical studies, the provision of experts, technicians and skilled laborers, the training of personnel, the supplying of equipment not available to the requesting State, the provision of low-interest or interest-free loans, or "in exceptional cases and for special reasons" the granting of non-repayable subsidies.

ARTICLE 23

This Article makes specific provision for international assistance to national or regional centers for the training of personnel in the various skills required for identification and protection of the natural and cultural heritage.

ARTICLE 24

Article 24 requires that international assistance "on a large scale" be preceded by detailed scientific, economic and technical studies, including a consideration of the means for making use of resources available to the requesting State.

ARTICLE 25

This Article makes clear that, as a general rule, only part of the cost of any project should be borne by the international community, and that the requesting State should contribute a substantial portion of the resources necessary to the extent it is able to do so.

ARTICLE 26

This Article requires that the Committee and the recipient State enter into an agreement for each project for which international assistance is to be granted defining the conditions under which it

is to be carried out. The recipient State is required to protect and maintain the property involved in accordance with the terms of that agreement.

ARTICLES 27-28

These Articles encourage Parties to undertake educational and information programmes, promote appreciation for and knowledge of their linguistic heritage, and provide the necessary conditions for the international community in granting assistance under the Convention.

ARTICLE 29

This Article provides for reports by Parties to the Committee and to the UNESCO General Conference, and by the Committee to the General Conference, on actions taken to apply and implement the Convention.

ARTICLES 30-38

These Articles constitute the Final Clauses for the Convention, and make standard provisions for amendment, ratification, entry into force, denunciation, revision and other administrative details. The Convention will enter into force three months after the date of ratification or accession by twenty States. It may be denounced at any time, effective twelve months thereafter.

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united nations educational, scientific and cultural organization
 organisation des nations unies pour l'éducation, la science et la culture

7, place de Fontenoy, 75700 PARIS

MAR 3 1982

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référence : CLT/CH/OI/7.3/U.S.A./800
 03

15 February 1982

Dear Mr. Arnett,

Thank you for your letter to Mr. Bolla of 5 January concerning the monitoring of the condition of world heritage sites.

We too, here in the Secretariat, often feel the need to obtain information more regularly on the condition of sites and a reporting system would certainly be useful in this regard.

I have sent copies of your letter and the attached Report on the State of the Parks to Prof. Slatyer, to ICOMOS and to my colleagues in the Division of Ecological Sciences who will forward a copy also to IUCN.

We shall present the proposal at the next Bureau meeting which we plan to hold in Paris from 21 to 24 June.

Since the Sydney meeting the former Sector of Culture and Communication of Unesco has been split into two sectors. Mr. Bolla was appointed Assistant Director-General for Communication and thus is no longer involved in the world heritage programme which remained in the Sector of Culture. The Division of Ecological Sciences in the Science Sector is still co-responsible for this programme, in particular for all activities concerning the natural world heritage sites.

I shall keep you of course informed of any comments or questions regarding the proposal which we may receive.

Yours sincerely,

Anne Raidl
 Division of Cultural Heritage

Mr. G. Ray Arnett
 Assistant Secretary for Fish
 and Wildlife and Parks
 United States Department of the Interior
 Office of the Secretary
 Washington, D.C. 20240
 U.S.A.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

L66(773)

JAN 5 1982

Dickens
12-31

Mr. Gerard Bolla
Deputy Assistant Director-General for
Culture and Communication
United Nations Educational, Scientific
and Cultural Organization
7, place de Fontenoy
75700 Paris, France

Dear Mr. Bolla:

The purpose of this letter is to propose that the World Heritage Committee establish a formal program for monitoring the condition of sites which have been approved for inscription on the World Heritage List.

As you are aware, the World Heritage List has grown and diversified over the past few years to the point where it is not possible for the World Heritage Committee to monitor the condition of World Heritage properties through informal contacts and communication alone. One of the important responsibilities of the Committee is to ensure that properties inscribed on the List retain those values that initially qualified them for inscription. In addition, the information gathered through the monitoring process could be used by the Committee in decisions regarding the granting of technical cooperation requests or the inscription of properties on the List of World Heritage in Danger. Such a monitoring program would allow the Committee to more effectively fulfill its responsibilities under the World Heritage Convention.

In this light, the United States proposes that a formal program for monitoring the condition of all World Heritage sites be adopted and implemented by the World Heritage Committee. The Committee, through the work of the Bureau and the Secretariat, could develop a brief, standardized form for use by each country in reporting on properties which they had nominated for World Heritage status. The Committee could

Mr. Gerard Bolla

request that each country periodically submit a completed status report form, e.g., every two or three years. The Committee could work with IUCN and ICOMOS in compiling a summary status report on the condition of the World Heritage List. In the United States, the National Park Service employs a monitoring process in the administration of the National Park System. For your information, I have enclosed a report from this program which serves as an example of a resource monitoring effort.

As the United States does not serve on the Bureau of the World Heritage Committee this year, I ask that the Secretariat present this proposal to the Bureau when it convenes in spring 1982. Please contact me if you have any questions or comments on this proposal.

Sincerely,

(Sgd) G. Ray Arnett

G. Ray Arnett
Assistant Secretary for
Fish and Wildlife and Parks

Enclosures

FW

Federal Interagency Panel for World Heritage

GARREY CARRUTHERS
Governor

[Handwritten Signature]
OFFICE of the GOVERNOR
State of New Mexico
Santa Fe 87503

April 1, 1987

Robert C. Milne, Chief
International Park Affairs Division
U. S. Department of the Interior
National Park Service
P. O. Box 37127
Washington, D. C. 20013-7127

Dear Mr. Milne:

I was so pleased to hear that Taos Pueblo has been placed on the Indicative Inventory of Sites in the United States that may be nominated for World Heritage status. It would certainly make all New Mexicans proud to have Taos Pueblo become the 14th selected site in the United States for this prestigious honor.

Taos Pueblo, being the world's oldest continually inhabited multi-storied structure, is living testimony to the creativity, skill and organization of the Pueblo culture.

Taos Pueblo is known throughout the world and receives tens of thousands of visitors yearly from every corner of the earth. It has been called the "most photographed building in North America".

As the Governor of the State of New Mexico, I wholeheartedly endorse the nomination of Taos Pueblo for inclusion on the World Heritage List.

Sincerely,

[Handwritten Signature]
Garrey Carruthers
Governor

GC:NJ:ECJ:mmo

001(023)

JUN 3 1987

Honorable Garry Carruthers
Governor
State of New Mexico
Santa Fe, New Mexico 87501

Dear Governor Carruthers:

This is to acknowledge, with our appreciation your letter of April 1 in support of the nomination of Taos Pueblo to the World Heritage List. We share your estimation of the international significance of this site and believe that it richly merits formal recognition by the community of nations.

I am pleased to inform you that the Federal Interagency Panel for World Heritage, at its May 13 meeting, endorsed the selection of Taos as a potential 1988 U.S. nomination. This is the first step in our annual process, and is being announced in the Federal Register. A copy of the draft notice is enclosed for your information.

We are confident that circumstances will allow for continued consideration of Taos during this year's nomination procedure, with the possibility of its formal nomination by the United States later this year.

I am enclosing a brochure describing the World Heritage Convention for your further information.

Sincerely,

/s/ Robert C. Wilms

Robert C. Wilms
Chief, Office of International Affairs

cc: 001
413 Charleston Feller w/inc.
023 IN 5.14 (87 Panel) w/inc.
023 Cook w/inc.
023 R.F.
023 H.H.
Rick:dae:6/2/87
5120 Rick A TACSI



DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release October 10, 1986

Tom Wilson 202/343-3171

CENTENNIAL, WORLD HERITAGE DESIGNATION
TO BE CELEBRATED FOR STATUE OF LIBERTY

Secretary of the Interior Don Hodel announced today that ceremonies marking the official centennial of the Statue of Liberty and the dedication of the Statue as a World Heritage Site will be held at 10:00 a.m., October 28, on Liberty Island.

"The wonderful gala in July honored the restoration of the Statue of Liberty, celebrated the historic bonds of friendship between America and France and commemorated a century of this lady's commanding presence on American shores," Hodel said. "Now we mark the exact centennial of the Statue's dedication and the official recognition that she is the most widely recognized symbol for freedom and hope around the world."

Participants in the ceremonies will include Francois Leotard, French Minister of Culture; Treasury Secretary James Baker, presenting the newly minted official Liberty Coin; Secretary Hodel; and Armen Avedisian, Chairman of the Statue of Liberty-Ellis Island Centennial Commission.

A time capsule, containing items reflecting liberty and freedom themes of 1986, will be dedicated at the ceremony for placement in the museum in the base of the statue. The capsule is to be opened in the year 2086.

The sculptor of the Statue of Liberty, Frederic-Auguste Bartholdi, personally unveiled Liberty's face during the original dedication ceremonies on October 28, 1886. President Grover Cleveland accepted the French gift on behalf of the American people.

With her dedication as a World Heritage Site, the Statue of Liberty joins internationally known sites recognized under the World Heritage Convention, created in 1972 to recognize and protect natural and cultural properties considered to be irreplaceable treasures and to have outstanding universal values.

(over)

Ninety nations have ratified the Convention. Other World Heritage Sites in the United States include the Grand Canyon, Independence Hall in Philadelphia and Yellowstone National Park. Foreign sites include the Giza Pyramids in Egypt and the Taj Mahal in India.

Hodel said the public is welcome at the ceremony. Liberty Island can be reached by Circle Line Ferries which leave every half-hour. For information call the Circle Line office (212/563-3200).

- DOI -

NOTE TO EDITORS: Secretary Hodel will hold a news availability immediately after the ceremony in the vicinity of the stage.

A media boat will leave Castle Clinton at 8:30 a.m. Other access and all returns will be by regularly scheduled Circle Line Ferry.

To reserve space on the media boat and to obtain further information contact Alan Levitt in Washington, D.C., 202/343-6416 or Manny Strumpf in New York City, 718/338-3338 or 212/264-4458.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
L66(773)

APR 6 1984

Honorable George P. Shultz
Secretary of State
Washington, D.C. 20520

Dear Mr. Secretary:

The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States in 1973 and currently by 81 other nations, has established a system which, with modest infusions of technical and financial support from member countries, recognizes and fosters the protection of internationally significant natural and cultural properties around the world. The Interior Department directs and coordinates U.S. participation in the Convention, under authority of P.L. 96-515, in close cooperation with the State Department and other Federal agencies.

The Convention is identified as a clear U.S. initiative; the concept having first been raised in President Nixon's 1971 Environmental Message. This country's close identification with the program was emphasized by our having deposited the first instrument of ratification and by 6 years of executive leadership through U.S. membership on and Chairmanship of the World Heritage Committee. Twelve U.S. properties have been recognized as having "outstanding universal value." In October 1984, the Statue of Liberty and Yosemite National Park will be reviewed for the same designation.

Current policy decisions regarding U.S. participation in the United Nations Educational, Scientific, and Cultural Organization (UNESCO) represent, I believe, an ideal opportunity to restate this country's traditional supportive association with the World Heritage Convention and, in the process, to demonstrate our continued support of such international program objectives when they are not subject to perceptions of UNESCO mismanagement and politicization. The Convention enjoys sufficient legal, organizational, and financial autonomy from UNESCO to open this as a viable option. From the standpoint of treaty and U.S. public law commitments, I believe it is also the preferable option.

Your acceptance of this rationale would also seem to justify State Department reprogramming of UNESCO support funds or requests for additional appropriations for resumed U.S. contributions to the World Heritage Fund as authorized for Fiscal Years 1984 and 1985 by Congress in P.L. 98-164. The Interior Department fully supports resumed payment of these authorized amounts and recommends favorable consideration of sustained annual contributions in future years according to comparable relative levels of effective support.

Honorable George P. Shultz

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Such a determination, in my judgment, would be timely and constructive. The World Heritage Convention has a proven record of impressive growth and effectiveness. It has been largely untouched by extraneous political issues and has efficiently obligated over 90 percent of its resources to field oriented technical assistance projects.

Resumed U.S. funding support and our continued full participation in the World Heritage Convention would demonstrably clarify our UNESCO policy and reaffirm our commitment to a program which was our own initiative and which has a demonstrated record of achievement and effectiveness.

This Department will be pleased to cooperate with you in any way necessary and appropriate to advance this matter.

Sincerely,

Bill Clark;

William Clark



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

March 20, 1996

Mr. Hal Salwasser
Regional Forester
United States Department of Agriculture
Forest Service, Region 1
Federal Building
P.O. Box 7669
Missoula, MT 59807

Dear Mr. Salwasser:

Susan Rieff asked that I respond to your letter of December 4. I appreciate the opportunity to provide our views, and I apologize for our delay in responding.

Your first question concerns the legal effect of the World Heritage Treaty on the Forest Service's decision on the Crown Butte proposal. As a party to the World Heritage Convention, the United States has undertaken "to take the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation" of natural and cultural heritage features designated in U.S. territory. In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and state laws. Therefore, the World Heritage Committee's recent decision to name Yellowstone National Park to the World Heritage List of Sites in Danger does not impinge in any way on the United States' sovereignty and does not, in our view, supplant the orderly legal process established under United States law for the evaluation of development proposals on adjacent land. The Committee itself noted in its findings adding the Park to the List that "whether the [United States] should grant a permit to the mining company or not is entirely a domestic decision of the [United States]."

The second issue raised in your letter concerns the application of the National Park Service Organic Act to areas outside the boundaries of park units. As you may know, Congress amended the Organic Act in 1978 as follows:

Congress further reaffirms, declares and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 2 of the Act of August 18, 1970 (16 U.S.C.

1c(a)) shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directed and specifically provided by Congress.

Sec 101(b), PL 95-250, 92 Stat. 166, 16 U.S.C. § 1a-1.

The amendment was proposed by the Administration in 1978 following years of controversy about logging on lands on the periphery of Redwood National Park in California. The committee adopting the amendment explained it this way:

[T]he committee strongly endorses the Administration's proposed amendment to the Act of August 18, 1970, concerning the management of the National Park System, to refocus and insure that the basis for decisionmaking concerning the System continues to be the criteria provided by 16 U.S.C. § 1- that is,

to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

This restatement of these highest principles of management is also intended to serve as the basis for any judicial resolution of competing private and public values and interests in the areas surrounding Redwood National Park and other areas of the National Park System.

The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever action and to seek whatever relief as will safeguard the units of the National Park System.

The Secretary is to afford the highest standard of protection and care to the natural resources within ...the National Park System. No decision shall

compromise these resource values except as Congress may have specifically provided.

Sen. Rep. 95-528 at 8-9, 14.

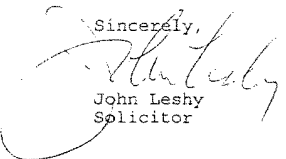
Clearly, Congress was expressing concern that units of the National Park System be protected against significant threats to their well-being. The environmental impact statement (EIS) process now underway, in which both the Forest Service and the Park Service are involved, should shed much light on the risks the proposed New World Mine may pose for the world's first National Park. We are confident that all the federal agencies involved will act cooperatively to make sure unacceptable risks can be avoided.

Your third inquiry was for a legal opinion regarding the validity of the millsites staked by Crown Butte prior to the withdrawal. We are now researching, in connection with litigation and our ongoing review of Mining Law patent applications, a number of questions concerning the proper interpretation of the millsite provision of the Mining Law. Unfortunately, we are not yet able to comment specifically on the validity of the Crown Butte millsites at this time. We will keep the pertinent attorneys in the General Counsel's Office of the Department of Agriculture informed of the progress of our research. I should note that, in any event, the normal administrative procedure to follow when a mill site is believed to be invalid is to bring a contest against the millsite claimant before an administrative law judge. Even if such a contest were to be initiated in the near future against the Crown Butte millsites, the proceedings would likely be lengthy, and extend well beyond the EIS process. For this reason, we recommend that, if this issue has to be addressed in the EIS, it include at least one alternative in which the mill sites are assumed to be valid and another in which they are assumed to be invalid.

Finally, you ask for confirmation of the Park Service's position regarding a discussion of the no-action or "buyout" alternative. Enclosed is a letter addressing this issue sent by the Superintendent of Yellowstone National Park. The views expressed there remain the position of the Department.

Let me know if you need any further information.

Sincerely,


John Lesby
Solicitor

Enclosure

TESTIMONY ON H.R. 883, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Prof. Jeremy Rabkin, Department of Government, Cornell University

In accordance with current procedure, I should begin by making it clear that I have no financial or personal stake in the issues before this Committee today. I am a university professor, with training in political science and law. But I am also an American citizen. My remarks here are inspired as much by my personal loyalty to our constitutional system as by any insights I have been able to acquire in my academic career.

I should also say at the outset that I do not raise questions about international regulation out of a generalized disdain for international law. The Framers of the U.S. Constitution were themselves quite respectful of international law (which is why, for example, Art. I, Sec. 8 confers on Congress the power to "punish offenses against the law of nations"). Throughout American history, our leading statesmen have often been insistent champions of international law. This country continues to derive many important benefits from well-functioning international agreements -- as for example, the system of trade rules developed under the General Agreement on Tariffs and Trade over the past fifty years.

But I also think that a fair reading of American history shows that international agreements can only secure enduring support from the American people when they are consistent with traditional understandings of our own Constitution. Efforts are now underway in several areas to drag the United States into international regulatory schemes that strain the limits of our own Constitution. As I have tried to explain in a recent book (*Why Sovereignty Matters*, AEI Press, 1998), such ventures are, in some ways, as much a threat to the stability of international law as they are to our own system of government at home. I strongly support H.R. 883, the proposed American Land Sovereignty Protection Act, as a useful brake on this larger trend and a means of reasserting our own constitutional traditions.

The underlying problem is that international regulatory schemes now reach more deeply into the internal affairs of sovereign nations and have therefore begun to threaten internal systems of government. The point is now acknowledged by the most respectable, mainstream scholars in the field of international law. Not long ago, for example, Prof. Detlev Vagts of the Harvard Law School noted that "international commitments" pose "an important problem" in their "tendency ... to shift powers and responsibilities from national and subnational units, with active, reachable legislative bodies to remote international bureaucracies." (*Col. J. Trans'l. Law*, 1997, 154) I would only qualify this statement with the caution that "international bureaucracies" are often all too "reachable" by some advocacy groups -- but without the reliable system of constitutional accountability that grounds the decisions of elected legislatures.

In what follows, then, I want to highlight the ways in which the "Convention Concerning the Protection of the World Cultural and Natural Heritage" (World Heritage Convention) illustrates this larger problem and why

H.R. 883 is an appropriate response. I believe that similar arguments could be made about the Ramsar Convention and the Biosphere Reserve program -- which are also covered by H.R. 883. But I will focus on the World Heritage Convention because the world has had more experience with its potential for abuse and it is, in any case, the system that I know most about. Previous hearings of this committee have already amply documented the strange, unexpected intrusion of the World Heritage Convention into a local dispute about mining near Yellowstone Park. Therefore I will illustrate the points I want to make here by invoking a more recent and in some ways more disturbing dispute regarding the application of this international regulatory scheme to a mine near a national park in Australia.

The essential facts have been well documented in the Australian press. In 1982, the Australian government authorized a mining company to acquire a site for the extraction of uranium ore in an enclave adjoining Kakadu National Park in Australia's Northern Territory. Local aboriginal people, who had special ownership claims on the site of the mine, asked the government to approve the new mining venture in return for royalty payments from the company. When Australia proposed Kakadu Park for listing as a World Heritage site under the World Heritage Convention, then, it specifically excluded from the boundaries of this site the land in which this Jabiluka mine would operate.

The Australian government did the same thing for Ranger mine, which has been safely operating for the past 18 years on land adjoining Kakadu Park. This mine has caused so little disruption that the Australian Wilderness Society, a leading environmental advocacy group, distributed a calendar this year which includes a picture of the Ranger mine site -- with no acknowledgment (and seemingly no recognition) that this scenic view of a famous mountain bluff in Kakadu Park actually shows the retaining pool of the Ranger mine in the foreground of the photo.

At any rate, as the Australian government derives considerable revenue from tourist visits to its scenic wonders, it has been anxious to ensure that mining operations do not threaten its parks. So before authorizing Jabiluka to begin operations, the government demanded very stringent scientific assessments to ensure that it would be even less disruptive than its existing counterpart. With newer extraction technologies (allowing most excavation to operate underground), the Australian government was persuaded -- after more than two years of environmental impact studies -- that the new mine would, in fact, be even less intrusive than the existing Ranger mine.

Nonetheless, environmental advocacy groups opposed the mine. And they took their protests to the World Heritage Committee, which then commissioned an expert study of its own. The study, as presented to the World Heritage Committee, warned that the mine would be a threat to the integrity of the Kakadu Park -- a World Heritage site. The Australian government protested that the report was improperly compiled and was replete with errors of science, fact and law. But the World Heritage Committee, at its meeting in Kyoto, Japan last December, urged the Australian government not to allow the Jabiluka mine to open. And it warned that unless the Australian government could rebut the findings of the report before its next semi-annual meeting, the Committee would have to list the site as "in danger," a listing that can

ultimately lead to the removal of a site from the approved list of official World Heritage sites.

The Committee's rulings set off an uproar in Australia. The government refused to order the closing of the mine, vowing to prove its case to the World Heritage Committee later this year. Critics of the mine claimed that the government had "sacrificed Australia's moral authority" in international affairs" and committed a "major show of disrespect for the world." The ultimate outcome remains in doubt. But it is plain that the World Heritage Committee has acted quite aggressively to pressure a government with a generally sound environmental record to reverse a carefully considered domestic policy decision.

This story should bring into focus a number of serious constitutional problems with the World Heritage Convention -- all of which, I think, may be ameliorated by H.R. 883. To start with, there is the question of whether the subject matter of the World Heritage Convention really makes it a proper exercise of the treaty power. It was once our established doctrine that the treaty power in the U.S. Constitution could only be exercised on matters "properly the subject of negotiation with a foreign country." (*Geofroy v. Riggs*, 133 U.S. 258, 267). In the same spirit, Chief Justice Hughes cautioned in a 1929 speech to the American Society for International Law that the "treaty making power is intended for the purpose of having treaties made relating to foreign affairs and not to make laws for the people of the United States in their internal concerns" As late as the mid-1960s, this statement of traditional doctrine was reaffirmed the *Second Restatement of Foreign Relations Law*. By 1987, however, when the *Third Restatement* was published, this doctrine had been repudiated on the grounds that it was no longer possible to distinguish internal from external concerns. (Sec. 302, Comment c)

What makes this revisionist view seem plausible is that the United States has already entered into a number of treaties that seem to stretch the traditional subject-matter limits virtually to the breaking point. And, of course, the World Heritage Convention is one of those treaties. We have registered some two dozen sites with the World Heritage Convention, including not only scenic park lands but historic sites like Independence Hall in Philadelphia and Thomas Jefferson's house and grounds at Monticello. If the stewardship of Independence Hall by the U.S. Park Service is really a matter "relating to foreign affairs" (or "properly the subject of negotiation with a foreign country"), then what is not?

But it is wrong, I think, to shrug off the traditional doctrine. The fact is that the Senate continues to have qualms about ratifying human rights conventions or conventions of the International Labour Organization that purport to regulate how the American government deals with our own fellow citizens on our own soil. We have ratified only a handful of international human rights conventions and then, each time, with reservations stipulating that they would work no change in existing U.S. law. We have also declined to ratify all but a handful of I.L.O. conventions (and those few deal with inherently international concerns, such as labor standards in ocean shipping).

And we know that, in other fields, reports about the demise of old constitutional doctrines have been greatly exaggerated. For decades after the

New Deal, many scholars insisted that there was no longer any real force to the traditional constitutional doctrines limiting the regulatory powers of Congress (by excluding intra-state matters from the congressional power to regulate "commerce among the states"). The Supreme Court emphatically rejected that notion in its 1995 ruling in *U.S. v. Lopez* (514 U.S. 549) and has, to the surprise of many scholars, breathed new life into traditional notions of federalism in other cases since then.

Conceding that the World Heritage Convention may be at the outer boundaries of permissible exercises of the treaty power, one might still argue that it is consistent with some remaining limitations. Thus, it might be argued that the United States has a stake in attracting foreign tourists to our national monuments and in inducing foreign nations to protect those scenic or historic sites which Americans wish to visit. In that sense, it might be conceived as a treaty dealing with conditions of international tourist exchange -- hence "properly the subject of negotiation with a foreign country" (or many foreign countries).

But if this is a reasonable claim, it must be because individual sites are actually lures for foreign tourists -- and it is a considered policy to try to lure foreign tourists to these particular sites by participating in the World Heritage Convention. Here the cautions of the *Lopez* ruling seem much in point. The majority opinion by Chief Justice Rehnquist protested, in particular, that the statute at issue in that case had sought to make it a federal crime to carry guns into the vicinity of local schools and Congress enacted this law without making any direct findings at all about the relevance of such matters to inter-state commerce.

Something similar has happened with the World Heritage Convention. By the terms of our existing participation in the World Heritage Convention, Congress has no say in whether any particular location within the United States can or should be listed as a Heritage site. In ratifying this treaty, then, the Senate seems to have written a blank check to international interference -- allowing almost any site to become subject to international regulation, with no prior consideration of whether the listing of the individual site is really pertinent to our underlying reasons for participating in the program. If there are legitimate reasons to bind the United States in any particular case, Congress now has no role in assessing those reasons.

True, the World Heritage Committee will make its own determinations about which sites are appropriate for its list: individual countries can simply propose sites, while the international body makes the decision. But the Australian case should remind us that the Committee's thinking is not necessarily in accord with our own constitutional requirements.

The report of the expert team protested that the Jabiruka mine would be disrupt a burial ground of special concern to local aboriginal people. The claim may be untrue: the mine is more than two kilometers from this site and press accounts indicate that the majority of aboriginal people in the area are actually in favor of the mine. But the fact remains that the Committee and its agents seemed to think the Convention extended not simply to facilitation of international tourist traffic but to the regulation of a sovereign state's dealings with its own citizens in its own territory in a matter having no clear connection at all to the ostensible subject matter of the treaty. (Indeed, the

special report cited other treaties in its findings -- which turned out to be treaties not actually ratified by the Australian government).

So, if Congress wants to reassure Americans that it is not writing blank-checks to international authorities -- in total disregard of traditional limits on the treaty power -- then H.R. 883 is one way to do it. Let Congress itself decide, case by case, whether a particular site is actually relevant to the legitimate international purposes for which the United States has entered into this treaty. The reporting requirements in H.R. 883 can help Congress to make such determinations on an informed basis.

This brings us to a second problem with the current operation of the World Heritage Convention. That is the wholesale manner in which it seems to delegate U.S. treaty-making power to an international body. Here again, the traditional constitutional doctrine was firmly against such delegations. The leading text on the subject before the Second World War made the point quite explicit: The "treaty making power exercises legislative power which cannot be delegated." Even regarding an international commission, "delegation of political power, that is legislative or treaty-making power, to such a body would be unconstitutional." (Quincy Wright, *The Control of U.S. Foreign Policy*, 1922, 104, 125)

Here, too, today's leading text has abandoned the traditional doctrine. Instead, it blandly asserts that when "legislative" or "regulatory" powers are given to an international regulatory body, they may be "properly seen as implementations of the original treaty establishing the organization and giving it 'regulatory powers' and in consenting to that agreement, the Senate may be said to have consented in advance to any regulations authorized by that agreement." (Louis Henkin, *Foreign Affairs and the Constitution*, 2d ed., 1997, 263)

Again, I do not think the view of such contemporary scholars can or should be accepted. It is true that, in domestic affairs, we have become more accommodating of delegations of legislative power (that is, broad rule-making power) to specialized administrative agencies. But domestic administrative agencies still operate with a great many checks and controls, most notably the Administrative Procedure Act and its guarantees of due process and judicial review of agency action. Congress also has ongoing influence on domestic administration through its control over budget appropriations. There is nothing like this to limit the ventures of international regulatory agencies, which do not depend solely (or even primarily) on U.S. budget contributions and have no established system of legal procedure, let alone anything like judicial review.

And here again, the World Heritage Convention illustrates the problem. The original treaty speaks in very vague, general terms. The World Heritage Committee, established by the treaty, has then interpreted these general treaty provisions in more detailed "operating guidelines." These guidelines were not submitted to the Senate for separate ratification, nor even submitted to the President for approval by executive agreement. They are not even submitted to all the states parties to the Heritage Convention, itself. Instead, they are adopted on the say-so of the 21 member Committee, which reserves the right to make changes in these "guidelines" at any time, with no fixed procedure for doing so and no established procedure for challenging the new provisions.

("This document ... can be revised by the [World Heritage] Committee at any time to reflect new concepts, knowledge or experiences" Preface to "Operational Guidelines for the Implementation of the World Heritage Convention."

The details are sometimes quite important, however. The general treaty language in the World Heritage Convention suggests that the Committee will take notice of deteriorating conditions at a site *after* they have occurred -- and only when the host country, itself, requests a listing as "in danger." ("The Committee shall establish ... under the title of 'list of World Heritage [sites] in danger,' a list of the property appearing in the World Heritage List for the conservation of which major operations *are* necessary and for which *assistance has been requested* under this Convention." [italics added] Art. 11, Par. 5 "The World Heritage Committee shall receive and study requests for international assistance formulated *by States Parties* to this Convention *with respect to property ... situated in their territories ...* to secure the protection, conservation, presentation or rehabilitation of such property." Art. 13, Par. 1 [italics added])

Yet the operating guidelines, as interpreted by the Committee, suggest the far broader power to intervene on the basis of speculative *projections* of what *might* occur at a site if the Committee's prescriptions are not followed. (See Pars. 48-50, describing procedures for sending a fact-finding mission to ascertain "the dangers to the property" [Par. 50d] even where initial concerns are based on "information from a source other than the State Party concerned." [Par. 48]) In effect, the Committee has given itself the authority to stigmatize a site as "in danger," simply because the host country has declined to follow the Committee's directives on how best to safeguard that site. So a program akin to a landmarks registry now claims the general regulatory power to make pre-emptive interventions.

What makes this asserted new power particularly disturbing is that it does not simply pertain to the site itself. Instead, the operating guidelines provide that, apart from what goes on in the actual site, activities within an adjacent "buffer zone" should be monitored. ("Whenever necessary ... an adequate 'buffer zone' around a property should be provided *and should be afforded the necessary protection*." [italics added] Par. 17) So Australia, having agreed to some level of monitoring of the actual Kakadu Park, discovered that the Committee also wanted to control activities in nearby areas outside the boundaries of the Park -- though only the actual boundaries of Kakadu Park had been registered as a World Heritage site. This was, of course, our own experience with the Yellowstone dispute -- which concerned a mine not actually within the boundaries of our national park but in a neighboring area which the World Heritage Committee considered to be part of the equally protected "buffer zone."

Of course, the potential for interference with private property becomes much more serious once the purview of the Convention is extended to adjacent land in a "buffer zone." Our federal government owns the land within national parks but adjoining lands are often privately owned or subject to mining and grazing leases in which private owners have a property interest. If we allow the meaning of the Heritage Convention to be established by interpretation of the Heritage Committee -- an international administrative body, not under the control of our own government -- than we have delegated

some measure of control over the property rights of Americans to international policy-makers. That is a still more serious constitutional problem.

H.R. 883 promises to exert some brake on the problem. We may not be in a position to veto particular revisions of the Heritage Committee's "guidelines" or its ongoing decisions. Still, this legislation will reaffirm that the United States is governed by its own constitutional system in which Congress is the first branch of government: the measure will put the world body on notice that Congress will not be a passive partner so far as regulation of U.S. sites is concerned. When and if Congress decides to authorize international monitoring of particular sites, it can do so with up-to-date understandings about the actual, operational significance of such commitments. It need no longer simply put its trust in vague treaty language whose detailed meanings are left entirely to the determinations of an international body.

The third constitutional problem gives more force to this delegation problem. The problem is the actual character of the international authority involved. Despite the traditional strictures against delegating U.S. treaty-making authority to international bodies, there has always been an exception for judicial authorities. The United States has been prepared to submit certain carefully delineated questions to international arbitration since the Jay Treaty of 1794 (a treaty which was negotiated by a federal executive, ratified by a Senate and implemented by a Congress which still had many members of the Constitutional Convention in its midst). Following this example, the United States routinely submitted disputes with Britain and various Latin American countries to international arbitration in the 19th Century and on into this century. We have participated in a number of proceedings before the International Court of Justice since 1946. Both NAFTA and the WTO include provisions for submitting particular trade disputes to specialized arbitration panels.

All of these engagements have been regarded as perfectly constitutional, even though they may incidentally involve interpretation of existing international agreements in ways not previously accepted or settled by the United States. But these are quasi-judicial proceedings, which are plausibly viewed as no more an exercise of general policy-making power than the resolution of ordinary cases by ordinary courts. At the least, judicialized procedures for genuine arbitrations are thought to be a safeguard for the participating states, so that outcomes will not vary very much from the most reasonable interpretations of the actual treaties.

But no one seriously pretends that the World Heritage Committee is a quasi-judicial body or that its decisions follow from quasi-judicial procedures. It is, in fact, a rather political body, whose members are nominated by their own governments and answer to the promptings and pressures of their home governments (though elected for limited terms at a meeting of delegates from all the participating states). In short, the World Heritage Committee is a political forum. There is nothing wrong with politics entering international forums, of course, when they are forums for negotiation. But the World Heritage Committee is not engaged in proposing new treaty texts for separate ratification by individual governments. It is empowered to make its own decisions about which sites can be listed, which should be de-listed or declared "in danger" and on what terms these decisions should be made.

The institutional sponsor of the World Heritage Committee is UNESCO, an organization so corrupted by nasty political intrigue that the United States has refused to contribute to its budget or participate in its general program since the mid-1980s. We have continued to participate in the World Heritage Convention, evidently on the assumption that this program will be less tainted than other UNESCO undertakings. But the record of the World Heritage Committee does not inspire great confidence.

Back in 1982, when Israel-bashing was the favorite sport of the United Nations (along with denunciations of U.S. "imperialism"), the World Heritage Committee solemnly voted to place the Old City of Jerusalem on its list of endangered sites. The United States, which happened to have a delegate on the Heritage Committee at the time, protested the impropriety of this action. Israel, which claimed legal authority over the site and was certainly in effective control of it at the time, was not a party to the World Heritage Convention, had not asked to have this site listed as "in danger," had not been consulted about its views and had not even received an on-site inspection by World Heritage officials. But the Committee at that time included representatives of Egypt, Iraq, Libya, Tunisia, Pakistan and Jordan, all of whom pressed for a condemnation of Israel -- and got it: the final vote was 14 - 1 with 5 abstentions (the United States being the sole dissenter, while West European delegates decided to sit on the sidelines).

That was some time ago, of course, and UNESCO is supposed to have improved since then. But it is notable that the Old City of Jerusalem is still on the "in danger" list and the government of Israel has still not found it prudent to adhere to the World Heritage Convention. And the Australian experience suggests that the World Heritage Committee still has a taste for throwing its weight around when member states on the Committee find it expedient to do so.

Among the remarkable aspects of Australia's experience was the manner in which the "expert" report on its mine was compiled. A 7-person team, headed by an Italian professor of international law, spent four days visiting the site. The delegation included two American and two Australian scientists, who stayed behind to draft a report of their findings. According to the Australian press, all of these original authors were "shocked" at the way their initial draft was rewritten (back in Paris) by the Italian lawyer. The new version was far more critical in its assessments, omitted a number of important facts that would have put the mine in a better light and concluded with a recommendation for halting mining development at Jabiluka -- a recommendation the original authors did not favor and had never even discussed. But with only minor subsequent revisions, the rewritten version became the "report" of the "experts." Then, in defiance of ordinary procedure, this report was submitted to the Australian government only hours before it was submitted to the World Heritage Committee, itself, at its winter meeting in Kyoto. The Australian government protested that it had been ambushed by an unfair attack.

But even more remarkable was the international politicking that preceded and followed this episode. Opponents of the mine included leading members of the opposition Australian Labor Party and the small Australian Green Party. Some of them wrote directly to the World Heritage Committee, urging it to condemn the mine as a threat to Kakadu Park. Opposition

politicians also made contact with Green ministers in Germany and sympathetic socialists in France and elsewhere. Before the Heritage Committee had made any decision, the European Parliament (that is, the largely advisory forum of the European Union) passed a resolution urging member states of the EU to boycott uranium from the Jabiluka mine. The EU Parliament now has a Socialist majority and the Socialist government of France happened to have its own representative on the Heritage Committee who was, according to Australian press reports, particularly active in condemning the Australian government for allowing the Jabiluka mine to go forward.

Yet when the Australian government sought to plead its case in background lobbying at Kyoto, it was denounced by opposition politicians in the Australian Parliament for "thuggish pressure" and for "politicizing the World Heritage Committee." Outside Parliament, environmental advocacy groups were equally scathing, decrying the government's diplomatic efforts as "an 11th hour assault on the processes of the international community's highest arbiter of World Heritage values" (as the president of the Australian Conservation Foundation put it).

Perhaps the United States is no longer so tempting a target for international bullies as it once was -- or as Australia or Israel evidently still are. But the underlying point remains. Far from a judicial body or an impartial expert body, the World Heritage Committee is a highly political forum. It is not even an insulated bureaucracy but an arena for issue-trading and coalition building within transnational advocacy networks.

The United States, of course, has its own advocates, eager to make deals and connections with counterparts in other countries. In the Yellowstone affair, local environmental advocates in Montana were the first to urge the intervention of the World Heritage Committee into a local dispute. Our own environmental advocates are certainly welcome to form whatever alliances they like with French Socialists, German Greens or any other foreign groups they think will enhance their credibility within this country. We have a guarantee of free speech in our Constitution and a great deal of tolerance in our culture for activist advocacy. But ultimate responsibility for domestic government is supposed to remain under the control of our own elected legislatures. Delegating any serious authority to a body like the World Heritage Convention is delegating authority to a new political forum -- one in which the United States government itself will not always be represented (as membership on the 21 person Heritage Committee rotates among the over 150 states that have by now subscribed to the Convention).

By itself, H.R. 833 will not change the character of the World Heritage Committee or the activist politics associated with it. But it will act as a brake on the scale of whole-sale delegation to such a body. If the bill is enacted, I would urge Congress to authorize participation of particular U.S. sites only for limited, renewable terms -- perhaps for three years at a time -- so that Congress can reevaluate whether participation has been helpful or has caused unexpected difficulties.

The recent Australian experience, like the earlier Yellowstone experience, suggests that the World Heritage Committee does pose potential dangers in itself. The danger, of course, is that, as American advocates echo the rhetoric seen so recently in Australia, we may begin to forget who has the

ultimate responsibility for stewardship of natural or cultural treasures on the territory of the United States. The danger, in other words, is that we will come to see a venture in international cooperation as a scheme of international control -- just because some advocates in this country find the leanings of the World Heritage Committee, at any particular moment, more to their liking than the decisions of responsible constitutional authorities in our own country. That will not be healthy for the United States -- or for the long-term prospects of U.S. participation in the World Heritage Convention.

But there is also a larger stake here. The World Heritage Convention has turned out to be the precursor of far more ambitious schemes of international environmental regulation. The Clinton administration has signed the far more ambitious Biodiversity Convention and the Kyoto Protocol on climate change. Both seem to reach even more deeply into domestic affairs, delegate even more authority to international administrative bodies and risk even more entanglement in politicized, policy-making forums. The Senate has not yet ratified either treaty but the Clinton administration (or its successor) might seek to revive them.

Sustainable American participation in such ventures will require important new safeguards that are not clearly provided in these treaties. The American Land Sovereignty Act can provide a model for future efforts in establishing such safeguards. Certainly, the present bill can highlight the importance of such safeguards. The ultimate issue, addressed by this bill, is not what policy we make but where and how we make our policy. Congress must have an ongoing role in domestic policy under our Constitution. Simply putting a matter into a treaty cannot detach it from the constitutional responsibilities of Congress. That is what H.R. 883 will affirm.

Here I should add a word about the general meaning of treaty commitments. Opponents of this bill have insisted that the World Heritage Committee has no direct power to alter land use patterns or decide any land use dispute within the United States. That claim is technically correct, but highly misleading. Very few U.S. treaties are self-executing -- that is, treated by U.S. courts as directly binding law within the United States. Generally, a treaty is a promise to comply with its terms, a promise then implemented by our own government through its own governing authority at home. But a treaty remains a promise to the other nations that have signed it. If we are not "bound" in any meaningful sense by this treaty, then no other signatory is bound and one has to wonder whether the treaty has any meaning at all. If the treaty does have any meaning, then it must impose some meaningful obligations.

Thus, if the World Heritage Committee directs the United States to take particular actions to protect one of its listed sites, advocates of that action can argue quite plausibly -- as the opponents of the Jabiluka mine argued in Australia -- that the United States government is bound to comply with the Committee's directive. At the least, failure to adopt the Committee's directive may open the way for like-minded advocates in this country to argue that we are "defying international law" or "betraying our trust" or "showing contempt for international cooperation." Nothing in the treaty, however, precludes states from withdrawing any of its site from the already approved list of World Heritage sites. Therefore, it cannot be argued that we are violating the treaty in now imposing new conditions -- that is, explicit congressional approval --

for continuing to have American sites on the list. Given the expansive way the Heritage Committee has interpreted the treaty, however, there is much question whether we can, consistent with our own constitutional requirements, allow sites to remain subject to Heritage Committee supervision with no provision for congressional approval in the submission of sites to the Committee's review.

The Clinton administration continues to oppose a direct congressional role in the selection of sites. In earlier hearings on the previous versions of this bill, administration representatives warned that it would impede American leadership for Congress to insert itself into the process. I hope the Committee on Resources will not be intimidated by such arguments. If the World Heritage Convention does have useful influence on other countries, it must have the potential to influence policies of our own government. If it is a useful treaty, then, it must also be, to that extent, a potentially dangerous treaty. Americans are not accustomed to have land use policies in our own country determined by international bodies. Without congressional involvement, there is little chance of securing the necessary trust and cooperation to make such international programs at all viable in this country.

In 1919, the United States Senate refused to ratify the Covenant of the League of Nations, because President Wilson would not accept any proposed reservations. Those reservations sought to ensure that American participation in the League would not jeopardize basic prerogatives of Congress under our own Constitution. Looking back on that experience a decade later, Winston Churchill noted the oddity that Wilson refused to his Republican opponents in Congress even "a tithe of the fine principles and generous sentiments he lavished upon Europe ... Peace and good will among all nations abroad, but no truck with the Republican Party at home. That was his ticket and that was his ruin and the ruin of much else as well." (*The Aftermath*, 1929, 125)

I hope this session of Congress can coax President Clinton to a more accommodating response. Without congressional participation, there cannot be a secure basis for American participation in such ventures as the World Heritage Convention. The Congress would do well to make that clear now -- rather than in angry, impulsive reaction to some future controversy over a particular site or a particular ruling of the World Heritage Committee.



Russell E. Train
Chairman Emeritus

March 16, 1999

The Honorable Mark E. Udall
U.S. House of Representatives
128 Cannon House Office Building
Washington, D.C. 20515

MAR 16 1999

Dear Congressman Udall:

I write to urge you to oppose H.R. 883, the "American Land Sovereignty Protection Act," sponsored by Resources Committee Chairman Don Young. This legislation is neither warranted nor wise. It is an unfounded attack on international conservation programs that recognize areas in the world that are of "outstanding universal value." Contrary to this bill, I believe the Congress should strengthen and encourage measures that would lead to greater participation by the United States in the World Heritage Convention, RAMSAR Wetlands Convention, Biosphere Reserve Program, and other worthwhile international conservation programs.

In 1972, while serving as chairman of the Council on Environmental Quality in the Nixon Administration, I led the U.S. delegation to the Stockholm Conference on the Environment where we proposed the concept for a World Heritage Convention. The Convention Concerning the Protection of the World Culture and Natural Heritage was adopted in Paris later that year and the United States was the first nation to ratify the treaty. Today, 156 countries are party to the Convention and 582 cultural and natural sites are recognized as World Heritage sites.

Sites on the World Heritage list include some of the world's most spectacular and awe-inspiring natural beauty — Australia's Great Barrier Reef, Ecuador's Galapagos Islands, Tanzania's Mt. Kilimanjaro and Serengeti National Parks, and America's Yellowstone, Redwoods, Everglades, and Grand Canyon National Parks — and provide habitat for a magnificent array of plant and animal life.

The Biosphere Reserve Program, established in 1968 under an international scientific program, recognizes areas of the world that boast equally dramatic and diverse landscapes and species — Mongolia's Great Gobi National Park, Uganda's Rwenzori National Park, Greece's Mount Olympus National Park, and America's Glacier and Rocky Mountains National Parks.

World Wildlife Fund

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Incorporating The Conservation Foundation. Affiliated with World Wide Fund for Nature.

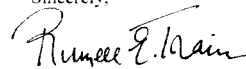


March 16, 1999
Page Two

Nominations, protection strategies and management of areas recognized as World Heritage sites and biosphere reserves are governed by national, state or local laws. Areas in the United States, including private lands, recognized under international agreements are subject only to domestic law. There is no international legal protection or sanction for these areas. Thus, I am opposed to requiring Congressional authorization of a site prior to nomination or designation.

Please oppose H.R. 883. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Russell L. Train". The signature is written in dark ink and is positioned above the printed name.

Russell L. Train



United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture

*official cc to you
from DOS/IO*

REF.: WHC/74/533

6 March 1995

Dear Mr Frampton,

I am writing to you with respect to a letter from a group of North American conservation organizations, addressed to Dr. Adul Wichiencharoen, Chairman of the World Heritage Committee, and dated 28 February, 1995. The World Heritage Committee is the executive body of the Convention and is elected by its 140 States Parties. I note that a copy of this letter was sent to your office. The letter concerns the possible listing of Yellowstone National Park on the List of World Heritage in Danger.

The World Heritage Committee had been made aware of some of these concerns in a brief report by the United States Delegate to the July 1993 meeting of the World Heritage Bureau.

The fourteen organizations signing this letter are as you know among the most prestigious and influential in the field of natural resources conservation. We believe that the concerns they raise about the threats to Yellowstone must be carefully examined and addressed.

Included with their letter was a briefing book containing copies of correspondence from the Governor of Wyoming and Senator Bachus of Montana, each raises serious questions about the potential damage to Yellowstone National Park, in particular from the proposed mining operation. Similar letters of concern are provided from professional geologists, geomorphologists and hydrologists who have investigated the proposed mining operation. This correspondence is sufficient to raise considerable concern about the long-term sustainability of the World Heritage values of this World Heritage site.

From the report it appears that while a draft Environmental Impact Statement has been prepared, it did not resolve several major questions and many issues remain under review. Thus it would appear premature to reach any conclusions at this time.

The Honourable George T. Frampton Jr.
Assistant Secretary for Fish & Wildlife & Parks
United States Department of the Interior
Office of the Secretary
WASHINGTON, D.C. 20240
USA

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With respect to the List of World Heritage in Danger, there are no specific criteria. The Committee has the authority to place a site on the List of World Heritage in Danger when it is of the view that the World Heritage values for which the site was inscribed are seriously threatened.

The procedure for listing normally involves a monitoring report by the World Conservation Union (IUCN), in consultation with the State Party and the management authority responsible for the site. IUCN reports to the Bureau of the World Heritage Committee which meets in July and the Bureau makes a recommendation to the Committee, which usually meets in December of each year.

While we have taken note that the conservation organizations have requested that the World Heritage Secretariat involve itself in the EIS process, we simply are not staffed to do so. We would, however, be pleased to address these organizations on any aspects of the operation of the World Heritage Convention. We could also request IUCN as our technical advisors, to review the Environmental Impact Statement. We are confident that as the State Party responsible for the implementation of the Convention the essential professional skills are available to you.

It is important to note that Article 1 of the World Heritage Convention obliges the State Party to protect, conserve, present and transmit to future generations World Heritage sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5 (A) recommends that State Parties integrate the protection of sites into comprehensive planning programmes. Thus, if proposed developments will damage the integrity of Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary.

Examples of the need to act beyond park boundaries are found at the Everglades National Park, Glacier National Park and Glacier Bay National Park, all World Heritage sites. In two of the sites the Government of British Columbia acted to close major mining operations rather than risk possible damage to downstream World Heritage values in both Canada and the United States.

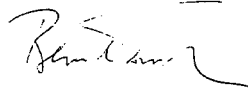
Clearly if there are threats to World Heritage values the State Party has a responsibility to act. If enabling legislation is not adequate, new legislation should be considered, as was the case in Australia with respect to the Tasmanian Wilderness World Heritage site.

The World Heritage Committee has the authority to act unilaterally in placing a site on the List of World Heritage in Danger. However, in the past the Committee has demonstrated a clear desire to work in consort with the State Party. In this respect we would appreciate receiving a comprehensive report on the situation in time for the meeting of the World Heritage Bureau to be held in Paris in early July. Such a report would enable the

Committee to give serious consideration to the listing of Yellowstone National Park on the List of World Heritage in Danger, should such a decision be warranted, at its nineteenth session to be held in December 1995.

The United States has an exemplary record in support of and in accordance with the principles and requirements of the World Heritage Convention. We look forward to continuing this cooperation.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Bernd von Droste', with a stylized flourish at the end.

Bernd von Droste
Director
World Heritage Centre

cc.: Dr. A. Wichiencharoen, Chairman, World Heritage Committee
Mr Paul Pritchard, President, National Parks & Conservation
Association, USA



Testimony before the House Resources Committee
Laurel MacLeod, Director of Legislation & Public Policy
Concerned Women for America
March 18, 1999

Good afternoon and thank you for the opportunity to address you today.

My name is Laurel MacLeod and I am the Director of Legislation & Public Policy for Concerned Women for America (CWA), the nation's largest public policy women's organization. I am here on behalf of our over 500,000 members to testify in *favor* of the American Land Sovereignty Protection Act (H.R. 883).

People often ask me why a women's organization cares about biosphere reserves and World Heritage Sites. Well, for many years, CWA received letters from individuals around the country who claimed their private property rights were being infringed upon. Other letters arrived from individuals claiming friends or family members had been subject to harsh land management practices. The letters used words like "biosphere reserve" and "buffer zone." These members of our organization asked us to investigate. Finally, based on the sheer volume of letters received, we decided to research the subject. Here is what we discovered.

An Introduction to Biosphere Reserves

Biosphere reserves are the brainchild of the U.N. Educational, Scientific, and Cultural Organization (UNESCO), created by Sir Julian Huxley in 1946. UNESCO directs the international Man and Biosphere Programme (MAB), which coordinates the creation and use of biosphere reserves around the world. There are MAB projects in most U.N. member nations. In the United States, we have the U.S. Man and the Biosphere Program (USMAB), run primarily by the Department of State. USMAB nominates land (or water) sites for "biosphere reserve designation," then UNESCO makes the official "designation" (approval) of the site. Incredibly, Congress plays no role in this process.

As you know, biosphere reserves are an area of land set aside for the purpose of conservation and scientific study. They usually consist of a *core area*, or inner circle wilderness area (i.e. Yellowstone National Park) that is set aside for scientific study, "sustainable use" and the

CONCERNED WOMEN FOR AMERICA

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"conservation of biological diversity."¹ These areas can be publicly or privately owned. Use of that land is severely restricted because of its designation as a biosphere core area.

Buffer zones are the second circle outside of the core area, and whenever a buffer zone exists, only significantly limited human activities and dwelling may take place within that zone. In other words, individuals whose private property falls within a buffer zone may not do anything that the land managers believe would in any way "harm" nature. That could preclude them from keeping livestock, growing crops, paving a road, cutting down trees, or developing their land in other ways. Well-known environmentalist Dr. Reed F. Noss (developer of the Wildlands Project²) described core and buffer zones as places where "... the collective *needs of non-human species must take precedence over the needs and desires of humans*."³

"Normal" human activity (building, transportation, dwelling, etc.) is allowed to continue in Transition Areas, the outside ring. Some U.S. biosphere reserves are composed of a core area only; others have all three. Yet those who believe strongly in creating fully functional biosphere reserves work to ensure that *every* core area has a large buffer zone created around it.

Biosphere reserves are not a new phenomenon. The first one in the U.S. was created in 1976.^{18FC-018} Now there are 47 biosphere reserves, reportedly comprising a total of almost 44 million acres. The current guidebook for U.S. involvement with biosphere reserves is the "Strategic Plan for the U.S. Biosphere Reserve Program," issued by the Department of State in 1994. And almost every Executive Agency is in some way involved in the biosphere reserve program.⁴

U.S. Biosphere Reserves Linked to the Wildlands Project

In researching biosphere reserves, we found it interesting that they originated as a United Nations ECOSOC blueprint. We also discovered that the environmental "Green" movement is usually the foot soldier -- and often the brains -- behind the biosphere reserve philosophy both here and overseas. National organizations like the Sierra Club actively promote MAB.

Worldwide organizations like the International Union for the Conservation of Nature (IUCN) serve as official advisors to the United Nations -- and taxpayers are footing the bill for their "advice." For example, in 1995 the State Department reported that IUCN received \$2 million in "voluntary funding" -- tax dollars voluntarily given by our federal government.⁵ Many of these same organizations then turn around and grant money to private "experts" for more "scientific

¹ United Nations *Convention on Biological Diversity*, Article 8(a)(c).

² This is a private environmental project that was first published in 1992. Described in detail later in this testimony.

³ Dr. Reed F. Noss, *The Wildlands Project*. Quoted from "Rewilding America," *Eco-logic*, Nov./Dec. 1995, 20.

⁴ The following Executive Agencies of the United States are involved in some capacity with USMAB: Agency for International Development; Department of Agriculture (Forest Service); Department of Commerce (National Oceanic and Atmospheric Administration); Department of Energy; Department of the Interior (National Biological Survey & the National Park Service); Department of State; Environmental Protection Agency; National Aeronautics and Space Administration; National Institutes of Health; National Science Foundation; Peace Corps; and the Smithsonian Institution.

⁵ "United States Contributions to International Organizations, Fiscal Year 1995," U.S. State Department.

studies"; the experts then use those grants to develop programs that are adopted by the United Nations and/or national governments. So, U.S. tax dollars flow freely into projects that further refine the biosphere reserve system. But not all such projects represent the views of most Americans.

The prime example of this is the grant given to Dr. Reed F. Noss by the Nature Conservancy and the National Audubon Society. Using this money, Dr. Noss created the Wildlands Project, an ongoing blueprint for biosphere reserves.⁶ This project clearly explains the conceptual framework of the biosphere reserve and biodiversity way of thinking.

The Wildlands Project envisions the connection of existing (and future) biosphere reserves by corridors 50 miles wide -- so that most of what we know today as the United States would be "returned" to nature. "Green revolutionaries" -- and I use that term to distinguish them from conservation-minded environmentalists -- call this "rewilding." They believe rewilding is necessary because the "harmonious" existence of all living creatures together is much more important than the principle of private property.

David Foreman, author of the introduction to the Wildlands Project, reinforces the fact that this biosphere blueprint was driven by an anti-private property philosophy. In his book *Confessions of an Eco-Warrior*, Foreman states:

The only hope for Earth is to withdraw huge areas as inviolate natural sanctuaries from the depredations of modern industry and technology . . . identify big areas that can be restored to a semblance of natural conditions, reintroduce the Grizzly Bear and wolf and prairie grasses, and declare them off-limits to modern civilization.⁷

Indeed, these are frightening words to any American who believes that protection of private property rights are central to the maintenance of a strong Republic.

So, the U.S. biosphere reserve philosophy is linked to the U.N. (via UNESCO) and to private projects like the Wildlands Project. And in turn, the Wildlands Project is in other ways linked to the United Nations Biodiversity Treaty. These links are critical because, taken in their entirety, they demonstrate what can happen if the current U.S. biosphere reserve philosophy is taken to the extremes indicated by the Wildlands Project.

⁶ The Wildlands Project was first published in 1992 in *Wild Earth*, which was created by former Wilderness Society lobbyist David Foreman. Today, The Wildlands Project is an ongoing research project headquartered in Arizona, and since its original publication, its creator Noss has served as a "scientific advisor" to the Department of the Interior. (Tom McDonnell, "Technical Review of the Wildlands Project and How It Is Affecting the Management of State, Federal and Private Lands in the United States," March 1996.)

⁷ David Foreman, *Confessions of an Eco-Warrior*, New York, NY: Crown Trade Paperbacks, 1991.

U.S. Biosphere Reserves Linked to the United Nations

As mentioned earlier, the role of the United Nations is troubling because the biosphere reserve blueprint originated – and is still approved – by ECOSOC. The United States is not even an official member of ECOSOC.

Of even more concern is the fact that our *current* United States biosphere reserve philosophy reflects the Convention on Biological Diversity (Biodiversity Treaty) – an *unratified* treaty.⁸

The U.N. Biodiversity Treaty is of concern for many reasons. First, Article 37 says that if a nation signs the treaty, it *cannot* opt out of any specific provision. This is extremely unusual, as nations regularly file “reservations” to U.N. treaties. Those reservations tell the U.N. that the nation in question does not feel obligated to abide by certain sections of the treaty.

Section 8 of the Biodiversity Treaty *requires* each “contracting party” (i.e. nation) to “establish a system of protected areas . . . where special measures need to be taken to conserve biological diversity; and regulate or manage biological resources.” The same section also mandates that nations “prevent the introduction of, control, or eradicate those *alien species* which threaten ecosystems, habitats or species [emphasis ours].” The term “alien species” is not defined in the treaty, but some ecologists believe that **people** are the worst threat to nature and should be classified as an “alien species.” Therein lies the connection between the more radical elements of the environmental movement and population control. As the ultimate enemy of “Mother Earth,” **people** must be eliminated.

If that sounds unbelievable, read the thoughts of David Graber, a U.S. National Park Service research biologist. In a 1989 *Los Angeles Times* book review, Graber said:

Human happiness, and certainly human [fertility], are not as important as a wild and healthy planet. I know social scientists who remind me that people are a part of nature, but it isn't true. Somewhere along the line . . . [people] became a cancer. We have become a plague upon ourselves and upon the Earth . . . Until such time as *Homo sapiens* should decide to **rejoin nature**, some of us can only hope for the right virus to come along.⁹

⁸ The Biodiversity Treaty was presented to the world in June 1992, during the U.N. Conference on Environment and Development (Earth Summit). Note that the Earth Summit was convened by the U.N. Environmental Programme (UNEP), originally created by Canadian Maurice Strong. Strong served as the Secretary General -- organizer and highest U.N. official -- for the Summit. He continues to be a well-respected figure at the United Nations. President Bill Clinton signed the Biodiversity Treaty on June 4, 1993, but it is *not* currently U.S. law because two-thirds of the Senate has not ratified the treaty. However, the Convention on Biological Diversity entered into force internationally on December 29, 1993, after 30 other nations ratified it. The U.N. and many of our Western neighbors continue to exert tremendous pressure on the United States to ratify this treaty and make it law here at home.

⁹ Dixie Lee Ray, *Environmental Overkill*, New York, NY: Harper Perennial, 1994, 204.

Like other U.N. treaties, the Biodiversity Treaty is purposefully vague. Its lack of precision makes it difficult to implement, so another document was written to clearly explain how to implement of the treaty. That document is called the Global Biodiversity Assessment (GBA).

The Global Biodiversity Assessment was written by the scientific community under the direction of UNEP, after the Biodiversity Treaty became "international law." UNEP knew that the scientific "experts" chosen to write the GBA would uphold the pseudo-scientific environmental agenda of the United Nations. Why? Because UNEP uses the "precautionary principle" as the foundation for its "scientific" work. This principle says that when a nation (region) faces "threats to biodiversity," *action cannot be delayed* because of "scientific uncertainty."¹⁰ In other words, fix an "environmental problem" even if science cannot produce evidence that the problem really exists.

GBA is the key document because it clearly links the disturbing Wildlands Project to the official U.N. Biodiversity Treaty. Section 13.4.2.2.3 of the GBA explains how to manage the "fragments" of ecosystems "reserved" by the Biodiversity Treaty:

This [protection and management of natural habitat] means that representative areas of all major ecosystems in a region need to be reserved, that blocks should be as large as possible, that buffer zones should be established around all core areas, and that corridors should connect these areas. **The basic design is central to the recently proposed Wildlands Project in the United States (Noss, 1992),** a controversial long-term strategy to [extend] natural habitats and corridors to cover as much as thirty percent of the U.S. land area [the Wildlands project calls for 50 percent].
 . . . [T]he actual selection of core areas and of priority areas for reservation can be problematic . . . protection must deal adequately with the threats from the external matrix, and thus includes fencing against stock, prevention of weed invasion, and *degradation by human populations* [emphasis added].¹¹

Again, the GBA was written to implement the Biodiversity Treaty, and it clearly states that it uses the same design (for biosphere reserves) as the Wildlands Project. We have already established the links between UNESCO (MAB) and the Wildlands Project. UNESCO created the blueprint for biosphere reserves in the United States. It is a tangled web, but in reality show that all of these programs are of one and the same philosophy.

To this point, the *worst* extremes of the Wildlands Project have not been carried out in the United States, but U.S. regulations already restrict U.S. property rights. Executive agencies have been implementing biosphere reserve projects for the last 20 years, even though Congress has not addressed the issue through treaty ratification. The actions of the Executive branch mean that *unelected* bureaucrats are taking dangerous elements of U.N. treaties and, in effect, making them

¹⁰ *Eco-logic*, "The reorganization of society." Hollow Rock, TN: Henry Lamb. September/October 1995, 4-7.

¹¹ *Global Biodiversity Assessment*, Exec. Editor V.H. Heywood. United Nations Environment Programme, Cambridge University Press, 993.

law because they are able to implement them throughout the United States. This is certainly unconstitutional, but so far it has worked.¹² Congress must get involved in the process in order to provide representation for U.S. citizens.

U.S. Biosphere Reserves in Practice

In order to adequately explain why U.S. citizens are truly harmed by the biosphere reserve philosophy previously described, one must look at an existing biosphere reserve. Look, for example, at the Champlain-Adirondack Biosphere Reserve (CABR).

According to the U.S. Man and the Biosphere Program, CABR is "the largest and most populous biosphere reserve in the United States and the fourth largest in the world." Designated as a biosphere reserve in 1989, its boundaries encompass federal, state, local, and private lands. And CABR includes a "cooperative management arrangement" across the Canadian border. Over 400,000 people inhabit CABR and its "outlying areas." The Core Area of CABR includes New York's Adirondack Park, along with state parks and forests in Vermont. The rest of the biosphere reserve is the buffer zone.¹³

According to the USMAB document, "Biosphere Reserves In Action," the CABR managers are struggling to build a network of "citizen/government partnership[s] for resource conservation and development." In U.N.-speak, this means that the managers of the biosphere reserve are trying to convince the people who live in its buffer zone that they should gladly adopt the environmental biosphere reserve philosophy. Such acceptance, or "partnerships," depend heavily upon the local chapters of national and international environmental groups. These well-organized and well-funded groups are charged with creating a media image. They must also foster general education to further the goals of the radical "Greens." For example, the well-known Sierra Club has its own biosphere project. In 1994, it announced a program of 21 "Ecoregions" that parallel the "Bioregions" of Noss' Wildlands Project.¹⁴

The managers of CABR are also trying to find "environmentally sound solutions to problems of conflicting uses."¹⁵ In other words, people, industry, consumption and technology are in the way. While USMAB sings the praises of this biosphere reserve, many of the people living within the CABR -- especially those close to the core areas -- sing a very different song.

The core area of the Adirondack State Park is three million acres. But the New York State legislature has, in effect, drawn a buffer zone around the park that encompasses an additional

¹² CWA has witnessed this same strategy with other un-ratified treaties, such as *The Convention on the Elimination of All Forms of Discrimination Against Women*, and with larger documents that have been produced by several global U.N. conferences.

¹³ USMAB, "Biosphere Reserves In Action: Case Studies of the American Experience," Department of State Publication 10241, Bureau of Oceans and International Environmental and Scientific Affairs, June 1995.

¹⁴ The conservative journal *Eco-logic* examined the tax forms of 154 of the largest environmental groups. Their combined assets totaled \$8.6 billion. These well-funded and well-organized groups are active across America to create a positive media image for "biodiversity."

¹⁵ USMAB, "Biosphere Reserves In Action: Case Studies of the American Experience," 13.

three million acres of *private property* within the "Reserve Boundary."¹⁶ State regulations restrict property owners' use of this land -- without compensation. Reportedly, the fallout has been poverty and unemployment.

Ironically, John Davis, who edited David Foreman's *Wild Earth* publication, lives in the Adirondacks. The environmental watchers who write the journal *Eco-logic* report Davis' response to biosphere criticism. "Human residents need not be asked to relocate," said Davis. "but all people should be required to respect the wildlife of the Adirondacks by refraining from any use of motors, guns, or cows."¹⁷ He envisions "jobs" being created when people are needed to close roads, dismantle dams, monitor water quality and guide birdwatchers.

Obviously, some of the more radical environmentalists are insensitive to the plight of humans who lose their jobs because of excessive environmental regulations. For example, on September 23, 1992, David Brower, former executive director of the Sierra Club, told travelers to a Canadian mountain, "Loggers losing their jobs because of Spotted Owl legislation is, in my eyes, no different than people being out of work after the furnaces of [the Nazi concentration camp] Dachau shut down."¹⁸ Many other radical environmentalists freely admit their belief that *socialism* is the only way to control humans enough to "save" the environment.

Again, the biosphere reserve philosophy of land management is being carried out through Executive Agencies *with no congressional oversight*. This is simply unconstitutional. The U.S. Constitution grants legislative powers to Congress or, in non-federal instances, to state legislatures. Yet decisions that affect private property rights across the country are being made and implemented without congressional oversight or approval. The *American Land Sovereignty Protection Act* would change that. Passage of H.R. 883 would also ensure that the United Nations Convention on Biological Diversity (Biodiversity Treaty) is not subtly implemented without Senate approval.

WORLD HERITAGE SITES

World Heritage Sites are another issue addressed by the *American Land Sovereignty Protection Act*. They include the **Statue of Liberty, Independence Hall, Monticello, Yellowstone National Park, the Florida Everglades, the Great Smoky Mountains, the Grand Canyon and Hawaii's volcanoes**, to name a few.¹⁹

These sites are governed by the Convention Concerning the Protection of the World Heritage and Natural Heritage (World Heritage Treaty).²⁰ According to this treaty -- ratified by the United

¹⁶ Ibid. 12.

¹⁷ John Davis, quoted from *Eco-logic*, "Federal Land Use Control Trough Ecosystem Management," January 1995. 12.

¹⁸ Dixie Lee Ray. *Environmental Overkill*, 204.

¹⁹ National Park Service. "World Heritage Sites in the United States," National Park Service Home Page, found at: <http://www.cr.nps.gov/worldheritage/>.

²⁰ This UNESCO treaty was adopted by UNESCO's General Conference on November 16, 1972.

States Senate in 1974 -- the U.S. is required to choose monuments, buildings, historical sites and "natural heritage" areas for special designation as World Heritage Sites (Articles 4-7). Once designated, our government promises to preserve those sites. And any preservation questions that arise are sent to the "World Heritage Committee," a U.N. body that answers to UNESCO (Articles 8-14). This committee is composed of delegates from 15 nations, representing all world regions and cultures. When one country needs funds for preservation, it simply applies to the World Heritage Fund, which has gathered mandatory and voluntary contributions from every nation.

Although the preservation of World Heritage Sites sounds like a good idea, it has also become very problematic. Here's an example: In 1995, the Crown Butte Mines company decided to begin a mining project that was *one mountain range* removed from a World Heritage Site (and biosphere reserve), Yellowstone National Park. The "Greater Yellowstone Coalition" of 13 environmental organizations sent a letter to the World Heritage Committee.²¹ Their coalition requested that Yellowstone be evaluated as a "world heritage site in danger." Page two of their letter to the Chairman of the World Heritage Committee stated their purpose for writing:

The serious danger presented by the New World gold mine is made much more serious by the myriad of threats already confronting the park . . . Any evaluation by the World Heritage Committee should consider these problems, as well as those presented by the New World Mine. Some key threats include: timber harvests. . . home building . . . new population clusters . . . human-bear conflict [which] jeopardizes the threatened grizzly bear . . . [and] ever-increasing levels of visitation [to Yellowstone].²²

The environmental coalition then asked that the National Forest areas around Yellowstone be used as a buffer zone to "protect" the core area of the park "from incompatible activities" beyond its boundaries.²³ In other words, NO MINING -- despite the fact that 90 percent of the area for the proposed mine consisted of private mining claims -- and only 10 percent included public National Forest Land.²⁴

In February of 1995, UNESCO's World Heritage Committee sent a chastising letter to the Clinton administration.²⁵ The Interior Department's Assistant Secretary for Fish and Wildlife and Parks, George T. Frampton, Jr., responded in March by inviting UNESCO to come to the United States and conduct a "first hand preliminary monitoring review by representatives of the

²¹ Those thirteen environmental organizations were: National Parks and Conservation Association Greater Yellowstone Coalition; American Rivers; The Wilderness Society; Sierra Club; Trout Unlimited; National Wildlife Federation; World Wildlife Fund; National Audubon Society; National Resources Defense Council; Mineral Policy Center; Friends of the Earth; Beartooth Alliance; Canadian Parks and Wilderness Society.

²² The thirteen environmental organizations addressed their letter to Dr. Adul Wichiencharoen, Chairman of the World Heritage Committee for UNESCO, 28 February 1995.

²³ *Ibid.*, 7.

²⁴ Letter to World Heritage Committee, 4.

²⁵ Letter from Bernd von Droste, Director of the World Heritage Center to George T. Frampton Jr., Assistant Secretary for Fish & Wildlife & Parks, U.S. Department of the Interior, 6 March 1995.

international community prior to the completion of our [U.S.] analyses . . .”²⁶ Frampton said to the United Nations, “I wish to suggest that you and/or other representatives of the [UNESCO World Heritage] Committee, and, in particular, the World Conservation Union (IUCN) make an interim assessment of the New World Mine proposal . . .”

The World Heritage Committee came to the United States and held a hearing. The arrived on September 7, 1995, and held their hearing on September 8th. It is no coincidence that President Clinton had ordered a two-year year moratorium on mining claims outside of Yellowstone, just prior to their arrival.²⁷

“The United States has a duty to take steps to preserve the Yellowstone ecosystem across administrative boundaries of the park,”²⁸ said Committee Chairman Adul Wichiencharoen of Thailand, during the hearing. “Some 12 million acres of national forest and wilderness that surround Yellowstone must be considered an extension of the national park if the whole system is to be preserved.”²⁹ In other words, a United Nations representative was telling the government of the sovereign United States that a large buffer zone should be built around Yellowstone -- despite the fact that it would certainly encompass private property.

The World Heritage Committee did, indeed, decide that Yellowstone should be declared a “World Heritage Site in danger.”³⁰ Then in 1997 after years of haggling over this issue, Congress appropriated funds to buy the New World Mine. The private property owner who wanted to operate the mine was silenced forever.

Even though the World Heritage Treaty is a ratified document, UNESCO -- and certainly many U.S.-based environmental groups -- are using that treaty as an excuse to limit the use of private property within The United States.

Conclusion

The over 500,000 members of Concerned Women for America wholeheartedly believe that H.R. 883 is needed to bring Congress back into a process from which it has been too long excluded. As a result of our research, Concerned Women for America has dedicated a portion of our time to educating our membership about biosphere reserves and World Heritage Sites. Only Congress, not UNESCO or the World Heritage Committee, can best represent the needs of the American people and of our land. We applaud Rep. Don Young (R-AK) for his tireless work on this important legislation, and we respectfully request your favorable disposition of this bill. Thank you so much for your time and attention to this important matter.

²⁶ Letter from George T. Frampton to Dr. Bernd von Droste, 17 June 1995.

²⁷ This order was made on August 21, 1995.

²⁸ Chris Tollefson, “UNESCO Group Focuses on Park Ecosystem,” *Star Tribune*, Casper, WY: 9 September 1995.

²⁹ Michael Milstein, “Panel: Park Needs Buffer Zone,” *Billings Gazette*, Billings, MT: 10 September 1995, A1.

³⁰ The investigating committee included: Chairman Adul Wichiencharoen (Thailand); Executive Director Bernd von Droste (Germany); Robbie Robinson (South Africa); and Harold Eidsvik (Canada).

FIELD HEARING ON H.R. 883, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SATURDAY, MAY 1, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Rolla, Missouri.

The Committee met, pursuant to call, at 10:26 a.m., in the Rolla Miles Auditorium, University of Missouri, Rolla, Missouri, Hon. Helen Chenoweth, presiding.

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

Mrs. CHENOWETH. The Committee on Resources will come to order. The Committee is meeting today to hear testimony on H.R. 883, the American Land Sovereignty Protection Act. And I am so pleased, as I said before, to be so welcomed into JoAnn Emerson's District.

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

I represent the 1st District in Idaho in Congress and although my district is 1,000 miles from here, forestry, mining, ranching, private property rights are very important there, as they are here in this beautiful part of southern Missouri.

Over the last 25 years, an increasing expansion of our nation's territory has been incorporated in the United Nations Biosphere Reserves. Now under Article IV, Section 3 of the United States Constitution, the power to make all needful rules and regulations governing lands belonging to the United States is vested in the Congress, and yet United Nations Biosphere Reserve designations, as well as World Heritage Sites, have been created without the authorization or the input of Congress; and therefore, the public and local governments are left out of the loop and rarely, if ever, are they consulted.

I understand that the biosphere reserve program is controversial here in Missouri. I also understand that it is taking a nap right now. But I want us to remember, it will wake up if we do not stay vigilant. So Congressman Emerson invited the Committee on Resources to come to her district and listen to the concerns that local residents here in Missouri have about this program. I invite her to join me as an official member of the panel and she will be participating in the hearing.

So that everyone understands, my concern is that the United States Congress—and therefore, the people of the United States of America—who have been left of the domestic process to designate

Biosphere Reserves and World Heritage Sites, have a chance at every turn to have the local input they need.

The Biosphere Reserve Program is not even authorized by a single U.S. law or even an international treaty. And that is wrong. Executive Branch appointees cannot and should not do things that the law does not authorize. But this is an example of where they are doing that.

Today, we will also hear testimony on H.R. 883, which gives the Congress a role in approving international land designations, primarily United Nations World Heritage Sites and Biosphere Reserve Sites. H.R. 883 has now more than 160 co-sponsors, including Representatives Emerson, Danner, Talent, Hulshof and Blunt. Now in Arkansas, Representative Dickey, Berry and Hutchinson are original co-sponsors of H.R. 883. We intend to move this legislation from the Committee to the House floor for a vote very soon.

Both biosphere reserves and world heritage site programs are administered through the United Nations Educational, Scientific and Cultural Organization (UNESCO). However, it is interesting to note that the United States withdrew from UNESCO in 1984 because the Reagan Administration found it riddled with gross financial mismanagement. Fifteen years later, even the Clinton Administration has not rejoined UNESCO. And yet, they are becoming partners with the United States in joint jurisdiction over enough land now in our country with the present designations to fill up the entire state of Colorado. As a result, it defies the imagination why our government is still participating in these UNESCO programs.

We, as the Congress, have a responsibility to ensure that the representatives of the people are engaged on these important international land designations. I do not think that the Constitution advises that the governing of our Federal lands—that we simply opt out of policies that may appear ineffectual. But instead, it expressly requires that we, the Congress, make all needful rules and regulations regarding Federal land, as if to suggest that we, your Congressmen, are to jealously guard against the slightest possibility that foreign entities have any power over what belongs under the strict purview of the United States.

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

With that, it is time to begin. I am sorry that none of the representatives from The Nature Conservancy or the Sierra Club or the Audubon Society, who were invited to testify today, chose not to come and do so. I would have liked to hear their perspective on this issue.

I am pleased to welcome the 12 witnesses who will testify today. If time permits at the end of testimony from these witnesses, we will also hear testimony from those of you who have signed up to give testimony in the open mike session.

The first panel is presently seated and I want to recognize them. And I do want to say that we swear all of the panelists under the oath. And I think that you have received rules from the Committee with regard to the fact that we do swear witnesses under the oath.

So I wonder if you would mind rising and raise your right hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. Please be seated.

I want to explain, before we start the testimony for the hearing, about our light system. They are right up here and they are just like stop lights. When the green light is on, you can proceed; when the yellow light is on, you step on the gas and go like heck; and when the red light is on, you need to stop. So we give the witnesses five minutes each.

I am so pleased to welcome Wanda Benton from Salem, Missouri; Connie Burks from Jasper, Arkansas; Bobby Simpson, Dent County Commissioner, Salem, Missouri and Ron Hardecke, Citizens for Private Property Rights, Owensville, Missouri.

We will open up with Wanda Benton's testimony. Wanda.

[The prepared statement of Mrs. Chenoweth follows:]

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

Welcome to our witnesses. Today we will hear testimony on the U.S. Man and Biosphere Program.

I represent the 1st District of Idaho in Congress. Although my district is 1,000 miles from here, forestry, mining, and ranching are important there as they are here in southern Missouri.

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

I understand that the biosphere reserve program is controversial here in Missouri. Congresswoman Emerson invited the Committee on Resources to come to her district and listen to the concerns that local residents here in Missouri have about this program. I invite her to join me and participate in this hearing.

So that everyone understands, my concern is that the United States Congress—and therefore the people of the United States—have been left out of the domestic process to designate Biosphere Reserves and World Heritage sites.

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

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Until now, no one has lifted an eyebrow to examine how U.S. domestic implementation of these programs has eaten away at the power and sovereignty of the Con-

gress to exercise its constitutional power to make the laws that govern what goes on Federal land. Today we will begin to look at these issues.

With that it is time to begin. I am sorry that none representatives from the Nature Conservancy, Sierra Club and Audubon Society who were invited to testify today chose not to do so. I would have liked to hear their perspective on this issue. I am pleased to welcome the twelve witnesses who will testify today. If time permits, at the end of testimony from these witnesses, we will also hear testimony from those of you who signed up for the open mike session. Will the first panel please be seated.

STATEMENT OF WANDA BENTON, SALEM, MISSOURI

Ms. BENTON. Honorable Chairperson, distinguished Committee members, I wish to thank you for the opportunity—

Ms. EMERSON. You might want to grab the mike and put it up next to you. Sorry.

Ms. BENTON. Okay. Is this better?

Mrs. CHENOWETH. That is better, hold it close.

Ms. BENTON. Honorable Chairperson, distinguished Committee members, I wish to thank you for the opportunity to address this Committee.

My name is Wanda Benton. My husband and I have a farm in Salem, Missouri. I am a property rights activist as a direct result of the proposed United Nations Biosphere Reserve in Missouri.

I discovered in June of 1995 that the Missouri Department of Conservation, MDC, as lead agency, combined with five Federal regulatory agencies and others, had plans to manage Missouri lands, including private property. I was later to discover evidence that Coordinated Resource Management, CRM, was to become a United Nations Biosphere Reserve. Armed with that suspicion, I called the Conservation Department and asked for more information about CRM and I mentioned the biosphere reserve program, indicating that I was very interested in learning more. The young lady I spoke with inadvertently, in my opinion, sent me The Nature Conservancy proposal to the Missouri Department of Conservation, called "The Lower Ozark Bioreserve," containing Exhibit Number 1, a map of the proposed bioreserve.

The introduction of TNC's proposal described inviolate core preserves surrounded by buffer zones of human activity and corridors and networks of buffer lands linking protected core habitats for migration of animals who require large areas. Exhibit Number 2. Under key partners who are expected to play an important role in accomplishing the bioreserve strategy is listed the UNESCO Man and the Biosphere Program—Ozark Man and the Biosphere. In the feasibility study, the Missouri Department of Conservation is listed on the signatory page. Included in this paperwork was the Draft of the Ozark Highlands Man and the Biosphere Cooperative, showing a map of the larger picture, taking in portions of four states and crossing political boundaries. Exhibit Number 3. Page one, objective two, seeks designation through the U.S. MAB Program. Exhibit Number 4.

Realizing that our land, resources and human activity were to be severely regulated, I joined Citizens for Private Property Rights and People for the USA. We proceeded to inform the public through town meetings, press releases and talk shows. We helped organize

several public meetings throughout the Ozarks. Due to lack of public input in CRM and little public knowledge, we invited MDC representatives who attended and answered questions from the audience, and at our request furnished copies of the CRM Draft. After the commentary period on the draft, due to public outcry, MDC withdrew the CRM plan.

MDC would in April of 1997 publicly deny endorsing the MAB Program and pretty much called the rest of us liars. To refute this, I submit Exhibit Number 5, page 58 of the CRM Draft, goal number nine.

In November, 1996, the following appeared in the Salem News: "Nature Conservancy Announces Study of Lower Ozark Area. The Nature Conservancy has designated this land one of the world's last great places." Exhibit Number 6.

In an article from November, 1995 Eco-logic, researcher Henry Lamb's publication entitled "Rewilding America" is the following statement referring to a piece of property TNC had purchased in 1990. "A Smithsonian article in February, 1992 described the acquisition as the 'flagship' for a whole new program of bioreerves, called Last Great Places." Exhibit Number 7.

I have learned from researchers and environmental writings that bioreerves, bioregions, biosphere reserves and eco-regions are generally synonymous. Is The Nature Conservancy continuing to develop a biosphere reserve here in Missouri? This is a question that perhaps representatives of TNC could answer for us.

I see coincidences that frighten me, such as this article from the TNC 1998 Annual Report, "Saving The Last Great Places," entitled Lower Ozarks Project Area/Ozarks Eco-Region. Exhibit Number 8. The little map in the article is of the same configuration as the one in The Nature Conservancy Bioreserve Proposal to our Missouri Conservation Department, which listed the UNESCO Man and the Biosphere Program as a key partner. That is Exhibit Number 1.

The end of May, 1998, Nature Conservancy publication, pages 8 and 9, Exhibits 9 and 10, names 62 eco-regions, the Ozarks being number 38 on their map. Ironically, the shape of the Ozark eco-region is of the same configuration as the drawing of the Ozark Highlands, Exhibit Number 3, whose draft called for designation through the U.S. MAB Program. Other TNC paperwork shows the same configuration.

It would be helpful to know what these similarities represent. Biosphere reserves are designed to destroy economies, lower land values and to move populations out. In our case, we have invested everything we have in a farm and a home built around our handicapped daughter's needs. She is severely handicapped and requires complete handicap access. Because of this, the house was very expensive and we could not do this again. If we are forced to sell our home for pennies on the dollar, we will not be able to take care of her in our old age. I ask this Committee to support H.R. 883, the American Sovereignty Land Protection Act, to protect state sovereignty, rural economies and private land ownership.

[Applause.]

Mrs. CHENOWETH. Thank you, Wanda. I really, really appreciate your testimony. But I am going to have to ask the audience in an official hearing if you could withhold your applause. Thank you very much.

The Chair now recognizes Connie Burks.

[The prepared statement of Ms. Benton follows:]

SUMMARY OF TESTIMONY

WITNESS:

Wanda L. Benton
Rt. 3 Box 987-J
Salem, MO 65560
Ph. 573-729-2615

PURPOSE: Testifying in support of HR 883, the American Land Sovereignty Protection Act.

COORDINATED RESOURCE MANAGEMENT (CRM), MISSOURI

Plans by state and federal agencies and environmental groups to establish a biosphere reserve in Missouri.

THE LARGER PICTURE, THE OZARK HIGHLANDS

Proposal and efforts to nominate and designate the Ozark Man and the Biosphere as a United Nations Man and the Biosphere reserve.

EDUCATING THE PUBLIC

Public meetings and other measures of conveying the information.

CONCERNS AND CONCLUSIONS

The Nature Conservancy's continuing paper trail. The impact of a biosphere reserve on rural areas, resources and populations. The impact of a biosphere reserve on my family's situation.

May 1, 1999

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

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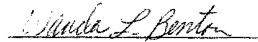
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Sincerely,



Wanda L. Benton
RT. 3 Box 987-J
Salem, MO 65560

Figure 1 Lower Ozarks Bioreserve

EXHIBIT # 1

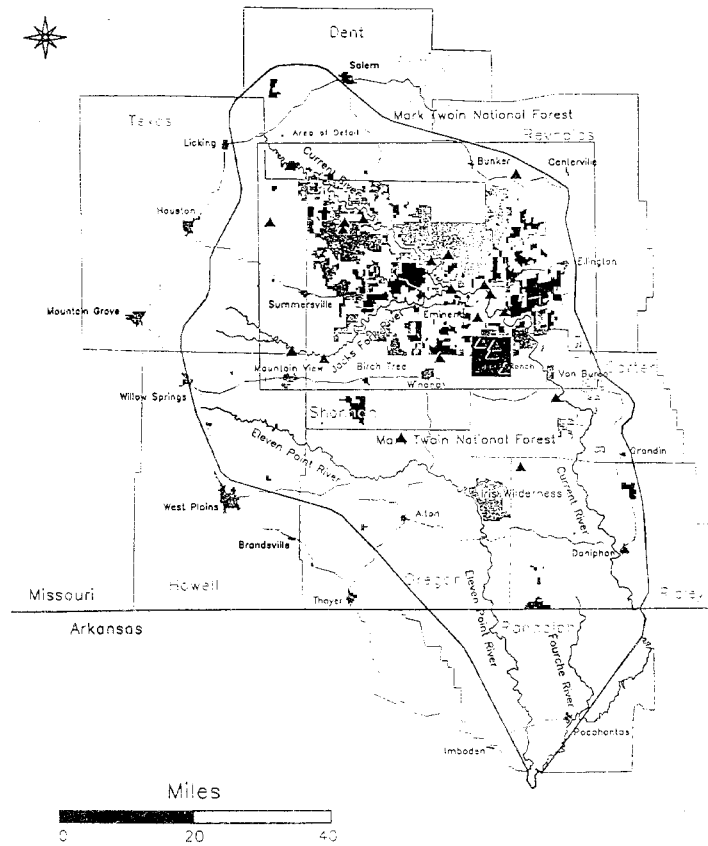


EXHIBIT # 2
LOWER OZARKS BIORESERVE

The goal of the Lower Ozarks Bioreserve is to conserve and restore landscape-scale examples encompassing the presentment biodiversity of the lower Ozarks in interrelated, sustainable systems, within the context of dynamic natural processes.

Introduction and Summary of Project Goals

For 37 years, The Nature Conservancy has preserved biological diversity in Missouri. Traditionally, the Conservancy has bought and protected land -- more than 120,000 acres across the state. In so doing, it has saved thousands of species.

In recent years, the Conservancy has come to see a broader need. This need is reflected in our ambitious new conservation program to protect and preserve the biological richness of the lower Ozarks of Missouri, and to do so in ways recognizing the needs of both people and nature.

The Lower Ozarks Bioreserve, based in science and drawing on the outstanding skills, resources, and experiences of the Conservancy, is the first systematic attempt of its kind to protect a large natural landscape in Missouri. It recognizes that the best way to ensure the survival of all species is to foster the vitality of natural processes over a large region encompassing many interrelated natural systems.

"Bioreserve" is a term The Nature Conservancy uses to refer to large areas containing a network of natural communities that interact with each other as an ecosystem. A realistic way to conserve an ecosystem is to establish inviolate core preserves, or natural habitats, within a managed landscape surrounded by buffer zones of human activity. Economic, recreational, and other human activities occur in the buffer zones, but in ways that don't have a deleterious effect on the core preserves.

These large areas consist of land in various ownership and uses. Coordinated management of the lands in a bioreserve maintains the critical ecological processes and provides adequate habitat for the survival of native species. This approach considers the needs of both people and nature and is a key theme of the bioreserve idea.

Creating the Lower Ozarks Bioreserve is critical if we are to achieve these goals:

- 1) Protect 175 rare species for study and potential use on behalf of mankind -- and for the enjoyment of Americans and others around the world who appreciate nature.
- 2) Protect against the future rarity of the more than 200 endemic species which are found only in the Interior Highlands and may become endangered if population pressures and environmental practices continue their present trends. It will cost less, and the chances of success are greater, if these species are protected now, rather than waiting until later when their survival is endangered.
- 3) Preserve -- for the study of biological interactions and habitats -- representative examples of the oldest continuously-operating genetic laboratory in mid-continental North America,

EXHIBIT # 4

DRAFT

OZARK HIGHLANDS MAN AND THE BIOSPHERE COOPERATIVE
MISSION, GOALS AND OBJECTIVES*

Mission: To sustain and restore the biological diversity and ecological integrity of representative portions of the Ozark Highlands, integrating these natural values with the culture and economy of the region and provide for sustainable utilization of the natural resources.

GOAL I. (LOGISTICS ROLE): To provide a framework for regional cooperation amongst public agencies, organizations, local communities and private citizens to promote sustainable conservation and utilization of the natural resources.

Objective 1: Create an Ozark Man and the Biosphere cooperative with participation and support from key agencies, organizations, local communities and citizens.

- Tasks:
- a. Identify program organizational structure, staffing, and budget.
 - b. Seek support from cooperating agencies and organizations.
 - c. Develop a cooperative agreement amongst all participating parties.

Objective 2: Seek designation as an Ozark Man and the Biosphere cooperative through the U.S. M.A.B. Program.

- Tasks:
- a. Prepare nomination proposal including designated sites which support adopted missions, goals and objectives.
 - b. Forward to U.S. M.A.B. for review and request designation.

Objective 3: Facilitate the identification of key regional issues and the cooperation of the public and private sectors for the achievement of regional goals. (Avoid duplication of efforts, recommend cooperative allocation of resources, etc.)

- Tasks:
- a. Summarize issues from feasibility study and others as appropriate.
 - b. Identify key issues and form working groups to develop an action plan to address them.

Objective 4: Facilitate involvement of communities, institutions and other parties to promote partnerships.

* These draft statements were developed by the steering committee with the intent that revision and additions would result with the involvement of additional cooperators as the program progresses.

EXHIBIT # 5

*Natural Resource Conservation and Use*Missouri Opinions and Expectations.

Missourians foster the notion of balancing use with conservation of natural resources. The balance was recognized at Lower Ozark public workshops as one of the top ten issues facing the region. The success of the Scenic Riverways Watershed Partnership is testament to the effectiveness of such initiatives. In addition, a feasibility study for an Ozark Man and The Biosphere program in the region documented widespread support for the concept (see Appendix III: Public Profile).

Potential Threats.

Balancing conservation and sustainable development is a complex task. Often stakeholders with very divergent values will have to come together and reach consensus on the highest and best use of the region's resources. The greatest hindrance to the success of such an effort is the lack of opportunities for communication and the development of common goals. By fostering programs which increase communication and consensus building, a greater possibility for success will emerge. The following objectives and strategies were developed with these issues in mind.

CRM OBJECTIVES FOR GOAL IX:

Objective IX.1. Foster and support the development and operation of programs and partnerships which integrate resource conservation and sustainable use in the region.

Strategies:

- > A. Support the establishment of an Ozark Man and the Biosphere (OMAB) Cooperative in the region and work towards implementation of its goals and objectives.
- > B. Coordinate and integrate the efforts of The Nature Conservancy's Lower Ozark project with OMAB and other local initiatives.
- C. Continue and improve support for the Scenic Riverways Watershed Partnership and similar regional cooperatives.
- D. Continue to develop relationships with local Resource Conservation and Development committees and local governments to develop and coordinate mutually beneficial activities.

Objective IX.2. Develop a wide variety of demonstration areas and projects which illustrate the value and management of native ecosystems, natural communities, sustainable natural resource extraction (eg. timber harvest, natural forage) and sustainable local economies.

REPRINTED FROM SALEM NEWS, NOVEMBER 1996

Nature Conservancy announces study of lower Ozarks area

Nearly 3,200 square miles of land in the Ozarks, including a section of southern Dent County, will be scientifically studied over the next three years, according to the Nature Conservancy.

The Nature Conservancy has designated this land one of the world's "last great places," a designation that targets money for scientific studies. The study is expected to cost \$3.5 million, of which \$1.1 million has been received.

Rod Miller, director of the group's Missouri chapter, was quoted in Friday's *St. Louis Post-Dispatch* as saying the lower Ozarks is "a true biological island within America's in-

terior. Its a treasure for the world to behold."

The Conservancy says the area includes more than 200 plants and animals found nowhere else in the world, and more than 180 rare or endangered species.

Most of the land is in the watersheds of the Current, Jacks Fork and Eleven Point rivers.

Miller said an important part of the lower Ozarks study process is approaching all the people in the area "to seek non confrontational solutions to conservation challenges."

The Conservancy has opened an office in Van Buren.

listing as a "World Heritage Site In Danger." The park is a World Heritage Site under the World Heritage Treaty signed in the 1970s. The treaty requires that the park be protected beyond its borders.

George Frampton, former President of the Wilderness Society and now head of the U.S. Fish and Wildlife Service, extended an official invitation to the UNESCO group and agreed to pay their expenses. The site inspection occurred in early September with a decision on listing scheduled for December. The visit by the international body was clearly staged to influence the ultimate decision on Crown Butte's mining application. During the inspection, GAGs asked the World Heritage Committee to recommend an 18 million acre buffer zone around the park.

Immediately, the Sierra Club Legal Defense Fund launched a new "Save Yellowstone Now!" campaign. A seven-page solicitation claims Yellowstone will plunge into "a veritable ecological collapse" unless people send money for their campaign. They promise to save Yellowstone's forests, grizzlies, and water through a "hard-hitting" campaign of political and legislative action combined with expanded litigation initiatives. To demonstrate the power of their litigation arm, the solicitation included their 1995 docket which lists 76 lawsuits they are currently pursuing.

Another organization began working in the area in 1992, the Greater Ecosystem Alliance (GEA). This GAG is significant because its

Advisory Board includes both Dave Foreman and Dr. Reed F. Noss. Mitch Friedman is the Executive Director of GEA and is also a member of the Board of Directors of the Wildlands Project. The Great Pacific Patagonia is listed among the organizations that provided funding. The group has been working to inventory biological resources, map roadless areas, document watershed and ecosystem boundaries, and in general, developing the data necessary to justify designating the area as a bioregion.

In 1994, the federal government brought its Ecosystem Management Policy to the area. Two teams, one working in the Upper Columbia River Basin, the other in the Interior Columbia Basin, set out to develop new management plans for the area. Jim Rathbun, a retired U.S. Forest Service Supervisor, has monitored the activity in the area for years. He says of the new developing plan: *"Alternative Theme 7, is essentially the Wildlands Project, and about four out of the remaining six Themes are components of the Wildlands Project."* In a letter to Representative Helen Chenoweth, Rathbun said that public comment had been thwarted because only five working days had been allowed between the mailing of the notice and the deadline for comments. He

also said: *"This Administration has found a way to manipulate the process, those that it has allowed to participate in it, and the Congress...to implement 'ecosystem management' in accordance with one or more of their 'Alternative Themes' and not comply with the law."* Manipulation of the law, the courts, and local communities is typical as GAGs continue to implement the Wildlands Project throughout the country.

The Great Southwest

The Gray Ranch is half the size of Rhode Island (502 square miles), located in the boot heel of New Mexico. The U.S. Fish and Wildlife Service wanted to buy the land in the mid 1980s. Local residents were not happy about the prospects of having the U.S. government as a neighbor, so The Nature Conservancy (TNC) bought the property in 1990. A *Smithsonian* article in February, 1992, described the acquisition as *"the flagship for a whole new program of bioregions - called Last Great Places."* But four years later, TNC sold the property to Drummond Hadley who said he bought the ranch because "his neighbors would rather have him own it than any of the others to whom the Conservancy was considering selling."

The half-million acre ranch includes the Animas Mountain Range and the Animas Valley, 226,000 acres of private property. The additional 326,000 acres is public land mostly under the authority of the Bureau of Land Management. The ranch is surrounded by another half-million acres of rangeland worked by about 35 local ranchers. The entire area is referred to as the Malpai Borderlands - a million acres of unfragmented lands. Since Hadley bought the ranch, two new not-for-profit organizations have appeared: the Animas Foundation and the Malpai Borderlands Group (MBG).

The MBG is offering neighboring ranchers a "Grassbank Lease Agreement" in which ranchers are allowed to graze their cattle on the Gray ranch's lush pastures through November 30, 1997. In exchange, the rancher must sign a "Land Use Easement" in favor of the Animas Foundation and MBG. The easement is in effect, perpetual, applying to any "future owner," and provides for the transfer to another "not-for-profit" organization in the event of the demise of the MBG.

The Card Appraisal Firm was asked to develop a formula for appraising the relative value of public pasture and private pasture lands. His reply was addressed to Malpai Borderlands Group in care of Mike Dennis, Nature Conservancy, Arlington, VA. Mike Dennis is the Legal

"Alternative Theme 7, is essentially the Wildlands Project, and about four out of the remaining six Themes are components of the Wildlands Project."

Lower Ozarks Project Area

Ozarks Ecoregion

Created by ancient geological forces, shaped by water, trimmed by fire, the Ozarks landscape harbors a rare, unique and highly diverse population of plants and animals. More than 200 species, found nowhere else in the world, occur in the Interior Highlands. Many of these occur in the Nature Conservancy's Lower Ozarks Project Area, consisting of the watershed of the Current and Eleven Point rivers in eight counties in Missouri and one in Arkansas.

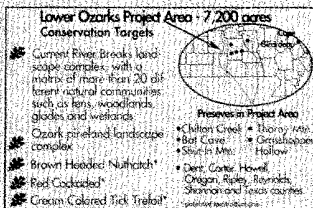
This remote area has not escaped the pressure of the modern age. Timbering, fire suppression, grazing, mining and development have all exacted their prices. Natural communities once common are now rare or even lost.

"A tall, thick, and rank growth of wild grass covers the whole country, in which the oaks are standing interspersed, like fruit trees in a well-cultivated orchard and pasture."

Even today, much of the Ozarks remains scientifically unexplored. A major challenge is to complete the cataloging of natural elements, to ensure that appropriate protection actions can be taken. Long-term stewardship of natural areas is critical.

Public ownership of land is significant in the Ozarks. Therefore, the Conservancy is working in partnership with state, federal and other management agencies to apply the best conservation management to large landscapes.

Perhaps the most critical element of our conservation strategy is working within the community to identify and encourage economic activities that produce income for local people while protecting the lands, waters, plants and animals of the Ozarks.



1997-98 Highlights

- For the first time in the history of the Missouri Chapter, a commercial timber operation occurred on a preserve. At our Grasshopper Hollow Preserve, a local horse logger was contracted to do the work to minimize erosion damage to the steep slopes of the site. Near-term plans for Grasshopper Hollow include building a self-guided nature trail.
 - The Chapter's burn crew completed prescribed fire application on approximately 3,300 acres at Chilton Creek Preserve. Because of the extensive pre-burn inventory work done at the site, changes in floral and faunal characteristics, as well as stream flow and erosion rates, can be closely monitored.
 - A timber-bank feasibility study got underway in the Ozarks. The study addresses the issue of perpetual maintenance of the largest contiguous forest in the mid-continent.
- COMMUNITY-BASED CONSERVATION**
- The Lower Ozarks Advisory Council, composed of residents of the Project Area, was formed to provide an important link

with the community at large. These nine men and women provide input to Conservancy staff and trustees on conservation issues affecting the communities in which they live.

- In partnership with the Van Buren School District, Conservancy volunteers conducted a conservation education project for summer school students; conservancy staff made presentations about the Conservancy and its work to approximately 12 groups within the Lower Ozarks. Staff also participated in numerous community groups. The Conservancy also provided support to the fledgling Van Buren Youth & Community Center and Van Buren Boy Scout Troop 67.
- A manual on harvesting and marketing non-timber forest products is under development by Top of the Ozarks Resource Conservation & Development, with Conservancy support. This manual will assist private forest owners in 10 counties to derive income from forest lands.
- The Conservancy assisted an organic mushroom producer to place their products in a national catalog. The mushrooms are sustainably produced, and represent a model of economic activity consistent with conservation.

The United States of Nature

Long before the map, there was the land. Before kingdoms and their cartographers, the land had etched borderlines of its own. These were visible, ecological boundaries hewn by climate, geology and corresponding vegetation, into states of desert, steppe, forest and tundra. Anyone who has traveled up a southwestern mountain of some size—feeling the tan and spiny desert give way to fragrant foothills dappled green with juniper, to parklands of tall pine, to forests of spruce and fir, they finally withering beneath the blasting winter winds and blinkingly brief summers of the alpine meadow—has witnessed, in minute scale, what ecological jurisdictions are all about.

As they are more scientifically viewed, ecological regions transcend single mountains; they encompass entire ranges of mountains. They circumscribe whole plains, plateaus, prairies, deserts, basins, foothills and coastlines, each with a correspondingly distinct covering of plants and wildlife. Across the country, as the Earth's active crust pushes up mountain ranges or spreads into basins, as latitude alters average temperatures from swelter to frostbound, as airstreams dictate realms of monsoon or drought, ecological regions grade from one to the next, conspicuously. Interrelated, they are nonetheless individuals.

And so each ecological region would naturally require customized attention. In the Conservancy's evolving practice of conservation biology, where the mission is to save the richest diversity of species, the political boundaries are logically giving way to those set by these ecological criteria. Within each are specialized conditions for life, hence specialized prescriptions for care. They have become the natural frames within which the seemingly impossible task of sheltering a continent's worth of biological diversity becomes workable.

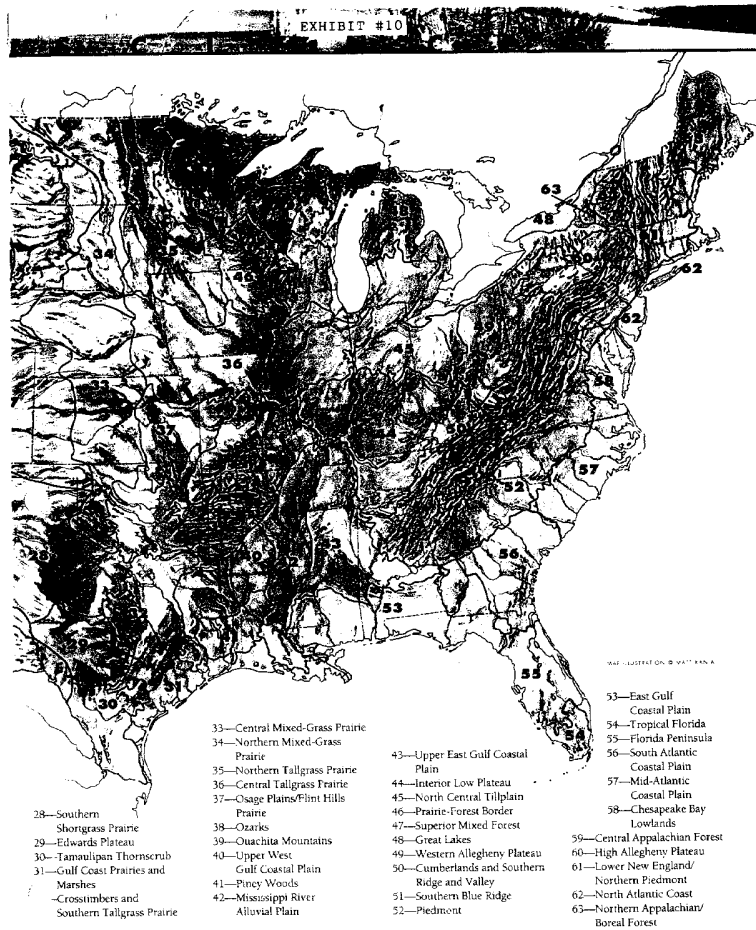
To that end, the Conservancy has outlined 63 such ecological regions within the Lower 48, from a Black Hills island of forest nearly twice the size of Delaware, to a spread of northern Great Plains steppe larger than California. (Look for similar maps depicting the ecoregions of Alaska, Hawaii and Latin America in future issues of *Nature Conservancy*.) Within each region, conservation professionals are carrying out plans individually tailored to the life and the land, yet collectively coordinated toward supporting the greatest variety of healthy species, humans among them.

—William Stolzenburg



CONTINENTAL U.S. ECOREGIONS

- | | |
|--------------------------------------|---------------------------------|
| 1—West Cascades and Coastal Forests | 15—California Central Coast |
| 2—Puget Trough and Willamette Valley | 16—California South Coast |
| 3—North Cascades | 17—Mohave Desert |
| 4—Medoc Plateau and East Cascades | 18—Utah High Plateaus |
| 5—Klamath Mountains | 19—Colorado Plateau |
| 6—Columbia Plateau | 20—Colorado Rocky Mountains |
| 7—Canadian Rocky Mountains | 21—Arizona-New Mexico Mountains |
| 8—Idaho Borehole | 22—Apache Highlands |
| 9—Utah-Wyoming Rocky Mountains | 23—Sonora Desert |
| 10—Wyoming Basins | 24—Chihuahuan Desert |
| 11—Great Basin | 25—Black Hills |
| 12—Sierra Nevada | 26—Northern Great Plains Steppe |
| 13—Great Central Valley | 27—Central Shortgrass Prairie |
| 14—California North Coast | |



STATEMENT OF CONNIE BURKS, JASPER, ARKANSAS

Ms. BURKS. To the honorable and esteemed gentlemen and women of the Resources Committee, I thank you for this hearing. My name is Connie Burks. I live near and commute twice weekly to Harrison, Arkansas. I am present here today with important documentation I obtained from the Buffalo River National Park Service in Harrison in July of 1996. I am not here because I have any training, expertise or background in this sort of thing, but because of my unexpected involvement in a most unusual situation and a series of coincidences.

I believe the details of that story are very significant to the proceedings here today, but time allotments do not permit my telling it. I would hope that the folks who have a copy of my testimony in the white packet of paper accompanied by a green packet of documentation mostly obtained from the National Park Service in July of 1996—I would hope that you will peruse that very carefully and compare all of the information and the points that it refers to.

Since this happened two or three years ago, I do not think a lot of people, even those who oppose this, are yet aware of how we came so very close to being designated as the Ozark Highlands Biosphere Reserve, an international designation, it was to have been the 48th and the second largest one in the country. It was within six weeks of being nominated for this designation after an eight-year long effort, and yet no one of the general public or even elected government officials knew anything about this.

It just so happened that I, a mere country preacher's wife, happened to hear of such a program in a round-about way. I did not believe it at first until I visited the Southern Appalachian Man and Biosphere Reserve and saw the signs there. When I returned home, I thought, I think I will just call the Park Service and put in my opposition early in case they might ever consider that here. I was alarmed when I learned that they were within six weeks of designating it.

I was invited to their office to allay my fears and they gave me all of this documentation at my request, and it was very alarming. From that point, I had another lady's help, who we met in a round-about way—Mary Denham, she will be testify later. Without her help, I probably would not have as easily been able to reach the new Arkansas Governor at that time.

It was interesting, at the same time that I had come across this documentation, our former Governor Tucker had had to resign because of his connection with the Clinton scandals and all of a sudden a Baptist preacher was sitting in the Arkansas Governor's seat, and he—when we finally got this information to him five days before the designation was to be nominated, he immediately did the right thing and stopped the two agencies of the 12 that were under his control, that were going to submit us to this. As a result, all the other agencies suddenly lost interest and dropped out, some even denying their previous involvement. But we have plenty of documentation to show that they were involved.

I know I do not have time to review all of this, but I prepared a list of 12 questions that still have not been answered to my satisfaction because, as the Honorable Helen Chenoweth said awhile ago, they are only taking a nap. It happened before and they will

attempt it again, I have no doubt, unless we as citizens and elected officials continue to monitor the situation and to resist it.

1. Who are the ad hoc committees, international coordinating councils and scientists vaguely referred to in the National Park Service feasibility study as being responsible for the outlining of biosphere boundaries and thereafter submitting their plans to Federal and state agencies for implementation? When and how are they spying out and cataloguing our country's great natural resources? Who is funding them?

2. When this same Ozarks Man and Biosphere effort was first attempted through the Ozark National Scenic Riverways National Park headquarters in 1993 in Missouri and apparently met with enough opposition in Missouri to discourage it, why do you suppose they waited three years before quietly resuming their efforts to see it through to completion and why did they move from a Missouri National Park office to an Arkansas National Park office just across the state line to carry out their plans, and without notifying the general public or government officials of this move?

3. The National Park Service could produce only one article of media publication for the whole eight-year long effort. That one article appeared in a publication of very limited circulation called *The Rackensack Monthly*, which only existed for four issues and was published in a place called Pelsor, Arkansas, which boasts only one store, a rural post office and five or six houses. The National Park Service cited no radio or television coverage. Why do you suppose they considered *The Rackensack Monthly* to be adequate notification for the surrounding 55,000 square miles?

10. Questions posed by former Arkansas Congressman, now Senator, Tim Hutchinson, when he spoke in behalf of this same resolution in 1996, bear repeating here: He said, "Promoters of these programs say they are voluntary and non-binding. But ... what is the point of an international agreement if no one is going to abide by it? And if we are going to abide by it, what happens to the Fifth Amendment to the Constitution which protects private property owners? Do we let an international organization dictate to American citizens how they can use their land?"

In studying the philosophy behind the MAB concepts, the pantheistic world view which equates God with the forces of nature and laws of the universe and considers man of no more consequence than the plants or animals, is the prevalent theme throughout all the goals, concepts and plans of MAB and its proponents. Adherence to this type of philosophy has produced societies which live in poverty, who are consistently destroying the ecology of their countries. On the other hand, the Christian nations which are maligned and vilified by the proponents of MAB instead have thriving economies, high standards of living and good ecology which is continually improving.

Therefore, I make no apology for my confidence in the one, true and living God, whom I serve by faith in the name and blood of His Son, my Saviour, Jesus Christ. It is a confidence that He is very obviously arranging the design of the events and circumstances that have brought us to this assembly today. It is His moral law upon which the republic of our great nation was founded

and it is only by His mercy and grace that we may continue to endure.

My request to you, our public servants, is that you be diligent and faithful to your responsibilities to protect the sovereignty of our American lands as guaranteed by our Constitution. Surely there is a threat, but even more surely, there is a remedy and a cause. Will you respond by thoroughly investigating this matter and taking measures to end the unAmerican abuses of our freedom?

My final statement comes from the ultimate authority—God’s Holy Word.

In Proverbs and Ecclesiastes, it says:

“The fear of man bringeth a snare. . . .” But, “Let us hear the conclusion of the whole matter: Fear God and keep His commandments, for this is the whole duty of man. For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil.”

Thank you.

[Applause.]

Mrs. CHENOWETH. I want you to know I feel like applauding too, but if you could withhold your applause until after the testimony, this is an official hearing and I would appreciate it very much.

Connie, I wonder if you would like to have your whole testimony, including your exhibits, made a part of the record?

Ms. BURKS. Yes, ma’am.

Ms. CHENOWETH. All right, very good. And we will also submit the questions officially on your behalf as the Committee for answers.

The Chair now recognizes Bobby Simpson, Dent County Commissioner from Salem, Missouri. Mr. Simpson.

[The prepared statement of Ms. Burks follows:]

Date: May 1, 1999

To: Committee on Resources
Honorable Jo Ann Emerson
612 Pine Street
Rolla, Missouri 65401

Pages of Testimony - 5 white

From: Connie Burks
HC 70 Box 321
Jasper, Arkansas 72641
(870) 861-5646

Pages of Documentation - 21 colored

TESTIMONY (Re: HR 883)

To the honorable and esteemed gentlemen and women of the Resources Committee, I thank you for this hearing. My name is Connie Burks. I live near and commute twice weekly to Harrison, Arkansas. I am present here today with important documentation I obtained from the Buffalo River National Park Service office in Harrison in July 1996. I am not here because I have any training, expertise, or background in this sort of thing, but because of my unexpected involvement in a most unusual situation.

ATTEMPTED OZARKS MAB EFFORT ABORTED

It should be understood that the ground on which this building stands (as well as 55,000 square miles surrounding us) very narrowly escaped(!) already having been designated as the 48th and 2nd largest "international biosphere reserve" within our U.S. borders. These so-called "designations" are of very questionable and as yet undetermined consequence. The reason this designation did not happen as planned is because I, a mere country preacher's wife, happened to ask a curiosity question to the very office of the National Park Service in Harrison that was within 6 weeks of completing an 8-year long effort to submit our public and private lands to an international program that is without any legal merit in our country. This Man and Biosphere program operates from and answers to the UNESCO arm of the United Nations--by way of the Department of the Interior/State Department. The NPS office in Harrison was "cooperating" with 12 state and federal agencies in Missouri and Arkansas to bring this about. See Items A & B

The answer I received to my inquiry so disturbed me that I felt compelled to inform someone with authority to do something about this. It was obvious to me that though this was supposedly a publicly known effort-- in reality, that was not so.

RESULT OF ARKANSAS' NEW GOVERNOR'S INTERVENTION

Interestingly and very significantly-- at the very same time that I had contacted the NPS office to oppose the possibility of such a program ever occurring here, our former Arkansas Governor Tucker, because of his connection to the Clinton scandals was being forced to resign. Unexpectedly, a Baptist preacher was now sitting in the governor's seat of Arkansas. Getting this information to him proved to be a difficult task, but rewarding. Once this information actually reached Governor Huckabee, he immediately did what some might say was a naive thing to do. On August 27, 1996, he ordered the two "cooperating agencies" which were under his authority to not make any commitments without his approval. This action came just 5 days before the intended "target date" of September 1, set by the NPS and cooperating agencies

See Item C

to go forward with the "nomination process". After the governor's action on August 27, State Senator Faye Boozman called my home to inform me of the status of the situation and to convey thanks from Governor Huckabee for my perseverance in relaying this information. The best news, however, came over the next few days when suddenly a number of the other cooperating agencies lost interest in signing this agreement when their involvement began to be made known to the general public and government officials. The MAB effort was essentially dropped- at least for the time being!

ACKNOWLEDGEMENTS

I need, at this point, to acknowledge the invaluable efforts of a real estate professional, Mary Denham, of Fayetteville, Arkansas, who in a round-about way found out that I had come across this information. Prior to this, she had read a vague mention of this program somewhere and recognized how it was attempting to be implemented through various property issues with which she was familiar. Yet she had, so far, been unsuccessful in finding out the source from which the Ozarks MAB was proceeding.

When she and I, two previously unacquainted people, combined the documentation that I had "ignorantly" stumbled on to with her professional insight and ability to make contact with key people in the state capitol, we were successful in procuring the governor's action. Another gentleman, Mr. Everett Middleton of Flippin, Arkansas was also instrumental early in the process of opposing and exposing the MAB effort. Along the way, we were also seeing a groundswell of public outrage as this became publicly known by word of mouth and a bit of initial media attention. There have been an encouraging number of citizens in Arkansas and Missouri as well as other places who have served honorably, effectively, and selflessly in opposing this threat to our national sovereignty. I am deeply grateful for their spirit of true patriotism.

HOW IMPORTANT WAS GOVERNOR HUCKABEE'S ACTION?

Remember, I had been told by the NPS office that September 1, 1996 was the "target date" for the 12 cooperating agencies to submit their signatures on the cooperative agreement and that the nomination form, already completed, would then be submitted to the U.S. MAB office in the State Department in Washington. From there they would await official designation which would presumably come when the U.S. MAB committee met again in December 1996. The NPS office had given me the list of 12 of the cooperating agencies. When I had contacted each of them in early to mid August, I had been told initially by at least 10 of the 12 that they supported the concepts and would either sign or cooperate. Now after receiving public and official attention two weeks later they are suddenly changing their minds and even some denying involvement in the first place.

To Governor Huckabee's official inquiries, the NPS responded by letter and by issuing a "briefing statement" of the MAB status to the various agencies, etc. saying, "We have contacted the agencies involved regarding their desire to pursue this program and the majority have chosen not to due to the controversy and the resulting effect on existing programs. As a result of these findings we will take no further action to establish a regional biosphere at this time." This complete reversal of their well laid plans of 8 years, just as they were nearing final completion, is evidence of the significance of the governor's intervention. Those of us who had a part in prompting his action are humbly grateful. We regret that he has since seemed to give conflicting signals concerning this issue as he is apparently receiving intense pressure from unidentified influences. We are obligated to pray for those in authority.

See Item D

MANY DOCUMENTS AND RECORDS AVAILABLE

What each of those agency representatives told me when I first contacted them by phone (before the governor's action) should be a matter of real interest to you of the committee- to help you make a more informed decision regarding the proposed House Resolution #883. It, as well as lots of other vital information and documents I have included in my first and second written testimonies to which I understand you each have access.

I have taken great care to keep accurate records and notes of the many phone conversations and events that transpired during the months of 1996 and 1997 when I worked on this. Also, I have made sure to distribute this information widely and with key people in the event my personal records should be lost or destroyed in any way. Because I have believed that surely there will be an official investigation into this matter sooner or later

See Item E₁-E₂

WHERE SHOULD SUCH AN INVESTIGATION BEGIN?

I have prepared a list of some of the most obvious questions which have as yet not been given satisfactory answers. I appeal to this Congressional committee to exercise what ability and authority you have to insure that these questions, as well as this whole affair be thoroughly exposed to the light of day. I will now read these questions and then make my concluding statements.

QUESTIONS THAT STILL NEED ANSWERS

1. Who are the "ad hoc" committees", international coordinating councils and scientists vaguely referred to in the NPS "Feasibility Study" as being responsible for the "outlining" of biosphere boundaries there- after submitting their plans to federal and state agencies for implementation? When and how are they spying out and cataloguing our country's great natural resources? Who is funding them? See Item F₁-F₂
2. When this same Ozarks MAB effort was first attempted through the Ozark National Scenic Riverways National Park headquarters in 1993 and apparently met with opposition in Missouri to discourage it, why do you suppose they waited 3 years before quietly resuming their efforts to "see it through to completion", and why did they move from a Missouri NPS office to an Arkansas NPS office just across the state line to carry out their plans? And without adequate notification to the general public or government officials?
3. The NPS could produce only one article of media publication of the 8-year long effort. That one article appeared in a publication of very limited circulation, called "The Rackensack Monthly" which only existed for 4 issues and was published in a place called Pelsor, AR which boasts a store that is more often closed than open, a rural Post Office, and 5 or 6 houses. The NPS cited no radio or television coverage. Why do you suppose they considered "The Rackensack Monthly" to be adequate notification for the surrounding 55,000 square miles? See Item G
4. One of the representatives of a Missouri agency who expressed support for the program, also said he thought the Federal agencies should go ahead and do it and take the heat for it since they were the ones most behind it, instead of letting the state groups shield them. This same gentleman called my home in mid-September '96 demanding to know what was going on down in Arkansas. (At this point hardly anyone in Missouri

had even heard of the renewed MAB effort through the Arkansas NPS office or the Arkansas governor's action.) When I asked what he was talking about, he told of receiving a copy of a letter dated September 5 (one week after the governor's August 27 action) to the NPS in Harrison from Marvin Moriarity of the Minneapolis Regional office of U.S. Fish & Wildlife. The letter said they were withdrawing support of the Ozarks MAB effort. According to this representative who called me, that was highly unusual. When I told him of the governor's action, he was sure that explained the situation. If that is so, why do you, the committee, suppose U.S. Fish & Wildlife would not take issue with this governor over this program that they have been historically supportive of and involved with- but instead just quietly withdrew support?

5. Why do you suppose the County Judges, community leaders, etc. were angry who were listed in the NPS Feasibility Study as being people who had been interviewed, providing "almost universal support" for MAB? Many of them declared both verbally and in writing that they had never heard of such a program and would have opposed it had they been asked directly. The Feasibility Study also states that the interviews were "intentioned to gain insights without enquiring directly". Should such flagrant misrepresentation of public opinion by these tax-based agencies be allowed to continue unchecked? See Item H₁-H₂
6. Why do you suppose the Honorable Bill Emerson of Missouri, now deceased, stated in a letter to a constituent, his distrust and opposition to this MAB program, yet was also listed in this Feasibility Study by a staff member as being supportive to the program? Could this possibly be another misrepresentation of the truth by MAB supporters? See Item I₁-I₂
7. Whereas the parties to these MAB agreements claim to be empowered by various state and federal codes and statutes and acts "to enter into this MAB agreement; isn't it time to review, amend or even eliminate "loop-holes" as these that allow such end runs around our Constitutional safeguards? See Item J
8. What does WinRock, International have to do with all of this? This organization was listed as a co-sponsor to the one and only so-called "public" conference of the 8-year MAB effort. See Item K
In early November of '96 Winthrop Rockefeller was elected as Arkansas' Lt. Governor. Does his proximity to Governor Huckabee have anything to do with the governor's subsequent turnaround on the Biosphere issue?
9. Based on information that I obtained by FOIA request from nearby Land Between The Lakes Biosphere Reserve in Kentucky, it seems to me that there is no consistent method by which these Biospheres get reserved, but rather it seems that they "write the rules as they go". Why is this and to whom exactly do MAB officials answer? See Item L (compare Item J)
10. Questions posed by former Arkansas Congressman, now Senator Tim Hutchinson when he spoke in behalf of this same Resolution in 1996, (then H.R. 3752) bear repeating here: He said, "Promoters of these programs say they are voluntary and non-binding. But...what is the point of an international agreement if no one is going to abide by it? And if we are going to abide by it, what happens to the Fifth Amendment to the Constitution which protects private property owners. Do we let an international organization dictate to American citizens how they can use their land?" See Item M

11. What about the NPS official's mention to me of a "more updated nomination form somewhere", also about Resource Council's part in carrying out MAB concepts, and what about the 2 agencies, one in Arkansas and one in Missouri that he said would be responsible for enforcement(?) of the program? Representatives from both of these agencies denied knowledge of any such provision.
12. It seems that most deception originates at high levels and is from there implemented at many levels by unsuspecting individuals who carry out orders- many times without asking, wondering or understanding "why". Being that all trails that I have followed seem to lead to the doorstep of the Department of the Interior/State Department, why could not this committee request a review of all documents and information from those departments about this MAB program and its connection to the UN as well as its outworking throughout the USA from the beginning of its existence until now? See Item N

CONCLUSION

In studying the philosophy behind the MAB "concepts", the pantheistic world view which equates God with the forces of nature and laws of the universe and considers man as of no more consequence than the plants or animals, is the prevalent theme throughout all the goals, concepts and plans of MAB and its proponents. Adherence to this type of philosophy has produced societies which live in poverty, who are consistently destroying the ecology of their countries. On the other hand, the "Christian" nations which are maligned and villified by the proponents of MAB instead have thriving economies, high standards of living and good ecology which is continually improving.

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My request to you our public servants, is that you be diligent and faithful to your responsibility to protect the sovereignty of our American lands as guaranteed by our Constitution. Surely there is a threat, but even more surely there is a cause and a remedy. Will you respond by thoroughly investigating this matter and taking measures to end unAmerican abuses of our Freedom?

My final statement comes from the ultimate authority- God's Holy Word.

In Proverbs and Ecclesiastes:

"The fear of man bringeth a snare..." But, "Let us hear the conclusion of the whole matter: Fear God, and keep His commandments: for this is the whole duty of man. For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil."

(Proverbs 29:25; Ecclesiastes 12:13-14)

ITEMS OF DOCUMENTATION

21 pages

Submitted with Testimony of Connie Burks

H.R. #883

(It is recommended that additional documentation submitted with my previous testimony in September 1996 (H.R. #3752) and Update (2-25-98) which was retained in the Congressional Record also be referred to in the study of this subject.)

May 1, 1999

(Item A)

BIOSPHERE RESERVE NOMINATION FORM

DRAFT

1. COUNTRY: United States of America
2. OFFICIAL NAME OF THE RESERVE: Ozark Highlands Man and the Biosphere Cooperative
3. BIOGEOGRAPHICAL REGION: Interior, unglaciated low plateaus (Ozark Plateau Province)
4. SIZE AND SPATIAL CONFIGURATION (see map)
 - 4.1. Size of Core Area(s): 80,530 hectares
 - 4.2. Size of Buffer Zone(s): 616,140* hectares
 - 4.3. Approximate Size of Transition Area(s): 507,520** hectares

*cooperator administered within the Buffalo and Current River watersheds.
 **privately administered within the Buffalo and Current River watersheds.

5. ADMINISTRATIVE AREAS INCLUDED IN THE PROPOSED BIOSPHERE RESERVE

If one or more existing and contiguous administrative areas (e.g., national park, nature sanctuary, experimental station) are to be included in the core area(s) and buffer zone(s) of the proposed biosphere reserve, give the name(s) of this/these administrative area(s) and the name(s) of the authority(ies) responsible for its/their management.

N/A

If the proposed biosphere reserve consists of several areas which are geographically separated and managed by different administrative authorities, give the names of these administrative areas and the names of the authorities responsible for their management. In this case (cluster biosphere reserve), a supplementary form should be completed for each administrative authority concerned. The MAB Secretariat can provide this supplementary form upon request.

Arkansas: Arkansas Natural Heritage Commission, Harold K. Grimmett (Director), Little Rock; Buffalo National River (NPS), John D. Linahan (Superintendent), Harrison; Ozark National Forest, Lynn C. Neff (Forest Supervisor), Russellville.

Missouri: Mark Twain National Forest, B. Eric Morse (Forest Supervisor), Rolla; Missouri Department of Conservation, Jerry J. Presley (Director), Jefferson City; Missouri Department of Natural Resources, David A. Shorr (Director), Jefferson City; Ozark National Scenic Riverways (NPS), Arthur L. Sullivan (Superintendent), Van Buren; Pioneer Forest, Clinton E. Trammel (Manager), Salem; The Nature Conservancy, G. Rodney Miller (State Director), St. Louis.

*sum. with us
is agency making decision*

(Item B)

MANAGEMENT BRIEFING OF PRIOR HISTORY

We would like to provide some background on the effort thus far as we understand it for those of you who have not been personally involved in this cooperative effort. The Feasibility study for an Ozark man and the Biosphere (MAB) Cooperative, completed in 1991, identified opportunities for applying biosphere reserve concepts to help link conservation, research, sustainable development, and local participation in the Ozark Highlands. The study serves as a catalyst and guiding document for the subsequent work of our Steering Committee. That Committee has prepared a mission statement for an Ozark Highlands Regional MAB Cooperative, (a draft Cooperative Agreement), and completed information summaries and a nomination form to support U.S. nomination of (complementary management areas) for international recognition as part of an Ozark Highlands Biosphere Reserve. An important remaining component for the Steering Committee's consideration is how best to facilitate the full participation of government, private entities, and local communities in a future Regional MAB Cooperative. Although the feasibility study documented "almost universal acceptance of the concepts embodied in the Man and Biosphere Program", some partners may still desire additional perspective on the practical benefits of the MAB approach in helping them pool increasingly stretched financial and human resources to assess and address important local and regional issues. In this context, we note that the U.S. MAB's Biosphere Reserve Directorate has recently proposed a new initiative to provide catalytic grants for local partnerships working to implement biosphere reserve concepts. We have contacted the Coordinator and expressed a willingness to participate. If funded by the U.S National Committee, this initiative would offer possibilities for supporting cooperation in the Ozarks.

*sum. with us
is agency making decision*

CC to the following:

Arkansas Game & Fish Commission
Missouri Department Conservation
Pioneer Forest
The Nature Conservancy (Missouri and Arkansas)
U.S. Fish & Wildlife Service
Arkansas Natural Heritage Commission
Missouri Department of Natural Resources
U.S. Forest Service (Ozark and Mark Twain)
Ozark Land Trust

(Item C)

InterOfficeMEMO

OFFICE OF THE GOVERNOR
Mike Huckabee, Governor

TO: Steve Wilson

FROM: Jim von Grempt *JW*

DATE: August 27, 1996

RE: US Man and Biosphere Project/Ozark
Highlands Region

ROUTING INFORMATION

- | | |
|---|-------------------------------------|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> FOR REC. |
| <input type="checkbox"/> FOR SIGNATURE | <input type="checkbox"/> INITIAL AN |
| <input type="checkbox"/> FOR COMMENT | <input type="checkbox"/> NOTE AN |
| <input type="checkbox"/> PREPARE REPLY | <input type="checkbox"/> PLEASE S |
| <input type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> AS RECU |

We have received a number of calls from concerned citizens regarding the US Man and Bio Project in the Ozark Highlands Region. They are concerned about this project because of the commitment required and the vagueness and scope of intent of the long-term commitment.

Before any further steps are taken, please call Jeff Pitchford with my office, and discuss this. Jeff will in turn brief me and the Governor and we will get back to you as soon as possible.

Please do not make any commitments for the State of Arkansas without approval. ?

682-8037

JWS

cc: Governor Huckabee



IN REPLY REFER TO:

N16(BUFF-ONR)

United States Department of the Interior
NATIONAL PARK SERVICE

Buffalo National River
402 N. Walnut, P.O. Box 1173
Harrison, AR 72602-1173

Item D, 1

November 8, 1996

Governor Mike Huckabee
Office of the Governor
State of Arkansas
State Capitol
Little Rock, Arkansas 72201

Dear Governor Huckabee:

Thank you for your recent inquiry regarding the Ozark Man and Biosphere program. Please rest assured we share your concern over the controversy generated from this joint attempt by federal and state agencies since 1988 to form a regional Man and Biosphere cooperative for the Ozark Highlands. We have contacted the agencies involved regarding their desire to pursue this program and the majority have chosen not to participate due to the controversy and the resulting effect on existing programs. As a result of these findings we will take no further action to establish a regional biosphere at this time.

However, we do remain supportive of the concept of Man and Biosphere as a designation of unique areas of biological and cultural diversity within the United States under the United States Man and Biosphere program. Man and Biosphere is a voluntary, cooperative program with no regulatory authority or force of law. It has been in existence nation-wide since the 1970s and involves approximately 40 sites in 23 states. If it would be of interest to you, we would like an opportunity to address many of the misconceptions and rumors being perpetrated by individuals and organizations opposed to this program at your convenience either in writing or in person. We have taken the liberty to include a few of the more salient examples of such misconceptions for your review.

We will certainly inform your office if any effort to continue this program were to occur in the future. Your role in any decision making process associated with this program would be most welcome.

If you have additional questions or concerns regarding this matter please do not hesitate to contact myself or George Oviatt of my staff at 501-741-5443.

Sincerely,

John D. Linahan
Superintendent

(Item D₂)

BRIEFING STATEMENT FOR THE OZARK REGIONAL MAN AND BIOSPHERE PROGRAM

STATUS? The recent response from the 10 agencies involved indicates little or no support for MAB at the present time. We have decided not to proceed with the nomination based upon their response.

A regional biosphere for the ozark highlands would have been a designation by the United Nations' through its' Man and Biosphere program.

WHAT AREA WAS INCLUDED?: At least 15 counties in Missouri and Arkansas but includes small sections of Oklahoma, Illinois, and Kansas. The watersheds for the Buffalo National River and the Ozark Scenic Riverways are also included.

WHAT WAS THE CONCEPT?: To involve local residents, agencies, and organizations in activities that help sustain the regions ecosystem. Working together, cooperatively, through education, economic development, and scientific study MAB seeks to solve regional issues. An example might be to develop an environmentally sound product which would allow economic recovery for an area or community.

WHAT IS MAB?: A United Nations program since 1976 designating areas world-wide for their uniqueness. They can be of historic, natural, educational, etc. significance. Currently 110 nations participate in the program with more than 285 biosphere reserves.

WHAT WAS THE OZARK MAB?: Our regional MAB would have been a cooperative association of sites from the National Park Service, US Forest Service, State agencies, etc. These areas were surrounded by communities and private land and are designated as a single biosphere.

WHAT A REGIONAL MAB IS NOT: It is not a regulatory program and carries no authority. It contains no power to acquire land, impose restrictions, or implement a legislative efforts. It does not bind any cooperator or interested citizen from withdrawing support for the program.

These are the 12 agencies/organizations to whom the letter from Buffalo River National Park Service was sent asking for a response by September 1, and their ~~entire~~ individual responses to my inquiries.

Arkansas groups: AR Game & Fish Commission *Dept. of Implementation*
 (Reps.) Though they have withdrawn participation, in the representative still states that they support the MAB concepts and think it's a good program.

Nancy DeBorja *AR Nature Conservancy*
 Thinks it is a program with great potential. Regrets not being able to overcome bad publicity.

Tom Foti *AR Natural Heritage Commission*
 Spoke very positively of MAB and their intention to sign until I voiced my opposition.

U.S. National Forest Service (Ozark/St. Francis)
 Avoided my calls until after the press contacted them. Although they had definite involvement with the Programme effort, they regret it now, however, still not sure it's as bad as the public believes it to be.

Buffalo National River NPS (Chief facilitator of effort) Contends that it is a good program. Says agencies have dropped it because of misinformation. When asked if the NPS would not pursue it on their own, Mr. Oviatt said, "I cannot tell you that." I asked him to inform me if that became the case. He indicated he would consider that.

Missouri groups:

Don Zckor

Missouri Department Conservation
 Will not be signatory members. Apparently because of "heat" they took for introducing the CRM plan earlier which embraces the proposed Biosphere Reserve.

Clint Trammel
 Greg Jeffing

Pioneer Forest
 Supports MAB without question. Were the first to sign MAB Cooperative agreement.

Wayne Wier
recent transfer from US Fish & Wildlife

Missouri Nature Conservancy
 Representative was for it but recommended not signing because of public dissent in Missouri. He thought the Federal agencies should go ahead and do it and take the "heat" for it since they were the ones most behind it, instead of letting the state groups shield them.

Paul Nelson

Missouri Department of Natural Resources *Dept. of Natural Resources*
 Representative I talked to was not very well informed about it, but assumed it was a good program. Just cautious about public disapproval.

*taken from personal notes
 9-22-96 eb*

*Let's talk to ONF:
 Dick Bowie
 Jan Hartman
 Greg Hatfield/Heather Daniels
 George Oviatt*

*I
 n
 E*

Lynda Richards

U.S. Forest Service (Mark Twain)
Would not sign, but only because of public scrutiny. Apparently planned to cooperate anyway.

Larry Ballman

Ozark Regional Land Trust
Definitely for it. Disgusted with agencies who were afraid of public dissent. Believes different philosophies of "loggers" and "tree huggers" are irreconcilable and therefore such decisions should be left to people like himself who know what's best for the rest of us. He also said the Programme was designed to eventually include private landowners. (Later added "who are willing")

Federal Agency:

U.S. Fish & Wildlife Service
Historically very supportive of MAB in other areas. However, was advised to drop support in Ozarks (apparently because of recent public outrage). Did so in a letter dated September 5, 1996 to NPS. from *Minneapolis Regional Office*

Note: Mr. Oviatt told me that AN Game & Fish and MO Dept. of Natural Resources were to be the departments responsible for implementing or enforcing the Programme in each respective state. Representatives of both departments denied knowledge of such provisions.)

Mr. Oviatt had told me that signatory cooperation from all these groups would not have to be unanimous for the nomination to proceed. When I asked, "How many?", he said, "Maybe 10 of 12". Interestingly, on my first telephone contacts with these groups, only 2 of the 12 said they would definitely not sign. The letter made it plain that if an agency could not sign because of "current conditions", they might wish to be identified as a cooperator with the Cooperative and explore ~~future~~ opportunities for involvement.

Actually, there was a space for a 13th signator that Mr. Oviatt had not mentioned. It was Ozark National Scenic Riverways, National Park Service, apparently a co-facilitator with DNR. They were very uncooperative when I called and denied connection to the Programme. "Charlie Pitman"

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Item F₁

INTRODUCTION TO THE FEASIBILITY STUDY (pg 23 part of 24)

In a proposal to assess the feasibility of a Man and the Biosphere cooperative, the Ozark MAB Steering Committee described the desirability of a regional mechanism to address environmental needs:

The Ozark Plateau region is experiencing recurring environmental and natural resource problems that are adversely affecting the natural quality of many areas and the welfare of its people. Imprudent development and use of land, pollution of water and air, and declines of certain species of plants and animals are examples of the extent of the problem.

Although there are several governmental agencies managing lands distributed throughout the region, many of the problems extend beyond the jurisdictional boundaries and mandates of any one individual agency. If these problems are to be effectively addressed and solved, it will require coordinated and deliberate action on a regional scale based on sound ecological principles.

If this premise is accepted, then what is needed is a suitable vehicle to serve this purpose. In particular, this assessment will discuss the feasibility of using the biosphere reserve concept of the Man and the Biosphere Program (MAB) as a mechanism to develop a program for the integration of cultural and natural resource interests in the Ozark Plateau region.

The Ozark MAB Steering Committee was formed after an *ad hoc* MAB panel reviewed the Unglaciated Interior Plateaus region and recommended considering a biosphere reserve program for the Ozark Plateau (see Martin, 1988). This *ad hoc* panel concluded that several sites nominated by cooperating agencies would make a substantial reserve system, while one or more sites alone would be less significant.

The panel identified the watersheds of the Buffalo River and Current River as suitable for developing a regional MAB program. Appropriate parts of the National Park Service units on the Buffalo and Current Rivers, along with the Mark Twain National Forest and Ozark National Forest, could serve as core areas. Other areas under federal, state, and private administration could be included, as appropriate, to comprise the Ozark Plateau biosphere reserve nomination.

Interested agency and organizational representatives met with a U.S. MAB representative in 1988 to discuss a proposal for the regional nomination. Most participants agreed that some form of the biosphere reserve concept would be regionally beneficial, but they had many questions regarding the best way to proceed. The group agreed to assess the feasibility of the program and to develop the concept further before deciding whether to submit a formal nomination to the Man and the Biosphere Program.

Through the Missouri Field Office of The Nature Conservancy, agencies on the Ozark MAB Steering Committee contracted with Ecological Services of Urbana, Illinois to conduct the feasibility study. Guidance and partial funding were provided by the U.S. MAB program. The project was completed in four basic stages:

- (1) Compiling and assimilating background information.—UNESCO and other organizations participating in the Man and the Biosphere Program have produced many publications about biosphere reserves and other MAB projects. Materials describing the public lands, culture, and natural resources of the Ozarks are also abundant.
- (2) Describing and delineating the Ozark region and the study areas; identifying potential biosphere reserve sites.—The study needed to define the geographic scope of the project: what is the extent of the Ozarks, and what sites would be best suited for nomination as part of the biosphere reserve system? Information in databases maintained by the Arkansas Natural Heritage Commission and Missouri Natural Heritage Inventory was fundamental to this stage of the study.
- (3) Conducting the interviews.—Ninety Ozark residents were interviewed to learn of environmental and economic concerns that might be addressed by the approach embodied in the MAB program, and to assess the potential support for a biosphere cooperative program. The interviewees represented a wide range of

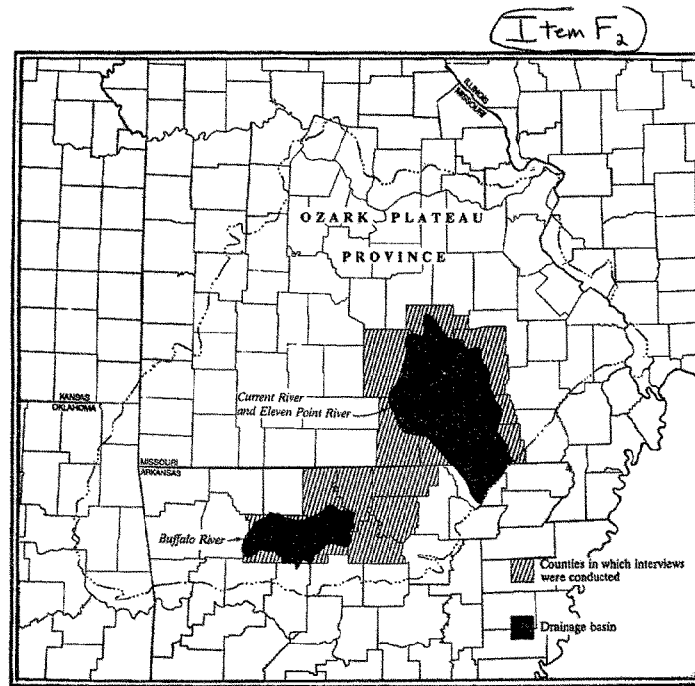


Figure 5. Boundaries of study areas based on the drainage basins of the Current, Eleven Point, and Buffalo Rivers.

(Item G)

Get Info on Harrison
meeting
The RACKENSACK MONTHLY

16

December 1993

Environment

United Nations resources project discussed for Ozark region

By VERN MODELAND
Special to The Rackensack Monthly

About 40 persons from the agricultural, environmental, political and scientific sectors met last month for talks on including the Ozarks in a United Nations natural resources protection project.

Discussed was the Man and the Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). Affiliates could establish the Ozarks as the second major regional program reserve in the United States.

Hobart Hinote is executive director of the Southern Appalachian Man and Biosphere Reserve, one of the largest reserves in the UNESCO program worldwide. He said the program has become a model in protecting a globally significant ecosystem and offers a wealth of scientific expertise.

A biosphere reserve links private, government and academic interests to protect natural resources, Hinote said. He said some achievements of the program in the Appalachians in-

clude:

- A model community planning program, aimed at linking tourism development with conservation of natural resources.

- Support in restoring endangered and threatened animal and plant species including re-introduction of the red wolf in the Great Smoky Mountains National Park.

- Development of environmental education programs for schools and the publishing of a directory of such programs available in the region.

- Prediction of periodic resource management workshops and an annual planning meeting.

- Establishing a forest health monitoring program.

- Initiatives in public education including the study of methods of controlling dogwood anthracnose disease and other threats to the area's environment.

"Each reserve unit is a unique resource, typically one that is shielded from the influence of unbridled development," Hinote said. "Biosphere reserves become proving ground for ecological research and monitoring a landscape for learning. The lessons learned are then extended to a sur-

rounding zone of cooperation through voluntary community projects."

Hinote said the Southern Appalachian reserve includes parts of Alabama, Georgia, Tennessee, North Carolina and Virginia.

Within it are national and state parks, National Forest lands, research laboratories and several large tourist attractions.

Hinote observed that the region has experienced tremendous and largely uncontrolled growth in the last 20 years, not unlike parts of the Ozarks. He added that poor planning has often hindered wholesome economic development and damaged irreplaceable natural resources.

Hinote stressed that the biosphere reserve program he heads has no legal mandate or extraordinary funding. It relies on discretionary dollars available in the budgets of eight federal and two state member organizations plus private donations.

Others making presentations included Tom Felt, of the Arkansas Natural Heritage Commission. Felt presented a photo-supported overview of the topography, climate, water resources, vegetation and geological patterns in parts of Missouri,

Arkansas, Oklahoma and a corner of Kansas.

Donald Voth of the University of Arkansas Department of Rural Sociology, discussed social problems of ecosystem management in the Ozarks region. Milton Rafferty, director of the Department of Geography, Geology and Planning at Southwest Missouri State University, shared some experiences of his 15 years tracking changes in area commerce and population. Emphasis was on the growth of tourism and its impact on 25 counties in Missouri and Arkansas.

"Fancy County on any given August day, has 100,000 population, making it the fifth largest city in Missouri," Rafferty said. "Ozarks tourism growth is not uniform. Most of it is in corridors and a triangle oriented to Interstate Highway 44 and U.S. 71."

Tourism growth in the Ozarks has been supported by a \$1 billion investment of government funds enhancing recreational opportunities in Missouri and Arkansas, he added.

Rafferty spoke of "nodes of concentration," so-called "hard" development such as that seen around Branson and "soft" or environmentally conscious tourism development, mostly occurring within 10 miles of highways. He also talked of "poor" development nodes elsewhere in the Ozarks, supporting hiking, camping, "for fee" hunting and other recreation requiring no special infrastructure.

A panel of five people discussed successful projects now in place in the Ozarks. Participants were Andy Anderson, presiding commissioner of Dent County, Mo., who described the Ozark Sonic River Partnership; Leroy Bullard, director of the Watershed Committee of the Ozarks; Gary Valen of the Kerr Center for Sustainable Agriculture, representing Meadow Creek, a research and education facility near Fox, Ark.; Gregg Galbreath, executive director of the Ozark Regional Land Trust; and Mark Van Ertzen from the Conservation Federation (Missouri), representing the Stream Team preservation program.

After the meetings, a some participants visited the Baker Prairie preserve in Harrison, then went to Barley Valley in Newton County, Ark. Paul Villone told them of ongoing cooperative projects involving the National Park Service and U.S. Forest Service. They also talked with other residents who have had personal experience working with the government to preserve the Buffalo River.

APPENDIX 3

(Item H₁)

DESCRIPTION OF PERSONAL INTERVIEWS

Examples of Interview Questions

The following list illustrates the kinds of questions asked. Not all questions were asked of everyone. Some questions are intended to learn about the interviewee and to gain insights into attitudes toward the MAH concept without enquiring directly.

Private Citizens

- What is your family's history in the region?
- How long have you owned the land, how did you acquire it, and why? Do you have emotional ties to the land?
- What different uses has your family made of the land during your ownership?
- How has land use changed, and how has the character of the land changed with use (i.e., water levels, springs, timber cover, development, etc.)?
- How has the region changed in the time that you've lived here?
- Which changes do you see as good, which as bad?
- How have these changes affected you and your family, and other segments of the local population?
- Have any of the land use changes made you: (a) feel good about the area (e.g., glad to see the economy building and tourism increasing), (b) angry ("they should have done X"), or (c) sad (e.g., loss of the good old days and former way of life; hate to see the trees cut; hate to see so many people coming into the area)?
- How do you see the recent developments of X, Y, and Z affecting the area, the way of life in the region, and you and your family? (X, Y, and Z could be tourism, motels, and housing development.)
- How have you seen the quality of life change over the past 25 years, 10 years, 5 years in relation to schools, roads, services, police, fire, water, shopping, leisure activities?
- How have these changes affected your personal and family life?
- What kinds of leisure activities do you and your family and other local people enjoy? How have these changed over time?
- What do you think will happen in the area if these changes continue?
- What do you miss from the old days? What are you glad is gone and not a part of your life anymore?
- What are the values of the local people?
- Do you think young people of today in your region are different from your generation? In what ways?
- How have the changes in the region affected the changes in these youth?
- Do most of the young people stay here or move away when they grow up?
- What are the main jobs people have in this area? How do they make their living?
- Is it hard to get (a) a job, (b) a good job?
- How have the land uses in the area affected the number and types of jobs?
- What are the two most important things that you wish were different about the area and could be changed in the future?
- Do you see any public health problems? Is there a good water supply?
- Do you and other people like the government agencies (e.g., Forest Service, National Scenic Riverways, local government)?
- Does government interfere in your life, does it play too large a role, or is it acceptable?
- What do you wish the Forest Service or other agencies would do differently?
- If a regional MAH project is put into effect, how would it affect you personally, your family, your job, your leisure activities, and the region as a whole?
- Do you think the project could benefit you or the region? If no, what would need to be done to benefit you?
- Are you aware that your area has special scientific value and contains endangered species? Does this affect you and how do you think the land should be used?

Representatives of Key Business Interests and Special Interest Groups

These questions are similar to those for private businessmen, except that the emphasis shifts

From Feasibility Study
pg 126-127

Item H₂

9-5-96

TO WHOM IT MAY CONCERN:

I, Randy Gibbins, have no recollection of an interview with anyone concerning a project called "Man And Biosphere."

If I had known of such a project, I certainly would have opposed it.

Randy Gibbins
Randy Gibbins
HC 33, Box 68
Compton, AR 72624

*Sidney, Ark.
To Connie Burks
HC To Box 221
Jasper, AR 72641
9-6-9*

*I bur the Burks,
via Telephone call 9/4/96.
I do not remember a survey
1996. And do not understand at
the information made about
Survey.*

*I am totally opposed to any
kind of program that restricts
the farmer or land owner his
Right to the use of his own
Land, and then of that individual's
Property Rights. (over)*

*I do not support the M.
and Biosphere Program.*

Yours Truly

Alvin Charles

*Rural Baptist Pastor -
President of P. Izard C.
Tanner Bureau*

P. O. BOX 435
JASPER, ARKANSAS 72641

EUGENE VILLINES
NEWTON COUNTY JUDGE

PHONE: (501) 446-5127
FAX: (501) 446-2106

September 9, 1996

TO WHOM IT MAY CONCERN:

My name appeared on a list that came out in September 1991 feasibility study on man and biosphere concepts. There was an indication that I was supposedly interviewed to the best of my ability I do not recall any such interview. I would like to also say that I oppose this concept.

Sincerely,

Eugene Villines
Eugene Villines
Newton County Judge

BILL EMERSON
MEMBER OF CONGRESS
8TH DISTRICT, MISSOURI
HOUSE COMMITTEE ON
EDUCATION
HOUSE COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION

Congress of the United States
House of Representatives
Washington, DC 20515-2508

February 28, 1996

OFFICE:
SUITE 2500
RAYBURN BUILDING
WASHINGTON, DC 20515-2508
202225-4004
THE FEDERAL BUILDING
101 BROADWAY
CAPE GIRARD, MO 63701
314/232-4101
812 FIVE
PUELA, MO 65401
314/366-1455

Item I,

Mr. Jerome Smith
Rt. 2 Box 346
Norwood, MO 65717

Dear Mr. Smith:

Thank you for contacting me recently. I appreciate it when the folks back home take the time to let me know what issues are of importance to them.

After contacting numerous private and governmental organizations I was finally able to locate some information on the United Nation's Biosphere Reserve Program, which I believe you were referring to in your correspondence. Even though this program has been around for 25 years it has kept quite a low profile and very few people seem to be aware of it, including myself. However, the program has recently jumped into the spotlight because of the UN's intentions to implement it during the next decade with support from United States Man and Biosphere program's member agencies, private organizations, and an expanding community of Biosphere Reserve stakeholders at the local level.

Currently there are 47 Biosphere Reserves across the United States that range from 1,500 acres in size to 8,259,999 acres. A typical Biosphere Reserve encompasses three types of areas: 1) one or more securely 'protected area,' for conservation and monitoring of minimally disturbed ecosystems; 2) 'Managed Use Areas,' usually surrounding or adjoining the protected areas, where experimental research, educational activities, and public recreation occur according to ecological principles; and 3) 'Zones of Cooperation,' which are open-ended areas of cooperation where managing agencies, local governmental agencies, scientists, economic interests, nongovernmental organizations, cultural groups, local citizens, and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development, and cultural values. Some of the better known Biosphere Reserves include Denali, Everglades, and the Virgin Islands.

I continue to have concerns about the implications that these so-called biospheres could have on private property rights, and I am against control of our country's crown jewels by international agencies. Please be assured that I will continue to monitor this subject area closely. Again thanks for being in touch. Remember do not hesitate to contact me in the future if I can be of assistance to you.

Sincerely,

Bill Emerson

BILL EMERSON
Member of Congress

BE/jk

Table 6, page 3. Comments regarding a potential Man and the Biosphere cooperative by representatives of potential partner organizations. A checkmark indicates that the person thinks the project is a good idea.

Item I₂

Gerald Ross, State Forester,
Missouri Department of
Conservation, Jefferson City, Mo.

He has concerns that regulation will come to the Ozarks unintentionally through MAB and will hurt operators of small businesses in the timber industry.

Ken Smith, Special Assistant for
Natural and Cultural Resources,
Office of the Governor, Little
Rock, Ark.

✓ The committee should make every effort to include representation of all the local public. He provided many good suggestions.

Lloyd Smith, Staff Officer for U.S.
Representative Emerson of
Missouri

✓ His office would not be an initiator; but if the county commissioners support the cooperative, Congressman Emerson will support it. MAB needs to be action-oriented to be helpful.

Mark Solomon, Environmental
Aide for U.S. Senator Danforth of

✓ MAB sounds great. They are interested in its interaction with tourism and value-added industry.

taken from
Feasibility Study
pg. 80

! ↑ compare ↓

COOPERATIVE AGREEMENT
(Memorandum of Understanding (FS))

FOR THE
ESTABLISHMENT AND OPERATION OF THE

OZARK HIGHLANDS
MAN AND THE BIOSPHERE COOPERATIVE

Item J

THIS COOPERATIVE AGREEMENT, made and entered into this day of _____, one thousand nine hundred and _____, by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways), Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U. S. Fish and Wildlife Service, U. S. Forest Service (Mark Twain NP and Ozark/St. Francis NP), all of whom represent several land management and planning agencies with interests in the general area of the Ozark Highlands, do hereby join together for a common and specific purpose.

ARTICLE I. BACKGROUND AND OBJECTIVES

W I T N E S S E T H:

WHEREAS, the parties to this cooperative agreement, pursuant to their respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United National Educational, Scientific, and Cultural Organization for the purpose of building a harmonious relationship between man and the environment on a scientific basis; and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

WHEREAS, the International Coordinating Council of the Man and the Biosphere Program has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystem and its wealth of scientific expertise; and

WHEREAS, all parties to this agreement wish to join in a partnership effort: to promote the conservation and wise stewardship of the area's renewable resources; to increase the environmental awareness of the general public; to encourage environmentally compatible economic development; to support and encourage continuing research helpful to the maintenance and understanding of the region's resources; and to embark upon a process which ensures the sharing and circulation of the results of regional research efforts, and

WHEREAS, the parties to this agreement are empowered by various state and federal codes and statutes to enter into this agreement, and

WHEREAS, the Economy Act of 1932, as amended, 31 U.S.C. 1515 and 1346(b) (Interagency Agreements), provides for federal agencies to enter into agreements establishing mutual policies, objectives, and cooperative relationships, and

WHEREAS, this agreement may be used to pool funds and human resources for a common purpose, and

WHEREAS, all parties to this agreement recognize this joint effort will engender the further development of additional agreements with appropriate public and private agencies.

NOW THEREFORE, in consideration of the foregoing premises and in the interest of mutual advantage for the attainment of common objectives, the parties to this agreement hereto desire to cooperate and mutually agree to:

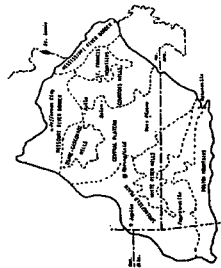
ARTICLE II. STATEMENT OF WORK

pg. 1, 2 of 6 pages
full document available
upon request

Mission Statement of the United States Man and the Biosphere Program

"The mission of the United States Man and the Biosphere Program (U.S. MAB) is to foster harmonious relationships between humans and the biosphere through an international program of policy-relevant research which integrates social, physical and biological sciences to address actual problems. These activities — broadly interpreted — include catalytic conferences and meetings, education and training, and the establishment and use of biosphere reserves as research and monitoring sites."

Adopted by the U.S. National Committee for the Man and Biosphere Program, January 6, 1989.



Geographic region of the Ozarks (from Ballinger, 1989).

Arkansas Natural Heritage Commission
500 Tower Building
28 Center Street
Little Rock, AR 72201

*Don
Chidwell*
Item K
1993
**OZARK HIGHLANDS
MAN AND THE BIOSPHERE
REGIONAL CONFERENCE**
HARRISON, ARKANSAS
Nov. 3-4



Item K
SPONSORED BY
OZARK REGIONAL LAND TRUST
WINROCK INTERNATIONAL

(Item L)

Memorandum No. _____

**MEMORANDUM OF UNDERSTANDING
FOR LAND BETWEEN THE LAKES (LBL) AREA BIOSPHERE RESERVE
COOPERATIVE**

BACKGROUND AND OBJECTIVES

WHEREAS THE UNITED NATIONS Educational, Scientific, and Cultural Organization has established the Man and the Biosphere Program for the purpose of building a harmonious relationship between man and the environment, and the United States cooperates with the international program; and

WHEREAS THE INTERNATIONAL Coordinating Council has recognized the 17-county LBL area as suitable for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystems; and

WHEREAS THE STATED MISSION of the LBL Area Biosphere Reserve Cooperative is to help plan and develop a sustainable future by enhancing the regional economy and the environment; and

WHEREAS THE SIGNATORY parties to this understanding share an interest in promoting the sustainable use of the area's renewable resources, promoting the conservation of its unique and fragile attributes, supporting environmentally compatible and sustainable economic development, and advancing and sharing research programs furthering these mutual interests; and

WHEREAS THE SIGNATORY parties are empowered by various laws and regulations, including, but not limited to a.) 39 Statute 535, as amended, U.S.C. 1 Organic Act; b.) TVA Act of 1933; and c.) 82 Statute 1098, 5 U.S.C. 531 Intergovernmental Cooperation Act; to enter into cooperative relationships;

NOW THEREFORE BE IT RESOLVED, that in consideration of the stated premises and in the interest of mutual advantages for the attainment of common objectives, the parties to this understanding state their desire to cooperate and mutually agree to the following:

ALL PARTIES AGREE TO:**A) STRUCTURE**

An Executive Policy Council (Council) shall be established to determine the overall scope and direction of work for the LBL Area Biosphere Reserve Cooperative.

1. The Council shall consist of one representative from each signatory agency and instrumentality within their respective authorities and the Body (as defined in #3 below) shall elect three (3) representatives to the council.

2. An Administrative Committee (Committee) shall be established to provide support services to the Executive Policy Council herein established, including administrative and clerical services, housing of records, coordination of interagency activities as requested, and assistance to participatory agencies in pursuing programs jointly or separately. The Committee shall consist of one representative from each of the following:
 1. Pennyrite Area Development District,
 2. Purchase Area Development District,
 3. Greater Nashville Regional Council, and
 4. TVA's Economic Development Group (Hopkinsville, Kentucky office)

3. An LBL Area Biosphere Reserve Cooperative Body (Body) shall consist of representatives of signatory agencies, instrumentalities and individuals who reside and/or work in the 17-county LBL Area Biosphere Reserve region.

page 1, part of 2 of 5 page documents
file "available upon request"
Compare with Ozarkas (Item J) mov

THE HONORABLE JIM HUTCHINSON
 COMMITTEE ON RESOURCES

(Item M)

H.R. 3752, "THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT"

THANK YOU MR. CHAIRMAN. I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TODAY AND COMMEND YOU ON YOUR LEADERSHIP ON THIS ISSUE.

MR. CHAIRMAN, IT WAS JUST A FEW WEEKS AGO THAT YOUR LEGISLATION WAS BROUGHT TO MY ATTENTION. I WAS APPALLED AT WHAT WAS HAPPENING AND WAS PLEASED TO SIGN ON AS A COSPONSOR TO THE BILL.

TO ME IT IS INCREDIBLE THAT WE WOULD EVEN NEED LEGISLATION TO PROHIBIT AMERICAN LAND, BOTH PUBLIC AND PRIVATE, FROM BEING SUBJECTED TO SPECIAL INTERNATIONAL RESTRICTIONS. THESE RESTRICTIONS ARE IMPOSED BY INTERNATIONAL AGREEMENTS THAT ARE SELDOM, IF EVER, SUBJECTED TO CONGRESSIONAL REVIEW OR APPROVAL.

MR. CHAIRMAN, THE PEOPLE OF ARKANSAS FEEL VERY STRONGLY ABOUT PERSONAL PROPERTY RIGHTS. THEY WORK LONG AND HARD IN ORDER TO AFFORD THE PRIVILEGE OF HOME OWNERSHIP. BUT FOR ARKANSANS OWNING A HOME OR A PIECE OF LAND REPRESENTS MORE THAN JUST A SOUND FINANCIAL INVESTMENT. IT ESTABLISHES THEIR TIES TO THE COMMUNITY, RELATES THEM TO THEIR NEIGHBORS, AND CONNECTS THEM TO THE VERY LAND ON WHICH THEY LIVE. IN MY HOME STATE THE FAMILY FARM IS OFTEN PASSED DOWN FROM GENERATION TO GENERATION. THE LAND BECOMES AS MUCH A PART OF THE FAMILY AS THE INDIVIDUAL FAMILY MEMBERS THEMSELVES.

ARKANSANS FEEL JUST AS STRONGLY ABOUT THE ISSUE OF AMERICAN SOVEREIGNTY. THEY ARE OFFENDED WHEN AMERICAN TROOPS ARE PLACED UNDER FOREIGN COMMAND. THEY ARE OUTRAGED WHEN AMERICAN SOLDIERS ARE FORCED TO WEAR UNITED NATIONS UNIFORMS OR FACE A DISHONORABLE DISCHARGE. AND THEY ARE INCENSED WHEN AMERICAN LAND IS DESIGNATED AN INTERNATIONAL RESERVE AND SUBJECTED TO INTERNATIONAL RESTRICTIONS.

SO YOU CAN IMAGINE THE PASSIONATE FEELINGS GENERATED IN ARKANSAS WHEN CITIZENS LEARNED OF THE PROPOSED OZARK HIGHLAND MAN AND BIOSPHERE PLAN. THE OZARK NATIONAL FOREST IS ONE OF THE PRIZED NATURAL TREASURES OF MY STATE. IT IS VISITED AND ENJOYED BY THOUSANDS EACH YEAR FOR A VARIETY OF REASONS -- FROM RECREATION, TO EDUCATION, TO ECONOMIC DEVELOPMENT -- THE OZARK FOREST IS A RESOURCE THAT IS TRULY AMERICAN AND TRULY ARKANSAN.

THE OZARK HIGHLANDS MAN AND BIOSPHERE PLAN WOULD TAKE THOUSANDS OF ACRES IN ARKANSAS AND SURROUNDING STATES AND CLASSIFY THEM AS A UNITED NATIONS BIOSPHERE RESERVE. AS YOU KNOW, MR. CHAIRMAN, BY BECOMING A PARTY TO THIS INTERNATIONAL ACCORD, THE HOST GOVERNMENT EXPLICITLY AGREES TO TAKE CERTAIN ACTIONS TO PROTECT THESE AREAS AND LIMIT OR PROHIBIT LAND USES. WHAT HAPPENS, MR. CHAIRMAN, WHEN THOSE INTERNATIONAL AGREEMENTS CONFLICT WITH AMERICAN LAW?

UNITED NATIONS BIOSPHERE RESERVES AND WORLD HERITAGE SITES ARE USUALLY PROMOTED AS A TYPE OF HONORARY TITLE WHICH WILL PROVIDE ADDITIONAL PUBLICITY RESULTING IN INCREASED TOURIST VISITS AND A CORRESPONDING INCREASE IN ECONOMIC BENEFITS. PROMOTERS OF THESE PROGRAMS SAY THEY ARE VOLUNTARY AND NON-BINDING. BUT AGAIN I ASK WHAT IS THE POINT OF AN INTERNATIONAL AGREEMENT IF NO ONE IS GOING TO ABIDE BY IT?

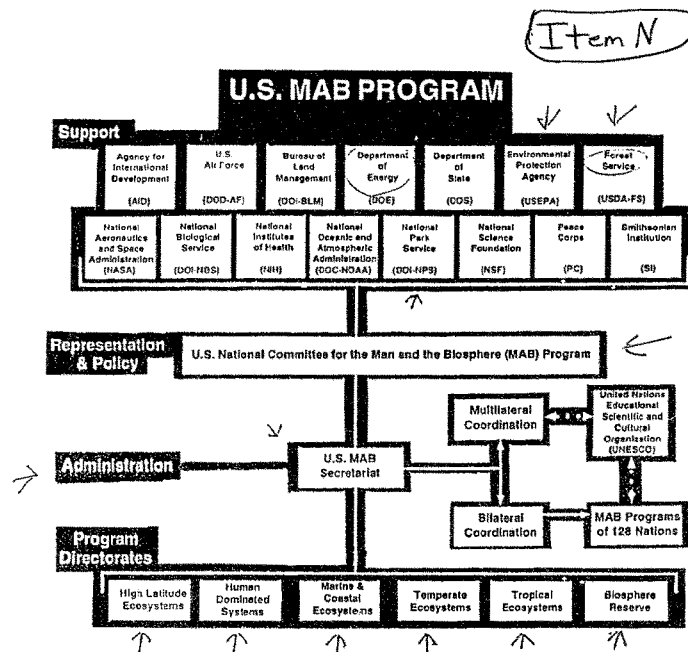
AND IF WE ARE GOING TO ABIDE BY IT WHAT HAPPENS TO THE FIFTH AMENDMENT TO THE CONSTITUTION, WHICH PROTECTS PRIVATE PROPERTY OWNERS? DO WE LET AN INTERNATIONAL ORGANIZATION DICTATE TO AMERICAN CITIZENS HOW THEY CAN USE THEIR LAND?

FORTUNATELY, THANKS TO PUBLIC PRESSURE FROM MY CONSTITUENTS AND ARKANSAS CIVIC GROUPS SUCH AS TAKE BACK ARKANSAS INC. THE PLAN TO IMPLEMENT A BIOSPHERE RESERVE IN THE OZARKS HAS BEEN DROPPED. ONCE PEOPLE BECOME AWARE THAT THERE IS A PLAN AFOOT TO IMPLEMENT A BIOSPHERE RESERVE IN THEIR COMMUNITY, STRONG PUBLIC OPPOSITION ARISES. PROPOSED BIOSPHERE RESERVES WERE THWARTED IN MINNESOTA AND NEW YORK STATE.

HOWEVER, I REMAIN CONCERNED OVER POSSIBLE FUTURE BIOSPHERE RESERVES AS WELL AS THOSE ALREADY DESIGNATED. THE UNITED STATES ALREADY HAS 20 WORLD HERITAGE SITES, 18 OF WHICH ARE NATIONAL PARKS, INCLUDING THE STATUE OF LIBERTY AND INDEPENDENCE HALL. THERE ARE ALSO 47 BIOSPHERE RESERVES COVERING A TOTAL AREA LARGER THAN THE STATE OF COLORADO. YOUR BILL, MR. CHAIRMAN, IS NECESSARY TO PROTECT AMERICAN PROPERTY OWNERS AS WELL AS AMERICAN SOVEREIGNTY AND I WOULD URGE YOUR COMMITTEE TO APPROVE THE MEASURE AND BRING IT BEFORE THE FULL HOUSE OF REPRESENTATIVES.

FINALLY, MR. CHAIRMAN, I WANTED YOU TO HEAR DIRECTLY FROM MY CONSTITUENTS, MANY OF WHOM WANTED TO BE HERE TO TESTIFY THEMSELVES. I HEARD FROM STATE LEADERS AS WELL AS LOCAL CITIZENS. I ASSURED THEM THAT I WOULD BRING THEIR CONCERNS DIRECTLY TO YOU AND I WOULD ASK THAT THEIR LETTERS AND STATEMENTS BE INSERTED IN THE RECORD AT THIS TIME.

THANK YOU MR. CHAIRMAN.



WRITE OR CALL OR BOTH

U.S. MAB SECRETARIAT
 ROGER SOLES, EXECUTIVE DIRECTOR
 U.S. DEPARTMENT OF STATE, S.A. FIRST FLOOR
 WASHINGTON D.C. 20522-4401

PHONE: 1-202-776-8318

FOR ALL INFORMATION ON BIOSPHERES INCLUDING YOUR COPY OF WORLD MAP, THE SEVILLE STRATEGY, AND BULLETINS. REQUEST YOUR NAME BE PUT ON MAILING LIST FOR BULLETINS. THIS CHART ABOVE WAS IN ONE OF THEIR BOOKS.

U.S. DEPARTMENT OF STATE
BUREAU OF CONSERVATION
AND RECREATION
WASHINGTON, D.C. 20522-4401
OFFICE OF THE SECRETARY
FOR ENVIRONMENTAL AFFAIRS
WASHINGTON, D.C. 20522-4401

Congress of the United States
House of Representatives
Washington, DC 20515-0403

October 14, 1996

*compare date of request
with date of response*

Dr. Roger E. Soles
OES/ETC/MAB
Rm. 107 - SA 44C
U.S. Department of State
Washington, D.C. 20522-4401

Dear Dr. Soles:

This is in reference to the complaints of many of my constituents regarding the proposed nomination of the Ozark Highlands Man and Biosphere plan. This plan would have taken thousands of acres in Arkansas and surrounding states and classified them as a United Nations Biosphere Reserve.

It is my understanding that the Ozark Highlands Man and Biosphere plan had been dropped as a result of a groundswell of public protest to the proposal. Also, I recently testified at a Congressional hearing in support of H.R. 3752, "The American Land Sovereignty Protection Act of 1996." In my testimony I focused on my strong opposition to American territory being subjected to special international restrictions, as well as the covert way these biosphere reserve zones are being instituted.

Since I understand that the proposed Ozark Highlands Man and Biosphere plan had been submitted without the input or consent of the affected communities, I believe the State Department should now take into consideration the legitimate concerns of the people of Arkansas.

Arkansans feel very strongly about personal property rights. For the people of Arkansas owning a home or a piece of land represents more than just a sound financial investment. It establishes their ties to the community, relates them to their neighbors, and connects them to the very land on which they live. Arkansans feel just as strongly about the issue of American sovereignty. Therefore, they are incensed when American land is designated an international reserve and subjected to international restrictions, especially when it is done without their knowledge.

Several of my constituents have been in touch asking that I try to obtain on their behalf assurances that the Ozark Highlands Man and Biosphere plan has been dropped and will not be reconsidered. I would appreciate receiving such assurances from you.

Thank you, in advance, for your consideration in this matter. I look forward to your early response.

With kind regards,

Sincerely,

Tim Hutchinson
TIM HUTCHINSON
Member of Congress

TJH:nbw

2000-10-14 10:10:10



United States Department of State
Washington, D.C. 20520

Dear Mr. Hutchinson:

I am responding to your letter of October 14 regarding the status of the biosphere reserve nomination process for lands in Arkansas.

Your understanding of the status of the Ozarks Highlands Biosphere Reserve plan is correct as the superintendent of the Buffalo National River has publicly stated that he has decided to take no action on this effort. Please be aware that the U.S. MAB Secretariat, located in the Department of State, does not organize the development of biosphere reserve nominations. They can only respond to local initiatives to ensure that all of the nomination criteria have been met.

Despite the long public effort to pursue the biosphere reserve award in the Ozarks Highlands area, it appears that the local proponents did not adequately reach out to all the different interests in the region. Whenever the U.S. MAB Secretariat staff are contacted by local groups wishing to develop a biosphere reserve, they will stress to the group the importance of openly promoting and publicizing to the widest possible extent the intent and nature of the proposed nomination.

As Mr. George Frampton, Assistant Secretary of the Department of the Interior emphasized in his testimony on September 12 on H.R. 3752, American Land Sovereignty Protection Act of 1996 (attached), "This Administration has no intention of ceding sovereignty over U.S. lands to international organizations, nor have the five previous administrations...and U.S. biosphere reserves have been embraced in many local areas as value added designations, increasing partnerships among federal, state and local governments and private property owners for mutual benefit..."

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U.S. DEPARTMENT OF STATE

Compare date of response
to date of request

- 2 -

Our U.S. MAB National Committee Chairman, D. Dean Bibles, looks forward to working with you to answer any questions you might have concerning the biosphere reserve portion of the U.S. MAB Program.

If we can be of any further assistance in this matter, please do not hesitate to contact us.

Sincerely,

COPY

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:

Testimony of George T. Frampton, Jr.
Department of the Interior



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
*State Capital
Little Rock 72201*

Mike Huckabee
Governor

November 14, 1996

U.S. MAB Secretariat
OES/ETC/MAB
Department of State
Washington, D.C. 20522-4401

Dear Sirs:

This is an official request on behalf of my office to the U.S. Man and the Biosphere National Committee for confirmation by a written statement that the committee will not consider nor act upon a Biosphere Reserve nomination from the Ozarks Highland area neither now nor at a future date unless full disclosure is made to the general public, elected officials of the area concerned and my office.

Thank you for your quick response on this matter and look forward to your correspondence. If you have any questions, please feel free to let me know.

Sincerely yours,

A handwritten signature of Mike Huckabee in dark ink.

Mike Huckabee

MH:jp

still waiting an answer

**STATEMENT OF BOBBY SIMPSON, DENT COUNTY
COMMISSIONER, SALEM, MISSOURI**

Mr. SIMPSON. Distinguished Committee members, I would like to thank you for this opportunity to address this Committee and commend the Committee for having this hearing in Rolla, where an attempt was made to implement the Man in Biosphere Program. So often any more, the Federal Government makes policies that affect us, the people who make our living from the land, without consideration for the ones who live and work here.

My name is Bobby Simpson. I am a third generation cattleman, who has grown up in the Ozarks, making most of his living for his family from private land, not by abusing it but for caring and using it wisely.

I am the 1st District Commissioner of Dent County. I am also a member of the Missouri Cattlemen's Association and the Missouri Farm Bureau. I served as the President of the County Farm Bureau for seven years from 1987 to 1994. As President of the Farm Bureau, I became actively involved in property rights issues such as wetlands and here in Missouri, the Natural Streams Act. This Act was a state issue which would have severely restricted all streams and their watersheds in Missouri. Thankfully, this was soundly defeated.

After the defeat of the Natural Streams Act, I decided to run and won the 1st District Commissioner in 1994. Little did I know what was lying ahead for me, but a proposed project called the Ozark Highlands Man in Biosphere Program. This was being introduced through Coordinated Resource Management, sponsored by the Missouri Department of Conservation. Many Federal and state agencies had endorsed this and had signed on. Since the Man in Biosphere Program included Dent County and since the County Commission is elected by the people, we should have been informed and consulted. This was not the case. In fact, I did not know of this program until some of my constituents, who are here today, informed me. As a local elected official, I should have been the first to know about these issues that affect both the public and private uses of the natural resources in my county. Unfortunately county government seems to be the last to know when it comes to Federal land use planning.

Dent County is made up of approximately 75 percent private land and 25 percent public land. There are approximately 70,000 acres of National Forest in Dent County. The National Forest provides thousands of dollars of income to our local school districts and county road departments through the sales of natural resources from the forests. Dent County is very dependent on agriculture, mostly beef cows, and the timber industry. But there are also many jobs for our citizens related to the mining industry that lies just to the east of Dent County. In my opinion, the Man in Biosphere Program, if implemented, would have totally destroyed the tax base of Dent County. Our whole economy is based mostly from natural resources such as agriculture, timber and mining. Without the use of these resources, the jobs and the way of life of Dent County would have changed or ended and many of our citizens would have had to relocate to make a living.

In fact, Madam Chairman, the Man in Biosphere Program, in my opinion, is against everything this country was founded on—life, liberty and the pursuit of happiness. Without freedom to use land wisely, how can the American farmer feed this country and a lot of the world?

The Dent County Commission held a public meeting in Salem on the Man in Biosphere Program, and we had over 700 people attend. Many other meetings were held throughout the Ozarks, and shortly after that the Missouri Department of Conservation withdrew the Coordinated Resource Management Program and the Man in Biosphere Program kind of went the same way.

Madam Chairman, I have a letter here from the Sierra Club and the reason why—one of the reasons they decided not to attend, I will quote him, “Quite frankly, I fear for my safety—”

[Laughter.]

Mr. SIMPSON. [continuing] “as there have been instances of violence directed at the Sierra Club.”

Madam Chairman, look around you, we have the Rolla Police here, look at this crowd. I do not think they look very threatening to me.

We are the ones who fear for our way of life. When you are a farmer or a logger and you are out there making your living from the land and somebody is trying to change your way of life, we are the ones who feel the threat. Frankly, they do not have the guts to come here today and tell us how they think these programs should be implemented because they have no sound science for evidence.

Even though Man in Biosphere was withdrawn from our area, we still are feeling the effects, such as certain environmental groups buying huge tracts of land in southern Missouri to set up core areas and corridors along the National Forests. These programs seem to never die. No agency has ever brought to me, a county official, a document to verify this thing is over. Even when the Forest Service puts up a bid for timber nowadays, certain groups are filing lawsuits delaying sales and in more and more instances are stopping them. We feel only 25 percent of the timber is being harvested that should be from our National Forest and new mining areas are not even being explored, not to mention developed.

In order to protect the tax base, the culture and the customs of my county, Dent County, the County Commissioners signed an Interim County Land Plan May 11, 1998. Land use planning describes the amount and type of commodity, recreational or other industrial or land uses which provide the tax base for the county. Forest Service regulations require that Federal land use planning efforts are both coordinated and consistent with local land use plans and policies. In order to take advantage of coordinated regulations, local governments must legally adopt local land use plans. Land use plans are completely different than local planning and zoning. Land use plans describe the general industrial basis needed for economic support of the county. We have to give a written notice to all Federal and state agencies of our local land use plan, because without it, they are under no obligation to consider the county's economic needs. We have to also ask all Federal and state agencies to protect and preserve the customs of our county under

the National Environmental Protection Act. Only in this way can local government fight to protect economic base and private property rights of its citizens. And I have submitted that with my testimony.

The Dent County Commission on April 26, 1999 signed a resolution in strong support of H.R. 883, the American Land Sovereignty Protection Act. We, the Dent County Commission, completely support the sovereignty of the United States, not the United Nations, over public lands and to preserve state sovereignty and private property rights in non-Federal lands surrounding those public lands.

Again, I commend you for being here to listen to local citizens and thank you for allowing me to speak.

Madam Chairman, we have a saying down here in the Ozarks, "If it ain't broke, don't fix it."

[Laughter and applause.]

Mrs. CHENOWETH. Thank you very much, Commissioner. The hearing will come to order.

The Chair will recognize Ron Hardecke from the Citizens for Private Property Rights in Owensville.

[The prepared statement of Mr. Simpson follows:]

SUMMARY OF TESTIMONY

Witness:

Bobby Simpson
1st District Commissioner
Dent County
400 N. Main St.
Salem, MO 65560
573-729-4144

Purpose: Testifying in support of HR 883, the American Land Sovereignty Protection Act.

Coordinated Resource Management: (CRM) Missouri: How through CRM the Man in Biosphere Program tried to be implemented.

Dent County Economic Base: Dent County economy is based on the use of natural resources both public and private land.

Concerns and Effects: How Man in Biosphere is still affecting rural Missouri.

County Land Use Plan: How Dent County is protecting itself from future Man in Biosphere Program

**DENT COUNTY COMMISSION
400 N. MAIN ST.
SALEM, MO 65560**

Distinguished committee members, I would like to thank you for the opportunity to address this committee and commend the committee for having this hearing here in Rolla, where the Man in Biosphere Program was trying to be implemented. So often anymore the Federal Government makes policies that affect us, the people, who make our living from the land, without consideration for the ones who live and work here.

I am a third generation cattleman, who has grown up in the Ozarks, that makes most of his living for his family from private land, not from abusing it but for caring and using it wisely.

I am the 1st District Commissioner of Dent County, member of the Missouri Cattlemen's Association, and a member of the Missouri Farm Bureau. I served as President of the Dent County Farm Bureau for seven years from 1987-1994. As president of the Farm Bureau, I became actively involved in property rights issues such as wetlands and here in Missouri the "Natural Stream Act." This act was a State issue that would have severely restricted all streams and their watersheds. Thankfully this was soundly defeated.

After the defeat of the "Natural Streams Act" I decided to run and won 1st District County Commissioner in 1994. Little did I know what was lying ahead but a propose project called the Ozark Highlands Man in Biosphere Program. This was being introduce through Coordinated Resource Management sponsored by the Missouri Department of Conservation. Many Federal and State agencies had endorsed this and had signed on. Since the Man in Biosphere Program included Dent County and since the County Commission is elected by the people, we should have been informed and consulted. This was not the case, in fact I did not know of this program until some of my constitutes informed me. As a local elected official I should be the first to know about issues that affect both the public and private uses of our natural resources in my county. Unfortunately county government seems to be the last to know, when it comes to federal land use planning.

Dent County is made up of 75% private land and 25% public land. There are approximately 70,000 acres of National Forest in Dent County. The National Forest provides thousands of dollars of income to our local schools and county through sales of natural resources from the forest. Dent County is very dependent on agriculture, mostly beef cows, and the timber industry. There are also many jobs for our citizens related to the mining industry that lies just to the east of Dent County. In my opinion, the Man in Biosphere Program, if implemented would have totally destroyed the tax base of Dent County. Our whole economy is based mostly from Natural Resources such as agriculture, timber, and mining. Without the use of these resources the jobs and the way of life of Dent County would have changed or ended and many of our citizens would have had to relocate to make a living.

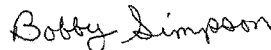
The Dent County Commission held a public meeting in Salem on the Man in Biosphere Program, and over seven hundred people attended. Many other meetings were held throughout the Ozarks, and shortly after that the Conservation withdrew the Coordinated Resource Management Program and the Man in Biosphere went the same way.

Even though the Man in Biosphere was withdrawn from our area, we are still feeling the affects, such as certain environment groups buying huge tracts of land in southern Missouri to set up core areas and corridors around the National Forests. Even when the Forest Service put up bids for timber, certain groups are filing law suits delaying sales and in more and more instances are stopping them. We feel only 25% of timber is being harvested that should be from our National Forest and new mining areas are not even being explored not to mention developed.

In order to protect the tax base, culture, and customs of Dent County, the Dent County Commissioners signed an Interim County Land Use Plan, May 11, 1998. Land use planning describes the amount and type of commodity, recreational, or other industrial or land uses which provide the tax base for the county. Forest service regulations require that Federal Land Use Planning efforts are both coordinated and consistent with local land use plans and policies. In order to take advantage of coordinated regulations local governments must legally adopt local land use plans. Land use plans are completely different than local planning and zoning. Zoning entails the description of a certain use that will be allowed on a specific parcel of land. Land use plans describe the general industrial basis necessary for economic support of the county. We have given written notification to all Federal and State agencies of our Local Land Use Plan, because without it they are under no obligation to consider the county's economic needs. We have also ask all Federal and State Agencies to protect and preserve our customs under the National Environmental Protection Act. Only in this way can a local government fight to protect its economic base and the private property and rights of its citizens.

The Dent County Commission on April 26th, 1999 signed a resolution in strong support of H.R. 883, the American Land Sovereignty Protection Act. We the Dent County Commission, completely support the Sovereignty of the United States, not the United Nations, over public lands and to preserve state sovereignty and private property rights in Non-Federal land surrounding those public lands. Again, I commend you for being here to listen to the local citizens, and thank you for allowing me to speak.

Sincerely,

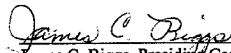


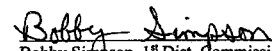
Bobby Simpson
1st District Commissioner

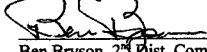
RESOLUTION #3

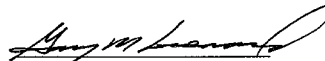
A RESOLUTION OF THE DENT COUNTY COMMISSION, MISSOURI
STATING OUR SUPPORT ON H.R. 883 THE AMERICAN LAND
SOVEREIGNTY PROTECTION ACT.

WHEREAS, the purpose of this proposed legislation is to preserve the
sovereignty of the United States over public lands and acquired lands
owned by the United States, and to preserve State sovereignty and private
property rights in non-Federal lands surrounding those public lands and
acquired lands.


James C. Biggs, Presiding Commissioner


Bobby Simpson, 1st Dist. Commissioner


Ben Bryson, 2nd Dist. Commissioner


Gary M. Leonard, County Clerk

4/26/99
Date

**DENT COUNTY - STATE OF MISSOURI
INTERIM FEDERAL AND STATE LAND-MANAGEMENT PLAN**

The Dent County Interim Federal and State Land-Management Plan is a County Land Management Plan developed by the Dent County Government to guide the use of public lands and public resources in Dent County and to protect the rights of private landowners. This Interim Land Management Plan, developed by the citizens of Dent County and adopted by the Dent County Commissioners, shall serve as the primary guide in the use and management of all Federal and State lands within the boundaries of Dent County, State of Missouri.

BACKGROUND

Federal and State lands make up approximately twenty percent of Dent County. A significant part of Dent County's economy is dependent on business activities on Federal and State lands. These activities have a direct impact on private lands in Dent County. To a substantial degree, some local communities are directly affected by Federal and State planning decisions, often to the detriment of those local communities and citizens. Such circumstances are contrary to the basic principles of sound resource management. Believing that the citizens of Dent County are best served when government affairs are conducted as close to the people as possible, we the citizens of Dent County have called upon the Dent County Commissioners to implement this plan.

CUSTOMS AND CULTURES

At the time the territories of today's United States of America, specifically those west of the Mississippi River, including Dent County, Missouri, began to be settled, the passionate traditions of individual freedom, free enterprise and the God given right of the people, as individuals, to use and enjoy the lands and resources within their communities had been well established in our nation. Private ownership, as stressed in the Constitution of the United States of America, denotes private stewardship of the land. We in Dent County strongly endorse this belief. Public ownership, be it Federal or State, is acquired, maintained and managed with tax dollars provided by the citizens and industry, thereby denoting ownership and stewardship of this land by the citizens and industry. Dent County also strongly endorses this concept.

COMMUNITY STABILITY

One of the major problems facing local governments today is a loss of tax base. In order for any community to provide needed educational facilities, health care, police protection and other required services, industry and commerce within the community must be encouraged and strengthened. Increasing governmental regulation and encroachment into county government's sovereignty, has and will continue to destroy local enterprise and freedom itself, if left unchecked.

GOALS AND OBJECTIVES

A primary goal of the Dent County Federal and State Land Management Plan is to protect the customs and culture of county citizens through protection of private property rights, the facilitation of a free market economy and the establishment of a process to encourage self-determination by local communities and individuals.

It is therefore necessary to develop and implement land management planning mechanisms that focus on Federal and State land uses and activities. The Interim Federal and State Land Management Plan, as set forth here, is an interim set of policies that will provide a general planning framework to remain in effect until a permanent Dent County Comprehensive Federal and State Land Management Plan is developed and approved by the Dent County Commissioners.

The Plan, when finalized and approved, shall address Federal and State land management issues directly and is intended to be used as a positive guide for Federal and State Land Management Agencies in their development and implementation of land use plans and management actions. The County and its citizens, support the continued multiple use of Federal and State lands in Dent County. Therefore, it is the policy of Dent County that all Federal and State Agencies shall inform ALL local governments of ALL pending actions affecting local communities and citizens and coordinate with them in the planning and implementation of those actions. Dent County shall be, when affected by such action, informed in a timely fashion in accordance with law, consulted and coordinated with in accordance with the provisions of the Dent County Comprehensive Federal and State Land Management Plan, the laws of the State of Missouri and the provisions of the Constitution of the United States of America.

Finally, as required by law, all Federal and State Agencies shall comply with the Dent County Comprehensive Federal and State Land Management Plan and shall coordinate with the Dent County Commissioners for the purpose of planning and managing of Federal and State lands within the geographic boundaries of Dent County, Missouri. Federal and State Agencies proposing any action(s) that will impact Dent County shall prepare and submit in writing, in a timely manner any and ALL report(s) on the purposes, objectives and estimated impacts of such actions, including economic, of such actions to the Dent County Commissioners and the citizens of Dent County, for review and coordination prior to any Federal or State initiation of any action(s).

PREAMBLE

The people of Dent County, State of Missouri, accept, support and sustain the Constitution of the United States and the State of Missouri. As the major authority of government, the Constitution of the United States of America limits the authority of the Federal Government to specific lands, as does the Constitution of the State of Missouri with regards to State Government.

All lands in Dent County, not otherwise specifically designated, shall be held in private ownership and managed in coordination with the citizens thereof, in accordance with existing laws. Further, we reaffirm the rights enumerated in the Declaration of Independence and

acknowledge the limited nature of government as intended by the nation's founding fathers.

Based on these cherished traditions, all natural resource decisions being considered by Federal and State Agencies affecting Dent County's citizens shall be guided by the principles of protecting private property rights, protecting local custom and culture, maintaining traditional economic structures through self-determination, opening new economic opportunities through reliance on free markets and in a manner that will enhance environmental quality while continuing to maintain our high quality of human life for the citizens of Dent County.

LAND DISPOSITION

Recognizing that land is essential to local industry and the citizens, it shall be the policy of Dent County that the design and development of all Federal and State land adjustments, including land disposals, exchanges and additions, shall be carried out for the benefit of the citizens of Dent County.

POLICIES

1. Increase opportunities for local economic development by increasing the amount of private and non-Federal land or non-State land within Dent County.
2. Federal and State Agencies shall not acquire any private lands or rights to private lands, within Dent County without first ensuring that private interests are protected and enhanced.
3. Federal and State managed lands that are difficult to manage or which lie in isolated tracts, shall be examined for potential disposal on the free enterprise market.
4. The general public of Dent County shall be notified of, consulted about, and otherwise involved prior, in a timely fashion, to any and ALL Federal and State land adjustments in Dent County. Dent County shall review all proposed changes to determine the best interests of the County's citizens.
5. Dent County shall review and make recommendations, on proposed public land withdrawals for hazardous and non-hazardous waste storage, in addition to reviewing the true nature of the waste.
6. Prior to any Federal or State land Agency proposing a change in land use, impact studies on these uses shall be conducted and all mitigating measures shall be adopted in coordination with Dent County. Impact studies shall, of necessity, address community stability, local custom and culture, grazing, mining, surface exploration, Sub-surface exploration, water rights, timber resources, flood prone areas, recreation, fuel management and use, access and economic impact on the citizens of Dent County. Additionally, Dent County reserves the right to retain their own panel of experts to conduct impact studies in accordance with the proposed changes in land use.

WATER RESOURCES

Dent County recognizes that the protection and development of its water resources are essential to its short and long term, economic and cultural viability.

POLICIES

1. The protection of existing water rights and water uses, within Dent County is of primary importance to the County's economic and cultural well-being. Therefore, transfers in water use shall be carefully considered in relationship to the history, traditions and culture of Dent County. Any and ALL Federal or State proposed designation of Wild, Scenic or Heritage Rivers and any and ALL Federal or State policies regarding riparian management in Dent County shall be coordinated with the Dent County Commissioners. All Federal or State Agencies involved in the management of waterways and wetlands shall coordinate their management activities with the Dent County commissioners and or their appointed designated assignees.
2. Dent County shall consider the development of ALL existing, as well as future, water rights for agricultural, municipal, industrial, domestic, and recreational purposes.
3. Any and ALL regional water plan(s) shall be assessed and may be adopted or rejected, as part of Dent County's General Plan.
4. Dent County should promote and shall be, actively engaged in providing opportunity for the development of water-based recreation within the County.
5. Dent County shall review all current water policies to determine if appropriate and adequate for the interests of the citizens of Dent County.
6. The Dent County Commissioners and citizens, shall be notified of ALL Federal, Interstate or State action(s) that may have an impact on the water resources of the County prior, in a timely fashion, to such action(s), including any Federal or State designation of Wild, Scenic or Heritage River. All such actions shall be coordinated with the Dent County Commissioners and the County's water and land use plans, prior, in a timely fashion, to any adoption or implementation. It is the intent of Dent County to be a part of management and decision making processes of any and ALL Federal or State Agencies proposing to become involved in the planning and management of any of the county's natural, cultural, and, economic resources.
7. Dent County shall develop its own water use policies to ensure both water quantity and water quality and to ensure that such policy does not adversely impact water users inside the boundaries of Dent County.
8. Dent County may develop Wild, Scenic or Heritage River policies of its own design. Such policies may form the basis for input on how such Wild, Scenic or Heritage Rivers and surrounding land, will be managed by any Federal or State Governmental Agency.
9. Dent County may develop riparian management policies in concert and coordination with private landowners, ranchers, timber interests, mining interests, other economic

ventures and the appropriate Federal and State Governmental Agencies.

AGRICULTURE

The custom and culture associated with agricultural production in Dent County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of the citizens of Dent County to protect agricultural land and promote the continuation of agricultural pursuits, by protecting private property rights, relying on self-determination and ensuring open and free market conditions. As defined by the citizens of Dent County and the Dent County Commissioners, this plan requires a multiple use public land management policy and program.

POLICIES

1. Opportunities for agriculture on Federal and or State lands shall be continued at levels consistent with historical custom and culture and the protection of equitable property rights and sound management practices.
2. Dent County may develop a Dent County Grazing Advisory Board for the development of policy on grazing on public lands and to promote good land stewardship development.
3. Dent County requires that any and ALL Federal or State land management Agencies coordinate with the Dent County Commissioners on all matters affecting any agricultural use of public lands.
4. All "closed market" or other incentive systems, to reduce Federal and State administrative costs on public grazing lands will require coordinated evaluation by the Dent County Commissioners.

FORESTRY AND FOREST PRODUCTS

The long-standing customs and culture associated with forest and forest products production in Dent County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Dent County to protect forest resources and promote the continuation of a viable forest products industry by providing economic opportunity and ensuring open free market conditions. As defined by the citizens of Dent County, a multiple use forest management policy shall be required.

POLICIES

1. Dent County promotes multiple use of public forest resources to realize viable and continuous provision of timber, including posts and poles, forage, mining, firewood, wildlife, fisheries, recreation and water.
2. Dent County supports the harvesting of a wide range of non-wilderness timber stand age classes to promote more productive forests. Dent County further advocates the

- prompt regeneration of harvested areas and use of silvicultural methods for productive growth.
3. Dent County supports the system of "gross in lieu" payments on revenues generated from Federal and State lands within the County.
 4. Dent County supports the transportation of logs and manufactured forest products over appropriate Federal and State maintained roads and highways within the boundaries of Dent County.
 5. Dent County supports a broad range of reforestation methods, timber stand improvements and harvest practices using economically viable resources protection practices.
 6. Dent County supports the prompt salvage of forest losses due to fire, wind, insect infestation and other natural events.
 7. Dent County supports and advocates the detection and control of forest fires, insect outbreaks and the use of prescribed burning where necessary.
 8. Dent County supports the education of both its citizens and its forest visitors, to the wise and productive use of the forest..
 9. Dent County supports the free market distribution of forest resources from local lands, recognizing that the forest products industry within the County is partially dependent on timber under the management of the U. S. Forest Service and the Missouri Department of Conservation.

MINERAL RESOURCES

Dent County recognizes that the development of its abundant mineral resources is desirable and necessary to the State of Missouri and the United States of America. Therefore, it is the policy of Dent County to encourage mineral exploration, both surface and sub-surface and the development of same, consistent with custom and culture and to eliminate unreasonable barriers to such exploration and development, except for those that arise naturally from a regime of secured private property rights and free market conditions.

POLICIES

1. Dent County supports the operation of a well-maintained access system across public lands and shall provide its citizens and industries continued right to this access.
2. The Dent County Commissioners shall be notified prior to and in and in a timely manner of all proposed changes in status of all roads on Federal and State lands. All such actions impacting the citizens of Dent County requires prior coordination and approval of the Dent County Commissioners.

CULTURAL RESOURCES, RECREATION, WILDLIFE/FISHERIES AND WILDERNESS

Dent County supports multiple use of public and private recreational and cultural

opportunities, compatible with long-standing local custom and culture and within the constraints of private property rights, local self-determination and sound proven environmental practices..


POLICIES

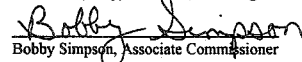
1. The customs and culture associated with the people of Dent County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Dent County to support and protect the long-standing traditional customs and culture and their inherent rights to enjoy same, of all the citizens of the county.
2. Opportunities for citizens activities shall be continued at levels consistent with the historical customs and culture, the protection of property rights and sound proven resource and environmental management practices.
3. Federal and State Governments shall not conduct unreasonable obstructive activity in opposition to the historical customs and traditional cultural activities on their managed lands.
4. Dent County may establish a Threatened and Endangered species Committee for overseeing all well-established, documented and proven, Federal or State listed, threatened or endangered species.
5. Dent County requires the coordination of ALL Federal or State, wildlife/fisheries management and enforcement agencies operating within the boundaries of Dent County.
6. The Dent County Commissioners shall be notified prior to and in a timely manner of all proposed changes in status of all roads, campgrounds or other recreational facilities on Federal and State lands. All such action impacting the citizens of Dent County requires prior coordination and approval of the Dent County Commissioners.

End Note: The Dent County Commission shall have sole authority to appoint committee members and to remove committee members. This plan may be altered and changed by the Dent County Commission at any time. This plan may be dissolved and made void by the County Commission.

PASSED, APPROVED AND ADOPTED this 11 Day of May, 1998.

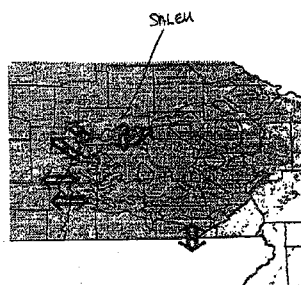

Searles T. (Andy) Anderson, Presiding Commissioner


Ben Bryson, Associate Commissioner


Bobby Simpson, Associate Commissioner

ATTEST:


Gary M. Leonard, Dent County Clerk

Forest EcosystemsDispersal and Travel Corridor Priorities:

(A) Maintain forest corridor between upper reaches of Blair Creek and the Black and Meramec watersheds;

(B) Restore forest/woodland corridor between upper Current River, Big Creek watersheds and Big Piney;

(C) Restore forest/woodland corridor between Jacks Fork and Eleven Point watersheds and North Fork; and

(D) Restore forest corridor between lower Current River and Arkansas state boundary.

Strategies:

- A. Develop digital land cover and ancillary information, using Gap Analysis (a U.S. Fish & Wildlife sponsored program which assesses biodiversity at the state level) and Geographic Information Systems (GIS), to locate key dispersal and travel corridors.
- B. Coordinate management of forest corridors among the various public and private landowners.
- C. Develop and promote voluntary partnerships with private landowners for dispersal and travel corridor restoration.
- D. Research existing and potential needs for reintroduction and/or recovery of species in relation to dispersal and travel corridors.
- E. Become knowledgeable of and work in coordination with other state, regional and international biodiversity management efforts, such as in the planning for exotic species, neotropical migratory songbirds and black bears.
- F. Foster research to facilitate effective land use, such as commodity production, wildlife management and recreation, which is compatible with healthy forest ecosystems.
- G. Work with the Missouri Highway & Transportation Department to coordinate long-term planning of the Highway 60 expansion and other state and county road and bridge plans to minimize disruption of travel corridors and fragmentation of habitat blocks.

(102)

*Natural Resource Conservation and Use*Missouri Opinions and Expectations.

Missourians foster the notion of balancing use with conservation of natural resources. The balance was recognized at Lower Ozark public workshops as one of the top ten issues facing the region. The success of the Scenic Riverways Watershed Partnership is testament to the effectiveness of such initiatives. In addition, a feasibility study for an Ozark Man and The Biosphere program in the region documented widespread support for the concept (see Appendix III: Public Profile).

Potential Threats.

Balancing conservation and sustainable development is a complex task. Often stakeholders with very divergent values will have to come together and reach consensus on the highest and best use of the region's resources. The greatest hindrance to the success of such an effort is the lack of opportunities for communication and the development of common goals. By fostering programs which increase communication and consensus building, a greater possibility for success will emerge. The following objectives and strategies were developed with these issues in mind.

CRM OBJECTIVES FOR GOAL IX:

Objective IX.1. Foster and support the development and operation of programs and partnerships which integrate resource conservation and sustainable use in the region.

Strategies:

- * A. Support the establishment of an Ozark Man and the Biosphere (OMAB) Cooperative in the region and work towards implementation of its goals and objectives.
- B. Coordinate and integrate the efforts of The Nature Conservancy's Lower Ozark project with OMAB and other local initiatives.
- C. Continue and improve support for the Scenic Riverways Watershed Partnership and similar regional cooperatives.
- D. Continue to develop relationships with local Resource Conservation and Development committees and local governments to develop and coordinate mutually beneficial activities.

Objective IX.2. Develop a wide variety of demonstration areas and projects which illustrate the value and management of native ecosystems, natural communities, sustainable natural resource extraction (eg. timber harvest, natural forage) and sustainable local economies.

**STATEMENT OF RON HARDECKE, CITIZENS FOR PRIVATE
PROPERTY RIGHTS, OWENSVILLE, MISSOURI**

Mr. HARDECKE. Madam Chairman and distinguished Committee members, I want to thank you for the invitation to address this Committee.

I am Ron Hardecke from Owensville, Missouri. I am a farmer and the Vice President of Citizens for Private Property Rights. As a farmer, the ability to use the land in the way we see best to improve it and to pass the land and the heritage of farming on to the next generation are lifelong goals.

It is a privilege to offer testimony in favor of the American Land Sovereignty Protection Act.

In the early 1990s, the Missouri Department of Conservation in collaboration with other state and Federal agencies, developed a program for Missouri known as Coordinated Resource Management. The stated mission of CRM is to inventory all the state's natural resources and develop 50-year goals for the use of those resources.

In January of 1996, the CRM draft plan was published. Goal IX of that plan called for the creation of the Ozark Man and the Biosphere Cooperative.

As Missouri citizens discovered the recommendations in Goal IX, we began to question what the designation would mean to private landowners. Upon researching the MAB concept, it became clear that it was patterned after the UNESCO Man and Biosphere Program. The Missouri Department of Conservation repeatedly denied any knowledge of or connections to the UNESCO program.

After many questions were raised concerning the MAB program, the Department of Conservation stated they would drop Goal IX; however, it was about that time that we obtained a copy of the feasibility study, which was prepared for the steering committee which was nominating the Ozark Plateau Province as a potential Biosphere Reserve. This map here in front outlines the area which was proposed in the feasibility study for the Ozark Highlands Man and the Biosphere Cooperative.

I want to focus on the feasibility study and how it disguised the true intent of the MAB concept in order to get support from the people who were interviewed. I have four areas of concern:

1. This idea came from government agencies, not from the people or local elected officials.
2. There was and continues to be extensive influence by the Nature Conservancy in the establishment of the Ozark Man and the Biosphere Cooperative.
3. The original plans intended to impose this concept on private landowners without their knowledge or approval.
4. The feasibility study drew conclusions which were inconsistent with the printed responses from the interviewees.

It is clear in the feasibility study that the government agencies and The Nature Conservancy initiated this process with guidance from the U.S. Man and the Biosphere Program. Throughout the study, references were made to UNESCO, over 25 references in fact, and to the UNESCO Action Plan for Biosphere Reserves, which was used as a model for the Ozark Plan. This seems to con-

tradict with what the Conservation Department told us when we questioned the UNESCO influence in the project.

I want to read for you what the feasibility study has to say about public input, and I quote:

“The purpose of these meetings is to begin informing the public about the MAB program. There should be no press conferences or large public meetings because they encourage polarized views before the story can be told in an objective non-threatening manner.”

The Nature Conservancy is listed numerous times throughout the study as a contributor to the process. They are also listed as private landowners who wish to have their property managed as a part of the biosphere reserve. I hardly think they are a true representation of private landowners in southern Missouri.

The interviewees were told that the MAB program is not regulatory. Previously in the document, when describing the characteristics of a biosphere reserve, it states that a biosphere reserve must have long-term legislative, regulatory or institutional protection. It also states that the designated areas may include private land and entire watersheds may need to be protected in order to preserve an ecosystem.

The proposal to link the core areas with corridors of wild lands such as stream corridors would involve large amounts of private land. With 93 percent of Missouri in private ownership, I think there should have been a much broader debate with private landowners before this designation was proposed.

In summary, the feasibility study stated that they found almost universal acceptance of the concepts embodied in the MAB program. However, the people that were interviewed were asked several questions about what they perceived as needs in their area. And the response to one of the questions, which was what is one thing you would like to have for your community, brought almost unanimous response—and these were printed in the feasibility study—of various infrastructure and industry wishes, to use the areas natural resources and provide jobs for citizens. This seems to conflict with the goals of the MAB plan which calls for setting aside large areas to exclude significant human influences. I wonder if this part of the MAB concept was explained to the interviewees in the study?

In my opinion, the entire feasibility was conducted in such a way to only solicit positive responses to the MAB program. Therefore, the steering committee could proceed with perceived widespread support, even though very few citizens of Missouri had any idea what was going on.

Eventually, by the end of 1996, there was enough public awareness of the concept that the Missouri Department of Conservation even scrapped the entire CRM program.

There has not been any law passed to keep these agencies from trying to implement this plan through other covert means. Therefore, it is imperative that H.R. 883 be passed into law to ensure that the U.S. Congress exercises its constitutional authority and responsibility over Federal lands, to protect state sovereignty and to protect private landowners in their constitutional rights. American

must maintain complete sovereignty over all its lands from direct or indirect influence by any foreign power or international body.

Thank you.

[Applause.]

[The prepared statement of Mr. Hardecke follows:]

CITIZENS FOR PRIVATE PROPERTY RIGHTS

U.S. House of Representatives
Committee on Resources
Washington, D.C. 20515
Attention: Don Young, Chairman

Mr. Chairman, Distinguished Committee Members:

I want to thank you for the invitation to address this committee on this very important issue. I am Ron Hardecke of 3944 Blocks Branch Road, Owensville, Missouri, a farmer, businessman, and Vice President of Citizens for Private Property Rights. I also serve on the local Soil and Water District Board, County Farm Bureau Board, and the Gasconade/Montgomery County Cattlemen's Board. As a farmer, the preservation of our Constitutional Right to own and use private property is of utmost importance to me. The ability to use our land in the way we see best, to improve it, and to pass the land and heritage of farming on to the next generation are lifelong goals of the American farmer.

It is a privilege to offer testimony in favor of HR883 "The American Land Sovereignty Protection Act. I hope to convey to the committee some of the events that have occurred in Missouri over the last several years leading to the proposal of a Biosphere Reserve designation for this part of Missouri.

Coordinated Resource Management - Missouri Draft Plan, January 1996
Feasibility Study for an Ozark Man & the Biosphere Cooperative, Sept. 1991

In the early 1990's the Missouri Department of Conservation (as lead agency) in collaboration with the Missouri Department of Natural Resources, U.S. Fish and Wildlife, Natural Resource Conservation Service, U.S. Forest Service, U. S. Army Corps of Engineers, and U.S. Park Service developed a program for the state of Missouri, known as "Coordinated Resource Management" (CRM). All of the above referenced federal and state agencies are signatory participants to the CRM effort.

The CRM process divides the state into ten geographical areas. The stated mission of CRM is to inventory all of the state's natural resources (public and private) and to develop 50 year goals/objectives/strategies for the use of those resources. This is to be accomplished through the collaborative efforts of

federal and state agencies, environmental non-governmental organizations, commodity organizations, resource users, and local citizens.

In January, 1996, a CRM draft plan (188 pages, draft/appendices) for Region 1, the "Lower Ozarks" (eleven Missouri counties) was finalized and published. There are nine goals to the "Lower Ozarks" draft plan with corresponding objectives and strategies for implementation. Some of the goals and strategies appear worthwhile and workable, while other goals are not landowner or resource user friendly and seem to demonstrate a perceived need on the part of federal/state agencies to become the primary managers of the land and resources of the region by incorporating the concepts of ecosystem management, biodiversity, and sustainable development.

Of particular concern in the Lower Ozark, Region 1, draft plan is Goal IX under objectives and strategies. (Exhibit 1) Strategies A and B specifically refer to the establishment of the "Ozark Man and the Biosphere Cooperative"; to work toward implementation of its goals and objectives and to also to coordinate and integrate the efforts of "The Nature Conservancy's" Lower Ozark Project with "Ozark Man and the Biosphere".

As Missouri citizens discovered the recommendations in Goal IX, we began to question what that designation would mean to private landowners. Upon researching the MAB concept, it became clear that it was patterned after the United Nations Environmental Scientific and Cultural Organization (UNESCO) Man and the Biosphere Program (MAB). Missouri Department of Conservation (MDC) repeatedly denied any knowledge of or connection to the UNESCO MAB program. The Missouri Department of Conservation stated that CRM was merely an interagency effort to better manage the natural resources of Missouri.

After many questions were raised concerning the MAB program, the Missouri Department of Conservation stated that they would drop Goal IX from the CRM Plan. However, soon after that we obtained a copy of the Feasibility Study which was done by Ecological Services of Urbana, Illinois (September, 1991) for the Ozark MAB Steering Committee. (Exhibit 2) The committee was formed in 1988 to develop a proposal for the regional nomination of the Ozark Plateau Province as a potential Biosphere Reserve. (Exhibit 3)

I want to focus on the Feasibility Study and how it disguised the true intent of the MAB concept in order to get support from the citizens and elected officials who were interviewed as a part of the Feasibility Study. (Exhibit 2a)
1: This idea came from government agencies, not from the people or local elected officials.

2. There was and continues to be extensive influence by the Nature Conservancy in the establishment of the OMAB.
3. The original plans intended to impose this concept on private landowners without their knowledge or approval.
4. The feasibility study drew conclusions which were inconsistent with the printed responses from the interviewees.

It is very clear in the feasibility study that the government agencies and the Nature Conservancy initiated this nomination process (Exhibit 4) with guidance and funding from the U.S. MAB. Throughout the Feasibility Study references were made (over 25) to the UNESCO Action plan for Biosphere Reserves, used as a model for the Ozark MAB plan. This seems to contradict what the Missouri Department of Conservation told us when we questioned the UNESCO influence in the project.

The Feasibility Study outlines how to establish an Ozark MAB Coordinating Committee who would oversee the development of the Ozark MAB Cooperative. They explain how to choose people for the committee that had a positive response to the MAB plan when interviewed. Next, these people are invited to small group meetings in order to explain how the MAB concept could benefit them.

“The purpose of these meetings is to begin informing the public about the MAB program. There should be no press conferences or large public meetings because they encourage polarized views before the story can be told in an objective non-threatening manner.” (Exhibit 5)

Instructions are then given on how to gradually add people to the committee, as they are introduced to the idea and show support for the MAB program.

The Nature Conservancy is listed numerous times throughout the Feasibility Study as a contributor to the process. They are also listed as private landowners who wish to have their property managed as a part of a biosphere reserve. (Exhibit 6a) I hardly think they are a true representation of private landowners of southern Missouri. The Nature Conservancy, as late as their 1998 report is still promoting the preservationist type of projects promoted in the MAB program in the Lower Ozark area.

The interviewees were told that the MAB program is not regulatory. (Exhibit 7) Previously in the document, when describing the characteristics of a Biosphere Reserve, it states that a Biosphere Reserve must have long term legislative, regulatory, or institutional protection.

It also states that the designated areas may include land in private ownership (Exhibit 8, 9), and entire watersheds may need to be protected in order to preserve an ecosystem.

The proposal to link the core areas with corridors of wild land such as stream corridors would involve large amounts of private land. (Exhibit 6)

With 93% of Missouri land in private ownership, I think there should have been a much broader debate with private landowners before this designation was proposed.

The people who were interviewed were asked many questions about what they perceived as needs in their area. The response to one question about the one thing they wanted for their community brought almost unanimous response of more infrastructure and industry to use the area's natural resources and provide jobs for the citizens. This seems to conflict with the goals of the MAB plan which calls for setting aside large areas to exclude significant human influence. I wonder if this part of the MAB concept was explained to the interviewees.

The summary of the Feasibility Study stated that they found almost universal acceptance of the concepts embodied in the MAB program.

In my opinion, the entire Feasibility Study was conducted in such a way to only solicit positive responses to the MAB program. Therefore, the steering committee could proceed with perceived widespread support, even though very few citizens of Missouri knew what was being proposed in relation to their property.

Eventually, by the end of 1996, there was enough public awareness of the concept that the Missouri Department of Conservation even scrapped the entire CRM program.

There has not been any law passed to keep these agencies and environmental organizations from trying to implement this plan through other covert means. Therefore, it is imperative that HR883 be passed into law to ensure that the U.S. Congress exercises its Constitutional authority/responsibility over federal lands, to protect state sovereignty, and to protect private landowners in their constitutional rights. America must maintain complete sovereignty over all its lands from direct or indirect influence by any foreign power or international body.



 Ron Hardecke
 Owensville, MO

Exhibit 1

*Natural Resource Conservation and Use*Missouri Opinions and Expectations.

Missourians foster the notion of balancing use with conservation of natural resources. The balance was recognized at Lower Ozark public workshops as one of the top ten issues facing the region. The success of the Scenic Riverways Watershed Partnership is testament to the effectiveness of such initiatives. In addition, a feasibility study for an Ozark Man and The Biosphere program in the region documented widespread support for the concept (see Appendix III: Public Profile).

Potential Threats.

Balancing conservation and sustainable development is a complex task. Often stakeholders with very divergent values will have to come together and reach consensus on the highest and best use of the region's resources. The greatest hindrance to the success of such an effort is the lack of opportunities for communication and the development of common goals. By fostering programs which increase communication and consensus building, a greater possibility for success will emerge. The following objectives and strategies were developed with these issues in mind.

CRM OBJECTIVES FOR GOAL IX:

Objective IX.1. Foster and support the development and operation of programs and partnerships which integrate resource conservation and sustainable use in the region.

Strategies:

- A. Support the establishment of an Ozark Man and the Biosphere (OMAB) Cooperative in the region and work towards implementation of its goals and objectives.
- B. Coordinate and integrate the efforts of The Nature Conservancy's Lower Ozark project with OMAB and other local initiatives.
- C. Continue and improve support for the Scenic Riverways Watershed Partnership and similar regional cooperatives.
- D. Continue to develop relationships with local Resource Conservation and Development committees and local governments to develop and coordinate mutually beneficial activities.

Objective IX.2. Develop a wide variety of demonstration areas and projects which illustrate the value and management of native ecosystems, natural communities, sustainable natural resource extraction (eg. timber harvest, natural forage) and sustainable local economies.

Exhibit 2

ACKNOWLEDGEMENTS

We thank each member of the Ozark Man and the Biosphere Steering Committee who served during the feasibility study. The committee members and other agency staff helped the study in every way asked. These people had the sustained vision that *ten* public and private organizations in *two* states could cooperatively focus on the Man the Biosphere ideal. People who took part in meetings during the feasibility study are listed here:

| | |
|--|--------------------------------------|
| → Arkansas Game and Fish Commission | David Criner |
| Arkansas Natural Heritage Commission | Harold Grimmett, Tom Foti |
| Buffalo National River | George Oviatt, Russ Lesko, John Apel |
| Mark Twain National Forest | Bill Alden, Lynda Richards |
| Missouri Department of Conservation | Tim Nigh, Rick Thom |
| Missouri Department of Natural Resources | Ken McCarty, Paul Nelson |
| National Park Service, Midwest Region | Gary Willson, Ron Hiebert |
| National Park Service, Washington Office | Bill Gregg |
| Ozark National Forest | O.D. Smith, Lynn Neff |
| Ozark National Scenic Riverways | Dave Foster, Mike Gossett |
| Pioneer Forest | Leo Drey |
| The Nature Conservancy, Arkansas | Nancy DeLamar, Lance Peacock |
| The Nature Conservancy, Headquarters | Greg Low |
| The Nature Conservancy, Midwest Region | Russ Van Herik, Steve Chaplin |
| The Nature Conservancy, Missouri | Rod Miller, Ralph Lucas |
| Winrock International | Doug Henderson |

Special thanks go to Dave Foster, the steering committee chairman, who devoted much time and energy to coordinating the effort.

Bill Gregg from the U.S. MAB Directorate in Washington was especially helpful to the project by giving insights into the overall picture of the Man and the Biosphere Program and by discussing many details of the program.

→ Greg Low of The Nature Conservancy's headquarters provided valuable advice based on his experience at the Virginia Coast Reserve. He introduced the idea of speaking to the interviewees about the *concepts* of MAB rather than the *program*; this direction insured a more successful interview process. Russ Van Herik of the Conservancy's Midwest Regional Office is to be commended for his support and his faith in the study's approach of learning the local issues through interviews.

Four people deserve mention for their big efforts in providing and interpreting information from natural heritage databases: Holly Wheeler and Tim Nigh of the Missouri Department of Conservation, and Cindy Osborne and Tom Foti of the

Exhibit 3

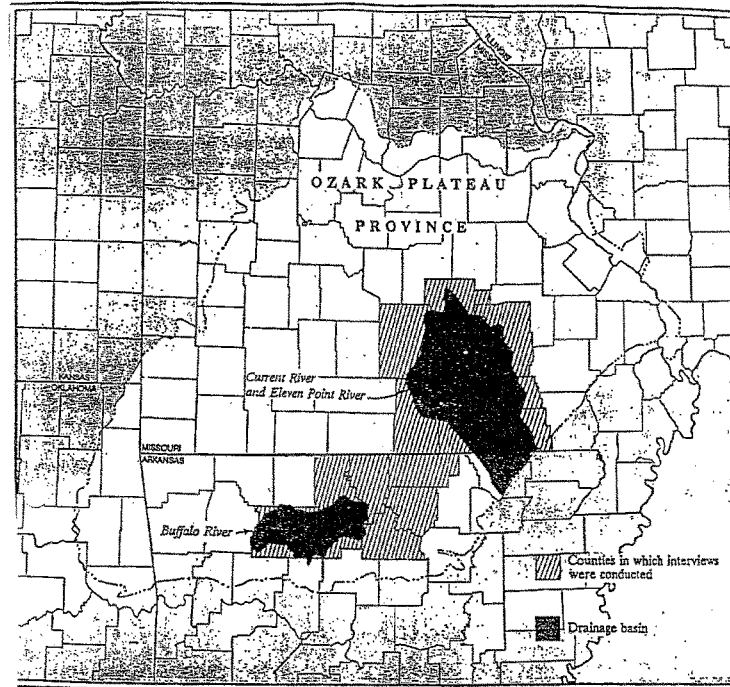


Figure 5. Boundaries of study areas based on the drainage basins of the Current, Eleven Point, and Buffalo Rivers.

Exhibit 4

agreed that some form of the biosphere reserve concept would be regionally beneficial, but they had many questions regarding the best way to proceed. The group agreed to assess the feasibility of the program and to develop the concept further before deciding whether to submit a formal nomination to the Man and the Biosphere Program.

Through the Missouri Field Office of The Nature Conservancy, agencies on the Ozark MAB Steering Committee contracted with Ecological Services of Urbana, Illinois to conduct the feasibility study. Guidance and partial funding were provided by the U.S. MAB program. The project was completed in four basic stages:

- (1) *Compiling and assimilating background information.*—UNESCO and other organizations participating in the Man and the Biosphere Program have produced many publications about biosphere reserves and other MAB projects. Materials describing the public lands, culture, and natural resources of the Ozarks are also abundant.
- (2) *Describing and delineating the Ozark region and the study areas; identifying potential biosphere reserve sites.*—The study needed to define the geographic scope of the project: what is the extent of the Ozarks, and what sites would be best suited for nomination as part of the biosphere reserve system? ² Information in databases maintained by the Arkansas Natural Heritage Commission and Missouri Natural Heritage Inventory was fundamental to this stage of the study.
- (3) *Conducting the interviews.*—Ninety Ozark residents were interviewed to learn of environmental and economic concerns that might be addressed by the approach embodied in the MAB program, and to assess the potential support for a biosphere cooperative program. The interviewees represented a wide range of interests, including business, government, conservation, recreation, and education.
- (4) *Completing the analysis and recommendations.*—Information from the first three stages formed the basis for a set of recommendations on establishing a regional Man and the Biosphere program. Recommendations cover the creation of an organization to carry out the MAB program, strategies for addressing regional issues, and specific steps for developing the program.

The methods and results of the study are detailed in the remainder of this report.

² In this report, a potential biosphere reserve site is a tract that could be designated as part of an Ozark biosphere reserve and regional MAB cooperative program. Although several biosphere reserve sites might be designated, they would comprise a single biosphere reserve.

Exhibit 5

groups, parent-teacher organizations, service organizations (Rotary, Lions, etc.), conservation clubs, and so forth.

The purpose of these meetings is to begin informing the public about the MAB program. ~~There should be NO press conferences or large public meetings because they encourage polarized views before the story can be told in an objective, non-threatening manner.~~

First Full Committee Meeting

After many small meetings and uncounted hours of discussion with the groups outlined above, the first full committee meeting should be held. A letter should be sent to those who indicated a willingness to serve on the committee. The letter should be upbeat, thanking them for their interest and congratulating each of them for being selected as a committee member. The letter should aspire to the wonderful things this committee will accomplish, and it should ask them to come up with specific ideas on what they want to see accomplished. The invitational letter should be followed by a personal phone call.

Before the meeting, a fact sheet on the Man and the Biosphere Program should be mailed to people who will attend. The fact sheet should state the concepts with everyday words and uncomplicated sentence structure. Benefits of interest to the average person should be made clear. A second sheet should outline the committee's working rules—emphasizing cooperation, sharing of ideas, being respectful, and working on agreement by consensus.

~~The first committee meeting should be especially congenial.~~ The suggested agenda is on the following pages.

First day:

- 4 p.m. Participants arrive at a motel or other meeting place, register, and receive an information packet.
- 5 p.m. Social hour in a room conducive to talking casually in small groups.
- 6 p.m. Dinner (participant pays for a moderately priced meal).
- 7 p.m. Introduction to the MAB program (simplified from commonly available materials) with examples of demonstration projects.
- 8 p.m. Discussion of committee and subcommittee organizational structure and working rules; explanation of the next day's sessions, how they will be conducted, and what will be accomplished.
- 9 p.m. Snacks and drinks (provided by the steering committee).

The extra expense and effort of an overnight meeting is warranted by the opportunity to get to know one another as individuals before hearing each other's viewpoints. Participants can also be introduced to the new ideas, new people, and the setting gradually.

Exhibit 6

Not all large blocks of wild land need to be part of a reserve *core area* in order to function as described above. If treated properly, the area of managed use can be well suited for maintenance of native biological diversity.

- To the extent practical, the Ozark MAB committee should link reserve sites with corridors of wild land, which will increase the ability of native species—including plants as well as animals—to disperse among sites (see Macintosh, 1989; Stolzenburg, 1991). Isolated reserves are likely to lose species because local extinctions are not balanced by immigration. The corridors do not always need to be strictly protected, but they should not be too narrow and fragmented.

- It may be possible to restore and maintain native vegetation in strips along streams to create corridors between core areas. In the long term, the creation and rehabilitation of natural communities should be a major emphasis of the biosphere reserve program—not only to establish streamside corridors but also to restore community types that have been largely erased (such as prairies) or that have been severely altered (including fire-dependent woodlands and savannas).

Much of what is called for on these pages is already in place or could be achieved relatively easily with the existing configuration of public and private conservation lands in the Ozarks, provided that the administrators and managers agree to participate. The role of lands in private ownership must be recognized and fostered. The Ozark region has some very large private properties that are managed for sustained-yield timber production and other conservation purposes; these lands might be suitable for inclusion in the area of managed use. Also within these private holdings—as well as in numerous other tracts—are nature preserves suitable for consideration as core areas.

- Among the private owners, The Nature Conservancy is expanding its efforts nationally and internationally with a "bioreserve" initiative. The Conservancy's bioreserve program is just now being established; in comparison with MAB's biosphere reserve program, it is likely to place more emphasis on land protection and less accent on research and social issues. The bioreserve approach is described in the *Bioreserve Handbook* by The Nature Conservancy (1991) and in articles by Jenkins (1989, 1991) and Sawhill (1991). The Ozark MAB committee would benefit from communication with Nature Conservancy staff who are establishing bioreserves.

Maintenance of biological diversity through the protection of nature reserves is a long series of integrated steps. The process begins with inventory or *identification* of sites; then it continues through *site selection, design, protection, management, research, and monitoring*. Big strides are being made in the field of conservation biology, and the findings repeatedly point to the need for extensive reserves. These large areas often have many ownerships, multiple uses, and various levels of protection—which are common characteristics of biosphere reserves (see reviews by McNeely and Miller, 1984, and by McNeely *et al.*, 1990). By being part of the Man and the Biosphere network, conservationists in the Ozarks can benefit from and contribute to the growing body of knowledge about how to live in harmony with the environment.

APPENDIX 1

Exhibit 7

CHARACTERISTICS OF BIOSPHERE RESERVES

The main characteristics of biosphere reserves are listed in the *Action Plan for Biosphere Reserves* (UNESCO, 1984) as follows:

- 120 (g) Biosphere reserves must have adequate long-term legislative, regulatory or institutional protection. Biosphere reserves may coincide with or incorporate existing or proposed protected areas, such as national parks or protected research sites. This is because some of these protected areas are often the best examples of the natural unaltered landscape or because they constitute suitable areas for carrying out the various functions of biosphere reserves.
- (h) People should be considered as part of a biosphere reserve. People constitute an essential component of the landscape and their activities are fundamental for its long-term conservation and compatible use. People and their activities are not excluded from a biosphere reserve; rather they are encouraged to participate in its management and this ensures a stronger social acceptance of conservation activities.
- (i) Normally, there is no need for changes in land-holding or regulation following the designation of a biosphere reserve except where changes are required to ensure the strict protection of the core area or of specific research sites.

³ The outer, undelineated buffer zone is now termed the "transition area" by the Man and the Biosphere Program. The U.S. MAB program refers to the inner buffer zone as the "zone of managed use." The Ozark MAB Steering Committee has adopted the term "area of managed use" rather than "zone of managed use" to avoid the connotation of regulatory zoning.

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Sample Interview

The following paragraphs consist of a representative narrative to illustrate the personal interviews with private citizens and local officials. Discussions with professional resource managers and university staff members placed more emphasis on research than on the demonstration and economic improvement aspects of MAB.

The group of agencies has found a structure within which this citizen/agency committee could function. The structure is part of a program called Man and the Biosphere. Let me tell you a little about this program and see what you think of it. MAB is a UNESCO program, so it is international in scope. There are MAB programs in foreign countries as well as the U.S. Examples include Land between the Lakes, Mammoth Cave, and the Southern Appalachians. The MAB program is not regulatory; it is completely cooperative in nature. MAB does not come in and try to tell people what to do. The program works with local people.

Places selected for the MAB program are usually rural areas where the people make their living primarily from the land. They are places with a high quality environment. They are places where people have a strong cultural background and a strong sense of place.

The MAB committee would work on specific projects that accomplish something concrete such as... [I describe some projects, e.g.: using sawdust waste to make fuel pellets]. Do you think this would be a good approach to try? Do you think it would work? What suggestions do you have for making it work? What projects would you want to see addressed?

If you could have anything you want for your county, what would it be? [The interviewee often says, "One thing—that's hard to decide!"] Well, okay, pick two things. Pretend that there are no obstacles or limitations. Pretend that anything is possible. What is your wish list?

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Exhibit 8

CHAPTER 3

INTRODUCTION TO THE FEASIBILITY STUDY

In a proposal to assess the feasibility of a Man and the Biosphere cooperative, the Ozark MAB Steering Committee described the desirability of a regional mechanism to address environmental needs:

The Ozark Plateau region is experiencing recurring environmental and natural resource problems that are adversely affecting the natural quality of many areas and the welfare of its people. Imprudent development and use of land, pollution of water and air, and declines of certain species of plants and animals are examples of the extent of the problem.

Although there are several governmental agencies managing lands distributed throughout the region, many of the problems extend beyond the jurisdictional boundaries and mandates of any one individual agency. If these problems are to be effectively addressed and solved, it will require coordinated and deliberate action on a regional scale based on sound ecological principles.

If this premise is accepted, then what is needed is a suitable vehicle to serve this purpose. In particular, this assessment will discuss the feasibility of using the biosphere reserve concept of the Man and the Biosphere Program (MAB) as a mechanism to develop a program for the integration of cultural and natural resource interests in the Ozark Plateau region.

The Ozark MAB Steering Committee was formed after an ^{ad hoc} MAB panel reviewed the Unglaciaded Interior Plateaus region and recommended considering a biosphere reserve program for the Ozark Plateau (see Martin, 1988). This ^{ad hoc} panel concluded that several sites nominated by cooperating agencies would make a substantial reserve system, while one or more sites alone would be less significant.

The panel identified the watersheds of the Buffalo River and Current River as suitable for developing a regional MAB program. Appropriate parts of the National Park Service units on the Buffalo and Current Rivers, along with the Mark Twain National Forest and Ozark National Forest, could serve as core areas. Other areas under federal, state, and private administration could be included, as appropriate, to comprise the Ozark Plateau biosphere reserve nomination.

Interested agency and organizational representatives met with a U.S. MAB representative in 1988 to discuss a proposal for the regional nomination. Most participants

Exhibit 2

animals on the sinkhole plain bordering the Mississippi River is distinctly different from that of the neighboring St. Francois Mountains. As a result of this diversity, one or two sites cannot fully represent the diversity of the Ozarks—even if each site is many square miles.

One way to encompass more of the region's diversity would be to establish several biosphere reserve sites throughout the Ozarks. If such an approach is taken, it should be based on well-defined ecological regions. These regions, commonly known in the Midwest as "natural divisions," are also known as "ecoregions" or "biogeographic regions."

Whatever they are called, these "regionalizations" are based on the distribution of several kinds of natural features in combination (see Bailey, 1983). Instead of relying on the pattern of distribution of a single kind of feature such as soil types, or bedrock types, or vegetation types, these ecoregions show how the various kinds of features tend to have similar overall distribution patterns. The patterns do not match perfectly, though: the geographic limits of most plants and animals do not coincide exactly with the limits of a natural division or group of divisions, but some rare species and endemics *are* limited to a single natural division or subdivision.

Natural divisions have gained wide acceptance among conservationists for planning systems of protected natural areas. Missouri, Arkansas, and Illinois have published maps and reports on their natural divisions (see the top of page 26). Natural heritage programs in Kansas and Oklahoma also recognize the Ozark Plateau as a distinct region, although these programs rely on physiographic maps rather than biogeographic regions.

Each natural region in the Ozarks has a distinct suite of environmental and biological features. For example, the White River Section of Missouri is the "cedar glade" region, which harbors a number of endemics; the center of the Ozark Uplift is the St. Francois Mountain Section, where Precambrian rocks form narrow gorges ("shut-ins") and dry igneous communities. Although igneous rocks crop out in a small area of the Current River watershed, the ecological communities that develop on igneous substrates are best expressed elsewhere, in the St. Francois Mountain Section of the Ozarks.

The system of natural divisions should be used as a basis for selecting candidate sites for a biosphere reserve system. By choosing sites in the various natural regions and their subdivisions, the regional diversity of the Ozarks could be well represented. For example, in Missouri the following areas have been suggested as possibilities—for the *St. Francois Mountains Section of the Ozark Natural Division*: Johnson's Shut-Ins State Park and the Tom Sauk Valley region; *Upper Ozark Section*: Ha Ha Tonka State Park and the adjacent region; *White River Section*: Hercules Glades Wilderness, Caney Mountain Wildlife Area, and the adjacent region; *Ozark Border Natural Division*: Hawn State Park, Hickory Canyons Natural Area, and the adjacent region. This list includes lands in private, state, and federal ownership.

Mrs. CHENOWETH. Will the hearing come to order.

I want to thank the witnesses very much for your outstanding testimony. And now we go to the section of the hearing where the members will ask you questions. And under Rule 4.G.2 also the members must confine their questions to the five-minute structure. Any other questions members will have—and we will have them—we will submit them to you in writing and we would appreciate your returning a response within 10 working days.

So the Chair now recognizes Ms. Emerson for questions.

Ms. EMERSON. Thank you, Madam Chairman.

Mr. Hardecke, tell me a little bit about your thoughts on a possible relationship between the Natural Streams Act that did get defeated in 1990 and the Man and the Biosphere Program.

Mr. HARDECKE. Well, actually I think there are some very significant correlations. As you know, the Natural Streams Act was voted down by a large majority, 75 percent opposition in the State of Missouri in November, 1990. It seems coincidental that in September, 1991, the feasibility study for the Man and the Biosphere Cooperative was completed, and as you look over the list of the committee who commissioned this feasibility study, the environmental groups who were involved with the state and Federal agencies in this proposal are the same ones who brought to us the Natural Streams Act. And then that led up to the proposal through Coordinated Resource Management here in Missouri for the draft plan being proposed in 1996, which revealed as Goal IX the Man and the Biosphere Program.

Ms. EMERSON. And you have submitted that for the record.

Mr. HARDECKE. Yes, the list is one of my exhibits.

Ms. EMERSON. And it included some of the other environmental groups like the Sierra Club and others?

Mr. HARDECKE. And the private landowners who were listed in the committee were Pioneer Forest and The Nature Conservancy and we know that those groups had a large influence in the Natural Streams Act. So I guess the bottom line is, as so often happens when the people say no to something, the agencies and the bureaucrats go about it another way.

Ms. EMERSON. Thank you. Wanda, let me ask you a question. One of the concerns that I have heard from a lot of people has to do with the signage that is near biosphere reserves, and that is often erected at these sites that says World Heritage Site designated by the United Nations. Tell me what you know about these types of indications that we are coming upon.

Ms. BENTON. I have not seen any evidence of any—I have had people call me and tell me about them, but I personally have not seen any evidence of any.

Ms. EMERSON. Okay. So you personally have not seen any at all.

Ms. BENTON. No, I have not.

Ms. EMERSON. Okay, have any of you all seen any kind of signage of other types of biosphere reserves or world heritage sites?

Mr. HARDECKE. When we were in Yellowstone Park this summer, it is on the sign when you enter the park there.

Ms. EMERSON. Does it say World Heritage Site or Biosphere Reserve?

Mr. HARDECKE. Biosphere Reserve.

Ms. EMERSON. Connie, you have as well?

Ms. BURKS. Yes, just south of Gatlinburg as you enter the Great Smoky Mt. National Park, it says very plainly—International Biosphere Reserve; however, I understand that they did not erect these signs when they (the Biosphere Reserves) were first designated. It was only—Mary Denham can probably tell us more about that, I am not sure about the date, but it has been within the last few years that they began to erect the signs.

Ms. EMERSON. I appreciate that.

Bobby, do you have a sense of how many other organizations and/or county commissions may have passed resolutions like you all have either at the Dent County Commission or the Cattlemen?

Mr. SIMPSON. I know the Cattlemen have and I know our county has and I was not notified until about two weeks ago about the hearing, so I do not know about how many other counties. But we felt strongly about this and wanted to show you that local leaders are in support of this and I attached that to my testimony too.

Ms. EMERSON. Well, I do appreciate that, and actually, Madam Chairman, I want to submit for the record too a statement from the Oregon County Commission, vis-a-vis their appreciation of the position that we have taken on the issue of private property rights, and hopefully we can put that into the record.

Mrs. CHENOWETH. Without objection, so ordered.

[The material referred to follows:]

CLERK OF COUNTY COMMISSION,
OREGON COUNTY,
ALTON,
Missouri

The Honorable JOANN EMERSON,
339 Broadway,
Federal Office Bldg.,
Cape Girardeau, MO

Dear Congresswoman Emerson:

The Oregon County Commission regrets that we are not able to attend your meeting on Saturday, May 1st. However we did want to express our appreciation of the position you have taken on private property rights. Please express also to Congresswoman Helen Chenoweth and Congressman Don Young the work they have done and also coming to our state for this meeting. As you may know we have adopted a land use plan for our County in hopes it may be effective in the future should the need arise.

Sincerely,

LEO WARREN,
Oregon Cnty, Presiding Com.,
BUDDY WRIGHT,
Associate Com.,
JOHN WRENFROW,
Associate Com.,
GARY HENSELY,
County Clerk.

Ms. EMERSON. Thank you.

You know, one of the big problems that I have with the whole U.S. Man and the Biosphere Program, not the least of which is that none of the local folks have had any input whatsoever, but technically it is supposed to infer wise use of our natural resources when in fact you all are already doing that. I mean I do not know anybody who as farmers and ranchers take better care of the land because you know if you do not take care of the land, the land is

not going to take care of you. Perhaps you might enlighten for the record, Bobby, how you do take care of the land in a very environmentally safe way.

Mr. SIMPSON. Okay. Like you said, you know, when you have been in the cattle business as long as my family has, it seems to be kind of a calling to you, you know, it is something I always knew when I was three or four years old what I wanted to do. And I have a son now who is wanting to do, I think, the same thing. If I abuse the land, the next generation and the generation after that are the ones who would suffer. We have stopped erosion on our farm tremendously to what it was 20 years ago and I know it is a bad word to certain environmental groups, but you know, fescue has done worlds of good down here in the Ozarks. It does not wash very good.

But anyway, if I do not do everything that I can to take care of my farm, I am the only one who suffers and my family suffers and the next generation suffers. So it is only to our advantage to do what we think is best. And I know my grandfather grew up in New Mexico and there were probably things back then that they did not do right, but they did not know better. But as each generation comes along, we are a little smarter, we look at things a little differently and we do things differently. And we try to do the best we can.

Ms. EMERSON. Thank you, I appreciate that.

No further questions. The yellow light is on, I cannot talk that fast.

Mrs. CHENOWETH. I thank the Congressman.

I would like to ask Wanda, have you read Ken Midkiff's letter to Chairman Don Young regarding this hearing?

Ms. BENTON. Yes, I did.

Mrs. CHENOWETH. Well, what is your response to the statement that because he fears for his safety, he could not attend?

Ms. BENTON. Well, do I look very threatening to you?

[Laughter.]

Mrs. CHENOWETH. Why do you suppose he made that statement?

Ms. BENTON. Well, I cannot speak for Mr. Midkiff specifically, but I believe that one of the traits of paranoia is you transfer your desires and capabilities onto other people, and perhaps this is what is happening in this case, I do not know.

Mrs. CHENOWETH. I see, thank you.

I wanted to ask Commissioner Simpson, could you explain for the record the economic impact of this program had it been fully implemented, to your county?

Mr. SIMPSON. In my opinion, the way I read the plan was it was—it was going to place tremendous restrictions on the use of the public lands and private lands because it was all tied together in this master plan. I have got a school district that is in part of my district that is probably 75 percent inside the National Forest and they are tremendously dependent on the sale of timber and mining materials, you know, coming out of their district. My county here gets almost \$100,000 each year out of sales of timber out of the National Forest and we use that to maintain the roads and the public use of the county roads inside Dent County. I know that is

not a lot of money in Washington, DC, but that is about a 10th of my budget and it is very important to our county.

Mrs. CHENOWETH. A hundred thousand dollars—let me see, you get the PILT payments, do you not?

Mr. SIMPSON. Yes, that goes in the general revenue and we get a portion of the sales of natural resources.

Mrs. CHENOWETH. Yeah. Well, you have a fiduciary responsibility to your constituents to provide an awfully lot of services—roads and hospitals and schools and emergency services, all kinds of things.

Mr. SIMPSON. And that is not including all the jobs that are created through the National Forest, you know, independent jobs. From the guy who goes out there and cuts the logs to the sawmill operator to the processor. I know a friend of mine who works at Canoke Industries there in Salem and he told me if they stopped all the sales in the National Forest, that he would absolutely have to lay off 50 employees, because he is very dependent on that timber coming out of the forest that is close to our community.

When the forest was set up years ago, I guess during the depression years, our county was virtually bankrupt. And they came in and bought that land for a little of nothing with the promise that it would be there to give stability to our local county governments and to our local citizens. That was the promise that they gave that in the last few years has not been fulfilled. Like I gave in my testimony, I feel like we are not getting 25 percent of what we should be getting out of that National Forest. It is very sustainable, it can, if managed properly, can be here forever, as long as we need it.

Mrs. CHENOWETH. Well, Commissioner, the National Forest Practices Act requires statutorily through the policies that the Congress has implemented that the cuts should be at a level equal to 90 percent of the growth rate and you are cutting in that forest at 25 percent?

Mr. SIMPSON. That is my opinion, ma'am. You know, we live down there, we drive by and we see what is going on. I have friends who are in the logging business, they pay to go in there and use the roads and that money is being collected out of their paychecks for maintenance of the forest roads and yet that money goes to Washington, DC and never comes back down there to help us get the road systems in Dent County up to adequate levels. And I know they are somewhat regulated by what comes in Washington, but in our opinion, it is a far cry from being right.

Mrs. CHENOWETH. Well, I will tell you, we are trying to change the general tax policy, I would love to discuss that with you, but I guess this hearing is on something else that is even—well as close.

So generally, Commissioner, what you are testifying to is that you would have seen not only a reduction in revenues but also a reduction in the tax base, so that more responsibility to provide for the needed tax base would fall on fewer people.

Mr. SIMPSON. Yes, ma'am. If you do not have your local jobs there that people traditionally have had for hundreds of years, they are going to move somewhere else to make a living and we are a 13,000-14,000 population county. You know, we really struggle to

make ends meet every year. We cannot take a loss of income of any kind.

Mrs. CHENOWETH. Well, boy, I sure hear you, I really do. Your job is not easy and I respect the job that you are doing, Commissioner.

Mr. SIMPSON. Thank you, ma'am.

Mrs. CHENOWETH. Ron Hardecke, why do you believe that the Missouri Department of Conservation withdrew the Coordinated Resource Management plan, what happened there?

Mr. HARDECKE. Well, I think as Goal IX was exposed and the Man and the Biosphere concept came out in the public awareness—it was tucked away in Goal IX, which was clear in the back of the plan in just one little sentence or paragraph. And that drew attention to the whole plan and then when we found the feasibility study and you look through that, actually CRM was just a cloak for the Man and the Biosphere Program. So if they withdrew from Goal IX, the Man and the Biosphere was not worth them continuing, but as it was stated earlier, it is only asleep. And that is why we have to be vigilant and we ask that you pass this legislation to give that protection.

Mrs. CHENOWETH. Thank you very much. I do want to respond to your question. We did pass this legislation last year and the year before by an overwhelming majority and there was a lot of debate on it, but it passed by a huge majority. We need to find the heroes in the Senate, we will run it through the Senate and place it on the President's desk. And certainly those of you, all of you, not only the panel but the entire audience, will be helpful in making sure that this moves through the entire process.

I do want to—my staff tells me I can take the Chairman's prerogative and ask Connie this question, Connie Burks. On page 4 of your written statement, you point out that a Park Service feasibility study claimed almost universal support among community leaders for the Ozark Biosphere. I noticed that and I was very interested in your elaborating on what you found when you tried to verify this claim in the field about all that official support.

Ms. BURKS. Yes. Mr. Hardecke already addressed that a little bit in his testimony too, I noticed. When I first retrieved this feasibility study, I requested it from the National Park Service office, that was the first time it had ever surfaced. And from there, we have passed it on to some Missouri folks and what-have-you, but it is a massive document. When we began to read it, there are all sorts of inconsistencies in it. I began contacting some of these judges, farm bureau agents, community leaders, et cetera who were listed as having supported this. Some of them I knew personally. And first of all, they first questioned "the what?" They had never heard of it before. No one in any place in Arkansas, any elected government official whose name was on this, had ever even heard of it before.

In my documentation I have three examples of written statements of these gentlemen who verified both by saying so in writing that they had never heard of it and had they known of it, they would have opposed the program. But the feasibility study is something that anyone who is investigating this matter should thoroughly study because it is full of one discrepancy after another.

Mrs. CHENOWETH. Thank you. Ms. Emerson.

Ms. EMERSON. Chairman Chenoweth, I might add that I am really rather shocked at this, but it only goes to show the lengths to which people will stretch the truth perhaps. I noticed here a letter from my late husband Bill to Jerome Smith of Norwood, Missouri, in which he states that, quote, "I continue to have concerns about the implication that these so-called biospheres could have on private property rights and I am against control of our country's crown jewels by international agencies."

Yet it is shocking that in the feasibility study, it does in fact say that, quote, "His office would not be an initiator but if the county commissioners support the cooperative, Congressman Emerson will support it," after he just said quite the opposite in a letter. So I think that goes—shows you the lengths to which the proponents of the Man and the Biosphere Reserves would go.

Mrs. CHENOWETH. We have come a long ways from the truthfulness of George Washington, have we not?

Ms. EMERSON. We have.

Mrs. CHENOWETH. Well, I want to thank this panel very, very much for your very valuable and insightful testimony.

We do have more questions for you and we will be submitting those questions to you in writing.

So now I will excuse this panel and will call to the witness table John Powell from Rolla, Missouri; Richard Yancey, Black, Missouri; Mary Denham, Take Back Arkansas and Frank Meyers, People for the USA, Potosi, Missouri.

[Pause.]

Mrs. CHENOWETH. The meeting will come to order, please. I wonder if the panelists would please stand and raise your right arms to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. The Chair now is pleased to recognize John Powell for his testimony.

STATEMENT OF JOHN POWELL, FRANK B. POWELL LUMBER COMPANY, ROLLA, MISSOURI

Mr. POWELL. Thank you very much, Madam Chairman and members of the Committee. My name is John Powell and I live right here in Rolla, Missouri. In fact, my house is only about three or four blocks from here, so I had a hard trip.

[Laughter.]

Mr. POWELL. I am a lumberman and a tree farmer and have owned and managed forest lands for a half century. Our holdings are located about 50 miles south of here and comprise roughly 17,000 acres.

We have been following best management practices since we began buying timber land in 1949. We believe in the wise use of—and let me emphasize that word use—the wise use of our resources and that they are direly needed to satisfy the needs of our nation.

I am 100 percent in favor of H.R. 883. Ladies, we are burdened with way too much restriction and regulation now throughout our nation without additional interference from the United Nations or the Executive Branch of our government.

A good steward of the land believes in the wise use of the earth and its resources, but not abuse. Education is the only good answer to correcting land abuse, and if this is not successful then any regulation needs to be kept at the lowest possible local level. We definitely do not need or want regulations from the United Nations. Members of the Committee, it is bad enough having to put up with regulations from our Federal and state governments.

I fortunately will admit that so far I have not been bothered with environmental restrictions but I can certainly see it coming. Take the Federal Government.

The environmental movement, the media and some of the politicians have virtually shut down our nation's number one provider of wood fiber—of course, that is the U.S. Forest Service. Their annual harvest has been reduced from over 15 billion board feet to less than three billion board feet annually.

On the state level, many have or are considering restrictions of harvesting timber on state-owned land. Some of these are Minnesota, Michigan, Wisconsin, Oregon and Washington.

Next, it will be the private landowner restrictions. These are already in place in California, Maine, Connecticut, Oregon, Washington, Idaho, Massachusetts, New Mexico and Alaska.

Now the main point I want to make here this morning is that we now have our hands full of our own government regulations, so please spare us from the burden of possible international regulations and restrictions.

I did not give any other background information, but if you have any questions, I will be happy to answer them, but I did want to bring out that point. We have had it with regulations and we do not need the whole world telling us what to do.

Thank you very much.

Mrs. CHENOWETH. Thank you very much, Mr. Powell. The Chair now recognizes Richard Yancey.

[The prepared statement of Mr. Powell follows:]

STATEMENT OF JOHN POWELL, ROLLA, MISSOURI

Mr. Chairman and members of the Committee, my name is John Powell and I live in Rolla, MO. I'm a lumberman and tree farmer and have owned and managed forest lands for a half century. Our holdings are located about fifty miles south of here and are comprised of roughly 17,000 acres.

We have been following best management practices since we began buying timber land in 1949. We believe in the wise use of our resources and that they are needed to satisfy the needs of our nation.

I am 100 percent in favor of H.R. 883—"The American Land Sovereignty Protection Act." We are being burdened with way too much restriction and regulation now, throughout our nation, without this additional interference from the United Nations and the Executive Branch of our Government.

A good steward of the land believes in the wise use of the earth and its resources but not abuse. Education is the only good answer to correcting land abuse and if this is not successful then any regulation needs to be kept at the lowest possible local level. We definitely do not need or want regulation from the United Nations—its bad enough having to put up with regulations from the Federal and State governments.

I, fortunately, will admit that so far I have not been bothered with environmental restrictions but I can see it coming.

1. The environmental movement, the media and some of the politicians have virtually shut down our nation's number one provider of wood fiber, the U.S. Forest Service. Their annual harvest has been reduced from over 15 billion board feet to less than 3 billion board feet.

2.Many states have or are considering restrictions of harvesting timber on state owned lands. Some are Minnesota, Michigan, Wisconsin, Oregon and Washington.

3.Next will be private land owner restrictions. These are already in place in California, Maine, Connecticut, Oregon, Washington, Idaho, Massachusetts, New Mexico and Alaska.

We have our hands full now battling our own government so please spare us from the burden of possible international regulations and restrictions.

**STATEMENT OF RICHARD J. YANCEY, PRESIDENT, VIBURNUM
CHAPTER, PEOPLE FOR THE USA, BLACK, MISSOURI**

Mr. YANCEY. Good morning.

As a witness before this Committee, I would first like to express my thanks to the members for the opportunity to address you today. My name is Richard Yancey and I am speaking on behalf of The People for the USA in support of this legislation. We believe that passage of this legislation is a critical step in the restoration of the Constitutional authority of Congress to address important land management issues on Federal lands.

With over a decade of experience as mine geologist, I have had many opportunities to deal with land resource issues and I am very concerned at these designations. In fact, most of the designations in the United States have originated with environmental organizations like the Sierra Club, The Nature Conservancy. And the National Park Service has been often a willing partner in implementing the designation process.

Clearly, there is a keen interest on the part of many environmental organizations—I am a little nervous, this is the first time I have ever done this—

Mrs. CHENOWETH. You are doing good.

Mr. YANCEY. Let me back up here. Clearly, there is a keen interest on the part of many environmental organizations to see the designation of many more Biosphere Reserves and World Heritage Sites in the U.S. Other witnesses testifying in previous hearings to this Committee in support of this legislation have already commented on the links that these designations have to the Wildlands Project, the Convention on Biological Diversity and the Global Biodiversity Assessment. Clearly, the Wildlands Project controversial goal of converting 50 percent or more of the U.S. land area to natural habitats with very limited human use would be viewed as rather extreme by most Americans. But we are participating in two major U.N. programs, which currently have no Congressional oversight and are very supportive of this extremism and appear to be implementing it.

Considering my background, I would like to explain to the Committee members why the people of Missouri, specifically those who are directly dependent on the mining industry for their income, need the protection that the American Land Sovereignty Protect Act would provide. In Missouri, mining has an annual value of over \$5 billion and provides direct employment to more than 8,000 people, employing thousands of others indirectly. Missouri is the nation's foremost producer of lead and a significant producer of zinc and copper. All of these metals are of significant strategic importance to the United States.

The lead deposits of southeast Missouri lie in a rather unique geologic setting. In fact, southeast Missouri contains the largest known concentration of lead in the earth's crust. But this does not mean that these deposits are widespread or easy to find. Discovery of even one deposit often takes years of exploration and a very serious amount of capital investment.

A basic understanding of the geology and development requirements of these deposits is critical if one is to analyze the needs of Missouri's metals mining industry. Often I am asked why we just could not locate our mines in less environmentally sensitive areas, although nobody in the environmental organizations seem to know where such a place might be. The answer is simple—mines are located where the ore deposits are located, not where we would like for them to be, which would be on my land, if I had a choice.

[Laughter.]

In the case of southern Missouri, the most prospective area for new discoveries cuts a swath directly across the region recently proposed for the Ozark Man and the Biosphere. And I have got a map that I have included with my written testimony.

If the Ozark Man and Biosphere were to become reality, it would be not hard to imagine its impact on Missouri's lead mines, not to mention the other natural resource based industries. Exploration for mineral resources is not an activity compatible with Biosphere core area management regimens. Drilling for mineral resources might be allowed in buffer zones, but what would be the point since new mines will not be allowed. A good example is the halting of the new World Mine Project near Yellowstone World Heritage Site, which is stark evidence of how the U.N. views mining. Although it is not likely, there may even be pressure for closure of current mine operations since these sort of activities do not fit in the social engineering mind set of sustainable development called for in these programs. Regardless, without discovery of new resources, lead mining in Missouri will come to a screeching halt in a few years.

Now the common thread of all these efforts is the removal of large portions of public and private lands from multiple-use methods of land management without substantial input from the people affected or their elected officials. And in place of this common-sense conservation-minded process of resource management, these programs wish to implement a sustainable development economy that is yet to be clearly defined as to how it will work. However, this is irrelevant to the environmental extremists who have conceived of radical programs like the Wildlands Project, which put nature above man in every case. The real tragedy of such radical schemes is that they ignore the successes of other more reasonable approaches and needlessly destroy the economic, social and environmental progress accomplished by the efforts of thousands of responsible land managers and millions of American citizens, as Bobby was speaking about earlier.

Furthermore, subjugating U.S. laws to U.N. regulations through an international agreement that does not have the will and support of the people of this country or the oversight of Congress, I feel strains the limits of the Constitution. This is especially true when sections of an international agreement are being implemented without ratification, as is in the case of the Convention on Biologi-

cal Diversity. This presents a threat to the sovereignty of the United States. And I will say that again, I really feel this presents a threat to the sovereignty of the United States. There is a definite lack of accountability on the part of the Man and the Biosphere and World Heritage Site programs and the international bureaucracies that have sprung from these UNESCO projects. Without passage of legislation like the American Land Sovereignty Protection Act, these problems will not only continue, but will propagate across the U.S. as more citizens of rural communities find their means of income regulated out of existence by radical environmental management schemes. I encourage the members of the House Resources Committee to make the House of Representatives at large aware of the seriousness of this situation and turn this legislation into law as soon as possible.

Now I added a little postscript here after reading the Sierra Club's little letter that they sent out. You know, I just have to say the lack of witnesses by the environmental organizations demonstrates their desire to circumvent even the most fundamental aspects of the democratic process here. You know, the Sierra Club's program director, Ken Midkiff's excuse for not coming here today, that he has been threatened by People for the USA, which I represent, and other groups, is just pure political hype.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Yancey. The Chair recognizes Mary Denham for testimony.

[The prepared statement of Mr. Yancey follows:]

STATEMENT OF RICHARD J. YANCEY, PRESIDENT, VIBURNUM CHAPTE, PEOPLE FOR THE USA!

Introduction

As a witness before this Committee, I would first like to express my thanks to the members, especially Representatives Don Young and JoAnn Emerson, for the opportunity to address you today. My name is Richard Yancey and I am speaking on behalf of The People for the USA! in support of The American Land Sovereignty Act, H.R. 883. We believe that passage of this legislation is a critical step in the restoration of the Constitutional authority of Congress to address important land management issues on Federal lands.

With over a decade of experience as a mine geologist, I have had many opportunities to deal with land resource issues and I am very concerned about the United Nations Man and the Biosphere and World Heritage Site designations. There are already 67 such designations, 47 Biosphere Reserves and 20 World Heritage Sites, in the United States. Designation of a site under either program does not require input from Congress or the people living in the region. In fact, most designations in the United States originated with environmental organizations like the Sierra Club or the Nature Conservancy, although the National Park Service has often been a willing partner in implementing the designation process.

Program Descriptions

Briefly, I will describe the most essential aspects of both programs, since other witnesses have already done a very good job laying out the details. The Biosphere Reserve model consists of three areas: a core area, a buffer zone and a transition area. While the World Heritage Sites are generally not set up under the same model, recent events near the Yellowstone World Heritage Site make it clear that similar guidelines are being followed.

Man and the Biosphere models focus on the core area, which consists of minimally disturbed ecosystems and only activities that do not adversely affect natural processes and wildlife are allowed. Often core areas are centered on a National Park or Wildlife Refuge, but may extend beyond public lands to include private properties. The Federal or state lands would be very carefully managed and the private lands would be heavily regulated to fit the biosphere guidelines. Certainly, most

multiple-use activities, including mining, ranching, timbering and farming, would not be allowed in core areas.

Surrounding core areas are buffer zones, where activities and natural resources are managed to help protect the core areas. Multiple-use activities are specifically allowed in buffer zones under the Man and the Biosphere model, but in practice, have not been permitted to take place in any substantial manner. Once again, we can look to the Yellowstone World Heritage Site, where Crown Butte Mining's development of the New World Mine was halted, despite the fact that there was a mountain range between the World Heritage Site boundary and the proposed mine. Especially onerous in this affair was how the Greater Yellowstone Coalition, a group of 13 environmental organizations, manipulated the World Heritage Committee into declaring the site as "World Heritage Site in danger." This introduced a perception of impending disaster to the issue. This perception was patently false but, nevertheless, the Clinton Administration blocked the development of this project at a very high cost to U.S. taxpayers.

The outermost layer of a Biosphere Reserve is a transition area, which is a "dynamic zone of cooperation in which conservation knowledge and management skills are applied." While economic development in transition areas is more acceptable than in buffer zones, it is still highly regulated and subject to management by United Nations officials. The three layers or ones often encompass millions of acres of public and private land.

Clearly, there is keen interest on the part of many environmental organizations to see the designation of many more Biosphere Reserves and World Heritage Sites in the U.S. Other witnesses testifying to this Committee in support of H.R. 883 have already commented on the links the Man and the Biosphere and World Heritage Site programs have to the Wildlands Project, the Convention on Biological Diversity and the Global Biodiversity Assessment. Clearly, the Wildlands Project controversial goal of converting 50 percent or more of the U.S. land area to natural habitats with very limited human use would be viewed as rather extreme by most Americans. Yet we are participating in two major U.N. programs, which currently have no Congressional oversight, that are very supportive of this extremism and appear to be implementing it.

Impacts to Missouri Communities

So how do the Man and the Biosphere and World Heritage Site programs affect Missourians? There was a recent attempt to designate a Biosphere Reserve here in southern Missouri. The consequences of such a designation would reach deep into the economic and social soul of many rural communities here in the Ozarks. This region is heavily dependent on natural resource based industries such as mining, timbering and agriculture. These industries have deep roots, with documented evidence of the French mining lead at Mine LaMotte as early as 1721. Missouri has been a major producer of timber for nearly two hundred years and has had a strong agricultural history and is currently the second in beef production in the United States. All these activities will be adversely affected by Man and the Biosphere or World Heritage Site designation.

Considering my background, I would like to explain to the Committee members why the people of Missouri, specifically those who are directly dependent on the mining industry for their income, need the protection that the American Land Sovereignty Protection Act would provide. Mining has an annual value to Missouri of over five billion dollars and provides direct employment for more than eight thousand people and employing thousands of others indirectly. Besides being a major producer of crushed stone, gravel and lime, Missouri is also the nation's foremost producer of lead and a significant producer of zinc and copper. All of these metals are of strategic importance to the United States. It is the lead/zinc/copper mines and exploration for new deposits that are at highest risk.

The lead deposits of southeast Missouri lie in a rather unique geologic setting. In the first place, most deposits of this type tend to be zinc dominated, whereas these are lead dominated, with significant amounts of zinc, copper, silver and cobalt. Furthermore, the size and number of the deposits also sets them apart from other similar deposits found elsewhere in the world. In fact, southeast Missouri contains the largest known concentration of lead in the earth's crust. But this does not mean that these deposits are widespread or easy to locate. Your typical deposit tends to be several thousand feet in length, only a few hundred feet wide and is found only in a specific geologic setting in the Bonnetterre Formation. To complicate matters, there is no geophysical method that has been successful in detecting these type of deposits, so drilling and a good understanding of the local geology are the geologist's main exploration tools. Discovery of even one deposit often takes years of exploration and a very serious amount of capital investment.

Development of a mining property requires extensive study. Before any actual development can take place ore reserve analysis, mine planning, modeling and financial analysis must be completed. In addition, detailed Environmental Impact Studies must be conducted and a myriad of permits applied for, all under the scrutiny of a variety of Federal, state and local regulatory agencies and the public. Then comes the actual construction of facilities and mine development. The multifaceted aspect of such an undertaking requires large infusions of capital funding and a lot of time. Generally, most mines take anywhere from ten to twenty years of work before the first ton of ore is processed.

A basic understanding of the geology and development requirements of these deposits is critical if one is to analyze the needs of Missouri's metals mining industry. Often, I am asked why we just couldn't locate our mines in a less environmentally sensitive area (although none of the environmental organizations knows where such a place would be). The answer is simple—mines are developed where the ore deposits are located, not where we would like for them to be. In the case of southern Missouri, the most prospective area for new discoveries cuts a swath directly across the region recently proposed for the Ozark Man and the Biosphere Reserve. Depending on how the boundaries would be drawn for the Biosphere Reserve, current operations would likely fall in the buffer zone. Note the map included with this testimony delineating Federal lands, major rivers, the proposed Biosphere boundaries and the area of highest exploration potential for this region of southern Missouri. It is also important to note that not shown on the map are thousands of acres of state land in this area, as well as significant private holdings (i.e. the Nature Conservancy) which already exclude exploration.

If the Ozark Man and the Biosphere were to become reality, it would not be hard to imagine its impact on Missouri's lead mines, not to mention other natural resource based industries. Exploration for mineral resources would not be an activity compatible with Biosphere core area management regimens. Drilling for mineral resources might be allowed in buffer zones, but what would be the point, since new mines will not be allowed. The aforementioned New World Mine project is stark evidence of how the U.N. views mining. Although it is not likely, there may even be pressure for closure of current mine operations, since these sort of activities will not fit into the social engineering mind set of "sustainable development" called for in the Man and the Biosphere and World Heritage Site programs. Regardless, without the discovery of new resources, lead mining in Missouri will come to a screeching halt in a few years. One or two mines could last as long as fifteen years on their current reserve base, but that would be unlikely, considering the higher costs of doing business with ever more stricter environmental regulations found in Biosphere Reserve areas.

Efforts at Ozark Man and the Biosphere Designation

So how likely is it that this area could be designated a U.N. Biosphere Reserve? The answer to that question is obvious if one looks at recent events.

First, the area in question, encompassing the watersheds of the Current and Eleven Point Rivers, has been chosen as a Bioreserve by the Nature Conservancy, which helped pave the way for the initial attempt at designation of the U.N. Ozark Man and the Biosphere. This is an area 120 miles long by 50 miles wide at its widest point, containing more than 2.3 million acres of land. At present, less than 500,000 acres of this area are publicly held properties.

Second, the effort of the Missouri Department of Conservation to implement Coordinated Resource Management included provisions to support the Man and the Biosphere efforts in Missouri in its initial draft. Coordinated Resource Management was an attempt to further integrate management of both public and private lands by state and Federal agencies, along with non-governmental organizations. Although there were some commendable aspects to Coordinated Resource Management, several provisions, including the Man and the Biosphere support issue, caused enough public outcry to force the Department of Conservation to scrap the program.

Third, efforts by mining companies to acquire prospecting permits to explore for mineral deposits in the Mark Twain National Forest in the region have been blocked by the Clinton Administration. Two Environmental Assessments and an Environmental Impact Study have been conducted, finding no reason to disallow exploration. The Forest Service, after years of delays, was poised to issue permits. However, the Bureau of Land Management, which manages mineral resources on Federal lands, would not allow the permits to be issued. After months of discussions with the BLM and Bruce Babbitt of the Interior Department, the permit applications were withdrawn by the Doe Run Company, a major mining company with mines in the region. It had become obvious that the Interior Department was re-

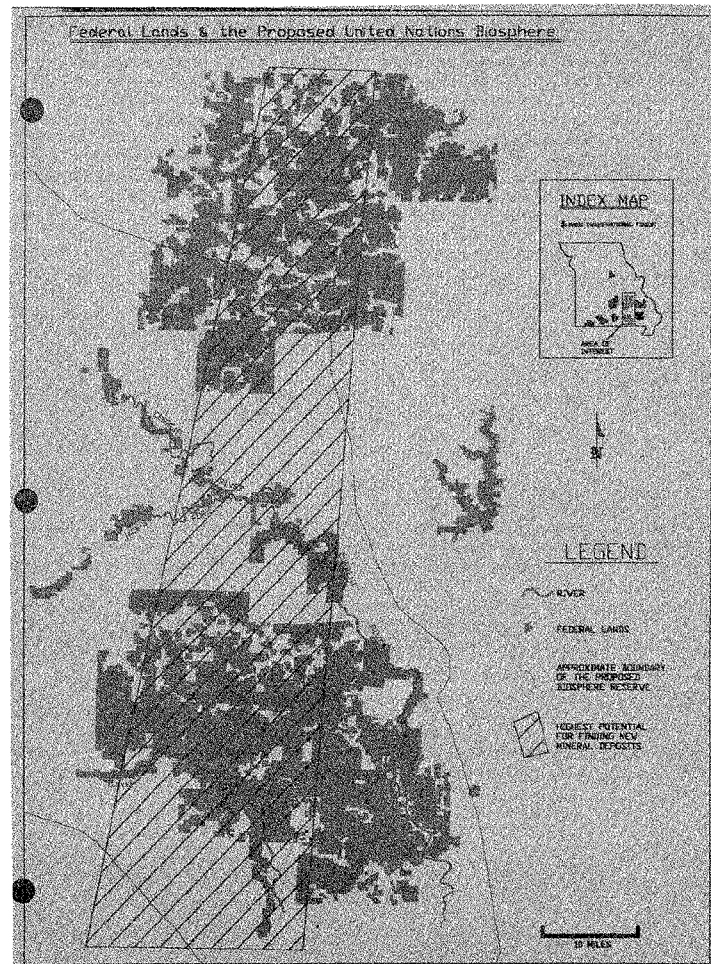
quiring the company to forfeit its legal rights to any new discoveries if exploration permits were to be issued. This raises serious questions of legality of the Interior Department's position and tactics, since the laws and regulations regarding issuance of prospecting permits contains no provision for exclusions of this sort.

Fourth, Missouri's Attorney General, Jay Nixon, has requested Bruce Babbitt and the Interior Department to withdraw from consideration for prospecting permits more than four hundred thousand acres of Federal lands in the watersheds of the Current and the Eleven Point Rivers. This request has questionable legal ramifications, but serves to illustrate a point, considering that it asks for the withdrawal of lands that closely match those proposed for the Ozark Man and the Biosphere Reserve. As a side note, a similar withdrawal was recently announced for portions of the Lewis and Clark National Forest in Montana. The withdrawal is open for comment by the public, but it appears that there is at least some coordination of efforts to bring about major changes in how Federal lands are managed which circumvent Congressional oversight and participation.

Conclusions

The common thread of all these efforts is the removal of large portions of public and private lands from multiple-use methods of land management, without substantial input from the people affected or their elected representatives. In place of this common-sense, conservation-minded process of resource management, the Man and the Biosphere and World Heritage Site programs wish to implement a "sustainable development" economy that is yet to be clearly defined as to how it will work. However, this is irrelevant to the environmental extremists who have conceived of radical programs such as the Wildlands Project, which puts nature above man in every case. The real tragedy of such radical schemes is that they ignore the successes of other, more reasonable approaches and needlessly destroy the economic, social and environmental progress accomplished by the efforts of thousands of responsible land managers and millions of American citizens.

Furthermore, subjugating U.S. laws to U.N. regulations through an international agreement that does not have willing support of the people of this country or the oversight of the Congress strains the limits of the Constitution. This is especially true when sections of an international agreement are being implemented without ratification, as is in the case of the Convention on Biological Diversity. This presents a threat to the sovereignty of the United States. There is a definite lack of accountability on the part of the Man and the Biosphere and World Heritage Site programs and the international bureaucracies that have sprung from these UNESCO projects. Without passage of legislation like the American Lands Sovereignty Protection Act, these problems will not only continue, but will propagate across the U.S. as more citizens of rural communities find their means of income regulated out of existence by radical environmental management schemes. I encourage the members of the House Resources Committee to make the House of Representatives at large aware of the seriousness of this situation and turn this legislation into law as soon as possible.



STATEMENT OF MARY DENHAM, DIRECTOR AND STATE COORDINATOR, TAKE BACK ARKANSAS, FAYETTEVILLE, ARKANSAS

Ms. DENHAM. Thank you, Madam Chairman and members of the Resource Committee. Thank you for coming and the privilege and honor of speaking here today for myself and members of Take Back Arkansas, a property rights organization.

Let me say at the outset that we support the American Land Sovereignty Protection Act, H.R. 883, sponsored by U.S. Representative Don Young and co-sponsored by 162 U.S. Representatives, three of them being from Arkansas. We were almost designated as a UNESCO Ozark Highlands Man and Biosphere (OHMAB) in most of Missouri and much of Arkansas September 1, 1996.

Before Connie Burks and I had met or talked, we were working on individual tracks with the MAB information we each had at the time. When we tried to contact elected officials in Washington and Arkansas, we were stonewalled by cadres of aides who tuned us out and turned us off as black helicopter, blue helmeted conspirators. This was a common ridicule by proponents of the MAB against opponents of these designations. In other words, when you cannot defend the message, attack the messenger.

When Connie's MAB documentation became public, there was a desperate flurry of activity to inform others. Quickly a grassroots swell against the MAB by informed people across the state and most especially those in northern Arkansas demanded answers to questions. We wanted reassurance that official action would be taken to stop the designation before the September 1 deadline.

We were able to get the information to then U.S. Representative Tim Hutchinson, who wrote Roger Soles, Director of the State Department of the U.S. Man and Biosphere offices and asked that the Ozark Highlands Man and Biosphere not be designated.

I found it all the more unbelievable when I actually read the MAB documents. There was not one elected person or legislative body, only Federal and state bureaucracies and non-governmental organizations. In fact, a couple of the whereas clauses stated:

"Whereas the parties to this agreement are empowered by various state and Federal codes and statutes to enter into this agreement," and "Whereas the Economy Act of 1932, as amended, provides for Federal agencies to enter into agreement establishing mutual policies, objectives, and cooperative relationships," I certainly did not know they were so established.

How can private property owners be protected from these same aggressors? Yellowstone is just one example of foreign aggression on our American land. The U.N. World Heritage Committee was called in by environmental advocacy groups to settle a domestic dispute as to the need for more privately owned land for a buffer zone to protect the Yellowstone World Heritage Site and Yellowstone MAB Site from a gold mine. The environmental impact study for the mine had not been completed. This was private property. Where then was the Congress and where will they be for the next such aggression?

Can't one just imagine how much havoc, abuse and aggression an Ozark Man and the Biosphere of 35,250,000 acres, 55,000 square

miles, would wreak on the citizens and their private property in the Ozarks in Missouri, Arkansas, Oklahoma, Kansas and Illinois?

The OHMAB is alive and well in Arkansas and Missouri, with the bureaucracies implementing and completing their individual preplanned parts just waiting for the day when the Biodiversity Treaty is ratified and all will be in place. These agencies have not missed a heartbeat in the performance of their parts in the MAB. They may or may not have missed the money they were expecting to get out of it, but their will to push it through, hell or high water is going strong. According to these workers, now they are just complying with environmental laws and codes passed by Congress and the states.

By Forest Service ecosystem assessment and planning, the regional OHMAB has now been extended to include the Quachitas, the Mississippi River is to be joined by Land-Between-the-Lakes and on to the Southern Appalachian MAB.

Further insight into this equation of denials is found in a document of particular significance through Mike Dombeck, Forest Service Chief, quote, regarding the U.S. Man and Biosphere Program, the summary states, quote, "The survival of the U.S. MAB program is threatened. Benefits to the U.S. and the USDA Forest Service are significant. Loss of authority to participate in the U.S. MAB program or loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement." I have other documentation about the Santiago Agreement and their participation.

In an article by Bruce Yandle titled "Land Rights: Why do they matter?", he writes on the Magna Carta, the great charter "was a watershed event in the struggle of ordinary people to protect their natural rights against encroachments by government.

"The reason seems clear, People do not have rights because the state allows them—the lesson seems clear," I am sorry. "The nation/state exists because people have rights. In many ways, today's property rights advocates are calling for a modern Magna Carta. Once again, ordinary people are seeking to restrain and contain government. But instead of having to settle differences with picks, swords and arrows, the parties in the struggle now turn to courts and legislative bodies. Their struggles help us to see how strong is the motivation for freedom."

Therefore, I believe that this bill comes at a pivotal point in American history. Like the Magna Carta, depending upon its passage rests the future of the United States of America as founded by our Fathers.

If the Congress cannot and will not act to protect private property from regulatory aggression from within, then how can Americans be protected from regulatory aggression by the Committee of the World Heritage Commission and committees of other U.N. designations?

There should never be a question about the passage of H.R. 883 because of the oath of office each member swears to and serves under. Thomas Jefferson said, "The whole of government consists in the art of being honest." The question is laid squarely on the votes of the Congress on H.R. 883 as to whether America will be

a state under U.N. dominion or if it will be the United States of America, a republic and one nation under God.

Thank you.

Mrs. CHENOWETH. Thank you, Ms. Denham. The Chair recognizes Frank Meyers for his testimony.

[The prepared statement of Ms. Denham follows:]

STATEMENT OF MARY DENHAM, DIRECTOR AND STATE COORDINATOR, TAKE BACK ARKANSAS, INC., FAYETTEVILLE, ARKANSAS

Representative Helen Chenoweth and Representative JoAnn Emerson, and members of the House Resource Committee Staff, welcome to the Ozarks. I thank you for the privilege and honor of speaking here today for myself and members of Take Back Arkansas.

Let me say at the outset that we support The American Land Sovereignty Act, H.R. 883 sponsored by U.S. Representative Don Young and cosponsored by 162 U.S. Representatives, three of them being from Arkansas. We were almost designated a U.N. Ozark Highlands Man and The Biosphere (OHMAB) in most of Missouri and much of Arkansas.

An onerous environmental, land stealing, city ordinance was passed in June of 1994. It was the catalyst for the organization of Take Back Arkansas, Inc. (TBA). TBA was incorporated in May of 1995 as a non-profit, non-partisan non-tax exempt civic organization, for the express purpose of educating ourselves and others about our unalienable rights in property, the abuses of those rights, the legal protections of those rights and to learn how we as citizens could be more vigilant in protecting those rights. We started by thinking local, but before the end of the year, we realized some of these problems were global in scope.

This testimony is about my personal journey into property rights questions and answers. As state coordinator for Take Back Arkansas I felt a duty to become as informed as possible. Being a real estate broker, I began my research with real estate law books I had on hand at the time. My husband is an Architect and a Professor of Architecture. We are tied to the land through our professions, no less than those directly impacted by natural resource decisions. All of our nation's wealth comes from our good earth.

As history is a good teacher, in my search for answers, I looked to the past and gained from others, their wealth of wisdom. I believe the quotes from the past century used herein deal with property and the law and are therefore pertinent to The American Land Sovereignty Act and the question as to who shall write the laws and who shall control the property. We're not even losing our land to another country, we would fight for that, we're just losing it to the world. What does that mean?

"The great and chief end of man's uniting into commonwealth and putting themselves under government, is the preservation of their property" John Locke.

Frederic Bastiat 1801-1850 was a French economist, statesman and author. In his book *THE LAW* he writes, *Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place. What, then, is law? It is the collective organization of the individual right to lawful defense. Each of us has a natural right from God to defend his person, his liberty, and his property. These are the three basic requirements of life, and the preservation of any one of them is completely dependent upon the preservation of the other two.*

In an article by Bruce Yandle titled "Land Rights: Why do They Matter" he writes, *My studies led me to the great 17th-century English jurist Sir Edward Coke. His explanation of the Magna Carta left little doubt in my mind that the Great Charter, as he termed it, was a watershed event in the struggle of ordinary people to protect their natural rights against encroachments by government. There in the Magna Carta one finds words that sound very much like the takings clause of the Fifth Amendment:*

"No freeman shall be deprived of his free tenement or liberties or fee custom but by lawful judgment of his peers and by the law of the land"

At the time of the Magna Carta, "the law of the land" referred to common law, not to laws written by a legislative body or king. Customary law, developed informally and rooted in community norms, was seen as the only logical way to protect property rights that had evolved over the centuries. Rights to land emerged from community and were transmitted to the nation/state. The lesson seems clear People do not have rights because the state allows them. The nation/state exists because people have rights. In many ways, today's property rights advocates are calling for a mod-

ern Magna Carta. Once again, ordinary people are seeking to restrain and contain government. But instead of having to settle differences with picks, swords and arrows, the parties in the struggle now turn to courts and legislative bodies. Their struggles help us to see how strong is the motivation for freedom.

Therefore I believe this bill comes at a pivotal point in American history. Like the Magna Carta, depending on its passage rests the future of the United State of America as founded by our Fathers. In the middle of my search I ran smack-dab, face to face, into a UNESCO MAB in my two home states of Missouri and Arkansas.

If the Congress can not, or will not, act to protect American land from regulatory aggression from within the United States then how can American land be protected from regulatory aggression by the Committee of the World Heritage Commission and committees of other U.N. designations? How then can private property owners be protected from these same aggressors? Yellowstone is just one example of foreign aggression on our American land. The U.N. World Heritage Committee was called in by environmental advocacy groups to settle a domestic dispute as to the need for more privately owned land for a buffer zone to "protect" the Yellowstone World Heritage site and Yellowstone U.N. Man and the Biosphere (MAB) site from a gold mine. The environmental impact study for the mine had not been completed.

The coal in Utah is another example of this mentality. This was private property. Where was the Congress and where will they be on the next such aggression? This is domestic and foreign aggression on American soil. A U.S. MAB project is a program initiated by, run by, and for bureaucrats and NGO's and God help anyone who gets in their way, they will ridicule, slander and try to destroy that person.

Proponents of these designations blame their opponents for not understanding the beneficial, benign and benevolent attributes of these designations. One can't even understand their eco-speak. If they want to be better understood a dictionary of their newly coined words would help. Of course, according to the Feasibility Study, us Arkies 'ain't supposed to know nothing. We would certainly be too ignorant to understand their other worldview.

More importantly, there is a different value system, which is taught in schools and churches and does need to be understood. In high schools and colleges a biocentric textbook is being used to teach Conservation Biology. In the textbook, CONSERVATION BIOLOGY are just two phrases which give insight into their world view: *Alternative means of regulation have been proposed, and it is clear that we should explore all avenues to a better system. However, most that have been proposed to date are significantly flawed. For example, to assume that voluntary compliance for the common good will preserve systems is at best naive, given the fact, as already noted, that regulation became necessary in the absence of voluntary compliance. Similarly, while so-called market based approaches may have some applicability, the market, by failing to deal adequately with both equity and ecology, starts as a flawed instrument ... Theological schools are training seminarians about the interface between religion and the environment. These efforts are all part of an interfaith program instituted late in 1993 that will underline the injunction to revere God's creation and to protect it (Joint Appeal 1992) because changes in the underlying value systems of human societies are critical to achieving conservation goals, religious values and teaching can play a vital role in creating a human relationship with the earth. However, those teachings must move beyond self-salvation for an afterlife to incorporate planetary salvation now.*

I believe that we understand these designations better than the proponents do, we know they are wrong! Just for the sake of argument though, if this MAB program is so beneficial, benign and benevolent why did the OHMAB Steering Committee keep their scheming and planning under wraps for over seven years and why did they deny it so vehemently even after it was exposed. When one reads an AP story about 400 "indigenous peasant squatters" in a Guatemalan MAB site taking 29 U.N. enforcers hostage, who had gone in to roust out the squatters, it gives one pause to wonder as to who is the benefitee and just where is the benign benevolence.

Can't one just imagine how much havoc, abuse and aggression an Ozark Man and The Biosphere of 35,250,000 acres, 55,000 square miles, would wreck on the citizens and their private property in Missouri, Arkansas, Oklahoma, Kansas and Illinois? This OHMAB is designed to be joined later with the Land Between-the-Lakes designation and eventually to the Southern Appalachian MAB.

International U.N. Treaties, Agreements and Accords with accompanying Executive Orders, Initiatives and Directives are feeding the U.S. and State agencies with power beyond their competence and sensibility, let alone the Constitutionality of their actions.

These agreements exceed Constitutional Authority to make Treaties. Our state and national laws are contained within our legal boundaries. These U.N. designa-

tions cross legal state and national boundaries, therefore they violate jurisdictions of state and national laws. They violate the Supreme Law of the Land, the U.S. Constitution, but most especially in the areas of:

- Congressional “Advice and Consent,” (USC III-2-2))
- Congressional Authority to “make rules for the Government and Regulations of the Land” (USC 1-8-13)
- “Power of the Congress to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States,” (USC IV-3-2)
- Congressional Authority to exercise exclusive legislation in all cases whatsoever. . . . And to exercise like Authority over all Places purchased by Consent of the Legislatures of the State in which the same shall be. . . .”; (USC 1-8-17)
- Destroys the clause [N]othing in this Constitution shall be so construed as to Prejudice any claims of the United States, or of any particular State; (USC IV-3-2)
- Destroys the mandate of the clause, “the United States shall guarantee every State in this union a Republican Form of Government” (USC IV-4)
- Violates prohibition of “No State shall enter into any Treaty, alliance, or Confederation; . . . No state shall, without the Consent of Congress, enter into any Agreement or Compact with another State or with a Foreign Power (USC 1-10)
- Violates “No State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the Junction of two or more States; or Parts of States, without the Consent of the Legislatures of the States, concerned as well as the Congress” (USC IV-3-1)

Eliminates the 5th, 9TH AND 10TH Amendments from The Bill of Rights. When these are gone, can the balance of the Constitution be far behind?

The First Amendment to the Constitution assures us “the right of free speech, of the people to peaceably assemble and to petition the Government for a redress of grievances.” Under the world’s greatest civil document, The Constitution of the United States, we are free to assemble here today, to speak freely to two elected U.S. Representatives, who care about our concerns. Let me say, I am personally most grateful to both.

The Bill of Rights, the first ten amendments to that Constitution, gave the people and the States the assurance that the Powers of the Central government would be limited and would never infringe upon “the rights retained by the States and the people.” Quoting the Preamble “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” We the people created the contract, it is of the people, by the people, and for the people of the United States. Our Constitutions, State and Federal, are the legal roots which bind us together as a people, regardless of race, color, creed or gender. It is our guidepost, starting line, owner’s manual, and the legal mandates for our civil society.

Justice Joseph Storey 1779-1845 was named by President James Madison to serve on the United States Supreme Court on which he served from 1812 to 1845. He stated. “That government can scarcely be deemed to be free, where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require the rights of personal liberty and private property should be held sacred.”

There is a civic responsibility for the people watch and restrain the government now, just as there was when Justice Storey spoke of the fundamentals of freedom. I firmly believe that if 60 percent of eligible voters know more about these Executive Orders, Initiatives, Directives and designations, without congressional action, there would be a quick voter term limit exercised at the next election. Term limits began this year in Arkansas, to bring forth a citizen legislature. The candidates know it was politically correct and expedient to be well informed on property rights.

The Constitution may be a small document but it is contract made in good faith. We did not create a monarchy, dictatorship or an oligarchy but a Republican Form of Government, self governing through elected Representation to State and Federal Legislatures, to whom we granted sole lawmaking authority. This authority has been usurped by Administrative Executive Orders, Vice-presidential Initiatives, Judicial Decisions and bureaucratic rules and regulations which have added to the “make law mixture,” outside of Constitutional law making authority, under the guise of “protecting the environment.”

Now we have entered into an unprecedented era in American history with United Nations Treaties proceeding from no Constitutional Authority, supplanting Congressional authority to manage Federal lands, through World Heritage Sites, UNESCO

Biosphere Reserves, and Ramsar sites. These designations have more roots and branches than a banyan tree.

Something else has gone awry. Under the clause “promote the general welfare” found only in the Preamble to the Constitution, which has no force of law, all sorts of Acts have passed as law, which I call defacto laws. They are clearly not passed under Authority of the Constitution but under the color of law. Over the past twenty-five years there have been numerous environmental laws passed by Congress, without the Congress writing the rules and regulations. What started as an honest concern for health and safety has turned into a burgeoning business with another agenda. The environment industry has now become a direct ten percent of our economy. The direct and indirect added cost to government and private citizens is relatively higher as the growth in related rules and regulations by Federal and State bureaucracies has grown exponentially.

My encounter with the Ozark Highlands Man and The Biosphere began in late 1995 with an article in an National Wilderness Magazine, NWI RESOURCE. Time and space doesn't permit me to name the hundreds of people I talked with, who shared time, information and publications with me. In early 1996 I had read a small warning in a paper from People of the West, now People of the USA announcing the plans for a MAB program in the southern half of Missouri and the northern third of Arkansas. The Missouri Department of Conservation was seeking comment on their Draft Plan, which included information on the OHMAB.

In July of 1996, after Governor Huckabee took office and immediately started lobbying for the 1/8th cent “Conservation Tax” I contacted Jim Wilson, an aide of the Governor, whom I had considered a personal friend with my concerns about an OHMAB and his remark to me was, “Now Mary, don't get like those people who got on the roof tops and look for the Lord to return on a certain day.” My reply to him was, “Now Jim, don't talk to me about apples and oranges, I'm talking about Biospheres, of which, you obviously know nothing.”

After another call or two Jim did ask me to send the materials I had, to the Governor and he would see that the matter was studied. The next week State Senator John Brown had hand delivered a packet of information to the Governor, from me, including Dr. Michael Coffman's video “Biodiversity—The Key to Destroying Property Rights and the U.S. Constitution.” I later received a call from another aide, Chris Pyle, about mid August asking for another copy of the video and it was sent directly to the Governor by Susan Coffman.

As chief executive officer of the state, I thought the Governor would want to be informed. At the same time, Game & Fish Director, Steve N. Wilson was telling the Governor that it was all “black helicopters and blue helmets.” Unbeknown to me Connie had already sent her documents to the Governor. I didn't give up on my attempts to know that this was considered seriously, and as I learned later, neither did Connie.

About August the 18th, after listening to a tape “The Rewilding of America,” I called the producer of the tape, Tex Marrs Ministry office in Texas, and asked if they could give me further information and documentation. The sole staffer there reluctantly gave me the name and phone number of Connie Burk. When we talked she told me of her information and concerns.

Connie came to my Fayetteville office where I had arranged for her to be interviewed by Rusty Garrett and give him copies of her information. Rusty is a reporter with the Northwest Arkansas Times. The following Sunday Rusty's Biosphere article was front page with a photo of a schematic drawing of a biosphere layout by Carol W. LaGrasse that she had published in the Biosphere edition of her “Positions on Property Rights.” People started calling wanting answers to questions. After answering the best I could, I referred them to the Governor.

He called off the Game and Fish participation in the program three days before the Nomination was to have been finalized. There was no response from the Governor, to the people's questions, until after the November elections and the Conservation Tax was passed. He then issued a denial letter with Steve Wilson's fairy tale denial memo of biosphere involvement attached. Nor did he correct the false impression in a later TV interview. This can be found on TBA Home page <http://www.users.NWArk.com/-tbark/>

Before Connie and I had met or talked we were working on individual tracts with the MAB information we each had at the time. When we tried to contact elected officials in Washington and in Arkansas we were stonewalled by cadres of aides who tuned us out and turned us off as “black helicopter-blue helmet conspirators.” I heard this in the halls of Congress when these designations were debated. This was a common turn off by the environmentalist and proponents of the MAB.

We were able to get the information to then, U.S. Representative, now U.S. Senator Tim Hutchinson, by way of a mutual friend, State Senator Fay Boozman, who

delivered it to Mr. Hutchinson at church on Sunday before the nomination was to be finalized on September 1, 1996. Mr. Hutchinson wrote Roger Soles, then Director of the State Department the U.S. Man and The Biosphere offices and asked that the Ozark Highlands Man and Biosphere not be designated. After that, Representative Hutchinson testified before a Resource Committee Hearing for the American Land Sovereignty Act in September of 1996.

All of this was a nightmare, but I found it more unbelievable when I actually read the Cooperative Agreement (Memorandum of Understanding), Nomination Form, and the Feasibility Study for the Ozark Highlands Man and the Biosphere (OHMAB).

There was not one elected person or legislative body involved, only Federal and State bureaucrats and Non-Governmental Organizations (NGO's). In fact, a couple of the "Whereas" clauses stated:

*WHEREAS the parties to this agreement are empowered by various state and Federal codes and statutes to enter into this agreement and
WHEREAS, the Economy Act of 1932, as amended, 31 U.S.C. 1535 and 1346(b) (Interagency Agreements), provides for Federal agencies to enter into establishing mutual policies, objectives, and cooperative relationships and*

I certainly didn't know they were so enabled. That wasn't the only shocker. I learned from the Feasibility Study in Chapter 9—Ozark Culture that, *This culture appears to interact with the environment harmoniously, and individuals in this group have relatively little impact on the environment. Exceptions are that they dispose of solid waste in the hollows and have primitive systems for sewage disposal.*

I found in Chapter 10—Ozark Economy these two elitist pearls of wisdom: *Distortions enter the culture with the welfare system and some illegal activities. Many of these people (with populations concentrated in Missouri in Carter County, Oregon County, and to some extent Shannon County) have been unable to continue in their self-sufficient lifestyle. They have turned to public welfare assistance to become part of the cash economy. Many third and fourth-generation welfare families live in these counties. Poaching is common. Outsiders coming into the area have brought the influence of drugs. Ozark residents have always had alcohol but not other drugs. In addition to noting the use of drugs, several interviewees believe that growing marijuana has become a very large non-reported cash industry. And, Because of the original culture in some counties, people historically are not accustomed to working a full day or a full year. Employers complain that no one shows up for work on the first day of deer season or when the fish are biting. Industry cannot operate well without a dependable work force:*

These aspersions cast upon the culture and economy are hardly indicative of the hard working people who made the home grown national and international companies like Wal-Mart, Tyson Foods, Dillard Department Stores, J.B. Hunt Trucking Company, the former Jones Truck Lines and numerous other home grown stock market companies competitive in this "global economy."

With all of the bureaucratic agencies involved in this MAB program they should be able to keep Al Gore's earth in the balance. No wonder Roger Soles asked why we were so against the U.N. MAB in the Ozarks. He wanted to know why they had failed, so he commissioned a research paper found at: <http://ssu.agri.missouri.edu/Publications/Ozarks/toc.html>

After the intersection with the OHMAB we quadrupled our efforts. All over the state TBA members were helping their neighbors and adjoining counties to become informed. Together we raised the awareness of these designations and their impact on property rights.

Through reading an article by Ruth Kaiser in the National Federal Lands Conference newsletter "Update" titled, "Using County Government to Protect Your Customs, Culture and Economy" I learned of the National Environment Protect Act (NEPA) "little NEPA" codes. By initiating a County Land Use Plan under certain codes Congress had provided in NEPA, local governments would have a seat at the table with these agencies, for any bureaucratic decision making within their counties.

I made this information available to members statewide. A conference was held in Harrison, Arkansas August 2nd 1997 with members of the National Federal Lands Conference, Ruth Kaiser, Director, Howard Hutchinson, Tom McDonnel, Michael Kelly and Attorney Karen Budd Falen giving a seminar on these County Land use plans. As these ordinances were being passed by the counties in Arkansas, the Forest Service and Arkansas Game and Fish Commission Director were trying to squash the ordinances.

The OHMAB is alive and well in Missouri and Arkansas with the bureaucracies implementing and completing their individual preplanned parts just waiting for the day when the Biodiversity Treaty is ratified and all will be in place. These agencies

haven't missed a heartbeat in the performance of their parts in this MAB. They may, or may not, have missed the money they were expecting to get out of it but their will to push it through, hell or high water is going strong. They now hide under the myriad of environmental Acts passed by Congress.

Following the delayed, but completed and ready to submit Nomination Form, the activities of these agencies, sure walks, talks and smells; like the beginning implementation of the OHMAB with the same bad actors.

Unfortunately the public exposure, was bad timing and came too close for comfort for the U.S. Forest Service for their scheduled part in the OHMAB, an ecosystem assessment. The Arkansas Game and Fish Commission felt the same sting with their Stream Team Program, but proceeded anyway. It's no coincidence that the same agencies are duplicated and aligned in the ongoing MAB programs. Earlier documents obtained delineated that the Forest Service would among other things perform an Ecosystem Assessment and Plan and AR G&F would initiate Stream Streams. There are other documented activities to prove the point but the following have been debated publicly.

Almost simultaneously with the public uproar over the OHMAB the U.S. Forest Service, in the Quachita National Forest and the Ozark-St Francis National Forest in Arkansas and Missouri, began an Ecosystem Assessment headed by Bill Pell, a former Nature Conservancy employee. Even though both Forest Supervisors were signatories to the Nomination Form, they tried to no avail, to squelch the idea that this was tied in any way to the OHMAB. Their resource books were the completed 5 book set of Southern Appalachian MAB Assessment of which I have a set. They were just performing their MAB part.

Lo and behold, in 1997 another signatory, to the Nomination Form, the Arkansas Game and Fish Commission Director Steve Wilson was introducing Stream Teams into Arkansas. After another hue and cry from those who had stayed involved to watch the actions of these bureaucratic U.N. facilitators, the Governor once again withdrew his public support of this program. They were just performing their MAB part, too.

A document of particular significance in my file on the USDA Forest service is a copy of the Informational Memorandum for James A. Lyons, Undersecretary, NRE from Barbara Webber, Associate Deputy Chief for Research (FS) through Mike Dombeck, FS Chief, regarding the U.S. Man and the Biosphere Program. The Summary states *"the survival of the U.S. MAB program is threatened. Benefits to the U.S. and the USDA Forest Service are significant. Loss of authority to participate in the U.S. MAB program or loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement."*

Another document shows that the Forest Service has a high disregard for private property: Property rights of private land and the rights to use public lands will continue to evolve over time. Means are provided to determine those rights through due process. Recent important developments are the evolution of private property rights under the terms of the Endangered Species Act of 1973 (Public Law 93205) and the determination of local control of the use of Federal lands in the West Sustainable Forest, Santiago Declaration http://www.fs.fed.us/land/sustain_dev/sd/criter7.htm#LIEF48. We, as property owners were never told our property rights were evolving but read it on the web.

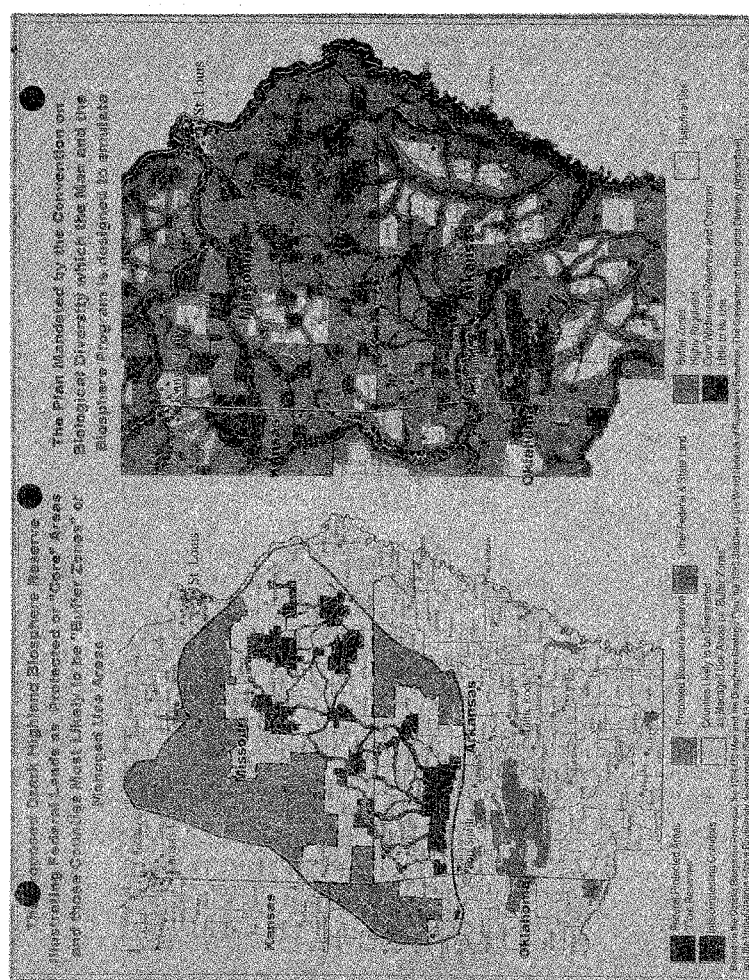
Jim Burling Pacific Legal Foundation wrote a commentary "Bureaucrats; You Can't Trust Them, You Can't Control Them" and I would add, you can't vote for them, nor can you fire them, and neither can anyone else. They have better tenure, as soon as they go on the public payroll, than a university professor. Our bureaucracy is a super duper giant. The bureaucrats want to secure their jobs, grow their power through rules and regulations. The environmentalist feed at the public trough on Federal grants and begging. Many elected officials can't afford to stand against the environmentalist money and propaganda, aided and abetted by the media and the polls. The only people who don't benefit from these incestuous circles are the taxpaying public. Americans have, to quote the title of Holly Swanson's dynamic book, BEEN SET UP AND SOLD OUT. The private citizen and his or her property, personal and private, is in the crosshairs of their crossfire.

Many bureaucrats have become like U.N. facilitators and they sure want "consensus" for their programs. I don't believe than these people are inherently evil for the most part, I just don't think they begin to understand, or want to know, the scope of the deception of these programs. I also believe their bosses think of this as manna from heaven, a great cash cow to grow their bureaucracies. They have separate roles to play, they are so propagandized about their roles that they refuse to see the picture as a whole.

If, as the researcher for the State Department MAB program has called the OHMAB a failed nomination effort, it was because it was a grassroots team efforts in Missouri and Arkansas that made it fail.

We, the American people do not want another entity controlling our land. We know that whoever controls the land, controls the people, be it by onerous burdensome government regulation or confiscation. Where private property has remained in the control of the individual owners, representative government has been possible and the nation has prospered.

There should never be a question about the passage of H.R. 883. I don't believe that the oath of office each member swears to, and serves under, gives them any choice but to pass this Act for American sovereignty. Every Congressman was elected as a U.S. Representative or Senator not as a U.N. representative. It is the responsibility of the members of this Committee and the House and Senate to decide whether they are voting on this as Americans or as Globalists, no one can serve two masters. The question is laid squarely on the votes of this Committee and the votes of the Congress on H.R. 883, as to whether America will be a state under U.N. dominion or if it will be the United States of America, a Republic, and "one nation under God."



EXPLANATION OF THE MAN AND THE BIOSPHERE PROGRAM AND BIODIVERSITY TREATY

The 1994 US Man and the Biosphere Strategic Plan notes that "U.S. Biosphere reserves are important areas for developing the data, technology, and experience needed to implement the recommendations of the United Nations Conference on Environment and Development... (i.e. the Earth Summit in 1992). Likewise the 1995 UNESCO Statute of the World Network of Biosphere Reserves and The Seville Strategy for Biosphere Reserves claim a primary purpose of the Man and the Biosphere (MAB) program is of "implementing the goals of the Convention on Biological Diversity." All these documents state that the "core" or "protected areas" should be as large as possible and interconnected with wilderness-like corridors, all surrounded by "buffer zones" or "managed use areas" that are heavily regulated to be compatible with the wilderness core areas. This approach is mandated in Article 8(a-e) in the Convention on Biological Diversity and its companion document, the United Nations Global Biodiversity Assessment (GBA). Article 25 of the Convention mandates that the GBA be used to write the implementing language for the treaty. Section 13.4.2.2.3 of the GBA calls for "representative areas of all major ecosystems in a region... be reserved, that blocks should be as large as possible, that buffer zones should be established around core areas, and that corridors... connect these areas. This basic design is central to the recently proposed Wildlands Project in the United States, a controversial long-term strategy... to expand natural habitats and corridors to cover as much as 30% of the U.S. land area. The Wildlands Project was developed by Dr. Michael Soulé, co-founder and first president of the *Society for Conservation Biology*; Dr. Reed Noss, current editor for the *Journal of Conservation Biology* and special consultant to the US Dept. of Interior; and David Foreman, co-founder and long-time leader of *Earth First!* and currently a member of the Board of the Sierra Club.

The Convention on Biological Diversity is centered on the science of conservation biology, which in turn was largely created by the IUCN, the International Union for Conservation of Nature. The IUCN is the lead organization which wrote and promoted the Convention on Biological Diversity. It is made up of over 500 national and international environmental and socialist groups known as NGOs (Non Governmental Organizations) and is itself an accredited NGO with the United Nations. The IUCN received diplomatic immunity on January 19, 1996 by President Clinton (Exec. Order 12986). To date the science of conservation biology is based on nothing more than unproven theories. See the pamphlet entitled *The Philosophy, Politics and Science of Biological Diversity* for a more complete discussion of conservation biology.

MAGNITUDE OF THE WILDLANDS PROJECT

"Conservation must be practiced on a truly grand scale," claims Reed Noss. And grand it is. Taken from the article "The Wildlands Project: Land Conservation Strategy" in the 1992 special issue of *Wild Earth*, Noss provides the whopping dimensions of this effort. It is this article that is cited by the United Nations GBA as foundational to recovery of biodiversity.

Core reserves are wilderness areas that supposedly allow biodiversity to flourish. "It is estimated," claims Noss, "that large carnivores and ungulates require reserves on the scale of 2.5 to 25 million acres. ... For a minimum viable population of 1000 [large mammals], the figures would be 242 million acres for grizzly bears, 200 million acres for wolverines, and 100 million acres for wolves. Core reserves should be managed as roadless areas (wilderness). All roads should be permanently closed."

Corridors are "extensions of reserves. ... Multiple corridors interconnecting a network of core reserves provide functional redundancy and mitigate against disturbance. ... Corridors several miles wide are needed if the objective is to maintain resident populations of large

carnivores."

Buffer zones should have two or more zones "so that a gradation of use intensity exists from the core reserve to the developed landscape. Inner zones should have low road density (no more than 0.5 mile/square mile) and low-intensity use such as ... hiking, cross-country skiing, birding, primitive camping, wilderness hunting and fishing, and low-intensity silviculture (light selective cutting). Outer zones may have higher road densities (but still no more than 1 mile/square mile) and heavier recreational use (but no off-road vehicles) and campgrounds. New forestry silviculture (e.g., partial retention harvests), selection forestry, or other forestry experiments" would be permitted. More intensive harvesting would not be allowed.

The result of these guidelines is the map on the previous page.

WHAT DO RESERVES AND CORRIDORS REALLY MEAN?

While this effort has a noble mission, the implications are staggering. As noted in the June 25, 1993 issue of *Science*, it "is nothing less than the transformation of America to an archipelago of human-inhabited islands surrounded by natural areas."

Although 100 million acres of core area might be required for 1000 wolves, the total land area of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, is only 71 million acres. It would mean the nationalization of private land through regulation or other means, forcing people to move to areas zoned for occupation, and possibly shutting down half of the agriculture, forest products, and mining industries—all resulting in massive unemployment. Scarce resources means the rest of us are going to pay double and triple for products made from these resources like food, toilet paper, and automobiles.

RESERVES & CORRIDORS DO NOT WORK

What science is really showing is that there is no clear evidence that reserves and corridors work or are even needed. Rather, good forest management, including the use of clearcutting, enhances biodiversity and sustainability:

- "The theory has not been properly validated and the practical value of biogeographic principles for conservation remains unknown. ... The theory provides no special insights relevant to conservation." Zimmerman, B.L. and R.O. Bierregaard. 1986. *Journal of Biogeography* 13:133-143.
- The theory behind the need for reserves and corridors is being "increasingly heavily criticized... as inapplicable to most of nature, largely because local population extinction was not demonstrated." Simberloff, D. J. Fan, J. Cox, and D. Melman. 1992. "Movement Corridors: Conservation Bargains or Poor Investment?" *Conservation Biology* 6(4):495.
- "No unified theory combines genetic, demographic, and other forces threatening small populations, nor is their accord on the relative importance of these threats." *Ibid*.
- "There are still few data, and many widely cited reports are unconvincing.... [The theory that reserves and corridors "facilitate movement is now almost an article of faith." *Ibid*.
- "Studies that have been frequently cited as illustrating corridor use for faunal movement, do not, in fact, provide clear evidence." Of those that do support the need for corridors, wooded fence rows are adequate for many species, while only a few require well vegetated strips. Hobbs, R.J. 1992. "The Role of Corridors in Conservation: Solution or Bandwagon?" *Tree* 7(11):389.

The science used in the MAB and Convention on Biological Diversity does not work and may actually reduce biodiversity. The implications of this treaty must be thoroughly reviewed before it is considered for ratification.

For more information on the maps and Wildlands Project, contact Dr. Michael Coffman, Maine Conservation Rights Institute, (207) 945-9878

**Mary Denham,
Director and State Coordinator
Take Back Arkansas, Inc.
Fayetteville, Arkansas**

**Witness Exhibits For The Record
H. R. 883 The American Land Sovereignty Act**

To the

**The United State House of Representative
COMMITTEE ON RESOURCES**

House Committee on Resources Fielding Hearing,

Rolla, MO May 1, 1999

- ✓ EXHIBIT 1. EXCERPTS OF OHMAB DOCUMENTS
- ✓ EXHIBIT 2. MEMO & Part: CRITERION AND INDICATOR
- ✓ EXHIBIT 3. MAB NEWS ARTICLE & RESOLUTION
- ✓ EXHIBIT 4. EXCERPT OF OHMAB RESEARCH PAPER
- ✓ EXHIBIT 5. BRUCE YANDLE ARTICLE
- ✓ EXHIBIT 6. OHMAB STEERING COMMITTEE LETTERS
- ✓ EXHIBIT 7. POST BIOSPHERE 2/14/98 - MRD LETTER TO BILL PELL,
Team Coordinator, OzarkOQuachita Ecosystem Assessment
- EXHIBIT 8 MARY DENHAM ORAL TESTIMONY, MAY 1, ROLLA, MO.

American Land Sovereignty Act 883 Field Hearing
EXHIBIT 1. EXCERPTS OF OZARK HIGHLAND MAN AND BIOSPHERE DOCUMENTS
(COPIES OF ORIGINALS WERE SCANNED BY WITNESS USING TEXBRIDGE &
CHANGED TO ARIAL FONT & 12 POINT TYPE FOR REABABILITY & ECONOMY OF SIZE.
ANY ERRORS IN TYPE AND WORD TRANSLATION ARE MINE. Mary Denham)



Figure 4. Boundaries of the Ozark Plateau province (the base map is by Raisz, 1957).

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SOURCES OF OZARK MAB DOCUMENTS

COPIES OF THE MEMORANDUM OF UNDERSTANDING, BIOSPHERE RESERVE NOMINATION FORM, INCLUDING NAMES AND POSITIONS OF THE NOMINATING COMMITTEE AND SUPPORTERS, THE FEASIBILITY STUDY FOR AN OZARK MAN AND BIOSPHERE COOPERATIVE REPORT TO THE STEERING COMMITTEE COMPLETED 9/1991, AND RELATED PAPERS WERE OBTAINED 8/1996 BY CONNIE BURKS OF JASPER, AR. FROM GEORGE OVIATT, BUFFALO RIVER NATIONAL PARK RESOURCE MANAGER. COPY OF LETTER TO STEVE WILSON STAMPED RECEIVED BY DIRECTOR WAS OBTAINED BY TERRY SULLIVAN OF N. LITTLE ROCK, AR. FROM AR FISH AND GAME OFFICE.
Mary

FROM NPS PAPERS: MANAGEMENT BRIEFING OF PRIOR HISTORY

We would like to provide some background on 'the effort thus far as we understand it for' those of you' who have not been personally involved in this cooperative effort. The Feasibility Study for an Ozark man and the Biosphere (NAB) Cooperative, completed in 1991, identified opportunities for applying biosphere reserve concepts to help link conservation, research, sustainable development, and local participation in the Ozark Highlands. The study serves as a catalyst and guiding document for the subsequent work of our Steering Committee. That Committee has prepared a mission statement for an Ozark Highlands Regional NAB Cooperative, a draft Cooperative Agreement, and completed information summaries and a nomination form; to support U.S. nomination of complementary management areas for international recognition as part of an 'Ozark Highlands Biosphere Reserve. An important remaining component for the Steering Committee', consideration is how best to facilitate the full participation of government, private entities, and local communities in a future regional NAB Cooperative. Although the feasibility study documented "almost universal acceptance of the concepts' embodied in the Man and Biosphere Program", some partners may still desire additional perspective on the practical benefits of the NAB approach in helping them pool increasingly stretched financial and human resources to assess and address important local and regional issues. In this context, we note that the U.S. MAB's Biosphere Reserve Directorate has recently proposed a new initiative to provide catalytic grants for local partnerships working to implement biosphere reserve concepts. We have contacted the Coordinator and expressed a willingness to participate. If funded by the U.S. National Committee, this initiative would offer possibilities for supporting cooperation in the Ozarks.

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EXCERPTS**FROM****OZARK HIGHLANDS****MAN AND THE BIOSPHERE****DOCUMENTS**

COOPERATIVE AGREEMENT
[Memorandum of Understanding (FS)]

FOR THE
ESTABLISHMENT AND OPERATION OF THE
OZARK HIGHLANDS
MAN AND THE BIOSPHERE COOPERATIVE

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, one thousand nine hundred and _____, by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways) Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U. S. Fish and Wildlife Service, U.S. Forest Service (Mark Twain HF and Ozark/St. Francis NF), all of whom represent several land management and planning agencies with interests in the general area of the Ozark highlands, do hereby join together for a common and specific purpose.

ARTICLE I. BACKGROUND AND OBJECTIVES

WITNESSETH:

WHEREAS, the parties to this cooperative agreement, pursuant to their respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United Nations Educational, Scientific and Cultural Organization for the purpose of building a harmonious between man and the environment on a scientific basis; and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

WHEREAS, The International Coordinating Council of the Man and the Biosphere Program has recognized the Ozark Highlands region as one of the most suitable areas in the world for developing a model cooperative natural and cultural resource program because of its unique and globally significant natural ecosystem and its wealth of scientific expertise; and

DRAFT

WHEREAS, all parties to this agreement wish to join in a partnership effort: to promote the conservation and wise stewardship of the area's renewable resources; to increase the environmental awareness of the general public; to encourage environmentally compatible economic development; to support and encourage continuing research helpful to the maintenance and understanding of the region's resources; and to embark upon a process which ensures the sharing and circulation of the results of regional research efforts, and

United States Department of the Interior
NATIONAL PARK SERVICE
Buffalo National River
P.O. Box 1173
Harrison, Arkansas 72602-1173

RECEIVED WMD
RECEIVED DIRECTOR JUL 16 1996

July 1, 1996

Steven N. Wilson, Director
Arkansas Game & Fish Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205

Dear Mr. Wilson:

As promised we have inquired as to the tentative status of your agency's interest in continuing the regional Man and Biosphere (MAB) effort at this time. The consensus of these phone calls 'appears' to be in support of continuing the MAB effort.

We believe in the Man and Biosphere concept and that all the effort, time, and funding that each of you and your agencies have contributed since 1989 should now lead to a focused effort to see this idea through to completion.

The question becomes where do we go from here? We would like your response to the following:

1. A copy of the draft Cooperative Agreement has been enclosed for your final review to facilitate signature by interested partners.
2. We would ask you to provide the position of your agencies or organization reflecting your interest in participating in a regional MAB Cooperative.
If current conditions do not enable your agency or organization to participate as a signatory member of the Cooperative or in nominating your sites at this time, you may wish to consider being identified as a cooperator with the Cooperative (you agree with I4AB concepts, and will explore opportunities for sharing information and cooperating on particular activities).
3. We would also recommend the Steering Committee meet again this fall to reach consensus on phase II which would be expansion of the Committee and identifying a new Coordinator to replace Dave Foster who recently retired from Federal service.

Please give these items careful consideration as we seek to move forward in this effort.

We would like to have your reply to the above three items no later than September 1, 1996. Contact George Oviatt of my staff at 501-741-5443, ext. 114, if you have additional concerns or questions.

Sincerely,
John D. Linahan, Superintendent
Enclosures

DRAFT

WHEREAS the parties to this agreement are empowered by various state and federal codes and statutes to enter into this agreement, and

WHEREAS, the Economy Act of 1932, as amended, 31 U.S.C. 1535 and 1346(b) (Interagency Agreements), provides for federal agencies to enter into agreements establishing mutual policies, objectives, and cooperative relationships, and

WHEREAS, this agreement may be used to pool funds and human resources for a common purpose, and

WHEREAS, all parties to this agreement recognize this joint effort will engender the further development of additional agreements with appropriate public and private agencies.

NOW THEREFORE, in consideration of the foregoing premises and in the interest of mutual advantage for the attainment of common objectives, the parties to this agreement hereto desire to cooperate and mutually agree to:

ARTICLE II. STATEMENT OF WORK

- 1) Establish an Ozark Highlands and the Biosphere Cooperative. The cooperative shall be managed and directed through a council comprised of one administrator from each party to this agreement. The council shall establish program policies consistent with the cooperative's goals and objectives.
- 2) Cooperate with regional, state, local, and other federal governments, individuals, and other interested organizations to promote a land ethic that recognizes the importance of ecologically sound management of natural and cultural resources.
- 3) Identify principal environmental and developmental issues related to the objectives of the cooperative. This will be accomplished through ongoing communications, conferences, and meetings with interested groups and individuals.
- 4) Undertake an ongoing and comprehensive effort to identify long-term sustainable and ecologically sound economic development opportunities
- 5) Undertake supporting cooperative research and resource management initiatives which are regional in scope and disseminate resulting information from these activities
- 6) Utilize existing resources to promote and implement existing voluntary environmental education programs with the public school systems of the region and with other interested organizations.
- 7) Augment cooperative relationships with state, local, other federal and private entities within the region to attain common objectives.
- 8) Produce and disseminate informational materials appropriate to this project.

9) Empower the council to establish an Ozark Highlands MAB Coordinating Committee/Office which can provide the expertise and labor to carry out the functions desired' by the parties to this agreement.

ARTICLE III. TERM OF AGREEMENT

This agreement shall be evaluated and reviewed no later than two years after its implementation at which time recommendations for improvements and modifications shall be considered by all parties. Any amendment or modification to this agreement shall be in writing agreed upon by all signatories and executed by the duly authorized representatives of the parties hereto and incorporated into this agreement by reference.

ARTICLE IV KEY OFFICIALS [Signature Page]

| | |
|---|---|
| <u>Steve Wilson, Dir. [Enforcer-AR] [Withdrawn]</u> | AR Gan & Fish Commission |
| <u>Harold Grinnett, Director</u> | AR Natural Heritage Commission |
| <u>Jerry Presley</u> | MO Department of Conservation |
| <u>David Shore, Enforcer-MO</u> | MO Dept of Natural Resources, Div. of Parks |
| <u>John D. Linahan, Superintendent</u> | NPS Buffalo National River |
| <u>Ben Clavey</u> | NPS, Ozark Nations Scenic Riverways |
| <u>[Signed by] Gregg F. ????? Chief Biologist</u> | Pioneer Forest |
| <u>Nancy Delamar</u> | The Nature Conservancy (Arkansas) |
| <u>G. Rodney Miller</u> | The Nature Conservancy (Missouri) |
| <u>Gregg Galbreath</u> | Ozark Regional Land Trust |
| <u>[No Name Provided]</u> | U.S. Fish & Wildlife Service |
| <u>Randy Moore, Supervisor</u> | US Forest Service Mark Twain N.F. |
| <u>Lynn Neff, Supervisor</u> | US Forest Service, Ozark/St. Francis |

*[Signature letter signed by Director August 12th 1996, withdrawn August 27th, 1996]

ARTICLE V AWARD

This basic agreement does not provide for any financial obligation and is a vehicle for determining agency agreement on basic premises, goals, and objectives. Work projects or activities which involve the transfer of money, services or property will require the execution of separate agreements. Alternative agreement instruments may include challenge cost share, participating agreements, contracts, volunteer agreements and collection agreements.

ARTICLE VI. TERMINATION

Cooperators can terminate their participation in the Ozark Highlands Man and the Biosphere Cooperative by providing written 60 days notice to all signatory parties.

ARTICLE VII GENERAL PROVISIONS AND APPLICABLE CIRCULARS The general provision attached hereto and the applicable references therein are made a part of this agreement

SIGNATURES

John D. Linahan,
Superintendent
Buffalo National River
P.O. Box 1173
Harrison, AR 726021173

Steve N. Wilson, Director
Arkansas Fish & Game
Commission
#2 Natural Resources Drive.
Little Rock, AR 72205

Harold Griumett, Director
AR Natural Heritage
Commission
1500 Tower Building
323 Center Street
Little Rock, AR 72205

Lynn Neff, Forrest Supervisor
Ozark St.. Francis National
Forrest
P.O. Box 1008
Russellville, AR 72801

Ben Cleary, Superintendent
Ozark National Scenic
Riverways
P.O. Box 490
Van Buren, MO 63965

Sam Marler, Regional, Director
U. S. Fish & Wildlife Service
Bishop Henry Whipple Federal Bldg.
1 Federal Drive
Fort Snelling, MN 55101-4056

Jerry Presley, Director
MO Dept. of Conservation
P.O. Box 180
Jefferson City, MO 65102

David Shore
MO Dept. of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Leo Drey
Pioneer Forrest
915 Olive Street, Rm. 941
St. Louis, MO

Randy Moore, Forest Supervisor
Mark Twain National Forrest
401 Playgrounds Road
Rolla, MO 65401

Nancy Delamar
The Nature Conservancy
Arkansas Field Office
601 N. University
Little Rock, AR 72205

Rodney Miller
The Nature Conservancy
Missouri Field Office
2800 S. Brentwood Blvd.
St. Louis, MO 63144

Gregg Galbraith, President
Ozark Regional Land Trust
427 S. Main Street
Carthage, MO 64836

[SIGNATORIES TO ARTICLE VII ARE NON ELECTED BUREAUCRATS and NGO's]

BIOSPHERE RESERVE NOMINATION FORM

1. COUNTRY: United States of America
2. OFFICIAL NAME OF THE RESERVE: Ozark Highlands Man and the Biosphere cooperative
3. BIOGEOGRAPHICAL REGION: Interior unglaciated low plateaus (Ozark Plateau Province)
4. SIZE AND SPATIAL CONFIGURATION (see map)
 - 4.1 Size of Core Area(s): 80,530 hectares [193,909.1 acres]
 - 4.2. Size of Buffer Zone(s): 616,140* hectares [1,521,365.8 acres]
 - 4.2 Approximate Size of Transition Area(s): 507,520** heaa.res
 - * cooperator administered within the Buffalo and Current River watersheds.
 - ** privately administered within the Buffalo and Current River watersheds.

5. ADMINISTRATIVE AREAS INCLUDED IN THE PROPOSED BIOSPHERE RESERVE

If one or more existing and contiguous administrative areas (e.g., national park, nature sanctuary, experimental station) are to be included in the core area(s) and buffer zone(s) of the proposed biosphere reserve, give the name(s) of this/these administrative area(s) and the name(s) of the authorities responsible for its/their, management.

N/A

If the proposed biosphere reserve consists of several areas which are geographically separated and managed by different administrative authorities, give the names of these administrative areas and the names of the authorities responsible for their management. In this case (cluster biosphere reserve), a supplementary form should be completed for each administrative authority concerned. The MAB Secretariat can provide this supplementary form upon request.

Arkansas: Arkansas Natural Heritage Commission Harold K. Grimmett (Director), Little Rock; Buffalo National River (NPS), John D. Linahan (Superintendent), Harrison; Ozark National Forest, Lynn. Neff (Forest Supervisor), Russellville.

Missouri: Mark Twain National Forest, B. Eric Morse (Forest Supervisor), Rolla; Missouri Department of Conservation, Jerry I. Presley (Director), Jefferson City; Missouri Department of Natural Resources, David A. Short (Director) Jefferson City; Ozark National Scenic Riverways (NPS), Arthur L. Sullivan (Superintendent), Van Buren; Pioneer Forest, Clinton E. Trammel (Manager), Salem; The Nature Conservancy, Rodney Miller (State Director), St. Louis.

6. GEOLOGICAL LOCATIONS

6.1. Overview (major geographical features in the vicinity of the proposed biosphere reserve) The Ozark Highlands comprise the westward extension of the larger Interior Unglaciated Low Plateaus Region which extends eastward and generally south of the Ohio River to the Appalachian Uplift. Together with the Quachita

Mountains to the south, it forms the most extensive tract of elevated land between the Appalachian and Rocky Mountains. This area encompasses approximately 55,000 square miles of landscape in southern Missouri and northern Arkansas with small extensions into southeastern Kansas, northeastern Oklahoma and southern Illinois. Four major regional subdivisions are generally recognized: the St. Francis Mountains and Salem Plateau in Southern Missouri, the Springfield Plateau which extends from Missouri into Arkansas and the Boston Mountains in Northern Arkansas. The highest elevations occur across the central part of the region from the southwest in the Boston Mountains (79Cm) in a northeasterly direction to the St. Francis Mountains (54Cm). The elevation drops off on all sides of this elongated dome, more abruptly on the shorter southern and eastern slopes than on the northern and western slopes. Because the present topography is largely erosional, the greatest relief occurs along the major streams, which flow radially from the dome, where dissection has proceeded most rapidly. Mainly on the southern slopes where small tributary streams are more numerous, dissection is often so complete that no upland flats remain, and the surface features consist of narrow, deep valleys separated by sharp ridges. Local relief (150-25Cm) is greater in these drainages than the less prominently dissected northerly slopes where relief seldom exceeds 100 meters. The dominance of the highly soluble limestone and dolomite bedrocks have given rise to classical karst terrane features, i.e., sinkholes, caves, springs, losing streams, which are characteristic of the region.

- 6.2. Governmental Divisions. (e.g., state, province or region, county, territorial division, etc.) State: Arkansas. Counties: Baxter, Benton, Crawford, Franklin, Izard, Johnson, Newton, Pope, Randolph, Searcy, Stone, Washington. - State: Missouri. Counties: Camden, Carter, Dent, Howell, Oregon, Reynolds, Ripley, Shannon, Texas. 6.3. Nearest Major Town: Springfield, MO
 - 6.3. Approximate population: 140,500 6.3.b. Distance from the nearest boundary of the proposed biosphere reserve: 127 kilometers
 - 6.4. Approximate population density of the region (including transient peoples, nomads, etc.): inhabitants/km²
 - 6.5. Latitude and Longitude 37 10' N 92 30' E
- # # # #

Feasibility Study for an Ozark Man and the Biosphere Cooperative

*Report to the OZARK MAN AND THE BIOSPHERE STEERING COMMITTEE
Prepared by JUDY FAULKNER and JOHN WHITE, ECOLOGICAL SERVICES*

ECOLOGICAL SERVICES
904 SOUTH ANDERSON STREET
URBANA, ILLINOIS 61801

SUMMARY

A Biosphere reserve consists of land designated to be part of the United Nations Man and the Biosphere Program, known as MAB. The purpose of MAB is to develop and show ways to conserve the natural resources of a region while benefiting the local economy and quality of life. The Man and the Biosphere Program accomplishes its goals through coordinated research, education, and demonstration projects.

A regional MAB cooperative consists of a group of biosphere reserve sites and cooperators which involve local residents and organizations in activities that help sustain the region's ecosystems.

Biosphere reserves consist of three zones. A core area consists of strictly protected land such as a nature preserve. An adjoining area of managed use is managed in a manner consistent with protecting the core. A surrounding transition area forms the third zone and stresses education and conservation-minded development and resource use. These zones help describe a biosphere reserve, but they do not determine or regulate how the land is used.

In 1988 interested public and private groups formed a steering committee to look into whether the MAB approach could help improve the environmental quality of the Ozarks and the welfare of its people. A Man and the Biosphere cooperative program was seen as a possible way to bring people together to address regional problems that need to be solved by sharing information, resources, and goals.

The Ozark MAB Steering Committee and the U.S. MAB program sponsored this study and report to determine the feasibility of using the biosphere reserve concept in the Ozarks. The valleys of the Buffalo River in Arkansas and of the Current and Eleven Point Rivers in Missouri were initially identified as likely to be suitable for starting the program. Certain public and private lands in these valleys would become part of the biosphere reserve and residents of the surrounding region would take part in the program.

To learn about local attitudes toward the concepts of the Man and the Biosphere Program, 90 people from 15 Ozark counties in Arkansas and Missouri were interviewed. These people included political leaders, private citizens and landowners, managers of public lands, and operators of businesses.

The study found that Ozark residents are proud of the region, and they are very concerned with maintaining the region's environmental quality and improving its

economy. The major environmental concerns are disposal, sewage treatment, and water quality.

Ozark residents want development that does not degrade the land and water. Most Ozark industries are based on the land - for example: farming, and tourism. The region has attracted a large population of retirees. Many people want more business products from local resources such as timber and byproducts industry.

The study found almost universal acceptance of the concepts of the Man and the Biosphere Program. People support the idea of coordinating with each other and with the public to solve environmental and economic problems.

Attitudes toward government agencies in the Ozarks vary with citizens and civic leaders in some counties report all-around action, but many people are upset about government regulations and condemnation, especially for federal scenic river corridors and?

Among the representatives of state and local governments among those who were interviewed, almost all are supportive and some interest about the prospect of an MAD cooperative helping to improve the environment and economy of the region.

Major state and federal agencies in the Ozarks are interested in land under their management to be part of the biosphere reserve. People willing to take part in regional environmental research project to demonstrate sustainable, conservation-minded use of natural resources. Private landowners are also interested in cooperating.

Based on the above findings of the feasibility study, establish Ozark Man and the Biosphere Cooperative is recommended. Private and public agencies should become members of a coordinating committee to establish and oversee the program and to identify the prior addressed. Participation by local residents will be key to success.

An Ozark Man and the Biosphere Cooperative will need a list of sites along with associated programs if its long-term goal is to region's full range of natural and cultural diversity. In addition the Current, Buffalo, and Eleven Point Rivers, Eleven Point parks, other public conservation lands, protected natural areas and private properties throughout the Ozarks.

CHAPTER 9 . OZARK CULTURE

Information about the culture of the Ozarks is primarily from interviews with Dr. Robert Flanders, Director of the Center for Ozark Studies at Southwest Missouri State University in Springfield, and with Dr. Rex Campbell, Department of Rural Sociology at the University of Missouri in Columbia. Other impressions, opinions, and details were gleaned from a number of other interviews in Arkansas and Missouri. Some of the views

in this chapter were held by many interviewees and are considered widespread opinions. The interviewer took the collective ideas and combined them into the picture presented here.

The Ozark region in the vicinity of the study areas has changed greatly over the past 50 years. The culture was much more homogeneous in the past than it is now. Thirty to 50 years ago, the economy was based almost entirely on the land. Most people lived on small farms that were nearly self-sufficient. They produced most of their food, and they hunted and fished to supplement the animals they raised. Life was hard and poor. Weekdays were spent hard at work on small farms. Folks came to town on Saturday to buy supplies, take care of business, and socialize. People spent little money, and they bartered and traded for goods and services. People lived in closely knit communities of family and friends. They felt a real sense of belonging. They helped and cared for one another. The economic depression of the 1930s affected Ozark residents little because they were not part of the mainstream economy.

Today the culture has changed drastically because of the influx of industry (small as it is), and because outsiders have moved in and brought different perceptions, ideas, and ways of life. It is important to understand the cultures of the people because each culture interacts with and influences the environment in different ways. People are part of the environment, and their interactions with the environment help define it. An Ozark MAB program would need to understand how the culture interacts with and affects the environment. If the impacts are positive, then the MAB program could encourage them; if they are negative, the program could teach people to change the ways they interact with their environment.

This chapter provides descriptions of present-day Ozark cultures as seen by the interviewer, compiled from information gained through interviews and observations. The interviews focused on counties in the center of the Ozarks, where the landscape is very rural. As a consequence of this focus, the descriptions and impressions most accurately reflect the "heart" of the Ozarks. In other parts of the Ozarks particularly the peripheral regions with more urban centers and productive farmland the culture as described in this chapter is not as fully expressed.

The next three pages describe several kinds of Ozark culture:

- I. Original Ozark Culture and Its Distortions: Largely non-cash economy.
- II. Traditional Culture: Cash economy
 - A. Residents in or near towns, with low-paying jobs
 - B. Business people in towns, with better jobs
 - C. Farmers
 - D. Ex-urbanites and retirees
- III. Hybrid of Original Ozark Culture and Traditional Culture

I. Original Ozark Culture and Its Distortions: Largely non-cash economy

The original Ozark culture has been distorted, but some parts of its basic social structure remain relatively unchanged. People still live in a largely non-cash economy in which bartering, trading services, growing produce and livestock, and hunting and fishing allow them to be mostly self-sufficient. They have very little cash. Their social system of close relationships with family and friends is very much a part of their way of life. They depend on and help one another. They share joys, sorrows, food, chores, and services. There are strong emotional ties and a strong sense of security and belonging. Progress, full-time jobs, and money would threaten this "network of kin" because a cash economy usually is not a sharing economy and it is accompanied by a loss of closeness.

The people who live in this culture like their way of life. They like not working full time; they like being able to hunt and fish when they want, and they like working outdoors. They do not want their way of life changed. This culture appears to interact with the environment harmoniously, and individuals in this group have relatively little impact on the environment. Exceptions are that they dispose of solid waste in the hollows and have primitive systems for sewage disposal.

Distortions enter the culture with the welfare system and some illegal activities. Many of these people (with populations concentrated in Missouri in Carter County, Oregon County, and to some extent Shannon County) have been unable to continue in their self-sufficient lifestyle. They have turned to public welfare assistance to become part of the cash economy. Many third and fourth-generation welfare families live in these counties. Poaching is common. Outsiders coming into the area have brought (influence of drugs. Ozark residents have always had alcohol but not other drugs. In addition to noting the use of drugs, several interviewees believe that growing marijuana has become a very large non-reported cash industry. The number of people remaining in this culture is small, and they have little influence over the other cultures

CHAPTER 10 OZARK ECONOMY,

Land-Based Industry

In most of the Ozarks the predominant economic activities are based on the land. These include beef, dairy, poultry, and hog farming, timber production, tourism, and a large retirement population. There are also a few sheep, horse, and berry farms. In a few counties of Missouri, lead is mined; stone is quarried throughout the Ozarks.

The scenic beauty of the Ozarks places such as the Current, Buffalo, and White Rivers, and Bull Shoals Lake and Norfolk Lake attract many tourists to spend a few days, and many retirees to spend their last years. Ozark residents know how important the scenery, unspoiled landscape, and clean streams are to them and to the economy. Keeping the land unspoiled and their environment clean is a high priority for most Ozark citizens. They want it kept that way for themselves and their families. They also want to keep the land unspoiled to enhance their economy. The Man and the Biosphere Program could help them maintain and enhance this important goal.

The Ozark citizenry holds a wide variety of opinions about how the land is managed. In some counties, residents feel that some land converted from forest to pasture should have been kept in trees. Others feel that better or different logging practices should be used. Some do not like clearcutting. The local people want to be involved in influencing how the land in the Ozarks is used.

Retirees move to the Ozarks because of the scenery, abundance of leisure pursuits, and lower cost of living. The retirement community has brought both blessings and problems. Most of the local communities are very favorable toward the influence of retirees, who are usually well educated and bring new ideas to the community. The retirees invest in local banks, land, or homes. They generate business in many service industries, and the retirement population has created a demand for new businesses to service their needs such as nursing homes, clinics, and hospitals. All this has helped the economy of the Ozarks. However, the retired people also demand many government services such as good roads, sewers, water, police, and fire protection. The third-party checks they receive in retirement do not contribute as much to the local tax base as income that is earned by local workers.

Non-Land Based Industry

A number of Ozark counties have small industries that do not depend on the land, such as garment factories and a number of craft shops. These enterprises affect the environment to the degree that they do or do not result in degradation of the land or deterioration in the quality of the air and water. Almost without exception, the local people and county officials want more non-land based industries in the Ozarks, however, they are only willing to accept those that are clean and do not pollute. These wishes are in keeping with the concepts of the Man and the Biosphere Program. Bringing in clean industry is a goal of the citizens and one in which MAB could help.

Value-Added Industry

Value-added industries have been developed in many counties. From the timber industry, these include sawmills, specialty wood mills, and producers of hard flooring, cabinets, furniture, railroad ties, pallets, barrel staves, truck and trailer furniture forms, tool handles, and charcoal.

Businesses have been built around using sawdust from the timber industry to make fuel pellets for furnaces, logs for fireplaces, paper pulp, and barbecue flavoring. poultry industry uses sawdust as bedding for chickens and turkeys. Chicken litter waste has been used for a number of value-added industries, including fertilizer and cattle feed when mixed with other ingredients.

The Man and the Biosphere Program could help the Ozark citizens expand the number and types of value-added industries, especially those in which a waste product that otherwise can cause pollution (e.g., sawdust or chicken litter) could be turned into a useful byproduct. Many of the local residents and county officials want to see effort put into developing

value-added industry; this should be one of the goals of Ozark Man and the Biosphere Cooperative if it is instituted.

Deterrents to Economic Growth

The Ozarks has several deterrents to attracting more industry. The most mentioned is the lack of a good road system, preferably an interstate Ozark-roads although very scenic are often narrow, winding, and steep. Extra time is required to travel anywhere in the Ozarks. The Ozark region is also "not on way to anywhere else." As several people remarked during the interviews, "You 4 just happen to be in Yellville or Eminence. You have to work to get there." In addition to the road system, other factors retarding economic development are the need for better water systems and a natural gas line.

The second most often-mentioned deterrent to attracting industry is the lack dependable work force despite double-digit unemployment. Many Ozark residents are third and fourth-generation welfare recipients. This is not universally true but is the situation in several counties. Because of the original culture in some counties, people historically are not accustomed to working a full day or a full year. Employers complain that no one shows up for work on the first day of deer season or when the fish are biting. Industry cannot operate well without a dependable work force.

ACKNOWLEDGEMENTS

We thank each member of the Ozark Man and the Biosphere Steering Committee who served during the feasibility study. The committee members and other agency staff helped the study in every way asked. These people had the sustained vision that ten public and private organizations in two states could cooperatively focus on the Man the Biosphere ideal. People who took part in meetings during the feasibility study are listed here:

Arkansas Game & Fish Commission; Arkansas Natural Heritage Commission, Buffalo National River Mark Twain National Forest Missouri Department of Conservation Missouri Department of Natural Resources National Park Service, Midwest Region National Park Service, Washington Office Ozark National Forest Ozark National Scenic Riverways Pioneer Forest The Nature Conservancy Arkansas The Nature Conservancy, Headquarters The Nature Conservancy, Midwest Region The Nature Conservancy, Missouri Winrock International

David Criner Harold Grimmett, Tom Foti George Oviatt, Russ Lesko, John Apel Bill Alden, Lynda Richards Tim Nigh, Rick Thom Ken McCarty, Paul Nelson Gary Willson, Ron Hiebert Bill Gregg O.D. Smith, Lynn Neff Dave Foster, Mike Gossett Leo Drey Nancy DeLamar, Lance Peacock Greg Low Russ Van Herik, Steve Chaplin Rod Miller, Ralph Lucas Doug Henderson

Special thanks go to Dave Foster, the steering committee chairman, who devoted much time and energy to coordinating the effort.

United States Department of Agriculture Forest Services
Washington Office 14th & Independence SW
P.O. Box 96090 Washington, DC 200090-6090

INFORMATIONAL MEMORANDUM FOR JAMES R. LYONS, UNDER SECRETARY.

THROUGH Mike Dombeck
Chief, FS

FROM: Barbara Weber
Associate Deputy Chief for Research

SUBJECT: The U.S. Man and the Biosphere Program

Issue: Concerns have developed that the U.S. Man and the Biosphere Program (U.S. MAB) infringes on the use and management of U.S. lands as well as land use rights. Members of Congress oppose the program and are working to insert language into agencies' appropriations bills to prohibit them from spending appropriated dollars on MAB sites. In addition, the American Land Sovereignty Act (H.R. 901), which nearly passed during the last Congress, has been reintroduced.

DISCUSSION: The Man and the Biosphere Program (MAB) was established at the 1970 General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO). MAB promotes the interdisciplinary study of the interrelationships of Earth's human and natural systems. The long term goal of the U.S. MAB Program is to contribute to achieving a sustainable society early in the 21st Century. MAB's current interest is the development of tools for ecosystem management, which would provide for the sustainable use of natural resources and the maintenance of biological diversity. The MAB mission is being implemented through public-private partnerships and linkages that sponsor and promote cooperative interdisciplinary research, experimentation, education, and information exchanges on systems by which societies can achieve sustainability. The U.S. MAB goal links closely with the President's commitment to achieving sustainable forestry in the U.S. by the year 2000 and the Santiago Agreement.

Currently 128 nations participate in the MAB program, including the U.S. The U.S. has 47 biosphere reserves with 99 administrative units. Owned or administered by a number of Federal agencies, State, county or city governments, non-governmental organizations, universities, and private owners. The USDA Forest Service manages 16 U.S. MAB sites.

Concerns that are being raised about the U.S. MAB Program include:

1. When an area receives biosphere reserve recognition, the United States will control the area, or the USA "loses sovereignty."

2. Biosphere reserves will restrict property and land use rights and lower land values.
3. Biosphere reserves will circumvent the Constitution and infringe upon the laws enacted by Congress.
4. UN troops are moving into a region to depopulate it in order to establish a Biosphere Reserve; or UN roadblocks have been set up; or that some type of "animal worship" is going to be imposed through the "secret AGENDA 21."
- 5 The U.S. MAB Program operates without legal approval.
- 6 The unidentified transitional or cooperative zone of a biosphere reserves gives (the UN) license to expand the protected areas and establish land use controls over all the area.

SUMMARY: The survival of the U.S. MAB Program is threatened . Benefits to the U.S. and USDA Forest Service are significant. Loss of authority to participate in the U.S. MAB Program, or the loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement.

[No date, but obviously after the reintroduction of the American Land Sovereignty Act in 1997 and just after Mike Dombeck left the Bureau of Land Management (BLM) to become the USDA Forest Chief]

Note: A copy of this fax was put through a Textbridge program for Email transmission.

PLEASE CHECK THE FOREST SERVICE WEB SITE BELOW FOR SUSTAINABLE FOREST UNDER THE SANTIAGO AGREEMENT, ALSO THE MONTREAL ACCORD.FOR THE REST OF THE STORY

http://www.fs.fed.us/land/sustain_dev/sd/criter7.htm#LIEF48

CRITERION AND INDICATOR

Extent to which the legal framework (laws, regulations, guidelines) supports the conservation and sustainable management of forests, including the extent to which it:

Indicator: Clarifies property rights, provides for appropriate land tenure arrangements, recognizes customary and traditional rights of indigenous people, and provides means of resolving property disputes by due process;

Indicator: Provides for periodic forest-related planning, assessment, and policy review that recognizes the range of forest values, including coordination with relevant sectors;

Indicator: Provides opportunities for public participation in public policy and decision making related to forest and public access to information;

Indicator: Encourages best practice codes for forest management;

Indicator: Provides for the management of forests to conserve special environmental, cultural, social and/or scientific values;

Extent to which the institutional framework supports the conservation and sustainable management of forests, including the capacity to:

Indicator: Provide for public involvement activities and public education, awareness and extension programs, and make available forest related information;

Indicator: Undertake and implement periodic forest-related planning, assessment, and policy review including cross-sectoral planning and coordination;

Indicator: Develop and maintain human resource skills across relevant disciplines;

Indicator: Develop and maintain efficient physical infrastructure to facilitate the supply of forest products and services and support forest management;

Indicator: Enforce laws, regulations and guidelines;

Extent to which the economic framework (economic policies and measures) supports the conservation and sustainable management of forests through:

Indicator: Investment and taxation policies and a regulatory environment which recognize the long-term nature of investments and permit the flow of capital in and out of the forest sector in response to market signals, non-market economic valuations, and public policy decisions in order to meet long-term demands for forest products and services;

Indicator: Non-discriminatory trade policies for forest products;

Capacity to measure and monitor changes in the conservation and sustainable management of forests, including:

Indicator: Availability and extent of up-to-date data, statistics and other information important to measuring or describing indicators associated with criteria 1-7;

Indicator: Scope, frequency and statistical reliability of forest inventories, assessments, monitoring and other relevant information:

Indicator: Compatibility with other countries in measuring, monitoring and reporting on indicators.

Capacity to conduct and apply research and development aimed at improving forest management and delivery of forest goods and services, including:

Indicator: Development of scientific understanding of forest ecosystem characteristics and functions;

Indicator: Development of methodologies to measure and integrate environmental and social costs and benefits into markets and public policies, and to reflect forest related resource depletion or replenishment in national accounting systems;

Indicator: New technologies and the capacity to assess the socioeconomic consequences associated with the introduction of new technologies;

Indicator: Enhancement of ability to predict impacts of human intervention on forests;

Indicator: Ability to predict impacts on forests of possible climate change.

Criterion: Legal, institutional, and economic framework for forest conservation and sustainable management

Legal framework

Indicator: Clarifies property rights, provides for appropriate land tenure arrangements, recognizes customary and traditional rights of indigenous people, and provides means of resolving property disputes by due process.

Rationale: Indicates that society recognizes that stable property rights are essential for sustainable forest management.

Situation in the United States

In the U.S. system of government, the Legislative Branch passes laws, the Executive Branch write regulations to implement the laws, and the Judicial Branch interprets the meaning of the laws and their implementation. The present land ownership and land use pattern in the United States reflects the evolution of changes in societal values over time as reflected in the decisions of the three Branches of government.

The Federal government manages 33.8 % of the forest land in the United States, the States, 7.2 %, county and municipal governments, 1.4 %, forest industry, 9.7 % and other private, 47.9 %. Lands owned by Indian tribes are in the other private category.

Over time, various laws have been passed regulating the public's rights to use Federal lands. These laws have been interpreted by the courts to result in present use patterns. Similarly, States have developed regulations codifying the use of forest lands managed by them. Beginning with the Indian Reorganization Act of 1934, the Bureau of Indian Affairs forestry program worked to implement sustained yield forestry on Indian land. Policy evolved over time to Public Law 101-630—the National Indian Forest Resources Management Act of 1990. Under the terms of this legislation, forestry activities on tribal lands occur at the request or authorization of the allottee or tribal governing body. The phrase, "The tribes decide and the Bureau provides", encapsulates the current relationship between the tribes and the Federal government.

State and local governments regulate property rights for privately owned lands. States may be required by the Federal government to administer certain Federal laws that affect private property rights. For example, the clean air act of July 14, 1955 (P.L. 84159, 69 Stat. 322, as amended) may affect the rights of private land owners to do prescribed burning of forest lands.

Scale: Laws affecting property rights are determined at all scales.

Trends: Property rights for private lands and the rights to use public lands will continue to evolve over time. Means are provided to determine these rights through due process. Recent important developments are the evolution of private property rights under the terms of the Endangered Species Act of 1973 (P.L. 93205) and the determination of local control of the use of Federal lands in the West.

Definitions: None

Recommended action for developing more information: None is recommended, although much more could be written describing tenure systems such as leasing rights to use land, the Mining Law of 1874, etc.

Sources of additional information:

Newell, et. al. 1986. A forest in trust: Three quarters of a century of Indian forestry, 1910-1986. Prepared for U.S. department of the Interior, Bureau of Indian Affairs, Division of Forestry, Washington, DC. 809 p.

USDA Forest Service. 1993. The principal laws relating to Forest Service activities. U. S. Gov. Printing Office, Washington, DC. 1163 p.

USDA Forest Service. DRAFT. Forest Service National Resource Book on American Indian and Alaska Native Relations--Calendar year 1995. Washington, DC. 76 pp. + App.

CRITERION AND INDICATOR

Criterion: Legal, institutional and economic framework for forest conservation and sustainable management

Legal Framework

Indicator: Provides for periodic forest-related planning, assessment, and policy review that recognizes the range of forest values, including coordination with relevant sectors.

Rationale: Indicates that society values the resource and plans for its rational use.

Situation in the United States

At the Federal level, the Forest and Rangeland Renewable Resources Planning Act of 1974 directs the Secretary of Agriculture to do a Renewable Resource Assessment every 10 years and a Renewable Resource Program every 5 years. Assessments were completed in 1976, 1979, and 1989. Programs were developed in 1976, 1980, 1985, and 1990. The Assessments include all forest lands and associated water. The Programs provide direction to USDA Forest Service activities. Programs are coordinated with the agricultural sector.

The Cooperative Forestry Assistance Act of 1978 authorizes the Secretary of Agriculture to provide financial, technical, and related assistance to State foresters or equivalent State officials in the assembly, analysis, display, and reporting of State forest resources data, in the training of State forest resource planners, and in participating in natural resources planning at the State and federal levels.

States vary in the extent of planning efforts. Industrial ownerships generally have plans for forest management, as do an unknown number of nonindustrial private landowners.

Scale: This activity is done at the Federal, State, and local level.

SOUTHWEST TIMES RECORD [FT. SMITH, AR] MARCH 14, 1997

Jeffries gives warning: U.N. to take U.S. land

BY DAVID ROBINSON TIMES RECORD-LITTLE ROCK

LITTLE ROCK - Sen. Peggy Jeffries, R-Fort Smith, issued an ominous warning Thursday to fellow lawmakers about a potential United Nations takeover of property in the United States.

Sen. Bill Walters, R-Greenwood, questioned such fears, saying, "I never know whether to take it seriously."

"You better take it seriously," Jeffries responded. "You'll wake up one morning and it will be too late."

Jeffries' comments were made in the Senate Transportation Committee, which narrowly approved a resolution asking that Congress prevent an alleged plan by the United Nations to take over public and private property in the United States.

Jeffries warned the Senate panel that the United Nations is moving to take over property across the country and apparently has the authority to do "whatever they want to do with it."

The issue is being raised because of a proposed Senate resolution sponsored by Sen. Fay Boozman, R-Rogers, and co-sponsored by five other Republican senators, including Jeffries. Jeffries spoke for the resolution on behalf of Boozman, who was not at the meeting.

The resolution urges Congress to approve a bill that would require Congress to vote on any land use restrictions imposed by international agreements.

The resolution states that the United Nations has designated 67

sites in the United States as "World Heritage Sites" or "Biosphere Reserves" that total the size of Colorado. It also states that the United Nations land designations "include private property inholdings and contemplate 'buffer zones' of adjacent land."

The international agreements, it states; were implemented by the President and executive branch of the United States.

Sen. Bill Gwatney, D-Jacksonville, a member of the panel, said after the meeting he voted against the measure because he was skeptical of the merits of such warnings. "She says the United

Nations has 67 sites that are equal in size to the state of Colorado, the eighth largest state. I don't know anything about that," Gwatney said. "Why should I vote for something I don't even know anything about. It wasn't a very good explanation, I didn't think. It doesn't make any sense to me."

Walters also questioned it, but said he voted for the resolution out of loyalty to the sponsor. "If there is something to what they say, then this may help," he said. "If there's not, it doesn't hurt anything."

A branch of the United Nations devised the Man and Biosphere programs in 1971. The United States' biosphere programs are administered by the State Department, though the programs' goals

closely follow those developed by the United Nations.

The programs, at least in the eyes of U.N., state and federal officials familiar with them, are aimed at balancing the economic, cultural and conservation concerns about mankind and its effect on nature. The Man and Biosphere programs attempt to offer research and education opportunities while also serving as an umbrella of sorts for the dozen state, federal, local and private interests that might govern or own land within and adjacent to protected areas.

Gov. Mike Huckabee, after being told last year of property rights fears, asked two state agencies to hold off on any plans they had of participating in the programs.

Letters also were sent to Sen. Tim Hutchinson, R-Ark., while Hutchinson was in the House of Representatives. Hutchinson, in return letters, said he opposed the biosphere program. He also Cosponsored a bill to nullify biosphere designations in the United States and require future designations to be approved by Congress.

Critics also have complained that the biosphere projects, including one proposed for the Ozark Highlands, have been implemented with little, if any public comment. Organizers of the biosphere project claimed to have contacted about 90 officials, business people, conservationists and private citizens in Arkansas and Missouri, though little effort was made to publicize the effort through local media.

RESOLUTION OPPOSING THE BIODIVERSITY TREATY & BIOSPHERES

A RESOLUTION opposing the Convention on Biological Diversity, the "Biodiversity Treaty" and urging that the Treaty, in whole or part, not be ratified by the Senate of the United States and opposing the Biosphere Reserve designations of the U.S. Man and the Biosphere Program in Arkansas.

WHEREAS, the Convention on Biological Diversity is a direct assault on the U. S. Constitution and in violation of several provisions of the Constitution; and

WHEREAS, the Authority of the United States to make Treaties issues from The Constitution of the United States, therefore; no treaty can be given equal footing with, or supersede, the Authority of The U.S. Constitution, to wit: We find that;

Article VI, Clause 2, "This Constitution...and all Treaties made, or which shall be made under the Authority of the United States...";

Article II, Section 2, Clause 2, "He [the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur"; and

WHEREAS, the Executive branch of government, by Administrative implementation of the Biodiversity Treaty and Biosphere Program, has placed millions of acres in several States under the control of the United Nations Education, Scientific and Cultural Organization (UNESCO) and the United Nations Environment Program (UNEP) without ratification of the treaty by the Senate and has thereby violated provisions for the Separation of Powers between the President and Congress of the United States; to wit: We find that;

Article 1, Section 8, Clause 13, "Congress shall have the Power....To make the Rules for the Government and Regulations of the land...";

Article IV, Section 3, Clause 2, "The Congress shall have the Power to dispose and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;" and

WHEREAS, UNESCO has promoted and created a worldwide system of 328 Biospheres Reserves in 82 nations, with 47 of these UNESCO designated Biosphere Reserves, all together the size of Colorado, presently within, and across, the sovereign borders of United States; and

WHEREAS, such designations require strict land use management procedures as are set forth in the 1994 Strategic Plan for the United States, Man and the Biosphere Program, as published by the U.S. State Department, and further described in the Global Biodiversity Assessment, published by the United

Nations Environment Program (UNEP), expressly for the Conferences of the Parties to the Convention on Biological Diversity; and

WHEREAS, the Global Biodiversity Assessment calls for Ecosystem Assessment Management and Plans, using biocentric - nature centered - ideology as opposed to traditional Western anthropocentric - human centered - ideology as a basis for public policy and regulatory control to protect ecosystems and insure biological diversity; and

WHEREAS, a Biosphere Reserve is the system of protected areas required by Article 8 of the Convention on Biological Diversity and as expressed in the minutes of the first meeting of the Conference of the Parties; and

WHEREAS, no land owner within reach or potential reach of the Biosphere Reserves has input or recourse into land use management policies of UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, Biosphere Reserves, which includes private lands and span state and national jurisdictional boundaries, are by definition, designed for expansion in each of three defined zones: the protected Core zone, the Buffer Zone, and the Zone of Cooperation; and

WHEREAS, no body of elected officials, whether local, state, or federal, has input, recourse, or veto power over such land use management policies, which may be prescribed by either UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, even though the Treaty on Biological Diversity has not been ratified by the U.S. Senate, the very presence of United Nations Biosphere Reserves on American soil demonstrates that Presidential Executive Orders have directed compliance with an international treaty that has not been ratified by Congress; and

WHEREAS, the areas encompassed by these Biosphere Reserves includes federal, state and private lands; and the use of land for ordinary commercial or agriculture purposes in these Reserve areas may be severely restricted or eliminated; and there are no plans or proposals to purchase the private lands involved, either by the United States or by the United Nations; and

WHEREAS, the planned restrictions together with foreign control of land encompassed by Biosphere Reserves constitutes an unlawful taking of private property rights in the land, in violation of the U.S. Constitution; and.

WHEREAS, the placing of environmental and other planned restrictions upon private lands has been held by a number of recent United States Supreme Court

decisions to constitute a taking of land for public purposes without compensation, to wit: We find that;

Article I, Section 8, Clause 17, "The Congress shall have the Power....To exercise exclusive Legislation in all Cases whatsoever ...and to exercise like Authority over all Places purchased by Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings; And"...

Article IV, Section 3, Clause 2, "[N]othing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.";

Article IV, Section 4, "The United States shall guarantee to every State in this union a Republican Form of Government, and shall protect each of them against Invasion...";

Amendment V, "No person shall be...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"; and

WHEREAS, the proposed Biodiversity Treaty, if ratified by the United States Senate, would ultimately lead to the reality that Arkansas citizens could not use private or public lands to the benefit of their traditional customs, culture and economy in the manner to which they have been accustomed; and

WHEREAS, the virtual ceding of lands to the United Nations leaves the residents who own the land, the local governments, and the State of Arkansas without any legitimate form for redress of grievances or without any input into the decision-making process relating to the Biosphere Reserves; and

WHEREAS, the United Nations-designated Man and the Biosphere program has been proposed for nomination within the State of Arkansas; and neither the people, nor the Legislature of the State, nor the U.S. Congress has considered, debated, or approved such designations; and none of the current areas included within the proposed Biosphere Program in Arkansas has been included at the request of, or with the consent of, the people or the General Assembly of the State of Arkansas; and

WHEREAS, the General Assembly opposes the unauthorized unConstitutional nomination, by Non-Governmental Organizations (NGO), State and Federal Agencies, of the "Ozark Highlands Man and Biosphere" to the U.S. & UNESCO Man and the Biosphere program by the following: the Pioneer Forest of Missouri, Nature Conservancy of Arkansas, Nature Conservancy of Missouri, the Ozark Regional Land Trust; the State agencies of the Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of

Conservation, Missouri Department of Natural Resources, the Federal agencies of the U.S. Departments of the Interior, Agriculture and State: namely; U.S. Fish and Wildlife Service, Ozark National Scenic Riverways, National Park Service-Buffalo National River, USDA Forest Service - Ozark and Mark Twain, and The State Department's Man and the Biosphere; and therefore, the subjection of federal, state and private lands in Arkansas to the unauthorized unconstitutional control of the United Nations and other foreign parties; and

WHEREAS, the proposed Ozark Highlands Man and Biosphere Program, with a described area of 55,000 square miles in Arkansas, Oklahoma and Missouri, has been proposed as a single Biosphere Reserve termed "The Biographical Region of Ozark Plateau Province" violates additional clauses of the U.S. Constitution, to wit: We find that;

Article I, Section 10, Clause 1, "No State shall enter into any Treaty, Alliance, or Confederation; ...No State shall, without the Consent of Congress, enter into any Agreement or Compact with another State or with a foreign Power.";

Article IV, Section 3, Clause 1, "No State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the Junction of two or more States; or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.";

Amendment X, We find that, "The powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and,

WHEREAS, the General Assembly of the State of Arkansas does not wish to have portions of its land area controlled by foreign minions over which it has no control and who are not subject to its laws; and

WHEREAS, we find it is the sworn duty of all elected Officials to, "uphold the Constitution and defend the rights of the People against all enemies, foreign and domestic, so help us God.";

NOW, THEREFORE, Be it resolved by the General Assembly of the State of Arkansas:

Section 1. The General Assembly of the State of Arkansas is unalterably opposed to the inclusion of any land within the borders of the State to the purview of the Biodiversity Treaty or any Biodiversity Program without the express consent of the people and the General Assembly of the State of Arkansas, as provided by the U.S. and Arkansas Constitutions

Section 2. The General Assembly urges the members of the Congress of the United States, and especially the Arkansas delegation to the Congress of the United States, to oppose ratification of the Biodiversity Treaty and oppose the inclusion of any land within the State of Arkansas in any Biosphere Program of the United Nations.

Section 3. The Clerks of the Arkansas House and Senate are hereby directed to transmit copies of this Resolution to:

The Honorable Bill Clinton, President, 1600 Pennsylvania Avenue, Washington, D.C. 20500;
 The Honorable Madeleine K. Albright, 2201 "C" Street, N.W., Washington, D.C. 20520;
 The Honorable Dale Bumpers, 229 Dirksen Senate Office Building, Washington, D.C. 20510;
 The Honorable Tim Hutchinson, 245 Dirksen Senate Office Building, Washington, D.C. 20510;
 The Honorable Marion Berry, 1407 Longworth Office Building, Washington, D.C. 20515;
 The Honorable Vic Snyder, 1319 Longworth Office Building, Washington, D.C. 20515
 The Honorable Asa Hutchinson, 1535 Longworth Office Building, Washington, D.C. 20515; and The Honorable Jay Dickey, 2453 Rayburn House Office Building, Washington, D.C. 20515. AND
 Representative Don Young (AK), Chairman, House Committee on Resources, 2111 Rayburn House Office Building, Washington, D.C. 20515.

PETITION FOR PASSAGE OF THIS RESOLUTION

I/we the undersigned do hereby petition the Members of the General Assembly of the State of Arkansas to pass this Resolution at the next convening of the General Assembly.

Print
 Name _____

Signed _____ Date _____

Print
 Name _____

Signed _____ Date _____

Address _____

Please sign and mail to your Arkansas State District Representative and Senator.

A Similar Resolution was passed in Kentucky. Permission is granted for this petition to be reproduced and also to be revised for use in Arkansas Counties and other States.

Supported by Take Back Arkansas, Inc., 2167 Porter Rd., Fayetteville, AR 72704;

Home Page <http://www.nwark.com/~tbark>
e-mail: tbark@nwark.com;
Fax 501/521-3530; Phone: 501/521-1933

Excerpt from Research Paper
**The Ozark Highlands Man and the Biosphere Reserve:
 A Study of a Failed Nomination Effort**

This full Reach Paper can be found at:
<http://ssu.agri.missouri.edu/Publications/Ozarks/toc.html>

Media and Steering Committee representatives we visited speculated that organizations from outside the Ozarks financed or otherwise supported anti-OMAB activism. An editor of a local Ozark newspaper cited such organizational support as one reason for the success of the opponents, he said:

They (the Steering Committee) didn't realize there was some big money behind it. These aren't just local people. They are well funded. Some of the speakers that passed through the area initially were related to the People for the West movement. People for the West is funded by big timber industries and the big cattle industries up in the Pacific Northwest. ... Some of the advertising that was put in this newspaper advertising, '... learn about the danger to your property and the Man and the Biosphere movement,' ... were paid for by checks drawn on an agency in Pueblo, Colorado which is one of a corporate entities of the People for the West. ... There's a movement called Take Back Arkansas... who I'm told is subsidized by the mining and timber industries. So, I don't think our local people (agency representatives) took it nearly seriously enough, soon enough. (Kevin Larson, personal interview)

While there may have been influence from people and organizations outside the Ozarks, it is undeniable that bona fide Ozark citizens acting together and acting alone played an extremely important role in the protest. Several individuals stood apart from the pack in terms of their activism, serving as speakers at anti-Biosphere Reserve meetings, relentlessly writing letters to the editor, continually contacting Steering Committee members and politicians, and networking intensively. Those opponents who appeared to be most active were Connie Burks from Jasper, AR; William Jud from Fredericktown, MO; Everett Middleton from Flippin, AR; Ed Manor from Jasper, AR; Mary Rivera of Jeep, AR; Mary and Elam Denham (of TBA) from Fayetteville, AR; and Ray Cunio (of Citizens for Private Property Rights) from Japan, MO. These individuals frequently took center stage, aggressively informing Ozark citizens about the OMAB nomination.

Take Back Arkansas, Inc. is funded by Membership only. TBA has NEVER received and "funding" from any organization or grant. It is an all-volunteer organization of volunteer Arkansas citizens and has no members or donations from other states. All Directors, including the State Coordinator are unpaid volunteers. These people just don't like property rights

Mary Denham, TBA State Coordinator (and unpaid secretary)

The following is excerpted from THE 1990's PROPERTY RIGHTS REBELLION

Copies of Land Rights: The 1990's Property Rights Rebellion can be obtained by calling Rowman & Littlefield at 800.462-6420.

NOTE: In accordance with Title 17 U.S.C. section 107, this material is distributed without profit or payment to those who have expressed a prior interest in receiving this information for non-profit research and educational purposes only. For more information go to:
<http://www.law.cornell.edu/uscode/17/107.shtml>

[Some words may be missing because of scanning imperfections but the content is understandable and worthy].

In stead of seeking to protect existing rights, many environmentalists want to redefine rights.

LAND RIGHTS: WHY DO THEY MATTER, BY BRUCE YANDLE

The following essay is adapted from Bruce Yandle's preface to Land Rights: The 1990's Property Rights Rebellion.

"The Fifth Amendment of the U.S Constitution is America's chief property rights wall."

Today, all across America, people are focusing on a major constitutional issues their right to control the use of their land and property. Landowners in the East are concerned about restrictions on their land rights when their property is designated as historic. Farmers are up in arms about the Corps of Engineers wetlands program that forces them to abandon the use of farmland because it may become wet during part of the year. Ranchers and forest owners in the West are threatened by enforcement of the Endangered Species Act.

In some ways, the movement is a rebellion. Yet in the strict meaning of the word, the movement is more a revolution—a complete rotation that carries us back to a first Constitutional principle, the principle of protection against excessive government.

Some of the groups that contest the state's authority describe the problem in simple terms. The land on which they live is theirs, quite often owned by family members for three generations or more. In their view, no one has a superior right to tell them what they can do or not do on their land. (Of course, if the owners are truly harming others, then they can be sued under common law.)

Others see the problem in more complex terms.. They hold contracts, deeds and easements that give them the legal right to graze cattle, cut trees, or build houses. They see a growing maze of federal, state and local regulations that interfere with the

terms of the contracts and deeds they hold. These regulations are supposed to serve a public interest, but the burden falls on the shoulders of individuals who hold specified rights to land. In their view, their Fifth Amendment rights are denied. They believe what the Constitution says: "...*Nor shall private property shall be taken for public use without just compensation.*"

Corporations and trade associations see yet another dimension. These groups, in some cases, are torn between raising their voices at what they view as violations of private property rights and accepting them as inevitable. They fear the public relations backlash that follows if they are tarred as being anti-environmental.

This property rights movement is sometimes depicted as a "stop the environmentalists" effort, and a number of environmentalists oppose and criticize it. But environmentalists, too, are interested in property rights. Instead of seeking to protect existing rights, however, they seek to redefine rights through government control of the land. Sometimes the issue relates to how public lands will be used—logging versus natural sanctuary. In others, the question has to do with private land rights—whether or not an individual can build a home on private beach property. No matter how land-use controversies are depicted, property rights, the legal ability to exclude others and control use, is the fundamental issue.

The question is how rights are to be transferred. If the government decides to change the rights, will the existing private rights be purchased, as property rights advocates argue they should be, or will they simply be taken, as many environmental activists want?

In the 20th century property movement began with an earlier project that involved a study of how property rights for ordinary people evolved over the centuries. My reading carried me back to 10th century England and the rise of common law. I was struck by stories about common law rules of property and how they had evolved from communities of people in rural areas, not from constitutions or the seats of government. Accounts of enough to protect property rights is also powerful enough to take property. Constitutions that evolve from free people provide the means to wall off government. This wall separates two economic domains—one public, the other private. Of course, the lines often blur, but one force dominates on each side. One side of the wall is governed by the law of politics. There, the body politic engages in collective choice, where voting rules and special interest struggles determine outcomes. The other side is governed by a rule of law, where owners of property rights are forced to bear. How country people, probably kinsmen, took annual oaths to be jointly and severally liable for maintaining community peace were joined by stories of country courts and judges who rendered decisions involving trespass, theft and violent crimes.

My studies led me to the great 17th-century English jurist Sir Edward Coke. His explanation of the Magna Carta left little doubt in my mind that the Great Charter, as he termed it, was a watershed event in the struggle of ordinary people to protect their natural rights against encroachments by government. There in the Magna Carta one finds words that sound very much like the takings clause of the Fifth Amendment:

No freeman shall be deprived of his free tenement or liberties or free custom but by lawful judgment of his peers and by the law of the land.

People do not have rights because the state allows them. The nation/state exists because people have rights.

At the time of the Magna Carta, "the law of the land" referred to common law, not to laws written by a legislative body or king. Customary law, developed informally and rooted in community norms, was seen as the only logical way to protect property rights that had evolved over the centuries. Rights to land emerged from community and were transmitted to the nation/state. The lesson seems clear: People do not have rights because the state allows them. The nation/state exists because people have rights.

From the Magna Carta to today, people have struggled with an endless paradox: A government strong government.

the cost of their actions while gaining the fruits of their labor. On one side of the wall, land use can be specified by statute. On the other side, transfer of land rights requires purchase. Things are never perfect on either side.

Through property rights, owners have the incentive to look ahead, to conserve, to avoid short term actions that foreclose better long-term outcomes, and to face the opportunity cost of their actions. On the other side of the wall, the rule of politics allows individuals to promote the public weal, but also enables the players to engage in opportunistic behavior by calling on government power to force costs on others. The Fifth Amendment of the U.S. Constitution is America's chief property rights wall. But like other walls, it must be maintained. At times cracks appear in the wall; new mortar must be applied and stones replaced. Otherwise the wall will fall.

In many ways, to-day's property rights advocates are calling for a modern Magna Carta. Once again, ordinary people are seeking to restrain and contain government. But instead of having to settle differences with picks, swords and arrows, the parties in the struggle now turn to courts and legislative bodies. Their struggles help us to see how strong is the motivation for freedom.

"Preparation of this book, which he edited, was partially supported by PERC. It was published by Rowman & Littlefield as a volume in the Political Economy Forum Series edited by Terry L. Anderson. Yandle is a PERC Adjunct Scholar in the Wiegand Environmental Federalism Program

ARKANSAS, THE FEDS, AND THE UN MAB Dangerous Back Door Politics, As Usual

New information retrieved via Freedom of Information Act about the Arkansas Game & Fish Commission, The Governor and the Ozark Highlands Man and the Biosphere.

A government cover-up in black & white.
Read these letters in order. They speak for themselves!

- 1982. The Arkansas Game and Fish Commission endorses a MAB program.
- 1994, June 14. The director of the Arkansas Game & Fish commission sends a revised draft of the *Cooperative Agreement for the Establishment and Operation of the Ozark Highlands Man and the Biosphere Cooperative* to the chairman of the Ozark Highlands MAB Steering Committee.
- 1994, July 6. The Chairman of the Ozark Highlands MAB Steering Committee thanks the Director of the Arkansas Game and Fish Commission for the draft and acknowledges the Director as a leader in the MAB effort.
- 1996, July 1. The Superintendent of the Buffalo National River urges the Director of the Arkansas Game and Fish Commission to see MAB through to completion.
- 1996, August 12. The Director of the Arkansas Game and Fish Commission reaffirms his support for the MAB effort.
- 1996, August 27. The Office of the Governor directs the Director of the Arkansas Game and Fish Commission to not make any commitment toward MAB without approval.
- 1996, August 29. The Superintendent of the Buffalo National River returns to the Director of the Arkansas Game and Fish Commission his August 12 letter.
- 1996, October 23. The Director of the Arkansas Game and Fish Commission denies any involvement with the MAB program.
- 1996, November 7. The Governor of Arkansas calls the MAB program a rumor.
- Transcription of a telecast on biosphere questions on *Ask the Governor* with Steve Barnes on AETN Sunday PM 11/17/96.



MAB

U.S. MAN AND THE BIOSPHERE PR

10/UCS/MAB
SA-5, Room 410
Department of State
Washington, D.C. 20520
Tel: (202) 632-2816

Christine Schoneveld-Cox
c/o Div. of Natural Sciences
National Park Service - 4
Dept. of the Interior
Washington, D.C. 20240
Sept. 23, 1982

Mr. John C. Sunderland
Chief, River Basins Section
Arkansas Game & Fish Commission
2 Natural Resources Drive
Little Rock, Arkansas 72205

Dear Mr. Sunderland:

The International Symposium and Workshop on the Application of Genetics to the Management of Wild Plant and Animal Populations was held as planned, August 9-13 in Washington, D.C. Your endorsement helped significantly to make the meeting possible, and successful.

The speakers and workshop leaders provided a fine representation of the utility of genetics in conservation, and the registrants were a good mix of international, Federal, State and private natural resource managers who participated in the training session. We believe that the knowledge we all gained from this endeavor definitely will improve the management of animal and plant populations.

The members of the Organizing Committee plan to continue to work on their with the symposium speakers in order to develop a book, Genetics and Conservation, which is planned for publication through Addison-Wesley Publishing Company in the spring of 1983. The book will not be a proceedings as such but is being designed as a combined text and reference. We hope that this work will expand the sphere of involvement with genetics and conservation increasing the wise management of wild animal and plant populations, in the true spirit of the Man and Biosphere Program.

We thank you again for your interest and support, which have helped to make our conservation efforts more effective.

Sincerely;

Christine Schoneveld-Cox

Christine Schoneveld-Cox



United States Department of the Interior

NATIONAL PARK SERVICE
Ozark National Scenic Riverways
P.O. Box 480
Van Buren, Missouri 63885-0480



June 14, 1994

LSB

RECEIVED
JUN 21 1994

RIVER BASIN

Steve N. Wilson, Director
Arkansas Game & Fish Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205

Dear Mr. Wilson:

Enclosed is the revised cooperative agreement as discussed in the May 17 meeting in Springfield.

1. Please review and edit as appropriate.
2. Provide name of key official for Article IV.

I would appreciate receiving your comments to complete the final version ASAP. Thank you.

Sincerely,

David I. Foster
Chairman, Ozark Highlands MAB Steering Committee

RECEIVED
JUN 20 1994
DIRECTOR

4/29/99 10:33 AM

July 6, 1994

Mr. David I. Foster, Chairman
Ozark Highlands NAB Steering Committee
National Park Service
Ozark National Scenic Riverways
P.O. Box 490
Van Buren, Missouri 63965-0490

Dear Mr. Foster:

Thank you for your letter of June 14 and the attached draft cooperative agreement for the proposed Ozarks Highlands Man and the Biosphere Cooperative.

I have reviewed the draft and find it acceptable. Please place my name as the key official in Article IV for the Arkansas Game and Fish Commission.

I appreciate your leadership in this worthy effort.

Cordially,

(Original Signed)

Steve M. Wilson,
Director

SNW:DGC:ac

bcc: Director's Office
Billy E. White
✓ File Copy

4/29/99 10:41 AM



United States Department of the Interior

NATIONAL PARK SERVICE
Buffalo National River
P.O. Box 1173
Harrison, Arkansas 72603-1173

N16 (BUFF-QNR)

July 1, 1996

Steven N. Wilson, Director
Arkansas Game & Fish Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205

Dear Mr. Wilson:

As promised we have inquired as to the tentative status of you agencies's interest in continuing the regional Man and Biosphere (MAB) effort at this time. The consensus of these phone calls appears to be in support of continuing the MAB effort .

We believe in the Man and Biosphere concept and that all the effort, time, and funding that each of you and your agencies has contributed since 1989 should now lead to a focused effort to carry this idea through to completion.

The question becomes where do we go from here? We would like your response to the following:

1. A copy of the draft Cooperative Agreement has been enclosed for your final review to facilitate signature by interested partners.
2. We would ask you to provide the position of your agencies or organization regarding your interest in participating in a regional MAB Cooperative.

If current conditions do not enable your agency or organization to participate as a signatory member of the Cooperative or in nominating your sites at this time, you may wish to consider being identified as a cooperator with the Cooperative (you agree with MAB concepts, and will explore opportunities for sharing information and cooperating on particular activities).

3. We would also recommend the Steering Committee meet again this fall to reach consensus on phase II which would be expansion of the Committee and identifying a new Coordinator to replace Dave Foster who recently retired from Federal service.

138 4/29/99 11:09 AM



United States Department of the Interior
NATIONAL PARK SERVICE
Boulder National Center

Please give these items careful consideration as we seek to move forward in this effort.

We would like to have your reply to the above three items no later than September 1, 1996. Contact George Oviatt of my staff at 501-741-5443, ext. 114, if you have additional concerns or questions.

Sincerely,

John D. Linahan
John D. Linahan
Superintendent

Enclosures

MO. - N. CONTRAV - B VAGUED CLAIM.
AR - CATAL HATCH ?
= EXPLORE OTHER OPTIONS !
SOUTHERN PARKS: DON CASTLEBERRY
CO. FRANKLIN
BURRITT MIDDLETON TIM BERRITT
501-453-8441 453-2255
UNSUBSTANTIATED CLAIMS
MA. (4714) 5-9678
SUCKE
N TO PROTECT
DIVERSITY
WETLANDS
- PRIORITY

Arkansas Game & Fish Commission

2 Natural Resources Drive

Little Rock, Arkansas 72205

Dr. James Moore, Jr.
Chairman
Little Rock

Rick Evans
Vice Chairman
Cotton

Kirk Duple
Sunka Springs

W. R. "Wee" Stephens, Jr.
Little Rock



Steve N. Wilson
Director

August 12, 1996

0386-02

Bill Brink

Marion Mc

Jing Ho

Professor Don

University of

Pineau

John D. Linahan
Superintendent
Buffalo National River
P. O. Box 1173
Harrison, AR 72601

Dear Mr. Linahan:

This is in response to your inquiry regarding the status of the Arkansas Game & Fish Commission's interest in continuing the Ozark Highlands Regional Man and Biosphere (MAB) effort. The Commission fully supports the MAB concept as proposed and is committed to continuing involvement in the future.

I would like our agency to be recognized as a signatory to the cooperative agreement and that it also be involved in the Regional Biosphere Reserve. I will either serve as the representative or will assign someone in my behalf to represent the Commission at the next MAB Steering Committee meeting.

Thank you for requesting our continued participation in this important endeavor. I look forward to this concept becoming a fully functioning entity.

Cordially,

Steve N. Wilson
Director

SNW:RBM:mb

4/29/99 10:42 AM



United States Department of the Interior

NATIONAL PARK SERVICE



The first page of the draft

DRAFT

COOPERATIVE AGREEMENT
(Memorandum of Understanding (FS))

FOR THE

ESTABLISHMENT AND OPERATION OF THE

OZARK HIGHLANDS
MAN AND THE BIOSPHERE COOPERATIVE

THIS COOPERATIVE AGREEMENT, made and entered into this ____ day of _____, one thousand nine hundred and ____ by and between Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Missouri Department of Conservation, Missouri Department of Natural Resources (Division of Parks, Recreation and Historic Preservation), National Park Service (Buffalo National River and Ozark National Scenic Riverways), Pioneer Forest (Missouri), The Nature Conservancy (Arkansas and Missouri), Ozark Regional Land Trust, U.S. Fish and Wildlife Service, U.S. Forest Service (Mark Twain NF and Ozark/St. Francis NF), all of whom represent several land management and planning agencies with interests in the general area of the Ozark Highlands, do hereby join together for a common and specific purpose.

ARTICLE I. BACKGROUND AND OBJECTIVES

WITNESSETH:

WHEREAS, the parties to this cooperative agreement, pursuant to the respective statutory authorizations, are engaged in programs and projects intended to further conservation and development of the natural, cultural, and economic resources within the Ozark Highlands region of the United States; and

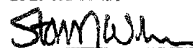
WHEREAS, in 1971, the Man and the Biosphere Program was formed by the United Nations Educational, Scientific, and Cultural Organization for the purpose of building a harmonious relationship between man and the environment on a scientific basis and the United States Man and the Biosphere Program cooperates with the international program for this purpose; and

The last page of the draft.

ARTICLE VII. GENERAL PROVISIONS AND APPLICABLE CIRCULARS

The General Provisions attached hereto and the applicable referenced federal circulars referenced therein are made a part of this agreement.

SIGNATURES



Director, Arkansas
Game and Fish Commission

Date

Director, Arkansas
Natural Heritage Commission

Date

Director, Missouri
Department of Conservation

Date

Director, Division of Parks,
and Historic Preservation, Missouri
Department of Natural Resources

Date

Regional Director,
Midwest Region, National Park Service

Date

Regional Director,
Southwest Region, National Park Service

Date

Manager, Pioneer Forest

Date

Arkansas State Director,
The Nature Conservancy

Date

4/29/99 10:33 AM

InterOfficeMEMO

OFFICE OF THE GOVERNOR
Mike Huckabee, Governor

TO: Steve Wilson

FROM: Jim von Gram *[initials]*

DATE: August 27, 1998

RE: US Man and Biosphere Project/Ozark
Highlands Region

ROUTING INFORMATION

| | |
|---|--------------------------------------|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> FOR INFO |
| <input type="checkbox"/> FOR SIGNATURE | <input type="checkbox"/> INITIALS |
| <input type="checkbox"/> FOR COMMENT | <input type="checkbox"/> NOTE AND |
| <input type="checkbox"/> PREPARE REPLY | <input type="checkbox"/> PLEASE |
| <input type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> AS REQUIRED |

We have received a number of calls from concerned citizens regarding the US Man and Bio Project in the Ozark Highlands Region. They are concerned about this project because of the commitment required and the vagueness and scope of intent of the long-term commitment.

Before any further steps are taken, please call Jeff Pitchford with my office, and discuss this. Jeff will in turn brief me and the Governor and we will get back to you as soon as possible.

Please do not make any commitments for the State of Arkansas without approval. ?

682-2037

/ms

cc Governor Huckabee

4/27/99 4:09 PM



IN REPLY REFER TO:
L7019(BUFF-ONR)

August 29, 1996

United States Department of the Interior

NATIONAL PARK SERVICE

Buffalo National River
402 N. Walnut, P.O. Box 1173
Harrison, AR 72802-1173

RECEIVED
SEP 03 1996
RIVER BASINS

Steve N. Wilson, Director
Arkansas Game and Fish Commission
2 Natural Resources Drive
Little Rock, Arkansas 72205

Dear Mr. Wilson:

In response to your request on August 27, 1996, I am returning your letter dated August 1, 1996, regarding the Arkansas Game and Fish Commission's interest in participating in Oza Highland Regional Man and the Biosphere program.

Sincerely,

John D. Linahan
Superintendent

Enclosure

MEMO**ARKANSAS GAME AND FISH COMMISSION**

To: All Employees
From: Steve N. Wilson
Subject: Biosphere Rumor
Date: October 23, 1996

Game and Fish and biosphere? It's just a persistent rumor

Like the legend of the cat that came back, the biosphere topic keeps arising this fall.

What's the biosphere? Just a wispy, pipe dream of a utopia in the Ozarks under the wing of the United Nations. But it's a subject with the apparent ability to arouse people's fears of governmental takeover.

It's not so. There is no connection between us and the biosphere. There are no plans for this. The Game and Fish Commission isn't involved, nor is State Parks, the Heritage Department or Keep Arkansas Beautiful. These are our conservation partners in Amendment 2, which will be voted on Nov. 5, and we keep getting calls on this rumor.

The Easter bunny and the tooth fairy don't exist. Godzilla is just a myth, and I want to stress in the strongest terms that our participation in the biosphere is just a rumor. Period.

Several years ago, a multi-agency brainstorming session was conducted, with the focus a possible experiment of an environmentally protected region of public land in the Missouri and Arkansas Ozarks under the umbrella of the United Nations. The Game and Fish Commission was invited to the meeting, and a state member attended.

He listened, returned home, and that was the only participation of Game and Fish in the biosphere idea.

We have never considered, proposed, projected or even thought of joining something along the line of this biosphere. Anyone trying to tie us to it is just barking up the wrong tree. Again, it's just a rumor.



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
*State Capitol
Little Rock 72201*

November 4, 1996

Ms. Mary Denham
2167 N. Porter Road
Fayetteville, AR 72704

Dear Ms. Denham:

Thank you for contacting my office about your concerns regarding the Man and the Biosphere Program.

I want to end this rumor that is spreading across Arkansas concerning this concept Amendment 2. I do not support nor condone in any shape, form or fashion, the Man and the Biosphere Program. I have instructed the Arkansas Game & Fish Department, Parks & Tourism Department and the Arkansas Heritage Department to not participate in any way in this concept. Amendment 2 will designate 1/8 of one cent to the Arkansas Game & Fish Department, Parks & Tourism Department, Arkansas Heritage Department and Keep Ark Beautiful Program, for Arkansas to manage its natural resources and wildlife. There is money set aside to purchase land for hunting, fishing and wildlife protection. However, we strive to make sure that people's private property rights are protected and no one is forced off land.

If I can assist you in any way in the future, please feel free to let me know.

Sincerely yours,

Mike Huckabee

MH:jpm

4/29/99 10:45 AM

ASK THE GOVERNOR WITH STEVE BARNES AETN SUNDAY PM 11/17/96
TRANSCRIPTION OF TELECAST ON BIOSPHERE QUESTIONS.

BARNES: "A good many questions Governor on in north.. this one from Carroll County, we have some others from Newton and Washington Counties, the Northwest corner. Uh, when are the black helicopters going to fly in and the blue helmets, uh, uh, I don't mean to dismiss the call, what, what, is your view of Biospheres?"

GOVERNOR: "Well, we've had, I guess, as many letters on that as anything since I've been in office, and we have researched it. We have asked the Game and Fish Commission... because a lot of the letters said that there was going to be some effort to set aside private lands in North Arkansas the United Nations would control and dictate the use of those lands. Steve, I just can't honestly get any verification, objective verification. I mean, I can read stuff off the internet, like people who have written my office and I can see pamphlets like I'm sent by the box fulls, uh, from organizations who claim this is so, but when we actually look at prime source legal documents, we simply don't find the existence of some massive plan to take over the world starting in North Arkansas with a project of taking away people's property and somehow it just hasn't proven out that a few acres in North Arkansas is going to be the basis for world take over. Now if, if somebody can come forward with some honest-to-goodness documentation, of this¹, lord, we'd be happy to look at it,"

BARNES: "Do you expect that"

GOVERNOR: "but that just hasn't happened!"

BARNES: "Do you expect that to happen?"

GOVERNOR: "No! I don't expect it. huh, I'll tell you very honestly, uh, I think there are people in the world who would probably, you know, who probably would have some ideas they would love to take over, but I've been in North Arkansas a lot of times and I'd hate to think about some folks going in there and telling Arkansas people what they're going to their land and, and take it over the way it's been described to me in letters. Now, I don't mean to dismiss those who have written me, or feel strongly about this, I respect their views. I respect the position of personal property, all those things, but we got to generate, not just heat but light, when it comes to some of these issues and we've written and have sending copies of letters saying that we have specifically requested that Game & Fish Commission not participate in any Biosphere project and we have a letter from Steve Wilson,³ uh, absolutely saying there is no participation in such a program.⁴ That's as far as I can take it at this point."

1 Governor's letter to State Department dated 11-14-96. p96

2 Documents obtained by Connie Burks from Buffalo River NPS sent to Governor by Mrs. Burks in August 1996. p96B

3 Steve Wilson letter of denial mailed with Governors stock reply to concerned citizens. Wilson's letter was patently untrue as to involvement by Game and Fish Commission and Arkansas Natural Heritage Commission personnel. Both bureauracies had been involved since 1989 through September 1996. Buffalo River NPS personnel and three of Governors aids and liaison staff told Connie Burks, Everette Middleton and Mary Denham, that Steve Wilson had signed the MOU, and at the request of the governor he had gotten it back from NPS and had torn it up. See Pg 94.

4 See Brochure by Arkansas Natural Heritage Commission dated 1993 for an OZARK HIGHLANDS MAN AND BIOSPHERE REGIONAL CONFERENCE November 3-4, 1993, Harrison Arkansas, Sponsored by Ozark Regional Land Trust and Winrock International. Reservations were directed to be mailed to ANHC at their address and to their employee in Little Rock, Arkansas

Take Back Arkansas, Inc.
2167 N. Porter Rd.
Fayetteville, AR 72704

February 14, 1998

Mr. Bill Pell, Team Coordinator
Ozark/Ouachita Highlands Assessment
P. O. Box 1270,
Hot springs, AR 71902

Dear Mr. Pell:

Thank you for your cooperation in helping resolve a difficult situation and for the received information. I am in receipt of both your letter and the documents concerning the appropriations bill for the Department of the Interior and "related" agencies, including the Forest Service. It was most interesting at a cursory glance. I'll digest it in further detail as time permits. It does appear though, that some on Capital Hill have the people's interest in mind, as well as the best interest of the agencies as relating to their status, personnel, and lawful duties and activities.

TBA has not authorized a position on this ecosystem assessment, as it is still under review and study. This reply is not meant to be confrontational, but is intended to clarify some issues raised in your letter, and state them as we believe them to be. The observations in this letter are mine personally.

This particular conflict has been resolved by our efforts to find "common ground". Dr Tamara Walkingstick called me late Friday afternoon, after she had made unsuccessful attempts to reach Betty Beaver and Mary Rivera that day. She asked me to relay the message to them, that they were accepted and registered as attendees for all three days, as observers or participants by their choice, in the workshop. I have relayed the message.

In December of 1997 the Ozark-Ouachita Highlands Assessment, as part of its Update, announced the Communities Project to "solicit public interest" in a "common ground" format, which appeared at first reading, to be a public meeting. I believe the conflict arose when the detailed letter of January 28th, was sent out by the Ouachita National Forest.

Obviously, what had originally appeared to be a public meeting was now detailed as a very closed meeting for the limited number of 40 participants. The letter stated those attending included Forest Service personnel, Extension Service faculty, LeadAR participants and alumni (who may or may not be involved with rural forest-dependent communities in Arkansas or Missouri, which is covered in this assessment) and residents of Newton, Scott and Montgomery counties. The agenda seems to be more of a policy making workshop for teaching "conflict resolution and [for] building common ground" by facilitated consensus. The goal to teach conflict management suggests that this is for the benefit of the major participants named above with the few citizens invited to give it the legitimacy of being a public meeting for the forest-dependent communities.

This showed a seemingly disproportionate number of pre-selected agencies-related personnel to individuals from these three forest-dependent communities or counties of the 50 county Arkansas assessment. By your definition, these counties among others are forest-dependent and have done a good job of assuring the nation a healthy supply of a timber, a replaceable natural resource.

We also know that within these declared forest boundaries there are lands which are privately owned. You refer to these owners as Inholders. Curiously, my up-to-date computer spell check dictionary wouldn't recognize, "Inholder", nor is it in my 1973 Webster's Collegiate dictionary, several Real Estate Law Dictionaries or Black's Law Dictionary, just as an interesting aside. I object to the term, as it has subjectivity to it, as though these specific land owners have lesser rights than land owners outside designated federal boundaries, almost like feudal tenures, at the will and sufferance, of the federal agency enveloping them.

To borrow the questionable terminology, I would like to use the FS coined word "Inholder" in relation to the Forest Service and this wide sweeping ecosystem assessment delineated on the colored map you sent me, in your letter of March 26, 1997. It appears the Forest is the "Inholder" in the states of Arkansas, Missouri and Oklahoma, with minimal holdings in many Arkansas counties, and no holdings in at least sixteen Arkansas counties. I seriously question the Congressional authority, purpose, goals and legality of this action within and upon forest lands as well as on private lands and the harassing, threatening, stealthy nature of the assessment.

I have this date spent some time going through files and have made some forgotten extraordinary finds. In my attempt to answer your letter in a brief and concise way I found what opened a Pandora's box of information for me. I find that in the majority of the documents, public participation was quoted often as being an essential in all aspects of the Forest Services processes.

It's your apple cart and I have no desire to upset it but in all honesty, this meeting as structured with its teaching of facilitating and consensus building for "common ground" seems to up-side-down and side-ways to the interpretation of the FACA law and compliance with it.

As far back as 10-2-95 then FS Chief Jack Ward Thomas wrote a directive to All Employees regarding the "Recent Federal Advisory Committee Act Interpretations. In his policy letter he stated, *"The Forest Service has a long-standing tradition of providing opportunities for state, local, tribal and private stakeholders. Efforts to inform and involve the public have yielded substantial benefits for everyone involved."* To give him the benefit of the doubt, I presume, that he meant property owners and not NGO's as stakeholders. He went on, *"However the public participation principals described in the July 12, 1994 letter hold. We do no less to keep the best external relations possible. For ease of reference, I reiterate them here: [For brevity in this letter they are topically introduced, only.] Make It Timely; Make Your Process "Free"; Emphasize Fairness; Practice Openness; Make Involvement's Early and Continuous; and Make It Tangible".* Most interesting was his comment on group advise which is, *"If Federal employees seek advice from a group, then that advice must be obtained on an individual basis without group deliberation. Yet, if you are at a meeting and the group chose to offer consensus advise:*

Explain to the group that you convened them to hear individual advice, not a group consensus.

Explain that group advice could prove to be a problem because they are not a chartered advisory group. And if you were to accept their consensus advice, it could be challenged in court and the Forest Service could be enjoined from using the advice—something no one wants".

i would like to digress at this time to make several points.

1. Members of TBA are first and foremost individual citizens to be respected as such. When I speak in terms of TBA, I am speaking of the Directors, as they speak for the organization.
2. It was not the idea of TBA to limit the number of persons or who would be attending FS or related meetings. When we had the two requested meetings in the office here in early '97, it was your idea and that of the other FS personnel attending, that we should appoint a committee of three to five people to receive data and attend meetings for the purpose of research and study for TBA. This was to prevent going through a protracted, antagonistic and adversarial relationship of requesting data by FOIA concerning all aspects of the ecosystem management assessment and plans. In our opinion, this did not compromise the committee members identity as individuals who were property owners living in forest area communities. We would have no right to expect this of them or any other member.
3. At your request, by phone to me, and that of Director Charles Agee, Elam Denham, Chairman of TBA, sent you a letter May 1, 1997 setting forth the agreement as per Directors notes, and the names, addresses, phone and fax numbers of the three members who had agreed to participate in such a research and study team for TBA. Elam stated the Boards intent to name two other persons, to cover the geographic areas of potential meetings. It was also agreed that copies would be sent to the office for me to keep a repository of complete files for study.
4. There have never been any reports from your assessment team and no meeting of the committee. TBA has taken no position on any Forest Service issue, other than to stand firm on our insistence of the protection of the rights of property owner's, involved in this questionable ecosystem assessment, over primarily private lands in fifty Arkansas counties.
5. Take Back Arkansas is an Arkansas Corporation for the advancement of education and preservation of one of the oldest unalienable rights Americans enjoy, which predates even the Constitution of the United States, in which is guaranteed certain civil rights to the owners of private property.

We believe, as in this quote: Land Rights: What Do They Matter? *"The Great Charter (Magna Carta) [1215 AD] ..was a watershed event in the struggle of ordinary people to protect their natural rights against encroachments by government..... The lesson seems clear, People do not have rights because the state allows them. The nation/state exists because people have rights."* Bruce Yandle, Author of Land Rights: The 1990's Property Rights Rebellion. At this point in time, we believe that this protection can best be done through grassroots citizen involvement and participation in all matters, affecting owner's rights in private property.

Other interesting documents in the file was a copy of the Informational Memorandum for James A. Lyons, Undersecretary, NRE from Barbara Webber, Associate Deputy Chief for Research (FS) through Mike Dombeck, FS Chief, regarding the U.S. Man and the Biosphere Program. The Summary states: *"the survival of the U.S. MAB program is threatened. Benefits to the U.S. and the USDA Forest Service are significant. Loss of authority to participate in the U.S. MAB program or loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement"*. The administration has no constitutional authority to make international agreements in Santiago or any other place, concerning the natural resources or control of the public or private lands in this nation

The blatant disregard for individual rights is as though government, the servant of the people, has become the slave master. The Administration, its Departments and agencies have assumed the role of an aristocracy. This is completely unacceptable in the United States under a representative democracy in a Republican Form of Government. This attitude of ***"You can't read the Constitution like a rule book."*** Bruce Babbitt, Secretary of the U.S. Dept. of the Interior [While serving under the sworn oath of the Constitution] **destroys a nation from within.**

A quote from the past, of a former Republic, which didn't survive it's traitors, like Octavian. ***"A nation can survive its fools and even the ambitious. But it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and he carries his banners openly against the city. But the traitor moves among those within the gates freely, his sly whispers rustling through all alleys, heard in the very halls of government itself. For the traitor appears no traitor, he speaks in the accents familiar to his victim, and he wears their face and their garments and he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation; he works secretly and unknown in the night to undermine the pillars of a city; he infects the body politic so that it can no longer resist. A murderer is less to be feared. The traitor is the plague."*** Marcus Tullius Cicero to the Roman Senate, regarding the danger of internal subversion, as recorded by Sallust

Mr. Pell, as you know I have read that agreement, the Montreal Accord, the Seville Strategy and several other of these International Agreements, which in my opinions undercuts the national and state sovereignty of these United States. I pointed out to you this direct quote from *"FS Criterion and Indicator Trends: Property rights for private lands and the rights to use public lands will continue to evolve over time. Means are provided to determine these rights through due process. Recent important developments are the evolution of private property rights under the terms of the Endangered Species Act of 1973 (P.L. 93205) and the determination of local control of the use of Federal lands in the West"*. It is clear that government agencies have a different viewpoint of property rights than the owner has, and therefore the conflict.

In 1932 William Z. Foster, then National Chairman of the Communist Party, USA, restated point one of the Communist Manifesto: ***"The abolition of private property."*** Then in terms specifically applicable to the U.S., Foster said, ***"The establishment of an American Soviet government will involve the confiscation of large landed estates in town and country, and also, the whole body of forests, mineral deposits, lakes, rivers and so on"***. Are we now so established or just on the way there?

Also, in the file was a copy of the November 3-4, 1993 meeting of the Ozark Highlands Man and the Biosphere (OHMAB) agenda, which I'm sure Dr. Donald Voth remembers, being a featured speaker on the agenda. **11:45 AM - 2:00 PM on "Social Context of Ecosystem Management in the Ozark by Dr Donald E. Voth, Department of Rural Sociology, University of Arkansas**, now the *Principal Investigator* on the National Forest Communities Project (whatever that is) at the U of A, Fayetteville, the coordinator of this meeting. In addition, the agenda of the November 3rd meeting the discussion of Stream Team by Mark Van Patten, Conservation Federation of Missouri, now working in concert directly or indirectly with the Arkansas Game and Fish Commission's newly created Stream Team.

It all sure walks, talks and smells like the **Ozark Highland Man and the Biosphere, (OHMAB)** and with the same bad actors, which after much protestation, went back underground from whence it briefly emerged. It has been denied to this day, by lies on top of lies, to the people of Arkansas and Missouri, by both state and federal agencies. Unfortunately for the Forest Service, it was bad timing for your scheduled ecosystem assessment that the exposure of the OHMAB came to close for comfort. It's no coincidence that the same agencies are replicated and people are duplicated in the OHMAB aligned process.

One of the unanswered questions I posed, was why the assessment is being done outside forest boundaries and in a manner inconsistent with prior plans concerned with management of forest health and availability of resource materials for the wood products industry. Is this assessment being done in accordance with the EPA directive that, "All ecosystem management activities should consider human beings as biological resources, the same as any other animal, or plants and minerals"? Can anyone explain how this Administration mandated assessment differs from any of the other mandated ecosystem assessments? What would change our viewpoints based on the data we now have at hand?

TBA has taken no role or position on the "little NEPA Codes" authorized by Congress in the act, other than to make the information known to its members in over thirty counties. At the request of a number of individuals from various counties, David Bright assumed the financial responsibility to bring members of the National Lands Conference to speak on these codes which have been passed successfully in over 300 counties. David was assisted by the Newton County Chapter of TBA which helped host the event. This was a grassroots effort, which I believe was citizenship at its best to work with local government as the protector, not the provocateur.

It is my understanding that TBA members as individuals, with other non-member county residents, acting under their rights as citizens, have worked with their elected county Quorum Court members and County Judge in several counties, to proceed by ordinance to adopt the necessary codes to protect their customs, culture and economy. I would like to presume that the uniformed Forest Service ranger, who dominated a Quorum Court meeting in one county, speaking in opposition to passing the ordinances was speaking as an individual. It appeared to many county residents that he was intimidating the county court members and lobbying for the Forest Service, I understand. I haven't attended any of these meetings, nor have any of the Directors of TBA, these meetings, but the anger that was expressed to me, didn't lead anyone present to believe that he was speaking as an individual but as a FS representative to influence and intimidate. Perhaps he was facilitating.

I must say that what's good for the goose is sure good for the gander. When I questioned your right to eco-assess on private land, I got a flim-flam answer, that you were concerned about how your required 10-15 year plan would affect private property. I'm sure that county residents are just as concerned about the closure of road, access to cemeteries, more property taken for wilderness areas and the loss of jobs affecting their economies by closing of natural resources to the people.

Is there a conflict now between the counties instituting the appropriate NEPA codes to protect their customs, culture and economy and that which would be done under this FS ecosystem management assessment and plan to be drawn? If there is a conflict, then why? What crisis has been created, by this county planning, to establish the need for "conflict management" by government or NGO sponsored and trained facilitators? Why does the assessment for the Ozark-Ouachita Highlands assessment parallel and the Southern Appalachian Assessment for the Man and the Biosphere, including the reports of the SAMAB and personnel involved? There are many interesting questions to be posed, studied and conclusions to be made by both of us.

I certainly would not presume to speak for the Congress or the counties, but I don't believe that the intent of Congress was for any agency to intimidate or participate in this local process, either directly or indirectly by agency or NGO trained facilitators. Due to the questions raised in my mind about this, I am going to copy this letter to my U.S. Representative Asa Hutchinson and Senator Tim Hutchinson asking for a research clarification on this matter.

Being the fair-minded intelligent man, I believe you to be, you would welcome this service from our elected officials in Washington, who are responsible for these laws in the first place. After all, they are citizens too, whose state and districts are being affected by this ongoing ecosystem assessment and the plans to be. This should lessen to a great degree your need to manage conflict. After a reply from them, we'll consider what, if any, dialog about this issue of county ordinances, should take place.

Yours truly,

Mary Denham

**STATEMENT OF FRANK MEYERS, FORESTER AND SECRETARY,
POTOSI CHAPTER, PEOPLE FOR THE USA**

Mr. MEYERS. I am Frank W. Meyers of Potosi, Missouri. I speak as one who has been a practicing environmentalist and professional forester for over 55 years, which with the time spent in the Navy throughout World War II, gives me a perspective on the environmental scene covering 60 years.

I come to speak in support of H.R. 883, the American Land Sovereignty Protection Act.

I speak both for myself and for the Potosi Chapter of People for the USA, for which organization I serve as Secretary, whose membership includes many who have been long active in management, production and use of natural resource commodities, both on public and private land.

Today it is distressing to see productive natural resource management which provides for human needs, being threatened on every side.

The threat arises from a plethora of pseudo-environmentalist groups whose general theme is to reorganize society around the central principle of protecting the environment, and who both use and lend credence to a variety of United Nations plans, conventions and treaties oriented toward control of America and its people.

In 1971, the United Nations through UNESCO initiated a plan for setting up a world network of Biosphere Reserves to protect the environment and safeguard the planet. The State Department incorporated this in their planning in 1973. The Biosphere Reserve Program has the objective of returning vast areas of the planet to a nature-managed condition. In the U.S. this amounts to 48 percent of the land area. The long range objective is to regulate population distribution and land use on a massive scale.

The Framework on Biosphere Reserves specifies the designation of core areas in each Reserve, which will be completely free of human use. A surrounding buffer zone will allow only limited access and the third or transition zone will provide for control of sustainable use.

Sustainable use in U.N. and pseudo-environmentalist jargon means reducing consumption of goods, elimination of modern conveniences and controlling the population.

Without Congressional approval, some 47 Biosphere Reserves, totaling some 44 million acres, have already been designated in America and more are in the planning stage. One such planned Reserve was the Ozark Highland Man and the Biosphere which covered 48,000 square miles in Missouri, Arkansas, Oklahoma and Kansas. Although temporarily shelved, this gigantic plot to return 48,000 square miles to pre-settlement conditions, gave way in 1996 to a smaller Reserve proposal. It was the Lower Ozarks Biosphere Reserve, covering 3,200 square miles in 11 counties in Missouri and one in Arkansas. Although public outcry stopped implementation of this Reserve, the Missouri Department of Conservation which had been a signatory to it, saw fit in 1996 to launch its own plan for the Lower Ozark region of the state in what it called a Co-ordinated Resource Management Plan covering 11 counties.

The threat of this CRM plan is that biodiversity and ecosystem management override the long held conservation objectives of im-

proving the condition and productivity of the state's natural resources of timber, wildlife, minerals, water, air and aesthetics.

The underlying tenor of this CRM plan, which provides an excuse for its existence, is that the flora and fauna of Missouri are in a depleted state. This is not the case. Active resource management over the past 60 years has restored Missouri's resources to a reasonably good and productive condition.

The greatest threat to the well-being and productivity of Missouri's natural resources is lock-up management. And lock-up management protrudes through every phase of the CRM plan. The CRM plan espouses establishment of the Ozarks Man and the Biosphere with its restrictive, non-use goals and also The Nature Conservancy's Lower Ozarks Biosphere with similar objectives.

It should be noted that in neither the state's CRM plan or the Forest Service's ecosystem management strategy are the basic physiological needs of human beings integrated into or given substantive priority in the planning process. Neither is minerals recovery accorded any priority or recognition in the CRM plan.

Nature Conservancy's plan for the Lower Ozarks Biosphere, which MDC supports, states that "alteration of pre-settlement natural processes is stressful to the ecosystem. And hence, management must focus on restoring pre-settlement processes." It is evident that sustainable refers to curtailing use by society and managing with the objective of returning resources to the lower productivity of pre-settlement days.

Another threat to private property and resource management posed by Biosphere Reserves, the CRP plan and ecosystem management is the designation of American lands as World Heritage Sites by the U.N. World Heritage Committee. Some 18 World Heritage Sites totaling over 20 million acres have already been designated in America, without Congressional approval.

Proof that the U.N. designations pose a threat to sovereignty, private property and resource management, is indicated by the U.N.'s action in 1995 in stopping a planned gold mine operation by Crown Butte Mine well outside Yellowstone National Park near Cooke City, Montana.

In stopping the mine, the U.N. delegation made this astounding comment: "The U.S. as signatory to the World Heritage Convention has a duty to protect the ecosystem outside the Park." Yellowstone is both a Biosphere Reserve and a World Heritage Site.

Much of America is clearly at risk.

To protect American sovereignty, private property and resource management for the benefit of humanity, it is imperative that H.R. 883 be enacted into law.

Thank you for giving one who has practiced productive natural resource management for over half a century a chance to be heard.
[The prepared statement of Mr. Meyers follows:]

STATEMENT OF FRANK W. MEYERS, FORESTER AND SECRETARY, POTOSI CHAPTER,
PEOPLE FOR THE USA

I am Frank W. Meyers of Potosi, Missouri. I speak as one who has been a practicing environmentalist and professional forester for over 55 years which with time spent in the Navy throughout WW-II, gives me a perspective on the environmental scene covering sixty years.

I come to speak in support of H.R. 883, the American Land Sovereignty Protection Act.

I speak both for myself and for the Potosi Chapter of "People for the USA," for which organization I serve as Secretary, and whose membership includes many long active in management, production and use of natural resource commodities both on public and private land.

Today we are distressed to see productive natural resource management which provides for human needs, being threatened on every side.

The threat arises from a plethora of pseudo-environmentalist groups whose general theme is to reorganize society around the central principle of protecting the environment, and who both use and lend credence to a variety of United Nations Plans, conventions, and treaties oriented toward control of America and its people.

In 1971 the United States Educational, Scientific, and Cultural Organization (UNESCO) initiated a plan for setting up a world network of Biosphere Reserves to "protect the environment" and safeguard the planet. The U.S. State Department incorporated this into their planning in 1973. The Biosphere Reserve program has the objective of returning vast areas of the planet to a nature-managed condition. In the United States this amounts to some 48 percent of the land area. The long range objective is to regulate population distribution and land use on a massive scale.

Article 4, Section 5 of the Framework on Biosphere Reserves specifies the designation of vast "core areas" in each Reserve, which is to be completely free of human use. An adjacent surrounding "buffer zone" will allow only limited access but no management, and a third outlying "transition" zone will allow for planned, controlled "sustainable use."

"Sustainable" in U.N. and pseudo-environmentalist jargon means reducing consumption of goods, eliminating modern conveniences and controlling the population, so as to return the resources to a "pre-settlement" condition.

Without Congressional approval, some 47 Biosphere Reserves, totaling 44 million acres, have already been officially designated in America. One such planned Biosphere Reserve was the Ozark Man and the Biosphere which was to cover 48 thousand square miles in Missouri, Arkansas, Oklahoma and Kansas. Although temporarily shelved, this gigantic plot to return 48 thousand square miles of America to pre-settlement conditions, gave rise in 1996 to a smaller Reserve proposal. It was the "Lower Ozarks Biosphere Reserve," covering 3,200 square miles including eleven counties in Missouri and one in Arkansas. Although public outcry stopped implementation of this Reserve, the Missouri Department of Conservation which had been a signatory to it, saw fit to launch in 1996 what it referred to as a Coordinated Resource Management Plan (CRM) for the Lower Ozark Region of the State, covering eleven counties.

The thrust of this CRM plan is that "biodiversity" and "ecosystem management" objectives override the long-held conservation objectives of improving the condition and productivity of all the States's natural resources of timber, wildlife, minerals, water, air and aesthetics.

The underlying tenor of the CRM plan—which provides an excuse for its being—is that the flora and fauna of Missouri are in a depleted state. This is hardly the case. Active resource management over the last sixty years has restored Missouri's resources to a reasonably good and productive condition.

The greatest threat to the well-being and productivity of Missouri's natural resources is "lock-up" management. And "lock-up" management protrudes through every phase of the CRM plan. The plan espouses establishment of the Ozarks Man and the Biosphere and its restrictive goals, and also Nature Conservancy's Lower Ozarks Biosphere with similar objectives.

It is interesting—in fact frightening—to note that in neither the State's CRM plan or the Forest Service's ecosystem management strategy are the basis physiological needs of humans integrated into or given substantive priority in the planning process. Neither is minerals management including prospecting, recovery, and reclamation accorded any priority or recognition in the CRM plan.

Nature Conservancy's plan for the Lower Ozarks Biosphere—which MDC supports—states that "alteration of pre-settlement natural processes is stress(ful) to the ecosystem. Management must focus on restoring (presettlement) processes." It becomes evident that "sustainable" refers to curtailing use by society and managing with the objective of returning resources to the lower productivity of pre-settlement days.

It appears that both the government's and the United Nations' pantheistic objective is to control society so as to stabilize nature.

In addition to the threat to private property and resource management posed by BioReserves, the CRM plan and ecosystem management, a further threat arises

from United Nations designation of American lands as "World Heritage Sites." Presently some 18 World Heritage Sites totaling over twenty million acres have been designated in America without Congressional approval.

Proof of the assertion that U.N. designations pose a threat to national sovereignty, private property, and resource management, is indicated by action of the U.N. delegation examining Yellowstone National Park in 1995. This delegation, with government acquiescence, stopped a planned gold mine operation by the Crowne Butte Mine, well outside the Park near Cooke City, Montana.

The U.N. delegation not only stopped the mine but made this "Astounding observation"; "The U.S. as signatory to the World Heritage Convention has a duty to protect the ecosystem OUTSIDE the Park." Yellowstone is both a Biosphere Reserve and a World Heritage Site.

Much of America is clearly at risk.

To protect American sovereignty, private property, and natural resource management for the benefit of humanity, it is imperative that H.R. 883, the American Land Sovereignty Protection Act, become the law of the land.

Thank you for giving one who has practiced productive natural resource management in America for over half a century, a chance to be heard.

Mrs. CHENOWETH. Thank you, Mr. Meyers.

[Applause.]

Mrs. CHENOWETH. And now is the time when we will be asking the witnesses questions and so the Chair recognizes Ms. Emerson.

Ms. EMERSON. Thank you, Chairman Chenoweth.

My question goes to all of you and it is really a rather basic question. And that is, have any of you ever been given a clear, concise definition or explanation of exactly what a biosphere reserve is from any of the Federal or state officials pushing these MAB concepts?

Ms. DENHAM. No.

Ms. EMERSON. Mary, you say no? Richard?

Mr. YANCEY. Not really. You know, the terminology is extremely vague and it speaks in generalities of scientific studies and some management type things and in effect, you know, if you notice, we cannot even seem to get a handle on what the size of these biospheres are. You know, I have heard three different sizes. My map shows the portion that was part of the bioreserve that The Nature Conservancy outlined, and I assume that is a core area. But you know, you do not get anything concrete, nothing definite.

Ms. EMERSON. Mr. Powell.

Mr. POWELL. It was a topic of discussion several times in the Conservation Commission. We never did get into it in depth at all, this was strictly a staff assignment. We never did vote on proceeding with any definite plan whatsoever. As far as the in-depth description of it, I have no knowledge.

Ms. EMERSON. Would it be accurate to call a biosphere a pig in a poke?

[Laughter.]

Ms. EMERSON. Would that be pretty accurate?

Mr. YANCEY. I would agree with that, yes.

Ms. EMERSON. Mr. Yancey, I want to ask you a question. Why do you not talk a little bit about—you refer in your testimony and Mr. Meyers did in his about the correlation between the gold mine near Yellowstone and what could possibly occur to our mining operations here in this district and in the Mark Twain as a result of the MAB designation.

Mr. YANCEY. Well, I think there is a real direct analogy here. You know, when you talk to these people, the non-government or-

ganizations that are behind a lot of this and some of the government organizations, it is a benign program that has no effect, when in fact, in the situation with the New World Mine outside of Yellowstone National Park, it was not benign at all. They stopped that program. That particular project in fact was pretty advanced. It had been drilled out and it was on private property, and it ended up costing the taxpayers of this country—at least so far the last I heard was \$65 million to buy them out because it was already established there was a deposit there.

In addition to that, just as a side note, you know, it was an old mining site there that had been—you know, years ago, they did not know what they were doing, there was no environmental remediation. In the process of developing the mine, that would have been remediated. So now the taxpayers also have an additional bill to clean that up, which the company was going to clean up as part of their mining.

Now as far as how that compares to here, I would say the process is already in effect because, you know, the area that is in question, the mining companies have been stumped in trying to get prospecting permits on government lands in that area and certainly some of the private lands, for example, that The Nature Conservancy controls, you know, there is no access to those lands. And frankly, you know, I see a very clear analogy here that the same thing would happen, and is in fact already happening here in Missouri. And I would also, as a side note too, say that it is just not restricted to the United States. There is a biosphere in Australia where the same situation is occurring. So, you know, if anybody needed any hard facts of what the intentions are here, these are definite things that have happened, not theory.

Ms. EMERSON. Well, let me get something clear here with regard to your statement about \$64 million. Are you saying that the taxpayers paid a Canadian company \$64 million not to mine gold?

Mr. YANCEY. That is exactly right. You know, they had the deposit defined and they are not allowed to mine it. And because the discovery, that will be considered a taking and in fact, what is happening here, you know, just to follow up on that, in Missouri, we're being prevented from exploring, so that there is no chance that we would find a deposit and then if there is a taking, the government would not be obligated to pay the mining industry for that taking. So we are being prevented, kind of a pre-emptive strike here, from being able to explore.

Ms. EMERSON. Mr. Meyers.

Mr. MEYERS. My recollection is on the \$65 million, in order to placate the populous, the Federal Government purchased land at a price of \$65 million elsewhere in Montana and gave the mining rights on that to Crown Butte. Now I may be mistaken.

Ms. EMERSON. I see. Ms. Denham.

Ms. DENHAM. I understand that the mining company was compensated to a certain amount, but certainly not to the value of the property, of the gold.

It was also my understanding that a woman in her eighties was the actual owner of the land and has received no compensation whatsoever.

Ms. EMERSON. Well, apparently the deal did fall through though eventually anyway, to the best of my knowledge.

Ms. DENHAM. It has not been taken?

Ms. EMERSON. Correct, I believe it has fallen through. But let me also make a statement here in response, the fact of the matter is that it is just—there is a continual effort to make it difficult for private property owners to receive compensation for their property and there is a continual effort on the part of government to take over land. It kind of reminds me of when they tried to close down the Mark Twain because of a gnat and we were going to have to close down all of our mining operations because of a gnat. And it also kind of reminds me of—well, many, many government programs, most of which are tremendously burdensome and certainly not in the right spirit as far as our rights are concerned.

I have exceeded my time, Chairman.

Mr. MEYERS. Could I say one thing? We have digressed just a little here on the mining. I think it is imperative for not only this Committee but the people in general to recognize, which the environmental illiterates have not done, that mining has been a boon to forest management in America, because it has substituted other materials for wood including fossil fuels, steel, stone, concrete. And so that there is more timber in America than there ever was, a lot of it can be thanks to the mining industry since 1920.

Mrs. CHENOWETH. Thank you, Mr. Meyers. Thank you, Congressman Emerson.

I do want to thank the panel very much for bringing the issue out about the New World Mine. Indeed, the land deal did fall through, that was correctly stated. But the taxpayers had to pony up \$65 million to the Canadian leasehold interests without paying—as Ms. Denham had mentioned, without paying the actual holder of the patent of the mine anything.

I tried very, very hard to get that \$65 million taken out of Al Gore's administrative budget at the White House.

[Applause.]

Mrs. CHENOWETH. Mary Denham, what does private property rights really mean to you?

Ms. DENHAM. Well, Madam Chairman, I have been a real estate broker and agent for 47 years. It means to me that all the wealth of our nation or anywhere comes from the land, it means that we are all dependent on the natural resources of the land, it means that we have the Constitutional rights that we retain and that we are stated as retained, guaranteed would be reserved, that we have rights in property that if taken has to be compensated by any agency, Federal or state. It means to me that there is a vote on rights, the right to do or not to do, to mine, to forest, to do forestry, to build homes, the partition, to do everything that Americans have taken for granted as their right in property, which is not just absolutely decimated by regulatory control by very abusive state and Federal agencies, and by acts of Congress that I believe were well-intentioned but have been so mishandled by the administration by Executive Orders, by initiatives and by other things and then it dribbled really on down to the Federal agencies and they pass it on down to the state agencies. And it is an upside down situation.

Thank you.

Mrs. CHENOWETH. Thank you.

Mr. Powell, being from Idaho, I have much to learn about Missouri, except I feel very much at home here, it is a wonderful part of our nation, it is very beautiful. But who was Governor of Missouri in 1995 when the Missouri Department of Conservation endorsed the Ozark Biosphere proposal?

Mr. POWELL. That endorsement was to proceed with our planning stage, there was never any formal vote in the Commission itself to adopt the complete program, and of course it was junked before it got to first base, that's what happened. This was something that was conceived by a lot of the different agencies in the state of Missouri and we were cooperating with them in the planning stage, but never any formal adoption of it.

Mrs. CHENOWETH. And who was the Governor then?

Mr. POWELL. John Ashcroft—1995? Did you say 1995?

Mrs. CHENOWETH. Nineteen ninety five.

Mr. POWELL. That is right, Carnahan. I should be a little bit more up on that one for sure.

[Laughter.]

Mrs. CHENOWETH. Tell me, Mr. Powell, did former Governor Carnahan's appointees to the Missouri Conservation Commission support this biosphere reserve proposal?

Mr. POWELL. Yes, they did.

Mrs. CHENOWETH. I want to ask you, I am Chairman of the Forestry Subcommittee in the House and we also are very concerned about the centralized planning process that we now seem to be engaged in, what effect it has had on our forests across the nation. What we have seen is that there is less of a multiple use sustained yield concepts being employed on the ground and in large part because of designations of endangered species habitat and now this new biosphere reserve would be another program for an excuse not to have multiple use sustained yield concepts employed in managing our forests.

How do you see the impact, the long-term impact, on forestry if—and I hope the if is growing smaller, but if the biosphere reserve is proposed as we have heard the concepts proposed today—how would it affect the forests?

Mr. POWELL. Well, I think it would completely shut the Federal forests down, more so than now. They are almost shut down at the present time because of the environmental movement, but I am sure this could probably cap it off and eliminate the usage of that. And of course, that would spread next to the state land and then finally to private lands.

Mrs. CHENOWETH. Testimony I heard before my Committee last month or two months ago testified to the fact that our forests on the Federal lands, especially in the northwest, but also forests all over the nation, in some areas are in a state of near collapse. Many of those forests are forests that have not had on the ground management by humans employed. We have seen a lot of disease and insect infestation and the potential for catastrophic fires is growing. Do you see any of that possibility here in the Mark Twain Forest?

Mr. POWELL. I think it will eventually happen here. Of course, they cut down personnel and the personnel that have been cut from

the Forest Service have been your professional foresters and they have been replaced with biologists and planning teams for recreation and things like that. They are getting out of the timber growing business as far as usage is concerned, and of course what happens with that when the timber gets old and goes down hill, you are going to lose it. And of course that is a major portion of the production of the wood fibers that we need for the whole country. And that has put tremendous pressure on the other parts of the United States and especially the south, and of course that is the reason we are having trouble in Missouri, they are trying to get additional fiber for the market and they have moved up into the state of Missouri to try to get this fiber. And if we want to be able to eliminate that, what we need to do is to put the Forest Service back in business for their original intent, to furnish wood fiber for our nation.

Mrs. CHENOWETH. Thank you.

Ms. DENHAM. I am sorry to interrupt, but may I make a request that I be able to submit additional exhibits to the Committee for inclusion in the record?

Mrs. CHENOWETH. Without objection, so ordered.

Ms. DENHAM. Thank you.

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

Mrs. CHENOWETH. I see that my time is almost up too. I have about five questions here for Mr. Yancey and I will submit those in writing. I also have questions for Mr. Meyers.

I do want to say for Mr. Meyers how grateful I am to you and all the veterans who have fought so valiantly not only in World War II but the subsequent wars, to protect the very freedoms that we stand a chance of losing if we do not stay eternally vigilant. So Mr. Meyers, not only do I thank you from the bottom of my heart for being an effective witness, but for your service to the country. And our service to the country does not end with military service, we must all be servants to the country in fighting a battle that does not have clear battle lines. But certainly if we lose the battle, we will lose our land, our heritage, our godly values and our way of life.

So thank you all very, very much for your wonderful testimony. And with that, this panel is dismissed and the Chair calls Dale Lovett, Pulp and Paperworkers' Resource Council, Wickliffe, Kentucky; Darrell Skiles, Missouri Cattlemen's Association, Salem, Missouri; Leon Kreisler, Missouri Farm Bureau, Salem, Missouri and Carl Barnes, Missouri Forest Products Association and People for the USA, Potosi, Missouri.

I wonder if the panel could please stand and raise your arm to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. The Chair recognizes Dale Lovett for opening testimony.

**STATEMENT OF DALE LOVETT, PULP AND PAPERWORKERS'
RESOURCE COUNCIL, WICKLIFFE, KENTUCKY**

Mr. LOVETT. Thank you, Madam Chairman. I would like to thank you for this opportunity to be here today.

My name is Dale Lovett, I am a 15-year employee at the Westvaco Fine Papers Mill located in Wickliffe, Kentucky. I am also a very proud member of the Paper, Allied Industrial, Chemical and Energy Workers International Union as well as a Special Projects Director for the Pulp and Paper Workers Resource Council which represents over 300,000 workers in the wood products industry.

Today the wood products industry in America is struggling to compete in the world economy. One major reason for this is the ever-increasing restrictions placed on land use, on both public and private land. Job losses are becoming an everyday reality as restrictive forces shut down employers.

With UNESCO's World Heritage Sites and Biosphere Reserve designations coming into play, we will only lose more jobs as this simply adds to the limitations put on our natural resources which we feel are already over-regulated.

In far western Kentucky, where I am from, no local authorities or state officials were consulted prior to the Tennessee Valley Authority/Land Between the Lakes recreation area being selected as a United Nations Biosphere Reserve. After becoming aware of this situation, the Kentucky Senate in 1997 passed a resolution stating its position to not be a part of this program. However, it seems to not matter.

A recent lawsuit was brought against the Tennessee Valley Authority by a special interest group to block a timber sale in the Land Between the Lakes area. This lawsuit stated that because the Land Between the Lakes had been designated as a Biosphere Reserve, the timber sale should not be allowed to go through. This designation simply represents another avenue to use by special interest groups to control public and private land as they so desire. Madam Chairman, the writing is on the wall. These designations can and will be used against us.

As an American worker who understands how natural resources are vital to any type of sound economic base, we can no longer allow foreign nations, who are our competitors in the world marketplace, to influence decisions that puts American workers at a competitive disadvantage whether through UNESCO or any other means. This is totally unacceptable.

In Kentucky, we call this putting the fox in charge of the hen house.

The record is clear from the proposed mine development near Crown Butte, Montana as to what these type of designations can do to eliminate economic opportunity even on private land. Again, the writing is on the wall.

Well-connected special interest groups who know how to use the system can go basically undetected through the maze and web of governmental bureaucracy to advance their cause. When these groups are able to make world heritage sites and biosphere reserve designations become a reality without the support of Federal, state and local governments, then it is time for legislation such as the American Land Sovereignty Protection Act. And sometimes I think they view a lack of opposition in their secret maneuvering the same as support. And that is one way they say they have support, because nobody is opposing them.

No organization or individual should ever have the ability to negotiate or bargain away the power of Congress to make decisions as to the territory or any property that belongs to the United States of America.

It overwhelms me as to the need for legislation such as the American Land Sovereignty Protection Act. Who would ever have thought our nation, the United States of America, would have ever allowed foreign interests to share in the influence upon the very land upon which our nation rests?

It is with great passion that I urge you to support this piece of legislation as it will place the destiny of our great nation back into the hearts and hands of those who truly care for it.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Lovett. The Chair recognizes Darrell Skiles for testimony.

[The prepared statement of Mr. Lovett follows:]

**American Land and Sovereignty Protection Act
H.R. 883**

My name is Dale Lovett. I am a 15-year employee at the Westvaco Fine Papers Mill located in Wickliffe, Kentucky. I am also a proud member of the Paper, Allied-Industrial, Chemical, and Energy Workers International Union, as well as a Special Projects Director for the Pulp and Paper Workers Resource Council which represents over 300,000 workers in the wood products industry.

Today the wood products industry in America is struggling to compete in the world economy. One major reason for this is the ever-increasing restrictions placed on land use, on both public and private land. Job losses are becoming an everyday reality as restrictive forces shut down employers.

With U.N.E.S.C.O.'s (United Nations Scientific Educational and Cultural Organization) World Heritage Sites and Biosphere Reserve Designations coming into play, we will only lose more jobs as this simply adds to the limitations put on our natural resources which we feel are already over regulated.

In far western Kentucky, where I am from, no local authorities or state officials were consulted prior to the Tennessee Valley Authorities/Land Between the Lakes recreation area being selected as a United Nations Biosphere Reserve. After becoming aware of this situation, the Kentucky Senate in 1997 passed a resolution stating its position to not be a part of this program. However, it seems to not matter.

A recent lawsuit was brought against the Tennessee Valley Authority by a special interest group to block a timber sale in the Land Between the Lakes area. This lawsuit stated that because the Land Between the Lakes had been designated as a Biosphere Reserve, the timber sale should not be allowed to go through. This designation simply represents another avenue to use by special interest groups to control public and private land as they so desire.

As an American worker who understands how natural resources are vital to any type of sound economic base, we can no longer allow foreign nations, who are our competitors in the world market, to influence decisions that puts American workers at a competitive disadvantage whether through U.N.E.S.C.O. or any other means.

In Kentucky we call this "Putting the fox in charge of the hen house."

The record is clear from the proposed mine development near Crown Butte, Utah as to what these types of designations can do to eliminate economic opportunity even on private land.

Well-connected, special interest groups who know how to use the system can go basically undetected through the maze and web of governmental bureaucracy to advance their cause. When these groups are able to make world heritage site and biosphere reserve designations become a reality without the support of federal, state, and local governments, then it is time for legislation such as the American Land Sovereignty Protection Act.

No organization or individual should ever have the ability to negotiate or bargain away the power of Congress to make decisions as to the territory or any property that belongs to the United States of America.

It overwhelms me as to the need for legislation such as the American Land Sovereignty Protection Act. Who would ever have thought that our nation "The United States of America" would so eagerly allow foreign interests to share in the influence (maybe interference would be a better word) upon the very land in which our nation rests.

It is with great passion that I urge you to support this piece of legislation. As it will place the destiny of our great nation back into the hearts and hands of those who truly care for it.

Thank you.

Dale Lovett
Special Projects Director at Large
Pulp and Paperworkers Resource Council
270-335-4312

Attachment:

I am a life-long resident of western Kentucky and grew up within five miles of what is now called the Tennessee Valley Authority/Land Between the Lakes Recreation Area near a little town called Aurora.

I remember well when the people who lived between the Tennessee and Cumberland Rivers were forced out of their homes for the creation of this area. And to think that foreign interests through U.N.E.S.C.O. are able to influence the decisions as to how we, as Kentuckians, are able to use this area or how we can use our own land surrounding the Lakes Between the Lakes is dumbfounding.

Knowing that there is enough Biosphere Reserve Areas already designated to equal to size of Colorado compels me to tell my views as to the need for the passage of the American Lands Sovereignty Protection Act.

IN SENATE

1997 EXTRAORDINARY SESSION

SENATE RESOLUTION NO. 35

THURSDAY, MAY 29, 1997

Senators Moore, Bailey, Blevins, Borders, Freeman, Kelly, McGaha, Metcalf, Nunnalley, Philpot, Robinson, Roeding, Julie Rose, Sanders, Seum, Stivers, Tori, Westwood, D. Williams, and G. Williams introduced the following resolution which was ordered to be printed.

A RESOLUTION opposing the Biosphere Reserves designation of the Man and the Biosphere Program and urging that the proposed Biodiversity Treaty not be ratified by the United States.

WHEREAS, the United Nations has promoted a Biosphere Program throughout the world; and

WHEREAS, the Biosphere Program threatens to place millions of acres of land under the control of United Nations via agreements and/or executive orders; and

WHEREAS, the United Nations Cultural, Educational, and Scientific Organization (UNESCO) has created a worldwide system of 328 Biosphere Reserves in 82 nations; and

WHEREAS, 47 United Nations-designated Biosphere Reserves are within the sovereign borders of the United States, and two United Nations-designated Biosphere Reserves are within the Commonwealth of Kentucky; and

WHEREAS, neither the legislature of the Commonwealth of Kentucky nor the Congress of the United States has considered, debated, or approved such designations; and

WHEREAS, such designations require strict land use management procedures as are set forth in the 1994 Strategic Plan for the United States Man and the Biosphere Program, as published by the United States State Department, and further described in the Global Biodiversity Assessment, published by the United Nations Environment Program, expressly for the Conferences of the Parties to the Convention on Biological Diversity; and

WHEREAS, Biosphere Reserves are, by definition, designed to continually expand each of the three zones: core protected zone, buffer zone, and zone of cooperation; and

WHEREAS, Biosphere Reserves are expected to be the nucleus of the system of protected areas required by Article 8 of the Convention on Biological Diversity as expressed in the minutes of the first meeting of the Conference of the Parties; and

WHEREAS, no land owner within reach or potential reach of the Biosphere

Reserves has input or recourse to land use management policies of UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, no body of elected officials, whether local, state, or federal, has input, recourse, or veto power over such land use management policies that may be prescribed by either UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, even though the Convention on Biological Diversity has not been ratified by the United States Senate, the very presence of United Nations Biosphere Reserves on American soil demonstrates the compliance with an international treaty that has not been ratified; and

WHEREAS, the use of land in biosphere areas for ordinary commercial or agriculture purposes may be severely restricted or eliminated; and

WHEREAS, the Mammoth Cave area and the Land Between the Lakes area have already been designated as Biosphere Reserves; and

WHEREAS, none of the current areas included within the Biosphere Program in Kentucky have been included at the request of or with the consent of the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, the General Assembly does not believe that a request from the National Park Service or a tourist and convention service should be adequate to subject land in Kentucky to the control of the United Nations or any other foreign parties; and

WHEREAS, the areas encompassed by these reserves include not only public, but private, lands; and

WHEREAS, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

WHEREAS, the proposed Biodiversity Treaty, if ratified by the United States, would ultimately lead to the reality that Kentuckians could not use their private and public

lands in the manner to which they have been accustomed; and

WHEREAS, there are no proposals either to purchase the private lands by the United States or the United Nations; and

WHEREAS, the restrictions contemplated together with the outside control of the land encompassed by a Biosphere Reserve constitutes an unlawful taking of that land in violation of the Constitution of the United States, to wit:

Article I, Section 8, Clause 17, before any state lands can be purchased, the consent of the state legislature and not the state executive branch, must be obtained.

Article IV, Section 3, Clause 2, we note that, "[N]othing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular state."

Article IV, Section 4, we note that, "The United States shall guarantee to every State in this union a Republican Form of Government."

Amendment V of the Constitution of the United States, "nor [shall any person] be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."; and

WHEREAS, the virtual ceding of these lands to the United Nations leaves the residents who own the land, local governments, and the Commonwealth of Kentucky without any legitimate form for redress of grievances for input into any decision-making process relating to the Biosphere Reserve; and

WHEREAS, under Article VI of the Constitution of the United States, this treaty would be given equal footing with the Constitution of the United States, thus effectively precluding any legal means of redress; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky does not wish to have portions of its land area controlled by foreign minions over which it has no control and who are not subject to its laws;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

1 Section 1. The General Assembly of the Commonwealth of Kentucky is unalterably
2 opposed to the inclusion of any land within the borders of the Commonwealth within the
3 purview of the Biodiversity Treaty or any biodiversity program without the express
4 consent of the General Assembly of the Commonwealth of Kentucky, as provided by the
5 Constitution of the United States and the Constitution of Kentucky.

6 Section 2. The General Assembly urges the members of the Congress of the United
7 States, and especially the Kentucky delegation to the Congress of the United States, to
8 oppose ratification of this treaty and the inclusion of any land within the Commonwealth
9 of Kentucky in any biosphere program of the United Nations.

10 Section 3. The Clerk of the Senate is hereby directed to transmit copies of this
11 Resolution to the Honorable Bill Clinton, President, 1600 Pennsylvania Avenue,
12 Washington, D.C. 20500; the Honorable Madeleine K. Albright, 2201 "C" Street, N.W.,
13 Washington, D.C. 20520; the Honorable Wendell H. Ford, 173A Russell Senate Office
14 Building, Washington, D.C. 20510; the Honorable Mitch McConnell, 361A Russell Senate
15 Office Building, Washington, D.C. 20510; the Honorable Ed Whitfield, 236 Cannon
16 House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 412 Cannon
17 House Office Building, Washington, D.C. 20515; the Honorable Anne Northup, 1004
18 Longworth Office Building, Washington, D.C. 20515; the Honorable Jim Bunning, 2437
19 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Harold Rogers,
20 2468 Rayburn Office Building, Washington, D.C. 20515; and the Honorable Scotty
21 Baesler, 113 Cannon House Office Building, Washington, D.C. 20515.

**STATEMENT OF DARRELL SKILES, MISSOURI CATTLEMEN'S
ASSOCIATION, SALEM, MISSOURI**

Mr. SKILES. Thank you, Madam Chairman. My name is Darrell Skiles, I am a lifelong resident of Salem, Missouri and I would like to say that it is an honor and a privilege to address this Committee on Resources here today. And on behalf of the Missouri Cattlemen's Association we thank you for this opportunity.

Property rights and the freedom to provide a living for our families, with a minimal amount of influence from governmental agencies, is centerpiece to the purpose of the Missouri Cattlemen's Association. Few issues have stirred the emotions of our members more than the recently proposed biosphere reserve programs. And let me say here that considering the previous testimony that has been given here today, much of my presentation will be rather repetitious, but please bear with me.

To discuss the Man in Biosphere program I must refer to the January 1996 Coordinated Resource Management Draft Plan for the Lower Ozark Region which consists of all or a portion of 15 counties in southern Missouri. The Coordinated Resource Management Plan was produced by the Missouri Department of Conservation in cooperation, or collusion, with the Missouri Department of Natural Resources, the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Forest Service and the National Park Service, along with several other non-governmental organizations.

Prior to the release of this draft plan, the Missouri Department of Conservation had held a series of meetings in various locations around the state of Missouri for the purpose of public input. The Cattlemen's Association had a representative in attendance at a number of these meetings and I personally attended the meeting held in Eminence, Missouri.

While I found several of the goals, objectives and/or strategies in this plan objectionable from a private landowner and cattle producer's perspective, the last goal, Goal IX, I found to be the most interesting, and as I learned more about it, by far the most onerous. Goal IX outlined the participating agencies plans to "support the establishment of an Ozark Man and the Biosphere Cooperative in the region and work towards implementation of its goals and objectives." The region being more specifically the Current and Eleven Point River Watershed in Missouri and Buffalo River Watershed in Arkansas, encompassing over 3,200 square miles or more than two million acres of land.

At the CRM meeting that I attended, I do not recall ever hearing mention of any such plan, nor did any of my colleagues at the Cattlemen's Association. It was also very interesting that this Goal IX stated that "a feasibility study for an Ozark Man and the Biosphere Program in the region had documented widespread support for this concept." In visiting with friends, business associates and state and local public officials, I found that there was virtually no one who had even heard of such a program before, much less supported it. I made an inquiry on January 18 of 1996 to the Missouri Department of Conservation and received some interesting information from Kelly McGrath, Missouri Department of Conservation Policy Analyst.

This information showed me that a Feasibility Study Report to the Ozark Man and the Biosphere Steering Committee had been prepared in September of 1991. I learned from this report that a biosphere reserve essentially consists of three areas of land. A core area that is strictly managed to preserve its natural resource values; a buffer zone or area of managed use which would surround the core area; and third, the land surrounding the managed use area would be called the area of transition, where human settlements, farms, industries, et cetera are allowed. Ms. McGrath further stated that the agencies and entities included in this agreement would actually own and control both the core area and the area of managed use.

It appears that several of our state and Federal agencies and a select few private organizations had a grand scheme, or scam, for massive land control and/or takeover.

I also learned that in the course of interviewing residents of this region for this feasibility study, that the interviewer chose to discuss concepts rather than describe in detail the actual program, due to concerns that people might "overreact to another government program." The concepts discussed, it appeared, did not mention anything about a consortium of state and Federal agencies and particular organizations collectively owning and controlling more land than they already possess, which just in Shannon County alone adds up to over 300,000 acres.

This study also revealed that the Man and Biosphere program is in fact a United Nations sponsored program. After the January 1996 release of the CRM Draft Plan for the Lower Ozark Region, many citizens began to raise serious questions and concerns about various parts of this plan. By far, the vehement objections were those pertaining to Goal IX and its Ozark Man and the Biosphere concept.

Consequently, the Missouri Cattlemen's Association at its February 11 '96 annual meeting overwhelmingly approved a resolution opposing the Ozark Man and the Biosphere concept.

Madam Chairman, Ms. Emerson, it is more than a little disconcerting to realize that our state and Federal agencies, without the public's knowledge, had been working on implementing this United Nations sponsored scheme for over six years. Frankly, this leaves us worrying about what they are doing or contemplating doing now without our knowledge and at the urging of the United Nations or some other outside interest.

These plans and programs are seemingly without the necessary oversight and approval of the United States Congress. As a result, I would like to offer the support of the Missouri Cattlemen's Association for passage of H.R. 883, The American Land Sovereignty Act. Both I and the cattlemen of Missouri thank you for this opportunity to support H.R. 883 and I will be happy to answer any questions.

Mrs. CHENOWETH. Thank you, Mr. Skiles. The Chair recognizes Leon Kreisler for testimony.

[The prepared statement of Mr. Skiles follows:]

STATEMENT OF DARRELL SKILES, MISSOURI CATTLEMEN'S ASSOCIATION, SALEM,
MISSOURI

My name is Darrell Skiles, I am a lifelong resident of Dent County Missouri. I would like to say that it is an honor and a privilege to address this Committee on Resources here today. On behalf of the Missouri Cattlemen's Association we thank you for this opportunity.

The Missouri Cattlemen's Association (MCA) represents Missouri's largest segment of the agriculture industry. The Missouri beef industry provides a \$6 billion impact to the Missouri economy. Our property taxes and business supporting expenditures provide the economic base that supports many of Missouri's schools and local economies.

Property rights and the freedom to provide a living for our families, with a minimal amount of influence from governmental agencies, is centerpiece to the purpose of the Missouri Cattlemen's Association. Few issues have stirred the emotions of our members more than the recently proposed Biosphere programs. These programs seem contrary to the fabric that built this nation and this state.

To discuss the Man in Biosphere program I must first refer to the January 1996 Coordinated Resource Management Draft Plan for the Lower Ozark Region which consist of all or part of fifteen counties in southern Missouri. The Coordinated Resource Management Plan (CRM) was produced by the Missouri Department of Conservation (MDC); in cooperation with the Missouri Department of Natural Resources (MDNR), Natural Resource Conservation Service (NRCS), U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, U.S. Forest Service and the National Park Service.

CRM is described in this plan as "a voluntary program to get government agencies and citizens working together to plan for the long-term health of Missouri's natural resources." Prior to the release of this draft plan, MDC held a series of meetings in various locations around the state of Missouri for the purpose of public input. MCA had a representative in attendance at a number of these meetings and I personally attended the meeting held in Eminence, Missouri.

While I found several of the goals, objectives and/or strategies in this plan objectionable from a private landowner and cattle producer's perspective, the last goal, GOAL IX I found to be the most interesting, and as I learned more about it by far the most onerous. GOAL IX outlined the participating agency plans to "support the establishment of an Ozark Man and the Biosphere Cooperative in the region and work towards implementation of its goals and objectives." The region being more specifically the Current and Eleven Point river watershed in Missouri and Buffalo River watershed in Arkansas, encompassing some 3,200 square miles or more than two million acres of land.

At the CRM meeting that I attended I do not recall ever hearing mention of any such plan, nor did any of my colleagues at MCA. It was also very interesting that this GOAL IX stated "a feasibility study for an 'Ozark Man and the Biosphere' program in the region documented widespread support for the concept." In visiting with friends, business associates, and state and local public officials I found that there was virtually no one who had even heard of such a program before, much less supported it. I made an inquiry on January 18, 1996 to MDC and received some interesting information from Kelly McGrath, MDC Policy Analyst.

This information showed me that a Feasibility Study Report to the Ozark Man and the Biosphere Steering Committee had been prepared in September 1991. I learned from this report that a biosphere reserve essentially consists of three areas of land. A "core area" that is strictly managed to preserve its natural resource values; a "buffer zone" or "area of managed use" would surround the "core area"; and the land surrounding the "managed use area" is called the "area of transition," where human settlements, farms, industry, etc. are allowed. Ms. McGrath stated that the agencies and entities included in the cooperative agreement would actually own and control both the "core area" and the "area of managed use."

It appears that several of our state and Federal agencies and a select few private organizations had a grand scheme—or maybe scam—for massive land control and/or takeover.

I also learned that in the course of interviewing residents of this region for this feasibility study that the interviewer chose to discuss "*concepts*" rather than describe in detail the "*actual program*" due to concerns that people might "*overreact to another government program.*" The "*concepts*" discussed it appears did not mention anything about a consortium of state, Federal agencies and particular organizations collectively owning and controlling more land than they already possess, which in Shannon County alone adds up to nearly 300,000 acres.

This study also revealed that the Man and Biosphere program is in fact; a United Nations sponsored program. After the January 1996 release of the CRM Draft Plan for the Lower Ozark Region many citizens began to raise serious questions and concerns about various parts of this plan. By far, the most vehement objections were those pertaining to GOAL IX and its "Ozark Man and the Biosphere" concept.

The MCA membership, at its February 1996 Annual meeting, overwhelmingly approved a resolution opposing the "Ozark Man and the Biosphere" concept. It is more than a little disconcerting to realize that our state and Federal agencies, without the public's knowledge, had been working on implementing this United Nations sponsored scheme for over six years. Frankly this leaves us worrying about what they are doing or contemplating doing now without our knowledge at the urging of the United Nations or some other outside interest.

These plans and programs are seemingly without the necessary oversight and approval of the United States Congress. As a result, I would like to offer the support of the Missouri Cattlemen's Association for passage of H.R. 863, The American Land Sovereignty Act. My written testimony includes the references, notes and documents I have discussed with you today. Both I, and the cattlemen of Missouri thank you for this opportunity to support H.R. 863. I would be happy to answer any questions.

U.S. HOUSE OF REPRESENTATIVES

Committee on Resources

H.B. 883

American Land Sovereignty Act

Field Hearing

Rolla, Missouri

Saturday, May 1, 1999

Testimony of Darrell Skiles

Policy Committee Chair

Missouri Cattlemen's Association

First I would like to say that it is an honor and a privilege to address this Committee on Resources here today and on behalf of the Missouri Cattlemen's Association we thank you for this opportunity.

The Missouri Cattlemen's Association (MCA) represents Missouri's largest segment of the agriculture industry. Nearly 70,000 people producing more than two million head of cattle each year derive some, if not all, of their living from the production of beef. The Missouri beef industry provides a 6 billion-dollar impact to the Missouri economy. Missouri cattlemen and cattlemen, collectively, are among the largest holders of property in Missouri. Our property taxes and business supporting expenditures provide the economic base that supports many of Missouri's schools and local economies.

Property rights and the freedom to provide a living for our families, with a minimal amount of influence from governmental agencies, is centerpiece to the purpose of the MCA. Few issues have stirred the emotions of our members more than the recently proposed Biosphere programs. These programs seem contrary to the fabric that built this nation and this state. Private property currently supports the majority of Missouri's wildlife. Deer, turkey and a variety of other species of animals have made terrific population strides thanks to the feed, forage and habitat provided them by private landowners.

To discuss the Man in Biosphere program I must first refer to the January 1996 Coordinated Resource Management Draft Plan for the Lower Ozark Region which consist of all or part of fifteen counties in southern Missouri. The Coordinated Resource Management Plan (CRM) was produced by the Missouri Department of Conservation (MDC); in cooperation with the Missouri Department of Natural Resources (MDNR), Natural Resource Conservation Service (NRCS), U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, U.S. Forest Service and the National Park Service.

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Considering the combined size of the Current, Eleven Point and Buffalo River watersheds, it appears that several of our state and federal agencies and a select few private organizations had a grand scheme- or maybe a scam- for massive land control and/or takeover.

I also learned that in the course of interviewing residents of this region for this feasibility study that the interviewer chose to discuss "concepts" rather than describe in detail the "actual program" due to concerns that people might "overreact to another government program". The "concepts" discussed it appears

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These plans and programs are seemingly without the necessary oversight and approval of the United States Congress. As a result, I would like to offer the support of the Missouri Cattlemen's Association for passage of H.R. 833, *The American Land Sovereignty Act*, and again I and the cattlemen of Missouri thank you for this opportunity.

Coordinated Resource Management in the Lower Ozark Region Draft Plan
January 1996

Executive Summary

WHAT IS CRM?

Coordinated Resource Management (CRM) is a voluntary program to get government agencies and citizens working together to plan for the long-term health of Missouri's natural resources. It's a process to:

- Conserve healthy ecosystems, and if appropriate, restore those that are disappearing or are in short supply;
- Maintain and create opportunities for outdoor recreation, education and interpretation; and
- Sustain production of natural resource commodities consistent with Missouri's economy, lifestyles and traditions.

WHY DO WE NEED CRM?

The diversity of Missouri's plants and animals plays an important role in sustaining our natural environment and good human living conditions. To maintain this diversity, particularly as demands on our natural resources grow, the need to coordinate our management efforts increases, while ensuring public input into the process. CRM influences resources on a large scale through both public and private natural resource programs.

WHO ARE THE PARTICIPANTS?

Along with the citizens of Missouri, the following natural resources agencies are signatory participants in the CRM effort: Missouri Department of Conservation, Missouri Department of Natural Resources, Natural Resources Conservation Service, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, U.S. Forest Service and the National Park Service. Other agencies and organizations involved in the CRM process include: University of Missouri Extension, The Nature Conservancy, The Prairie Foundation, Environmental Protection Agency, Bureau of Land Management and Missouri Farm Bureau. Descriptions and mandates of each respective agency participating in the CRM process can be found in Appendix IV.

WHAT IS THE SCOPE OF CRM?

The parameters of this plan are established largely by the mandates and missions of the natural resource agencies directly involved in CRM. Specifically, this plan addresses the living natural resources of our state, and the human uses of those living resources. Living resources include four broad native biological systems, along with rare, endangered and threatened species. The biological systems identified in this plan are: aquatic ecosystems,

*Coordinated Resource Management Plan - Lower Ozark Region - January 1996**Natural Resource Conservation and Use***GOAL IX: INTEGRATE AND BALANCE THE CONSERVATION OF THE REGION'S NATIVE SPECIES AND NATURAL COMMUNITIES WITH THEIR SUSTAINABLE USE AND ENJOYMENT.**Background.

The ultimate success of CRM will depend on the ability of stakeholders in the region to truly balance conservation of natural resources with human use and enjoyment. While the previous goals address individual biological, recreational, educational and economic aspects of CRM's mission, it will require a concerted effort to integrate activities across these goals. Programs and partnerships, such as the U.S. Man and the Biosphere Program, or local efforts like the Scenic Rivers Watershed Partnership, are interdisciplinary programs which encourage people with a wide variety of values to work together toward common goals.

The U.S. Man and the Biosphere Program concept has been used to develop a proposal for an Ozark Man and the Biosphere Cooperative centered largely on the Current and Eleven Point watersheds in this region (and the Buffalo River Watershed in Arkansas). Developed by a wide variety of public and private agencies and organizations, the proposal outlines strategies for approaching sustainable development and conservation in the region. The Nature Conservancy has established an office in Van Buren, Missouri, in order to better manage its Lower Ozark properties; to support local community-based initiatives that promote compatible and sustainable economic development; and to establish educational and research-based programs with local schools and civic organizations.

The Scenic Rivers Watershed Partnership is a citizen-based initiative which supports the cooperation of citizens, local governments and state and federal agencies in developing plans for the conservation and use of the aquatic resources of the Current, Jacks Fork and Eleven Point watersheds.

The Missouri Natural Areas Program is an inter-agency effort to identify and designate Natural Areas in Missouri. The goal of the Missouri Natural Areas System is to recognize and manage the best, most pristine examples of Missouri's natural communities. With a total of 69 terrestrial and 14 aquatic natural community types occurring regionwide, protection of Natural Areas is paramount. Missouri's Natural Areas act not only as reservoirs of native plants and animals, but also as areas for baseline research and demonstration of the structure, composition and processes of native ecosystems. The Lower Ozark Region contains many outstanding Natural Areas (see Appendix II: Natural Areas). In order to represent and demonstrate the value of the full array of natural communities in the region, additional inventory, designation and management of areas are necessary.

These and other similar programs will help ensure the integration and implementation of CRM goals at the local level.

*Coordinated Resource Management Plan - Lower Ozark Region - January 1996**Natural Resource Conservation and Use*Missouri Opinions and Expectations.

Missourians foster the notion of balancing use with conservation of natural resources. The balance was recognized at Lower Ozark public workshops as one of the top ten issues facing the region. The success of the Scenic Riverways Watershed Partnership is testament to the effectiveness of such initiatives. In addition, a feasibility study for an Ozark Man and The Biosphere program in the region documented widespread support for the concept (see Appendix III: Public Profile).

Potential Threats.

Balancing conservation and sustainable development is a complex task. Often stakeholders with very divergent values will have to come together and reach consensus on the highest and best use of the region's resources. The greatest hindrance to the success of such an effort is the lack of opportunities for communication and the development of common goals. By fostering programs which increase communication and consensus building, a greater possibility for success will emerge. The following objectives and strategies were developed with these issues in mind.

CRM OBJECTIVES FOR GOAL IX:

Objective IX.1. Foster and support the development and operation of programs and partnerships which integrate resource conservation and sustainable use in the region.

Strategies:

- A. Support the establishment of an Ozark Man and the Biosphere (OMAB) Cooperative in the region and work towards implementation of its goals and objectives.
- B. Coordinate and integrate the efforts of The Nature Conservancy's Lower Ozark project with OMAB and other local initiatives.
- C. Continue and improve support for the Scenic Riverways Watershed Partnership and similar regional cooperatives.
- D. Continue to develop relationships with local Resource Conservation and Development committees and local governments to develop and coordinate mutually beneficial activities.

Objective IX.2. Develop a wide variety of demonstration areas and projects which illustrate the value and management of native ecosystems, natural communities, sustainable natural resource extraction (eg. timber harvest, natural forage) and sustainable local economies.

**Feasibility Study for an
Ozark Man and the Biosphere Cooperative**

Report to the OZARK MAN AND THE BIOSPHERE
STEERING COMMITTEE

Prepared by JUDY FAULKNER and JOHN WHITE
ECOLOGICAL SERVICES

↓
904 South Anderson Street
Urbana, IL 61801

SEPTEMBER 1991

Feasibility study for an Ozark Man and the Biosphere Cooperative
September 1991

CHAPTER 2

BIOSPHERE RESERVE ZONES AND FUNCTIONS

Biosphere Reserve Zones

Biosphere reserves are comprised of three zones, which are based on the land's environmental sensitivity, uses, and degree of protection. These zones are not official or regulatory in nature; they simply classify a biosphere reserve but they do not regulate its use. The zoning classification is *descriptive* rather than *prescriptive*: that is, the zones describe conditions and activities on the land, but the zones do not prescribe how the land should be used. The three zones are:

- Core area
- Area of managed use
- Transition area

These zones are illustrated in Figure 2, and their characteristics are outlined on the facing page.

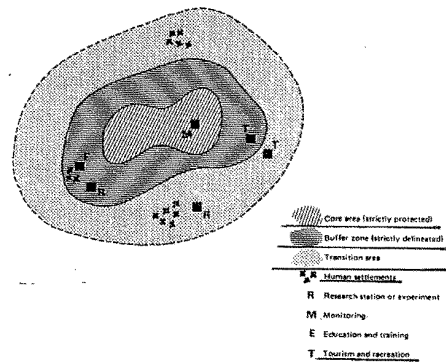


Figure 2. *Schematic zonation of a biosphere reserve* (from Batisse, 1986). The *buffer zone* in this figure is termed the *area of managed use* by the Ozark MAB Steering Committee. See the footnote on page 16 for a discussion of terminology.

Danell. I included this page to explain 1-18-76
 why certain agencies & entities were included in the
 cooperative agreement - the core area below would be
strictly managed & protected to preserve its natural resource
values. This would be an up-front commitment on
 Samuels part - and of the agencies & others willing to
 do that, who became cooperators. Lands in the middle
section "area of managed use" would be managed to
conserve natural resources, but would also be used
for recreation, demonstration areas, timber harvest etc.
These would also be owned by cooperators. The outer
 land type - the transition area - would be everything
else - towns, industry, farmland etc. where programs
and management would be strictly voluntary.
 So the cooperators (signing the formal agreement) were
 agencies & entities willing to agree up front - to support
 MAB by "putting their land where their mouth was"
 and managing their lands accordingly.

Note attached to Feasibility study for an Ozark Man and
 the Biosphere Cooperative. September 1991. Note sent
 from Kelly McGarath, Policy Analyst, Mo. Department
 of Conservation, dated Jan. 18, 1996

*Feasibility Study for an Ozark Man and the Biosphere Cooperative
September 1991*

CHAPTER 12

ATTITUDES TOWARD CONCEPTS
EMBODIED IN THE MAB PROGRAM

During the personal interview sessions, the interviewer began by discussing the concepts embodied in the Man and the Biosphere Program rather than describing the actual program at the outset (see pages 42 and 128). The Ozark MAB Steering Committee felt that this would produce a clearer picture of the feasibility of a regional MAB cooperative program because people would not be overreacting to another "government program."⁴

As each interview progressed, the interviewer assessed the probable impacts of describing the actual MAB program after the concepts were discussed, and she sometimes decided to discuss the Man and the Biosphere Program by name. This approach seemed to work well. Table 3 (on the following three pages) shows the attitude of the interviewee and whether or not MAB was explained.

Almost none of the interviewees disagreed with the concepts of a regional MAB cooperative program—in particular, government agencies coordinating and communicating with each other and with the public to identify and solve environmental and economic problems in the region. The public welcomed the prospect of being able to air differences as well as to work on consensus issues.

In about half the interviews, the MAB concepts were translated into the "government program" entitled "Man and the Biosphere" (these people are indicated with a yes in the far right column of Table 3). For the other interviews, the name of the program in which the concepts are embodied was not described.

As a whole, leaders from the farming community were skeptical. They were fearful that any cooperation would lead to the government regulating their profession. Some planners also were dubious that any action—beyond a report—would come from the program. If the only outcome would be a report, then the project would be a waste of time.

A number of people said, "It can't hurt anything, so why not try it?" Others were mildly to enthusiastically supportive. Some were optimistic that *this would* help solve the region's problems. Many wished to be identified as persons willing to help or be part of a future MAB committee.

⁴ This concern is not unique to the Ozarks. George Francis (1988) described the difficulties encountered in Canada in presenting the complex MAB program in terms readily acceptable to local people.

*Feasibility Study for an Ozark Man and the Biosphere Cooperative
September 1991*

How could the agencies for which I am working help the people of the county improve their economy, especially as it relates to the land? [At this point the interviewees give ideas, and they often complain about what they *do not* like about the agencies; they point out how they wish the agencies would operate differently.]

Do the people of the county think the . . . [I mention an agency by name] does a good job? Do the people have a high regard for the agency? Is there good cooperation and communication between the people and the agency? What could be done to improve the relationship?

Do you think it would be helpful to have a committee of agencies and citizens that meet to try to improve communication and work on projects? Local people, county commissioners, and others could be a part of the committee.

Do you have any environmental problems in your county? What do you think should be done about them? Is there any way in which the organizations I mentioned can help with these problems? Do you have any natural areas or threatened or endangered species in your county?

These agencies would like to set up a structure for working cooperatively with local people to solve economic and environmental problems. Do you think this is a good idea? Would you be willing to be a part of such a committee or help in some way? In what way could you help?

The group of agencies has found a structure within which this citizen/agency committee could function. The structure is part of a program called Man and the Biosphere. Let me tell you a little about this program and see what you think of it. MAB is a UNESCO program, so it is international in scope. There are MAB programs in foreign countries as well as the U.S. Examples include Land between the Lakes, Mammoth Cave, and the Southern Appalachians. The MAB program is not regulatory; it is completely cooperative in nature. MAB does not come in and try to tell people what to do. The program works with local people.

Places selected for the MAB program are usually rural areas where the people make their living primarily from the land. They are places with a high quality environment. They are places where people have a strong cultural background and a strong sense of place.

The MAB committee would work on specific projects that accomplish something concrete such as . . . [I describe some projects, e.g.: using sawdust waste to make fuel pellets]. Do you think this would be a good approach to try? Do you think it would work? What suggestions do you have for making it work? What projects would you want to see addressed?

If you could have anything you want for your county, what would it be? [The interviewee often says, "One thing—that's hard to decide!"] Well, okay, pick two things. Pretend that there are no obstacles or limitations. Pretend that anything is possible. What is your wish list?

Biography

Darrell W. Skiles

Route 1, Box 226
Salem, MO 65560
573-729-7239 phone
573-729-7395 fax

Family

Married: Marianne Skiles (18 years)
Children: Gabrielle Skiles (8 years)

Self Employed:

Owner, Skiles Farms, Dent County, Missouri, fourth generation family farm consisting of cattle and hay.

Education:

Graduate of Salem H.S. 1976

Organizational/ Community Involvement:

Dent Phelps School Board of Directors, Member (1993 to Present)
Dent County Missouri Farm Bureau, Director (1998 to Present)
Dent County Cattlemen's Association Director (1990 to Present)
Dent County Livestock Education Association Board (1992 to Present)
Dent County Beef Performance Association (1993 to 1999)
Missouri Cattlemen's Association Director (1992 to 1996)
Missouri Cattlemen's Association, Policy Chairman (1999)

**STATEMENT OF LEON KREISLER, MISSOURI FARM BUREAU,
SALEM, MISSOURI**

Mr. KREISLER. Thank you, Madam Chairman and Congressman Emerson. I would like to welcome you to Rolla and to our great state of Missouri.

My name is Leon Kreisler and I raise cattle on a farm near Salem, Missouri which is approximately 25 miles southeast of here. I am representing the Missouri Farm Bureau, the state's largest general farm organization. I am a past President of the Dent County Farm Bureau and currently serve on the Farm Bureau's Natural Resource and Environment Committee.

It is indeed an honor to speak to you today about issues that strike at the very heart of landowners across the country. Whether we are discussing biosphere reserves, heritage corridors, rails-to-trails, local ordinances and even timber management, the protection of property rights remains one of the nation's fundamental principles. Today, it is all too common for landowners' rights to be called into question by individuals, organizations and officials with a long agenda, big pocketbooks, little common sense and no land. For this reason, I commend Congressman Young—

[Applause.]

Mr. KREISLER. [continuing] and the cosponsors of H.R. 883, the American Land Sovereignty Protection Act, for leading efforts to solidify protections that are currently in question.

First, in 1997, the Missouri Farm Bureau and several other groups learned of plans to nominate a portion of the Lower Ozarks as a Biosphere Reserve under the Man and the Biosphere Program. As more information became available, questions arose about the purpose, scope and implications of the nomination. Several public meetings were held in the Ozarks and speakers familiar with biosphere reserves in other regions were featured. It was not long before many landowners expressed a very legitimate concern about the Lower Ozark's nomination. Ultimately, the Missouri Farm Bureau opposed the proposal by adopting the following policy: "We are opposed to any effort in which the control or management of land or natural resources of the United States is relinquished or diminished in any way by treaty or other means to the United Nations or any other foreign body. This applies to activities such as biosphere reserves or others that have been proposed by local, state, Federal or international agencies or organizations."

Specifically, we are concerned that Man and the Biosphere Program operates without legislative authorization from Congress, yet puts landowners in a position of abiding to international land use designations. And we remain concerned about the process in which sites are nominated—a process that must ensure input and consensus from all affected parties.

Throughout this process, it was especially disturbing to note the level of distrust which landowners have for government, some would say "a devil behind every tree." But, despite the rhetoric spewed from environmental zealots, this distrust stems from past actions and policy. In Missouri, landowners' distrust of government relative to property rights can be traced to several initiatives.

In 1989, Missouri landowners were dealt a severe blow in court as the Federal Government prevailed in a lawsuit that created a

recreational trail on an abandoned rail line. Landowner rights were ignored as the courts determined that easements granted to the railroad did not revert back to the landowner upon cessation of rail service but could be transferred to the state for an entirely different purpose with no compensation to landowners. The Kay Trail has not been developed, however, the wounds for many landowners will never heal. We are pleased that a class action lawsuit is pending in which the affected landowners could receive some level of compensation for their loss.

In 1990, Missourians soundly defeated a measure that would have altered production agriculture by severely restricting the rights of farmers and ranchers. Fortunately, most people saw the Natural Streams Act for what it was and it was defeated soundly. Despite this legacy, the environmental community soon found a suitable replacement in the form of a program entitled Coordinated Resource Management. While the stated purpose of agencies working together toward common regional goals was laudable, landowners viewed the program as a threat to property rights.

In Clay County, some 200 miles northwest of Rolla, officials now require a special use permit for agricultural production. In this area, urban sprawl has resulted in rezoning of agricultural land to residential, commercial and even industrial. As farming becomes an island in the sea of development, producers are being forced to obtain permits to continue earning a living.

And as we speak, the Governor's Committee on Chip Mills is studying issues associated with timber management in Missouri. The Committee's work will not be completed until late this year, however, their discussion has included regulation of not only public land but privately-owned land as well.

Madam Chairman and Congressman Emerson, we feel strongly about property rights, not because we share a common desire to abuse our natural resources, but because landowners are best-suited to ensure productivity for our families and those of future generations. The good intentions of many public officials and environmentalists are nothing but a front for more regulation. The Ozarks are a natural wonder and we intend to keep it that way, but national or international designations involving more bureaucracy and regulation are not the answer. Rather, we should continue to focus on the proven combination of voluntary—and I stress voluntary—incentive-based programs, technical assistance and education.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Kreisler. The Chair recognizes Mr. Carl Barnes for Missouri Forest Products Association and People for the USA, for testimony.

[The prepared statement of Mr. Kreisler follows:]

STATEMENT OF LEON KREISLER, MEMBER, MISSOURI FARM BUREAU

Mr. Chairman and members of the Committee, I welcome you to Rolla and the great state of Missouri. My name is Leon Kreisler and I raise cattle in Salem, about 25 miles south of Rolla. I am representing Missouri Farm Bureau, the state's largest general farm organization. I am a past President of Dent County Farm Bureau and currently serve on Farm Bureau's Natural Resource and Environment Committee.

It is indeed an honor to speak with you today about issues that strike at the very heart of landowners across the country. Whether we are discussing biosphere reserves, heritage corridors, rails-to-trails, local ordinances, and even timber manage-

ment, the protection of property rights remains one of the nation's fundamental principals. Today, it is all too common for landowners' rights to be called into question by individuals, organizations and officials with a long agenda, big pocketbooks, little common sense and no land. For this reason, I commend Congressman Young and the cosponsors of H.R. 883, the American Land Sovereignty Protection Act, for leading efforts to solidify protections that are currently in question.

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Specifically, we are concerned the Man and the Biosphere Program operates without legislative authorization from Congress yet puts landowners in a position of abiding to international land use designations. And we remain concerned about the process in which sites are nominated—a process that must ensure input and consensus from all affected parties.

Throughout this process, it was especially disturbing to note the level of distrust which landowners have for government, a "devil behind every tree" as some would say. But, despite the rhetoric spewed from environmental zealots, this distrust stems from past actions and policy. In Missouri, landowners' distrust of government relative to property rights can be traced to several initiatives.

In 1989, Missouri landowners were dealt a severe blow in court as the Federal Government prevailed in a lawsuit that created a recreational trail on an abandoned rail line. Landowner rights were ignored as the courts determined that easements granted to the railroad did not revert back to the landowner upon cessation of rail service but could be transferred to the state for an entirely different purpose with no compensation to landowners. The Katy Trail has now been developed, however the wounds for many landowners will never heal. We are pleased that a class-action lawsuit is pending in which the affected landowners could receive some level of compensation for their loss.

In 1990, Missourians soundly defeated a measure that would have altered production agriculture by severely restricting the rights of farmers and ranchers. Fortunately, most people saw the Natural Streams Act for what it was and it was defeated soundly. Despite this legacy, the environmental community soon found a suitable replacement in the form of a program entitled Coordinated Resource Management (CRM). While the stated purpose of agencies working together toward common regional goals was laudable, landowners viewed the program as a threat to property rights.

In Clay County, some 200 miles northwest of Rolla, officials now require a "Special Use" permit for agricultural production. In this area, urban sprawl has resulted in rezoning of agricultural land to residential, commercial and even industrial. As farming becomes an island in the sea of development, producers are being forced to obtain permits to continue earning a living.

And as we speak, the Governor's Committee on Chip Mills is studying issues associated with timber management in Missouri. The Committee's work will not be completed until late this year, however their discussion has included regulation of not only public land but privately-owned land as well.

Mr. Chairman, members of the Committee, we feel strongly about property rights not because we share a common desire to abuse our natural resources but because landowners are best-suited to ensure productivity for our families and those of future generations. The good intentions of many public officials and environmentalists are nothing but a front for more regulation. The Ozarks are a natural wonder and we intend to keep it that way, but national or international designations involving more bureaucracy and regulation are not the answer. Rather, we should continue to focus on the proven combination of voluntary, incentive-based programs, technical assistance and education.

STATEMENT OF CARL BARNES, MISSOURI FOREST PRODUCTS ASSOCIATION AND PEOPLE FOR THE USA, POTOSI, MISSOURI

Mr. BARNES. Madam Chairman, Ms. Emerson, three years ago, Missourians first became aware of efforts to plan and potentially control public and private property. The Coordinated Resource Management planning process that you have heard so much about today was a project led by our state Conservation Department that involved multiple state and Federal agencies and a number of non-governmental organizations. Central to CRM was a goal to implement a "Ozark Man and the Biosphere Cooperative in the region."

The first draft CRM plan issued, again as we have all heard many times today, in January of 1996, caused me and many other citizens to try to understand the implications of the CRM initiative. In April 1996, many of us communicated our opinions to the Conservation Department in response to their request for public comment on the CRM plan.

Before reviewing my conclusions regarding CRM and Man and the Biosphere type initiatives, let me address one other reaction to CRM. CRM led to a number of conspiracy theories. Conspiracy theories were fanned by the involvement first of Federal agencies and then even more by CRM's connections to the United Nations and various NGOs.

I believe conspiracy theories distract us from the important issues, for the following reasons:

First, conspiracy theories are unnecessary. We need to guard our rights regardless of whether they are being threatened by well-meaning but misguided people or by a plot hatched by Al Gore colluding with the United Nations.

Second, conspiracy theories infer guilt on a broad group of people. Yet we know, at least at the grass roots level, that many well-meaning people unwittingly support extreme environmentalism.

And third, conspiracy theories give way too much credit to the people accused of implementing them.

The January 1996 issuance of the CRM plan led to substantial analysis and review on my part. I concluded that CRM and the Man and the Biosphere type programs suffer from the following deficiencies:

First, concrete and quantifiable benefits are not available. For example, the CRM draft plan included only soft strategies to accomplish its goal including, "to research," "become knowledgeable," "foster," "work with," "develop information," and so on. Nowhere did it discuss specific benefits associated with these strategies.

Second, specific costs also were not addressed. Since neither costs nor benefits are analyzed, there was no cost justification for these programs.

Third, these programs and the assumptions underlying them were and are not based on sound, objective and non-political science.

Fourth, there is no evidence that programs like these will work. These proposals involve massive efforts with no confidence that they can actually achieve anything, and they are

to be implemented only on a large scale. Proposals for these programs are very short on specifics, either because the people behind them do not know the specifics or do not want to disclose the specifics. For either reason, the lack of specifics is most troubling.

Five, there is no analysis of the effect of these programs on our overall economy. Based on the limited specifics about how the programs would work, the economic consequences could be devastating.

Six, these programs are bad public policy. While today's intent may be not to regulate property, these programs put in place mechanisms that easily could lead to increased government control of private and public lands. The CRM, for example, listed farming and mining as "potential threats" to outdoor recreation and ecosystem health. The risk is too great that biosphere reserve type programs, like programs such as the Endangered Species Act and Clean Water Acts will escape the control of their creators and take on an ever-growing life of their own.

And seven, the selective inclusion of non-governmental organizations in the planning process increases further skepticism regarding the objectives and objectivity of these programs. The lack of legislative involvement, either Congressional or state, raises serious concerns about a lack of accountability by elected officials. As we have heard, the New World Mine project in Montana illustrated this when the U.N. declared it a "World Heritage Site in Danger," thereby blocking the development of a mine. There are real concerns about giving up our rights and compromising our sovereignty.

Man and the Biosphere, Global Biodiversity Treaty, Wildlands Projects and Coordinated Resource Management type programs reflect bad public policy, bad science and bad economics. They appear to be solutions looking for problems. I, therefore, support strongly H.R. 883.

Thank you.

[The prepared statement of Mr. Barnes follows:]

Testimony of Carl B. Barnes (5/1/1999)

Three years ago Missourians first became aware of efforts to plan and potentially control public and private property. The Coordinated Resource Management Planning process (CRM) was a project led by our state Conservation Department that involved multiple state and federal agencies and a number of non-governmental organizations (NGOs). Central to CRM was implementing an "Ozark Man and the Biosphere (OMAB) Cooperative in the region."

The first draft CRM plan, issued in January 1996, caused me (and many other citizens) to try to understand the implications of the CRM initiative. In April 1996, many of us communicated our opinions to the Conservation Department in response to their request for public comment on the CRM plan.

Before reviewing my conclusions regarding CRM (and Man and the Biosphere initiatives), let me address one other reaction to CRM. CRM led to a number of conspiracy theories. Conspiracy theories were fanned by the involvement first of federal agencies and then even more by CRM's connections to the United Nations and various NGOs. The material from which diabolical conspiracy theories could be created was prevalent throughout CRM.

I believe conspiracy theories distract us from the important issues, for the following reasons:

1. Conspiracy theories are unnecessary. We need to guard our rights regardless of whether they are being threatened by well-meaning but misguided people or by a plot hatched by Al Gore colluding with the United Nations.
2. Conspiracy theories infer guilt on a broad group of people. Yet we know, at least at the grass roots level, that many well-meaning people unwittingly support extreme environmentalism. On its face, for example, CRM strategies to "support the establishment of an OMAB Cooperative in the region and work towards implementation of its goals and objectives" can sound most appealing to someone who reads it casually without taking into account the scientific, economic and constitutional implications of the statement.
3. Conspiracy theories give way too much credit to the people accused of implementing them. To accuse the Missouri Department of Conservation staff of somehow being involved in, or even of knowing about, secret and undetected black helicopters, for example, stretches beyond comprehension my understanding of their capabilities.

The January 1996 issuance of the CRM plan led to substantial analysis and review on my part. I concluded that the CRM and the Man and the Biosphere type programs suffer from the following deficiencies:

1. Concrete and quantifiable benefits are not available. The CRM draft included only soft strategies to accomplish its goals, including for example to "research," "become knowledgeable," "foster," "work with," "develop information," and so on. No where did it discuss specific benefits associated with these strategies.
2. Specific costs also are not addressed. Since neither costs nor benefits are analyzed, there is no cost justification for these programs.
3. These programs and the assumptions underlying them are not based on sound, objective and non-political science.
4. There is no evidence that programs like these will work. These proposals involve massive efforts with no confidence that they can actually achieve anything, and they are to be implemented only on a large scale. Across the board, proposals for these programs are very

short on specifics, either because people behind them don't know the specifics or don't want to disclose the specifics. For either reason, the lack of specifics is most troubling.

5. There is no analysis of the effect of these programs on our overall economy. Based on the limited specifics about how the programs would work, the economic consequences could be devastating.
6. These programs are bad public policy. While today's intent may be not to regulate property, these programs put in place mechanisms that easily could lead to increased government control of private (and public) lands. The CRM, for example, listed farming and mining as "potential threats" to outdoor recreation and ecosystem health. The risk is too great that bioserve type programs, like programs such as the endangered species and clean water acts, will escape the control of their creators and take on an evergrowing life of their own. These programs also could provide assistance to extremists on all sides in litigating environmental issues.
7. The selective inclusion of non-governmental organizations (in which I also lump the United Nations) in the planning process increases further skepticism regarding the objectives and objectivity of these programs. The lack of legislative involvement (Congress or state legislatures) raises serious concerns about the lack of accountability by elected officials. One concern is that elected officials and local citizens can loose control of their land when a transjurisdictional committee, such as a "watershed committee" or other authority is created with the legal power to oversee land use. The New World Mine project in Montana illustrated this when the U.N. declared it a World Heritage Sight in Danger thereby blocking the development of a mine. In my mind, there are real concerns about giving up our rights and compromising our sovereignty.

Man and the Biosphere, Global Biodiversity Treaty, and Coordinated Resource Management programs reflect bad public policy, bad science and bad economics. They appear to be solutions looking for problems. They would be expensive, of problematic effectiveness and dangerous. I therefore support strongly H.R.883.

Attached to this testimony is People for the USA's position paper on the Biodiversity Treaty.

People for the USA

BIODIVERSITY TREATY

BACKGROUND

The perception of irreversible damage to the world's ecosystems has prompted a call from major environmental groups for a worldwide solution to environmental problems. To some Green activists in this country, the solution is zoned corridors from Mexico to Hudson Bay that would allow wildlife unobstructed passage.

At the United Nations' Earth Summit in Rio de Janeiro in May 1992, the international community drafted a Biodiversity Treaty, which 98 countries adopted. The United States refused to sign it under the Bush Administration, maintaining that the treaty left too many critical issues undefined. Under the Clinton Administration, however, the Treaty was signed, with little fanfare, in July 1993. But the Treaty needs the approval of the U.S. Senate, and has languished ever since in the Senate Foreign Relations Committee.

The Treaty itself is 30 pages of loosely-worded statements of principles. The Global Biodiversity Assessment (GBA), which defines what form the binding agreement would take, is several thousands of pages long, and presents biodiversity as a "public good" to be achieved and maintained at all costs.

The Treaty has raised a host of troubling questions that would not be answered until after implementing protocols are written -- and this would not occur until AFTER the Senate has ratified the Treaty. Furthermore, the Treaty has no provisions for additional Senate review once the protocol is written -- in effect, the Senate is being asked to sign a blank check. The draft enabling protocol is to be written by nongovernmental organizations, mainly Green groups. Among many other things, provisions of the Treaty will undermine the protection afforded by patent laws to the domestic biotechnology industry -- protections that provide the principal incentive for industry to invest in product research and development. Major portions of the Treaty mandate that the signatory nations facilitate the transfer of technology among themselves and, particularly, from developed nations to less developed nations.

The essence of the GBA is a logistics scheme for organizing world society into "bioregions" to be administered under a mixture of central or local government and nongovernmental organizations (Green groups) who will be given legal standing and formidable oversight powers to participate at all levels of governance in policing the Treaty. The plan calls for representative areas of all major ecosystems in a region to be reserved in blocks of up to 25 million acres each. It is expected to be patterned after the Wildlands Project that is being promoted in the U.S.

One of the authors of the Wildlands Project defines "core reserves" as wilderness areas needed to allow biodiversity to flourish, where human activity is prohibited: "It is estimated that large carnivores and ungulates require reserves on the scale of 2.5 to 25 million acres...For a minimum viable population of 1,000 (large mammals), the figures would be 242 million acres for grizzly bears, 200 million acres for wolverines, and 100 million acres for wolves. Core reserves should be managed as roadless areas. All roads should be permanently closed." Corridors are defined as "extensions of reserves...Multiple corridors interconnecting a network of core reserves provide functional redundancy and mitigate against disturbance...Corridors several miles wide are needed if the objective is to maintain resident populations of large carnivores." Buffer zones around the core reserve areas and their interlinking corridors should have two or more zones "so that a gradation of use intensity exists from the core reserve to the developed landscape."

By some calculations, this plan would require that at least half the land area of the 48 connecting states be encompassed in core reserves and inner corridor zones. In 1994, the Wildlands Project identified 38 areas in the Western U.S. where minor road closures would create large roadless areas of more than a million acres. In total, these areas make up more than 75 million acres. Wildlands Project documents identify 35 different environmental groups as members of the project; members have been very active in litigating the shut down of livestock grazing, mining and timber activities throughout the West.

PEOPLE FOR THE USA POSITION

People for the USA is opposed to the Biodiversity Treaty.

Biodiversity is difficult to define and even harder to measure. *People for the USA* believes, as many scientists do, that the draconian approach of the current Biodiversity Treaty is based more on a well-funded political agenda than on science. The Treaty is a threat to national sovereignty. International land designations would be created with minimal, if any, Congressional input or oversight -- meaning the U.N. would be setting policy for land use in the U.S. without input from those we elect to Washington, D.C. to represent our interests.

The Treaty crosses the line from environmental protection to social engineering. Global Greens who developed the GBA envision not only a complete redesign and reallocation of land and resources worldwide, but a rewriting of the law and a refocusing of every conceivable aspect of human culture within the framework of nature worship. The June 25, 1993 issue of *Science* magazine calls it "nothing less than the transformation of America to an archipelago of human-inhabited islands surrounded by natural areas." The Treaty as written has the potential to return land to a feudal system with control in the hands of only a few. Private property rights would be destroyed, along with much of our U.S. Constitution.

No one argues the value of biodiversity, but a U.N. Endangered Species Act that carves up bioreerves by putting humans off the land and into population centers is not a viable option -- it is doubtful the American public would ever accept such a drastic proposal.

We believe biodiversity can be enhanced through the use of sound natural resource management techniques. In the process of finding the best way to manage our natural resources, we must balance the uncertainties of the emerging science of biodiversity with the need to protect the lives and culture of those who depend on natural resources for their livelihood, as well as protecting property rights and the general public's standard of living.

Sources: January 1996 Monetary & Economic Review: "Biodiversity Treaty - Blueprint for the Green War" by Associate Editor Marilyn Brannan; June 25, 1993 Science magazine: "Biodiversity and Biotechnology" by Dan L. Burk, Kenneth Barovsky, and Gladys H. Monroy; "Explanation of Wildlands Project and Biodiversity Treaty" by Dr. Michael Coffman of the Main Conservation Rights Institute; and "Ecosystem Management and the Convention on Biodiversity" by Tom McDonnell, American Sheep Industry Association.

Reviewed 1/98

Mrs. CHENOWETH. Thank you, Mr. Barnes. And I want to thank this panel for your outstanding testimony.

The Chair recognizes Congressman Emerson for questions.

Ms. EMERSON. Thank you.

Let me ask all of you, and I know, Mr. Barnes, you just indicated that you had never been given anything that is very concise, but I want to go back and ask the question I asked the last panel and that is have any of you ever received a clear, concise explanation about what a biosphere reserve is, from any Federal or state agency pushing this whole concept?

Mr. BARNES. No.

Mr. KREISLER. No.

Mr. SKILES. No, nothing clear and concise.

Mr. LOVETT. No.

Ms. EMERSON. Well, I guess that ought to tell us something, they are trying to pull the wool over our eyes.

For everybody, what is your perception or what is in your mind the difference between a United Nations Biosphere Reserve and a United States Biosphere Reserve?

Mr. SKILES. From everything I have been able to read about the two, I cannot make any distinction, difference in them at all really, they seem to be one and the same. Frankly I see very little difference.

Ms. EMERSON. How about the rest of you all?

Mr. LOVETT. I think they meet the same goals and objectives and evidently they are working right along hand in hand. It seems to be one and the same.

Ms. EMERSON. Mr. Kreisler.

Mr. KREISLER. They appear to be the same to me also.

Mr. BARNES. I believe either we have not had enough information to tell that there is a difference or there is not a difference.

Ms. EMERSON. Okay, I appreciate that.

And this can go to all of you as well, I think the first argument I got into on the House floor with one of my colleagues—actually it was one of my colleagues from California who thinks this idea about World Heritage Sites and Biosphere Reserves is the cat's meow, if you will, and thinks it is a great idea. And he, along with other people have said, you know, JoAnn, this is ridiculous, you are worried about nothing. The fact of the matter is that having this designation is going to increase tourism because of this international recognition and it is going to give you all more jobs.

Now I would like to know what your comments are about that. Do you think that this designation will increase tourism because of some international recognition?

Mr. LOVETT. I would like to respond to that. I am not willing for your colleague to give up my job, which I make good wages and I have benefits, I can send my kids to school without a government grant or a loan—I do not want a part time \$10,000 a year job working in the tourist industry as a guide. You can tell him for my part, no, thank you.

Ms. EMERSON. Do you know how to meditate?

[Laughter.]

Mr. LOVETT. I may have to learn.

Ms. EMERSON. I think so.

Mr. SKILES. Well, it appears to me that if the people in California want more tourism, then the desire for that should come from the people themselves and they should initiate the programs to get more tourism into their area themselves. I am always a little skeptical when a representative of the government comes to me and says I know you did not invite me here, but I am here to help you.

Ms. EMERSON. You should be skeptical.

[Laughter.]

Mr. SKILES. But along that line, it occurs to me that just a few years ago, a couple or three or four years ago perhaps, the Missouri Department of Health issued a warning that the Current and Jack's Forks River on the day following the heaviest canoeing weekend, that those rivers were unsafe and unfit for human use due to human fecal coliform bacteria in those rivers. Now that was not put there because of farming activities or logging activities, that was there from tourism. So I think there is a real question how much tourism can the area withstand before—

[Laughter.]

Ms. EMERSON. I am very familiar with the same findings. It is a shame that the national news media does not print those findings, I suppose.

Mr. Kreisler.

Mr. KREISLER. The only thing I might say is I do not see how they create areas with no human involvement, how that is going to increase tourism.

Ms. EMERSON. Mr. Barnes.

Mr. BARNES. Well, I would like to see hard evidence of that somewhere else, but I also believe that it is offensive for someone in California or Washington to tell us what we should be doing with our space.

Ms. EMERSON. How true.

[Applause.]

Ms. EMERSON. Madam Chairman, I am going to go off on the green light, thank you all.

Mrs. CHENOWETH. Thank you, Congressman Emerson.

I wanted to ask Mr. Barnes, I understand that you have in your other life worked for Price Waterhouse.

Mr. BARNES. That is correct.

Mrs. CHENOWETH. Well, then you can probably give me an opinion on this. What would be the impact on the private citizen for mispending government funds? For instance, if they were given funds to put down on a home, like a veteran or through Farmers Home Administration or whatever, they took the money and they spent it for something else, what would be the legal impact?

Mr. BARNES. I am not a lawyer, but I think the consequences could be very drastic in terms of that person being prosecuted for that misuse.

Mrs. CHENOWETH. Well, is it a stretch of the imagination to wonder how agents of the Federal Government who have never had money appropriated for this particular program are authorizing legislation for a particular program such as this or the American Heritage Rivers initiative, should not as individuals, they also need to stand accountable for the way they spend the taxpayers' money?

Mr. BARNES. I would certainly think so. Appropriations carry with them the purpose for which the funds can be spent. And I think in most cases, they are relatively specific about that.

Mrs. CHENOWETH. Very interesting. I think it is something that we need to carefully consider, not only in the political area, but the legal area.

I also find it interesting that the New World Mine, private property seizing, the government viewed it—the Canadian leasehold interests, the government viewed it as a taking and therefore, reimbursed the Canadian leasehold interests \$65 million. Do you feel that establishes a precedent here in America—another precedent for the government compensating under a taking situation?

Mr. BARNES. Well, I think what happened with regard to that mine, they set a number of bad precedents and I am not really an expert on the takings clause, but I think it was a horrible misuse of Federal power.

Mrs. CHENOWETH. It was a horrible misuse of international power that was assumed and the taxpayers had to pay for it. I think that we all agree that we would far rather have our land to live on and work on and sustain our livelihood from.

I thank you, Mr. Barnes, for your fine answers and thoughtful answers.

Dale Lovett, you know my friend Jerry Clem from Lewiston?

Mr. LOVETT. Very well.

Mrs. CHENOWETH. I really appreciate the good work that your organization does.

Mr. LOVETT. Thank you.

Mrs. CHENOWETH. It has been quite outstanding and quite effective in not only representing your membership, but effective on public policy, especially with regard to these land use issues, and I just encourage you to keep up the good work.

Mr. LOVETT. You can count on it.

Mrs. CHENOWETH. I want to ask you how will the Biosphere Reserve designations affect your job as a papermaker and also continuing the line of questioning that I pursued with the last panel, how will it affect the future of the forest and the forest health.

Mr. LOVETT. Well, Madam Chairman, I just see it as another nail in the coffin for our industry. We have lost thousands of jobs in the last few years due to government regulation specifically, as you are aware of, in the Pacific Northwest area. These designations are just even more pressure on our industry, on our farmers and on our miners. The people who have a vested interest in the property and do use it wisely, they are just actually restricting us from being the true environmentalists, is the way I see it.

It is ironic that they think the environmental groups like Sierra Club paint themselves a picture that they are the true caretakers of the environment. Well, I do not know of any projects that they have that are using the labor that we are involved in, putting the trees back into the land, making sure we do not have erosion problems and that kind of thing. I could go on and on, but I just see it having a devastating effect on our industry for lack of fiber supply.

Mrs. CHENOWETH. Very interesting, your answer. I find it fascinating that the paperworkers who work in the mill and also are

loggers will find themselves on the weekend going back into the forests for recreation, they love it and their love of the land is patently obvious.

Mr. Kreisler, you stated that today it is all too common for land-owners' rights to be called into question by individuals, organizations, officials "with a long agenda, big pocketbooks, little common sense and no land." I agree with you very much, but I note that the enemies of private property have really perverted our language and have begun to redefine those commonly held values in their new definitions.

But as John Adams said, it is very interesting, but he said that this government, this form of government will work only if we have a moral people, and only if we have a framework that can protect and enforce the right of private ownership.

Tell me how generally you believe this particular program would affect farm production and our ability to compete in the world market under NAFTA/GATT and the WPO.

Mr. KREISLER. I do not know if I understand your question completely, but if you are talking about the biosphere reserve occurring in this area, even though I might not be in this no human area, what it will do, it will drive out a lot of producers. It may not be me, but it will make it much harder for my suppliers to stay in business because they have lost customers, not only machinery dealers, auction places. Then that would make me go farther for services and make my expenses go up. And the world trade is where most of the market is and that would drive out low cost producers in an area like Missouri, and therefore, I think it would be harder for American cattlemen to compete in the world market.

Mrs. CHENOWETH. Mr. Skiles, would you like to add to that comment?

Mr. SKILES. Yes, I would. Just in the Lower Ozark region alone, in which this biosphere reserve was proposed, this area produces over one million tons of hay a year, there are nearly a million head of cattle in that area. So this area is not like it is devoid of agriculture right now, it is a major agricultural area as well.

There are a couple of main points about this biosphere reserve designation though and the literature that we have read associated with that, that I want to comment on. One of those was the fact that in the information about biosphere reserves and in the Coordinated Resource Management plan, we see fescue being related to or being alluded to as an exotic, alien or invasive species in the same sentence with the thistle. Now Missouri is second only to Texas in the number of cows in this state and that is pretty significant. The beef industry in Missouri is a \$6 billion a year industry. There seemed to be a concern through the biosphere reserve literature and in the CRM plan that fescue needed to be gotten rid of and I can assure you that the economy in Missouri will suffer drastically if something happens to fescue, that it starts dying tomorrow.

The other thing in this thing that really concerned us was that throughout the biosphere reserve literature, they mention the re-introduction of threatened or endangered species. And I know I do not have to remind you the lands that these introduced species will take up residence on would most likely then fall under additional

restrictive regulation. And you know, if these things happen, then basically people are going to have to throw their arms up and forget it.

Mrs. CHENOWETH. I thank you very much for your testimony and your comments. The Endangered Species Act is something that we must deal with; however, with this White House, we know that if we send in a new endangered species reform act, that it would be promptly vetoed.

I have learned since I have been here in Missouri, that you are having to work around the gnat and a bat and various other things. I find that down in the southeastern states they have the red-cockaded woodpecker that is now, because of its breeding habitat, it is now altering take off and landing patterns from various Air Force bases. And I find it hard to understand that a bird that beats its head all day long on a log for food can be upset with a plane flying overhead.

[Laughter.]

Mrs. CHENOWETH. But that is the mentality that we have to deal with.

Ms. EMERSON. Madam Chairman, would you yield just for a moment?

Mrs. CHENOWETH. I will yield.

Ms. EMERSON. I would like you to know that we also have a problem with two black bears. Since we are talking about humorous stories, I might add that in trying to four-lane highway 60 across the state, we ran into a big problem with two black bears and we needed to—in building the highway, in constructing and designing it, we had to accommodate those two black bears, so that they might be able to mate in an upright position.

And I apologize, you all in the audience who might think that that is something that I should not mention in public, but the fact that we would be paying—you know, the taxpayers would be asked to pay \$15 more million than you would have had to otherwise, so that these black bears could walk up right under a road, I think is an outrageous invasion of our privacy, and stealing taxpayer money from us. But this is the mentality of those with whom we deal on a daily basis.

Mrs. CHENOWETH. It is a crazy mentality, and thanks for adding that to the record.

[Laughter.]

Mrs. CHENOWETH. I enjoyed it very much. It is really unbelievable.

I would like to thank this panel very much for your valuable testimony and for your work on this issue and for taking time off on this beautiful Saturday to join us and contribute to the record.

I will now excuse the panel and I would like to call the following seven people, who have signed up here to speak at our open mike session for one minute. We will accept testimony from them for one minute. So if the following seven people could please come up: Joe Cooke, Bill Jud, David Bright, Ray Hicks, Marge Welch, Frank Floyd and Junior Williams.

[Pause.]

Mrs. CHENOWETH. The hearing will come to order, please. And I wonder if the next witnesses would raise your hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you and you will be welcomed for testimony for one minute. If you have written testimony and you would like to submit it to the record, you have 10 working days to do so. And now we will hear from Joe Cooke.

STATEMENT OF JOE COOKE

Mr. COOKE. Thank you very much, I appreciate this privilege to be able to speak.

This is more or less extemporaneous because I just wrote it down when I came in. But there are some points that I think ought to be made because I do not think people are aware of it.

There was an individual who was running for the office of President, he said he wanted to reinvent government and boy, he has done it. And the point we miss is this—we ask the question what happened to Congress, he told Congress that he did not care whether they approved the biodiversity treaty—this was Al Gore, whose cohort on the approval of the Kyoto Protocol said they did not need the Senate. This is where government got reinvented. They would run it through the agencies and through the NGOs and Congress, as far as I am concerned, could just go, they do not need them except maybe to appropriate money.

And the people are still appalled at why Congress has not done anything. I know it is an embarrassing thing and I do not mean to embarrass you all, because we appreciate you being here, we feel greatly honored that you are here. Now I will look at my notes.

[Laughter.]

Mr. COOKE. Basically, they have shifted the power. The power was to be divided into legislative, executive and judicial. And all they have done now is run it through the executive.

I would like to make one other point, and it has been made by this Committee. A lot of times we overlook the greatest power that we have. It is in the county courthouses, it is in the land use committees, it is in the people. And I have been preaching this for a long time. The people hold the power, the people hold the land, the people pay the taxes. And no foreign international group has the right to come into this country and tell us what to do in the United States of America. As long as that red, white and blue flag flies, we are safe, but if we ever have to pull it down for the blue and white rag of the U.N.; no. They want to send our people to Kosovo; no. This is it, pure and simple.

I might get wound up. I think I have said enough. But it is in the county courthouses, it is in the county government.

I talked to a man yesterday and I told him, I said you know, you are the most powerful man in the United States in Oregon County. I was talking to the Sheriff. I appreciate your bill.

I think I will yield, I think I have spent more than a minute.

[The prepared statement of Mr. Cooke follows:]

STATEMENT OF JOE COOKE, ALTON, MISSOURI

Government is power! Power is vital for the control and continuous exercise of authority over the persons, places, and things within certain established boundaries. How that power is controlled is the difference between freedom and bondage. Our great nation was founded on the basis that life, liberty, and prosperity are God-given rights, and government, by the consent of the governed, was to protect these

unalienable rights. Out of these principles was born the oldest living Constitution in the world resulting in the oldest and most successful government and prosperous nation on earth. Who would want, and why would anyone want, to “reinvent” our system of government? Enemies! Wouldn’t it be necessary to change or amend our Constitution?

Today our present administration provides the answers. The pieces for reinvention are being put into place without the consent of Congress or the people. Our entire governmental process is now being run and controlled solely by the administrative branch of the United States Government by the use of executive orders, presidential directives, mandates, regulations, and by and through agencies and special interest groups (particularly environmental). These nongovernmental groups, NGO’s, are not only financed by our tax dollars but they also enjoy diplomatic immunity via executive order.

Treaties, which have a profound effect upon the lives and sovereignty of this nation, are blatantly carried out without proper ratification of the United States Senate—specifically Biosphere Reserves, World Heritage sites, and RAMSAR designations under United Nations Educational, Scientific, and Cultural Organization (UNESCO). Americans fought and died for this land. Let not their blood and sacrifices be cursed by allowing any foreign power jurisdiction over United States’ soil.

It is imperative that H.R. 883 and S. 510 be passed with a large enough majority to override a veto. America is the hope of the world—the single greatest hope to save us from the grip and domination of multi-national corporations, international bankers, and globalist elite. Some believe it is too late to be saved from the socialist new world order. Christians know otherwise. Pagans can always be defeated when a nation turns to God.

Mrs. CHENOWETH. Thank you, Mr. Cook and you are absolutely right.

[Applause.]

Mrs. CHENOWETH. I would like to urge all of you from the various counties to realize that your county land use plans can have as much or more power than the Federal plans but you must get organized on that basis. And if you need help, I know of a few people who can come in and help you organize and put together a very effective county plan so you can maintain your counties in the kind of land use that you know historically works not only for the production of the land, but also for the welfare of the people.

And now, Bill Jud. You will notice that your lights will be signaling you, Bill. Thank you.

STATEMENT OF BILL JUD

Mr. JUD. I am the Vice President of the Annapolis, Missouri Chapter of People for the USA and I would just like to quote out of Article II, section 1 of the U.S. Constitution. It says, talking about the President, “Before he enters on the execution of his office, he shall take the following oath: I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.”

I maintain that none of this would be necessary if Clinton, Gore, et al actually honored their oath of office. They do not, they daily dishonor their oath of office and that is what got us into this problem.

When this biosphere reserve thing started, my contribution to the defense was that I wrote a number of newspaper articles, had them published all over southern Missouri, and what I did was basically get a hold of the Wildlands Project, get a hold of Agenda 21, the Convention on Biological Diversity, the President’s Council on Sustainable Development, and all of this material and simply presented the material in these documents to the people in southern

Missouri. And of course, I caught a lot of flack over this because people were saying geez, black helicopters, this guy is a radical, we have got to watch out for him.

Well, none of this was my ideas, what I was doing was taking the material presented by the United Nations, people like the Park Service, people like the Sierra Club, Audubon, et al, and simply made this available to the public. If the people thought that these were radical and unAmerican, unconstitutional ideas, I agreed with them, but they were not my ideas, they were the ideas of the people who were proposing these things.

Mrs. CHENOWETH. Well said, well said.

Mr. JUD. Thank you.

Mrs. CHENOWETH. Thank you very much, Mr. Jud.

[Applause.]

Mrs. CHENOWETH. The Chair recognizes David Bright.

STATEMENT OF DAVID BRIGHT

Mr. BRIGHT. My name is David Bright and I am from Newton County, Arkansas and I just really want to thank you for coming. I was able to testify on American River Heritage initiative that you chaired in Washington and this one, H.R. 883 is even closer to my heart. I live half a mile from what would have been a core area on this biosphere and I grew up in a community that is totally gone now because of the Buffalo National River. They condemned land and moved my neighbors out.

But I want to thank you for being here and I want to thank Representative Emerson for having you here.

One good thing that come out of this, I knew most of the people that testified here. I was one of those people that really thought Washington was looking out for me and I did not pay much attention to what they were doing before I found out about a biosphere, which I did not think could happen in America. And when I found out it not only could but was fixing to happen to me, I talked to a lot of communities around here and met a lot of these people. And I know some Karen and Bud Fallons and some Burt Smiths because of it and it has been a real experience for me.

And of course we are always talking to the same group, you are here because you know that. And those that are home do not know it and you cannot seem to tell them about it. But it is worth the effort to try, we need to be involved in this government if it is going to be our government.

Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you very much.

[Applause.]

Mrs. CHENOWETH. I just wanted you to know that you mentioned two people who are very near and dear to my heart, they are real great people.

Marge Welch, you are recognized for your testimony.

STATEMENT OF MARGE WELCH

Ms. WELCH. Madam Chairman, Representative Emerson, I am Marge Welch, field director for People for the USA. I want to thank you all for bringing this official Congressional hearing to Missouri to hear testimony from the people.

I speak today on behalf of our 26,000 national membership along with our 51 affiliate groups, combined membership of 250,000 members. We stand in strong support of H.R. 883. It will help protect the multiple use principles of the public lands and private property rights.

We deeply appreciate Congressman Young's introduction of the bill and your cosponsorship. Thank you very much. We are committed toward working toward getting this bill on through the Senate. I think we will probably need a veto proof majority, but we will be working on that. We have to return oversight of land management decisions to you, the U.S. Congress, our elected officials.

We have the greatest form of government in the world, our forefathers paid dearly for that—our representative form of democracy. These U.N. designations place that precious principle in jeopardy. H.R. 883 will help protect that and put agencies back within their Constitutional boundaries. There are no Constitutional boundaries for the U.N. committee. They are not even mentioned in our Constitution.

We will keep our watch also on the back door implementation that could be possible through agency rules and regulations and we will bring those to you also at another time.

Thank you very much.

[Applause.]

Mrs. CHENOWETH. Thank you, Marge.

Mr. Ray Hicks.

STATEMENT OF RAY HICKS

Mr. HICKS. Madam Chairman and Congressman Emerson, it is a pleasure to have you here in Rolla, it really is.

I am a landowner in Phelps County, I own about two-thirds of an acre of ground, I like to garden. And I also work for a local radio station here in a number of different contexts.

What bothers me is not so much the effect that something like we have been talking about here might have on my two-thirds of an acre of ground, but just what is happening in our state, what is happening across the country.

I think Mr. Barnes a little while ago made reference to conspiracy theories. I have told people about nothing more than this biosphere reserve idea as it has been put forth, and get accused of being a conspiracy theorist. So I guess it depends on how you define that. I think Mr. Lovett and Mr. Skiles hit upon something really crucial in all this, is that these entities that are trying to put this stuff forward, when they hear no response, they take it as a positive response. And that is very dangerous. I do not know why the mainstream media does not pay more attention to things like heritage sites, biosphere reserves. I will tell people that I see that, you know, it is not the people that own the property that have the say over their property in a situation like this, it is some foreign body, and they find it hard to believe.

I think it is incumbent on everybody here to tell your relatives, tell your friends, your next door neighbors, the people you work with about this stuff that is going on. If the mainstream media will not spread the word, let us spread the word, we have got to get it out.

Thank you very much.

[Applause.]

Mrs. CHENOWETH. Thank you, Mr. Hicks.

Mr. Frank. And I wonder if before you start your testimony, you could state your full name for the record, it will make it easier on the court reporter.

STATEMENT OF FRANK FLOYD

Mr. FLOYD. It is Frank Floyd. I would like to thank you, Madam Chairman and Congressman Emerson, for having this hearing.

Madam Chairman, I have often wanted to thank you for your work on property rights and other Constitution rights, trying to protect them. I never ever thought of having a chance to thank you personally, but I am going to take this chance and thank you. Thank you.

A lot of people are saying what they are. Well, I am a common person, the kind you just call common as dirt. I always said if the government would leave me alone, I would sure leave it alone.

[Laughter.]

Mr. FLOYD. But when this biosphere came in, my brother came and told me about it and I thought that was completely crazy, but he finally talked me into going to a meeting at Berryville, and when I got through I was convinced and I decided the government was not going to leave me alone.

Since we do not have much time here, I am going to skip to some things that happened today, just one thing. The feasibility studies that they have to have to get these biospheres in, I noticed the ones they were giving in Missouri seemed to be identical to the one they had in Arkansas for our Ozark Highlands Man and the Biosphere program. And I just wonder if they are rubber stamping these or really doing several different studies.

Mrs. CHENOWETH. Is that a question you are posing for the Committee?

Mr. FLOYD. Well, I wondered.

Mrs. CHENOWETH. They are; yes, these programs are—no part of the country is being left untouched.

Mr. FLOYD. Well, I would like, since my time has about run, I would just like to make some kind of statement that of course I support H.R. 883 and I supported it last time the same bill came up, and I appreciate your support of it.

And I would like to say this biosphere, the Biosphere program considering how government programs tend to be is pretty scary, because you know, they are kind of like the creeping crud, they always get bigger and nastier.

[Laughter and applause.]

Mr. FLOYD. I have got some more to say, but my red light is on, so I need to thank you.

Mrs. CHENOWETH. I wish I did not have that light, I would love to hear more that you would say. Thank you, Mr. Floyd.

Mr. Williams, would you state your entire name for the record, in the mic.

STATEMENT OF JUNIOR WILLIAMS

Mr. WILLIAMS. I am Junior Williams from Alton, Missouri. I am Vice President of Ozark Hills and Rivers Landowners Association and I like the looks of this Committee a lot better than the last Congressional Committee I testified before. It was Mr. Seiberling from Ohio was chairing it and it was about the wilderness in Oregon County and we even brought to their attention that it did not qualify under their own rules and he said we will make it qualify and he was not very nice about the way he said it. And they did make it qualify, we have got a wilderness area even though we held it up for 10 years.

What I would like to say is these so-called environmentalists who want to manage our land, they are not really environmentalists, they do not know how to manage the land and if they did, they would not want to set it aside. Management is more than just setting it aside and leaving it alone, it is using it wisely, and that is what they fail to see. They want to set it aside. Eleven Point River is a good example, Irish Wilderness is a good example. There is nothing no good for anybody.

These agencies, U.S. Forest Service, and all these people appear to be any more just the tools of environmental groups, they are no longer servant to the people. And that is a sad situation.

These environmentalists, I do not believe will ever rest until they rule every inch of land in the United States under their control in one manner or the other. They will use any excuse that they can to get it.

Recently I was just elected to a local school board and this stuff is getting into our schools with our tax dollars and they are starting to teach our kids this kind of stuff that is unscientific and unbiased other than just by their emotional hype and their own personal viewpoints. We hope to start turning some of that back.

Thank you.

[Applause.]

Mrs. CHENOWETH. Thank you, Mr. Williams.

Mr. Alford, would you please state your full name for the record.

STATEMENT OF SCOTT ALFORD

Mr. ALFORD. My name is Scott Alford. I live here in Phelps County. My family, we farm out south of town. I am a transplant. We came into Missouri because you do have a beautiful state here—and we have it too. And, we are on the farm because we love the country, and there is nobody that is going to take better care of the country and of the environment, than farmers who love it.

With that in mind a couple of statements and then a question I hope that I can pose to you. First off, this is not an issue of economics. I appreciate the economic concerns that a lot of people have had here: the cattlemen, the forestry industry, the mining industry ... This is not a concern just of economics, it is also a concern about freedom. Our Constitution guarantees us the right to own land and to be justly compensated for it if there is a public need—not a U.N. need, but a public need—to have that land taken away. And in the 10th Amendment as well, we also talk about that any rights that are not specifically granted to the Federal Government are reserved for the states and the people. And as Marge

Welch said just a few minutes ago, it does not say anything about those rights going or going to the Federal Government—or to the U.N. especially—it says to the people. That is a Constitutional right.

My question by the way ... Several people in the audience asked this, and that is why I came down: this bill, H.R. 883, is it going to indeed take away the current designations of World Heritage Sites and other U.N. sites, Biosphere Reserves ... that are currently out there? Is that going to take those away?

Mrs. CHENOWETH. They would be taken away if Congress did not approve of them within two years.

Mr. ALFORD. Then it has my full support. Thank you very much.

Mrs. CHENOWETH. You are welcome.

[Applause.]

Mrs. CHENOWETH. You know, I sat here and listened to the testimony with absolute amazement and great respect. The fact is the testimony was given in five minutes and sometimes in one minute segments and there was more common sense and more wisdom in what I heard today than quite often I hear inside the beltway.

[Applause.]

Mrs. CHENOWETH. You know, the politicians like to go on and on and on, they are quite inebriated with the exuberance of their own verbosity.

[Laughter.]

Mrs. CHENOWETH. And that is why we have a lot of the trouble that we have. But I would like to encourage not only those of you who testified and demonstrate such wisdom and such common sense and such vision for the future and such love for our American way of live, urge you to not think your tour of duty is over, but consider running for public office, consider being part of those who will help bring what your future in this state will be.

I want to again thank Congressman Emerson for inviting the Committee in here and thank her staff for all of the good work that has been done in preparation for this very valuable hearing.

I do want to remind the witnesses that the record will be open for 10 working days should you wish to add to your testimony and the exhibits or any necessary corrections.

And so with that, I want to again thank you very much. Oh, Kurt reminds me that you need to send any additions to Debbie Callis at 1324 Longworth Building HOB, Washington, DC 20515.

And if there is no further business, this hearing is adjourned.

[H.R. 883 and backup material follows:]

[April 27, 1999 letter from Sierra Club follows:]

[Whereupon, at 1:20 p.m., the Committee was adjourned.]

[Additional material submitted for the record follows.]

AMERICAN LAND SOVEREIGNTY PROTECTION ACT -- H.R. 883 BRIEFING PAPER

INTRODUCTION

Designation of United Nations' World Heritage Sites, RAMSAR Sites and Biosphere Reserves results in centralization of policy-making authority at the Federal level, particularly in the Executive Branch. It also results in reduced input into land use decisions by state and local government and individuals. These designations also affect the use and market value of private lands adjacent to or intermixed with Federal lands. *The American Land Sovereignty Protection Act* (H.R. 883) requires specific approval of Congress before any area within the U.S. is included in an international land reserve and protects the property rights of neighboring landowners. The bill currently has 142 cosponsors. A similar bill, H.R. 901, passed the House in the 105th Congress by a vote of 236-191.

BACKGROUND

The objectives of H.R. 883 are to preserve the sovereignty of the United States over our own lands and to protect state sovereignty and property rights in adjacent non-Federal lands.

H.R. 883 asserts the power of Congress, established by the Constitution, over management and use of lands belonging to the United States. The international agreement covering World Heritage Sites, for example, largely leaves Congress out of the process. The bill reforms this process by requiring clear Congressional approval before lands within the United States can be included in these international agreements.

United Nations Biosphere Reserves, RAMSAR Sites and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Sites are natural sites or cultural monuments recognized by UNESCO under "The Convention Concerning Protection of the World Cultural and Natural Heritage." RAMSAR Sites are wetlands recognized by UNESCO under the "Convention on Wetlands of International Importance especially as Waterfowl Habitat." Biosphere Reserves are part of the U.S. Man and Biosphere Program which operates in conjunction with a worldwide program under UNESCO. The U.S. program operates without legislative direction, is not authorized by Congress, nor is the program part of an international treaty. Over 68% of the land in our National Parks, Preserves and Monuments have been designated as a United Nations World Heritage Site, Biosphere Reserve or both. Biosphere Reserves alone cover an area about the size of Colorado, our eighth largest state. There are now 47 UNESCO Biosphere Reserves, 15 RAMSAR Sites and 20 World Heritage Sites in the United States.

ANALYSIS

In creating international land use designations, such as Biosphere Reserves, World Heritage and RAMSAR Sites, through Executive Branch action, the United States may be indirectly implementing international treaties, such as the Convention on Biological Diversity, to which the United States is not a party or which the United States Senate has refused to ratify. For example, the *Strategic Plan for the U.S. Biosphere Reserve Program* published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeographical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves [emphasis added]." Furthermore, the *Seville Strategy for Biosphere Reserves*, which was adopted in late 1995 and establishes the international goals of the Man and Biosphere Program, recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biological diversity, strategies and action plans provided for in Article 6 of the Convention on Biological diversity."

Also disturbing is that designation of Biosphere Reserves and World Heritage Sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for World Heritage Sites. The *Operational Guidelines for the Implementation of the World Heritage Convention* state:

"In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee."

A number of local elected officials have testified in previous oversight hearings that they were never consulted about plans to designate Biosphere Reserves and World Heritage Sites in their areas.

In making these international land designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated site. Honoring these agreements could force the Federal government to prohibit or limit some uses of private lands outside the boundaries of the designated area unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policy-makers in an awkward position. Federal regulatory actions could cause a significant adverse impact on the value of private property and on the local and regional economy. The involvement of the World Heritage Committee in the Environmental Impact Statement process for the New World Mine Project,

which was located on privately owned land near Yellowstone National Park, exemplifies this problem. Creation of a buffer zone, possibly ten times as large as the park was suggested by at least one member of the Committee.

It is clear from the Yellowstone example, that at best, World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policy-making authority is farther centralized at the federal/Executive Branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is diminished. The Executive Branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

ROLLA FIELD HEARING

Twelve witnesses, including a county commissioner, representatives from several state and local property rights groups, representatives from labor and business trade associations and concerned citizens, will testify. Many of today's witnesses can testify first hand about their recent experience with the biosphere reserve nomination process associated with the ill-fated Ozark Highlands Man ans Biosphere proposal.

Staff Contact: John Rishel (202-226-0242).

106TH CONGRESS
1ST SESSION

H. R. 883

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1999

Mr. YOUNG of Alaska (for himself, Ms. DANNER, Mr. DELAY, Mr. PICKETT, Mrs. EMERSON, Mr. TRAFICANT, Mr. COBURN, Mr. GOODE, Mr. POMBO, Mr. BARCIA, Mrs. CHENOWETH, Mr. HALL of Texas, Mrs. CUBIN, Mr. SHOWS, Mr. HASTINGS of Washington, Mr. BISHOP, Ms. DUNN, Mr. SISISKY, Mr. HERGER, Mr. CRAMER, Mrs. BONO, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, Mr. GREEN of Texas, Mr. HILLEARY, Mr. DUNCAN, Mr. NORWOOD, Mr. KASICH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. THOMAS, Mr. SKEEN, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. HOSTETTLER, Mr. STUMP, Mr. DOOLITTLE, Mr. STEARNS, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. TANCREDO, Mr. BLILEY, Mr. HILL of Montana, Mr. EVERETT, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mr. HUNTER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. PAUL, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. LATHAM, Mr. BLUNT, Mr. LINDER, Mrs. MYRICK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. PICKERING, Mr. NEY, Mr. MCINNIS, Mr. ROYCE, Mr. BAKER, Mr. CALLAHAN, Mr. WATKINS, Mr. DEAL of Georgia, Mr. PACKARD, Mr. ROGERS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. SCHAPPER, Mr. LEWIS of Kentucky, Mr. WICKER, Mr. BURR of North Carolina, Mr. TIAHRT, Mr. COOKSEY, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GRAHAM, Mr. DEMINT, Mr. HAYWORTH, Mr. ROGAN, Mr. OXLEY, Mr. PITTS, Mr. WELLER, Mr. BARR of Georgia, Mr. GOSS, Ms. GRANGER, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BASS, Mr. MORAN of Kansas, Mr. WAMP, Mrs. FOWLER, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. ADERHOLT, Mr. RILEY, Mr. GOODLING, Mr. SIMPSON, Mr. BARTON of Texas, and Mr. FLETCHER)

introduced the following bill; which was referred to the Committee on Resources

A BILL

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Land Sov-
5 ereignty Protection Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The power to dispose of and make all need-
9 ful rules and regulations governing lands belonging
10 to the United States is vested in the Congress under
11 article IV, section 3, of the Constitution.

12 (2) Some Federal land designations made pur-
13 suant to international agreements concern land use
14 policies and regulations for lands belonging to the
15 United States which under article IV, section 3, of
16 the Constitution can only be implemented through
17 laws enacted by the Congress.

1 (3) Some international land designations, such
2 as those under the United States Biosphere Reserve
3 Program and the Man and Biosphere Program of
4 the United Nations Scientific, Educational, and Cul-
5 tural Organization, operate under independent na-
6 tional committees, such as the United States Na-
7 tional Man and Biosphere Committee, which have no
8 legislative directives or authorization from the Con-
9 gress.

10 (4) Actions by the United States in making
11 such designations may affect the use and value of
12 nearby or intermixed non-Federal lands.

13 (5) The sovereignty of the States is a critical
14 component of our Federal system of government and
15 a bulwark against the unwise concentration of
16 power.

17 (6) Private property rights are essential for the
18 protection of freedom.

19 (7) Actions by the United States to designate
20 lands belonging to the United States pursuant to
21 international agreements in some cases conflict with
22 congressional constitutional responsibilities and
23 State sovereign capabilities.

24 (8) Actions by the President in applying certain
25 international agreements to lands owned by the

1 United States diminishes the authority of the Con-
2 gress to make rules and regulations respecting these
3 lands.

4 (b) PURPOSE.—The purposes of this Act are the fol-
5 lowing:

6 (1) To reaffirm the power of the Congress
7 under article IV, section 3, of the Constitution over
8 international agreements which concern disposal,
9 management, and use of lands belonging to the
10 United States.

11 (2) To protect State powers not reserved to the
12 Federal Government under the Constitution from
13 Federal actions designating lands pursuant to inter-
14 national agreements.

15 (3) To ensure that no United States citizen suf-
16 fers any diminishment or loss of individual rights as
17 a result of Federal actions designating lands pursu-
18 ant to international agreements for purposes of im-
19 posing restrictions on use of those lands.

20 (4) To protect private interests in real property
21 from diminishment as a result of Federal actions
22 designating lands pursuant to international agree-
23 ments.

1 (5) To provide a process under which the
2 United States may, when desirable, designate lands
3 pursuant to international agreements.

4 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**
5 **WORLD HERITAGE SITE LISTING.**

6 Section 401 of the National Historic Preservation Act
7 Amendments of 1980 (Public Law 96-515; 94 Stat. 2987)
8 is amended—

9 (1) in subsection (a) in the first sentence, by—

10 (A) striking “The Secretary” and inserting
11 “Subject to subsections (b), (c), (d), and (e),
12 the Secretary”; and

13 (B) inserting “(in this section referred to
14 as the ‘Convention’)” after “1973”; and

15 (2) by adding at the end the following new sub-
16 sections:

17 “(d)(1) The Secretary of the Interior may not nomi-
18 nate any lands owned by the United States for inclusion
19 on the World Heritage List pursuant to the Convention,
20 unless—

21 “(A) the Secretary finds with reasonable basis
22 that commercially viable uses of the nominated
23 lands, and commercially viable uses of other lands
24 located within 10 miles of the nominated lands, in
25 existence on the date of the nomination will not be

6

1 adversely affected by inclusion of the lands on the
2 World Heritage List, and publishes that finding;

3 “(B) the Secretary has submitted to the Con-
4 gress a report describing—

5 “(i) natural resources associated with the
6 lands referred to in subparagraph (A); and

7 “(ii) the impacts that inclusion of the nomi-
8 inated lands on the World Heritage List would
9 have on existing and future uses of the nomi-
10 nated lands or other lands located within 10
11 miles of the nominated lands; and

12 “(C) the nomination is specifically authorized
13 by a law enacted after the date of enactment of the
14 American Land Sovereignty Protection Act and after
15 the date of publication of a finding under subpara-
16 graph (A) for the nomination.

17 “(2) The President may submit to the Speaker of the
18 House of Representatives and the President of the Senate
19 a proposal for legislation authorizing such a nomination
20 after publication of a finding under paragraph (1)(A) for
21 the nomination.

22 “(e) The Secretary of the Interior shall object to the
23 inclusion of any property in the United States on the list
24 of World Heritage in Danger established under Article
25 11.4 of the Convention, unless—

1 “(1) the Secretary has submitted to the Speak-
2 er of the House of Representatives and the Presi-
3 dent of the Senate a report describing—

4 “(A) the necessity for including that prop-
5 erty on the list;

6 “(B) the natural resources associated with
7 the property; and

8 “(C) the impacts that inclusion of the
9 property on the list would have on existing and
10 future uses of the property and other property
11 located within 10 miles of the property pro-
12 posed for inclusion; and

13 “(2) the Secretary is specifically authorized to
14 assent to the inclusion of the property on the list,
15 by a joint resolution of the Congress after the date
16 of submittal of the report required by paragraph (1).

17 “(f) The Secretary of the Interior shall submit an an-
18 nual report on each World Heritage Site within the United
19 States to the Chairman and Ranking Minority member of
20 the Committee on Resources of the House of Representa-
21 tives and of the Committee on Energy and Natural Re-
22 sources of the Senate, that contains for the year covered
23 by the report the following information for the site:

24 “(1) An accounting of all money expended to
25 manage the site.

1 “(2) A summary of Federal full time equivalent
2 hours related to management of the site.

3 “(3) A list and explanation of all nongovern-
4 mental organizations that contributed to the man-
5 agement of the site.

6 “(4) A summary and account of the disposition
7 of complaints received by the Secretary related to
8 management of the site.”.

9 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**
10 **IZED UNITED NATIONS BIOSPHERE RE-**
11 **SERVES.**

12 Title IV of the National Historic Preservation Act
13 Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is
14 amended by adding at the end the following new section:

15 “SEC. 403. (a) No Federal official may nominate any
16 lands in the United States for designation as a Biosphere
17 Reserve under the Man and Biosphere Program of the
18 United Nations Educational, Scientific, and Cultural Or-
19 ganization.

20 “(b) Any designation on or before the date of enact-
21 ment of the American Land Sovereignty Protection Act
22 of an area in the United States as a Biosphere Reserve
23 under the Man and Biosphere Program of the United Na-
24 tions Educational, Scientific, and Cultural Organization

1 shall not have, and shall not be given, any force or effect,
2 unless the Biosphere Reserve—

3 “(1) is specifically authorized by a law enacted
4 after that date of enactment and before December
5 31, 2000;

6 “(2) consists solely of lands that on that date
7 of enactment are owned by the United States; and

8 “(3) is subject to a management plan that spe-
9 cifically ensures that the use of intermixed or adja-
10 cent non-Federal property is not limited or restricted
11 as a result of that designation.

12 “(c) The Secretary of State shall submit an annual
13 report on each Biosphere Reserve within the United States
14 to the Chairman and Ranking Minority member of the
15 Committee on Resources of the House of Representatives
16 and the Committee on Energy and Natural Resources of
17 the Senate, that contains for the year covered by the re-
18 port the following information for the reserve:

19 “(1) An accounting of all money expended to
20 manage the reserve.

21 “(2) A summary of Federal full time equivalent
22 hours related to management of the reserve.

23 “(3) A list and explanation of all nongovern-
24 mental organizations that contributed to the man-
25 agement of the reserve.

1 “(4) A summary and account of the disposition
2 of the complaints received by the Secretary related
3 to management of the reserve.”.

4 **SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.**

5 Title IV of the National Historic Preservation Act
6 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-
7 ther amended by adding at the end the following new sec-
8 tion:

9 “SEC. 404. (a) No Federal official may nominate,
10 classify, or designate any lands owned by the United
11 States and located within the United States for a special
12 or restricted use under any international agreement unless
13 such nomination, classification, or designation is specifi-
14 cally authorized by law. The President may from time to
15 time submit to the Speaker of the House of Representa-
16 tives and the President of the Senate proposals for legisla-
17 tion authorizing such a nomination, classification, or des-
18 ignation.

19 “(b) A nomination, classification, or designation,
20 under any international agreement, of lands owned by a
21 State or local government shall have no force or effect un-
22 less the nomination, classification, or designation is spe-
23 cifically authorized by a law enacted by the State or local
24 government, respectively.

1 “(c) A nomination, classification, or designation,
2 under any international agreement, of privately owned
3 lands shall have no force or effect without the written con-
4 sent of the owner of the lands.

5 “(d) This section shall not apply to—

6 “(1) agreements established under section 16(a)
7 of the North American Wetlands Conservation Act
8 (16 U.S.C. 4413); and

9 “(2) conventions referred to in section 3(h)(3)
10 of the Fish and Wildlife Improvement Act of 1978
11 (16 U.S.C. 712(2)).

12 “(e) In this section, the term ‘international agree-
13 ment’ means any treaty, compact, executive agreement,
14 convention, bilateral agreement, or multilateral agreement
15 between the United States or any agency of the United
16 States and any foreign entity or agency of any foreign en-
17 tity, having a primary purpose of conserving, preserving,
18 or protecting the terrestrial or marine environment, flora,
19 or fauna.”.

20 **SEC. 6. CLERICAL AMENDMENT.**

21 Section 401(b) of the National Historic Preservation
22 Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is
23 amended by striking “Committee on Natural Resources”
24 and inserting “Committee on Resources”.

○

2738 [April 27, 1999 letter from Sierra Club follows:]

2739 ***** INSERT *****



Ozark Chapter / Sierra Club

Ken Midkiff
Program Director
914 N. College, Ste. 1
Columbia, MO 65201

April 27, 1999

US Representative Don Young
Chair, US House of Representatives Committee on Resources
1324 Longworth House Office Building
Washington, DC 20515

Chairman Young,

Thank you for the invitation to testify before the Resource Committee's legislative hearing on H.R. 883 at the University of Missouri-Rolla, this coming Saturday, May 1, 1999.

After some consideration, I wish to inform you that I respectfully decline to appear.

There are several factors in this decision:

1. Only the majority members and majority staff of the Committee will be present in Rolla.
2. It appears as if the majority members present are also sponsors or co-sponsors of H.R. 883 - and it would seem obvious that anything that I would say would fall on non-receptive ears.
3. US Representative JoAnn Emerson of the Missouri 8th District, also a co-sponsor, is hosting a "rally and cookout" for proponents of the legislation. The People for the USA, Missouri Eagle Forum, Citizens for Private Property Rights, and the Missouri Cattlemen's Association are co-hosts.
4. From all I can ascertain, I would be the ONLY representative of the environmental or conservationist community. The groups listed as co-hosts of the rally and cookout described in #3 have raised much ire in Missouri against environmental and conservation groups. Quite frankly, I fear for my safety, as there have been incidents of violence directed at members of the Sierra Club in Missouri.

For your information, the Ozark Chapter of the Sierra Club has no position on H.R. 883, although I must frankly admit that I consider it to be a bit of showboating for anti-UN/anti-government constituencies. When the various state and federal agencies were considering nominating the Ozark National Scenic Riverways and some surrounding state- and federally-owned lands for designation as a "biosphere reserve" or "heritage site", there were a number of public hearings, in the Ozarks and indeed across the state. Due to the animosity and concerns expressed at these hearings, the agencies did NOT proceed with the nominations. This would seem to be the way things are supposed to work.

Thomas Hart Benton Group
Kansas City

Ozage Group
Columbia/Jefferson City

Tail of Tears Group
Cape Girardeau

White River Group
Springfield

Lattera Missouri Group
St. Louis

Recycled Paper

DKS/DS

Secondly, we do not believe that your bill is necessary nor appropriate -- there has been no evidence or documentation whatsoever that such designations present any threat to sovereignty of American lands. To the contrary, it is clear that these designations are a simple recognition that there are special places on this earth - places that are already afforded at least minimal status by public ownership. There are a plenitude of protections in our Constitution and body of laws to prevent any voluntary or foreign governmental entity - United Nations, whatever - from exerting any authority over lands of the United States

Our concerns have been directed toward keeping out other international entities that in fact DO have much control over national lands, and represent much more of a threat to local and regional economies and to national sovereignty. I refer specifically to major extractive corporations that assert "private property rights" over federal lands. When the subsidies to these international corporations are added to the mix, the concerns are heightened: Private corporations using the public lands for extractive purposes aided and abetted by the US government.

We would respectfully suggest if you and the co-sponsors of H.R. 883 are truly concerned about invasions of sovereignty, that an objective look be taken at the acquiescence of our government to these international corporations.

When and if a bill is introduced to address these concerns, I would be pleased to accept an invitation to testify.

Sincerely,


Ken Midkiff

cc: US Representative JoAnn Emerson

May 12, 1999

To: The Honorable Helen Chenoweth
727 LROB
Washington, D.C 20515

From: Connie Burks
HC 70 Box 321
Jasper, Arkansas 72641
(870) 861-5646

Re: HR 883 (additional documentation to testimony of 5/1/99)

Dear Representative Chenoweth,

Thank you for your participation in the recent hearing at Rolla and all you do in regard to defending our sovereignty which is being threatened from so many governmental and non-governmental sources.

I wish to include 2 additional sets of documents with my testimony of 5/1/99.

#1 Statements and literature made by the U.S. MAB committee revealing their direct ties to UNESCO.

#2 A packet of information prepared by Leon Somerville of Marshall, Arkansas concerning the ongoing encroachment of our sovereignty in northwest Arkansas by the National Park Service, etc.

(This packet is being sent under separate cover in care of Mr. John Rishel of Congressman Don Young's office for him to sort through the lengthy packet for the most pertinent information. It reveals vital tactics and maneuvers that the federal and state agencies are employing to carry on their plans in the wake of the aborted MAB effort of 1996 in the Ozark Highlands, as well as a very helpful analysis of the various codes and laws they are using and breaking to accomplish their agenda. Please assign someone to study and promote this information to the fullest extent possible. It has also been sent to the office of Senator Tim Hutchinson in care of D.J. O'Brien.)

Sincerely,

Connie Burks

Connie Burks

Enclosure: Contents of #1 listed above



fifty years

reference

SC/ECO/5864.533

8 March 1996

Dear Mr Skelton,

The UNESCO Office in New York passed on your fax dated 21 February requesting information on the United States' commitments under UNESCO's Man and the Biosphere (MAB) Programme.

I should like to answer your letter in the order of your questions.

1. In no way is the United States obliged to cede any measure or portion of control of areas (biosphere reserves) designated under UNESCO's MAB Programme. Countries retain full sovereign rights over their biosphere reserves; this is clearly spelled out in the Statutory Framework for the World Network of Biosphere Reserves of which I am sending you a copy herewith. Organizations or individuals who own or manage property inside the exterior boundaries of a biosphere reserve do not relinquish their control either. The biosphere reserve concept is a model of co-operation among the varied interests to work together to resolve local problems. MAB has long been involved in utilizing social, economic and natural sciences considering human beings as part of the biosphere.

2. In line with the above, there are no special grants or privileges to outside nations with respect to any areas in the US designated as biosphere reserves.

3. The United States has no monetary obligations as a participant of the MAB programme simply because the USA is not a Member State of UNESCO (as you know, it withdrew on 31 December 1984).

Mr Ike Skelton
Member of Congress
Congress of the United States

4. The USA cannot withdraw from the co-ordinating body of the MAB Programme (the International Co-ordinating Council) since it is not a Member State of UNESCO and is therefore not a member of the MAB Council either (not eligible for election). This being said, US observers do attend MAB Council meetings and their proposals are always taken into account in the Council's deliberations. Naturally we would hope that one day, the US could once again become a Member of the Council and hence allow the US scientific community to have a direct input in guiding the development of the MAB Programme.

5. The MAB programme is indeed "one of many such co-operative information gathering and environmental protection efforts under the auspices of the United Nations". The difference is that the USA is not formally a Member State of UNESCO. Current participation of the USA in the MAB programme is therefore entirely voluntary. *...but we can't withdraw?!*
 Since the withdrawal of the USA, a US-MAB (National Committee) has nevertheless continued to function and has an active domestic and international programme. A US Strategic Action Plan for biosphere reserves has been drawn up. In addition, the US-MAB Committee has taken a strong role in promoting co-operation amongst biosphere reserves within the European and North American region (known as EuroMAB) as well as throughout the Americas (the Econet Americas initiative). An agreement has been recently concluded to further co-operation amongst the MAB National Committees of the USA, Canada and Mexico. There also exists a dynamic Smithsonian Institution-MAB Programme on monitoring the biodiversity of forest plots in several countries of the Caribbean and Latin America and which has now been extended to certain countries in Africa and Asia. *...what authority?*

The contact persons in the USA are:

Mr Dean Bibles *replied*
 Chairman,
 US National Committee for MAB
 US Department of the Interior
 1849 C Street N.W., MS 2751
 Washington, D.C. 20240
 United States of America
 Tel.: (202) 208 4612
 Fax: (202) 208 2681
 E-mail: dbibles@ATTMAIL.COM

Mr Roger E. Soles
 Executive Director
 US-MAB Secretariat
 SA-44C, - 1st Floor
 US Department of State
 Washington, D.C. 20522-4401

U.S. Biosphere Reserve Associated Agencies and Institutions

Adirondack Park Agency
 Agency for International Development
 Audubon Society
 Biodiversity Action Institute
 California Department of Fish and Game
 California Department of Parks and Recreation
 City of San Francisco
 Economic Development Administration
 Environmental Protection Agency
 Florida Department of Environmental Protection
 Georgia Department of Natural Resources
 Grandfather Mountain Inc., North Carolina
 Kansas State University
 Little Si Science Center, Oregon
 Marin County Municipal Water District, California
 National Aeronautics and Space Administration
 National Institutes of Health
 National Science Foundation
 New York Department of Environmental Conservation
 North Carolina Dept. of Environment, Health and Natural Resources
 Peace Corps
 Puerto Rico Department of Natural Resources
 Smithsonian Institution
 South Carolina Department of Natural Resources
 Southern Appalachian MAB Cooperative
 Stanford University
 Tennessee Valley Authority
 Tennessee Department of Environment and Conservation
 The Nature Conservancy
 The Pinelands Commission, New Jersey
 U.S. Army Corps of Engineers
 U.S. Department of Agriculture - Agricultural Research Service
 U.S. Department of Agriculture - Forest Service
 U.S. Dept. of Commerce - National Oceanic and Atmospheric Administration
 U.S. Department of Energy
 U.S. Department of the Interior - Bureau of Land Management
 U.S. Department of the Interior - Fish and Wildlife Service
 U.S. Department of the Interior - National Biological Survey
 U.S. Department of the Interior - National Biological Service
 U.S. Department of the Interior - National Park Service
 U.S. Department of State
 University of Alaska
 University of California
 University of Colorado
 University of Maryland
 University of Miami
 University of Michigan
 University of Minnesota
 University of Missouri
 University of Washington
 Vermont Agency of Natural Resources



Strategic Plan for the U.S. Biosphere Reserve Program

6/24/81 note
Notice especially
marked sections of
pages 2, 3, 4, 6, 9, 13, 15



"The mission of the United States Man and the Biosphere Program is to foster harmonious relationships between humans and the biosphere through domestic and international cooperation in research, education, and information exchange." Adapted by the U.S. Executive Committee for the Man and the Biosphere Program, November 3, 1994.

U.S. MAB is supported by the Agency for International Development, the Department of Agriculture — Forest Service, the Department of Commerce — National Oceanic and Atmospheric Administration, the Department of Energy — Environmental Protection Agency, the Department of Health, Education and Welfare — National Park Service, the Department of the Interior — National Park Service, the Department of State, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Institutes of Health, the National Science Foundation, the Peace Corps, and the Smithsonian Institution.

This Strategic Plan has been approved by the U.S. National Committee for Man and the Biosphere Program to guide the continued development of the U.S. Biosphere Reserves. The Plan does not necessarily reflect the official views of the biosphere reserve associated agencies listed on the back cover of this publication. Inquiries concerning the U.S. MAB Program should be addressed to the Executive Director, U.S. MAB Secretariat, OES/EGC/MAB, U.S. Department of State, Washington, DC 20522. Tel. 703-235-2946. FAX 703-235-3002. Internet E-mail: usmab@state.gov

Available from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5245 Port Royal Road, Springfield, Virginia 22161. — No. NTIS PB95-101226

DEPARTMENT OF STATE PUBLICATION 10186
Bureau of Oceans and International Environmental and
Scientific Affairs

Released December 1994

STRATEGIC PLAN FOR THE U.S. BIOSPHERE RESERVE PROGRAM

BIOSPHERE RESERVE DIRECTORATE
U.S. MAN AND THE BIOSPHERE PROGRAM

1994

EXECUTIVE SUMMARY

The Man and the Biosphere Program (MAB) of the United Nations Scientific, Educational, and Cultural Organization (UNESCO) is based on the concept that it is possible to achieve a sustainable balance between the conservation of biological diversity, economic development, and maintenance of associated cultural values. The validity of this concept has been confirmed by the results of the implementation of the Biosphere Reserve.

U.S. Biosphere Reserves are part of an international network and include many of the most important conservation areas, ecological research sites, and environmental education areas in the United States. This Strategic Plan¹ provides a flexible framework for developing and coordinating an integrated U.S. Biosphere Reserve Program (USBPR). Through the USBPR, each U.S. Biosphere Reserve can become a full partner in the process of integrating conservation and sustainable development locally, and in sharing information and experience to help address regional and global problems. The Plan sets forth the mission, goals, objectives, and implementing actions for the USBPR.

Through the USBPR, agencies, organizations, and individuals will be better able to obtain, share, and apply knowledge and technology in discovering ways to harmonize biodiversity, cultural values, and socioeconomic development in particular biogeographic areas. In developing partnerships and promoting mutual education among stakeholders, it is intended that the USBPR will expand the constituency for developing shared goals for use and management of ecosystems in a changing environment. Cooperative activities will be encouraged to implement these shared goals. Greater participation will

facilitate cost-sharing, coordination, and public support for government and private programs. Thus, stability and continuity will be enhanced which should improve the effectiveness of stakeholders in a biogeographic area to find practical ways to address resource problems.

Implementing the USBPR will require increasing the participation of legally established areas managed for conservation, research, multiple use, sustainable regional development, and other complementary purposes. Designation of such areas as components of a biosphere reserve gives international recognition to the role as foster commitment in achieving its goals. As the number of participating sites grows, so will the opportunities for sites to coordinate their authorities and capabilities for applying ecological principles to regional conservation and development.

This Plan is intended to be substantially implemented during the next decade with support from U.S. MAB's member agencies, private organizations, and an expanding community of BR stakeholders at the local level. Although progress in implementing the USBPR is possible under a wide range of funding situations, full implementation of the plan will require national commitment, and development programs for Biosphere Reserves and their management in individual BRs will have lead responsibilities for generating this support.

U.S. Biosphere Reserves are important areas for developing scientific, technical, and management information on the interactions of the natural and human environment and development that relate to global issues such as biodiversity, climate change, desertification, forest management, and sustainable development. Implementation of the Plan will enable U.S. biosphere reserves to contribute more effectively to U.S. leadership on these issues.

¹The U.S. Strategic Plan was developed in response to UNESCO's call for country MAB programs to develop and implement Biosphere Reserves.

*(i.e. Earth Summit 1992
Eco 94
recommends
1971 Convention
on Biological
Diversity)*

STRATEGIC PLAN FOR THE U.S. BIOSPHERE RESERVE PROGRAM

Introduction

The Man and the Biosphere Program (MAB) of the United Nations Scientific, Educational, and Cultural Organization (UNESCO) is based on the concept that it is possible to achieve a sustainable balance between the conservation of biological diversity, economic development, and maintenance of associated cultural values. Biosphere reserves are areas composed of different land and water uses where the validity of this concept is tested, refined, demonstrated, and implemented.

UNESCO provides a conceptual scheme to describe the spatial distribution of the functions of a biosphere reserve. Ideally, each biosphere reserve includes three types of areas: one or more secure Protected Areas, such as wilderness areas or national reserves, for conservation and monitoring of naturally disturbed ecosystems; "Managed Use Areas", usually surrounding or adjoining the protected areas, where experimental research, educational activities, public recreation, and various economic activities occur according to ecological principles; and "Zones of Cooperation," which are open-ended areas of cooperation, where managing agencies, local governmental agencies, scientists, economic interests, nongovernmental organizations, cultural groups, local citizens and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development, and cultural values.¹

¹ "Protected Area" is the U.S. term for UNESCO "Core Area." Similarly, "Managed Use Area" is the U.S. term for UNESCO "Buffer Zone," and "Zone of Cooperation" is the U.S. term for UNESCO "Transition Area."

VALUE OF BIOSPHERE RESERVES

Promoting sustainable development and associated cultural values in areas surrounding the protected areas is a primary means for building the local constituency for conserving biological diversity in the landscape. As UNESCO's International Coordinating Council for the Program on Man and the Biosphere recently noted . . .

"Connected by corridors judiciously linking different ecological units within the urban-rural and terrestrial/marine landscape, biosphere reserves could provide the most visible means for the long-term protection of biodiversity."

By offering society a framework for cooperation, biosphere reserves enable stakeholders to plan types, levels, and patterns of protection and human uses that optimize conservation opportunities, while enhancing social and economic development. Biosphere reserves have been called "landscapes for learning" and "laboratory regions of sustainable development" because of their role in associating research and education with conservation and development issues. Since UNESCO incorporated the Biosphere Reserve Project as an important component of its MAB Program two decades ago, the BR concept has been widely used by governments and scientists in addressing conservation and sustainable development.

Locally, an individual BR provides a means for integrating conservation, research and monitoring, education and training, and involving local populations in conservation and development issues, in an area of outstanding ecological, scientific, and educational importance. A BR can facilitate the formation of associations made up of different types of management units such as national parks and equivalent reserves, experimental research areas, managed forests and rangelands, and areas under private, local, state, or Federal ownership. For example, the Central California Coast Biosphere Reserve is an association of 13 management units encompassing

terrestrial, coastal, and marine environments. Such associations are essential for cooperative ecosystem-based management and conservation of biological diversity at the landscape level.

Worldwide, the international network of BRs³ offers a framework for increasing worldwide access to, and sharing of scientific data and the practical experience gained in individual BRs through regional and international cooperation. This network seeks to demonstrate that conserving terrestrial and coastal/marine biological diversity is compatible with sustainable types and patterns of human uses.

In 1993, MAF's International Coordinating Council adopted four ~~important themes for the new program~~: biological diversity, sustainable development, regional and global change, and developing coastal ecosystems and landscape planning. The Council has since reaffirmed that BRs are MAF's logical focus for coordinating activities under these themes, and for contributing to the development of a Global Terrestrial Observing System (GTOS) that will provide data on changes in the global earth system.

IMPLEMENTING THE CONCEPT

Functionally, BRs implement the MAB concept through:

- *In situ* conservation of the diversity of natural and seminatural ecosystems and landscapes.
- Establishment of demonstration areas for ecologically sustainable land and resource use.
- Provision of logistic support for research, monitoring, education, and training related to conservation and sustainable development.

Making biosphere reserves more functional in conserving biological diversity is a major international objective.

Figure 1 presents the activities that each biosphere reserve is expected to undertake in order to fully implement the MAB concept versus the number of BRs worldwide that are currently conducting these activities. As the diagram shows, a large number of BRs are involved in conservation, research, and environmental education—activities that are particularly emphasized in the national parks and research reserves that comprise most of the current BR network.

Activities requiring a high degree of stakeholder cooperation—i.e., local participation, integrated planning, and sustainable development—are being undertaken by a much smaller number of BRs. From only one BR, for example, to 19 BRs, the number of BRs conducting integrated cooperative activities that are required for BRs to achieve their full potential in addressing global conservation and development issues.

³As of November 1994, UNESCO had designated 324 biosphere reserves in 62 countries. The 47 U.S. biosphere reserves include 19 administrative units under Federal, State, and local ownership.

BIOSPHERE RESERVES IN THE UNITED STATES

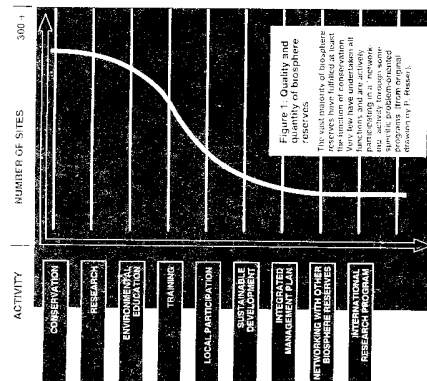
U.S. Biosphere Reserves (USBR) that were designated prior to 1990 are primarily protected natural areas or research sites. Since 1990, U.S. MAB grouped several reserves in a particular biogeographic area into a cluster to facilitate cooperation and communication.

Reserves designated after 1990, however, were based on studies to identify complementary sites which, when joined together, could best implement the MAB concept. These multisite reserves included two or more administrative units designated together as a single BR.

By the late 1980s, concern over the loss of biodiversity and the emergence of the concepts of ecosystem management and sustainable development were generating worldwide interest in the potential of BRs to demonstrate the practical feasibility of these concepts. USBRs began to plan and coordinate cooperative programs involving site administrators and other stakeholders in their regions. As these programs succeeded, stakeholder participation increased and additional sites were included in reserve designations as components of these administrative units, thereby creating Regional BRs. All USBRs designated since 1988 have followed the Regional Reserve model of linked complementary sites built around a cooperative association of stakeholders.

THE U.S. MAN AND THE BIOSPHERE PROGRAM

The U.S. Man and the Biosphere Program (U.S. MAB) seeks to facilitate the discovery of practical solutions to complex conservation and development problems by providing a framework for policy makers and resource managers to interact with an interdisciplinary community of natural and social scientists and other stakeholders. The National Committee for U.S. MAB establishes policy and program priorities. The Committee includes natural and social



scientists, and representatives of most of the Federal agencies with missions in conservation, natural and human systems research, and sustainable use of natural resources.

In 1989 U.S. MAB established five Research Directorates which conduct multiyear research projects on practical policy and management issues, and ensure the integration of research into the U.S. MAB Program. An important benefit of the research is that BR managers and stakeholders who wish to implement ecosystem-based management are provided with a better understanding of relationships between ecosystems, human activities, resource policies, and cultural values. In addition to research initiatives, U.S. MAB supports interagency efforts to integrate BRs more effectively within the U.S. MAB Program.

In December 1993 U.S. MAB sponsored a national workshop of BR managers and stakeholders in Estes Park, Colorado to develop recommendations for a U.S. MAB action plan for the U.S. BR Program (USBRP). The 83 participants represented 33 of the 47 USBRs, and included representatives from 11 Federal agencies, several state and local agencies, nongovernmental organizations, Canadian BRs, and an Indian nation. The workshop produced a draft action plan which was subsequently revised by a committee of workshop participants. This Strategic Plan is the result of these efforts.

This Plan sets forth the mission, goals, objectives, and implementing actions for the USBRP. Actions are listed under each objective in general order of priority.

MISSION OF THE UNITED STATES BIOSPHERE RESERVE PROGRAM

The mission of the United States Biosphere Reserve Program (USBRP) is to establish and support a U.S. network of designated biosphere reserves that are fully representative of the biogeographical areas of the United States. The program promotes a sustainable balance among the conservation of biological diversity, compatible economic use, and cultural values, through public and private partnerships, interdisciplinary research, education, and communication.

I. POLICY AND PROGRAM OPERATIONS

Implementing the vision and themes of the MAB concept in an integrated fashion is a complex undertaking. Conservation, research, education, and economic development sectors must be as actively involved as local communities. Sites managed for conservation, research, and multiple-use objectives all play important roles in the USBRP. Because environmental concerns reach beyond borders, connections among BRs and other research sites must cross regional and international boundaries.

The complexity of this process will require a variety of approaches. Individual reserves will have unique experiences that by themselves are primarily of local relevance. It is when these individual experiences are shared and integrated that the value-added benefits of BRs can be achieved. Accomplishing this integration requires a facilitating organization which can develop the required mechanisms.

By formalizing a USBRP, with a directorate, the U.S. MAB National Committee created the organizational structure required to strengthen individual BR programs, create a

functional USBR network, and enhance the contributions of the USBRs to the overall goals of the MAB program. U.S. MAB will further support the USBR in helping stakeholder groups solve local, regional, and global conservation and development problems by providing policy guidance, being a persuasive advocate, and facilitating coordination domestically and internationally.

GOAL: ESTABLISH A POLICY AND OPERATIONAL FRAMEWORK FOR THE U.S. BIOSPHERE RESERVE PROGRAM.

OBJECTIVE: *Integrate the USBRP as an essential component of the U.S. MAB Program.*

To implement this objective, the U.S. MAB National Committee will:

- Establish a BR Directorate whose Chair is a member of the National Committee. The Directorate will recommend policies, an annual program plan, and specific projects for approval by the National Committee; plan, coordinate, and oversee the USBRP, and develop institutional and public support for the Program. The directorate membership will include BR managers and stakeholders, scientists, and agency BR program coordinators.
- Encourage U.S. MAB research projects to use BR sites and to keep BR managers informed on research.
- Convene an annual meeting of research and BR directorates to review program accomplishments and develop an integrated U.S. MAB Program.

OBJECTIVE: *Encourage recognition and support for BRs at all levels of government and in the private sector.*

To implement this objective, the U.S. MAB National Committee will:

- Promote the inclusion of the USBRP in the Administration's policy and planning in such areas as biodiversity, global change, ecosystem management, and improving government performance; and encourage all member agencies of U.S. MAB to emphasize BRs in their plans, programs, and budget formulations, and to identify an agency coordinator for the USBRP.

OBJECTIVE: *Provide resources for the U.S. Biosphere Reserve Program.*

To implement this objective, the U.S. MAB National Committee will:

- Review USBRP's annual program plan and appropriate funds for its annual activities. Allocated funds will support the administration of the BR Directorate, and help support activities involving USBRs, whenever possible, on a cost-sharing basis. Some examples of these activities are: BR feasibility studies and program planning; BR organization and coordination; research, education and demonstration projects; information networking and forums on conservation and development issues.
 - Encourage donor organizations (e.g., U.S. Agency for International Development, Peace Corps, World Bank) to support international activities involving USBRs.
- Coordinate with the UNESCO MAB Secretariat to coordinate funding and administrative support for USBR participation in international programs and projects.

To implement this objective, the BR Directorate will:

- Identify, evaluate, and pursue opportunities to increase private sector funding and encourage private sector efforts to raise funds for the USBRP.

- Develop an aggressive marketing strategy for BRs, including effective communication of the USBRP mission and BR accomplishments, targeted at potential agency and private sources of support.
- Leverage U.S. MAB funding for the USBRP with other sources of governmental and private support.

II. BIOSPHERE RESERVE NETWORK DEVELOPMENT

An early goal of the UNESCO MAB Program was the establishment of at least one BR in every biogeographical province in the world. Biogeographic representation has been approximately achieved in the United States, both in terrestrial and coastal/marine ecosystems. However, two major challenges for U.S. MAB remain.

The first challenge is to fill any remaining gaps in biogeographic representation with BRs that are organized and committed to implementing the MAB concept. The second is to assist the diverse collection of BRs to become a functional network in which each reserve addresses conservation and development issues locally, while participating actively in solving problems of regional and global importance. As the collection of USBRs evolves from single conservation/reserve-based entities to encompass networks of coordinated management and communication BRs, the USBRP will pursue opportunities to share this experience with BR managers and stakeholders, both domestically and internationally, seeking to use the regional BR approach.

GOAL: CREATE A NATIONAL NETWORK OF BIOSPHERE RESERVES THAT REPRESENTS THE BIOGEOGRAPHICAL DIVERSITY OF THE UNITED STATES AND FULFILLS THE INTERNATIONALLY ESTABLISHED ROLES AND FUNCTIONS OF BIOSPHERE RESERVES.

OBJECTIVE: *Ensure that each terrestrial and coastal/marine biogeographical province in the United States has at least one BR that is fully implementing the internationally defined roles for BRs.*

To implement this objective, the BR Directorate will:

- Review the status of the USBR Network, evaluate the effectiveness of the various approaches being used to implement the MAB concept, and identify successful examples that can serve as models.
- Provide guidelines for the planning, organization, management, and coordination of USBRs, including the roles and responsibilities of BR managers and staff. To develop these guidelines will require identifying the characteristics that USBRs should have in order to fulfill their mission of conserving biodiversity within the context of ecologically sustainable cultural and economic development.
- Interpret the UNESCO criteria for the selection of BRs within the U.S. context and in light of desired characteristics of USBRs and provide oversight for selection and expansion of BRs to ensure the USBR network adequately represents the U.S. terrestrial and coastal/marine biogeographic provinces and their associated cultural and economic systems.
- Develop standards for evaluating the progress of USBRs in implementing MAB concepts, and provide recommendations to the National Committee and individual BRs on ways to improve performance.

To implement this objective, USBRs will:

- Appoint an individual to coordinate their BR program and represent the BR in the National Program. Cooperative regional BR programs should appoint an individual and provide the resources to coordinate the regional program.

To implement this objective, the BR Directorate will:

- Assess approaches being used to encourage multi-sector involvement in ecosystem management and identify appropriate recommendations and guidance to BRs.

To implement this objective, USIRPs will:

- Identify potential BR stakeholders, consider techniques and methods of cooperation tested successfully elsewhere, and assess the feasibility of alternative approaches for implementing MAB concepts.
- Encourage stakeholders, including local citizens and traditional resource users, to participate fully in identifying issues of concern and in establishing cooperative BR programs, organizations, and mechanisms that enable full consideration of different positions in building community-wide consensus on conservation and development issues.

IV. RESEARCH

The research strategy of the USIRP is to emphasize interdisciplinary research which encompasses the themes of conservation of biological diversity, development of compatible economic use, and maintenance of extant cultural values. 1) Identifying and assessing the research needs of USIRPs, and 2) developing effective means of gathering ecological and socioeconomic data and monitoring changes in BRs, and 3) promoting individual BR research programs that integrate natural and social sciences to address practical policy and management issues.

- Establish coordination among individuals, organizations and agencies involved with conservation, research and multiple-uses planning and planning the MAB concept in a particular biogeographic area.
- Develop strategic plans, reflecting the different missions and jurisdictions within the BR, as the basis for implementing the MAB concept. Each BR should periodically evaluate its plan's effectiveness in maintaining biodiversity and providing benefits to stakeholders, and revise the plan accordingly.

III. LOCAL PARTICIPATION

The USIRP should provide guidance so each USIR can become firmly rooted in the social, cultural, and economic fabric of its associated communities. These communities should derive tangible benefits from participation in BR activities such as environmental recognition and linkages, a stronger voice in environmental management, better access to scientific information, employment opportunities, enhanced valuation of traditional uses and cultural integrity, improved access to financial and technical resources, and opportunities to create partnerships that enable stakeholders to educate each other on the benefits of integrating conservation and development.

GOAL: FOSTER COOPERATIVE PARTNERSHIPS AMONG ALL STAKEHOLDERS IN BIOSPHERE RESERVES.

OBJECTIVE: Plan and implement cooperative organizations, mechanisms, and processes involving scientific, economic, and cultural interests through which all stakeholders participate in conserving biological diversity while promoting compatible economic use and sustaining cultural values.

GOAL: ACQUIRE AND INTEGRATE KNOWLEDGE FOR SUSTAINING ECOSYSTEMS, CULTURAL VALUES, AND VARIOUS ECONOMIES WITHIN AN ECOSYSTEM/ LANDSCAPE CONTEXT.

OBJECTIVE: Develop the scientific capacity of USBRs to address local, regional and global resource issues.

To implement this objective, the BR Directorate will:

- In cooperation with the U.S. MAB Research Directorates, promote interdisciplinary BR research and management programs that encourage the integration of natural and social sciences.
- Sponsor forums to identify ecosystem, landscape, regional, and global research needs BRs can help address.
- Synthesize and disseminate information on existing and planned research, inventory, and monitoring programs at USBRs.
- Establish a working group(s) to identify and document available databases and recommend ways to facilitate access of USBRs to these data sources.
- Establish committees of specialists to examine protocols and procedures developed by multidisciplinary research, inventory, and monitoring programs and recommend ones that BRs could use to document and assess status and trends in their biological diversity, socioeconomic conditions, and cultural resources.

To implement this objective, BRs will:

- Develop and implement a basic resource inventory and monitoring program for the systematic acquisition of ecological and sociocultural data.

- Plan and conduct multidisciplinary research programs on issues of biodiversity, sustainable development, and regional and global change that provide the basis for testing and demonstrating ways to manage ecosystems while promoting compatible economic and social uses.

V. EDUCATION

Success in the process of harmonizing biodiversity conservation and compatible cultural-economic development will depend on the involvement and expertise of all BR stakeholders. Public awareness programs play a key role in developing stakeholder interest which often precedes stakeholder involvement. The USBR will emphasize dissemination of facts, news, and materials describing its work to the general public and appropriate decisionmakers.

Formal and informal educational activities will be essential to assure that all groups have the knowledge and skills needed for participation in implementing the MAB concept. At the same time, such activities will be the vehicle for transmitting lessons learned and experience gained about the MAB concept to others.

GOAL: PROMOTE PUBLIC AWARENESS AND EDUCATION THAT STRENGTHENS THE COMMITMENT OF STAKEHOLDERS TO MAB CONCEPTS.

OBJECTIVE: Become regional showcases for fostering understanding of the evolution of the natural and human systems of the BR's biogeographic area, and resource centers for training, education, and conducting dialogue on issues related to conservation and sustainable development.

To implement this objective, the BR Directorate will:

- Develop public media to support the USBRP, including media that can be adapted for use by individual BRs (e.g., brochures, slide presentations).
- Showcase BRs that best exemplify the goals of the USBRP.
- Facilitate personnel exchanges involving managers, researchers, students, and other BR stakeholders among and between BRs and other areas concerned with conservation and development.

To implement this objective, BRs will:

- Encourage stakeholders, as part of the BR planning process, to coordinate use of their technical and financial resources to implement public awareness and education programs
- Develop and implement public awareness programs on the changing relationships between nature, cultural values, and economic development, and on issues relating to conservation and development.
- Cooperate with academic institutions and local school systems to incorporate MAB concepts and the information from BR programs into their educational materials and curricula on conservation and development issues.
- Encourage training of BR staff and stakeholders on skills required for effective community relations, partnership development and conflict resolution.
- Educate BR personnel and stakeholders about the principles and practices of ecosystem management and sustainable cultural-economic development using BRs as educational laboratories.

VI. COMMUNICATION

The USBRP can play an important role in policy development by providing integrated and scientifically credible information on the complex connections between the actions of humankind and our natural world. Through effective communication, the USBRP can generate and share new ideas and concepts related to conservation and sustainable development, and help keep them at the forefront of the national agenda. Communication mechanisms which allow biosphere reserves to share information will also strengthen and enhance the development of the U.S. Biosphere Reserve Program and the worldwide Biosphere Reserve Network.

GOAL: ESTABLISH MECHANISMS FOR SHARING AND DISSEMINATING DATA AND INFORMATION AMONG U.S. BIOSPHERE RESERVES AND BETWEEN U.S. BIOSPHERE RESERVES AND OTHERS.

OBJECTIVE: Design and implement a USBRP communication system that facilitates BR access to data, information and publications so that information about USBR and research results and information on conservation and development issues from BRs are accessible and widely shared.

To implement this objective, the BR Directorate will:

- Develop and disseminate materials that convey the research of the USBRP to the missions and specific goals of agencies and private sector organizations.

- Hold regular meetings for USBR managers and stakeholders to share experiences in implementing MAB concepts.
- Produce and periodically update a directory of USBRs to provide current information on HR programs, facilities, and individuals.
- In cooperation with U.S. MAB's member agencies, sponsor forums to help USBRs explore topics, problems, and areas of opportunity.
- Explore the feasibility of linking the USBRs via an existing global electronic network (e.g., INTERNET) and other means (e.g., electronic bulletin boards, newsletters, USBR magazine, and UNESCO INFOMAB publication).

To implement this objective, the IRs will:

- Develop communication tools and use public media in cooperation with other organizations and institutions, to strengthen communication among HR stakeholders.

OBJECTIVE: Strengthen domestic and international cooperation between the USBRP and other programs and institutions that have complementary goals and objectives.

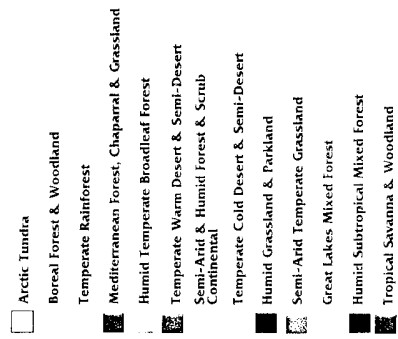
To implement this objective, the HR Directorate will:

- Encourage linkages between the USBRP with other national and international programs concerned with biodiversity, sustainable development, and regional and global change. Examples at the national level include Heritage Programs (The Nature Conservancy and suites), the Long-term Ecological Research Program (National Science Foundation), the Sustainable Biosphere Initiative (Biological Service Unit), the Biosphere Program (The Nature Conservancy), and the U.S. Global Change Research Program (interagency). Examples at the international

level include the Diversitas Program (International Union of Biological Sciences), the International Geosphere-Biosphere Program (International Council of Scientific Unions), and the Global Environmental Facility (World Bank).

- Encourage increased participation of USBRP in MAB's international networks (e.g., EuroMAB, Northern Science Network) for scientific cooperation, technical assistance, and information exchange.
- Promote and facilitate pairing among USBRs and between USBRs and IRs in other countries having similar ecological situations and management issues.

U.S. Biosphere Reserves



LIST OF U.S. BIOSPHERE RESERVES BY CATEGORY

Protected Natural Area. Protected area managed for conservation and designated wholly or primarily as a core area.

Aleutian Islands National Wildlife Refuge, AK (1976; FWS)
Big Thicket National Preserve, TX (1981; NPS)
Denali National Park and Preserve, AK (1976; NPS)
Everglades/Dry Tortugas National Parks, FL (1976; NPS)
Guanica State Forest, PR (1981; state)
Isle Royale National Park, MI (1980; NPS)
Northak National Preserve/Gates of the Arctic National Park, AK (1976, 1984; NPS)
Olympic National Park, WA (1976; NPS)
Oregon Pipe Cactus National Monument, AZ (1976; NPS)
Virgin Islands National Park, USVI (1976; NPS)
Yellowstone National Park, MT-WY (1976; NPS)

Research Reserve. Protected areas managed primarily for research to understand ecosystem processes or support development of sustainable ecosystem uses.

Beaver Creek Experimental Forest, AZ (1979; FS)
Central Plains Experimental Range, CO (1976; ARS) LTER site
Desert Experimental Range, UT (1976; FS)
H.J. Andrews Experimental Forest, OR (1976; FS) LTER site
Hubbard Brook Experimental Forest, NH (1976; FS) LTER site
Keweenaw Research Natural Area, KS (1979; TNC, university) LTER site
Loquillo Experimental Forest, PR (1976; FS) LTER site
San Dimas Experimental Forest, CA (1976; FS)
San Joaquin Experimental Range, CA (1976; ARS)
University of Michigan Biological Station, MI (1979; university)

Biosphere Reserve Cluster. An association of separately designated administrative units that coordinate implementing biosphere reserves. (Clusters of Protected Natural Areas and Research Reserves provided the basis for many initial U.S. Biosphere Reserve nominations in 1976)

Big Bend National Park, TX (1976; NPS) and Jornada Experimental Range, NM (1976; ARS) LTER site. Also includes Mamimi Biosphere Reserve in Mexico.
Fraser Experimental Forest, CO (1976; FS). Niwot Ridge, CO (1979; FS, university) LTER site, and Rocky Mountain National Park, CO (1976; NPS)
Glacier National Park, MT (1976; NPS) and Coram Experimental Forest, MT (1976; FS). Also includes Waterton National Park in Alberta, Canada (1979; Parks Canada)
Sequoia and Kings Canyon National Parks, CA (1976; NPS) and Stanislaus-Tirolume Experimental Forest, CA (1976; FS)
Three Sisters Wilderness, OR (1976; FS) and Cascade Head Experimental Forest and Scenic Research Area, OR (1976; FS)

Multisite Biosphere Reserve. A group of two or more administrative units designated together as a single biosphere reserve. Designated primarily between 1980 and 1986.

California Coast Ranges Biosphere Reserve, CA. 10 units in 2 clusters (1983; BLM, FS, NPS, state, TNC, university)
Carolinian-South Atlantic Biosphere Reserve, NC-SC-GA. 13 units in 3 clusters (1986; FWS, NOAA, NPS, TNC, states, private, university) includes North Inlet LTER site
Central Gulf Coastal Plain Biosphere Reserve, FL. 1 unit, other units not yet designated (1983; state)
Channel Islands Biosphere Reserve, CA. 2 units (1976 and 1986; NPS, NOAA)
Glacier Bay-Admiralty Island Biosphere Reserve, AK. 2 units (1986; FS, NPS)
Hawaiian Islands Biosphere Reserve, HI. 2 units (1980; NPS)
Mojave and Colorado Deserts Biosphere Reserve, CA, NV. 5 units (1984; BLM, FS, NPS, state, university)
South Atlantic Coastal Plain Biosphere Reserve, SC. 1 unit, other units not yet designated (1983; NPS)

Regional Biosphere Reserve. *A large multiple use area or an association of administrative units designated together as a single biosphere reserve. The designated area(s) participate in an organized, cooperative program involving multiple agencies and nongovernmental entities. Designated primarily since 1988.*

- Central California Coast Biosphere Reserve, CA, 13 units (1988 and 1991; FWS, NPS, NOAA, state, local, private)
- Champlain Adirondack Biosphere Reserve, NY-VT (1988; FS, local, private, state, complex ownerships)
- Land Between the Lakes Area Biosphere Reserve, TN-KY multiple use area (1991; TVA)
- Mammoth Cave Area Biosphere Reserve, KY regional development district and a national park (1990; NPS, regional development authority)
- New Jersey Pinelands Biosphere Reserve, NJ regional multiple use reserve (1983, 1988; FWS, local, state, complex ownerships)
- Southern Appalachian Biosphere Reserve, GA-NC-SC-TN-VA, 5 units (1976, 1988; 1989; DOE, FS, NPS, state, private) includes Coweta LTER site
- Virginia Coast Reserve, VA multiple islands TNC bioserve (1979; TNC LTER site)

Administrators of Designated Sites

- ARS Department of Agriculture—Agricultural Research Service
- DOE Department of Energy
- FS Department of Agriculture - Forest Service
- FWS Department of the Interior—U.S. Fish and Wildlife Service
- NOAA National Oceanic and Atmospheric Administration
- NPS Department of the Interior - National Park Service
- TNC The Nature Conservancy
- TVA Tennessee Valley Authority



Mary Denham, State Coordinator
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The Honorable Helen Chenoweth
 House of Representatives
 Longworth House Office Building, Room 1772
 Washington, D.C. 20215

Re: HR 883 American Land Sovereignty Act, sponsored by
 The Honorable Don Young (R-AK) House Committee on
 Resources Field Hearing in Rolla, Mo, May 1st 1999.

May 10, 1999

Dear Mrs. Chenoweth,

Thank you for your curtsey, generosity and graciousness to the people of the Ozarks during the House Committee Field Hearing. As I said to you there, I would vote for you for President in a heartbeat and hope one day to see you hold that office. I know that these extra efforts by you and Representative Jo Ann Emerson cut into your personal time with family and friends. Thanks also, to The Honorable Jo Ann Emerson, who showed the same attributes, and who added considerable spice to the Hearing. You both represent the people well.

In the following Monday mail I received a package of three letters and three news items. I have scanned them into my computer, and would appreciate being able to add them to my Exhibits for the written record. The exhibits back-up my testimony. The involved federal and state agencies including, that the Buffalo National River, National Park Service in AR, are continuing to implement the Ozark Highlands Man and the Biosphere, even though Park Superintendent John D. Linahan is still disclaiming any further involvement, and damage to the people, from such a designation. What fools do they think we are and take us for?

These exhibits clearly show the Buffalo National River NPS, conspiring with the AR Department of Environment Quality (DEQ) and the AR Department of Pollution Control and Ecology (DPC&E) and are the taking of the watersheds of Arkansas, public and private, as their domain of control, again. Hell or high water, their aim is to succeed, in an OHMAB, designation. Of course, they always have Vice President Al Gore's "Clean Water Initiative", or President's Clinton's American Heritage Rivers Executive Order for reason. Do they not know, that we know, these are all slices of the pie to make a whole Diversity Treaty in action? There's an old saying, "Fool me once, shame on you, fool me twice, shame on me." I would only replace the 'me' with 'us'. I don't believe that we'll be easily fooled again, certainly not "Little Leon" Somerville, a very a-simple

river guide and canoeist, but a real Arkansas hillbilly and proud of it. Some of his credentials are in his letter to Mr. Devine. He really should have been a witness instead of me. There are so many good faithful people it's hard to know who should be called to tell their stories of this terrible and continuing drama of the OHMAB.

My additional exhibits pertaining to the NPS for the written record are "Little Leon" Somerville's documents to me. They are:

- Copy of "Little Leon" Somerville Letter to Governor Mike Huckabee.
- Copy of "Little Leon" Somerville Letter to L. Devine, Environmental Liaison for Gov. Mike Huckabee.
- Copy of "Little Leon" Somerville Letter to Mary Denham.
- Copy of Somerville Exhibits to Mary Denham:
 - Map of the State of Arkansas, Extraordinary Resource Waterbodies, with effected watersheds of named waterbodies. (As in Al Gore's Clean Water Initiative, AKA, NPS OHMAB).
 - News article: **Conservation groups want U.S. to control pollution**
By MARK WALLER ARKANSAS DEMOCRAT-GAZETTE
 - News article: **The Park Service persecution of the hillbilly** by ALSTON CHASE [LLS NOTE "Indy Star" 2/18/96]

In addition, these two exhibits back up my testimony that we're not the "black helicopter-blue helmet conspirators". Biospheres and The Wildland Project are called for in the GLOBAL BIODIVERSITY ASSESSMENT (GBA), an 8.5 x 11, 1,100 + page, handbook of regulations for the Biodiversity Treaty being implemented by Executive Order, Initiatives and Directives. These two items are "their" words. God help the people.

A news item from Betty Beaver, triple whammied by living on Lake Hamilton, Hot Springs (National Park), AR in the Ouachita National Forest.

- New article: [NPS] Restoring fear to the equation by John Krist, SCRIPPS HOWARD NEWS SERVICE, Ventura, CA

And an Email from Jack Stauder, through Alliance for America 5-15-99

- Email Subject: **And you thought wolves were crazy?** [How about elephants?]

I believe these documents are pertinent to HR 883 - The American Land Sovereignty Act, and should be a part of the written record, as they are from the people. I do thank you for your consideration.

Yours truly,


Mary Denham

Mary Denham
Take Back Arkansas, Inc.
2167 North Porter Road
Fayetteville, AR 72704

From:
Leon Somerville, Jr.
HC 80, Box 750
Cozahome, AR 72639
phone: 870-448-5920

May 3, 1999

(for immediate release)

Dear Mary,

Greetings from Marion County, here along the lower Buffalo River. Once again, the National Park Service (NPS) has come out with a new plan to impose federal control over millions of acres of private property here in North Arkansas. I hope you can share this information with the members of Take Back Arkansas.

This new plan is called the Water Resources Management Plan (WRMP). According to the NPS, this federal intervention became legally mandated when the State of Arkansas voluntarily designated millions of acres of land as Extraordinary Resource Waters (ERW) under the federal Clean Water Act. While the proposed WRMP applies only to Buffalo River's 840,000 acre watershed at this point in time, these very same federal restrictions and regulations will soon be imposed on all watersheds statewide that have been designated as ERWs. As you know, most of these ERW designations are located here in North Arkansas, forming the southern part of what the NPS still calls the Ozark Highlands Man & Biosphere Reserve.

Since NPS jurisdiction does not extend beyond existing national park boundaries, various state agencies are charged to execute and enforce this proposed plan. These include the Arkansas Department of Environmental Quality (DEQ) and the Arkansas Game & Fish Division.

The NPS, working in conjunction with the DEQ, has already held at least 2 so called "public" meetings on the proposed WRMP without any public notice or involvement, in clear violation of both federal and state laws. As always, the NPS is conducting this so called "public" process in virtual secrecy, to avoid the public opposition they know this proposed federal land-use plan is sure to bring.

The proposed WRMP identifies "issues" which continue to "threaten" the environment in these federally designated ERW watersheds. Farming, ranching, logging, gravel mining, homes and septic systems, county roads and driveways, even public recreation are all specifically mentioned. In short, anything and all human activity. According to the proposed WRMP the only non-threatening use of private property is as undeveloped, forested land. No homes, no farms, no roads, no anything, just miles and miles of undeveloped forest. Welcome to the Ozark Highlands Man and Biosphere Reserve.

(continued)

(pg. 1)

The proposed WRMP requires the various state agencies to conduct studies and surveys on all properties within these ERW watersheds, to determine the exact amount of non-point pollution running off these properties. Please keep in mind that the ERW designations require absolutely no environmental degradation whatsoever; zero, zilch, none. Any use of private property will result in environmental degradation and "pollution", at least in the eyes of the NPS and the DEQ. Again, the proposed WRMP recognizes undeveloped, forested land as the only acceptable use of private property within the designated ERW watersheds.

Landowners may very well find themselves facing "mitigation", wherein you are forced to sign conservation easements, or to deed over part of your property outright to the state or federal government, in exchange for the "right" to actually use the remaining part of "your" land. Welcome to the wild, wonderful world that the NPS has planned for us.

To receive a copy of the proposed Water Resources Management Plan,
Contact

Mr. David Mott, Hydrologist
National Park Service
Buffalo National River
P.O. Box 1173
Harrison, AR 726-1173

or call 870-741-5443, extension 115. Be sure and ask that they include a copy of USGS circular #1158 "Water Quality in the Ozarks Plateaus".

I have written to Governor Huckabee outlining my concerns about the proposed WRMP and the virtual secrecy under which this proposed plan is being carried out, in violation of both federal and state law. I sincerely believe that Governor Huckabee would be opposed to this massive federal intervention in our state, if he was informed about the true nature and legal scope of the proposed WRMP. One thing is certain, the NPS at the DEQ will not voluntarily, or truthfully, inform the Governor about this proposed federal land-use plan to be all across rural Arkansas. While the Governor, (or no one else for that matter), has any control over NPS, he can direct the DEQ to insure public notices and hold public hearings on the proposed WRMP, in accordance with state law.

Governor Huckabee needs to hear from more of us about this proposed WRMP. He needs to know that we are concerned, not only about the future of our homes and lands, but about the legal authority and autonomy of our local county and municipal governments as well. As things stand right now, the Governor doesn't know a thing about the proposed WRMP. Hopefully, we can change that.

Democracy is not a spectator sport. You snooze ... you lose. The squeaky wheel gets the grease. America is run by those who show up, or in our case, by those of us who stand up. We need to try and get our neighbors on the ball.

(continued)

May 3, 1999

(pg. 2)

I urge all of our neighbors to get involved. You don't have to be some big cattle rancher or timber company to be directly affected by' the proposed WRMP. If you own [or rent] property at all, within one off these designated ERW watersheds, your property will be subject to these proposed state and federal regulations. Even if you only own one acre and had the audacity to build a house with a bathroom, or (God forbid) an outhouse, the state and federal governments will come after you and your land. Again, the ERW designations require absolutely no environmental degradation whatsoever.

This doesn't have to happen like this. The proposed WRMP is exactly that... a proposed plan. If we can put enough pressure on the Governor's office, we can force the DEQ to issue public notices and hold public hearings on the proposed WRMP in accordance with state law. The proposed WRMP will not survive, the bright light of public scrutiny.

You can contact the Governor's office at:

Governor Mike Huckabee
Office of the Governor
State off Arkansas
State Capitol
Little Rock, AR 72201

or call 501-682-2345; ask for Mr. Marcus Devine, the Governor's Advisor on Environmental Affairs. Be polite. Please remember that the folks in the Governor's office have no knowledge about the proposed WRMP. The NPS and the DEQ are keeping the folks in the Governor's office in the dark about the proposed WRMP, just like they are doing to the rest of us. We need the Governor's help. Working together, we can defeat the proposed WRMP. Please ask the Governor's office to direct the DEQ to issue public notices and hold public hearings on the proposed WRMP.

I have great confidence in our neighbors here in North Arkansas. I know what they can do, especially when they get riled up. If that time was ever at hand, it is here right now. I hope and pray that the folks of Take Back Arkansas can rise to this challenge.

I urge our neighbors to get involved. We need to take the high road and fight the good fight. I am doing what I can, but I can't, and won't, win this battle alone. I need your help.

If I can be of assistance, don't hesitate to call my home. Just holler ant I'll jump. Please know that I am...

in for the duration,

[Signature] "Little Leon" Somerville

May 3, 1999

Lean Somerville, Jr.

["Little Leon"]
Cozahome, Arkansas

phone: 870-445-5920

Mr. Marcus Devine
Advisor/Environmental Affairs;
Office of the Governor
State of Arkansas
State Capitol Building
Little Rock, AR 72201

from
Leon Somerville, Jr.
HC 80 Box 750
Cozahoma, AR 72639
Phone: 870-448-5920

April 29, 1999

Dear- Mr. Devine,

RE: National Park Service proposed WRMP!

Greetings from Buffalo River. I wish to follow up on my letter of October 1, 1998, concerning the National Park Service's proposed Water Resources Management Plan. This plan will be imposed on all 840,000 acres of Buffalo River's watershed, most of which is Private property, miles outside the existing national park boundary.

According to the National Park Service (NPS), this federal intervention became legally mandated when the State of Arkansas "voluntarily" designated Buffalo River and its watershed as Extraordinary Resource Water (ERW) under Section 305 of the federal Clean Water Act. These very same federal restrictions and regulations - will soon be enclosed; statewide on all watersheds that have received the ERW designation. Most of these ERW designations are located up here in North Arkansas, in what the NPS calls the Ozark Mountain's Man and Biosphere Reserve.

Mr. Devine, this federal land-use plan will be imposed on millions of acres of private property, usurping not only the rights of us landowners, but also the legal authority and autonomy of our local community and municipal governments as well. Given the abusive and brutal track record of the NPS, this proposed federal control poses a very real threat to the people and governments of rural Arkansas.

I was finally able to reach Governor Huckabee, in person, on AETN's "Arkansans' Ask: Governor Mike Huckabee" program April 27. He professed that he had not heard of this; proposed federal land-use plan and expressed an interest to learn more. We asked that I write him a letter. So here I am again.

Please contact Mr. David Mott, Hydrologist, National Park Service, Buffalo National River! P.O. Box 1173/ Harrison, AR 72601-1173. Or call 501-741-5443, extension 115. Ask for a copy of the Water Resources Management Plan. Be sure and ask that they include a copy of the USGS circular 1158 "Water Quality in the Ozarks Plateaus". (It's the best part).

I realize that you probably get all kinds of letters from all kinds of people. (Boy howdy... I'd hate to think...). I don't envy your job, Mr. Devine, not one bit. But I must admit, sir, that I was disappointed in your December 16, 1998 response to my original letter. I am very much aware of the requirements of Section 305 of the federal Clean Water Act, as are our local county and municipal governments, who must try to comply with these federally mandated regulations on a daily basis. The

(Continued)

proposed Water Resources Management Plan is not part of the federal Clean Water Act, but rather a land-use plan drawn up solely by the NPS.

I would like you to know, Mr. Devine, that I am a 2nd generation, 25 year veteran of the wise-use/property rights movement. I have an extensive legal library here in my home containing thousands of pages of federal laws' and regulations', including several volumes of the CFR code books. While I specialize in federal and Constitutional law per-tainting- to our national parks, I also branch out to cover national forests, Corps of Engineers lakes and the federal Clean Water Act. I regularly advise my Marion and Searcy County governments in their dealings with the National Park Service.

I have gained national recognition in this field, being featured in books and on national TV. I am on the property rights advisory board of the Property Rights Foundation of America, Inc., based in Stony Creek, New York. I regularly advise landowners, property-rights groups, attorneys and local governments all across the nation in their dealings with the NPS. I correspond with people, groups and governments in 22 States. Solely due to my longevity and persistence in these endeavors, I am humbled by the many people who view me as a "lead-err" in this growing civil rights movement.

Why shoot... Mr. Devine, I'm just a lowly canoe hauler and river guide here at Buffalo River. I didn't start this fight, and I sure don't want it, but I ain't about ready to quit, not now. I have personally witnessed the destruction and devastation that the NPS has rained down on Buffalo River, her people, our culture and our way of life. It's not something that a feller can just forget, Mr. Devine. I made it my-business to learn about these federal laws. It has turned into a lifetime's worth of work.

You apparently missed the whole point of my original letter, so please allow me to try again. The NPS and the Arkansas Department of Environmental Quality (DEQ) are carrying out the proposed Water Resource Management Plan in virtual secrecy with no public notice, public input or public comment period, as required by both federal and state law. I realize that the Governor has no power over the NPS, but he can line out the DEQ.

The DEQ is carrying out the proposed Water Resources Management Plan without any public notice or involvement, in clear violation of Regulation #8, Administrative Procedures. In particular, part 3.1.1 Public Notice Required, part 3.1.2 Publication of Notice, part 3.1.3 Contents of Notice, part 3.2.1 Public Hearing Required, part 3.2.2 Public Hearing Proceedings, and part 3.2.3 Written Comments. I'm sure the DEQ will come with a good excuse for not following these legally required administrative procedures. I'll bet you \$10, Mr. Devine, that the DEQ will say something like this; "We thought the NPS took care of all that".

As I pointed out in my original letter of October 1, 1998, the NPS quit notifying the public about their proposed plans years ago, to circumvent the public apposition they knew they were certain to face.

The NPS and the DEQ held only one so called "public" meeting here locally, at the Federal Building in Marshall on November 9, 1998. This "public" meeting was not

(continued)

April 29, 1999

(pg. 2)

published any newspaper at all. The handful of private citizens who showed up came as a result of my telephone calls, alerting my neighbors about this proposed federal land-use plan. At this so called "public" meeting, Mr. David Mott, Hydrologist with the National Park Service, explained to us why the MIS chose not to publicly announce this "public" meeting. I quote Mr. Mott, "We did not want to cause any undue public concern". End quote.

Mr. Devine, we need your help. We need the help of Governor Huckabee. The NPS and the DEQ are carrying out the proposed Water Resources Management Plan in virtual secrecy, in violation of both federal and state law. Please help us bring the proposed #Water Resources Management Plan to the attention of the people of rural Arkansas, so it might be examined in the bright light of public scrutiny. Give us a fighting chance, you won't be disappointed.

As always, I stand ready to help in any way I can. Please call me at any time. Just holler and I'll jump. I am... - in for the duration,

P.S.

If you call my home,
Please ask for
"Little Leon"

[Signature]

Little Leon Somerville
Leon Somerville, Jr.
HC 80, Box 750
Cozahome, AR 72639
Phone: 570-448-5920

April 29, 1999

GOVERNOR MIKE HUCKABEE
OFFICE OF THE GOVERNOR
STATE OF ARKANSAS
ARKANSAS STATE CAPITAL,
LITTLE ROCK, AR 72201

FROM:
LEOM SOMERVILLE, JR.
HC 80, BOX 750
COZAHOME, AR 72639

Phone: 870-448-5920

OCTOBER 1, 1998

DEAR GOVERNOR HUCKABEE,

GREETINGS FROM MARION COUNTY, HERE ALONG THE LOWER BUFFALO RIVER ONCE AGAIN, THE NATIONAL PARK SERVICE (NPS) HAS COME OUT WITH A NEW PLAN TO IMPOSE FEDERAL CONTROL OVER MILLIONS OF ACRES OF PRIVATE PROPERTY HERE IN NORTH ARKANSAS, AND ONCE AGAIN YOUR OFFICE IS IN A UNIQUE POSITION TO HELP US DERAIL THIS FEDERAL TAKEOVER.

THIS NEW PLAN IS CALLED THE WATER RESOURCES MANAGEMENT PLAN (WRMP). THE NPS IS PUSHING THIS SAME PLAN NATIONWIDE AS PART OF THEIR LEGAL MANDATE TO CARRY OUT THE GOALS OF THE UN MAN AND BIOSPHERE PROGRAM. SINCE NPS JURISDICTION DOES NOT EXTEND BEYOND EXISTING FEDERAL BOUNDARY LINES, THE VARIOUS STATES ARE CHARGED TO EXECUTE AND ENFORCE THIS FEDERAL PROGRAM. HERE IN ARKANSAS, THE WRMP WILL BE CARRIED OUT BY THE ARKANSAS DEPARTMENT OF POLLUTION CONTROL & ECOLOGY (PC&E).

ACCORDING TO THE NPS, THIS FEDERAL INTERVENTION BECAME LEGALLY MANDATED WHEN THE PC&E DESIGNATED MILLIONS OF ACRES OF LAND AS EXTRAORDINARY RESOURCE WATERS (ERW). UNDER THIS "VOLUNTARY" AGREEMENT THE STATE CEDED FINAL LEGAL AUTHORITY OVER THESE SPECIALLY DESIGNATED AREAS TO THE FEDERAL GOVERNMENT. IN RETURN, THE STATE PC&E IS GIVEN THE POWER TO ENFORCE ALL FEDERAL RULES AND REGULATIONS OVER THE CITIZENS AND LOCAL GOVERNMENTS WITHIN THESE FEDERALLY DESIGNATED AREAS. THE PROPOSED WRMP ALSO OFFERS THE PC&E MORE FEDERAL FUNDS AND MANPOWER TO CARRY OUT THIS AMBITIOUS PLAN.

FOR THE FIRST TIME, THE WRMP ADMITS TWO IMPORTANT FACTS.

- (1) THAT THE PC&E HAS WORKED CLOSELY WITH THE NPS SINCE 1988 TO CARRY OUT THESE FEDERAL DESIGNATIONS, AND
- (2) THAT THESE DESIGNATIONS APPLY TO ALL LANDS WITHIN THE ENTIRE WATERSHEDS OF THESE "PROTECTED" STREAMS. (FOR EXAMPLE, BUFFALO RIVER'S WATERSHED CONTAINS 840,000 ACRES, LOCATED IN 8 COUNTIES, INHABITED BY TENS OF THOUSANDS OF FAMILIES).

THE WRMP IDENTIFIES "ISSUES" WHICH CONTINUE TO THREATEN THESE FEDERALLY DESIGNATED AREAS: FARMING RANCHING, LOGGING, GRAVEL MINING, HOMES AND SEPTIC SYSTEMS, DRIVEWAYS, AND COUNTY ROADS. YOU NAME IT. THE ONLY NON-THREATENING USE OF PRIVATE PROPERTY IS AS UNDEVELOPED, FORESTED LAND. NO HOMES, NO ROADS, NO ANYTHING. JUST MILES AND MILES OF UNDEVELOPED FOREST. WELCOME TO THE OZARK HIGHLANDS MAN AND BIOSPHERE RESERVE.

SINCE 1963, THE NPS AND THEIR ENVIRONMENTALIST SUPPORT GROUPS HAVE QUIETLY CARRIED OUT THEIR CAMPAIGN AGAINST BUFFALO RIVER AND THE PEOPLE. PLAN AFTER PLAN HAS BEEN PROPOSED AND ADOPTED IN VIRTUAL SECRECY AND MOST CERTAINLY WITHOUT ANY MEANINGFUL PUBLIC INVOLVEMENT. LOCAL PEOPLE AND OUR COUNTY AND CITY GOVERNMENTS ARE NEVER OFFICIALLY NOTIFIED ABOUT ANY OF THESE PROPOSED PLANS. THESE "SNEAK ATTACK" TACTICS HAVE WORKED WELL FOR THE NPS HERE AROUND BUFFALO RIVER FOR THE LAST 30 YEARS. UNFORTUNATELY, OUR VERY OWN PC&E HAS ADOPTED THIS STRATEGY OF "DON'T ASK... DON'T TELL".

THIS EVASIVENESS BY THE PC&E BECAME ALL TOO APPARENT DURING THE ERW HEARINGS FOR CROOKED CREEK. THROUGH 4 PUBLIC HEARINGS THE PC&E REFUSED TO ANSWER ANY QUESTIONS FROM ANYBODY. DOZENS OF SPEAKERS STEPPED FORWARD ASKING ABOUT THE ERW DESIGNATION, INCLUDING CITY COUNCILMEN, COUNTY JUDGES AND STATE REPRESENTATIVES. THE PC&E SAT THERE IN MUTE SILENCE, HOPING WE WOULD ALL JUST SHUT UP AND GO HOME.

DUE TO THE INTERVENTION OF YOUR OFFICE, THE PC&F HELD A 5TH PUBLIC HEARING ABOUT CROOKED CREEK, WHERE THEY WERE SUPPOSED TO ANSWER QUESTIONS. WHILE THEY CONTINUED TO BE EVASIVE IN THEIR ANSWERS, THE PC&E HANDED OUT A PAMPHLET STATING THAT THE ERW DESIGNATION WOULD BRING NO LAND ACQUISITION, NO ZONING AND NO NEW REGULATIONS.

NOW, 2 YEARS LATER, THE NPS CLAIMS THAT THESE VOLUNTARY FIRW DESIGNATIONS MANDATE FEDERAL CONTROL OVER MOST OF NORTH ARKANSAS. BUT WE AREN'T SUPPOSED TO WORRY BECAUSE THE PROPOSED WRMP CLEARLY STATES THAT THERE WILL BE NO LAND ACQUISITION, NO ZONING AND NO NEW REGULATIONS.

GOVERNOR HUCKABEE, IT IS TIME TO END THIS "CODE OF SILENCE" THAT THE NPS AND THE PC&E CONTINUE TO USE AGAINST THE PEOPLE OF RURAL ARKANSAS. PLEASE HELP US BRING THIS DEBATE BEFORE THE GENERAL PUBLIC SO IT MIGHT BE EXAMINED IN THE BRIGHT LIGHT OF PUBLIC SCRUTINY. I KNOW WHAT MY NEIGHBORS CAN DO, ESPECIALLY UP HERE IN NORTH ARKANSAS.

HELP GIVE US A FIGHTING CHANCE... AND STAND BACK. GOVERNOR HUCKABEE, YOU WON'T BE DISAPPOINTED.

I RESPECTFULLY ASK THAT YOUR OFFICE DIRECT THE PC&E TO MAKE A CLEAR AND ACCURATE ACCOUNT TO THE PEOPLE AND LOCAL GOVERNMENTS OF ARKANSAS, AS TO THE TRUE NATURE AND LEGAL SCOPE OF THE ERW DESIGNATIONS AND THE PROPOSED WRMP.

I SUGGEST THAT THE PC&E OFFICIALLY NOTIFY EVERY CITY AND COUNTY GOVERNMENT WITHIN THESE ERW DESIGNATIONS OF THESE EXPANDED FEDERAL POWERS AND THE ENSUING LOSS OF LOCAL JURISDICTION AND LEGAL AUTHORITY.

I FURTHER SUGGEST THAT THE PC&E ISSUE PRESS RELEASES STATEWIDE EXPLAINING THE ERW DESIGNATIONS AND THE FEDERALLY MANDATED WRMPs TO ALL LANDOWNERS AND LOCAL CITIZENS.

IF THE NPS AND THE PC&E HAD THEIR WAY, US FOLKS WHO LIVE AND WORK WITHIN THESE FEDERALLY DESIGNATED AREAS WOULD BE THE VERY LAST PEOPLE TO KNOW ABOUT THESE PROPOSED PLANS. THE NPS HAS OPERATED LIKE THIS HERE AT BUFFALO RIVER FOR OVER 30 YEARS. THIS LESSON HAS NOT BEEN WASTED ON THE PC&E.

GOVERNOR HUCKABEE, HELP US BREAK THIS CHAIN. LET'S SET THE ERW DESIGNATIONS AND THE PROPOSED WRMPs BEFORE THE GENERAL PUBLIC AND SEE WHAT HAPPENS. I REMAIN CONFIDENT IN MY NEIGHBORS.

IF I CAN OFFER ANY ADDITIONAL HELP OR INFORMATION PLEASE DON'T HESITATE TO CALL. JUST HOLLER AND I'LL JUMP. I STAND READY, I AM...

IN FOR THE DURATION

[signature]

"Little Leon" Somerville
LEON SOMERVILLE, JR.

HC 80, Box 750
COZAHOME, AR 72639
PHONE: 870-448-5920.

Somerville Exhibit 1

DRAFT
EXTRAORDINARY RESOURCE WATERBODIES

Mary's Notes: Scanner did not copy Arkansas mapped watersheds that should have been in this space. If you, and/or your property, are located within these watersheds, take cover. Like Little Leon suggested, call and write the Governor requesting public meetings and for questions to be answered by the Department of Environmental Quality (DEQ), the AR Department of Pollution Control & Ecology (DPC&E) or (PC&E). Also, write and call all of the Arkansas Congressional Delegation - all four U.S. Representatives and two Senators. Find out who serves on the Congressional Oversight Committee for National Park Service (NPS), call them and demand Public Hearings as per State and Federal Laws.

For those of you in other states, remember the NATIONAL PARK SERVICE IS JUST THAT, A NATIONAL SYSTEM. Consider doing the same in your states. This will take a national effort.

TO ALL: please forward the three letters of Little Leon and these 3 Exhibits to all on your Email Loops, for "life, liberty and justice for all".

Little Leon's Notes; FROM - AR DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

**Regulation # 2 INCLUDES ALL LANDS WITHIN WATERSHES
 [OF THE BELOW NAMED WATERBODIES]
 OZARK HIGHLANDS MAN & BIOSPHERE.**

- Eleven Point River
- Current River
- Bull Shoals Lake
- Kings River
- Mountain Fork Little River
- Cossatot River (above Gilham Lake)
- Little Missouri River (above Lake Greeson)
- Caddo River including Lake DeGray
- Lake Ouachita
- Saline River including North, Middle, Alum, South Forks
- Lee Creek (headwaters to State Line)
- Mulberry River
- Piney Creek
- Hurricane Creek including tributary to Piney Creek
- Illinois Bayou including north, Middle, East Forks
- Cadron Creek including East Fork
- Little Red River including Middle, Archies Devil's Forks
- Salado Creek
- North Sylamore Creek
- Strawberry River
- Spring River including South Fork, Myatt Creek, English Creek, Field Creek, Big Creek, Cut Creek
- Second Creek

Somerville Exhibit 2

LEON'S NOTE
 "Indy Star" 2/18/96
 "Buffalo River in a nutshell"

The Park Service persecution of the hillbilly ALSTON CHASE

Federal officials have not only destroyed much of this colorful "hillbilly" culture but by closing cemeteries' annihilate a historically important part of their past

Readers may remember that last fall I wrote about my little dog Lewis, who was buried at a pet cemetery under the Golden Gate Bridge in San Francisco, and whenever I returned to that city, I visited Lewis' grave

Then last year, after the National Park Service took control of the Presidio, I found the cemetery surrounded by a high fence and signs telling everyone to keep away.

Well, I learned that my experience wasn't unique. A reader from Arkansas has written a heart-breaking letter about what's happening at Buffalo National River, a national park near his home. In the name of wilderness protection, he documents, officials at that preserve are committing "cultural genocide" by driving people out of their homes and even denying them access in [or to], or condemning family' grave sites.

Lying in the heart of the Ozark Mountain, the Buffalo River region was home to such fictional *Dogpatch* characters as Al Kapp's, Lil Abner and Daisy Mae. Populated in the early 16th century by English, Scottish and Irish settlers, it embodies America's frontier heritage. Yet since the park was established in 1972, Federal officials have not only destroyed much of this colorful "hillbilly" culture but by closing cemeteries continue to annihilate a historically important part of their past as well.

Access... to cemeteries

"Us local people and county governments, "my Ozark informant writes, "have fought a long-running battle with the NPS over public use and access to the 37 public and private cemeteries that fall within federal boundaries. This fight has dragged on since 1979. One road at a time, one cemetery at a time. It has become a war of attrition, today, probably a dozen or so cemeteries remain closed."

This wasn't supposed to happen. In establishing the park, Congress intended to give visitors a glimpse of this historically important culture. Yet by 1989, the service had removed 1,100 of the original 1,108 families.

"Families lost their homes, farms and vacation cabins, even at gunpoint when necessary," my correspondent writes. "Dozens of businesses were forced out. Churches were closed, entire communities were obliterated."

The Park Service, he testifies. "Turned out families who had lived and worked on Buffalo River since the 1820s. Starting about 1984. Once most of the families had been removed, the NPS began physically barricading the country roads and Jeep trails that led into the park, including the access roads to many of the cemeteries. . . The Buffalo River that we all knew and loved was to be completely and utterly destroyed."

Nevertheless, preservationists still aren't satisfied. Now they insist that the park, which encompasses 95,000 acres, is too small. They want to remove people from the entire 840,000 acre watershed and have a "Buffalo Watershed Council" control the stream.

"Politically and poetically," my informant concludes. "The people of Buffalo River were sold down the river. We simply don't count. A very clear pattern emerges, Mr. Chase, of the abuse and mistreatment of our rural mountain peoples at the hands of the NPS, exterminate the hillbilly. It's as plain and simple as that."

Indeed, I learned that this story is far from unique. I was able to verify that mountain peoples near other parks have suffered similar discrimination, in some cases for as long as 70 years.

After Virginia's Shenandoah National Park was established in 1928. Countless families were forced from their homes. And when Congress declared this park a "wilderness" in the 1970s. Motor-vehicle access to cemeteries was denied or restricted, making them nearly impossible to visit or maintain.

In North Carolina, the Great Smoky Mountains National Park refuses to build a promised road that would provide access to the 28 cemeteries lying within its boundaries. Meanwhile, Swain County, North Carolina, where much of that park is located and where more than 88 percent of the land is federally owned, regularly hosts the highest poverty levels in the state.

Persecuted these peoples

Some ethnologists consider park and Appalachian cultures among the most authentic in America, possessing language and traditions largely unchanged since Elizabethan times. But mainstream society has long persecuted these peoples, often picturing them as inbred, "Hatfield-and-McCoy" -type moonshiners.

And today, they are victims of environmentalism. Preservationists and their policeman, the National Park Service are so enamored with anti-humanism that they do not merely persecute these folk, but increasingly seek to destroy the culture of all those who live off the land, whether logger, farmer or rancher.

America has forgotten the words of Thomas Jefferson, who wrote: "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests by the most lasting bonds."

Today, we might find Jefferson turning in his grave — if, that is, we can still get to it.

Creators Syndicate [Leon was the 'reader' Chase referred to, a great fighting
hero to me -"in for the duration".]

Somerville Exhibit 3**Conservation groups want to control pollution**

BY MARK WALLER ARKANSAS DEMOCRAT-GAZETTE

Five Arkansas conservation groups declared Tuesday they will sue the federal government unless it takes over a state-run program to control water pollution that isn't emitted from precise points, such as pipes.

Hank Bates, attorney for the groups, said the government has done a good job regulating emissions from specific dumping spots. But the Arkansas Department of Pollution Control and Ecology has failed to regulate pollution that runs off farms or results from clear-cutting trees and gravel mining streams, Bates said.

The federal Clean Water Act makes states responsible for regulating such "non-point" pollution. The groups contend that under the act, the federal Environmental Protection Agency should have already taken over the program because of inactivity by the state.

The groups supporting the potential lawsuit are the Sierra Club, Arkansas Fly Fishers, the Federation of Fly Fishers, the Crooked Creek Coalition and Save Our

Bates said he mailed a letter Tuesday to the EPA regional office in Dallas detailing the group's complaints. The agency will have 60 days to react, or be sued, he said.

David Bary, a spokesman for the EPA in Dallas, said Tuesday that officials there will have to receive and review the complaint before they can comment.

Doug Szenher, spokesman for Pollution Control and Ecology, said "non-point" pollution has become an issue in recent years, and the EPA only recently started providing guidelines to states on how to deal with it.

Agencies haven't had enough time to develop complete plans, Szenher said. He stressed that the EPA has approved Arkansas' program.

The conservation groups say the law requires agencies to identify lakes and streams so polluted that they can't be used for swimming or drinking water. Then the agencies must determine the maximum amount of pollution the lakes or streams can absorb and still be healthy. Using that information, the groups say, the agencies must regulate the amount of pollution.

The state has surveyed pollution in several waterways, the groups say, but acknowledged only Holly Creek as unsafe for swimming.

Szenher said the state agency defines "impaired" streams and lakes differently from the conservation groups.

INSERT IN ABOVE ARTICLE

**Excellence awards handed out by EPA
ARKANSAS DENIOCRAT-GAZETTE**

The U.S. Environmental Protection Agency handed out "Environmental Excellence" awards to Arkansas companies and agencies Tuesday. In a ceremony at the Capitol, winners received plaques, flags and pins.

The awards and recipients were:

- For Wastewater Management — Pretreatment, the city of Fayetteville.
- For Public Water Supply, the North Little Rock Water Department.
- For Wellhead Protection, the cities of Stuttgart and Lonoke.
- For Air Compliance, SWEPCO, the Flint Creek Power Plant
- For Pollution Prevention, Eastman Chemical Co. in Batesville.
- For Recycling, Green Bay Packaging Inc. in Morrilton.
- For Environmental Education, Burgess C. Spencer of Lonoke.
- For Partnership for Environmental Excellence, the Environmental Education Round-table, the Arkansas Department of Pollution Control and Ecology, the Animal Waste Management Partnership and the Buffalo National River Watershed.

BETTY BEAVER FAX

COLUMNISTS**Restoring fear to the equation**

BY JOHN KRIST

SCRIPPS HOWARD NEWS SERVICE

VENTURA, Calif.

Nothing focuses your attention like mowing the impenetrable brush surrounding you harbors a creature that regards you as food.

This idea occurred to me one autumn morning in the coastal rain forest of southeast Alaska, as I accompanied National Parks Service biologists on a trip to study migrating salmon.

Crashing through the dense undergrowth, slogging through mud and being stabbed by the vicious thorns of devil's club, we came across piles of fresh bear scat— huge piles. Clearly, a grizzly had been using the same faint footpath.

We were making lots of noise already, but we upped the volume "Hey Bear" our leader kept repeating, as he checked the big canister of pepper spray holstered on his belt.

We never saw the grizzly. But knowing we were sharing the Sitka spruce forest with North America's largest terrestrial carnivore brought the day alive in a way that is hard to explain. Every sound, every shadow, every odor became vivid beyond description. Exhilaration and fear are twins, but both are not common in everyday experience.

They might be more common, however if we were to heed a pair of influential conservation biologists, Michael Soule and Reed Noss, who, in a recent paper in *Wild Earth Journal*, call for something they have dubbed "rewilding"—restoring top predators to threatened ecosystems to preserve our natural heritage.

When modern humans arrived in North America, they found a landscape inhabited by scores of huge animal species. Many were relatively docile herbivores, such as

mastodons, ground sloths and camels, but the continent also was home to a number of gigantic carnivores, predators so big as to make wolves, cougars and grizzlies of today seem like domestic pets.

The saber-tooth cat, well known to schoolchildren because so many specimens have been excavated from the famed tar pits of Los Angeles, was one. But there were less well known others, creatures that would have seemed even more alarming to a relatively puny biped.

The short-faced bear, for example, stood nearly 11 feet tall on its hind legs, putting it at least a head taller than the brown bear, which has the current title of largest North predator American predator.

There were also dire wolves, North American lions and a variety of big cats with scimitar shaped fangs.

All of these large carnivores, along with most of the big herbivores, on which they preyed, vanished within 2,000 years after Homo Sapiens crossed the Bering land bridge from Asia.

These wondering hunter who about 12,000 years ago after the Pleistocene ice age, were armed with the Neolithic equivalent of the Winchester repeating rifle: the Clovis stone-flaking technology which enabled them to produce wickedly effectively spear and projectile points.

They were the best big game hunters the world had seen and they stumbled into a landscape previously devoid of bipedal predators.

Lacking evolutionary experience with such a threat, the big herbivores were easy prey and died by the countless thousands. In turn, so did the big carnivores that fed on the big herbivores.

Climate change might have played some role: paleontologists are somewhat divided on the relative importance of these factors in Pleistocene extinctions. But data suggest strongly that human beings caused scores of species to vanish.

The descendants of these hunters, transformed into herders and farmers, continued their work in the modern era, driving wolves, grizzlies and cougars from all but a fragment of their historic ranges.

As Soule and Noss argue, this has caused a cascade effect so disrupting of normal population dynamics that merely setting land aside as parks will not preserve biological diversity

Preserving the diversity, the authors argue, requires big chunks of protected land and a full complement of predators—the "keystone" species that influence interrelationships among scores of creatures.

Biological integrity is not the only reason to restore big carnivores to the landscape.

Human humility, the kind that comes from wandering in thick forest where grizzlies lurk, is as perilously endangered as some Species.

Restoring that humbleness, and thereby restoring a proper awe in the face of wild nature, also would be a valuable achievement.

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Jack Stauder Email

And you thought wolves were crazy?

Date: Sat, 8 May 1999 21:14:18 -0400
 From: Jack Stauder [Sent through; Alliance for America]

Attention, you dwellers in the rural areas better known to biocentrics as "wildlands." You thought you'd had your fill of radical environmentalists reintroducing the wolf and the grizzly in your back yards. But they may not stop there as long as there are other "charismatic megafauna" around.

If you think I'm kidding, look at the Spring 1999 issue of Dave Foreman's journal "Wild Earth," pp. 57-64. (This journal is home to the Wildlands Project, which sponsors the radical environmentalist goal of turning America back to wilderness.) You will find there an article by two professors (who else?) whose title says it all: "Bring Back the Elephants!"

Their reasoning is quite logical. Mastodons and mammoths of the elephant family lived in North America until the end of the Pleistocene era, a mere 13,000 years ago. At that point the ancestors of today's Native Americans (more accurately designated, perhaps, as "Siberian Americans") arrived on the continent, and not being exactly ecological saints as later portrayed, they used their hunting expertise to kill off many innocent beasts unfamiliar with humans. Not only did they render extinct members of the elephant family, but also at the same time many other large species of game mammals (North American camels, horses, giant beavers, giant bison, etc. etc.). This theory of the late Pleistocene extinctions is now commonly held by paleontologists.

So why be content just to reintroduce the species extirpated by the rapacious white man? To "rewild" America, as the Wildlands Project intends, we should set a back-to-the-Pleistocene standard. As the authors state, "We have the opportunity to restart the evolution of proboscideans [elephants], along with horses, camels, and other extinct groups native in the Americas for millions or tens of millions of years." (The authors forget for a moment that the horse indeed is already back, courtesy of the conquistadors.)

"For starters," the authors say "it is time to mourn our dead. . . . In North America we need a 'Mammoth Extinction Day' This might take place sometime around the summer solstice. . . . An especially appropriate place for a wake would be at the Mammoth Site in Hot Springs, South Dakota, a paleoecological cathedral. . . ."

I swear I am not making this up.

Where to first put these mega-herbivores? Southwesterners, heads up! "For a New World elephant park suitable for wide-ranging family units, we

suggest a part of the lower Colorado River or the Rio Grande. Like most of North America, both regions were once ranged by mammoths. Both river systems are heavily invaded by alien Tamarix, riparian trees widely regarded as undesirable and a potential target for removal by elephants. The river banks support alien Bermuda grass (*Cynodon dactylon*), an African species eaten by elephants." Yes, elephants would be good for the environment! Elephant introductions could then spread, the article says, to "savannas in Central or South America. . . now pasturing livestock."

The authors even have their eye on Ted Turner's ranch near Truth or Consequences, New Mexico, where "over 1000 bison, as well as prairie dogs and mountain sheep, were recently established in place of cattle. . ." They point to Africa, where elephants and cattle seem to have transformed "the habitat in ways . . . beneficial to each other." Of course, keeping cattle on the range, no matter how nice they are for elephants, is unacceptable in America to the Wildlands Project, which is committed above all to removing cattle and their owners from the land. However, the authors think that "in the New World we can substitute bison for cattle to see if bison, too, will dance the languid ecological minuet with Africa elephants, surrogates for the extinct American Proboscidea, to the benefit of the American range!"

If I were a cattleman, however, I'd lobby my congressman for a piece of the action.

And remember, elephants don't prey on livestock. Judging by their behavior in Africa, they just trample crops and houses and uproot trees. You can't really leave your baby in the yard with them around. Anyway, the authors conclude, what really counts is this: "What is at stake is complexity, joy, and the whole way of life of elephants."

Not your way of life, certainly. Check it out.

Mary's Note: What they need is a good dose of Y2K.