

**H.R. 1906, H.R. 2818 and
H.R. 3936**

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

April 16, 2002

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H.R. 1906, TO AMEND THE ACT THAT ESTABLISHED THE PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK TO EXPAND THE BOUNDARIES OF THAT PARK; H.R. 2818, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN PUBLIC LAND WITHIN THE SAND MOUNTAIN WILDERNESS STUDY AREA IN THE STATE OF IDAHO TO RESOLVE AN OCCUPANCY ENCROACHMENT DATING BACK TO 1971; AND H.R. 3936, TO DESIGNATE AND PROVIDE FOR THE MANAGEMENT OF THE SHOSHONE NATIONAL RECREATION TRAIL, AND FOR OTHER PURPOSES.

**Tuesday, April 16, 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 10 a.m., in room 1334, Longworth House Office Building, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

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

Mr. RADANOVICH. OK. Welcome to the Subcommittee hearing today. This is the Subcommittee on National Parks, Recreation and Public Lands, and we will hear testimony on three bills today, H.R. 1906, H.R. 2818 and H.R. 3936. The first bill is H.R. 1906, introduced by Congresswoman Patsy Mink, who is here with us today.

Patsy—and again this would expand the Pu'uhonua O Honaunau National Historical Park by 805 acres. This park has become a legacy of Hawaiian culture, housing some of the most significant artifacts of this island's early village life. It is my understanding that

the expansion would include resources that would have been included in the park boundary when it was established in 1955.

Our next bill is H.R. 2818, introduced by our Subcommittee colleague, Congressman Mike Thompson. It would authorize—Mike Simpson—and it would authorize the Secretary of the Interior to convey approximately 10.23 acres within the Sand Mountain Wilderness Study Area in the State of Idaho to the Sandhills Resort to resolve occupancy encroachment dating back to 1971.

Our last bill is H.R. 3936, introduced by the Full Committee Chairman, Congressman Jim Hansen, and would designate and provide for the management of the Shoshone National Recreation Trail and for other purposes. In order to compensate for the growing demand of off-highway vehicles in northern Utah, H.R. 3936 would designate already-existing trails as part of the national recreational trail system.

Congressman Hansen was stranded in Utah today, but we are going to go on with the hearing and, of course, accept his full statement into the record.

At this time I ask unanimous consent that Congresswoman Mink be permitted to sit on the dais following the statement. Without objection, so ordered.

Statement of The Honorable George P. Radanovich, Chairman, Subcommittee on National Parks, Recreation, and Public Lands, on H.R. 1906, H.R. 2818, and H.R. 3936

Good morning and welcome to the hearing today. The Subcommittee will come to order. This morning, the Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on three bills, H.R. 1906, H.R. 2818 and H.R. 3936.

The first bill, H.R. 1906, introduced by Congresswoman Patsy Mink, would expand the Pu'uhonua O Honaunau National Historical Park by 805 acres. This park has become a legacy of Hawaiian culture, housing some of the most significant artifacts of the island's early village life. It is my understanding the expansion would include resources that should have been included in the park boundary when it was established in 1955.

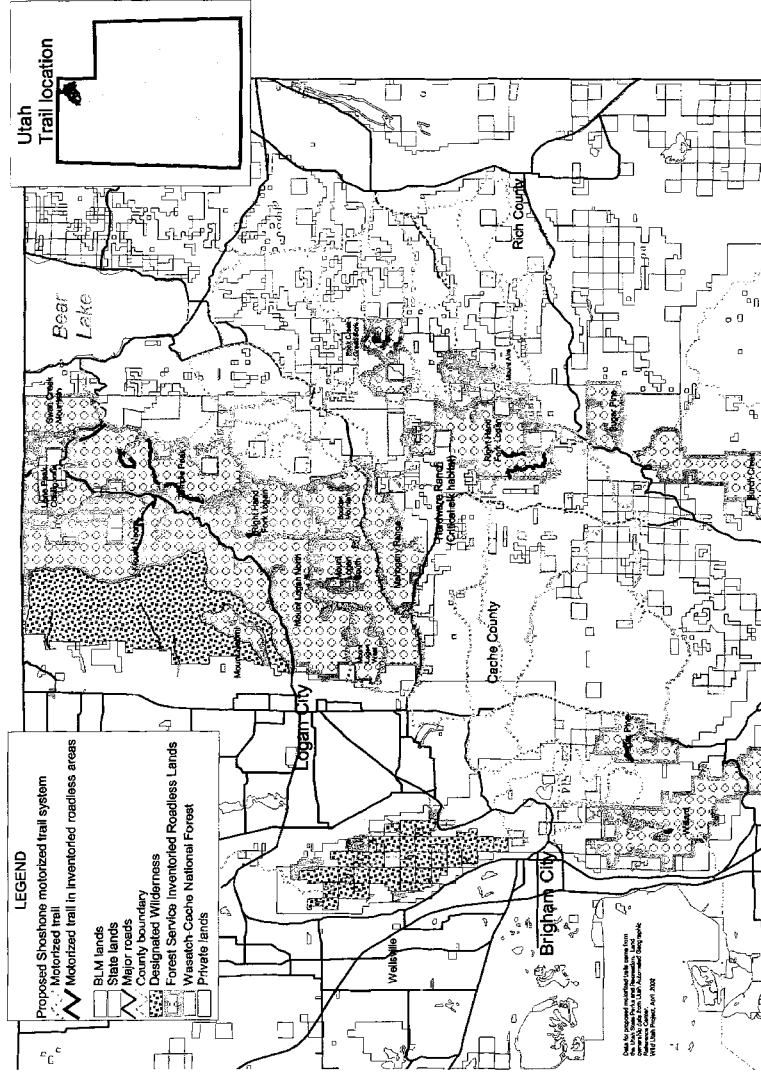
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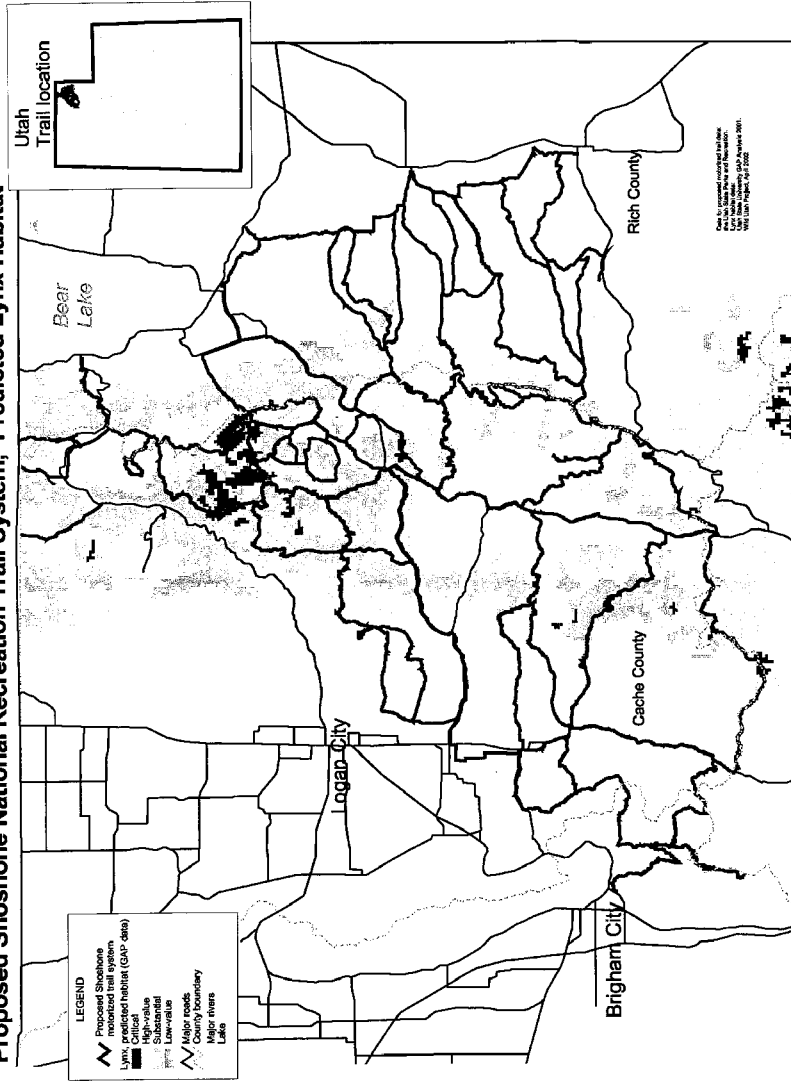
Once again, I appreciate the witnesses being here to testify today and I now turn the time over to the ranking member, Mrs. Christensen for an opening statement.

[Maps submitted for the record by Mr. Radanovich follow:]


Proposed Shoshone National Recreation Trail System, Land Ownership




Proposed Shoshone National Recreation Trail System, Predicted Lynx Habitat





Proposed Shoshone National Recreation Trail System.
Some of the wildlife conflicts with motorized recreation
Wildlife Map 1

Location 

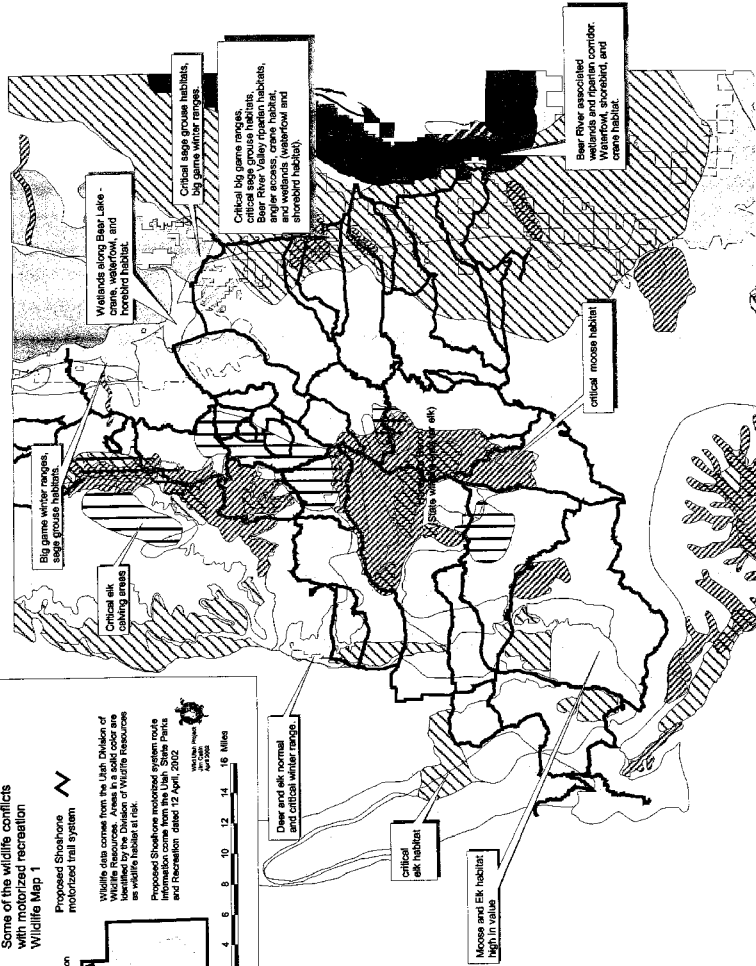
 Proposed Shoshone motorized trail system

Wildlife data come from the Utah Division of Wildlife Resources. Areas in a solid color are riparian, wetland, or water resources. Areas with a stippled pattern are wildlife habitat at risk.

Proposed Shoshone motorized system route information come from the Utah State Parks and Recreation dated 12 April, 2002.

UTAH STATE PARKS
 RECREATION
 DIVISION



And Mrs. Christensen, Ranking Member, will not be here today, but we will go ahead and start then with the witnesses.

Congresswoman, it is a pleasure to have you before the Committee and please proceed.

**STATEMENT OF THE HON. PATSY T. MINK, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF HAWAII**

Mrs. MINK. Thank you very much. The bill which I am presenting today, H.R. 1906, represents a very historic, culturally significant establishment on the Kona coast of the Big Island; and my bill calls for the authorization of 805 acres to be added to the Pu'uhonua O Honaunau National Historic Park.

Mrs. MINK. The bill has also been introduced in the Senate. Senator Akaka introduced S. 1057, which was passed by the Senate, and has a reduced acreage of 397 acres. The difference is shown in the map which I have illustrated there. The green area marked over to the right of the map is the difference between the Senate bill and my bill. I seek to add the additional portion there, which is marked in green. I believe you have this in your testimony papers.

The city of Refuge National Historic Park, which is the Pu'uhonua O Honaunau National Historic Park, was authorized in 1955. It was established formally in 1961. It is a very historic park. We believe that the historic evidence is back to the 12th and 13th century. It was a place where native Hawaiians could seek refuge if they were being hunted down by someone, threatened with criminal offenses and so forth. They could find refuge there and be saved, and at some point later be allowed to leave the lands.

The proposed addition contains 800 cultural sites, 25 caves, a minimum of 10 heiau (the native Hawaiian temples), 20 platforms, 26 enclosures, 40 burial features, and many, many other remnants of trails and other historic evidences of the ancient culture. We feel that it is extremely important that this park be extended to the areas that we have indicated.

The coastal waters are pristine class AA waters, and with the absence of development in the area, the coast is absolutely gorgeous. We have problems of runoff in other areas because of development, and therefore, the extension of this park at this time is very, very critical.

Burial sites are a particularly sensitive issue in Hawaii; they are considered very sacred. And so the set-aside of these lands because of the burial sites is very, very important.

The local community is in strong support of the incorporation of the full 805 acres to the Pu'uhonua O Honaunau National Historic Park. I would like to submit a copy of our Hawaii County Council Resolution 149-01 in support of my bill, H.R. 1906, and the 108-acre expansion.

I would also ask unanimous consent that the testimony of Hawaii County Council member Nancy Piscichio be included in the record and in the files of the consideration of this bill, together with some 150 communications that she has submitted to me for inclusion in the record, if I may have your consent to do that. Thank you.

Mr. RADANOVICH. Without objection, so ordered.

Mrs. MINK. It is, of course, my intense interest to have all of the 800-plus acres to be included in the park. But I am also aware that the Senate, having passed S. 1057 in October, 2001, also made appropriations available, subject to the authorization. It is critical that a bill pass and be signed into law or we will forfeit the amount of money that has been set aside in the appropriations bill.

Therefore, for the purposes of this markup, Mr. Chairman, I would ask that the bill—my bill be amended so that it would include the precise acreage as specified in the Senate bill, S. 1057, in order to move this bill forward. I would also, however, like to ask the Subcommittee, in the legislation, to request that the National Park Service do a reconnaissance study of the remaining 400 acres, which are not covered in S. 1057, in order to establish the rationale for this inclusion which I hope we can do perhaps in the next session.

On behalf of the people of Hawaii and certainly the people in the County of Hawaii and all the native Hawaiian organizations, I would like to thank this Committee and Chairman Radanovich for his interest in this matter. And I am very grateful for whatever assistance you can provide to move this bill forward that it may reach final passage this year. Thank you.

Mr. RADANOVICH. Thank you very much, Patsy, and again you are more than welcome to join us on the dais for the remainder of this hearing.

[The prepared statement of Mrs. Mink follows:]

Statement of The Honorable Patsy T. Mink, a Representative in Congress from the State of Hawaii, on H.R. 1906

Chairman Radanovich, Ranking Member Christensen, and Members of the Subcommittee

First, I want to thank the Subcommittee for holding this hearing on H.R. 1906, which authorizes the expansion of Pu'uuhonua O Honaunau National Historical Park, a unique national treasure located in South Kona on the island of Hawaii.

I introduced H.R. 1906 with Representative Abercrombie in May 2001. Senator Daniel Akaka also introduced a bill, S. 1057, in June 2001, to expand the boundaries of the Park. The major difference between the bills is amount of land authorized for expansion. H.R. 1906 authorizes 805 acres whereas S. 1057 authorizes 397 acres. I submit a map showing the current area of the Park (180 acres), the area authorized by S. 1057 (397 acres), and the area authorized by H.R. 1906 (805 acres).

Pu'uuhonua O Honaunau National Historical Park, formerly known as the City of Refuge National Historical Park, was authorized by an act on Congress on July 26, 1955 (60 Stat.376) . . . for the benefit and inspiration of the people. . ." The park was formally established in 1961. All the lands included within the park are listed on the National Register of Historic Places.

The overall management goal for the historical park is for the resources to accurately represent a slice of time ranging from pre-contact (circa 12th - 13th century) to about 1930, when Ki'ilae village was completely abandoned. The objectives developed to meet that goal focus on preservation, stabilization, and restoration of the park's cultural and natural resources.

A significant portion of the ancient Hawaiian village of Ki'ilae lies outside of the current park's boundaries. The proposed addition of 805 acres, located within the traditional land divisions of Ki'ilae ahupua'a¹ and Kauleoli ahupua'a, contains significant cultural and natural resources, which complement the Park's mission of preservation and rehabilitation of Hawaiian natural, cultural, and historic resources. These lands contain at least 800 cultural sites, structures, and features; at least 25 caves (or cave openings), many of which are refuge caves; a minimum of 10 heiau (temples); more than 20 platforms; 26 enclosures; over 40 burial features

¹An ahupua'a is a traditional Hawaiian land division that extends from the uplands or mountains to the sea.

(or highly probable burials); trails and trail remnants; a minimum of 6 residential compounds; a holua slide; several canoe landing sites; a water well; numerous walls and wall remnants; and a wide range of agricultural features.

Ancient Native Hawaiian burial sites are a particularly sensitive issue in Hawaii. Many descendants of the Ki'ilaie villagers live in the area and want to make sure that the graves of their ancestors are respected and that archaeological and historical sites are preserved. There are also important landmarks and rock formations on the land, which have been used by Native Hawaiians for generations to locate their fishing grounds.

The area is also a place of great natural beauty and spiritual renewal. The Pu'uuhonua was a place of safety and refuge where people who had violated kapu (taboo or sacred law) could flee to avoid what otherwise would be certain death. After being absolved by a kahuna (priest) they could go free. People often went to the Pu'uuhonua during times of war to avoid the conflict.

Ki'ilaie Village, which is part of the area that would be added to the park by this bill, was also an important trading place for Native Hawaiians from the 12th century. The land provides a critical link to Hawaii's past and protects an ancient landscape in the face of encroaching residential sprawl along the Kona coast.

The coastal waters in this area are pristine class AA because of the lack of development in the area and the fact that the coast is rocky and, therefore, little soil drains into the ocean. We have already experienced severe problems in other locations along the Kona coast where rain runoff from soil brought in for development polluted AA-class coastal marine resources.

The local community strongly supports incorporation of the full 805 acres into Pu'uuhonua O Honaunau National Historical Park. I submit for the record a copy of Hawaii County Council Resolution 149-01 in support of H.R. 1906 and the 805-acre expansion. I also submit testimony from Hawaii County Council Member Nancy Pisicchio and the more than 150 communications sent to the Council Member by her constituents over the past two weeks in support of H.R. 1906.

Despite my desire to see the full area authorized, I would support amending H.R. 1906 to make it identical to S. 1057, which passed the Senate on October 17, 2001, in the hope that we will be able to promptly send a bill to the President. S. 1057 contains an authorization for up to 397 acres, and includes the 238-acre parcel considered most critical for protection by the National Park Service. Senator Akaka was successful in securing an appropriation of \$500,000 toward acquisition of this parcel in Fiscal Year 2002, but we must have an authorization before these funds can be spent. The 238-acre parcel (Parcel A on the map) has been purchased by the Trust for Public Land, which is holding it in trust for the National Park Service. The owner of Parcel B (the additional lands authorized in S. 1057) has indicated a willingness to donate a major portion of these lands to the park.

I wish to ask that this Subcommittee request the National Park Service do a reconnaissance study of the remaining 400+ acres not covered by S. 1057 to establish the extent of the historical, cultural, and natural resources in the portion of Kauleoli ahupua'a south of Parcels A and B.

On behalf of the people of Hawaii, I extend a warm aloha to Chairman Radanovich and Ranking Member Christensen for your assistance in holding this hearing. I would be very grateful for your continued assistance in moving the bill through the Subcommittee and Committee and to allow its final passage by the whole House. Thank you.

{Attachments to Mrs. Mink's statement follow:}

COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 149 01
(Draft 3)

A RESOLUTION SUPPORTING CONGRESSWOMAN PATSY T. MINK'S H.R. 1906 WHICH AUTHORIZES THE EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK BY UP TO 805 ACRES.

WHEREAS, Pu'uuhonua O Honaunau National Historical Park, formerly known as the City of Refuge National Historical Park, was authorized by an act of Congress on July 26, 1955 for the benefit and inspiration of the people; and

WHEREAS, the park was formally established in 1961 and all the lands within the park are listed on the National Register of Historic Places; and

WHEREAS, the overall management goal for the historical park is for the resources to accurately represent a slice of time ranging from pre-contact (circa 12th-13th century) to about 1930, when Ki'ilae Village was completely abandoned; and

WHEREAS, the objectives developed to meet that goal focuses on preservation, stabilization, and restoration of the park's cultural and natural resources; and

WHEREAS, a significant portion of the ancient Hawaiian village of Ki'ilae lies outside of the current park's boundaries; and

WHEREAS, in order to include the important cultural and natural resources in the park, Congresswoman Patsy T. Mink has introduced H.R. 1906, which authorizes the expansion of the Pu'uuhonua O Honaunau National Historical Park by up to 805 acres; and

WHEREAS, the additional 805 acres proposed in H.R. 1906 are located within the traditional land divisions of Ki'ilae ahupua'a and Kauleoli ahupua'a; and

WHEREAS, these lands include at least 800 cultural sites, structures, and features – including at least 25 caves (or cave openings), many of which are refuge caves; a minimum of 10 heiau (temples); more than 20 platforms; 26 enclosures; over 40 burial features (or highly probable burials); trails and trail remnants; a minimum of 6 residential compounds; a holua slide; several canoe landing sites; a water well; numerous walls and remnants; and a wide range of agricultural features; and

WHEREAS, the issue of ancient Native Hawaiian burial sites is a very sensitive issue in Hawai'i; and

WHEREAS, many descendants of the Ki'ijae villagers still live in the area and want to make sure that the historical and archaeological sites and remains of their ancestors are treated with respect and preserved; and

WHEREAS, the Council recognizes the need to preserve traditional Hawaiian gathering rights and cultural practices; and

WHEREAS, the Council reaffirms and strongly supports the protection of all traditional and customary rights as mandated by Article 7, Hawaii State Constitution; and

WHEREAS, the local community has voiced strong support for the incorporation of these lands into Pu'uhonua O Honaunau National Historical Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII that it supports the efforts of Congresswoman Patsy T. Mink in her congressional efforts through H.R. 1906 to authorize the addition of 805 acres to Pu'uhonua O Honaunau National Historical Park.

BE IT FURTHER RESOLVED that the Hawai'i County Council urges the National Park Service upon acquisition of the land to incorporate and preserve traditional Hawaiian gathering rights and cultural practices in its stewardship of the property.

BE IT FURTHER RESOLVED that the County Clerk of the County of Hawai'i is directed to transmit copies of this resolution to the Honorable Patsy T. Mink and Neil Abercrombie, United States House of Representatives; Senator Daniel K. Akaka and Senator Daniel K. Inouye, United States Senate.

DATED: Hilo, Hawai'i this 19th day of December.

INTRODUCED BY:

Julie Jacobson
COUNCIL MEMBER, COUNTY OF HAWAII

Nancy Pisicchio
COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by
The vote indicated to the right hereof adopted by the COUNCIL of the
County of Hawai'i on December 19, 2001.

ATTEST:

COUNTY CLERK CHAIRMAN & PRESIDING OFFICER

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
CHUNG	X			
ELARIONOFF	X			
JACOBSON	X			
LEITHHEAD-TODD	X			
PISICCHIO	X			
SAFARIK	X			
TYLER	X			
YAGONG	X			
	9	0	0	0

Reference: C-432.19/P-Council
RESOLUTION NO. 149 01 (Draft 3)

Nancy Piscichio
Council Member



Tel: (808) 326-5684
Fax: (808) 326-5697

COUNTY COUNCIL

County of Hawaii
Kona Council Office
77-6399 Nalani Street, Suite 104
Kailua-Kona, Hawaii 96740-8980

April 16, 2002

House Resources Subcommittee on National Parks, Recreation, and Public Lands
123 Cannon House Office Building
Washington, DC 20515
(202) 225-3402

Re: **HR 1906 - Expansion of Pu'uhonua O Honaunau National Historical Park**

Chairman Radanovich, Ranking Member Christensen, and Members of the Subcommittee,

Thank you for the opportunity to testify today. As the elected member of the Hawaii County Council representing District 7, South Kona, I am writing in support of HR 1906. HR 1906, introduced by Representative Patsy Mink, will provide for the expansion of Pu'uhonua O Honaunau National Historic Park by allowing the federal government to negotiate with the landowner for the purchase of 805 acres of land adjoining the park.

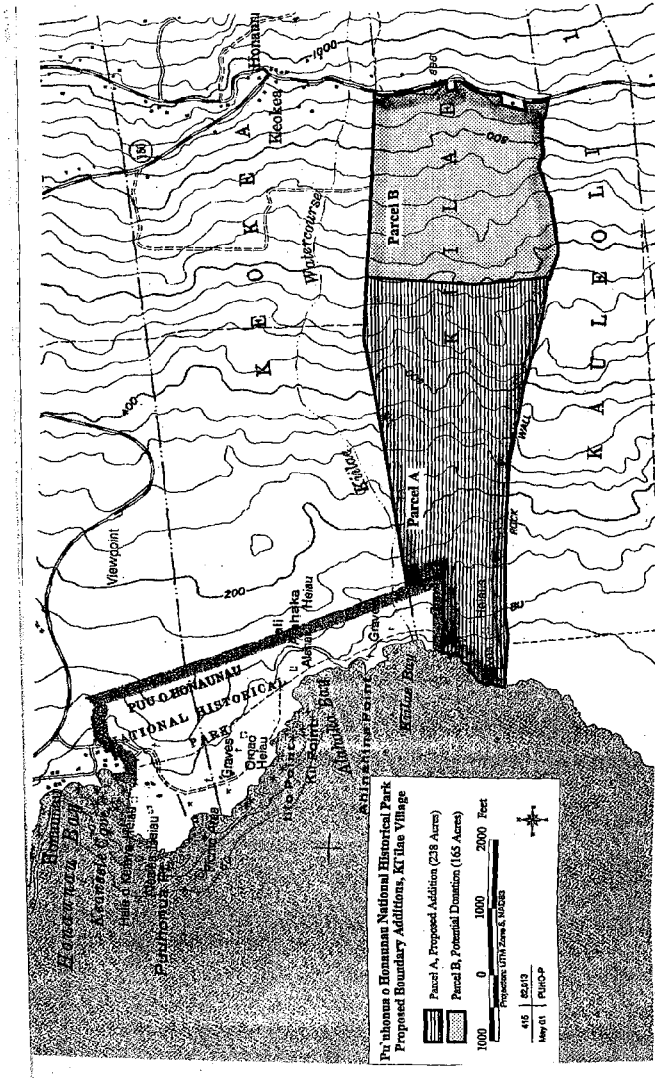
This property is a treasure box of historic Hawaiian cultural features. It also serves as a buffer to pristine class AA coastal marine resources. The addition of these 805 acres to the existing park at Pu'uhonua o Honaunau, will be a magnificent contribution to the National Park system. If not acted upon quickly, the window providing this opportunity will close forever.

Thank you for your consideration.

Sincerely Yours,

Nancy Piscichio

A handwritten signature in cursive script that reads "Nancy Piscichio".



- Puuhonua O Honaunau National Historical Park (180 acres)
- Expansion authorized in S 1057 (397 acres) – Parcels A and B
- Expansion authorized in HR 1906 (805 acres) – portion of Kauleleli ahupua'a south of Parcels A and B

Mr. RADANOVICH. Our next panel will be—I just wanted to say, I know how to do Pu'uhonua O Honaunau, but I have a hard time with Simpson. I apologize. But for an opening statement, please proceed and we will go on to our next statement.

**STATEMENT OF THE HON. MICHAEL K. SIMPSON, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO**

Mr. SIMPSON. That you, Mr. Chairman. I suggested to you that this Subcommittee needs to have a more direct input into this proposed expansion in Hawaii, so I am suggesting that the Subcommittee go over and take a look at it personally and decide what we need to do that.

Mrs. MINK. Absolutely. But don't delay passage of the bill.

Mr. SIMPSON. Thank you, Mr. Chairman, for scheduling the hearing on H.R. 2818 to convey approximately 10 acres of public land located within the Bureau of Land Management Sand Mountain Wilderness Study Area, located near Saint Anthony in southeast Idaho, to the owner of the Sandhills Resort. The Sandhills Resort will pay fair market value for the land as valued by an appraisal.

Mr. SIMPSON. In 1971, Mr. Williams, who is with us today to testify—he is the current owner of the Sandhills Resort—purchased the 5-acre resort and existing developments, and over the ensuing 31 years had added numerous improvements to the property. The resort is a gateway to the Sandhills sand dunes, a popular recreational area in southeast Idaho. The land comprising the resort was originally conveyed out of Federal ownership in 1953, when the BLM sold 5 acres of public lands adjacent to the Saint Anthony Sand Dunes.

Over the years numerous improvements were made to the property, including a bar, restaurant, dance hall and swimming pool. When Mr. Williams purchased the land in 1971, he converted the existing improvements to a recreational development, catering to campers and users of the sand dunes. Unfortunately, the 5-acre resort was inadvertently included in the BLM's Sand Mountain Wilderness Study Area boundary, which was established in 1981.

Mr. Williams successfully operated the resort until the early 1990's, when the BLM began to question the location of the resort and several facilities located on the resort. In 1995, a survey was initiated confirming that the majority of the resort's facilities, including a portion of Mr. Williams' house, were encroaching on public lands. Since June 1998, the resort has operated under a Special Use, Special Land Use Permit which temporarily authorizes Mr. Williams' use of the public land in question and allows BLM to collect fair market rent.

In June 1997, the BLM began to work to sell Mr. Williams' 10 acres of land in order to resolve the encroachment issue. In September 1997, the BLM published a notice of intent to prepare a land use plan amendment, the first step of a process that would have adjusted the boundary of the Sand Mountain Wilderness Study Area and allowed the BLM to sell approximately 10 acres of the Sandhills Resort. Unfortunately, the local BLM office was not able to move forward with the plan amendment due to concerns from the BLM Idaho State office that the proposed sale violated the

BLM's interim management policy for wilderness study area management.

While the 10 acres in question is located within the Sand Hill Mountains Wilderness Study Area, I would like to point out to my colleagues when the Sand Hill Mountains Wilderness Study Area boundary was drawn, it mistakenly included the Sandhills Resort and a small strip of land containing roads, camping sites, and a power line. According to the BLM, "The developments impair the naturalness of the wilderness study area and should not have been included within the WSA boundary." it is quite clear that the sale area, which contains various facilities—as I said, camp sites, roads and power lines—does not have the characteristics which make it suitable for wilderness.

Unfortunately, until the encroachment issue is resolved, Mr. Williams cannot gain clear title to his property, preventing him from obtaining a loan against the property or making improvements to the property. Furthermore, this prevents Mr. Williams or his family from selling the resort, placing an undue financial hardship on Mr. Williams and his family. This common-sense legislation will allow BLM to resolve the longstanding encroachment problems and allow Mr. Williams to gain clear title to this property.

Thank you, Mr. Chairman, again for holding this hearing and the opportunity to present this legislation to the Committee.

Mr. RADANOVICH. Thank you, Mr. Simpson.

[The prepared statement of Mr. Simpson follows:]

**Statement of The Honorable Michael Simpson, a Representative in
Congress from the State of Idaho, on H.R. 2818**

Mr. Chairman:

Thank you for scheduling this hearing on H.R. 2818.

H.R. 2818 is a simple, straightforward bill that would convey approximately ten acres of public land located within the Bureau of Land Management Sand Mountain Wilderness Study Area, located near St. Anthony in southeast Idaho, to the owner of the Sandhills Resort. The Sandhills Resort will pay fair market value for the land as valued by an appraisal.

In 1971, Mr. Williams, the current owner of the Sandhills Resort, purchased the five-acre resort and existing developments and over the ensuing thirty-one years has added numerous improvements to the property. The resort is a gateway to the St. Anthony Sand Dunes, a popular recreational area in southeast Idaho. The land comprising the resort was originally conveyed out of Federal ownership in 1953, when the BLM sold five acres of public land adjacent to the St. Anthony Sand Dunes. Over the years, numerous improvements were made to the property, including a bar, restaurant, dance hall, and swimming pool. When Mr. Williams purchased the land in 1971, he converted the existing improvements to a recreational development catering to campers and users of the sand dunes. Unfortunately, the five-acre resort was inadvertently included in BLM's Sand Mountain WSA boundary, which was established in 1981.

Mr. Williams successfully operated the resort until the early 1990's when the BLM began to question the location of the resort and several facilities located on the resort. In 1995, a survey was initiated confirming that the majority of the resort's facilities, including a portion of Mr. Williams house, were encroaching on public land. Since June of 1998, the resort has operated under a Special Land Use Permit, which temporarily authorizes Mr. Williams's use of the public land in question and allows the BLM to collect a fair market rent.

In June of 1997, the BLM began working to sell Mr. Williams ten acres of land in order to resolve the encroachment issue. In September of 1997, the BLM published A Notice of Intent to Prepare a Land Use Plan Amendment, the first step of a process that would have adjusted the boundary of the Sand Mountain WSA and allowed the BLM to sell approximately ten acres to the Sandhills Resort. Unfortunately, the local BLM office was not able to move forward with the plan amendment

due to concerns from the BLM Idaho State office that the proposed sale violated BLM's Interim Management Policy for Wilderness Study Area Management.

While the ten acres in question is located within the Sand Mountain WSA, I would like to point out to my colleagues that when the Sand Mountain Wilderness Study Area boundary was drawn, it mistakenly included the Sandhills Resort and a small strip of land containing roads, camping sites, and a power line. According to the BLM, "the developments impair the naturalness of the WSA and should not have been included within the WSA boundary." It is quite clear that the sale area, which contains various facilities, camping sites, roads, and power lines, does not have characteristics which make it suitable for wilderness.

Unfortunately, until the encroachment issue is resolved, Mr. Williams cannot gain clear title to his property, preventing him from obtaining a loan against the property or making improvements to the property. Furthermore, this prevents Mr. Williams or his family from selling the resort, placing an undue financial hardship on Mr. Williams and his family.

This common-sense legislation will allow the BLM to resolve the long-standing encroachment problem, and allow Mr. Williams to gain clear title to his property.

Thank you, Mr. Chairman, for the opportunity to bring this legislation before the Committee.

Mr. RADANOVICH. And, again, Mr. Hansen would have an opening statement on H.R. 3936, but he is not here. So with there being no objection, we will submit his opening statement for the record. There being no objection, so ordered.

[The prepared statement of Mr. Hansen follows:]

**Statement of The Honorable James V. Hansen, Chairman,
Committee on Resources, on H.R. 3936**

Thank you Mr. Chairman and Members of the Subcommittee.

I am pleased to have Mr. Dave Morrow from the Utah Department of Natural Resources and Mr. Bryce Nielson, County Commissioner from Rich County, Utah with us at our hearing today. I am very appreciative of the time and hard work that they have invested, together with other local officials, in the introduction of this legislation.

Mr. Chairman, H.R. 3936 would designate approximately 337 miles of existing trails, already open to OHV's in northern Utah, as the Shoshone National Recreation Trail. It would also allow for the addition of connecting and side trails, to be added administratively through existing authority, once local counties have identified appropriate access points and local trails through their communities. Once these connecting and side trails are added, it is expected that there will be over 500 miles of trails in the system.

In 1968, Congress responded to the public's desire for additional outdoor recreation opportunities by enacting the National Trails System Act. This Act allowed for the creation of a National Recreation Trail system. However, despite being cited specifically in the Act, these recreation activities have not been well represented in the trail system. In recent years, Utah has seen a dramatic increase in the number of registered OHV's. This growth has presented Federal and state land managers with the difficult challenge of finding and identifying appropriate places to ride for this growing group of recreationists. Experience has shown that when an organized system of trails has been identified that it becomes easier to direct these recreational activities to appropriate places and to protect the areas where OHV riding would not be appropriate. This bill is a proactive attempt to channel this growing recreation activity. In fact, many who are not generally supportive of OHV recreation have expressed their support for this legislation because of its ability to channel these activities.

This bill will designate only those trails that are already open to OHV use and are recognized in the local Forest Service and BLM travel plans. However, as provided in the National Trails System Act, the legislation allows that additional trails may be added at a future point, through the normal process.

Prior to the introduction of this legislation, meetings were held with locally elected officials in each affected county. Based upon their input, meetings were held with local Forest Service and BLM personnel to identify appropriate routes for the trail system. Consequently, some routes under previous consideration have been deleted. This has resulted in a system of trails with broad support that is supported by the local counties and Federal land managers.

I believe this is a win-win proposal. It is not only a positive for those who enjoy OHV riding as a recreation activity, but is also a positive for those who want to ensure that OHV riding takes place in appropriate areas and avoids sensitive locations.

Once again, thank you Mr. Chairman and Members of the Subcommittee for the opportunity to address the merits of this legislation.

Mr. RADANOVICH. Now, thank you, Panel 2: Mr. Larry Finfer, the Assistant Director for Communications at BLM; Ms. Gloria Manning, Associate Deputy Chief for the National Forest Service; and Mr. Dan Smith, Special Assistant to the Director of the National Park Service. Welcome to the Committee. We have a panel after you, so I ask everyone to stay within the 5-minute warning. If you don't know the system, green means go, yellow means hurry up, and red means stop.

Mr. RADANOVICH. So we will go ahead and start with Mr. Larry Finfer.

Mr. Finfer, welcome and please begin your testimony.

**STATEMENT OF LAWRENCE A. FINFER, ASSISTANT DIRECTOR
FOR COMMUNICATIONS, BUREAU OF LAND MANAGEMENT**

Mr. FINFER. Thank you, Mr. Chairman, I am here to testify on two bills, H.R. 3936, the Shoshone National Recreational Trail Act, and H.R. 2818, an act to convey certain public lands in the Sand Mountain Wilderness Study Area in Idaho. I submitted statements on both, which I request be included in the record, and I will keep my remarks brief.

Mr. FINFER. As to H.R. 3936, while the U.S. Forest Service is the primary land manager within the proposed trail area, the bill also encompasses existing trails on BLM-administered lands primarily in the eastern portion of the area in question. The administration supports this bill and looks forward to working with the Committee and our partners in Utah on its implementation. Once designated, the Shoshone National Recreation Trail will provide a high-quality, interconnected trail network in Rich, Cache, Box Elder and Weber Counties in northeast Utah.

According to the State of Utah's department of natural resources, the number of registered OHV users has doubled in the State since 1990. The BLM strongly supports the provisions in section 1(c)(2) of H.R. 3936, which promotes the use of cooperative agreements concerning the Secretaries of Interior and Agriculture, the State of Utah DNR, and appropriate county governments regarding trail management. We believe it imperative that a cooperative management plan and framework be established that includes all parties. This cooperative effort is consistent with Secretary Norton's "4 C's" principle, which stresses consultation, cooperation, and communication, all in the service of conservation.

We appreciate Mr. Hansen's visible recognition of the importance of cooperative management, which he has provided in this bill. While supportive of the bill, we have identified some issues that need to be addressed in order to develop appropriate trailhead and staging facilities, maintenance and protections for resources we manage in this area and, further, to acknowledge other land resource users.

We look forward to working with the Committee to address these concerns, which are noted in my testimony; and I thank you for the opportunity to comment on H.R. 3936.

[The prepared statement of Mr. Finfer follows:]

Statement of Lawrence A. Finfer, Assistant Director, Communications, Bureau of Land Management, U.S. Department of the Interior, on H.R. 3936

Thank you for the opportunity to appear before you today to provide testimony regarding H.R. 3936, the Shoshone National Recreation Trail Act. While the U.S. Forest Service is the primary Federal land manager within the proposed trail, the bill also encompasses 67 miles of BLM-administered lands. The Department supports this bill and looks forward to working with the Committee and our partners in Utah on cooperative management strategies to implement H.R. 3936.

Bill Analysis and Background

H.R. 3936 provides for the designation and management of a 521-mile system of trails in northeastern Utah to provide recreational access for motorized vehicles and other users as appropriate. In addition, we understand that the trail would serve as a “connection” for a number of small communities within the region by providing economic opportunities through services to recreational users of the trail. We further understand that H.R. 3936 enjoys strong local support within the State of Utah.

Once designated, the Shoshone National Recreation Trail would provide 521 miles of scenic and high-quality interconnected trail segments in Rich, Cache, Box Elder, and Weber Counties in Northeast Utah. According to the State of Utah’s Department of Natural Resources, the number of registered Off-Highway Vehicles (OHVs) has doubled in the State since 1990. H.R. 3936 will assist agencies such as the BLM in meeting the needs of this growing user group on Federal lands.

The BLM strongly supports the provisions in Section 1 (c) (2) of H.R. 3936 which promotes the use of cooperative agreements between the Secretaries of the Interior and Agriculture and the State of Utah Department of Natural Resources and appropriate county governments regarding trail management. We believe that it is imperative that a cooperative management plan and framework be established that is inclusive of all parties involved in the trail, whether they are land owners or recreational users. This cooperative effort is consistent with Secretary Norton’s “4 Cs” principle, which stresses consultation, cooperation and communication, all in the service of conservation.

Management Concerns

While supportive of the concepts embodied in H.R. 3936, especially the use of existing trails, we have identified certain issues that need to be addressed in order to develop appropriate trail-head and staging facilities, trail maintenance, and protections for the resources BLM manages under the provisions of the Federal Land Policy and Management Act (FLPMA). We look forward to working with the Committee to address these concerns.

Among our concerns, is the language contained in Section 3 of the bill, entitled “Motorized and Non-motorized Use”. Section 3 states: “Non-motorized use of the Trail may be allowed to the extent that such use is compatible with motorized use.” The BLM recommends that this section be amended to reflect the provisions in current regulations under 43 CFR 8342.1(c) which states: “Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors...” This regulation promotes compatibility among the various uses of National Recreation Trails.

The BLM has some further concerns regarding appropriate management of the Trail which include continued protection for lands that contain riparian areas, fragile soil types, big game crucial winter range, sensitive sage grouse habitat, and raptor nesting sites. To protect these species and the associated sensitive habitats, the BLM would need to continue the current seasonal restrictions on portions of the proposed routes. This should not be a major conflict with Trail system operation or deviate from the current management scenario. Additionally, two BLM campgrounds (Little Creek and Birch Creek) are proposed as trail heads for the system. One campground will require renovation, the second will require additional infrastructure. These concerns will need to be addressed through the cooperative management framework proposed in the bill.

Conclusion

Thank you for the opportunity to comment on H.R. 3936. The BLM looks forward to participating in the cooperative management agreements and implementation of the Shoshone National Recreation Trail if designated. I would be happy to address any questions you may have.

Mr. FINFER. I now turn my attention to H.R. 2818. The administration supports this bill, as its enactment will resolve a unique, longstanding problem involving the Sand Mountain Resort. The Sand Hill Resort is located on a 5-acre parcel in Saint Anthony, Idaho. It was established in 1971 when the current owner purchased an abandoned resort facility originally constructed in the 1950's. It is located within the current boundary of the Sand Mountain Wilderness Study Area and is completely surrounded by public lands.

When the WSA boundary was approved in 1981, it included 10.23 acres that contained, among other things, the resort's existing access road. At the time, neither BLM nor the owner realized that some of the resort's building utilities and facilities were located on the 10.23 acres. When a Cadastral survey was finally completed in 1997, it revealed that resort facilities, including showers, restroom, storage building, garage, camp sites and most of the owner's residence are located on public land within the WSA.

H.R. 2818 seeks to effect a permanent solution to this problem, thereby obviating the need to issue and review the Special Land Use Permit under which the owner now operates. It authorizes the Secretary to convey the 10.23 parcel for fair market value determined by a qualified land appraisal. It also exempts the parcel from requirements of the Interim Management Policy for Lands Under Wilderness Review.

The owners of the resort have had a long and positive relationship with the BLM. As I mentioned, the owner acted in good faith in purchasing the property. Neither he nor the BLM were aware of the boundary problems. Compounding the issue, the area was inadvertently included in the WSA when it was established in 1981, even though the lands in question do not have wilderness characteristics. This chain of events makes necessary a legislative remedy, and we appreciate Mr. Simpson's introduction to this bill which will indeed solve the problem.

Accordingly, as H.R. 2818 will resolve the longstanding issue and correct an inadvertent mapping area affecting wilderness values and restore the integrity of the Sand Mountain Wilderness Study Area, we support the bill and look forward to any questions the Committee may have.

Mr. Chairman, that concludes my testimony.

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

[The prepared statement of Mr. Finfer follows:]

Statement of Lawrence A. Finfer, Assistant Director, Communications, Bureau of Land Management, U.S. Department of the Interior, on H.R. 2818

Thank you for the opportunity to testify today on H.R. 2818, an act to convey certain public lands in the Sand Mountain Wilderness Study Area (WSA) in the State of Idaho to resolve an occupancy encroachment dating back to 1971. The Department supports H.R. 2818 as its enactment will resolve a long-standing problem involving the Sand Mountain Resort which has impacted the Bureau of Land Manage-

ment's (BLM) efforts to effectively manage the lands located within the WSA. We thank Representative Simpson for his sponsorship of H.R. 2818 and his efforts to remedy this problem.

Background

The Sandhills Resort is situated on a 5 acre parcel located in St. Anthony, Idaho. The Resort was established in 1971 when the current owner purchased an abandoned resort facility originally constructed in 1953. The Resort is located within the current boundaries of the Sand Mountain WSA and is completely surrounded by public lands. When the WSA boundary was approved in 1981, it included 10.23 acres that contained, among other things, the Resort's existing access road. At the time, neither the BLM nor the Resort owner realized that some of the resort's buildings, utilities and facilities were located within the 10.23 acres. However, a Cadastral survey was completed in 1997, which revealed that a majority of the resort's facilities, including showers and restrooms, storage buildings, garage, improved camp sites, and most of the owner's residence is located on public land within the WSA.

As a result of this discovery, since June of 1998, the BLM has issued a land use permit to the Resort. However, the permit, which must be renewed every three years, is a temporary measure to allow for continued operation of the Resort without unduly impacting the land owner and his business. H.R. 2818 seeks to effectuate a permanent solution to this problem, thereby obviating the need for issuing and renewing the land use permit.

Bill Provisions

H.R. 2818 authorizes the Secretary of the Interior to convey the 10.23 parcel of land in question to the owner of the Resort for fair market value as determined by a qualified land appraisal. In order to facilitate the conveyance, the bill also exempts the parcel from the requirements of the Interim Management Policy for Lands Under Wilderness Review of the BLM and authorizes the Secretary to require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

Conclusion

The owners of the Resort have had a long and positive relationship with the BLM, as do the many off-highway vehicle users that frequent the Resort and the surrounding public lands in the Sand Mountain area. H.R. 2818 would resolve the long-standing issue surrounding the Resorts encroachment on public lands, would correct an inadvertent mapping error affecting wilderness values, and would restore the integrity of the Sand Mountain Wilderness Study Area. While H.R. 2818 has the positive benefit of resolving long-term management issues, it also enhances the cooperative partnerships and relationships with the constituents that use the public lands in this area for recreation and other approved uses.

This concludes my testimony. I would be happy to answer any questions.

Mr. RADANOVICH. Next, Ms. Gloria Manning with the U.S. Forest Service. Gloria, welcome and please begin your testimony.

**STATEMENT OF GLORIA MANNING, ASSOCIATE DEPUTY CHIEF
FOR THE NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE**

Ms. MANNING. Thank you for inviting me to discuss H.R. 3936. It would designate a series of existing and planned roads and trails in and around the Wasatch-Caches National Forest in Utah as the Shoshone National Recreation Trail.

The Forest Service, the Bureau of Land Management, the State of Utah and local governments and other groups and individuals have been working for some time to establish the Shoshone Trail. Because H.R. 3936 is consistent with existing authority that allow the Secretaries of Interior and Agriculture to designate the existing portions of this trail system, and with land owner approval, those portions not on Federal lands, as a national recreation trail, we support enactment of this bill.

H.R. 3936 would provide motorized recreational opportunities in northern Utah by designating a system of approximately 337 miles of off-road-vehicle roads and trails as the Shoshone National Recreation Trail. From our viewpoint, this makes sense. OHV is an important and increasing demand on public lands that, when properly planned and monitored, can be accommodated without significant resource damage. Established OHV roads and trails meet the demand for this form of recreation by potentially decreasing unauthorized use in more sensitive areas.

The Forest Service, along with our Federal, State and local partners, have been working to establish an OHV trail system. In my written testimony, I discuss the specific trail knowledge and ownership; those figures were based upon preliminary estimates and do not reflect any additional miles currently under consideration for designation. We will work with our partners and the Subcommittee to clarify which roads and trails will be included in the designation.

To be fully successful in this endeavor, several issues, including public access to roads and trails that cross both public and private lands, will need to be explored in the coming months; and support from local communities is critical. The good news is that the State of Utah is working closely with the Forest Service, and the local communities have written letters in support of the Shoshone National Recreation Trail.

Challenges for the future include providing access to the trail from local communities. As the population of northern Utah has grown, so has the demand for various forms of recreation, including OHV opportunities. Many of the foothills and private lands adjacent to the National Forest System lands have been developed, and in many cases public lands are not accessible.

The completed trail, as envisioned by H.R. 3936, will require, for any future expansion, acquisitions and new rights of way and easements.

We cannot do this alone. We must develop partnerships with the State, county and municipal jurisdictions to ensure that public access is secured before development of any future trail occurs, since it often becomes impossible to acquire access after those areas are fully developed. In addition, successful management of this trail will require coordination with State and local jurisdiction, especially in areas of regulation that govern OHV use.

Mr. Chairman, we realize that the National Forest System lands in northern Utah play a significant role in providing outdoor recreation opportunities. However, in the context of all land ownership, we are only a small part of the whole. A large percentage of the land is in private ownership and close working relationship with private landowners and local governments would be required to fully implement the Shoshone National Recreation Trail. We are pleased to work with members of the Committee, other Federal agencies and officials from the State of Utah, as well as local governments, to provide varied recreational opportunities and to ensure that the natural resources are managed appropriately.

We support the enactment of this bill. This concludes my testimony, and I will be happy to answer any questions you may have.

Mr. RADANOVICH. Thank you very much, Ms. Manning.

[The prepared statement of Ms. Manning follows:]

**Statement of Gloria Manning, Associate Deputy Chief, Forest Service,
U.S. Department of Agriculture, on H.R. 3936**

Mr. Chairman, thank you for inviting me here today to discuss H.R. 3936. I am Gloria Manning, Associate Deputy Chief, National Forest System.

H.R. 3936 would designate a series of existing and planned roads and trails on and around the Wasatch-Cache National Forest in Utah, as the Shoshone National Recreation Trail. The Forest Service, Bureau of Land Management, State of Utah and local governments, and other groups and individuals have been working for some time to establish the Shoshone Trail. Because H.R. 3936 is consistent with existing authority that allows the Secretaries of the Interior and Agriculture to designate the existing portions of this trail system, and with landowner approval, those portions not on Federal lands, as a National Recreation Trail, we support enactment of this bill.

H.R. 3936 would provide motorized recreation opportunities in northern Utah by designating 337 miles of existing OHV (Off Highway Vehicle) roads and trails as the Shoshone National Recreation Trail. From our viewpoint this makes sense. OHV use is an important and increasing demand on public lands, that when properly planned and monitored, can be accommodated without significant resource damage. Established OHV roads and trails meet the demand for this form of recreation while potentially decreasing unauthorized uses in more sensitive areas.

The Forest Service, along with our Federal, State, and local partners has been working to establish an OHV trail system. Currently under consideration in the ongoing effort to establish the Shoshone Trail are the 337 miles of existing roads and trails that now permit OHV use and would be designated the Shoshone National Recreation Trail under H.R. 3936. Lands involved include 199 miles of National Forest System roads, all of which currently allow OHV use, Bureau of Land Management roads, State of Utah roads, and private and county roads.

To be fully successful in this endeavor, several issues, including public access to roads and trails that cross both public and private lands, will need to be explored in coming months, and support from local communities is critical. The good news is that many communities are already working to develop motorized recreation opportunities. Examples of on-going planning can be seen in Box Elder County in Northern Utah, Cache County near Logan, and the Wasatch Front counties of Weber and Davis.

Challenges for the future include providing access to the trail from local communities. As the population of northern Utah has grown, so has the demand for various forms of recreation, including OHV opportunities. Many of the foothills and private lands adjacent to National Forest System lands have been developed, and in many cases, public lands are not accessible.

The completed trail, as envisioned by H.R. 3936, will require the acquisition of new rights of way and easements. We cannot do this alone. We must develop partnerships with the State, county, and municipal jurisdictions to ensure that public access is secured before development occurs, since it often becomes impossible to acquire access after those areas are fully developed.

In addition, successful management of this trail may require state and local jurisdictions to carefully consider the impact of their regulations that govern OHV use. For example, those communities along the Wasatch Front that become integral portals to the trail system may also permit ATV use on city streets, as currently allowed by the community of Richfield.

Mr. Chairman, we realize that National Forest System lands in northern Utah play a significant role in providing outdoor recreation opportunities. However, in the context of all land ownership, the National Forest System is only a part of the whole. A large percentage of the land is in private ownership and close working relationships with private landowners and local governments would be required to fully implement the Shoshone National Recreation Trail.

We are pleased to work with Members of this Committee, other Federal agencies and officials from the State of Utah, as well as local governments to provide varied recreation opportunities and ensure that natural resources are managed appropriately.

This concludes my testimony. I will be glad to answer any questions you may have.

Mr. RADANOVICH. We will hear from Mr. Smith and open up the panel for questions.

Mr. Smith, welcome and again please keep your testimony to 5 minutes.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR**

Mr. SMITH. Mr. Chairman, thank you. I will submit testimony in full, and I will summarize from it. Thank you for the opportunity to present the Department of the Interior's views on H.R. 1906, a bill to adjust the boundaries of Pu'uhonua O Honaunau National Historical Park, and I will defer that pronouncement to the Congresswoman and to you.

Mr. RADANOVICH. Patsy, he butchered it.

Mr. SMITH. And I knew I was going to, Mr. Chairman.

The Department supports H.R. 1906, if amended in conformance with this testimony. The legislation will adjust the authorized boundary of the national historical park to include the remainder of Ki'ilae Village and other adjoining lands within the park.

The proposed expansion is located on lands immediately adjacent to, but outside, the park boundary and would add approximately 805 acres to the 182 acres already within the park. About one-half of the proposed new acreage, about 413 acres, contains known important physical remains of the Native Hawaiian culture associated with this national historical park.

The Department previously testified in support of S. 1057, a similar bill that passed the Senate on October 17, 2001. That bill would add only 238 acres to the 182 acres already within the park and would authorize the addition of an additional 165 acres by donation if the lands were ever acquired. In light of the National Park Service's interest in protecting the entire Ki'ilae Village and its archeological resources, we recommend that H.R. 1906 be amended to incorporate the language of the Senate-passed bill.

The Congresswoman has described the historical significance of this national historical park, and so I will not repeat that.

In 1992, a boundary study was prepared for the park. Both the master plan and the boundary study called for adding, quote, "the balance of Ki'ilae Village to the park." up until last year, the property was unavailable because its ownership was not clear. The three heirs to the property have now settled the ownership issue thereby clearing the way for the Park Service to acquire the land.

This bill, if amended, would allow the boundary of the park to be expanded to protect this significant cultural resource. In light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park System before incurring additional financial burdens, it is encouraging to note the present owner of the land authorized for acquisition in the Senate-passed bill may consider donating one portion of the property to the National Park Service; while the other portion would be available for purchase, and that parcel has been appraised.

Funds to purchase this property would be subject to NPS service-wide priorities and the availability of appropriations. Since no development is contemplated within the boundary adjustment area, no line item construction or significant development costs are anticipated for this historical park, although there would be some

one-time costs after acquisition to conduct an inventory of archeological resources and remove non-native vegetation. We do not expect an increase to the park's base operating budget.

There is strong local support to include these resources within the national historical park, and it reflects a high level of cooperation, consultation and the strong commitment of local communities and governments toward the park. The local support for land acquisition and the potential donation of a portion of this land are important parts of the Department's decisions to support this legislation.

Mr. Chairman, that concludes my statement, and I look forward to answering any questions the Committee may have.

Mr. RADANOVICH. Thank you, Mr. Smith.

[The prepared statement of Mr. Smith follows:]

Statement of P. Daniel Smith, Special Assistant to the Director, National Park Service, U.S. Department of the Interior, on H.R. 1906

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1906, a bill to adjust the boundaries of Pu'uuhonua o Honaunau National Historical Park, in the State of Hawaii.

The Department supports H.R. 1906, if amended in conformance with this testimony. The legislation will adjust the authorized boundary of Pu'uuhonua o Honaunau National Historical Park to include the remainder of Ki'ilae Village and other adjoining lands within the park. The proposed expansion is located on lands immediately adjacent to, but outside the park boundary, and would add approximately 805 acres to the 182 acres already within the park. About one-half of the proposed new acreage contains known important physical remains of the native Hawaiian culture associated with the Pu'uuhonua o Honaunau.

The Department previously testified in support of S. 1057, a similar bill that passed the Senate on October 17, 2001. That bill would add only 238 acres to the 182 acres already within the park and would authorize the addition of another 165 acres by donation if the lands were ever acquired. In light of the National Park Service's interest in protecting the entire Ki'ilae Village and its archaeological resources, we recommend that H.R. 1906 be amended to incorporate the language of the Senate-passed bill.

Ki'ilae is an ancient Hawaiian settlement dating back to the late 12th or early 13th centuries. The settlement remained active until the 1930's, making it one of the last traditional Hawaiian villages to be abandoned. The proposed boundary adjustment consists of adding lands containing the archaeological remains of this Hawaiian village. Lands to be added to the park contain more than 800 archaeological sites, structures and features. These include at least 25 caves and 10 heiau (Hawaiian temples), more than 20 rock platforms, 26 rock wall enclosures, over 40 burial features, residential compounds, a holua (recreational slide used by Hawaiian royalty), canoe landing sites, a water well, numerous rock walls and a wide range of agricultural features.

The proposed expansion dates back to a 1957 archaeological survey conducted by the Bishop Museum. This survey found that the greater part of the ancient village of Ki'ilae, as well as other significant Hawaiian archaeological resources, were left outside of the park boundaries established by Congress in 1955. Pu'uuhonua o Honaunau's 1972 Master Plan identifies Ki'ilae Village as one of the park's major resources and the master plan graphics show village remains extending well beyond the existing park boundaries. In 1992, a boundary study was prepared for the park. Both the master plan and the boundary study call for adding the "balance of Ki'ilae Village" to the park. Up until last year, the property was unavailable because its ownership was not clear. The three heirs to the property have now settled the ownership issue, thereby clearing the way for the Park Service to acquire the land. This bill, if amended, would allow the boundary of the park to be expanded to protect this significant cultural resource.

In light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park System before incurring additional financial burdens, it is encouraging to note that the present owner of the land authorized for acquisition in the Senate-passed bill may consider donating one portion of the property to the National Park Service, while the other portion would be available for purchase and has been appraised at \$4.6 million. Funds to purchase this property

would be subject to NPS servicewide priorities and the availability of appropriations. Since no development is contemplated within the boundary adjustment area, no line item construction or significant development costs are anticipated, although there would be some one-time costs after acquisition to conduct an inventory of archaeological resources and remove non-native vegetation. We do not expect an increase to the park's base-operating budget.

There is strong local support to protect and include these resources within the Pu'uhonua o Honaunau National Historical Park, and it reflects the high level of cooperation, consultation, and strong commitment of local communities and governments toward the park. Local support for land acquisition projects is an important part of the Department's support for this legislation.

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

Mr. RADANOVICH. And I want to thank every member of the panel, and we will go ahead and open up for questions. Since our ranking member is not here, Patsy, would you like to do the first round?

Mrs. MINK. Just a question with respect to my bill. I had understood that one portion had already been purchased by the land trust and is being held for subsequent purchase by National Park Service; is that incorrect information that I have?

Mr. SMITH. My understanding is that TPL is in very near negotiations for the acquisition of that one parcel. I do not know the exact details of that, but I know they are very involved, and if they haven't actually done the final—they may be waiting for action here, but they are in very serious negotiation, and I believe they have reached agreement on the cost.

I can provide that for the record, Mr. Chairman, if that would be acceptable.

Mrs. MINK. Thank you very much.

Mr. RADANOVICH. Thank you.

Mr. RADANOVICH. Any other questions from the panel, Mr. Simpson or Mr. Duncan?

Mr. DUNCAN. Mr. Smith, I noticed in your oral statement, you left out something that is in your written statement and that is that this property was appraised. But in your written statement, it said appraised for 4.6 million.

Mr. SMITH. That is correct. That is an old habit. I don't believe in divulging appraisals. It comes from my time at GSA, and until somebody signs on the bottom line—it has been appraised at 4.6 million and that was submitted in my formal testimony, but I decided to leave it out of my summary.

Mr. DUNCAN. The Senate bill only authorized 500,000, or has authorized such sums as may be necessary, but somewhere there is 500,000—I guess in the last appropriations bill; is that correct?

Mr. SMITH. Congressman, I do not know the details of what the Senate bill has actually appropriated. I can find that for the record.

Mr. DUNCAN. There is a big difference between 500,000 and 4.6 million is the only thing I am wondering about.

Mr. SMITH. And I do not have that included in my briefing here.

I did not testify on the Senate bill last year, and I am not aware of what the appropriators have done on that side of the Congress.

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

Mr. RADANOVICH. Thank you very much.

Any other questions of this panel? I do have one question for Ms. Manning.

Do you believe by directing OHV traffic into, you know, designated or appropriated places, does that help with unauthorized OHV traffic in areas that are not designated? Does it kind of help to concentrate it?

Ms. MANNING. Yes. In most of our forests we do have designated trails, and usually the public abides by it. We have some people, like always, who won't; but in most cases, they just want a place to use their OHV vehicles.

Mr. RADANOVICH. Very good. Thank you.

And I want to thank the panel very much for your testimonies. And we will go ahead now and move on to the last, third panel.

Mr. RADANOVICH. On our third panel, we have Mr. Gene Williams with the Sandhills Resort, Inc., in Saint Anthony, Idaho; Mr. Dave Morrow, Deputy Director of the Division of Parks and Recreation in the Utah Department of Natural Resources; and Mr. Bryce Nielson, County Commissioner from Rich County, Utah. Gentlemen, welcome.

Mr. RADANOVICH. Mr. Williams, we will start with you. And again, if you could limit your testimony to 5 minutes, that would be terrific. We appreciate the fact that you are here today and we are anxious to hear what you have to say. You may begin.

**STATEMENT OF GENE WILLIAMS, SANDHILLS RESORT, INC.,
ST. ANTHONY, IDAHO**

Mr. WILLIAMS. Thank you. Gene Williams. My wife, Shirley Williams, over here. The reason I mention that is because wives are always the backbone of a company.

First, I would like to thank you for the opportunity to testify today on H.R. 2818. I am in full support of H.R. 2818 as it enables me to purchase land that I have already developed into my resort.

I own land adjacent to the Saint Anthony Sand Dunes, which is called the Sandhills Resort. I purchased this land in 1972. In 1981, the Bureau of Land Management conducted a wilderness study and included portions of what I thought was my property. When I purchased the site, the current owner and the original owner of the land, Freemont Fulmer, who purchased the land in 1955 from the Department of the Interior, confirmed the property boundaries. However, in 1992, a new survey was taken and the new property lines went right through our home and excluded our garage, the driveway, resort facilities, the improvements to the land, telephone lines.

The Bureau of Land Management has been able to sell the acreage—has been trying to sell the acreage in question back to me. But because of the wilderness study area that surrounds it, they have not been able to do that. I am unable to sell, refinance or make improvements to the land because of encroachment and wilderness study issues.

Here I am, without any of the things I had built for the last 30 years of my life. My title to my property is clouded. I cannot sell, get a loan on the property or make any improvements, as the wilderness study area is crowding me in.

My family and I have worked all our lives to build this resort. We have made improvements and beautified the area for recreationalists. Under the 1992 survey, my land extends into the middle of the sand dunes, instead of where I have built facilities, which is entirely useless. It drops off the lava flow and back into living sand dunes that, during this last windstorm a couple of days ago, had to have moved at least 8 to 10 feet.

It is imperative to our livelihood and the livelihood of this resort that I am able to purchase this land that I have worked on, lived on and improved all my life.

This park has been in public use for many years, and due to its location, proximity—near two rural towns and on the route to Yellowstone and Island Park—it has become a familiar and popular family vacation area. As you can see from the pictures, I have maintained and improved the integrity of the park to coincide with the wilderness surroundings. It is an easily accessible, safe place for families to come and play on the sand.

Again, I thank you for the opportunity to testify about the purchase of this land. This parcel of 10.23 acres, as it now stands, is useless as wilderness study area, but full of use for many multiple-use recreationalists, my family and me. It is a win-win situation for the Bureau of Land Management and the constituents of Idaho. This land was included in the wilderness study area of 1981 by accident, and should not be held captive for that mistake.

I would like to make one last comment that when Fremont Fulmer purchased this land—it is an L-shaped piece of property—he purchased it as an “L” shape on purpose, the biggest portion of the “L” being on top of a flat lava rock cliff. That included the parking area and the area where I now have all my facilities.

Off of the edge of the cliff, he built a swimming pool; that was a little tail of the L-shaped piece of property. He did that on purpose, rather than buying a square, because it gave him better use of the top of the flat lava rock, and that is the area that we no longer have. It is all out in the sand dunes now.

Your time efforts and votes are appreciated, and I would like to thank you for that matter. And that is the end of my testimony. Thank you.

Mr. RADANOVICH. Thank you very much, Mr. Williams. We appreciate your testimony.

[The prepared statement of Mr. Williams follows:]

**Statement of Gene Williams, Owner and Operator of the Sandhills Resort,
St. Anthony, Idaho, on H.R. 2818**

First, I would like to thank you for the opportunity to testify today on H.R. 2818. I am in full support of H.R. 2818, as it enables me to purchase land that I have already developed into my resort. I own land adjacent to the Saint Anthony Sand Dunes, which is called the Sandhills Resort. I purchased this land in 1972. In 1981 the Bureau of Land Management conducted a Wilderness Study and included portions of what I thought was my property.

When I purchased this site, the current owner and the original owner of the land, Fremont Fulmer, who purchased the land in 1953 from the Department of the Interior, confirmed the property boundaries. However, in 1995 a new survey was taken and the new property lines went right through our home and excluded our garage, the driveway, resort facilities, and improvements to the land. The Bureau of Land Management has been working to sell the acreage in question back to me, but because of the wilderness study area that surrounds it they have not been able to. I am unable to sell, refinance, or make improvement to the land because of

encroachment and wilderness study issues. I am left without any of the things I had built for the last 20 years. The title to my property is clouded and I cannot sell, get a loan on the property or make any improvements due to the wilderness study area crowding me in.

My family and I have worked all our lives to build this resort. We have made improvements and beautified the area for recreationalists. Under the 1995 survey, my land extends into the middle of the sand dunes instead of where I have built facilities, which is entirely useless. It is imperative to our livelihood and the livelihood of this resort that I am able to purchase this land that I have worked on, lived on, and improved all my life.

This park has been in public use for many years and due to its location proximity near two rural towns and en route to the Island Park—Yellowstone area, it has become a familiar and popular family vacation area. As you can see from the pictures, I have maintained and improved the integrity of the park to coincide with the wilderness surroundings. It is an easily accessible safe place for families to come and play on the sand.

Again, I thank you for this opportunity to testify about the purchase of land. This parcel of 10.23 acres as it now stands is useless as a wilderness study area and full of use for many multiple use recreationalists, my family, and me. It is a win-win situation for the Bureau of Land Management and the citizens of Idaho. This land was included in the Wilderness Study Area of 1981 by accident and should not be held captive because of that mistake. Your time, effort, and vote on this matter are appreciated.

[A map attached to Mr. Williams' statement follows:]

Mr. RADANOVICH. Mr. Morrow, welcome to the Committee. Please begin your testimony.

**STATEMENT OF DAVID K. MORROW, DEPUTY DIRECTOR,
DIVISION OF PARKS AND RECREATION, UTAH DEPARTMENT
OF NATURAL RESOURCES**

Mr. MORROW. Thank you, Mr. Chairman. I appreciate the opportunity to be here representing the Department of Natural Resources. And it is also nice to get out of Utah where we have about 4 inches on the ground.

Mr. RADANOVICH. Welcome to 90 degrees.

Mr. MORROW. A little warmer here.

It is nice to be here because it has taken a lot of work and a great cooperative effort between the Federal Government, the State and the local communities to be at this point in time.

OHV use across the country and in the State of Utah is nothing new, but it is rapidly expanding. Clear back in 1972, President Nixon passed an executive order that required the establishment of policies and procedures to ensure the use of off-road vehicles on public lands would be controlled, directed so as to protect the natural resources. Thirty years later, now, many of us that are in the land management business still have not met those goals and objectives.

In the State of Utah alone there are 130 off-highway vehicles, and that number has increased since 1997 by about 197 percent. Nationwide, they are increasing at 27 to 30 percent annually. With the growth of OHV users, they are seeking more and more opportunities to ride. And in the State of Utah, which is approximately two-thirds publicly owned, those areas that OHV users are seeking are the public lands.

In an attempt to find a proactive solution to the growing number of OHV users, the Department of Natural Resources, the Forest Service and local communities looked at establishing a trail riding system in the northern part of the State. That system is what we are hearing today before the Committee.

The system is comprised of about 337 miles of trails already open and designated for motorized use in both BLM and the Forest Service travel plans. There is an option for another 172 miles of trails that could be added in the future, that are now on existing roads, but not currently open to OHV travel and use.

The Shoshone National Recreation Trail, as proposed, is a well-thought-out effort, and it has involved, as I indicated, a strong degree of cooperation between Federal, State and local agencies. We have received the endorsement of all four counties that surround the trail system and nearly 16 communities that would be affected by the development of this trail opportunity.

The proposed trail system is, as I mentioned, located on existing roads already designated as motorized. We would ask the Committee to strongly consider a favorable ruling on this bill. It is a proactive measure to take to create both riding opportunities and better organize existing motorized use on a log area of the Cache National Forest.

Again, I appreciate the opportunity to speak to you on behalf of the Department of Natural Resources and ask the Committee to

consider a favorable vote on this bill. And that concludes my testimony. Thank you.

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

[The prepared statement of Mr. Morrow follows:]

**Statement of David K. Morrow, Deputy Director of Operations,
Utah Department of Natural Resources, Division of Parks and
Recreation, Salt Lake City, Utah**

Mr. Chairman, Members of Congress, I thank you for the opportunity to address you today.

The Shoshone National Recreational Trail System, a 337-mile proposed trail system in Northern Utah, provides an excellent opportunity to balance the needs of the area's rapidly expanding number of off highway vehicles (OHV-ATV's and motorcycles) while at the same time protecting the natural resources of the lands affected. Past land use activities such as ranching, mining, and timber harvesting left thousands of miles of old roads and trails that are being discovered by OHV enthusiasts. Some of this use is appropriate and some is not.

This proposal will effectively identify, designate, sign and map a trail system. It will provide outstanding riding experiences on routes that can be managed and maintained while simultaneously provide protection for the area's outstanding resources.

It is estimated that there is a total of 130,000 OHV's, both registered and unregistered, for the state. Over 50 percent of registered machines are from counties north of Salt Lake City. The number of registered OHV's have risen 197% in Utah just since 1997. OHV sales have increased nationally at 27-30 percent per year for the last five years. The increase in OHV sales is increasing much faster than the identification of appropriate riding areas.

With this growth, OHV users are seeking more opportunities. Since approximately two-thirds of all Utah lands are publicly managed, the riding public naturally turns to us. Results from a user survey conducted by Utah State University for the Division Parks and Recreation in 2001 captured these concerns:

- 1) Of the more important issues affecting OHV use in Utah was "having enough places to ride," followed by "closing off too many areas."
- 2) The average one-way distance traveled to get to an appropriate place to ride an OHV is about 100 miles.
- 3) The U.S. Forest Service and Bureau of Land Management should, "Recognize that trails and roads are an important aspect of recreation and should be given a high priority for inventory, signing, development of loop trails, and improving trail access."
- 4) Remote ATV trails make special places available to many types of individuals including children and should receive more emphasis by Federal and state land managers.
- 5) Unregulated use leads to resource degradation, user conflicts and reduces the quality of the recreational experience.
- 6) Riding on established roads and trails is the most popular with OHV owners.

In an attempt to find proactive solutions to these issues, the Utah Department of Natural Resources was asked to identify motorized riding opportunities in the northern part of the state, similar to the opportunities that are provided by the Paiute Trail. The Utah Division of Parks and Recreation, a division of the Department of Natural Resources, is responsible for the administration of the state's off-highway vehicle program and enforcement of state laws regarding use of these vehicles, and as such the division was asked to take the lead role.

The Paiute Trail is a motorized trail system that was developed in central Utah in the late 1980s. The system, now recognized nationally as a model for proactive OHV management on public lands, has 587 miles of designated trails that link 12 communities, two state parks, the Great Western Trail and many other points of interest. In addition there are sixteen participating communities that are connected to the trail system. The Paiute Trail became the model for the proposed Shoshone National Recreation Trail System.

The Paiute Trail grew from very humble beginnings out of the very small central Utah community of Circleville in 1988. Two friends; one an employee of the Forest Service the other a Paiute County commissioner, sat on the tailgate of a pickup truck talking about the latest access challenges to their favorite hunting spots as the Forest Service was going to close down a major access road to ATV use. The two, not to be denied access, devised a plan to develop an alternative to closure.

Their plan was endorsed by the Forest Service, Bureau of Land Management and later the Utah Division of Parks & Recreation. The Paiute Trail has grown in popularity now serving over 60,000 riders annually. The annual Paiute Trail Jamboree attracts approximately 800 participants, 60 percent from out-of state. There are many positive things attributed to the trail, but perhaps the most important is its role in providing a proactive solution to the mis-use of public lands yet provides riding opportunities for a growing segment of recreational users.

Representatives from the Utah Department of Natural Resources, U.S. Forest Service, Bureau of Land Management, OHV enthusiasts met over a 2-3 month period to identify trail riding opportunities, similar to those experienced on the Paiute Trail. The group was also encouraged to identify existing trails and roads, ones used but perhaps not properly maintained for OHV use. The group focused its attention on an area of the state that was within easy driving distance from the majority of registered users in northern Utah and was already being utilized as a winter snowmobile trail system.

The first conceptual plan was very promising: the group identified 337 miles of existing and open roads and trail, 172 miles of existing routes not designated open but possibly available by agreement, and found that only 12 miles to trail that would need to be constructed. The majority of the proposed trail system was located on U.S. Forest Service and Bureau of Land Management administered land, accessible to four counties and almost sixteen communities. The Federal agencies responsible for administering the area previously identified the proposed routes in their travel plans and were in support of this conceptual plan. A few modifications were made, both additions and a few deletions that enabled the group to achieve the needed approval from land management agencies.

A series of community meetings were scheduled in each of the four counties adjacent to the trail: Rich, Cache, Box Elder and Weber. The meetings allowed community leaders and interest groups to review the conceptual plan, provide input, and voice their support. Representation at the meetings included, county commissioners, mayors, city council members, motorized and non-motorized trail users, environmental groups and other state and Federal land managers. The proposal met with unanimous support. Even those who were against OHV use, viewed the proposed trail system as being positive. One participant commented, "Perhaps more developed trail riding opportunities would decrease the impact on more sensitive areas." A non-motorized trail user commented, "perhaps more motorized trail opportunities would reduce conflicts with non-motorized trail users."

In each meeting the majority of participants viewed the creation of the trail as a proactive way to address the growing demand for motorized riding opportunities. The rural communities praised the plan for its potential economic benefit, citing the rural communities located near the Paiute Trail as positive examples of what could be achieved. It was noted, that Marysvale, a small central Utah town, had benefited significantly from the creation of the Paiute Trail. In the late 1980's Marysvale had only two businesses, now with the addition of the trail, boasts of over 20 businesses. The Marysvale Chamber of Commerce states that, "Because of the Paiute ATV Trail, we have become a destination community." The Sevier County Travel Council boasts, "The Paiute ATV Trail has become the most important tourist attraction in our County. The trail not only brings thousands of ATV riders to our area, it also provides access to some of the most beautiful recreation areas in the state...and well over \$4 million is injected into the County annually."

In the two weeks prior to presenting this testimony in favor of creating the Shoshone National Recreational Trail, the Department of Natural Resources received letters of endorsement for its establishment from each of the four counties that are adjacent to the proposed trail. A letter of support from the Utah State Institutional Trust Lands Administration (SITLA), committing the use of roads and trails that cross lands under their jurisdiction was also provided. (see attachments provided)

The Shoshone National Recreation Trail provides a rare opportunity to satisfy a growing segment of recreational users in a way that assists land management agencies to better protect our natural resources. There is no major opposition in part due to the thoughtful and prudent manner in which the trails were identified. The majority of the proposed routes are open to OHV use and are already identified in Forest Service and BLM access plans. Lands identified as desired routes but not yet approved can be added at a future date in accordance with the National Trail System Act. If the desired additions involve private property, the additions can only be made with the approval of the owner of the land upon which the trail is to be located.

The Shoshone National Recreation Trail bill is one we enthusiastically ask you to recommend favorably. Executive Order 11644 made by then President Nixon, requires the establishment of policies and procedures that would ensure that the use

of off-road vehicles on public lands would be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands (Nixon, 1972). Thirty years later, public land managers have yet to fully address OHV use on public lands through these measures. The National Trails System Act is an option that is consistent with the objectives to more effectively manage OHV use. More importantly, it is a widely supported opportunity to meet the demands on an increasingly popular recreational activity while protecting (our) valuable resource base.

[Attachments to Mr. Morrow's statement follow:]

COUNTY COMMISSIONERS
Scott Hansen
Royal K. Norman
Suzanne Rees



OFFICERS
Brock K. Harbo, COUNTY AUDITOR
Tammie Adams, COUNTY CLERK/RECORDER
Loren Johnson, COUNTY SHERIFF
Jim J. Burdickson, COUNTY ATTORNEY
Monte E. Mathews, COUNTY ASSESSOR/RECORDS
Thomas Belding, COUNTY SHERIFF
Kevin R. Christensen, COUNTY JUDGE

April 2, 2002

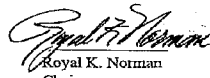
Courtland Nelson, Director
Utah Division of Parks and Recreation
P.O. Box 146001
1594 West North Temple
Salt Lake City, Utah 84114-6001

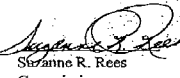
Dear Mr. Nelson:

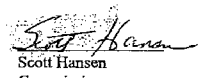
The Box Elder County Commission endorses the inclusion of routes or portions of routes under the jurisdiction of the County on the map dated April 5, 2002, for the proposed Shoshone National Recreational Trail System. We authorize the use of these routes for off-highway vehicle use, but reserve the right to dictate the conditions of this use at a later date.

The County endorses the concept of the trail system and looks forward to the time when it is in place to serve the citizens of the State.

Sincerely,


Royal K. Norman
Chairman


Suzanne R. Rees
Commissioner


Scott Hansen
Commissioner

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR
120 NORTH 100 WEST
LOGAN, UTAH 84321
Tel 435-716-7171
Fax 435-716-7172

April 4, 2002

COUNTY COUNCIL
C. LARRY ANHDER
CHAIRMAN
LAYNE M. BECK
V. CHAIRMAN
DARREL L. GIBBONS
H. CRAIG PETERSEN
CORY YEATES
JOHN A. PANSEN
KATHY ROBISON
JILL N. ZOLLINGER
CLERK

Courland Nelson, Director
Utah Division of Parks and Recreation
P.O. Box 146001
1594 West North Temple
Salt Lake City, Utah 84114-6001

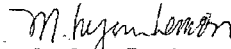
Dear Mr. Nelson:

Cache County endorses the inclusion of routes or portions of routes under the jurisdiction of the county shown in red on the map dated April 5, 2002 for the proposed Shoshone National Recreational Trail System. We authorize the use of these routes for off-highway vehicle use, but reserve the right to dictate the conditions of this use at a later date.

The County endorses the concept of the trail system and looks forward to the time when it is in place to serve the citizens of the state.

Sincerely,


C. Larry Anhder, Chairman
Cache County Council


M. Lynn Lemon, Executive
Cache County Corporation

Rich County

20 SOUTH MAIN
RANDOLPH, UTAH 84004

Pamela Shaul, *Clerk/Auditor* (435) 793-2415
FAX (435) 793-2410
Debra Lee Adams, *Recorder* (435) 793-2005
Kim Wilson, *Assessor* (435) 793-5215
Ruth T. Smith, *Treasurer* (435) 793-5155
Dale M. Stacey, *Sheriff* (435) 793-2285
Joe A. Greenleaf, *Attorney* (435) 793-2100

COMMISSIONERS
William Cox
Bryce Nelson, *Chairman*
Norman A. Weston

Date: April 3, 2002

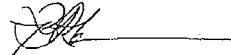
Courtland Nelson
Director
Utah Division of Parks and Recreation
P.O. Box 146001
1594 West North Temple
Salt Lake City, Utah 84114-6001

Dear Mr. Nelson:

Rich County endorses the inclusion of routes or portions of routes under the jurisdiction of the county shown in red on the map dated April 5, 2002 for the proposed Shoshone National Recreational Trail System. We authorize the use of these routes for off-highway vehicle use, but reserve the right to dictate the conditions of this use at a later date.

The County endorses the concept of the trail system and looks forward to the time when it is in place to serve the citizens of the state.

Sincerely,



Commission Chairman



FAXED
4/2/02

County Commission
Weber Center
2380 Washington Blvd.
Ogden, Utah 84401
(801) 399-8401
FAX (801) 399-8305

COUNTY COMMISSION

April 2, 2002

Kenneth A. Bischoff
Commissioner

Glen H. Burton
Commissioner

Camille T. Cain
Commissioner

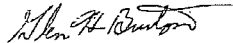
Courtland Nelson, Director
Utah Division of Parks and Recreation
PO Box 146001
1594 West North Temple
Salt Lake City, UT 84114-6001

Dear Mr. Nelson:

Weber County endorses the inclusion of routes or portions of routes under the jurisdiction of the County shown in red on the map dated April 5, 2002 for the proposed Shoshone National Recreational Trail System. We Authorize the use of these routes for off-highway vehicle use, but reserve the right to dictate the conditions of this use at a later date.

The County endorses the concept of the trail system and looks forward to the time when it is in place to serve the citizens of the state.

Sincerely,


Glen H. Burton, Chair
Weber County Commission



State of Utah
School and Institutional
TRUST LANDS ADMINISTRATION

Michael O. Leavitt
Governor
Stephen G. Boyden
Director

675 East 900 South, Suite 500
Salt Lake City, Utah 84102-2818
801-598-5100
801-355-0922 (Fax)
<http://www.trustlands.com>

April 3, 2002

Courtland Nelson, Director
Utah Division of Parks and Recreation
P.O. Box 146001
1594 West North Temple
Salt Lake City, Utah 84114-6001

Dear Mr. Nelson:

The Trust Lands Administration is excited to be a part of the proposed Shoshone National Trail System. The trail system as proposed (project map dated April 5, 2002) indicates that the trail system will only occupy existing road travel corridors on trust lands. As this does not represent any change from our current use policy, we are pleased to support this proposal. However, if future stewardship requirements or ownership adjustments are authorized, either through exchange or sale, it may be necessary to discuss right-of-way acquisition for those trail locations.

Best of luck at the Congressional Hearing later this month. Keep me posted on your progress.

Sincerely,

Stephen G. Boyden
Director

SGB:AWD:lp

cc: Bob Morgan
TLA - Surface



Gwen T. Davis
Tribal Chairman

Bruce G. Parry
Executive Director

802 South Main Street, Suite 6
Brigham City, UT 84302
+35-734-2286
Fax: 435-734-0424

E-mail: nwbands@noinid@favorites.com

Northwestern Band of the Shoshone Nation

RESOLUTION
Trails Complex

Whereas, there is a proposal being discussed about the development of a trails complex in Northern Utah that will accommodate hikers, off-road vehicles, and bicycles, and

Whereas, several names are being considered for this trails complex, and

Whereas, the Northwestern Band of the Shoshone Nation has been approached about using the name "Shoshone Trails" for the trails complex, and

Whereas, the Tribal Council feels that these trails and other trails in the area have been utilized by Shoshone Indians for thousands of years, now

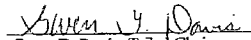
THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE NORTHWESTERN BAND OF THE SHOSHONE NATION, that the Tribe feels that the name "Shoshone Trails" would be an appropriate name for the trails complex and supports any and all efforts to select this name for the trails complex.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended and under Article VI, Sections 1 and 2 of the Constitution of the Northwestern Band of the Shoshone Nation of Washakie, Utah.

Dated this 9th day of March, 2002.

CERTIFICATION

I HEREBY CERTIFY that this resolution was passed by the vote of 7 in favor, 0 opposed, 0 abstentions, 0 absent, on the date this bears.


Gwen T. Davis, Tribal Chairman


Gaitan Martinez, Tribal Secretary

Mr. RADANOVICH. Mr. Nielson, welcome; and please begin your testimony.

**STATEMENT OF BRYCE R. NIELSON, COUNTY COMMISSIONER,
RICH COUNTY, UTAH**

Mr. NIELSON. Thank you very much, Mr. Chairman. I appreciate the opportunity to travel from a small snow-covered community in northern Utah to this wonderful Washington, D.C., to address you today.

I have been involved in local politics as a mayor and county commissioner for the last 16 years. As a native of Utah, lands and natural resources are part of my heritage and I love them dearly. In our county Federal and State lands are integral to agriculture, economy, recreation and our lifestyles.

Over my lifetime, I have seen changes in uses, attitudes and values of these lands, and I struggle with what their future will be. When the Division of Parks and Recreation approached our county to consider a proposal to create the Shoshone National Trail System, our support was immediate.

Recreation is a significant factor in Rich County. In the winter, thousand of snowmobiles visit groomed trails and the surrounding playgrounds. In the summer, boats and personal watercraft utilize Bear Lake. But unfortunately the owners of off-highway vehicles have no opportunity to ride them in a safe, well-designated trail system.

Most OHV enthusiasts respect the environment and private property and pay thousands of dollars in registration fees and property taxes, but cannot use public roads. Consequently, they end up in the wrong place at the wrong time without a trail system, frequently impacting and damaging watersheds, harassing wildlife and livestock, negatively affecting the recreational experience of others. This has created a host of present and potential problems that we, as community leaders, have not had the ability or the funding to address.

You have been provided with an excellent overview of the proposal and the existing OHV status, so I won't dwell on these facts and figures. What I will focus on: As a county commissioner, I have had the opportunity to speak to many individuals, both elected officials and citizens, about this proposal. You have before you letters of support from the four counties involved in the Shoshone Trail, and I know they are excited about the development of this system. The Rich County Commission, after reviewing the proposed trail map, supports the concept.

We have been assured there will be no taking of private land without compensation. We are aware that some of the roads may cross private property, but the county commissioners consider them right-of-use roads and as part of the trail system.

Grazing on Federal and State lands is critical to our livestock industry, and with proper planning and construction of fence crossings, the OHV riders can stay on the trail with little impact. Improvements of the existing roads should minimize accidents and provide for safer travel opportunities through these lands. Increased signage and law enforcement will impact individuals who

have no regard for the environment or other living things and hopefully they will be convinced to change their ways.

The recreational economy of Rich County is presently located on the shores of Bear Lake, but this trail system would provide some excellent opportunities for economic development in small rural communities that now only see traffic passing by on their way to somewhere else.

Finally, with the approval of this proposal, we look forward to involving all public interest in this planning and development.

I sincerely hope that this Committee will provide favorable recommendation for the Shoshone National Trail bill. It will provide the opportunity to develop relationships between the stewards of these lands, the resources and the entities that are responsible for their management and protection, and our citizens that use and cherish them.

Thank you, Mr. Chairman for the opportunity to testify on this bill.

Mr. RADANOVICH. Thank you very much, Mr. Nielson. We appreciate your testimony.

[The prepared statement of Mr. Nielson follows:]

**Statement of Bryce R. Nielson, Chairman, Rich County Commissioner,
Rich County, Utah**

Mr. Chairman, Members of Congress, I appreciate the opportunity to travel from a small, snow covered county in Northern Utah to Washington D.C. to address you today.

I have been involved in local politics as the Mayor of Garden City and as a Commissioner in Rich County, Utah for the last sixteen years. As a native of Utah, our lands and natural resources are part of my heritage and I love them dearly. In our county, the Federal and State lands are integral to our agriculture, economy, recreation and lifestyle. Over my lifetime I have seen the changes in the uses, attitudes and values of these lands and I struggle with what their future will be.

When the Division of Parks and Recreation approached our county to consider a proposal to create the Shoshone National Trail System, support was immediate. Recreation is a significant factor in Rich County. In the winter, thousands of snow-mobiles visit groomed trails and surrounding playgrounds. In the summer, boats and PWC's utilize beautiful Bear Lake. But unfortunately, the use of OHV's, which is increasing dramatically with the influx of visitors, have little opportunity to ride them in a safe, well designated trail system. Most OHV enthusiasts respect the environment and private property and they do pay thousands of dollars in registration fees and property taxes but cannot travel public roads. Consequently, they end up in the wrong place at the wrong time without a trail system, frequently impacting and damaging watersheds, harassing livestock and wildlife, and negatively affecting the recreational experiences of others. This has created a host of present and potential problems that we, as community leaders, have not had the ability or the funding to address.

You have been provided with an excellent overview of the proposal and the existing OHV recreational status, so I will not dwell on those facts and figures. What I will focus on is that as a County Commissioner, I have had the opportunity to speak to many individuals, both elected officials and citizens about this proposal. Commissioners that live within the area covered by the Piate Trail are happy to have it there and state that cooperative efforts between Federal, State and local governments and the public have resulted in positive recreational and economic opportunities. You have before you letter of support from the four counties involved with the Shoshone Trail. I cannot speak for them personally, but I know they are excited about the Shoshone Trail.

Rich County, after reviewing the current proposed trail map, is solidly behind the proposal. There were a few things we needed to be assured of before we committed. There will be no "taking" of private land without compensation to develop this system. Some roads my cross private property but the County considers them right of use (RS2477) roads which we will support as part of the trail system. Grazing on Federal and State lands is critical to our livestock industry and with proper

planning and construction of fence crossings, OHV riders and can stay where they are supposed to be. We see improvements of existing roads that will minimize accidents and provide for safer travel opportunities through these lands. We expect increased signage and funding for law enforcement, so that individuals, who have no regard for the environment or the other living things using it, will be convinced to change their ways. The recreational economy in Rich County is presently concentrated in Garden City on the shores of Bear Lake, but this trail system would provide some excellent opportunities for other rural communities that now only see traffic passing through on the way to somewhere else. Finally, with the approval of this proposal, we look forward to involving all the public interests in its planning and development.

I sincerely hope that this committee will provide a favorable recommendation for the Shoshone National Trail bill. It would provide us the opportunity to develop relationships between the stewards of these lands and their resources, the entities that are responsible for their management and protection and our citizens that use and cherish them.

Mr. RADANOVICH. We will now open up the panel for any questions, and I will defer to Mr. Udall, if you have any.

Mr. UDALL OF NEW MEXICO. I am OK.

Mr. RADANOVICH. Mike, did you have some questions?

Mr. SIMPSON. Let me first apologize for my phone going off. I forgot to put it on vibrate.

Mr. Williams, thank you for being here today. Hopefully, we can get this resolved after many, many years. And I understand, as the BLM testified, they are supportive. And welcome to Washington and I appreciate your testimony.

Mr. Nielson, let me ask you just a question that came up as I was looking at the maps of these proposed trails and so forth—well, three or four of the proposed trails kind of end at the Idaho border.

Mr. NIELSON. Uh-huh.

Mr. SIMPSON. Has there been any work with the State of Idaho to continue those throughout?

Mr. NIELSON. When we were approached by Dave's group, this was brought out because we do a lot of cooperative stuff with trail grooming and everything into Bear Lake County; however, I don't believe at this point in time—and Dave can help me on this, whether or not there has been any official contact with Idaho on this.

Mr. MORROW. There has not. The intention was to go ahead and create the Shoshone Recreation Trail, that we would work in cooperation with Idaho to extend it in the future. The Commissioner mentioned that we have a very positive relationship in the winter months on a snowmobile trail, and we would hope to extend the summer trail in the same manner.

Mr. SIMPSON. Thank you.

Mr. RADANOVICH. Thank you, Mr. Simpson.

Any other questions of the panel?

I do have two quick questions of Mr. Morrow. Has there been a lot of input from elected leaders, local elected leaders that are affected—let us start this over again.

Has there been any input from elected leaders from the affected areas of this designation?

Mr. MORROW. There has. We held community meetings in each of the four counties that are adjacent to the trail system, and in those meetings, we had city councilmen, county commissioners, users and representatives from the community. And in all of those

meetings we received unanimous support for the proposed trail system.

Mr. RADANOVICH. It is safe to say there is extensive local support for the project?

Mr. MORROW. There is.

Mr. RADANOVICH. Mr. Nielson, of this designation, are all the local counties supportive of it as well?

Mr. NIELSON. I met with all of the county commissioners from the four counties, and they all support it and are really quite excited about it. I think it provides some opportunities for these counties to get some connectivity that will help the area; and the local mayors are excited about it, and I hope to be able to see it to fruition.

Mr. RADANOVICH. I want to welcome the people that have just come here, but we are about ready to adjourn the meeting. Forgive us, but it did go rather smoothly today.

Gentlemen, I want to thank you for your testimony and there being no further questions, this hearing is closed.

[Whereupon, at 10:50 a.m., the Subcommittee was adjourned.]

A statement from The Wilderness Society et al., submitted for the record by The Honorable George Radanovich follows:]

Statement on Behalf of The Wilderness Society, Natural Trails and Waters Coalition, Sierra Club, Wild Utah Project, Save Our Canyons, and Southern Utah Wilderness Alliance

On H.R. 3936

**Submitted to the Subcommittee on National Parks, Recreation, and Public Lands
April 16, 2002**

The Wilderness Society, Natural Trails and Waters Coalition, Sierra Club, Wild Utah Project, Save Our Canyons and Southern Utah Wilderness Alliance appreciate this opportunity to provide written testimony for the Subcommittee's hearing on H.R. 3936, the Shoshone National Recreation Trail Act. Our combined membership of nearly one million Americans work toward protecting and restoring public lands and waterways from the abuse caused by all-terrain vehicles and other off road vehicles.

We oppose H.R. 3936, a bill that would encourage off-road vehicle use without considering the wildlife and natural resource impacts to the Wasatch Cache National Forest and surrounding federal, state, and private lands. We believe that this legislation would undermine the ongoing land use planning process for the Wasatch Cache National Forest. For about two years, the Forest Service has been utilizing the National Environmental Policy Act (NEPA) process to ensure environmental analysis and adequate public input. In addition, the Forest Service is in the middle of designating motorized routes on this Forest based on public comments through the Travel Management Plan, that is due out this Fall or soon after. By legislating this off-road vehicle route system, the current public process would be undermined. We urge the Subcommittee to oppose this legislation

The Wasatch Cache National Forest and adjacent lands are critical links in the Rocky Mountain ranges, containing one of the richest wildlife corridors. The proposed Shoshone Trail System would create a grid that would break apart this continental wildlife linkage. According to Utah Division of Wildlife Resources, elk, bear, and moose thrive in these areas. A recent study commissioned by the U.S. Fish and Wildlife Service found approximately 36 animal and 18 plant species at risk that use this rugged terrain. If designated, this motorized route system poses a serious risk to the continued viability of these species.

The connectivity and structure of the route system is questionable at best. The route system appears to go through private land and to convert non-motorized routes to motorized routes. Furthermore, the legislation only allows non-motorized use "to the extent that such use is compatible with motorized use." Due to the serious public safety issues associated with off-road vehicles and federal agencies' obligation to safeguard visitors, we believe this language would essentially close the trail to non-motorized visitors. We are concerned that the impact of this bill on hikers, equestrians, and other visitors may not be well understood. This legislation also raises concerns with the rights of current and future landowners' ability to use their property for their own needs. This includes utilizing the trails on their property for non-motorized uses. This legislation would also prevent adaptive management that provides the agency with the ability to make needed changes as conditions to routes change. As stated earlier, the land use and travel management planning processes take many of the issues into account and both rely on environmental analysis and public input.

In May 2001, the Forest Service updated its roadless areas inventory within the Wasatch Cache National Forest. These areas, identified on the enclosed map, would be put at risk by this route system. We are concerned with the routes that go around and through roadless areas. Due to

this new route designation, motorized use would be intensified potentially causing illegal off-trail use, widening routes, promoting new routes, and other impacts.

In Utah, off-road vehicle use has skyrocketed in the past 12 years from 22,000 to about 100,000 vehicles. At the same time, federal land management agencies have not adequately enforced existing rules. We have documented that new routes tend to promote the development of new offshoots and uncontrollable use in other areas. In fact, the Piute Trail in Utah has a growing number of illegal routes off the designated routes. Based on our fieldwork, the newly created routes may now total more miles than the Piute Trail. The Forest Service and BLM have shown little interest in controlling this proliferation of routes. In the absence of the needed monitoring and enforcement, the agencies have allowed this impacts to propagate without agency recognition. This history of poor enforcement and monitoring must raise concerns with the management of the potential Shoshone motorized route system.

Lastly, according to H.R. 3936 the Shoshone National Recreation Trail will be managed as "a national recreation trail in accordance with the National Trails System Act (16 U.S.C. 1241 et seq.)." This would be the first time the purpose of national recreation trail is solely motorized use. We are concerned that this would set a precedent of permanently designating a motorized route system without adequate analysis.

We support the Forest Service's continuing effort to analyze these issues rather than instituting this route system without critical information. We believe H.R. 3936 is unnecessary, the Wasatch Cache National Forest has an ongoing planning process that should proceed. Due to the short time period to react to this legislation, we would appreciate an opportunity to add to the record in upcoming weeks.

Enclosed are several maps that illustrate some of our concerns

1. Map titled, Proposed Shoshone National Recreation Trail System, Land Ownership, illustrates where this route system lies in relation to roadless areas. The red line shows routes that go through National Forest inventoried roadless areas. One example of our concerns with converting non-motorized routes to motorized is the route at the bottom of Swan Creek.
2. Map titled, Proposed Shoshone National Recreation Trail System, Predicted Lynx Habitat, illustrates potential lynx habitat information Fish and Wildlife Service commissioned through Utah State University.
3. Map documenting wildlife conflicts associated with the motorized route system. These areas need to be addressed through a scientific and public process.

We urge the Subcommittee to oppose H.R. 3936.

Sincerely,

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