H.R. 3786, H.R. 3942 and H.R. 4622

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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C O N T E N T S

Legislative Hearing on H.R. 3786, To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; H.R. 3942, To adjust the boundary of the John Muir National Historic Site, and for other purposes; and H.R. 4622, To require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes.

Tuesday, May 7, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 2 p.m., in room 1334, Longworth House Office Building, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

STATEMENT OF THE HONORABLE GEORGE P. RADANOVICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. RADANOVICH. Good afternoon everybody and welcome to the Subcommittee this afternoon. The Subcommittee will come to order. We will be addressing testimony on three bills today, H.R. 3786, H.R. 3942 and H.R. 4622. Our first bill, H.R. 3786, is introduced by our Subcommittee colleague, Chris Cannon of Utah, and would authorize the Secretary of the Interior to revise the boundary of the Glen Canyon National Recreational Area in the

States of Utah and Arizona as well as increase the overall acreage ceiling for the park unit.

Our second bill, H.R. 3942, is introduced by our Committee colleague, Mr. George Miller of California, and would authorize the Secretary of the Interior to adjust the boundary of the John Muir National Historic Site to settle an ownership question over a small tract of land within the historic site. The last bill is H.R. 4622, which I introduced and would require Federal land managers to support, communicate coordinate and cooperate with "gateway communities" with units of the National Park System, the U.S. Fish and Wildlife Service lands, Bureau of Land Management holdings and U.S. forest service lands.

I strongly believe that good communication, coordination, cooperation between gateway communities and Federal land managers can have an enormously positive impact upon these lands and the communities that surround them. Too often there is a sour relationship between Federal land managers and gateway communities due to poor communication and coordination.

Those who view this legislation as something that is designed to help the gateway communities themselves are unfortunately viewing the legislation too narrowly and discounting the positive environmental benefits to the parks, forests, refuges and public lands that these good relationships can offer. I think we will hear from witnesses today who will attest to the positive environmental impact that good coordination and good information can have on national parks, not to mention the positive impact upon the local gateway community.

As we examine this issue, it has been interesting to note, generally speaking, that agencies whose procedures and policies require close coordination generally enjoy better relationships with their gateway communities than agencies that don't. Last month, this Subcommittee examined the 2001 National Park Service management policies. These policies very broadly direct the local superintendent to monitor and actively participate in local planning and zoning decisions.

In my mind, it would be unconscionable to expect that the local gateway communities should not enjoy a reciprocal relationship in which they are an active and meaningful participant in the same manner. I believe good coordination, communication and cooperation as the basis for informed decisionmaking and the very basis of good public policy.

I look forward to hearing from the witnesses today about how this might be achieved. At this time, I ask unanimous consent that Congressman Miller be permitted to sit on the dais following the testimony. Without objection, so ordered. And I would like to thank all of our witnesses today especially those who have traveled from the west coast. We appreciate you being here today.

[The prepared statement of Mr. Radanovich follows:]

Statement of The Honorable George P. Radanovich, Chairman, Subcommittee on National Parks, Recreation and Public Lands

Good afternoon and welcome to the hearing today. The Subcommittee will come to order. This afternoon, the Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on three bills: H.R. 3786, H.R. 3942, and H.R. 4622.

Our first bill, H.R. 3786, introduced by our Subcommittee colleague Chris Cannon of Utah, would authorize the Secretary of Interior to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona as well as increase the overall acreage ceiling for the park unit.

Our second bill, H.R. 3942, introduced by our Committee colleague George Miller of California, would authorize the Secretary of Interior to adjust the boundary of the John Muir National Historic Site to settle an ownership question over a small tract within the Historic Site.

The last bill, H.R. 4622, which I introduced, would require Federal land managers to support, and communicate, coordinate, and cooperate with "gateway" communities near units of the National Park System, U.S. Fish and Wildlife Service lands, Bureau of Land Management holdings, and U.S. Forest Service lands. I strongly believe that good communication, coordination, and cooperation between gateway communities and federal land managers can have an enormously positive impact upon these lands and the communities that surround them. Too often there is a sour relationship between federal land managers and gateway communities due to poor communication and coordination.

Those who view this legislation only as something that is designed to help the gateway communities themselves are unfortunately viewing the legislation too narrowly and discounting the positive environmental benefits to the parks, forests, refuges, and public lands that these good relationships can foster. I think we will hear from witnesses today who can attest to the positive environmental impact that good coordination and good information can have upon the parks, not to mention the positive impact upon the local gateway community. As we have examined this issue, it has been interesting to note that, generally speaking, agencies whose procedures and policies require close coordination generally enjoy better relationships with their gateway communities than agencies that do not.

Last month, this Subcommittee examined the 2001 National Park Service Management Policies. These policies very broadly direct the local superintendent to monitor and actively participate in local planning and zoning decisions. In my mind, it would be unconscionable to expect that the local gateway communities should not enjoy a reciprocal relationship in which they are active and meaningful participants in the same manner. I believe good coordination, communication, and cooperation as the basis for informed decision making are the very basis of good public policy. I look forward to hearing from the witnesses today about how this might be achieved.

At this time, I ask unanimous consent that Congressman Miller be permitted to sit on the dais following his testimony. Without objection, so ordered.

I would like to thank all of our witnesses today, especially those who had to travel from the West Coast. We appreciate your being here today.

And I understand Mrs. Christensen is on her way, but she is not here yet. With that, I think we are going to our first witness on H.R. 3942 to adjust the boundary of the John Muir National Historic Site and further purposes.

George, welcome to the Committee.

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

Mr. MILLER. Thank you very much and thank you for scheduling me to testify at this time on this legislation. This is a not monumental bill, although it is dealing with a monumental person, John Muir. My home district has the residence of John Muir in that district, and matter of fact, it is in my hometown of Martinez, California, where the Park Service has been able to preserve the house and the orchards and much of the land around this home for historical significance.

In 1988, Congress enacted legislation to expand the Muir historic site. Included within the boundary was a 3.3 acre parcel owned by the city of Martinez, which was later donated to the National Park Service. Following a survey conducted as part of the development

of the general management plan, we discovered there is a two-tenths of an acre triangle adjacent to the newly acquired land that did not belong to the city. In fact, we can't show that it belongs to anyone at the moment, which is unusual for California.

The 9,500-square-foot parcel did not have a tax assessor, parcel number, no taxes have been collected since the 1960's. It appears the time when we were widening Highway 4, the land around this area was acquired—a larger parcel next to it was acquired from a Mary Pereira. Interestingly with all the Pereiras we have, we cannot find an heir to Mary Pereira in the area and obviously the park service would now like to be able to acquire this land.

It is not very large, but it is very important because it would help us deal with the issue of parking. We have a number of festivals, a number of events. And just on weekends, people who now want to hike Mount Wanda, want to tour the John Muir home, picnic in the orchards, is growing every year, but it is on a very busy street with very little parking. This would allow us to add parking for 32 vehicles. It would allow us to have, during the week, parking for school buses and school children that come and visit this site. And it is our hope that we would be able to provide for this transfer.

We would—the bill would allow the Park Service to acquire the land if an heir or former owner is identified or condemn the property if no heir is found. And it is fairly simple and straightforward. I must say that in all my time of riding out here and driving by on the freeway, I always thought why isn't this land used for parking? And then I found out nobody knew who owned it. Now they want to use it for parking, and I think it would be a great benefit to the historic site. And I appreciate your consideration of this legislation.

Mr. RADANOVICH. Thank you very much, Mr. Miller.

[The prepared statement of Mr. Miller follows:]

Statement of The Honorable George Miller, a Representative in Congress from the State of California

Thank you for inviting me to testify today on H.R. 3942, a bill to adjust the boundary of the John Muir National Historic Site.

My district is home to the residence of John Muir, his orchards, and Mt. Wanda, named for his daughter. In addition to its historical significance, the former Muir estate provides valuable open space in the rapidly growing Bay Area. In 1988 Congress enacted legislation to expand the John Muir Historic Site. Included within the boundary of the site expansion was a 3.3 acre parcel owned by the City of Martinez which was later donated to the National Park Service. Following a survey conducted as part of the development of the General Management Plan, the Park Service discovered that a .2 acre triangle adjacent to the newly acquired parcel did not belong to the City. In fact, it did not belong to anyone.

The 9,500-square-foot parcel of land did not have a tax assessor parcel number and thus, the County tax assessor has not collected taxes on it since the 1960s. It appears that fee title to this area became ambiguous when the California Department of Public Works (now known as the California Department of Transportation) was acquiring lands for rights of way for State Route 4, which now intersects the Muir estate. During the process, a larger parcel adjacent to the Muir site was acquired in fee from the estate of Mary Pereira. The California Department of Public Works had only acquired the smaller parcel in question through a temporary easement which expired in 1967. Despite extraordinary measures to identify relatives or heirs of Mary Pereira, the Park Service has failed to locate a potential owner of this parcel.

In order to meet the growing needs of site users, the Park Service would greatly benefit from a boundary adjustment to finally put to rest the question of property

title to this small triangle of land. Enactment of this legislation would allow the Park Service to either acquire the land if an heir or former owner is identified or condemn the property if an heir is not found. Once the title to the land is clear, the Park Service would be free to begin construction on a 32 vehicle parking area that would utilize the .2 acre parcel. This 9,500 square foot addition would allow the proposed parking area to accommodate school buses and provide 12 additional parking spaces.

I urge this subcommittee to bring this bill to the floor as soon as possible. As I said earlier, this is a completely non-controversial boundary adjustment which is supported by Contra Costa County and the City of Martinez. Enactment of this legislation allows the Park Service to enhance public understanding of John Muir's contributions while also facilitating access to an important recreation area in my district.

Thank you for your time today, I am pleased to answer any questions.

Mr. RADANOVICH. With that, we will go ahead and begin with our second panel which includes the honorable Lynn Scarlett, who is the Assistant Secretary for Policy Management and Budget of the Department of Interior; Ms. Gloria Manning, Associate Deputy Chief of the National Forest System; and Richard Ring, the Associate Director of Park Operations and Education for the National Park Service.

Ladies and gentlemen, welcome to the Committee and go ahead and get settled. Normally we have 5-minute presentations from each of the witnesses and then we ask the full panel questions afterwards. I am going to deviate from that a little bit as Lynn Scarlett needs to leave fairly quickly so we will hear her testimony and offer a few questions and open it up for questions and then go on to the testimony of the remaining panel.H.R. 4622

Mr. RADANOVICH. So Ms. Scarlett, welcome and good to have you before the Committee and please begin your presentation.

STATEMENT OF P. LYNN SCARLETT, ASSISTANT SECRETARY FOR POLICY MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE INTERIOR

Ms. SCARLETT. Thank you. Delighted to be here. Thank you, Mr. Chairman and members of the Committee. I am Lynn Scarlett, Assistant Secretary of Policy Management and Budget at the Department of Interior. I thank you for this opportunity to be before you to discuss the department's views on H.R. 4622, the Gateway Communities Cooperation Act of 2002. I would like to note that the department strongly supports H.R. 4622 and its goals of increasing communication, cooperation and coordination between Federal land managers and the local communities impacted by the decisions of our land managers.

As you are well aware, the Department's eight bureaus manage more than one out of every five acres of land in the United States. Lands under our jurisdiction include vast multiple use areas and our bureaus host almost half a billion visitors a year, creating economic opportunities for communities across the country. As with the countless species that depend on land to sustain life, many families in these communities also depend on this land for community and economic well-being.

Given this, we realize that the resource management decisions that we take can greatly impact these local communities and the people who live in them. Often these impacts are especially felt by

the gateway communities that are adjacent to our Federal lands. As a result, we realize that work in partnership with the people who live on private lands bordering our national parks, our national wildlife refuges and other Federal lands is extremely important.

Recognizing this dynamic, the administration has been promoting a new era of conservation that will help build healthier environments, dynamic economies, and sustainable communities. At the center of the Department's plan to implement this new environmentalism is what Secretary Norton has termed the four Cs, conservation through cooperation, communication and consultation. The focus of the four Cs rests on the belief that enduring conservation indeed springs from partnerships involving people that live on, work on and love the land. Our land managing bureaus are implementing this collaborative approach, and as I mentioned earlier, they are working with gateway communities.

These communities are often subject to unusual pressures and problems including those brought by their popularity as entry points to visitors onto Federal lands. As a result, they may incur particular costs for additional services, law enforcement, for example, search and rescue and many public works as well. Mutual benefits flow from cooperating with these communities. Gateway communities often take on the additional infrastructure and environmental duties that come with the visitors headed to nearby Federal lands. This has the effect of reducing pressure on Federal resources while stimulating gateway economies.

In my written statement, I gave several examples of how the Department has worked cooperatively in the recent past with gateway communities. Our goal is to build upon these efforts and to buildupon this progress of partnerships. For example, the Department is now striving to ensure that all of its management and policy decisions are made using a collaborative approach with States and local communities. The Department believes that H.R. 4622 will positively promote this goal across land management agencies by requiring agencies more effectively to communicate, coordinate and cooperate with the communities affected by their management decisions.

Given the short time I have, I would like to offer just a few thoughts on some additional issues the Committee might want to consider addressing in this bill. First, for example, the bill's collaborative approach might be strengthened by calling on agencies to develop and use incentives when possible to encourage staff to more effectively communicate, coordinate and cooperate with gateway communities. We also note that the bill does not address the status of tribal governments and communities on reservation lands as potential gateway communities and believe this should be considered for inclusion in the bill. The administration also shares your desire to increase local government participation as cooperating agencies under NEPA. The Council on Environmental Quality, as you know, recently issued guidance to facilitate that result. We would like to work with you and build language to address our concern with the provisions addressing cooperative agency provisions.

In closing, the Department believes that this legislation, if enacted, will result in better land management decisions accruing to the benefit of private and public lands and the people who live and work on them. The path to the new environmentalism moves us away from conflict and toward peaceful problem solving and partnership. H.R. 4622 begins to move us down that path by requiring better communication, coordination and cooperation between Federal land and gateway communities and their citizens. Thank you.

Mr. RADANOVICH. Thank you very much, Assistant Secretary.

[The prepared statement of Ms. Scarlett follows:]

Statement of P. Lynn Scarlett, Assistant Secretary for Policy, Management and Budget, U.S. Department of the Interior

Mr. Chairman and Members of the Committee, I am Lynn Scarlett, Assistant Secretary for Policy, Management and Budget at the U.S. Department of the Interior (Department). This is my first occasion to testify before you, and I thank you for the opportunity to present the Department's views on H.R. 4622, the "Gateway Communities Cooperation Act of 2002." The Department strongly supports H.R. 4622 and its goals of increasing communication, cooperation, and coordination between federal land managers and the local communities impacted by federal land management decisions. At this time, the Department would like to offer a few suggested enhancements; when the Administration completes its review of the bill, we will forward any other amendments that the Administration believes necessary to improve the legislation.

The Department's eight bureaus manage more than one out of every five acres of land in the United States, with most of these lands in the West. For example, the Department manages 72 percent of Nevada, almost 50 percent of Utah, and 62 percent of Alaska. Lands under our jurisdiction include vast multiple-use areas, and our bureaus host almost half a billion visitors a year, creating economic engines for communities across the country. However, population growth and economic expansion have increased pressures on our undeveloped land, water resources, and wildlife.

While countless species depend on the land to sustain life, families depend on the land for community and economic well-being. Given this, we realize that the resource management decisions we make can greatly impact local communities and the people who live in them. Often these impacts are especially felt by "gateway" communities—including those on Indian Reservations—that are adjacent to our federal lands. As a result, we realize that we must work in partnership with the people who live on the private lands that border our National Parks, National Wildlife Refuges, and other federal lands, and work on those lands or have access to resources on those lands.

Recognizing this dynamic, the Administration has been promoting a new era of conservation—a "new environmentalism"—that will help build a healthier environment, dynamic economies, and sustainable communities. At the center of the Department's plan to implement this new environmentalism are what Secretary Norton has termed the "Four C's"—Communication, Consultation, and Cooperation, all in the service of Conservation. The focus of the Four C's is the belief that enduring conservation springs from partnerships involving the people who live on, work on, and love the land.

The Department's land managing bureaus are implementing this collaborative approach. And, as I mentioned earlier, they are working with gateway communities. These communities are often subject to unusual pressures and problems, including those brought about by their popularity as entry points for visitors onto federal lands. They may also incur costs for additional services such as law enforcement, search and rescue, and public works.

Mutual benefits flow from cooperating with these communities. Gateway communities often take on the additional infrastructure and environmental duties that come with visitors headed to nearby federal lands. This has the effect of reducing the pressure on federal resources while stimulating gateway economic growth and creating jobs in those communities.

If I may take a moment, I would like to relate several examples of how the Department has worked in the recent past with gateway communities to jointly address—and solve—a variety of issues. We view these as examples of real success and we look to build on this progress.

The town of Sonoita, Arizona, is the gateway to the Bureau of Land Management's (BLM) Las Cienega National Conservation Area (NCA). Local citizens formed the Sonoita Planning Partnership, which produced a proposed land-use plan for the NCA that provides for partnerships between public land managers and the Sonoita community. The plan—which is the BLM's preferred alternative for NCA management—provides the community with the means to articulate and achieve its goals in the NCA's management. The plan is a performance-based plan that relies on incentives and flexibility to achieve common land-use goals.

Collaborative efforts between the community of Springdale, Utah, and Zion National Park arose out of necessity because of the impact of a steadily growing number of park visitors. To address the large numbers of tourists, the park and community engaged in a joint planning effort to establish a shuttle system between the city and the park, with multiple shuttle stations in Springdale. City residents ride the shuttle free of charge. The effect of the shuttle has been positive; the local economy has gained from more visitor dollars, which have been used to finance landscape and other improvements throughout the community. This, in turn, has attracted even more tourist business. The success of this initiative has led to further collaboration between the city and the park, including joint trail design and construction. Park staff have even volunteered to paint buildings in the town. More recently, the city and park began work on design guidelines to help protect the community's small town character.

Bluff, Utah, is the gateway community to a culturally rich and highly popular public recreation area at the confluence of the San Juan River and Cottonwood Wash. Faced with increasing numbers of visitors, the community formed a local nonprofit organization to address the unique problems of being a gateway community. The Bluff City Historic Preservation Association was formed, which helped create a Bluff historic district, preserve an Anasazi Great House and pioneer cemetery, as well as establish a conservation easement on 25 acres of Calf Canyon to protect Anasazi relics. The Association has also worked on a 100-acre community preserve and trail system connecting the town to key historic sites and open spaces, as well as BLM lands along the San Juan River. The effort has improved the economic well-being of the community from conservation activities linked to its gateway status.

In 1994 Grand County, Utah, signed the Sand Flats Agreement with the BLM. Sand Flats is a 7,000-acre BLM recreational area outside Moab, Utah. It is highly popular, particularly with mountain bikers. In the early 1990s, its popularity increased so much that the BLM was no longer able to manage and police the area. Under the 1994 agreement, fee collection was turned over to the county, and the receipts were made available to the county for use in managing and policing the highly popular recreational area. The program has proven very successful. The county has been able to control tourism in a way compatible with the wishes of its citizens; the BLM now has a signature recreation area; and the Sand Flats area is available to users with certain safety and enjoyment. The agreement has also resulted in a more vigorous tourist trade to benefit the local economy.

Finally, the town of Dubois, Wyoming, is the gateway to some of that State's most scenic and visited high country. The mountains around Dubois—all on federal land—are home to the largest bighorn sheep herd in the country. With this in mind, the town brought together federal and state agencies and economic development and conservation groups to create the National Bighorn Sheep Center. The Center operates a museum for visitors, provides educational programs for school children, and performs bighorn sheep research. The facility, located in downtown Dubois, helps attract thousands of visitors each year who, in turn, significantly boost the local economy.

These are just a few examples of the efforts in which the Department's bureaus have been engaged with gateway communities. As I previously noted, the Department is currently striving to ensure that all of its management and policy decisions are made using a collaborative approach. The Department believes, however, that H.R. 4622 will positively promote this goal across land management agencies by affirmatively requiring agencies to more effectively communicate, coordinate, and cooperate with the communities that are affected by their management decisions. The Department also believes that this affirmative requirement could be strengthened by calling on the agencies to develop and use incentives, when possible, to encourage staff to more effectively communicate, coordinate, and cooperate with gateway communities. Moreover, the relationships created will stimulate the long-term stability needed for investment in these communities.

As an initial matter, the Department notes that the legislation does not address the status of Tribal governments and communities on reservation lands as potential gateway communities. Many of these communities would similarly benefit from the collaborative approach fostered by this legislation.

The Department believes that H.R. 4622 fosters more effective decision-making by requiring agencies to involve officials from impacted communities early in the development of federal plans, programs, regulations and decisions; by requiring federal agencies to provide local officials with plain–English summaries of the assumptions, purposes, goals, and objectives of decisions, as well as any anticipated impacts on the community; and by providing these communities, to the extent practicable, with early public notice of proposed decisions that may significantly impact them.

The bill also makes community input more potent by requiring that federal land agencies provide training to gateway community officials to ensure that they understand agency planning processes and opportunities for participation. Further, the legislation's requirement that agencies assist communities in reviewing plans and policies and, where practicable, provide technical assistance to help localities better develop data and analysis of agency plans will further strengthen this collaborative relationship.

The legislation provides a framework for increased cooperation by allowing, where possible, federal land management agencies to enter into cooperative agreements with gateway communities to coordinate planning and management between agencies and those communities, to facilitate cooperative conservation, and to consolidate planning to facilitate the participation of local communities in the process. The legislation does not, however, address direct gateway community involvement in federal land management, such as indicated by the model of the Sand Flats Agreement. The success of this agreement is notable and its adoption elsewhere could help both small towns and federal land managers better serve the general public. The Administration shares your desire to increase local government participation as Cooperating Agencies under NEPA. The Council on Environmental Quality recently issued guidance to facilitate that result. We will work with you on bill language to address our concern with the provisions addressing Cooperating Agency status.

Finally, a discretionary grant program will ensure that small communities, which may not have the funds to carry out large-scale planning or analysis, are given the opportunity to fully and constructively participate in the process.

Looking back, one of the ideas behind the National Environmental Policy Act was that informed decision-making would result in the making of better decisions. The Department believes that this legislation, if enacted, will result in better land management decisions accruing to the benefit of private and public lands and the people who live and work on them. The path to the new environmentalism moves us away from conflict and toward peaceful problem-solving and partnership. H.R. 4622 begins to move us down that path by requiring better communication, coordination, and cooperation between federal land and gateway communities and their citizens.

Mr. Chairman, this concludes my statement. I am happy to answer any questions you may have.

Mr. RADANOVICH. I do have a couple questions that I would like to ask, if I may. As I mentioned earlier, we will ask questions of this witness and then go on to the following witnesses, as the Assistant Secretary needs to leave fairly soon. So I do have a question, and that is, it has been stated that the legislation that we are speaking of here today would have a positive effect on local economies. But can you offer an opinion about how legislation like this could also possibly result in more positive environmental benefits?

Ms. SCARLETT. I think there are many opportunities. One of the examples we stated in our written testimony of a collaborative and cooperative effort between a gateway community and our national parks was in Zion National Parks, when that community teamed up with our national park to develop a shuttle system going between the park and the community. Of course, that means fewer cars, fewer emissions, much less of the problems that come attached to that. So that would be one example.

But there are many others that one could imagine in terms of resource protection efforts cooperating. I have been recently on the Channel Islands opposite California Santa Barbara coast, where the Nature Conservancy owns a small piece of land, and the parks own the rest and they have an invasive species effort they are

working jointly on. Many other communities around the Nation face similar challenges, and this cooperation could facilitate that effort.

Mr. RADANOVICH. Do you believe that this bill, H.R. 4622, would weaken or strengthen NEPA or NEPA process?

Ms. SCARLETT. I think it could unequivocally enhance the NEPA process. NEPA has always been intended as a process to encourage participation and engagement of the citizens and the communities in which they live. What this does is to really put front and center stage in the minds of our public land managers the importance of engaging early on those potential publics and those potential communities. So I think they work as complements in a very positive way.

Mr. RADANOVICH. Thank you very much. One last question. Do you think that H.R. 4622 in effect might actually help local governments and the National Park Service save money and be more efficient with the money that it does have to spend?

Ms. SCARLETT. Again, I will point to the Zion National Park example as exemplary of what we might expect. In that particular example, you could have envisioned the situation in which the Park Service proceeded to develop a transportation infrastructure completely separate from the gateway community in which or with which it worked. Ultimately by working together, they were able instead of duplicating to complement and provide a single service. So you can envision all manner of similar kinds of endeavors that would avoid duplication, enhance efficiency and therefore improve the overall community, public land and the gateway communities infrastructure.

Mr. RADANOVICH. Thank you very much, Ms. Scarlett. And I would like to recognize the gentlelady from the Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, and I apologize for getting here late and I did miss some of your testimony. But let me ask, as you know, I represent at least one of my islands that has a large park presence. And while we may get some complaints, it is usually because they disagree with the decisions not necessarily because they have had the opportunity to provide input. But are you aware of any circumstances where local communities have been denied access or the opportunity to communicate with Federal land management—because it seems to me that they are usually are there and there are usually several hearings, as a matter of fact. And are there instances where the access to the Federal land managers and their ability to communicate has been denied?

Ms. SCARLETT. Let me give two responses to that. On the one hand, you are absolutely right to point out there have been many opportunities and many instances of cooperation, and we celebrate and applaud those instances, and I gave the example of Zion National Park as one example. There are others. But by the same token, we have had experiences or situations where the public land managers have not necessarily gone that extra mile, not simply to provide some opportunity kind of late in some decisionmaking stage to comment on decisions being made but rather right up front, being involved in thinking through what opportunities might be.

I gave the Zion National Park instance where the gateway community worked with Zion National Park right up front to think about how they could join their transportation infrastructure and work together. That occurred because of the particular motivation of the park superintendent at the time, an individual I have had an opportunity to meet. It was really his initiative and his inspiration. But we do not find that same kind of vigor necessarily occurring all across our public lands. And this bill, we believe, would put this on all our public land managers' radar screens so they would think right from the beginning let us cooperate, not simply provide a kind of reactive forum for comment, but a proactive engagement and cooperation and upfront communication and see if we can't cooperatively solve problems.

Mrs. CHRISTENSEN. I had another question as to the interpretation of the phrase meaning for public involvement, but is that what you mean? And isn't that already implicitly included in the NEPA—in NEPA?

Ms. SCARLETT. I think of course, participation can go along a continuum from comment to more upfront generation of ideas. And I think what this bill would do and what we have seen, but only seen in its inception, is for our public land managers to reach out right at the early stages of any challenge or any problem and to identify, perhaps, common issues and new ideas and initiatives that might really address problems that might not have been identified just in the park manager or the wildlife refuge management tool kit.

So yes, you are right. We have to have a lot of public processes that allow commentary. I think the idea here is to go beyond commentary to tap those creative ideas right at the beginning and get better results as a consequence.

Mrs. CHRISTENSEN. Based on the experience and the issues that my community deals with, I don't disagree that there is a need for that kind of proactive involvement in the community from the park, but it just seems to me that it is mainly an administrative function. However, Mr. Chairman, I would be happy to work with you on your bill—well, we would be happy to work with you on your bill and see how it comes out. I have mixed feelings about the bill because there is the opportunity for meaningful public involvement already. I agree, though, that it isn't uniformly applied throughout the park system.

And with that, I will just withhold any further questions.

Mr. RADANOVICH. Thank you very much, Mrs. Christensen. Are there any other questions of the witness?

Mr. Duncan?

Mr. DUNCAN. I don't have any questions. I would just say that I am pleased to hear Secretary Scarlett say that they are attempting to move away from conflict in this new environmentalism, I think you said, and trying to develop much more collaboration with the local and State agencies. I might just say, you know, in the past there has been a problem because in some of these things—maybe not most, but some in the Park Service and some in the Forest Service and some in the BLM have moved in and they have people who come in and they are brand new to an area and just because they have a Ph.D. Or Master's degree, maybe they don't

realize it, but they seem to have an attitude of looking down on some of the local people who have lived there all their lives.

And then they say well, we got public involvement and the public they talked to the most are the other people who have just moved in in the last 2 or 3 years. And there is a big difference at the way people look at land when they have lived their all their lives as opposed to people who have just moved in or just been there for a year or 2.

And I hope that in some of your training programs that you will attempt to point that out, because this is not supposed to be a government of, by and for the bureaucrats. It is still supposed to be a government of, by and for the people. Everybody who works for the Park Service, Forest Service or BLM are supposed to be working for people who they might not like and might look down on but they are still supposed—local people are supposed to be their bosses and not the other way around. Thank you very much.

Mr. RADANOVICH. Thank you Mr. Duncan. And I would like to interject. I spent most of my life living next to Yosemite National Park in Mariposa, California and probably have gone through at least 10 superintendents in Yosemite National Park. And it has been very interesting to—each superintendent comes with their own personality mix and their own idea about their role as a national park director, and in some cases some believe that the—that everything stopped at the border of the national park and didn't go beyond its borders. And we have enjoyed good relationships, I think, with the past few superintendents at Yosemite because they are making that effort to reach out but they are not required to.

And you are not under any control of the superintendent that does go into the area. I think under existing law they can or they don't have to if they don't want to. And that is why we felt the need because we see the obvious benefits of a good working relationship, both for the park and for the outlying communities.

One other thing I did want to go into the record while we are here is the testimony of Congressman Chris Hansen on H.R.—Chris Cannon on H.R. 3786, and it is his personal testimony. I would like to submit his testimony for the record and if there is no objection, so ordered. And on this one, I would like to read in for the record, a memo from July, 1999, from George Frampton, the then acting Chair of the Council on Environmental Quality, a memo from him to the heads of Federal agencies, wherein he stated that the purpose of this memorandum is to urge agencies to more actively solicit in the future the participation of State, tribal and local governments as cooperating agencies in implementing the environmental impact statement process under the national poll—Environmental Policy Act as soon as practicable, but no later than the scoping process. Federal agency officials should identify State, tribal and local agencies which have jurisdiction by law or special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires the preparation of an environmental impact statement.

So, with that, Secretary Scarlett, I want to thank you for being here with us and do appreciate your testimony.

Mrs. CHRISTENSEN. I just wanted to say, this is your first time before the Subcommittee?

Ms. SCARLETT. That's correct.

Mrs. CHRISTENSEN. I am remiss in not welcoming you to the Subcommittee. Thanks for being here and thanks for your testimony.

Mr. RADANOVICH. Thank you very much, Madam Secretary and with that, you are excused and thank you for being patient, the other members of the panel.

Next to speak is Ms. Gloria Manning, the associate deputy chief of the National Forest System. Gloria, welcome back to the Committee. It is good to see you again. And you may begin your testimony and we will go on with the testimony of Mr. Ring and then we will open the panel for questions.

STATEMENT OF GLORIA MANNING, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM

Ms. MANNING. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Gloria Manning, associate deputy chief of National Forest System, USDA Forest Service. I am here to provide the Department's views on H.R. 4622, the Gateway Communities Cooperation Act. The Department supports this bill. Enactment of H.R. 4622 would require Federal land managers to take specific action regarding designated gateway communities for the purpose of improving the ability of these communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of Interior.

In addition, we would have to respond to the impacts which our management imposes. Specifically, H.R. 4622 includes improving agency relationships with the communities, enhancing facilities and services that are compatible with management of the lands and result in better local land use planning and decisions by Federal managers. The importance in recognizing and responding to the needs of communities to the gateways of national forests is unquestionable.

This principle forms the very core of Secretary Veneman's and Chief Bosworth's desire to establish cooperative relationships at local levels for all Forest Service decisionmaking processes. We believe that the required action and responses and desired outcomes indicated in H.R. 4622 are compatible with the current Forest Service support to land management planning under existing statutes.

Mr. Chairman, allow me to briefly describe our ongoing work with local communities relevant to land management planning. The Forest Service considers gateway communities as vital partners in delivering services to forest visitors and helping us accomplish our agency mission. District rangers are generally our first point of contact for community queries and involvement. Across the entire National Forest System, we work closely with local communities, including those that would be designated under H.R. 4622 as gateway to coordinate with them on our management actions and involve them in our decisionmaking to the maximum extent feasible.

We are extremely committed to and interested in building and maintaining strong mutually beneficial relationships with these communities. Many of our national forest units have actively involved local community people in training opportunities both as providers to the agency of local expertise and insight and as learners to better understand agency planning processes and the venues through which they can help.

Under the current statutes, forest service involvement with communities extends well beyond land management planning to very innovative projects and partnership that support and benefit local community services and activities which contribute to multiple use outcomes under land and resource management plan. A key benefit of this extended involvement is the building of a solid foundation of relationship and trust that is absolutely essential for successfully working together on the specific issues and processes of land management planning. The agency has staff members from national headquarters to forest level units working on behalf of community involvement interests, including those that would be designated as gateway communities.

We have several examples of successfully working with local communities. We have been working on the Dixie National Forest with 75 rural communities in four Utah counties. We have been working on the Lincoln in New Mexico, the San Juan in Colorado, especially one of the things we are most proud of is the San Juan Skyway, all American road which was a cooperative endeavor. We acknowledge and agree with the planning Congress stated in H.R. 4622, the communities adjacent to our Federal lands affected by our management action and public use of the land that the communities contribute to our mission through provision of services and products to both our employees and those who visit our lands.

The gateway communities serve as point of entry and source of service and information for Federal land visitors and that our coordination and communication with communities is essential to prevent unintended consequences of agency's decisions. We feel we have several authorities that allow us to do this, including as was mentioned earlier, the National Environmental Protection Act, the National Forest Management Act, the Economic Diversification Act of 1960, Public Law 105277 section 322, better known by most of you as the Wyden amendment.

We have partnership authorities, Intergovernmental Cooperation Act of 1968 that authorized Forest Service to provide services to States or subdivisions of States. Those are the key authorities in which the Forest Service involves and assists local communities carrying out its land management project and coordination activities.

In general, we believe these authorities support a broad range of community involvement and technical assistance to gateway communities. We do, however, recognize the need for improved interagency planning policy for gateway communities within similar regional geographic and customer marketed areas that contain multiple Federal land management activities.

Therefore, we think this bill is important. Mr. Chairman, we want to continue working with you and the Committee to explore possible improvements, especially to the interagency policies for

joint land management planning and assistance to affected local communities.

Thank you, Mr. Chairman, for providing me this opportunity to testify on H.R. 4622 and the Department supports this bill. Thank you.

Mr. RADANOVICH. Thank you very much, Ms. Manning. I appreciate your testimony.

[The prepared statement of Ms. Manning follows:]

Statement of Gloria Manning, Associate Deputy Chief, National Forest System, Forest Service, U.S. Department of Agriculture

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Gloria Manning, Associate Deputy Chief for the National Forest System, USDA Forest Service. I am here today to provide the Department's views on H.R. 4622 Gateway Communities Cooperation Act.

Enactment of H.R. 4622 would require Federal land managers to take specific actions regarding designated "gateway communities" for the purpose of improving the ability of these communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of Interior. It would further require our response to the impacts, which the management of our lands imposes. Specifically, the requirements of H.R.4622 are to improve agency relationships with the communities; enhance facilities and services, when compatible with management of the lands; and result in better local land use planning and decisions by Federal land managers.

The importance in recognizing and responding to the needs of communities at the gateways to National Forests is unquestionable. This principle forms the very core of Secretary Veneman's and Chief Bosworth's desires to establish cooperative relationships at local levels for all Forest Service decision-making processes. We believe that the required actions, responses, and desired outcomes indicated in H.R. 4622 are compatible with the current Forest Service approach to land management planning under existing statutes.

Mr. Chairman, allow me to briefly describe our ongoing work with local communities relevant to land management planning. The Forest Service considers gateway communities as vital partners in delivering services to forest visitors and helping us accomplish our agency mission. District Rangers are generally our first point of contact for community queries and involvement. Across the entire National Forest System we work closely with local communities, including those that would be designated under H.R.4622 as "gateway" to coordinate with them on our management actions and involve them in our decision processes to the maximum extent feasible. We are extremely committed to and interested in building and maintaining strong, mutually beneficial relationships with these communities. Many of our national forest units have actively involved local community people in training opportunities—both as providers to the agency of local expertise and insight and as learners to better understand agency planning processes and the venues through which they can help.

Under current statutes, Forest Service involvement with communities extends well beyond land management planning to very innovative projects and partnerships that support and benefit local community services and activities which contribute to multiple-use outcomes under land and resource management plans. A key benefit of this extended involvement is the building of a solid foundation of relationship and trust that is absolutely essential for successfully working together on the specific issues and processes of land management planning. The agency has staff members from national headquarters to forest-level units working on behalf of community involvement interests, including those that would be designated as "gateway communities." The examples are many, but I will mention five here.

Examples include the Dixie NF working with 75 rural communities in four Utah counties; the Lincoln NF working with multiple communities and reservations in New Mexico; the Green Mountain National Forest's innovative work with communities now bridging into their involvement with the Forest Plan Revision; the Huron–Manistee National Forests working with the Oscoda, Michigan school district and community on a fuel reduction project; and the Gifford Pinchot NF working with Washington state, the National Park Service, and surrounding communities in the Mount Rainer area. The latter example reflects our increasing commitment to interagency partnerships involving local community participation.

We acknowledge and agree with the findings of Congress stated in H.R. 4622 that communities adjacent to our Federal lands are affected by our management actions and public use of the lands; that the communities contribute to our mission through provision of services and products to both our employees and to those who visit our lands; that gateway communities serve as point of entry and source of services and information for Federal land visitors; and that our coordination and communication with communities is essential to help prevent unintended consequences of agency decisions.

Mr. Chairman, I will now briefly discuss the current authorities under which we do land management planning which require and enable us to involve local governments across multiple phases of the planning process, beginning in the earliest stages of discussion. Further, the agency has authority to form partnerships with local governments and community leaders, and to provide assistance to rural communities that can serve to benefit their involvement in our planning processes. This broad scope of opportunity for community involvement is a priority in the FS. It serves as a centerpiece in our efforts to accomplish on the ground results and exceptional service to the public. Specifically, these key authorities are:

The National Forest Management Act (NFMA). Section 6 (d) of this Act requires the Secretary to provide for public participation in the development, review, and revision of land management plans and specifies required elements of that participation. The Act further states how the public is to be involved over the life of the plan. The specific requirements and procedures for complying with NFMA are contained in the agency planning regulations at 36 CFR 219. The public participation requirements apply to all types of communities, regardless of special designations such as "gateway." Section 6, paragraphs (a) through (f) of the 1982 regulation specify and enable participation that both informs and engages individuals in process activities. Those regulations as revised in 2000 enabled broader opportunities for communities to be involved through emphasis on collaboration. Currently, the agency is working on a revision of the 2000 rule (to be published soon as a proposed rule) and it too, will provide for a broad scope of involvement by local communities. It will also require our close coordination with other land management agencies in our mutual planning processes, a factor that will benefit the ability of communities to better understand and participate in overall Federal land management activity.

The National Environmental Policy Act (NEPA). The public involvement provisions of NEPA are stated in 40 CFR 1506.6 (a) through (f). This regulation requires, in part, making diligent efforts to involve the public including local governments in preparing and implementing NEPA procedures (as is required for land management plans), and providing public notice of hearings, meetings, and documents for keeping interested people informed. Forest units exercise considerable innovation in applying these requirements to community diversity and expertise for involvement throughout the stages of planning.

The Forest Service fully complies with letter and intent of the Council on Environmental Quality (CEQ) direction regarding cooperating Agency status for communities and local governments. Local governments with special expertise or jurisdiction by law are invited to be a cooperator in the preparation of environmental assessments (EA) or environmental impact statements (EIS). Cooperating agencies participate in the analysis and environmental document preparation process.

The Federal Advisory Committee Act (FACA). While this involvement under NFMA and NEPA by community members, including local officials, in discussions about pending decisions and their anticipated effects is subject to provisions of the FACA, the Act does not preclude such involvement nor does it necessarily require that involvement be formalized and structured under FACA.

The Economic Diversification Act of 1990. The Forest Service also has authority under this Act to work with dependent rural communities. This in turn has often been a vehicle for interested communities to get involved in land management planning activity. Specifically, this authority is in Section 2371, Subtitle G, Chapter 2, Section 2373, P.L. 101–624, 7 U.S.C. 5511, as amended. The program objectives are to provide accelerated assistance to rural communities located in or near a national forest and are economically dependent upon forest resources. Aid is extended to help them develop strategic plans that can diversify their economic base and improve overall community well being. In fact, under the grant opportunities afforded by this Act, Fiscal Year 2001 results show that over 950 communities are operating under strategic Local Action Plans aimed at helping build local capacity, strengthen relationships, and diversify local economies. This includes work on non-timber forest products, heritage tourism, eco-tourism, value-added wood products, bio-energy, ecosystem restoration, and more. Program direction and guidance under this Act is through our State and Private Forestry (S&PF) mission area, specifically the Rural Community Assistance (RCA) program.

Section 322 of Public Law 105–277. This act, better known as the Wyden Amendment, is an authority widely used by the Forest Service, particularly in the West, to provide technical assistance to local communities. For example, the Siuslaw NF, using this amendment for land stewardship, developed an agreement with the Confederated Tribes of the Grand Ronde Reservation. The purpose was to develop a land management plan alternative for 20,000 acres of NFS lands that are adjacent to their existing Indian reservation. Although this was a tribal application of the amendment, it has also been creatively applied to a variety of community types.

Partnership authorities. A current priority in the Forest Service, for which we now have authorities, is to form partnerships with local governments and community leaders. This capability, which we are working to expand, serves as a centerpiece in our efforts to accomplish on the ground results and exceptional service to the public. We work on mutually beneficial projects under the Challenge Cost–Share Authority, develop educational partnerships under the Co-operative Funds Act. We have the Intergovernmental Cooperation Act of 1968 that authorizes the Forest Service to provide services to states or subdivision of states.

These are the key authorities under which the USDA, Forest Service involves and assists local communities carrying out its land management planning and project coordination activities. In general, we believe these authorities support a broad range of community involvement and technical assistance to gateway communities. We do however recognize a need for improved interagency planning policy for gateway communities within similar regional geographic and customer market areas that contain multiple federal land management agencies. In particular, the western part of the country has several major common regional tourism destinations where National Parks, National Forests and other agencies all combine to serve the same customers and impact a similar group of communities. This issue is also manifested for watershed restoration, fire regime and wildlife habitat range management coordination.

Mr. Chairman, we want to continue working with you and the committee to explore possible improvements to these interagency policies for joint land management planning and assistance to affected local communities. Thank you, Mr. Chairman, for providing me this opportunity to testify on H.R. 4622. I would be pleased to answer any questions you may have.

Mr. RADANOVICH. Next is Mr. Richard Ring, associate director of the Park Operations and Education of the National Park Service. Mr. Ring welcome. And you may begin your testimony and thank you for coming to the Committee. I appreciate it. H.R. 3786

STATEMENT OF RICHARD RING, ASSOCIATE DIRECTOR OF PARK OPERATIONS AND EDUCATION, NATIONAL PARK SERVICE

Mr. RING. Mr. Chairman, thank you for having me here today. I would like to take the opportunity to present the Department of Interior's views on two bills today, the first is H.R. 3786. This bill would revise the boundary, authorize a land exchange and revise the acreage of the Glen Canyon National Recreational Area in the States of Utah and Arizona. The Department supports this bill.

A local developer, Mr. Brent Coleman helped initiate the proposal for the exchange. And although the Service has not yet appraised the parcels involved, the developer's appraisal indicates the Service will receive lands with a higher value than those the Service would exchange, which would remove the need for any additional land acquisition funds in pursuing this exchange. The bill would give the Secretary of Interior authority to exchange the land, to change the current boundary by adding 152 acres that is currently outside the boundary of the park, and deleting 370 acres that is currently inside the park in the area of Kane County, Utah. I believe you have a map that was provided that shows you the parcel as well as the location on the boundary of the park.

The bill would also revise the total acreage authorized for the park from 1,236,880 acres to 1,256,000 acres. This change would correct the total acreage within the boundary that was incorrectly identified in the parks enabling legislation. Correction of the authorized acreage ceiling would not add, by the way, nor would this exchange add any new facilities, increase operating costs, or require any additional staffing. The 152 acres that the Service would acquire as a part of this exchange are located east of Highway 89, approximately 5 miles south of Big Water, Utah, and contiguous to the existing park boundary.

The 370 acres that the Service would exchange are located west of Highway 89 and are adjacent to privately owned lands. Although within the boundary of the recreation area, the 370 acres the Service would exchange are physically and visually isolated from the rest of the recreation area by topographic features.

The owner of the private land has had an appraisal completed on the lands that are proposed for exchange. And if the legislation is enacted, the Service would conduct its own appraisal of the two parcels as part of an environmental analysis on the exchange.

The owner's appraisal determined that the 152-acre parcel which appraised for approximately $5,500 per acre, and which the Service would receive, was worth approximately seven times more per acre than the 370-acre parcel that the Service would give up, which appraised for approximately $750 per acre.

H.R. 3786 would also correct the acreage ceiling error stated in Public Law 92-593, the 1972 enabling legislation for Glen Canyon National Recreation Area. That law incorrectly estimated the National Recreation's acreage within the boundary.

Using the same boundary identified on the map referenced in 1972, the application of modern map reading and geographic information system technologies have determined that an acreage of 1,256,000 acres more accurately reflects the amount of land within the 1972 boundary. This bill and the exchange that it would authorize would provide an opportunity also for private development at one of the main access points to lands held within the Utah school and institutional trust lands administration could enhance approximately 40,000 acres held by SITLA. We understand the exchange is also supported by the State of Utah and Kane County as well. We recommend two minor technical amendments to the bill, and that concludes my remarks on H.R. 3786. H.R. 3942

Mr. RING. I would like to move now to H.R. 3942, which is a bill to adjust the boundaries of John Muir National Historic Site in Martinez, California. And Mr. Miller ran down the particulars of this bill and its situation as well as I could. We support this bill. It would allow for us to acquire, give us authority to modify the boundary by a minor amount, approximately two-tenths of an acre, and allow us to acquire the property, because after an exhaustive search, we have not been able to find the owners and we would continue to do this—attempt to find them, but if we could not, we would acquire it by clearing title by an eminent domain proceeding.

The general management plan for the park calls for this area to be developed for parking for visitors to the site and without this parcel, we would have a tremendous amount of difficulty devel-

oping the adjacent area for that purpose. This concludes my remarks on both bills and would be happy to take any questions.

Mr. RADANOVICH. Again, thank you very much, Mr. Ring.

[The prepared statement of Mr. Ring on H.R. 3786 follows:]

Statement of Richard G. Ring, Associate Director, Park Operations and Education, National Park Service, U.S. Department of the Interior, on H.R. 3786

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3786. This bill would revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The Department supports H.R. 3786. The revision of the boundary would not contribute to the National Park Service ("Service") maintenance backlog because the exchange would not result in any additional facilities, increased operating costs, or additional staffing. The current owner of the private property to be exchanged initiated this proposal and although the Service has not yet appraised the parcels involved, the owner's appraisal indicates that the Service will receive lands with a higher value than those the Service would exchange, which should remove the need for any land acquisition funds.

H.R. 3786 would amend Public Law 92–593 and give the Secretary of the Interior the authority, through an exchange, to change the boundary of Glen Canyon National Recreation Area ("Park") by adding 152 acres and deleting 370 acres in Kane County, Utah. The bill would also revise the authorized acreage of the park from 1,236,880 acres to 1,256,000 acres. This change would correct the total acreage within the park boundary that was incorrectly identified in the park's enabling legislation. Correction of the authorized acreage ceiling also would not add any new facilities, increase operating costs, or require additional staffing.

The 152 acres that the Service would acquire are located east of Highway 89, approximately 5 miles south of Big Water, Utah and are contiguous to the existing park boundary. The 370 acres that the Service would exchange are located west of Highway 89 and are adjacent to privately owned lands. Although within the boundary of the recreation area, the 370 acres are physically and visually isolated from the rest of the recreation area by topographic features.

The owner of the private land has had an appraisal completed on the lands that are proposed for exchange. If this legislation is enacted, the Service would conduct its own appraisal on the two parcels. However, the owner's appraisal determined that the 152-acre parcel ($5,500 per acre for a total appraised value of $836,000), which the Service would receive, was worth approximately seven times more per acre than the 370-acre parcel ($750 per acre for a total appraised value of $277,500) the Service would exchange.

H.R. 3786 would also correct the acreage ceiling error stated in Public Law 92–593, the 1972 enabling legislation for Glen Canyon National Recreation Area. Public Law 92–593 incorrectly estimated Glen Canyon National Recreation Area's acreage within the boundary to be 1,236,880 acres. Using the same boundary identified on the map referenced in the 1972 enabling legislation, application of modern map reading and geographic information system technologies have determined that an acreage of 1,256,000 acres more accurately reflects the amount of land within the 1972 boundary.

H.R. 3786 enjoys a broad cross section of support. The nearest communities to the lands proposed for exchange, Big Water, Utah and Page, Arizona, recognize the importance of protecting the National Recreation Area. Also, this exchange would provide an opportunity for private development at one of the main access points to lands held by the Utah School and Institutional Trust Lands Administration (SITLA). Such private development could enhance the 40,000 acres held by SITLA and is supported by the State of Utah and Kane County, Utah.

We recommend two amendments to the bill. On page 2, line 10, strike "November 11," and insert "November 30,". On page 2, line 12, insert the following after the last period, "Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange. At the time of the exchange, the Secretary shall place deed restrictions on the area identified on the map as "No Development Restricted Area" in order to preserve the resources of the recreation area.".

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

[The prepared statement of Mr. Ring on H.R. 3942 follows:]

Statement of Richard G. Ring, Associate Director, Park Operations and Education, National Park Service, U.S. Department of the Interior, on H.R. 3942

Mr. Chairman, thank you for the opportunity to present the Department of Interior's views on H.R. 3942, a bill to adjust the boundaries of the John Muir National Historic Site in Martinez, California.

The Department supports H.R. 3942. It will enable us to fulfill one of the General Management Plan objectives for the park by providing a parking area to serve visitors to the Muir House and those who wish to hike Mt. Wanda. Because of the steep terrain in the area, no other suitable location for a parking lot exists inside current park boundaries. The City of Martinez supports our efforts to acquire the small parcel for this parking lot.

The proposed land to be acquired in this boundary adjustment has a strange history. The parcel is only 9,500 square feet—about 0.2 acre. To acquire a parcel of this size, the National Park Service generally would negotiate the purchase of the land with the current owners using our minor boundary adjustment authority. However, because the National Park Service has been unable to identify the current owners of this plot, legislation is necessary to proceed at this time.

The National Park Service has managed the Muir home, adobe, and orchards in Martinez for almost 40 years. The original holdings of John Muir, however, were much larger and included Mt. Wanda, named for his daughter with whom he would take walks to the top. Today, state highway 4 and Franklin Canyon Road run between Mt. Wanda and the home. The National Park Service completed a survey of Mt. Wanda in the 1990s in connection with its acquisition under previous boundary legislation. This survey discovered the tiny 0.2 acre plot located between Franklin Canyon Road and Mt. Wanda.

The 0.2 acre plot was proposed in the 1991 General Management Plan to be developed as a parking area for users of the trails on Mt. Wanda and also to serve as a bus parking and overflow lot for the visitor center and historic Muir home. At the time, it was assumed that the plot was included in the lands that had been transferred to the park and would be available for the proposed parking area.

The National Park Service has been unable to locate the current or previous owner or heirs. We do know that the 0.2 acre plot is completely surrounded by publicly owned land. The National Park Service owns the land on the west, south and east sides and the City of Martinez owns the right-of-way for Franklin Canyon Road on the north side. Directly across the road on the north side is the right-of-way for state highway 4.

We understand that in the 1960's the California Department of Public Works (now known as CalTrans) acquired the right-of-way for state highway 4, including a large parcel that was mostly acquired in fee from the estate of Mary Pereira. The far southeast corner of that parcel, comprising the 0.2 acre plot was not acquired in fee, but as a temporary construction easement. The construction easement expired on December 31, 1967. Neither the owner nor the Contra Costa County Assessor apparently was aware that this parcel had never been acquired. No parcel number has been assigned to it and no property taxes have ever been assessed or paid on it.

The park superintendent has called all the Pereiras listed in the various Bay Area phone books and has spoken with the heirs of Mary Pereira. We also have advertised for the owner. Since no owners can be located, the National Park Service cannot negotiate the purchase of land under its minor boundary adjustment authority.

This legislation would adjust the park boundary line northward, approximately 80 feet to the south edge of the Franklin Canyon Road right-of-way. The National Park Service would be authorized to purchase the land if an heir to the former owner could be found, or the land condemned if an owner or heir cannot be located.

The Department is committed to the President's Initiative to eliminate the National Park Service's deferred maintenance backlog. However, this acquisition and the subsequent construction of the parking lot are part of the park's plan to address health and safety issues and are, therefore, consistent with the President's Initiative.

That concludes my testimony. I would be happy to answer any questions that you or the members of the subcommittee may have.

Mr. RADANOVICH. I point out the need for parking as much as I support this site for—the John Muir Historic Site and the acquisition for more parking. I would ask for support for more parking

spaces in Yosemite valley. Making sure everybody has a parking space here. Thank you very much for being here. I will ask a couple of questions. Ms. Manning, what positive effects can you see from better coordination and communications from Federal agencies through H.R. 4622?

Ms. MANNING. Well, the thing that I think it does, it also allows the communities to know that we are required to coordinate with them. An example would be about a year ago, Coldwell County in North Carolina didn't know anything about our planning, and they called themselves a gateway community to the mountains. And I just happened to have been visiting with some county commissioners who heard about it and said, you mean all of this time we have been missing out on the opportunities to become a model community within a forest because we didn't know you had all these programs.

So while we know and because I have been around awhile and some of the forest people have been around for awhile, we know what our obligations are. This bill to me lets the communities know that we are required to do this and they can knock on our door and we just—my frame of reference a big happy family, because I think it does wonders for that.

Mr. RADANOVICH. Thank you very much. I know we are bouncing here around a bit, but Mr. Ring, on H.R. 3786, does the revision in the authorized boundary acreage reflect the current acreage included in the land exchange or is the 1,256,000 number allowing room for the additional land acquisition?

Mr. RING. I believe it is a figure that includes the authorized exchange, but I will check that and provide that for the record.

Mr. RADANOVICH. And Mr. Ring, in reference to H.R. 3942, the John Muir Historic Site, since it remains unclear as to who owns the land in question, do you believe the bill should be amended to make it clear that no other title or claim may be made against the parcel upon enactment of this Act?

Mr. RING. I believe we feel the need to clear the title and we certainly are supportive of making sure that just compensation for the parcel gets to whoever the legal owner is, and we simply feel that we need to have the adjustment so that we can proceed and allow the courts ultimately to dispose of any funds that represent the value of that property.

Mr. RADANOVICH. OK, great. Thank you very much. Any questions from any other members?

Mrs. CHRISTENSEN. I have a couple of questions. Associate Deputy Manning, you cited an example of where one community didn't know what was available to them, but couldn't that be overcome with our legislation by USDA and Department of Interior, just increasing their outreach and information campaign without legislation?

Ms. MANNING. Well, it could in one sense, but then budgets and personnel sometimes prevent us from doing that. And communities sometimes feel the need to know that they have the authority to make—sometimes we need a little push and they—if they know that this bill is out there, gives them that little push to make us and hold us accountable for what we are supposed to do.

Mrs. CHRISTENSEN. You have the authority to do it already and you could do it.

Ms. MANNING. We could, yes, but this bill adds—sort of makes us coordinate with our sister agencies and do it together.

Mrs. CHRISTENSEN. I understand your answer, but I still think that that authority and the ability to do that is already available to you. And your testimony like that of the Assistant Secretary cited many examples of great cooperation, great outreach, great local participation, for example, where you cite on page 2. And then you talk about some of the current authorities and you cite the National Forest Management Act and section 6(d), which requires the Secretary to provide for public participation in the development, review and revision of land management plans and specifies the required elements of that participation.

Can you explain how adding meaningful—I forget the language, the statement about meaningful participation would enhance the authority that you already have?

Ms. MANNING. I used to be a planner and I started with the Agency doing that, and our interpretation of that was simply notification that we are about to begin in asking local communities, Governors to just designate somebody, and if they didn't answer us, we had fulfilled our obligation. And what we are talking about, I think now, is kind of—it is a two-sided thing. The communities' feeling that we are really there at the table together and we are planning for the land together. We take into consideration what they want to achieve versus what our needs are and we do it together. And I think that is what we are talking about when we talk about meaningful public involvement.

Mrs. CHRISTENSEN. OK, I am not going to pursue the line of questioning anymore, but I really think that putting meaningful—a word like "meaningful" needs to be defined and it seems to me that the definition under that one particular act is very specific, and I can't see how you can get more meaningful than the review and all of that and specific requirements. So let me just go on to bill to H.R. 3786. There is an area on the map labeled restricted no development zone. Can you explain, Mr. Ring, what that term means, the restricted no development zone, how it will be enforced, against whom it will be enforced, and why is that needed?

Mr. RING. As I understand it right now, that area would be part of the 370 acres that would be given up in the exchange. However, deed restrictions would be placed on it that would run with the land and basically enforceable by anyone is the way the proposal has currently been put forward and it is—it represents an area of land on the heights above the rest of the parcel so that there would not be development above it on the bluffs above that parcel in the future.

Mrs. CHRISTENSEN. The other question—it is not really noted in the bill particularly, that is on the official map, but it is not included in the legislation. Is there anywhere that it is written that there should be no restriction other than on that map? The only place we could find it is on the map.

Mr. RING. The bill would authorize the exchange of the 152 acres for the 370 without condition. The process that we would move through from there is to consider that appraisal as part of an

environmental analysis with public review that would look at the specifics of the proposal and any conditions on it or deed restrictions that have been presented, and reach a final detailed conclusion related to the particulars of the exchange.

Mrs. CHRISTENSEN. So it would be exchanged without any restrictions at the time of the exchange and you are saying that after the exchange, then a process would be put in place to decide what restrictions might be—

Mr. RING. No. There would be an evaluation through an appraisal as part of an environmental analysis that the National Park Service would do as—once this authority was in place that would look at the particulars of the proposal and any deed restrictions that might be associated with the parcel and reach a final determination on the exchange, which then would be concluded.

Mrs. CHRISTENSEN. I see. OK, the legislation also—am I out of time—the legislation contains a provision increasing the acreage limit for the NRA. Why is there a need for a limit in statute, and could the NRA be substantially expanded without congressional approval?

Mr. RING. To answer your last question first, no, it could not be substantially expanded without specific congressional approval. There is some authority for minor boundary adjustments where they are willing—landowners who are willing to sell lands to the government, but without specific legislative authority to change the boundary, we couldn't do that and the acreage is associated with the mapped authorized boundary. It typically is a factual statement of how many acres are within that authorized boundary, and it is just a way of double-checking that we are within the right footprint.

Mrs. CHRISTENSEN. Thank you, Mr. Ring.

Mr. RADANOVICH. Thank you, Mrs. Christensen, and I want to thank the panel for your testimony here today. Ms. Manning, thank you very much. Mr. Ring, appreciate your testimony here today and we will call the next panel of witnesses.

Next up will be Mr. Todd Davidson, Vice Chairman of the Western States Tourism Policy Council from Portland, Oregon; Mr. Bob Warren, Chairman of the National Alliance of Gateway Communities, Redding, California; The Honorable Betsey Hale, Commissioner of Montrose County, Montrose, Colorado; Ms. Laura Loomis, Director of Visitor Experience, National Park Conservation Association in Washington, D.C.; and Mr. Stephen Thomas, Northern Plains Regional Director of the Sierra Club, Sheridan, Wyoming. Ladies and gentlemen welcome to the Committee and I want to thank you very much for taking time out of your busy schedules to testify here today. We will start from my left to right for testimonies. If you would please keep your testimony under the 5-minute mark I would appreciate it very much. H.R. 4622

Mr. RADANOVICH. And again, Mr. Todd Davidson, welcome, and you may begin your testimony. And then we will go right down the line.

STATEMENT OF TODD DAVIDSON, VICE CHAIRMAN, WESTERN STATES TOURISM POLICY COUNCIL, PORTLAND, OREGON

Mr. DAVIDSON. Thank you, Mr. Chairman, and good afternoon. I am Todd Davidson. I am pleased and honored to be able to speak to you this afternoon, both as the executive director of the Oregon Tourism Commission and the Vice Chair of the Western States Tourism Policy Council, the WSTPC. To express our strong support for H.R. 4622, the Gateway Communities Cooperation Act of 2002. Formed in 1996, the WSTPC is a consortium of 13 western State tourism offices, including the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

The mission of the Western States Tourism Policy Council is simple. It is to advance the understanding and support for public policies that enhance the positive impact of travel and tourism on the economy and the environment of the member States. The WSTPC is proud of the close productive relationship that we have developed with 11 Federal agencies that have a significant impact on tourism and recreation in the west. We meet with our Federal partners on a regular basis to exchange information and ideas, to develop joint projects including several successful conferences on topics of mutual concern. As no surprise to you, Mr. Chairman, tourism is a vital part of the economic vitality of the west.

It is a powerful economic engine that generates billions of dollars and millions of jobs. In the west, more than half of the total land area is Federal land, and 11 of the Western States Tourism Policy Council member States are among the 12 top States in percentage of Federal land acreage. Furthermore, hundreds of communities in the west serve as gateways, as you heard this afternoon, for millions of visitors to these Federal lands.

So the 13 individual State tourism offices that comprise the WSTPC each work closely with the gateway and their States providing advice and counsel and marketing support. Each WSTPC member state tourism office also strives to work closely with their Federal land agency partners in their respective States. We understand that the policies and programs and the activities of those agencies have a direct and significant impact on gateway communities and the State. In September 1998, the WSTPC, with all its Federal partners, organized a major conference on the subject of gateway communities. There were nearly 500 folks in attendance evenly split between gateway leaders and agency staff.

That conference was so successful that we are currently in the planning process with our Federal partners in the National Alliance of Gateway Communities on a second gateways conference that will be held December 3 through 5 on the Santa Ana Pueblo near Albuquerque, New Mexico. And Mr. Chairman, I hope you will be able to join us this December. It is following the election. It is because of our substantial experience working with both gateway communities and with our Federal land management partners that the WSTPC enthusiastically endorses and supports H.R. 4622. But in discussing H.R. 4622, let me first try and clarify some of the possible misperceptions.

First, we do not read H.R. 4622 as an invitation to bash the agencies. Many local and national Federal land managers

understand the importance of good relations with their gateway communities and make the proactive attempt to cultivate those good relations and they are to be commended. Second, we do not see that H.R. 4622 gives the gateway communities any type of veto over policies, decisions or programs or activities of any Federal land agency. It does not give gateway preference or priority over any other stakeholders. That has never been the intent of this bill, and if necessary, we would support amending the language to clarify that point.

Third, we don't think that H.R. 4622 is contrary to the environmental values and goals of our Nation. No one loves the natural beauty and wildlife of our national parks, forests and other Federal public lands more than many of those that have chosen to spend their lives in the communities next door to them.

Fourth, we don't believe this bill elevates local interests over national interests. We recognize we are talking about national parks and national forests and we must always be responsive first and foremost to national priorities.

Fifth, this bill does not place any additional mandates on gateway communities because it will be their voluntary choice to participate. But what the bill does do is provide a balanced reasonable response to a widespread concern. Many Federal land managers and local leaders do indeed understand the importance of gateway communities, but it is not always the case. As we heard at our Gateway's Conference in 1998, two of the common refrains were that the agencies too often ignore the interest of gateways without reason, and that many gateways have insufficient staff and expertise to participate in a truly meaningful way.

Therefore, the greatest value of H.R. 4622 is to declare as a matter of national policy that Federal land managers are required to support and communicate and cooperate with the designated gateway communities. Second, the small gateway communities are expected to interpret and comment on complex agency draft planning documents without the staff and expertise to interpret and evaluate the potential ramifications of those plans. But this bill would enable gateways to be much more involved as meaningful participants in those agency-planning efforts.

In essence, H.R. 4622 institutionalizes the gateway's community involvement with their Federal land management neighbors. So Mr. Chairman, this seems to us to be fair and reasonable legislation. It is long overdue recognition of the importance of gateway communities and describes a carefully, thought-out strategy to make them stronger, more effective partners. Robert Frost told us that good fences make good neighbors. We believe that H.R. 4622 shows how good laws can also play a key role in helping make good neighbors of gateway communities and Federal land management agencies.

Mr. RADANOVICH. Good point. Thank you very much Mr. Davidson for your testimony.

[The prepared statement of Mr. Davidson follows:]

Statement of Todd Davidson, Vice Chairman, Western States Tourism Policy Council, Executive Director, Oregon Tourism Commission

Good afternoon, Mr. Chairman and members of the subcommittee. I am Todd Davidson and I am pleased and honored to speak to you this afternoon as Vice

Chairman of the Western States Tourism Policy Council (WSTPC) to express our strong support for H.R. 4622, the "Gateway Communities Cooperation Act of 2002." I also serve as executive director of the Oregon Tourism Commission.

The WSTPC

Formed in 1996, the WSTPC is a consortium of thirteen western state tourism offices, including the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. The mission of the WSTPC is to advance understanding and support for public policies that enhance the positive impact of travel and tourism on the economy and the environment of its member states and their communities.

The WSTPC is proud of the close and productive partnership it has developed with eleven Federal agencies that have a significant impact on tourism and recreation in the West, including all the major Federal land management agencies. We meet with our Federal partners on a regular basis to exchange information and ideas and to develop joint projects, including several successful conferences on topics of mutual concern. Two memoranda of understanding, in 1997 and in 2001, have defined our partnership.

Tourism and Gateways in the West

Tourism is a vital component of the economy of the American West, a powerful economic engine that provides millions of jobs. Nature and history have combined to make the West immensely appealing to visitors from throughout the United States and the world. Eight of the states that comprise our Council are among the twelve most tourism dependent states in the nation in terms of per capita receipts.

In the West much, if not most, tourism is public lands tourism. In the West, more than half of the total area is Federal land, and eleven of the WSTPC member states are among the top twelve states in percentage of Federal land acreage.

Hundreds of communities in the West serve as "gateways" for millions of visitors to these Federal lands. For these communities, which are typically small and rural, the business generated by these visitors is a vital component of their local economies. The cumulative impact is significant for our state economies.

The thirteen individual state tourism offices that comprise the WSTPC each work closely with the gateway communities in their states, providing advice, counsel and marketing support to enable those communities to reach their tourism and recreation business goals.

Each WSTPC member state tourism office also strives to work closely with the Federal land agencies in their respective states. We understand that the policies, programs and activities of those agencies often have a direct and significant impact on nearby communities and, indeed, on the entire state.

In September, 1998, the WSTPC, with all its Federal partners, organized a major conference in Tacoma, Washington, on the subject of gateway communities. There were nearly 500 in attendance, evenly split between gateway leaders and agency staff. Nearly everyone agreed that it was an extremely worthwhile exercise as both gateways and agencies exchanged viewpoints, candidly talked about problems in their relationships and learned how they could work more closely together. That conference was so successful that we are currently working with our Federal partners, and with the National Alliance of Gateway Communities on a second Gateways Conference, that is scheduled later this year, on December 3–5, on the Santa Ana Pueblo in Bernalillo, New Mexico.

Mr. Chairman, please let me take this opportunity to invite you and the other members of the Subcommittee to participate in this second gateways conference in December.

It is because of our substantial experience working with both gateway communities and with the Federal land agencies that the WSTPC enthusiastically endorses and supports H.R. 4622. We commend you, Mr. Chairman, for having the vision to introduce it.

What This Bill Will Not Do

Let me first try and clarify some possible misimpressions about this legislation as we understand it.

First, we do not read H.R. 4622 as an invitation to "bash the agencies." Many local Federal land managers understand the importance of good relations with their gateway communities and make an active, proactive attempt to cultivate those good relations. They are to be commended. At the national level, the Federal land agencies over the last decade have increasingly the importance of gateways and have organized seminars and training programs for their senior staff on gateway relationships. These programs should continue.

Second, we do not see that H.R. 4622 gives gateway communities any type of veto over policies, decisions, programs or activities of any Federal land agency. It does not give gateways preference or priority over any other stakeholders. That has never been the intent of the bill and, if necessary, we would support amending language to clarify these points.

Third, we do not think that H.R. 4622 is, in any, contrary to the environmental values and goals of our nation. No one loves the natural beauty and wildlife of our magnificent national parks, forests and other Federal public lands more than those who have chosen to spend their lives in the communities next door to them.

Fourth, we do not believe that H.R. 4622 elevates local interests over the national interests. We recognize that we are talking about national parks and national forests, and they must always be responsive first and foremost to national priorities.

Fifth, H.R. 4622 does not place any additional mandates on gateway communities. It will be the voluntary choice of the gateway as to whether it seeks to utilize any of the provisions of the bill.

What This Bill Will Do

H.R. 4622 is a balanced, reasonable response to a widespread concern. As we have noted, in many instances, relationships between Federal land agencies and their gateway communities are harmonious and productive. Many Federal land managers and local leaders do indeed "get it" and work harmoniously together.

They understand that the community and the Federal land are inevitably interconnected. They understand that it is not a "zero sum game," but that the health and vitality of one has a direct impact on the other. They understand the imperative of being "good neighbors" with their gateways. They understand that the Federal lands are poorly served by gateway communities that are weak and resentful,

But this is not always the case. At the 1998 WSTPC–Federal Agencies Gateway Conference, two common refrains were that the agencies too often ignored the interests of gateways without reason and that many gateways have insufficient staff and expertise to participate in a truly meaningful way in agency policy-making processes. At present, it is up to each Federal land manager to decide what relationships he or she wants to have with gateway communities. There has never been a statutory declaration that gateway communities are critical to the mission of the agencies and that cooperation and coordination should be fostered.

The first and greatest value of H.R. 4622, therefore, is to declare as a matter of national policy that Federal land managers are required "to support, and to communicate, and cooperate with designated gateway communities." The bill provides historic recognition by Congress that gateway communities are integral to the mission of the public lands, the first points of contact for visitors and the providers of essential services to both visitors and the public lands.

In the closing days of the Clinton Administration, T. Destry Jarvis, then Senior Advisor to the Assistant Secretary of Interior for Fish and Wildlife and Parks, wrote: "... no land-use decision around a national park is exclusively local or national, but always has implications on both. The National Park Service should realize its affirmative responsibility to actively participate in local land-use decisions, and should similarly be aware of the effects of its decisions on its neighbors, allowing them to be involved in the process of arriving at those decisions." H.R. 4622 would be an historic step towards that goal.

Too many times, small gateway communities—towns and counties—are expected to interpret and comment on complex agency draft planning documents without staff and expertise to interpret and evaluate the potential ramifications of those plans for the communities. H.R. 4622 would enable gateways to be much more meaningful participants in those agency planning processes by:

(1) receiving early, non-technical summaries of such plans, their assumptions and objectives and the anticipated impact on gateway communities;
(2) receiving the earliest practicable public notice of proposed decisions that may have a significant impact on gateway communities;
(3) receiving training from the agencies about their planning processes and how they can best participate;
(4) receiving technical assistance from the agency, including assigned agency staff or contractor to work with the gateway to understand and respond better to proposed agency plans;
(5) receiving, on request, a review from the agency of its land use, management or transportation plans likely to affect the community;
(6) entering into cooperative agreements to coordinate local land use plans with those of the Federal land agency, other Federal agencies, State governments and tribal governments;

What these provisions would do is to institutionalize gateway community involvement with their Federal land neighbors. It would systematize and set parameters on planning processes that have until now been inconsistent and unclear from the perspective of local communities. Plans do matter. The Federal land agencies are guided in future years by the assumptions and conclusions of their plans. They will be better plans—more effective and more accepted—with greater community involvement.

It is also worthy of special note that H.R. 4622 will require interagency coordination and consolidation when the plans and planning processes of two or more Federal land agencies are anticipated to have an impact on a gateway community. This will go a long way towards reducing overlap, redundancy and confusion for gateways near multiple Federal lands with multiple plans.

With the support and assistance provided by these provisions, reinforced by the agency grants authorized by H.R. 4622, gateways will be prepared and qualified to participate as cooperating agencies under NEPA processes as allowed under this legislation.

Conclusions

Mr. Chairman, this seems to us fair and reasonable legislation. It is long overdue recognition of the importance of gateway communities and prescribes a carefully thought out strategy to make them stronger and more effective partners of their Federal land neighbors. Robert Frost told us that "Good fences make good neighbors." We believe that H.R. 4622 also shows how good laws can also play a key role in helping make good neighbors of gateway communities and the Federal land agencies.

We urge that H.R. 4622 be enacted as early as possible.

Mr. RADANOVICH. Mr. Warren, welcome to the Committee and again you may begin your testimony and abide by the traffic lights we have out there.

STATEMENT OF BOB WARREN, CHAIRMAN, NATIONAL ALLIANCE OF GATEWAY COMMUNITIES, REDDING, CALIFORNIA

Mr. WARREN. Thank you, Chairman Radanovich, and other Committee members for the opportunity to testify today. I am here representing the city of Redding, California, and as Chairman of the National Alliance of Gateway Communities. Redding is the perfect example of a gateway community. Within a 10-mile radius, they are the boundaries of an NPS unit, BLM lands and the national forest. I am also representing the National Alliance Gateway Communities as the only national organization solely dedicated to representing the interest of gateway communities.

In California and in the west, many communities are transitioning to more diversified economies less based on resource extraction. We know in the future, visitors to public lands will play an increasingly more important role in the economies of our gateway communities. In light of the impact on tourism of the events of last September, we also know that luring back many of the visitors to rural America will be difficult. Those of us in the west also know that public lands will be the magnet that draws both domestic visitors and internationals back to our rural communities. Many of the supervisors, superintendents and managers of public land management units are keenly aware of the importance of working with their gateway communities.

I know in my area, many of them make daily efforts to interact with community leaders. Unfortunately this is not always the case. There are too many examples where relationships are inconsistent and unreliable and often too dependent on the personalities

involved. What we want to do by enacting this legislation is to take a major step toward institutionalizing those relationships.

Mr. WARREN. Many of the management plans for significant public land units devote hundreds of pages to natural resource preservation while devoting just a paragraph or two to the people who live in or adjacent to their unit. For example, although economic and social impacts are supposed to be considered in national forest management plans, the plan for one national forest in Utah has about one paragraph that addresses these issues with more than 100 pages addressing various habitat scenarios.

Careful consideration is given to the goshawk, but little is given to the gateway communities and the people who live there. We do not object to thorough consideration of environmental and wildlife issues, but surely the interests and concerns of gateways and the families that make their homes there should also get serious consideration.

In the mid-1990's, the five communities that are gateways to Yellowstone National Park decided to form the Yellowstone Gateway Alliance to speak with one voice on issues of common concern to all of them. The superintendent of the park at that time flatly refused to talk with the gateways as a group.

H.R. 4622 would not compel any superintendent to talk to such coalitions, but it would clearly declare that the intent of Congress is to support much greater cooperation, coordination, and communication.

In my written statement, other examples which emphasize the need for this bill are also cited.

Under NEPA regulations, the State is always considered a cooperating agency, and often counties. In rural locations this may not be enough. We have all heard of the saying "a sense of community," but who has ever heard a sense of county or sense of State? This is because communities are the social structure of rural America.

When communities are making significant planning changes, they are required to comply with numerous Federal environmental mandates. This makes for a one-way street, as the communities are provided no provision to comment on changes on adjacent Federal lands. Although H.R. 4622 does provide gateway communities a seat at the table, the bill does not give a gateway community a veto over agency programs, actions or policies. The bill would give local public land managers a greater understanding of the needs and perspectives of their adjacent communities.

In closing, I don't think we can any longer deny our gateway communities legal standing in the Federal decisionmaking process. Often parks are the foundation of a community's culture, commerce, and heritage. The EIS process is often highly politicized and charged with emotion. The politics and emotions that dramatically play out in our communities over this wrenching drama is for naught if our communities cannot have a meaningful stake in the process.

Often this process is affected by the sparse rural population representation in the West, pitted against well-meaning urban political agendas driven by well-financed and staffed special interest groups. This leads to many gateway communities feeling as if they

are being treated like children when told to "Eat your vegetables, it is what is best for you."

Leaders in gateway communities are faced with the daily tension of attempting to balance commerce and conservation, of preserving enduring wildness, while enhancing economic well-being. This tension is of course by choice, as those of us who live in rural gateway locations most often would choose to be nowhere else.

We feel that this important bill will help bridge the gap between today and tomorrow, while striving to preserve all that is natural as well as maintaining the character of our communities. A consistent Federal process of inclusion of the leaders of gateway communities would improve the process, the politics, and the outcome. All we ask is some say in our future.

Mr. Chairman, your bill is landmark legislation. Its enactment will open a new day for gateways. Thank you very much.

Mr. RADANOVICH. Thank you very much, Mr. Warren.

[The prepared statement of Mr. Warren follows:]

Statement of Bob Warren, Chairman, National Alliance of Gateway Communities, Tourism Development Manager, City of Redding, California

Thank you Chairman Radanovich and other subcommittee members for the opportunity to testify on behalf of HR4622. I am here representing the City of Redding, California, as the Tourism Development Manager and as Chairman of the National Alliance of Gateway Communities. Redding is the perfect example of a gateway community. Within a ten mile radius, there are the boundaries of a National Park Service Unit, Bureau of Land Management lands, and a National Forest. The City benefits from this close proximity in the form of significant tourism dollars, and of course beautiful natural attractions. I am also here as the Chairman of the National Alliance of Gateway Communities (NAGC). The NAGC was formed at the encouragement of many Federal land use managers, who felt there was a role for an organization to help small gateway communities become more skilled at interacting with Federal agencies. This organization is the only national organization solely dedicated to representing the interests of gateway communities.

On behalf of the NAGC and gateway communities everywhere, we thank you, Mr. Chairman, for introducing this historic bill. To the best of our knowledge, it is the first bill ever to recognize the importance of gateway communities and focus exclusively on several of their major needs and concerns.

Gateway communities, by their very nature, are close to public lands. This symbiotic relationship creates an arrangement where the public land units need the communities for their services, while the communities need the public lands as attractions. In California and in the West, many communities are transitioning to more diversified economies, less based on resource extraction. We know in the future, visitors to public lands will play an increasingly more important role in the economies of our gateway communities. In rural California, every $63,000 spent by travelers creates one new job. Also, many of those visiting public lands are international visitors who often make their visit to America a visit to rural America. Germans alone account for hundreds of thousands of visits to public lands in California annually. One national park in Northern California surveyed visitors during a one-month period several years ago, and 11 percent of all visitors were German. Obviously, the dollars spent by these foreign visitors and others are important to both the economies of gateway communities as well as to the national balance of trade. In light of the impact on tourism of the events of last September, we know luring back many of these visitors to America will be difficult. Those of us in the West also know that public lands will continue to be the "magnets" that draw both domestic visitors and internationals back to our rural communities.

Many of the supervisors, superintendents, and managers of public land management units are keenly aware of the importance of working with their gateway communities. I know in my area, many of them make daily efforts to interact with community leaders. Unfortunately, this is not always the case. There are too many examples where relationships are inconsistent and unreliable and are often too dependent on the personalities involved. What we want to do by enacting this legislation is to take a major step towards institutionalizing those relationships by putting them on a firmer statutory base.

There are also examples of public land management unit managers showing little concern for the economics of gateway communities and purposefully attempting to affect development outside their management units. In one instance in the Northwest, a new national park superintendent was interviewed for an article in a major newspaper in which he indicated opposition to a planned destination resort more than 11 miles from the park that he managed. In his zeal to develop a strong relationship with the environmental community, he neglected to communicate with the developer who had, for the previous nine years, worked in concert with the park superintendent's predecessor and staff on the planning of this resort. Although H.R. 4622 would certainly not have affected his ability to speak out on this issue, he would have at least known that he also would need to develop a relationship with the adjacent communities, so when issues related to important park management decisions came up, the community would be part of his planning process.

Many of the management plans for significant public land devote hundreds of pages to natural resource preservation, while devoting just a paragraph or two to the people who live in or adjacent to that unit. Their frustration is exacerbated when their communities do not have a "seat at the table".

For example, although economic and social impacts are supposed to be considered in national forest management plans, the plan for the Kaibab National Forest in Utah has about one paragraph that addresses these issues with more than 100 pages addressing various habitat scenarios. Careful consideration is given to the goshawk, but little is given to the gateway communities and the people who live there. Now we want to be clear. We do not object to thorough consideration of environmental and wildlife issues; indeed we strongly support such examination. But surely the interests and concerns of gateways and the families and businesses that make their homes there should also get serious consideration.

In another Utah example, at Escalante, we have seen a situation where a multistate, Federal, county, local joint visitor campus and science education facility is being built in conjunction with the new Grand Staircase National Monument that is under BLM management. Unfortunately, Federal managers in this case are NOT engaged with the local community. Quite the opposite, to the point that, against the wishes of Congressional appropriators, there will be two competing visitor facilities in Escalante—a serious case of waste and lost opportunity.

In the mid–1990s, the five communities that are gateways to Yellowstone National Park decided to form the Yellowstone Gateway Alliance to speak with one voice on issues of common concern to all of them. The superintendent of the park at that time flatly refused to talk with the gateways as a group. H.R. 4622 would not compel any superintendent to talk to coalitions of gateway communities, but it would clearly declare that the intent of Congress is to support much greater cooperation, coordination and communication between gateway communities and Federal land managers.

In Alaska, two recent examples can be cited of failed relationships between gateway communities and the National Park Service. One arose when the NPS, contrary to its early promises, persisted in denying local "traditional" use of the Dyea Valley (e.g. firewood cutting, Christmas tree gathering and beach access) which the State of Alaska allowed it to manage, and resulted in the State finally, in frustration, agreeing to let the City of Skagway annex the valley. In the other example, the McCarthy Area Council, a non-profit, quasi-governmental organization representing residents of the McCarthy–Kennecott area has encountered stiff NPS resistance to efforts to develop interpretive sources that are locally derived. According to Thea Agnew, the President of the McCarthy Area Council:

> We feel strongly that local people need to be empowered to tell the stories of the place. The problem is, however, that such a small community lacks resources—particularly financial resources—to compete (and it does feel like competition) with the Park. They have an interpretive staff, a budget, visitors centers, contracts with graphic artists to develop signs and activities, the list goes on. We have a lot of volunteers, a lot of interested people, and tiny, occasional pots of money to do small projects with.

Lake Havasu and the lower Colorado River management team have recently been wrestling with environmental impact statements and the impacts of boating near one of the refuges. This environmental review process does not include the communities that will be economically impacted if boating regulations are modified in this area. There has been an effort by both Lake Havasu City and Yuma, Arizona, to become part of the planning process. Because there is no stipulation for including communities at the table, the land use managers have not had the opportunity to receive meaningful input from them.

A recent prominent instance reported in the news where communities were completely shut out of the planning process occurred at our first national park. The

gateway communities around Yellowstone National Park count on winter access into Yellowstone as part of their economic viability. The 2000 winter use plan for Yellowstone called for a ban on snowmobile usage in the park. This would have devastated several communities adjacent to Yellowstone. Despite repeated attempts by local gateway towns to obtain cooperating agency status during the development of that winter use plan, they were never given the opportunity to be "at the table" with the neighboring states and adjacent counties during this process. Fortunately, a supplemental EIS is now under review that includes additional options for consideration.

Another example involves the Bureau of Land Management in California and Arizona. When the BLM was sued to close off-road vehicle access to the Imperial Sand Dunes in California, the City of Yuma, Arizona, located directly across the Yuma River from the Dunes was not informed by the BLM of the litigation until the day before the court hearing in San Francisco. The BLM said because they regarded the matter as a California issue, even though Yuma is the gateway community for the Dunes. The result was that 45,000 acres of the Dunes were closed to off-road vehicle use, with a sharp negative economic impact on Yuma, without the gateway community ever getting an opportunity to comment or respond prior to the decision. (At a recent Yuma community meeting about the issue, nearly 400 local citizens attended and more than a hundred testified against the ban. It should also be noted that the plants said to be endangered are now doing more poorly in the banned area than in the area not affected.)

Under NEPA regulations, the State is always considered a cooperating agency, and often counties are also included. In rural locations, this may not be enough. We have all heard the saying, "a sense of community" but who has ever heard "a sense of county or a sense of State?" This is because communities are the social structure of America. Those living in communities always have a vested interest in preserving adjacent public lands, as without them, the communities would suffer economically, and spiritually. Although there may be individual business operators looking for a "quick buck," communities for the most part must be into the conservation of our public lands for the long haul. Any short-sighted decisions would adversely affect their communities both socially and economically.

When communities are making significant planning changes, especially involving land use issues, they are required to comply with a host of Federal environmental mandates. Many agencies often comment on their proposed planning efforts. This makes for a one-way street, as the communities have far less opportunity to comment on proposed changes on adjacent Federal lands. Although H.R. 4622 does provide gateway communities a "seat at the table," the bill does not give a gateway community a veto over agency programs, actions, or policies. The bill would promote cooperation and coordination and give local Federal land managers a greater understanding of the needs and perspectives of their adjacent communities. I might add that it will also give local leaders a greater understanding of the needs and perspectives of their local Federal land managers.

In closing, I don't think we can any longer deny our gateway communities legal standing in the Federal decision-making process. Often, parks are the foundation of a community's culture, commerce, and heritage. The EIS process is often highly politicized, charged with emotion—a veritable lawsuit waiting to happen. The politics and emotions dramatically play out in our communities. This wrenching drama is for naught if our communities cannot have a meaningful stake in the process. Often, this process is affected by the sparse rural population political representation in the West, pitted against well meaning, urban political agendas driven by well-financed and staffed special interest groups. This leads to many gateway communities feeling as if they are being treated like children, when told to "eat your vegetables, it's what's best for you". H.R. 4622 will reform the process and level the playing field by appropriately including gateway communities.

Leaders in gateway communities are faced with the daily tension of attempting to balance commerce and conservation, of preserving enduring wildness while enhancing economic well-being. Our communities will survive only if we are constantly ensuring that the needs of nature are met while people are allowed to make a living. This tension is of course by choice, as those of us who live in rural, gateway locations most often would choose to be nowhere else. We feel that this important bill will help bridge the gap between today and tomorrow, while striving to preserve all that is natural, as well as maintaining the character of our communities. A consistent Federal process of inclusion of the leaders of gateway communities would improve the process, the politics, and the outcome. All we ask is some say in our future.

Let me conclude with a statement that another NAGC director has asked me to present to the subcommittee today. This statement is from Karen Alvey, former

mayor of Kanab, Utah, who has tried hard to ensure that the Escalante National Monument is developed in accord with national and local values and goals.

> After much thought, I have decided that the whole process of planning on public lands must be done with the communities at the table and early on. Most of the public officials have other jobs, cannot afford full time staff to attend and gather information, and lack the knowledge to make good decisions on management issues. If it is mandated to invite the community's leaders in early so that they can become educated, then better decisions are made. Planning seems to go on forever, then decisions are made and announced to the communities.

H.R. 4622 would result in closer, more productive cooperative relationships between gateways and Federal land managers, benefiting both the communities and the Federal lands, responding to both national and local values. H.R. 4622 would enhance the capability of gateways to participate more effectively and more meaningfully in agency planning processes for the betterment of all. It should become law.

Mr. Chairman, your bill, H.R. 4622, is landmark legislation. Its enactment will open a new day for gateway communities throughout the nation.

Mr. RADANOVICH. The Honorable Betsey Hale, welcome to the Committee—from Montrose County, Colorado. And please begin your testimony. Thank you.

STATEMENT OF BETSEY HALE, COMMISSIONER, MONTROSE COUNTY, MONTROSE, COLORADO

Ms. HALE. It is an honor and privilege to testify before you today. My name is Betsey Hale, and I am a county commissioner in Montrose County, Colorado. I am here today representing my community of Montrose County, Colorado Counties, Incorporated, and the National Association of Counties, NACo.

We strongly support the principles underlying the Gateway Communities Cooperation Act of 2002. In fact, NACo's American County Platform reads in relevant part: NACo believes that the most basic principle that must be followed in all actions by State and Federal agencies is consultation with local county officials as well as municipal and tribal officials who have been elected to represent the concerns of those directly affected by public land management decisions. NACo encourages county officials to take affirmative steps toward developing appropriate land management strategies and plans, and believes that Federal agencies must make every effort to create a cooperative policy that is consistent with these local land use plans. Historically, the voices of the counties who are directly affected has been largely ignored in the creation of lands policy. Therefore, it is imperative that the Federal Government work cooperatively with the county and other local governments on such policies in the future.

Our experience illustrates the rationale behind NACo's platform language as well as the need for Congress to enact H.R. 4622. Montrose County is located in southwest Colorado; 68 percent of our 1.4 million acres are publicly owned, including land managed by the State of Colorado, the Bureau of Land Management, the U.S. Forest Service, the Bureau of Reclamation and the National Park Service. While the Federal lands are a tremendous asset to the citizens of my county in many ways, we find that we are simply unable to be the kinds of partners with the Federal land managers that we would like to be.

There are currently eight different land use and management plans being drafted by Federal land managers in Montrose County. These eight plans affect the gateway to the Black Canyon of the Gunnison National Park, the Grand Mesa Uncomphagre in Gunnison National Forest, and the Curecanti National Recreation Area. County elected officials, county staff, and many of our citizens as well, are all trying to provide meaningful input to these Federal plans in progress.

At the same time, we are in midst of developing a regional wildfire management plan. Simultaneously, we are working with the Forest Service to develop a forest restoration partnership to improve forest management in three States. As if that weren't enough, we are in the process of rewriting our county master plan and our zoning and subdivision regulations to address the impacts of a 38 percent growth rate which we have experienced in the last 10 years.

With all this going on, Mr. Chairman, our planning and zoning staff are already stretched to the limit just providing basic services to our citizens. As you can see, we simply cannot do any more to demonstrate our good faith as partners with the Federal land managers. Unfortunately, the multitude of plans being drafted at the moment leaves us feeling overwhelmed, confused, and wondering how it will all affect us. We wonder which meetings, which open houses, public hearings, and work sessions we should attend as we struggle to hold down jobs, raise families, eat, and even grab a few hours of sleep. We worry that decisions are being made by Federal land managers that will profoundly affect our livelihoods in agriculture, tourism, forestry, and mining.

Mr. Chairman, we also recognize that collaboration and communication works both ways. We know that the decision we make on the land under our jurisdiction as county commissioners will affect the resources managed by Federal agencies. Yet, sadly, we fail to collaborate and communicate on these issues of mutual concern because we are simply overwhelmed by the sheer volume of work being done all around us. Unfortunately, feeling overwhelmed can often lead to a sense of being besieged, which in turn contributes to an atmosphere of fear and mistrust, where there should be a shared sense of partnership and cooperation.

We believe that if H.R. 4622 is enacted, we would be much better off. First of all, the requirement for early notice to officials in the gateway communities would enable us to keep better track of the Federal management plans and prepare to participate. Furthermore, we strongly endorse the provision of training and technical assistance. We fear that sometimes, even when we are given the opportunity to participate in Federal processes, we are not as effective as we should be, simply because we don't know how to explain ourselves in the appropriate Federalese or don't have the resources to compile the data to support our point of view.

Perhaps the most valuable piece of the bill, however, at least from the perspective of Montrose County is the provision for consolidated and coordinated interagency planning. We would, of course, prefer that the requirement to be more stringent than "to the extent practicable," but we strongly support the intent of the

bill in this regard and would expect that the agencies would make every effort to comply with the spirit of the law.

I want to thank you for the opportunity to testify today. The chief of the Forest Service has recently spoken out against the "analysis of paralysis" which can prevent even the most commonsense management activities on the part of his agency. But interagency cooperation will better enable county officials to build a community by and around sound proposals, giving us a clear picture of what is going on.

Thank you so much for your time today, and I look forward to answering your questions.

Mr. RADANOVICH. Thank you very much, Ms. Hale, appreciate your testimony.

[The prepared statement of Ms. Hale follows:]

Statement of The Honorable Betsey Hale, Commissioner, Montrose County, Colorado, on behalf of Montrose County, Colorado, Colorado Counties, Inc. & The National Association of Counties

Mr. Chairman and distinguished members of the Committee, my name is Betsey Hale, and I am a county commissioner in Montrose County, Colorado. I am here today representing my community of Montrose County, Colorado Counties, Inc. and the National Association of Counties (NACo).

We strongly support the principles underlying the Gateway Communities Cooperation Act of 2002. In fact, our American County Platform reads, in relevant part:

> NACo, its Western Interstate Region, state associations of counties and individual county governments have a critical role to play in the policy planning and management of the 775 million acres of federally owned lands. The policies, plans, and activities for federal lands have a great impact on adjacent state and local and private lands. In counties with a high percentage of public lands, federal decisions often dictate social and economic conditions.
>
> NACo believes that the most basic principle that must be followed in all actions by state and federal agencies is consultation with local county officials, as well as municipal and tribal officials, who have been elected to represent the concerns of those directly affected by public land management decisions. NACo encourages county officials to take affirmative steps towards developing appropriate land management strategies and plans and believes that federal agencies must make every effort to create a cooperative policy that is consistent with these local land use plans. Historically, the voice of counties who are directly affected has been largely ignored in the creation of lands policy. Therefore, it is imperative that the federal government work cooperatively with county and other local governments on such policies in the future.

Our experience in Montrose County illustrates the rationale behind NACo's platform language as well as the need for Congress to enact H.R. 4622.

Montrose County is located in southwest Colorado. Sixty-eight percent of our 1,437,712 acres are public lands, including land managed by the State of Colorado, the Bureau of Land Management, the US Forest Service, the Bureau of Reclamation and the National Park Service. While the federal lands are a tremendous asset to the citizens of Montrose in many ways, we find that we are simply unable to be the kinds of partners with the federal land managers that we would like to be.

There are currently eight different land use and management plans being drafted by federal land managers in Montrose County. These eight plans affect the Gateway to the Black Canyon of the Gunnison National Park, the Grand Mesa Uncomphagre National Forest and the Curecanti National Recreation Area. County elected officials, county staff and many of our citizens, as well, are all trying to provide meaningful input to these federal plans in progress. At the same time, we are in the midst of developing a regional wildfire management plan. And we are also working with the Forest Service on a forest restoration partnership which will address forest management in three states. On top of all this, we are in the process of rewriting Montrose County's Master Plan and zoning and subdivision regulations to address the impacts of the thirty-eight percent growth we have experienced over the past

ten years. With all this going, Mr. Chairman, our planning and zoning staff are already stretched to the limit just to provide basic service to our citizens.

As you can see, we simply cannot do any more to demonstrate our good faith as partners with the federal land managers. Unfortunately, the multitude of plans being drafted at the moment leaves us feeling overwhelmed, confused and wondering how it all will affect us. We wonder which meetings, open houses, public hearings and work-sessions we should attend. As we are trying to hold down jobs, raise families, eat and even sleep, we worry that decisions are being made by federal land managers that will profoundly affect our livelihoods in agriculture, tourism, forestry or mining.

Furthermore, we know that the decisions we are making on the land under our jurisdiction as county commissioners will affect the resources managed by the federal agencies. Yet, sadly, we fail to collaborate and communicate on these issues of mutual concern because we are simply overwhelmed by the sheer volume of work being done all around us. This sense of being besieged contributes to an atmosphere of fear and mistrust where there should be cooperation.

We believe that were the provisions of H.R. 4622 to be enacted, our situation would be greatly improved. The requirement for early notice to the officials in gateway communities, as well as the provision of training and technical assistance would be very helpful. Perhaps the most valuable, however, at least from the perspective of Montrose County, is the provision for consolidated and coordinated interagency planning. We would, of course, prefer that the requirement be more stringent than "to the extent practicable" but we strongly support the intent of the bill in this regard and would expect that the agencies would make every effort to comply with the spirit of the law.

Mr. Chairman, as I noted earlier, Montrose County, the counties of Colorado and the National Association of Counties strive to be good partners in the stewardship of the land we all love, particularly those of us in counties which are gateways to the public lands. All we ask is that the federal land managers reciprocate by fulfilling their obligation to be good partners in return. H.R. 4622 is a good step in that direction.

Mr. RADANOVICH. Ms. Laura Loomis with the National Parks Conservation Association. Welcome to the Subcommittee. I appreciate you being here.

STATEMENT OF LAURA LOOMIS, DIRECTOR OF VISITOR EXPERIENCE, NATIONAL PARK CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Ms. LOOMIS. Mr. Chairman and members of the Subcommittee, I am Laura Loomis. I am director of the Visitor Experience Program for the National Parks Conservation Association. We have submitted our testimony, full testimony, to the Committee, so I am just going to summarize here.

We respect the Chairman's interest in enhancing the relationship between gateway communities and the national parks. However, we believe H.R. 4622 requires significant revision before it provides the appropriate mutual incentives and resources that facilitate genuine cooperative efforts between national parks and gateway communities.

We believe that an evaluation of this issue must begin with a discussion about the purpose of our national parks and their place in society. As Freeman Tilden, who is recognized as the father of interpretation in our national parks, so eloquently stated half a century ago, quote, "The national parks are not in the least degree the special property of those who happen to live near them. They are national domain. The people of the States in which national parks happen to exist are rightly proud of them, and should normally be the first to rise against any spoilation of them; but the preemption and settlement of land that happens to border on the

present parks, or any that may be created later, imply no title to any rights in the reserved area beyond what belong to any American," close quote.

Given the essential democracy of our parks, the first duty of the National Park Service is to manage those parks in the national interest. Although gateway communities are expected to contribute to the determination of what is the national interest, that determination is a task of all the American people. Nevertheless, it is also beneficial for the parks and their gateway communities to be good neighbors and develop mutually respectful relationships.

The proximity of gateway communities to national parks has obvious implications. For example, the desire of many Americans to escape to gateway communities that offer clean environments, safe neighborhoods, small town atmosphere, and recreational opportunities they lack in cities and suburbs brings change to those communities. And the folks sitting here to my right, I am sure, can all attest to the change that occurs. For example Estes Park, Colorado, which borders on Rocky Mountain National Park, has seen a 70 percent increase in population in the last 10 years. And that is largely because it sits on the doorway of one of the greatest parks in the world.

Mr. RADANOVICH. That would be Yosemite National Park.

Ms. LOOMIS. Excuse me, the next greatest. My mistake.

There have been surveys done that have looked at the challenges facing gateway communities, and they have found that it is not only important for the parks to be good neighbors to the gateway communities, it is important for the gateway communities to be good neighbors to the parks. Unfortunately, in some corners, it appears that national parks are creating crushing burdens on the gateway communities. While the desirability of these areas can create challenges for these communities, sometimes significant ones, one should not discuss impacts without focusing on the enormous benefits of living at the doorstep of a national park.

Those who live by our national parks have unparalleled opportunities to experience a piece of our Nation's natural or cultural heritage on a daily basis. In addition to the recreational life-style benefits that attract so many Americans to gateway communities, national parks also produce significant economic returns to those communities. They serve as the economic anchors, they provide jobs, and they foster economic opportunities.

MPCA recognizes the unique role that gateway communities play by virtue of their proximity to the national parks. We agree that gateway communities can and should have a voice in park policies that affect them. I would argue that they do today.

We also agree that the National Park Service has not always done the best job of communicating with gateway communities when their interest was involved. On the other hand, gateway communities do not always have a perfect record of cooperation and communication with their national park neighbors.

Now, we have heard the officials from the Department, Ms. Scarlett in particular mentioned Zion, and there have been numerous others; as I mentioned, Estes park, Rocky Mountain; Cape Cod has had a wonderful working relationship with the park; Bar Harbor, Maine and Acadia National Park; Fort Scott, Kansas and Fort

Scott National Historic Site, and on and on. And so I am not going to go into detail. I do that in my testimony.

However, there are gateway communities that that have not always chosen to fully participate. For example, Voyageurs, in the development of the management plan, had invited to participate, the local communities around Voyageurs. But when they realized they weren't going to have a sort of veto authority over the plan, they withdrew.

As far as 4622 is written, we have four significant concerns: One is that it provides preference to gateway communities over the rest of the public by exempting policy act requirements that dictate when cooperating status is justified. We believe that gateway communities by their unique position of being right next to the park already have a unique opportunity and enhanced opportunity to communicate their concerns.

Second, at a time when the National Parks System is underfunded by 32 percent and the national parks maintenance backlog exceeds 5 billion, the bill causes the parks to further deplete their scarce resources by providing financial grants and technological assistance to gateway communities. It is not that we don't think this is a good idea, it is just that we would like to see it come from somewhere else besides the base funding for the national parks.

Third, the bill appears to require that Federal land agencies produce regulatory impact statements for an enormous range of activities. We believe this just creates an excessive burden on both the staff and the paperwork requirements that would be involved.

And, finally, we believe that the application of 4622 is overly broad. Think about it; we have 385 National Park System units. They range from the greatest park, Yosemite National Park and its hundreds of employees, down to tiny little parks that are a quarter of an acre that may have two employees. So we need to kind of look at the impact that would have.

We would suggest a different approach. First, we would like to see an analysis of existing authorities for the Park Service in how they provide financial and technological assistance to gateways. Second, we would like to see the grant program reworked, as I said, so that it isn't funded out of the already scarce funds.

And, finally, we would like to encourage the Committee to require agencies that undertake and propose actions near national parks that could have adverse effects on the resources of the park to be required to work with the Park Service. That is where I think the requirement for cooperation is the greatest need.

I know I am over my time. Thank you very much. I look forward to your questions.

Mr. RADANOVICH. Thank you very much. I appreciate your testimony.

[The prepared statement of Ms. Loomis follows:]

Statement of Laura Loomis, Director of Visitor Experience, National Parks Conservation Association

Mr. Chairman and members of the subcommittee, I am Laura Loomis, Director of Visitor Experience for the National Parks Conservation Association. Thank you for inviting NPCA to testify at today's hearing to discuss H.R. 4622, the Gateway Communities Cooperation Act of 2002. NPCA is America's only private, nonprofit advocacy organization dedicated solely to protecting, preserving, and enhancing the

National Park System. Our association was founded in 1919 and today has approximately 400,000 members who care deeply about the well being of our national parks. We appreciate the opportunity to be here today.

As the title of the H.R. 4622 indicates, it is intended to promote increased cooperation between our national parks and the communities at their doorstep, often called gateway communities. NPCA agrees that cooperation and coordination between parks and gateway communities can be quite beneficial in certain circumstances. In fact, more and more national park managers and gateway communities are realizing that they frequently have common interests that can be furthered by working together. However, although we respect the Chairman's interest in enhancing the relationship between gateway communities and national parks, we believe H.R. 4622 requires significant revision before it provides appropriate mutual incentives and resources that facilitate genuine cooperative efforts between national parks and gateway communities.

We believe that an evaluation of this issue must begin with a discussion about the purpose of our national parks and their place in society. Therefore, I will begin by focusing my remarks on the national interest in our parks. I will then discuss some of the issues that confront gateway communities and the parks, and discuss NPCA's position on H.R. 4622.

The National Interest

President Theodore Roosevelt called the preservation of our parks and wild lands "essentially a democratic movement." As such, Americans in every community across our land have a claim to how our parks are protected, whether they live near them or never set foot in one. When we create a national park, we preserve a piece of our natural or cultural heritage because it is in the national interest to do so, and because future generations have as much a right to experience them unimpaired in their time as we and do today.

As Freeman Tilden, the father of interpretation in our national parks, so eloquently stated half a century ago, "the national parks are not in the least degree the special property of those who happen to live near them. They are national domain. Yellowstone and Yosemite belong as much to the citizens of Maine as to those of Wyoming and California; Isle Royale to the New Mexican as much as to the people of Michigan. The people of the states in which national parks happen to exist are rightly proud of them, and should normally be the first to rise against any spoliation of them; but the pre-emption and settlement of land that happens to border on the present parks, or any that may be created later, imply no title to any rights in the preserved area beyond what belong to any American."

Given the essential democracy of our parks, the first duty of the National Park Service is to manage those parks in the national interest. Although gateway communities are expected to contribute to the determination of what is in the national interest, that determination is a task for all the American people. Nevertheless, it is also beneficial for the parks and their gateway communities to be good neighbors and to develop mutually respectful relationships. And it is understandable that those who reside in local communities around the parks believe they have a unique interest in how the parks are managed.

Gateway Communities

The proximity of gateway communities to national parks has obvious implications. For example, the desire of so many Americans to escape to gateway communities that offer the clean environment, safe neighborhoods, small-town atmosphere and recreational opportunities they lack in cities and suburbs brings change to those communities'some wanted, some unwanted. A survey conducted in the mid–1990s by The Conservation Fund and The Sonoran Institute found that: (1) rapid growth frequently overwhelms gateway communities and fails to meet local needs and desires; (2) the vast majority of residents in gateway communities want a healthy economy that does not jeopardize the community's character or natural surroundings; and (3) many residents in gateway communities lack information about the land-use and economic development options available to them.

Just as importantly, the survey also found that many gateway communities have developed successful initiatives to confront these issues and protect their natural, historic and cultural character. This is important not only for the gateway communities, themselves, but also for their national park neighbors. Development decisions and other actions taken or forgone by gateway communities can have an enormous impact on adjacent national parks and on the experience of those who visit them.

Unfortunately, the feeling in some quarters appears to be that national parks somehow create crushing burdens on gateway communities. While the desirability of these areas can create challenges for these communities, sometimes significant

ones, one should not discuss impacts without focusing on the enormous benefits of living at the doorstep to a national park. Those who live by our national parks have unparalleled opportunities to experience a piece of our nation's natural or cultural heritage on a daily basis. In addition to the recreational and lifestyle benefits that attract so many Americans to gateway communities, national parks also produce significant economic returns for those communities. National park units do not achieve their status by virtue of the economic development opportunities they present, but the positive fiscal impact of national parks on gateway communities is undeniable. National Parks serve as economic anchors in many communities, providing jobs within the park and fostering economic opportunity outside park boundaries. The park economy often replaces declining sectors of existing rural economies, and can soften what could otherwise be a significant economic blow to declining economic opportunity in some rural communities.

Parks are economic engines that also create what some have called "corridors of influence" in adjacent communities and towns leading to them. In these corridors, economic opportunities arise for restaurants, hotels, gas stations, souvenir shops, and other service-oriented businesses that cater to park visitors and bring valuable sources of capital into local communities. At the same time, the development that occurs adjacent to national parks is not always in the best interest of the parks themselves, or of the purpose for which Congress created them for the enjoyment of present and future generations of Americans.

NPCA recognizes the unique role that gateway communities play by virtue of their proximity to national parks, and we agree that gateway communities can and should have a voice in park policies that affect them. They do today. We also agree that the National Park Service has not always done the best job of communicating with gateway communities when their interest was involved. On the other hand, gateway communities do not have a perfect record of cooperation and communication with their national park neighbors. We believe there are enormous potential benefits of parks and gateway communities working together to solve common problems, as is borne out by the growing list of examples where national parks and their local neighbors have developed impressive, coordinated solutions to challenges that affect them both. And we are pleased to see attention being given to the unique relationship that exists between national parks and gateway communities. But a legal requirement that places the parochial desires of gateway communities above the interest of all the American people is not the answer.

Case Studies

Many examples already exist of exemplary cooperation between parks and local communities. One excellent example involves Rocky Mountain National Park and the town of Estes Park, Colorado. During the last three years, representatives from the park and the local community have worked closely to develop transportation solutions that benefit the town and park, alike. The park superintendent serves on the town's policy and oversight committee, and the park's chief ranger serves on the technical committee developing the nuts and bolts of the plan. The town and county are in the final stages of their transportation study, and the park is helping the town devise a solution that reduces congestion and leads to a common shuttle or transportation system between the park and the town. Last year they worked together to implement improved shuttle service in the park, and the town and county both wrote letters of support to the regional director of the Park Service that helped move the project forward

Another example is Zion National Park. In 2001, NPCA awarded the Mayor of Springdale, the town council and its citizens our National Park Achievement Award for their outstanding work with Zion National Park officials to create a seamless public transportation system from Springdale into Zion Canyon, the most heavily traveled portion of the park. A transportation solution was needed because visitation to Zion has increased from 1 million people in 1972 to 2.5 million visitors today, subjecting many visitors to the park to city-like traffic jams. Less patient drivers who couldn't get into one of the park's 400 spots often parked illegally along the roadside, quickly destroying fragile canyon habitat. Heavy exhaust fumes often hung in the canyon air. Today, with the help of Zion's gateway community, gone is the congestion, car exhaust, car noise and the string of cars parked along the road. The visitor experience, natural resources, and businesses of Springdale have all benefitted.

Another recent example involved the ban of personal watercraft at Cape Cod National Seashore. After significant public input, the National Park Service banned jet skis from federal waters, but waited to implement the ban until the towns could develop their own jet ski policies for contiguous waters. In this case, the towns had extensive opportunity to comment on the Park Service's proposal, along with other

members of the public, and the Park Service then made its judgment based on those comments and the information available to it. Then, the Park Service provided ample opportunity for the towns to develop their own policies.

None of these examples required the local communities to have cooperating status under NEPA. In each case, communication and pursuit of a respectful relationship by the Park Service and the local communities created benefits for the park, the local community, and park visitors.

There are many other such examples, including successful ventures between Bar Harbor, Maine and Acadia National Park, between Fort Scott, Kansas and Fort Scott National Historic Site, between Gettysburg National Military Park and the borough of Gettysburg, Pennsylvania, and between Saguaro National Park and Tucson, Arizona. All of these endeavors were undertaken using current law, without any mandates, and were successful because the parties wished them to be.

On the other hand, gateway communities do not always choose to fully participate in opportunities presented to them by national park representatives. For example, when Voyageurs National Park developed its management plan in recent years, the park attempted to engage the local government and the community in the process by forming what they called a "consultation group." But when local government representatives realized the process would not be based on consensus and that they could not dominate the discussions, they dropped out of the process. Even when the park offered to pay for a person to work on the General Management Plan on Koochiching county's behalf, the park's offer was rejected.

In addition, actions by local communities are not always in the best interests of their national park neighbors, and therefore not always in the national interest. In an unfortunate case on Fire Island National Seashore, for example, local communities have failed to implement New York state law to prevent coastal erosion by limiting construction in the dunes. Such construction destroys the dune system and accelerates erosion, and could ultimately prompt property owners to ask the Federal government to keep their houses from falling into the ocean by implementing a costly and environmentally questionable re-sanding program. In this case, the National Park Service's objections to the building permits have been ignored.

And for many years, Gatlinburg, Tennessee refused to require the use of bear-proof containers, despite the problems posed for Great Smoky Mountains National Park and the bears by the town's refusal.

H.R. 4622

Although we agree that communication between parks and gateway communities is important and worthwhile, and that cooperative endeavors can produce excellent results, we believe that H.R. 4622 as introduced would be counterproductive at best and harmful at worst. We are more than willing to work with you to develop alternatives that facilitate productive relationships between national parks and gateway communities. However, we cannot support H.R. 4622 until significant changes have been made.

First, the bill provides preference to gateway communities over the rest of the public by exempting them from current National Environmental Policy Act requirements that dictate when cooperating status is justified. NEPA authorizes cooperating status where a potential cooperating agency has jurisdiction by law over the specific issue being considered or has special expertise. Therefore, we emphatically reject the provision in the bill as unnecessary and unwise. It provides gateway communities, as a matter of right, with much greater weight in national park management and decision making than the rest of the American public, regardless of the issue or the expertise the community possesses. To paraphrase Freeman Tilden, the cooperating agency provision implies title to rights for gateway communities that elevates the interests of those communities in national parks above the national interest.

In fact, by virtue of their proximity to parks, gateway communities are already in a unique position to participate in public comment processes with regard to park management. This, coupled with the many examples where gateway communities and national parks are already engaged in highly productive joint efforts, makes us question the justification behind the cooperating agency provision. Furthermore, the bill attempts to "mandate" cooperation in a one-sided fashion, when we know that genuine cooperation is a function of partnerships and relationships that build trust over time. A mandate to cooperate is not likely to foster the kind of cooperative spirit that is already developing between so many parks and their neighboring communities, and could be counter productive.

Second, at a time when the national park system is underfunded by 32 percent and the national park maintenance backlog exceeds $5 billion, the bill calls for parks to further deplete their scarce resources by providing financial grants and

technical assistance to gateway communities. But in many cases, parks simply lack key personnel, and many parks likely lack the planners the bill envisions should assist communities. We agree with the Chairman that technical assistance can be useful and beneficial for the communities and the parks, but the potential benefits have much to do with how the assistance is structured and who is available to provide it. In addition, we do not believe that 385 national park superintendents should be required to administer the kind of new grant program the bill contemplates, especially at the expense of their already scarce resources. Furthermore, the bill creates a host of new paperwork requirements for the National Park Service, which would undoubtedly siphon precious resources away from the parks' core missions. Finally, we urge the subcommittee to consider incentives that are better directed at discouraging gateway communities from taking actions that can adversely impact park resources and visitor enjoyment. The bill is quite one-sided in this regard.

Third, the bill appears to require that Federal land agencies produce regulatory impact statements for an enormous range of activities that could impact local communities, including any "plans, decisions, or policies" that could have a significant impact on them. This has the potential to create an enormous burden for the National Park Service and other Federal land management agencies, to delay actions necessary to protect park resources, and to lead to litigation or other legal maneuvering against parks over whether parks should have produced such statements and over whether participation was "meaningful". Such a requirement is wholly inappropriate in the national park context, and would provide gateway communities with primacy over the national interest. Rather than foster cooperation, we fear that this provision could generate conflict that gives gateway communities far more leverage than is justified over the national interest.

Finally, we believe the application of H.R. 4622 is overly broad. It takes a one-size-fits-all approach to the missions of Federal land management agencies and does not appear to acknowledge the vast differences among many national park units.

Taken together, the provisions in the bill could easily be used by some forces within gateway communities to stymie the National Park Service's park management needs and requirements. We believe that enacting them would be an enormous mistake and could unwittingly jeopardize the precious treasures in our national parks.

We suggest a different approach. First, we recommend an analysis of existing authorities for the Park Service to provide financial and technical assistance to gateway communities. Clearly, technical assistance for gateway communities in how to effectively engage in land use planning can be beneficial, and if impediments exist, they should probably be rectified. Any gaps identified in the review could be addressed in legislation.

Next, we would rework the grant program in the bill to authorize the Secretary of the Interior to make grants to local governments to develop plans that aid in park resource protection and facilitate community involvement in the kinds of cooperative endeavors that have been undertaken at many national parks. Clearly, such grants could be beneficial to gateway communities. They should not, however, be subtracted from Park Service operating funds.

Then, rather than focus so much effort legislating a preferred position for gateway communities in national park decisions or dictating how park superintendents assign their scarce personnel, we respectfully suggest that the subcommittee should work aggressively to encourage the Committee on Appropriations to provide parks with the funds they need. Some parks already provide technical assistance to their gateway community neighbors, but they frequently do so in the face of very scarce resources. The better funded the parks are, the more able they will be to provide technical assistance and have park personnel work directly with communities on time consuming planning matters.

Finally, we would encourage the subcommittee to require agencies that undertake or propose actions that could have a significant adverse effect on cultural or natural resources in national parks to work with the parks to mitigate any such impacts before such actions are allowed to proceed. Ideally, such a provision would also require the agency in question to refrain from taking an action in an area adjacent to a national park unit if the action was likely to have an adverse impact on park values. Such initiatives would help address significant threats to our national parks, where problems like sprawl place park ecosystems under increasing stress.

Conclusion

In summary, we respect the Chairman's desire to enhance the relationship between the National Park Service and local communities where relationships could be improved. However, as the bill is drafted, we believe its effect goes well beyond that goal and, in some cases, could work against it. As introduced, H.R. 4622 places the desires of local gateway communities above the national interest. The number

of successes where parks and local communities work together to devise creative solutions to common challenges continues to grow without the kind of mandate the bill includes, and we believe that rather than facilitate cooperation, the bill would create roadblocks that inhibit the National Park Service from doing its job. Finally, any legislation related to gateway communities must also address the need to focus much more on protecting parks against actions undertaken adjacent to park boundaries that have an adverse impact on visitor experience, park ecology, or a park's cultural or historic values.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

Mr. RADANOVICH. Mr. Stephen Thomas, the Northern Plains Regional Director of the Sierra Club, from Sheridan, Wyoming. Welcome, and please begin.

STATEMENT OF STEPHEN THOMAS, NORTHERN PLAINS REGIONAL DIRECTOR, SIERRA CLUB, SHERIDAN, WYOMING

Mr. THOMAS. Thank you, Mr. Chairman. It is indeed an honor for me to be here today. I don't often get to this part of the world from Wyoming, but I am thankful to be here and glad you allowed me to testify.

I served, as a little bit of background, I served as county commissioner in Teton County, Wyoming for a couple of terms where, incidentally, the county is 97 percent Federally managed, including Yellowstone, Grand Teton National Park, two national forests, and a national wildlife refuge. I also served, at the request of the Wyoming State Governor, the Tri-State Grizzly Conservation Committee, the State of Wyoming Grizzly Bear Management Committee, and I presently serve on the board of directors of the University of Wyoming Institute for the Environment and Natural Resources.

During the years that I was county commissioner, I owned and operated a store in Jackson, Wyoming, and I was dependent on Yellowstone and Grand Teton National Park for my livelihood. I must say, however, I felt very fortunate to be there, because with 3 million people blowing through there every year, it is darn hard not to make a living in that gateway community. It would be—I thought it was, really—almost be impossible to go broke there with that kind of a captive audience coming through every year. And I always felt as the county commissioner and as a business owner, we actually had more impact on the parks than they did on us.

The parks, Yellowstone, Grand Teton, there are going to be 3 million people coming through there, and there has been for the last 25 years, and there are going to be increased numbers for the next 25 years. I would predict that we had a much greater impact by what we did in planning and zoning outside the park than what the park did to us.

And I agree that citizens in these communities should have a say in or access to the planning process in the national parks and national forests, just like other Americans. But, you know, we already have that. I can walk down the street, talk to the National Wildlife Refuge Superintendent, or the Forest Service Supervisor or a National Park Superintendent. I know him on a first-name basis. They notified me, when I was county commissioner, of any plans they might have coming. I went and talked to them.

The point is that we already had a very elevated ability to cooperate and interact with the agencies, more so than the person living in Hoboken, New Jersey or somewhere else. And Yellowstone may be as important to that person as it was to me, maybe for a different reason.

So I never did feel like we needed any—or I still don't feel like we needed any more help with that, because we already had it. I never thought Grant Teton or Yellowstone was a county park. I thought the key operative word is "national" park. So national interest, I always felt, should prevail over local interest, even though I made my living there, because I felt like if the national interest prevailed, my interest would ultimately prevail, because I would still be able to make a living if that park was taken care of.

And my fear is if you elevate elected officials to cooperating agencies, like what happened with the snow machines in Yellowstone, the five counties and the three States surrounding Yellowstone were elevated to cooperating agency status, that economic interest prevailed. Many of these elected officials, myself included, had an economic interest in the park. And so many of them protect the economic interest at the expense of other park values, or that is how they view things.

The perfect example is snow machines. Everybody admits they pollute the park. EPA and the Park Service want them banned, and yet the five States and the three counties are still out there lobbying, trying to keep them from being prohibited.

I also submitted to you all four resolutions adopted by Fremont County, which is a gateway community to Shoshone National Forest. The two of them outlawed grizzly bears and other species deemed undesirable by the county commissioners within the boundaries of the county, even though about 40 percent of the recovery area for grizzly bears lies within Fremont County's boundaries and the grizzly bears have been there since the last glaciation.

So the point is that local governments do not always demonstrate the greatest regard for natural resources and natural wonders. It is many times too highly influenced by economic considerations.

Incidentally, those resolutions were adopted without any public input. The public was not notified of those. They were adopted in a secret meeting in Fremont County. So that is another one of my concerns.

So, as for the provision in the legislation requiring or allowing or maybe requiring—I am not sure I understand it—that the gateway communities and all the incorporated cities can be elevated to cooperating status; in Yellowstone, for instance, there are five counties, three states, and at least 10 incorporated cities. That would create a hell of a bureaucratic mess, I would think, in terms of trying to administer any kind of management plan if everyone was elevated to the same level.

Again, I guess I see my time is up, I would like to emphasize that I think local officials already enjoy a very much increased influence in decisionmaking processes of the agencies in which they are fortunate to live in. Thank you.

Mr. RADANOVICH. Thank you very much, Mr. Thomas, for being here, as well as the testimony from everybody else.

[The prepared statement of Mr. Thomas follows:]

Statement of Steve Thomas, Northern Plains Regional Field Director, Sierra Club

Mr. Chairman and members of the Committee, thank you for the opportunity to testify here today. This is certainly a topic worth discussing. I will try to establish by my testimony that the result of this legislation will be the "control" of National Parks rather than "cooperation". My name is Steve Thomas, and I live in Sheridan, Wyoming. I served 2 terms as a Teton County Commissioner in Jackson Hole, Wyoming, where I owned and operated a grocery store for many years. I also served, at the request of Wyoming's governor, on the "Tri–State Grizzly Conservation Committee" and the "State of Wyoming Grizzly Bear Management Committee". I presently serve on the Board of Directors of the "University of Wyoming Institute for the Environment and Natural Resources". For the past year, I have been employed as the Northern Plains Director of the Sierra Club. I offer this background to you to illustrate my extensive past and current involvement with issues involving the National Parks and Forests.

During the years that I operated my store in Jackson, Wyoming, I was dependent on Yellowstone and Grand Teton National Parks for my livelihood. Many people in gateway communities surrounding National Parks are in a similar situation. I must say, however, that I always felt I was very fortunate to be in business in such a situation. With some 3 million people blowing through Yellowstone every year, it would be darn hard not to make it in the tourist business. I also always felt that we adjacent to the Parks had much greater impacts on the Parks than they did on us. As long as the Park Service protects the natural wonders and wildlife, people will always come to Yellowstone. You see, it is not the towns on the borders of the Park that people come to visit but rather the Parks themselves. Yes, we were indeed fortunate to live in a gateway community and to be able to benefit from the cash cows that National Parks are for surrounding communities and states.

Now, I agree that citizens in these communities should be able to access the Parks' planning process just like other Americans. But you know something, those of us that live in these communities already have superior access than the citizens of the rest of the Country. When I lived in Jackson and was a County Commissioner, I could walk down the street and visit with the Supervisor of the Bridger Teton National Forest. On the way there, I could stop off and visit the Superintendent of the National Elk Refuge. Then I could get in my car and drive 14 miles to visit with the Superintendent of Grand Teton National Park. All of these people I knew on a first name basis. In fact, I found them to be very open to my concerns and ideas. I had great influence in decisions—much more than other citizens across the Country. This is not to say that I always agreed with their decisions, but I did not need special statutory authority to be involved with the Parks' planning process. I think it would be a shame to elevate local officials in gateway communities even further than they already are above the average citizen who also has a great stake in what happens in our National Parks.

When I was a County Commissioner, I never thought that Grand Teton or Yellowstone was a County Park. These Parks exist to protect natural wonders and for the enjoyment of all citizens of this Nation, not just those of us who are fortunate enough to live nearby. The key word here is NATIONAL. These spectacular places are a source of pride and wonder for the people of this Country. The Parks primary purpose is not for people like me to make money. That is one of the points I would like to make regarding elevating local elected officials to a higher level than average citizens: if you elevate local officials of gateway communities, many of whom have an indirect commercial interest in these Parks, you will heighten an already extensive and powerful local economic influence in Park decisions.

Let me cite a glaring example of this local economic influence. Snow machines. Nearly everyone admits that snow machines are polluting Yellowstone and Grand Teton Parks, causing severe problems with wildlife and other Park values. The Park Service, as well as the EPA, has conducted exhaustive studies regarding these machines and their impacts. All conclude that these machines should be banned from the Parks. Yet, the surrounding five Counties and three states have mounted a campaign for purely economic reasons to keep these machines in the Parks. Even in the face of overwhelming scientific evidence that these machines harm the Parks and despite overwhelming public support for banning snow machines, local officials have exercised their substantial influence to keep these machines in the Parks.

The four County resolutions I have submitted to the Committee provide you with another example of what can happen when local control is increased. Keep in mind that Counties in Wyoming adopt law by resolution, so the four resolutions submitted

to you have the force of law in Wyoming and, also, that these Commissioners maintain that their county governments have jurisdiction over all public/federal lands in their County, including the Wind River Indian Reservation. Three of these resolutions were adopted by the Fremont County, Wyoming, Commissioners purportedly to outlaw grizzly bears, wolves, and any other wildlife species that the Fremont County Commissioners deem "undesirable". The 4th resolution prohibits the Forest Service from adopting food storage rules which help protect forest users from bears and other wildlife. The Commissioners instructed the Sheriff to enforce these resolutions by "any means necessary" and instructed citizens to ignore the Forest Service's food storage rules. Oh, incidentally these resolutions where adopted without prior notification to the public, so county residents had no opportunity to have input. Similar resolutions have been adopted by other gateway local governments in Wyoming.

I cite these resolutions to illustrate the real world in western Wyoming regarding natural wonders and how certain local elected officials regard them. Enforcement of these local laws would extirpate endangered species from the entire County just at a time when the U. S. Fish and Wildlife Service is thinking of removing these animals from the Endangered Species List and after the Federal Government has spent millions of dollars on the protection and recovery of these animals. Also, killing or removing grizzly bears or wolves would be in stark contrast to the wishes of the people of the United States who have largely supported recovery and protection of these animals in the Yellowstone area. Now, I know that these local officials claim they did not have enough input into the Grizzly Bear Recovery Plan and, thus, they need the bill before you today to protect their interests. But I am here to tell you that we invited them to participate with the Governor-appointed "Citizens Bear Management Committee", and they chose not to show up. We even held all the meetings in Fremont County, Wyoming, and still they chose not to participate. The point is that local officials in certain gateway communities are not interested so much in cooperation as they are in increasing their already substantial influence in Park decisions and taking control of the National Parks.

As for the provision in the legislation being considered by this Committee to provide funding for gateway communities to participate in a Park's planning process, the Counties in the West with large tracts of federal lands already get huge federal subsidies in the form of Payment-in–Lieu-of–Taxes (PILT) and other sources of federal government funding. In Teton County, Wyoming, we split all sales taxes collected inside Yellowstone with a 2nd gateway County, and we kept all the sales taxes from Grand Teton National Park. This resulted in hundreds of thousands of dollars in income per year for our County. We did not have to provide any services for the Parks except a couple of ballot boxes for Park employees to vote. They even paid us for trash disposal. I used to call it "manna from heaven". Just think, there is only 3% of Teton County that is privately owned, and the rest is public lands including Yellowstone and Grand Teton National Parks; yet, we collected taxes from all those lands for doing nothing. For example, we did not maintain roads, we did not provide law enforcement, we did not provide fire protection, and we did not have to do any of the administrative activities we did for the rest of the County. Such a deal!

Finally, exactly how would the Park Service implement this proposed legislation? If all incorporated gateway cities and all gateway counties are elevated to Cooperating Agency status, Parks such as Yellowstone with 5 gateway Counties and at least 10 gateway incorporated cities would have 15 people that would be "cooperators". This would mean that, as a group, local officials' influence would be even more disproportionate to that of other citizens of the Country.

In summary, this legislation is not about cooperation but rather about control. The cooperation that the agency presently demonstrates with local officials already goes above and beyond the call of duty. What certain Counties are angry about is that they do not get their way all of the time. While I may have disagreed with certain Park decisions, I respected their professional ability to manage the Park, and I knew that I did not have the expertise to do that. As a former gateway County Commissioner, I recognize gateway government officials already have more influence over Park decisions than all other citizens of this Country. It is important for you to recognize that many times the interests these local officials represent conflict with Park values as demonstrated by the snowmobile and the endangered species issues I cited previously. Management authority over the Parks is properly vested with the Park Service in cooperation with other federal agencies, all of whom are required to protect national interests. Certain County officials who seek to pollute a Park's resources and kill every species of wildlife they dislike obviously should not be given increased influence and control over Park decisions.

Thank you again for this opportunity to testify.

Mr. RADANOVICH. I am the lucky guy. I get to ask all the questions here. If you will indulge me, I do have, I think, good questions for just about everybody here.

But, Mr. Thomas, I would say to you, if you had mentioned living near a National Park Service when you were in business, and being an active member in what would be probably termed a gateway community, and citing all those examples of whether cooperation did exist, if you were not—say that the parks that surrounded you were not all that willing to participate, would your view of this legislation change, do you think?

Mr. THOMAS. Mr. Chairman, I don't think so. And I will tell you why. You know, I may not have always agreed with what the parks decided, but I can't imagine and I don't think anyone has ever cited any place where they will not talk to you. If you are a county commissioner, you pick up the phone, I think they are going to talk to you. Like I say, the complaint here more is that they didn't decide to do what we wanted them to do.

Mr. RADANOVICH. That is clearly a difference.

Mr. THOMAS. And so, you know, it has just not been my experience. And also my experience in other parts of the State where I have lived, in Park County, Wyoming, and in Sheridan County, Wyoming where, you know, I could pick up the phone and talk to these guys or I could take a walk down the street, I never had a problem with any of the agencies in that regard.

Mr. RADANOVICH. I view this legislation sometimes as the possibilities of the local communities providing reality checks to some of the things that the parks do in the formulation of their plans and such, and in some ways providing maybe a balance of influence over various agencies, which I would say Sierra Club or Parks Conservation Association might be a part of, that might need checking sometimes. For example, just some of the things that the Park Service, because the lands clearly belong to the public—I don't think there is any dispute in that whatsoever—but I guess the way I view the legislation is that the input that the local communities do bring into the process is a sense of reality, when sometimes influences from your organizations can come to some pretty farfetched—not all the time, but in your extreme—some conclusions that may not have a foot in reality. Care to comment?

Mr. THOMAS. Mr. Chairman, I have been in both places. I was a business owner in Jackson, Wyoming for 15 years, which is a true gateway community with 3 million people going through there every year. And I tell you, I always felt like that I influenced the decisions more than any environmental group could even dream about because of my daily access to these folks and to the agency people. And the agency people, not like they have been portrayed here today, come blowing into town not knowing anything about anything—the agency people were members of our community and participated in the Chamber of Commerce and Rotary and all the different service clubs, so us business folks had a lot of access to them. And we had the wherewithal and the money to pressure them and to get our ideas incorporated. So I say I would take a little different tact on that from being on that other side for so long.

Mr. RADANOVICH. If I may ask you one question, and one of you, Ms. Loomis, as well: Do you feel this legislation is a threat to the influence that you have on the national parks?

Mr. THOMAS. No, I don't think so. But I think it does threaten the average citizen in that it elevates a certain special economic interest to a higher level. That is my fear.

Mr. RADANOVICH. Ms. Loomis.

Ms. LOOMIS. I would agree with that, and also I would—

Mr. RADANOVICH. You would agree?

Ms. LOOMIS. With what he had said as well, and I believe it creates an additional burden on an already overstrapped agency. I think the point that Mrs. Christensen was making through her questions was that the authority already exists for many of these Federal agencies to offer the kind of involvement and cooperation that you are seeking with your legislation. It hasn't been evenly applied, and we can agree with that.

And I think partially that, frankly, as these parks don't have the people, the resources, to do the kind of outreach, that is necessary. And if your legislation can provide through funds other than base funding, important grant programs and resources for the parks to be able to do a better job of outreach, then I think it could be a very good thing.

Mr. RADANOVICH. Interesting. One of the things that has occurred in Yosemite over time is that they are beginning to look at the satellite communities to locate some of the administrative functions of the Park Service and some other things. And this has been done, I think, by a conscious effort of the National Park Service to do outreach to those communities. It was not the case. Actually, it is just basically dependent on the person that is in the position as Superintendent of the Park Service that this outreach is occurring, because for many, many years the reaction was different; that the park would solve all their problems within their own borders, and not doing any of the collaborative stuff that would end up costing the Park Service far less money and far less damage to the environment in the long run.

Ms. LOOMIS. One of the things—I don't know if you have become aware of it, but the Park Service is reevaluating its vision statement. One of the things it is looking at is focusing on the whole concept of partnership and elevating its importance within the agency. And I think that the agency itself is trying to take a more aggressive approach to that kind of outreach.

Mr. RADANOVICH. Thank you very much. Mr. Davidson, how do you think that under this bill that the State Department of Tourism might design or designate a gateway community?

Mr. DAVIDSON. As it is written in H.R. 4622, both the State tourism office or the Federal land management agency would have the opportunity to designate gateway communities. There are a number of different ways. None of them necessarily stand independent. It could be based on visitation to the national park or the forest. It could be based on the dependency of that gateway community on visitor expenditures and how that relates to the overall balance of the economy. Is this a community that is more than 50 percent dependent, if you look at the total economic structure of that

economy, on visitor expenditures? Is it a sizable portion thereof? The size of the community, their distance from the public lands.

The thing is that each of these could be important and could be a very important part of the formula. But what I find most important as it is laid out in H.R. 4622 is that each State has that ability to define, based on the specific makeup of their State and what the current economic needs are as well as those environmental and social needs that have been touched on today by the Committee.

Mr. RADANOVICH. Thank you very much. Mr. Warren, how do you respond to the complaint that the gateways actually profit from their proximity to Federal lands and therefore should be happy with whatever they might be able to get out of it?

Mr. WARREN. Well, certainly in a case where there are 3 million people blowing through town, I am sure that does benefit that particular community. But not every gateway has the benefit of that sort of visitation. Some of the least-visited park units out there have sometimes less than 10- to 20,000 people going through their communities, and yet often they are required to provide those Services such as rescue, you know, ambulance services, and all sorts of other services, sheriff services, that they are not compensated for.

So there are instances where there is a great benefit to being next to a national park or other public lands management unit, but there are many, many more instances where they are not benefiting because there aren't enough people to pay for that sort of impact. Many communities only have a small window of time each year when they get a little bit of business, and often they are kind of hanging on by their fingernails to be in business.

Mr. RADANOVICH. Thank you, Mr. Warren.

Ms. Hale, how do the Forest Service, the Park Service, and the BLM, which you mentioned in your testimony and various—I mean multiples of those agencies that you are dealing with in Montrose—how do they differ in their ability and inclination to collaborate with you and Montrose County? Do you feel that one is better than the other, or do you get equal treatment?

Ms. HALE. That changes on a daily basis. And at any given time and day, how our citizens and how we as elected officials feel about a different agency depends on where they are standing on different issues. And the National Park Service at the present time happens to be at the bottom on the list because of the Black Canyon in Gunnison water filing.

I wish that Mrs. Christensen was here, because I can cite a specific example of a bad experience, and that happens to be the Black Canyon, Gunnison, with the water filing. The National Park Service last year, without any notice to local residents or local officials, filed on a 12,000 cfs water right. And, unfortunately, when you take our water, you take our land. So not only does this have extreme ramifications from the standpoint of economics, but just on the heart and soul of our community. And we found out through the Justice Department. And thankfully there were over 380 letters of opposition and, also thankfully, the Federal agencies outside of the Park Service were all opposed to the water filing. So now have you the Bureau of Reclamation, Fish and Wildlife, opposing the National Park Service water filing action.

But there have been times when the BLM, which recently—now they are conducting their back country wilderness study, which incorporates 19,000 acres of private ground. When our citizens see a big black line drawn around their private grounds, around a wilderness area or recreation area or monument of some kind or park of some kind, they immediately say oh, my gosh, they are going to regulate what we do on our land.

At any given day and time, the Park Service could be the agency of choice, or the BLM, or, you know— we actually are getting along quite well with the Forest Service right now on our county forest restoration partnership. I did want to thank the Forest Service folks who are here today. We are working with two other counties in New Mexico and Arizona on a pilot forest, and we are very excited about that because it will address a lot of our wildfire and economic use. So like I said, it just depends on where you are at on any given day.

I guess the thing that I like about your bill is that saying you are collaborating, cooperating, and communicating is one thing, but doing is it another. And that is the key, you know. And I do think it depends on the philosophy of the parks director, of the local agent, whoever that may be, the local bureau director. Because I talk over and over again—and we are one of those small parks, you know. I tell people the Black Canyon is a 2-wow park. The people come in, they look over, wow; they go to the next place, wow; and they leave town. They don't eat in our restaurants, they don't stay in our hotels. It doesn't have the economic impact that a Yellowstone has, but it is a national park. It is a wonderful piece of our community. We love it and we are proud to have it as a park.

But again I don't have the benefit of 3 million visitors, but I still have to do search and rescue, I still have to do roads, I still have to do all the infrastructure and things that those parks demand. And so I commend you on drafting this legislation, and I would put my full support and that of CCI and NACo behind it.

Mr. RADANOVICH. Thank you. One more question on the agencies: What do you attribute to be the cause of the various reactions that you might get from a various action from 1 day to the next?

Ms. HALE. Well, I think—boy, is there just one cause? Well, part of the issue is I think historically the driving force has been from the top down. Management has been from the top down. And where I see this going is management plans being from the bottom up. Getting the partners—and I do prefer the term "partner" for local government over stakeholder—getting the partners in the room together. And I think the gentleman here—Mr. Duncan, is it—spoke about how the people have lived there forever and ever. My husband's family homesteaded on the border to the Black Canyon National Park in the 1906. They built the cubby, began tunnels that brought water to that valley. They have a vested interest in being good stewards not only of the park but the land adjacent to the park. They have lived there, and my kids are going to live there, and their grandchildren.

So if the land use management plan comes from the bottom up, it make more sense because it works symbiotically with the private landowners. If the plans come from the top down, the locals immediately reject them because they feel like, gee, if this came out of

Washington—they have no idea what has happened here for the last 100 years.

And in our particular case, people in the East have a tendency to not understand water law. I can say that because I actually grew up in Binghamton, New York. So, you know, this has been a new thing for me, too, to represent a county that is totally different than where I was raised for 21 years.

So I think that approach—I think what your bill does, what it does is, it starts to get that bottom-up creativity in management and it helps to build that communication, cooperation, collaboration. Because the ideas aren't all coming from the scientists. You know, we hear about everything has to be based on sound science and everything, and that is great. But sometimes the scientists are the stewards that have worked that land. It doesn't do us any good to beat up the ground and wear it out and take advantage of the wildlife and hunt them out and over-hunt and over-graze and all those things, because that is how we make our living. So we need to continue to rejuvenate that.

Mr. RADANOVICH. Thank you. Thank you, Ms. Hale.

Ms. Loomis, the Park Service management policies require that the park superintendents monitor and participate in local zoning and planning that takes place outside the park. In your opinion, do you think that gateway communities should be able to expect the reciprocal relationship? If the Park Service is required to do that, shouldn't the gateways be able to be a participant in that as well?

Ms. LOOMIS. Yes. I mean, I believe that the gateway communities are expected—I think it is important that the Park Service not only notify gateway communities, but the American public as a whole when they are planning significant management actions. Should gateway communities then be given sort of an advance notice, ahead of the rest of the American public? I don't know if I agree with that. Because I think that the entire American public are owners of these parks and have interests and are concerned about what is going on within park boundaries. I can see where, when a park is working on a collaborative solution to a problem that also extends into the gateway community—and one that I am familiar with is transportation—I see where that would require probably a higher level of communication with the gateway community, because it is one that the community has to be part of the solution.

Mr. RADANOVICH. Can you tell me what would be the difference between an agency that cooperates with, say, a Yellowstone in the development of—in this planning process, for example. That is already happening. Say in this bill it would be—what is the difference between what is already happening and what would be—the cooperation that would be occurring in my bill which would be the—I mean, an agency that is already participating in a planning process today is already viewed as a cooperative agency, because that relationship already exists because they were allowed in to be a cooperative planner in the agency. So I am not sure that I understand. Is this issue being elevated as a result of this bill?

Ms. LOOMIS. In your bill you are allowing any gateway community to receive cooperator status, which under NEPA means they get an elevated—they get a seat at the table. They have the privilege of having more involvement in the planning process. But

cooperator status under NEPA is supposed to be determined by whether or not that agency or entity has legal jurisdiction over the property at hand. If it is an issue within a park and how the resources within a park are managed, I don't see how a gateway community has legal jurisdiction over that and would thus warrant being granted cooperator status.

Mr. RADANOVICH. So you view the relationship by local communities in the process different under this legislation than it would be under one that is cooperating with the Park Service voluntarily?

Ms. LOOMIS. I see where your legislation—right. Your legislation allows them to have cooperator status under NEPA which, like I said, is an elevated form of involvement, which would be elevated above what the average American would have, just participating and responding to scoping process or something like that.

Mr. RADANOVICH. Thank you. Mr. Thomas, a couple questions. Do you believe that Federal agencies are giving up any authority in this bill, if passed? And if so, could you please explain how that might take place?

Mr. THOMAS. Mr. Chairman, I believe they might be in terms of, as I understand cooperating agency status, you are involved from the very get-go. That means when they start their internal discussions of the NEPA process and what is going to be in the actual scoping document, that goes out to the general public, so you have an opportunity to shape the direction of that before it goes out to the public. And it seems to me that if you have a manager, a Federal land manager who is managing a piece of Federal land, that he and his staff or she and her staff and the other Federal cooperating agencies should have the first crack at that before it goes out to the general public, or the gateway communities for that matter.

Mr. RADANOVICH. Thank you very much. I want to ask that question of some of the other members of the panel. Please feel free. I want to ask you, Mr. Davidson, but if you don't have the planning background to know the answer to this thing, you know, please feel free to beg off. But I did want to ask you the same question: Do you believe that Federal agencies are giving up any authority in this bill? If you are not, feel free to say I am not qualified to answer. But I am trying to get a view from the other side as well.

Mr. DAVIDSON. I appreciate that opportunity to say I am not qualified as a planner and therefore I would not be qualified to respond.

Mr. RADANOVICH. Mr. Warren or Ms. Hale?

Mr. WARREN. Well, one thing I can say is that, from a community perspective, when we are impacted we do have a right to be part of that process. And I think that is the key is who determines what impact obviously, and you have to be invited in. You can't be invited in by yourself. You have to have the authority to be invited in.

That is what your legislation will enable, is that opportunity to be identified as a gateway community; for example, when Ms. Hale indicated the impact that a small national park might have on rescue, as an example. In their management plan, who do they go to when there is an incident? Those are the things that the community ought to have a say in and be part of that process. And so I don't think it takes away. It in essence puts an obligation on situa-

tions which are changing and should be seen as a new obligation. So I don't think you can say it takes away anything.

Mr. RADANOVICH. Ms. Hale.

Ms. HALE. I did speak with our Parks Director, Sheridan Steele, and let him know that I was coming out here to testify on this. I was very supportive of the bill. His concern, of course, was funding; and I don't know as I agree with his concern. But I think the spirit of the bill certainly says it all, and that they need to work with local communities. And I think that the Park Service is realizing they need to do that. So I do not see this as something that would hinder or diminish the Federal agency's authorities or anything like that. In fact, I think this would enhance it, because they would have community support and they would have community buy-in. So I think it would be a benefit. And I am certain that Sheridan Steele would agree with me on that.

Mr. RADANOVICH. OK. Well, that ends my questioning and I guess that ends the panel's questioning, since I am the only one left up here. But I really want to thank everybody for being here. I appreciate—Mr. Warren.

Mr. WARREN. One last thing I would like to say. One of the things that I think many of us love about these Federal agencies is the decentralized process that they go through of making decisions, but also one of the things we hate about these agencies is the decentralized process they go through in making these decisions. Your bill gives a level playing field to any community, whether they are adjacent to Yellowstone or adjacent to whatever that small national park is. Again, I think that is the message that several of us would like to leave with you, is that formalized process that you are encouraging to happen with this legislation.

Mr. RADANOVICH. Thank you very much. Again, thank you very much for being here. I appreciate your testimony and the time you took to be before the Committee. And with that, this hearing is adjourned. Thank you again.

[Whereupon, at 3:45 p.m., the Subcommittee was adjourned.]

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