

H.R. 1616 and H.R. 1964

LEGISLATIVE HEARING

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

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

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**LEGISLATIVE HEARING ON H.R. 1616, TO
AUTHORIZE THE EXCHANGE OF CERTAIN
LANDS WITHIN THE MARTIN LUTHER KING,
JUNIOR, NATIONAL HISTORIC SITE FOR
LANDS OWNED BY THE CITY OF ATLANTA,
GEORGIA, AND FOR OTHER PURPOSES; AND
H.R. 1964, TO ESTABLISH THE HIGHLANDS
STEWARDSHIP AREA IN THE STATES OF
CONNECTICUT, NEW JERSEY, NEW YORK,
AND PENNSYLVANIA, AND FOR OTHER
PURPOSES.**

**Tuesday, June 17, 2003
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 2:02 p.m., in room 1334, Longworth House Office Building, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

Present: Representatives Radanovich and Christensen.

Also Present on Dais: Representatives Frelinghuysen and Saxton.

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

Mr. RADANOVICH. Good afternoon. The Subcommittee on National Parks, Recreation and Public Lands, Committee on Resources, will come to order for a hearing on H.R. 1616 and H.R. 1964. I want to welcome everybody to this Subcommittee hearing and let you know that our first bill, H.R. 1616, which is introduced by Congressman Lewis of Georgia, will authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

Our other bill, H.R. 1964, introduced by Congressman Frelinghuysen of New Jersey, would establish the Highlands Stewardship

Area in the State of Connecticut, New Jersey, New Jersey and Pennsylvania.

Before running, before turning the time over to Mrs. Christensen, I would ask unanimous consent that Mr. Lewis, Mr. Frelinghuysen, Mr. Garrett and Ms. Kelly would be permitted to sit on the dais following the statements.

Without any objection, so ordered.

And I now turn to my Ranking Member, Mrs. Donna Christensen, from the Virgin Islands, for your opening statement. [The prepared statement of Mr. Radanovich follows:]

Statement of The Honorable George Radanovich, Chairman, Subcommittee on National Parks, Recreation, and Public Lands,, on H.R. 1616 and H.R. 1964

Good afternoon. The hearing will come to order.

This afternoon, the Subcommittee on National Parks, Recreation, and Public Lands will receive testimony on two bills—H.R. 1616 and H.R. 1964.

Our first bill, H.R. 1616, introduced by Congressman Lewis of Georgia, authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

Our other bill, H.R. 1964, introduced by Congressman Frelinghuysen of New Jersey, would establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania.

Before turning the time over to Mrs. Christensen, I would ask unanimous consent that Mr. Lewis, Mr. Frelinghuysen, Mr. Garrett and Ms. Kelly be permitted to sit on the dais following their statements. Without objection, so ordered.

I now turn to the Ranking Member, Mrs. Christensen for any opening statement she may have.

STATEMENT OF HON. DONNA CHRISTENSEN, A DELEGATE TO CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I would like to welcome our colleagues and the other panelists here today, particularly to welcome Congressman Lewis, who I understand served on this Subcommittee when he first came to Congress. So it is nice to welcome you back, John.

Today, we are meeting to receive testimony on two unrelated bills. The first bill, H.R. 1616, introduced by my good friend and colleague, Representative John Lewis, authorizes an exchange of land between the National Park Service and the City of Atlanta at the Martin Luther King, Junior, National Historic site.

It is my understanding that both the National Park Service and the City of Atlanta support this exchange and that the exchange would benefit both the National Historic Site and the city. This looks to be a win-win situation, and I am especially interested in learning the details, since I, too, am working on a proposal to address the needs of a local community and national park unit in my district that involves the Virgin Islands National Park and the local Government on the Island of St. John.

Our second bill, H.R. 1964, is an ambitious proposal to provide for a new designation of more than two million acres, covering parts of four States as the Highlands Stewardship area. Over the years, a number of studies, plans and projects have been developed to further stewardship goals and conservation strategies for the Highlands region.

In the highly populated Northeastern United States, there seems to be a lot of interest in finding ways to conserve the natural agricultural and cultural resources of the region for both the residents of and visitors to the Highland area.

Mr. Chairman, I would, again, like to welcome our colleagues and look forward to hearing more about the two measures before us today.

Mr. RADANOVICH. Thank you very much, Donna.

We will go ahead and ask the first of three panels to come forward. We are privileged and honored to have so many of our colleagues here with us today to speak on these two bills; the Honorable John Lewis from the 5th District of Georgia. John, welcome to the Subcommittee; the Honorable Rodney Frelinghuysen, representing the 11th District of New Jersey. Rod, welcome; and the Honorable Scott Garrett, representing the 5th District of New Jersey. Scott, welcome to the Subcommittee; and also Sue Kelly if she is—from New York—if she does come.

We are going to go ahead and start with each testimony 5 minutes with each, and after that, if there are any questions we may ask, and then the gentleman are welcome to join us on the dais for the rest of the hearing and the consideration of the following two panels.

Mr. Lewis, welcome, if you would like to begin your testimony. Welcome back, and please begin.

**STATEMENT OF HON. JOHN LEWIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF GEORGIA**

Mr. LEWIS OF GEORGIA. Thank you very much, Mr. Chairman and Madam Ranking Member. Thank you very, very much for having me here to talk about 1616, H.R. 1616.

Thank you for allowing me the opportunity to come before you today to discuss H.R. 1616, the Martin Luther King, Junior, National Historic Site Land Exchange Act. H.R. 1616 would amend Public Law 96-428, the Act that established a Martin Luther King, Junior, National Historic Site. This bill authorizes the exchange of land owned by the National Park Service, a land of equal or greater value, from the City of Atlanta.

H.R. 1616 is necessary in order to facilitate an agreement to exchange land between the National Park Service and the City of Atlanta. This exchange will allow the Martin Luther King, Junior, National Historic Site to create an emergency access to and from the site.

The City of Atlanta has expressed interest in acquiring property from the National Park Service in order to encourage commercial development in the community. Likewise, the National Park Service has expressed interest in acquiring land owned by the City of Atlanta that surrounds the Martin Luther King, Junior, National Historic visitor center.

This legislation is so important because the Martin Luther King, Junior, National Historic Site visitor center and museum is landlocked and has no emergency access, making it virtually impossible for firefighting equipment to reach the facility. In fact, if there was a fire at the visitor center, the Atlanta Fire Department would have to walk at least 150 to 200 yards in order to reach the Center.

Luckily, we have not been faced with such an outcome. However, we must be prepared for the heightened security concerns at our Nation's monuments and parks. Emergency access is very critical.

This bill is a win-win for all parties. The acquisition of city-owned property would enable the National Park Service to establish easy street access to the Martin Luther King, Junior, National Historic Site visitor center and museum and would benefit the City of Atlanta by changing a piece of property that the city could develop into a commercial center.

Mr. Chairman, Atlanta is the heart of the South. It is the gateway to the new South and home to a progressive residential and viable business community.

The Martin Luther King, Junior, National Historic Site is adjacent to one of Atlanta's most preserved communities. It is a gathering place where people from all over the world travel to learn and study our Nation's history, study the history of the civil rights movement, the history of Martin Luther King, Junior.

Furthermore, the Martin Luther King, Junior, National Historic Site is central to the growth and prosperity of the surrounding community. Currently, both the National Park Service and the City of Atlanta support H.R. 1616. Community residents strongly support this legislation as well. We must do all that we can to preserve this important part of our history.

H.R. 1616 plays a small, but important, role in achieving this responsibility. Again, thank you for your consideration, and I ask for your support of this piece of legislation, Mr. Chairman.

Thank you very much.

Mr. RADANOVICH. Thank you very much, Congressman Lewis.

[The prepared statement of Mr. Lewis follows:]

Statement of The Honorable John Lewis, a Representative in Congress from the State of Georgia, on H.R. 1616

Good afternoon Mr. Chairman and members of the Subcommittee. Thank you for allowing me the opportunity to come before you today to discuss H.R. 1616, the Martin Luther King, Jr. National Historic Site Land Exchange Act.

H.R. 1616 would amend Public-Law 96-428, the act that established the Martin Luther King, Jr. National Historic Site. This bill authorizes the exchange of land owned by the National Park Service for land of equal or greater value from the City of Atlanta.

H.R. 1616 is necessary in order to facilitate an agreement to exchange land between the National Park Service and the City of Atlanta. This exchange will allow the Martin Luther King, Jr. National Historic Site to create an emergency access to and from the site.

The City of Atlanta has expressed interest in acquiring property from the National Park Service in order to encourage commercial development in the community. Likewise, the National Park Service has expressed interest in acquiring land owned by the City of Atlanta that surrounds the Martin Luther King National Historic Visitor Center.

This legislation is so important because The Martin Luther King, Jr. National Historic Site Visitor Center and Museum is land locked and has no emergency access, making it virtually impossible for firefighting equipment to reach the facility.

In fact, if there were a fire at the Visitor Center, The Atlanta Fire Department would have to walk at least 150 to 200 yards in order to reach the Center.

Luckily, we have not been faced with such an outcome. However, we must be prepared. Furthermore, with heightened security concerns at our Nation's monuments and parks, emergency access is critical.

This bill is a win-win for all parties. The acquisition of city-owned property would enable the National Park Service to establish easy street access to the Martin Luther King, Jr. National Historic Site Visitor Center and Museum, and would benefit

the City of Atlanta by exchanging a piece of property that the City could develop into a thriving commercial center.

Mr. Chairman, Atlanta is the heart of the South and home to a progressive residential and business community. The Martin Luther King, Jr. National Historic Site is adjacent to one of Atlanta's most preserved districts. It is a gathering place where people from all over the world travel to and learn from our Nation's history. Furthermore, The Martin Luther King, Jr. National Historic Site is central to the growth and prosperity of the surrounding community.

Currently, both the National Park Service and the City of Atlanta support H.R. 1616. Community residents strongly support this legislation as well.

We must do all that we can to preserve this important tale of history. H.R. 1616 plays a small but an important role in achieving this responsibility.

Again, thank you for your consideration, and I ask for your support of this legislation.

Mr. RADANOVICH. Next, is Mr. Rodney Frelinghuysen, here to discuss H.R. 1964. Rod, welcome to the Subcommittee.

STATEMENT OF HON. RODNEY FRELINGHUYSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman. Good afternoon, Mr. Chairman, Ranking Member, and also Mr. Saxton from New Jersey, who is on the dais. Thank you for allowing me the opportunity to speak on H.R. 1964, the Highlands Stewardship Act.

President Bush's Fiscal Year 2004 Forest Legacy Budget designates the Highlands as one of nine national priority areas threatened by development. There is good reason for this designation.

The time to act is now. The Forest Service study found that each year more than 5,000 acres of the New York/New Jersey Highlands is being developed. From 1990 to 2000, the population within the Highlands increased by 11 percent. When you consider that the New Jersey and New York are among the most densely populated States in the union, this is a significant increase.

While it is not my intention to drop a laundry list of numbers highlighting the Highlands' importance to the Northeast, several examples are definitely noteworthy. According to a U.S. Forest Service study on the area, the Highlands watershed lands contain reservoirs and aquifers that provide and protect high-quality drinking water for over 15 million Americans. In addition, over 25 million Americans live in an hour's drive of these watersheds, wildlife habitat, and recreational opportunities that lie in the roughly 2 million acres that encompass the Highlands.

More important than these numbers, however, is the fact that this bill fits into the current administration's vision for land conservation. In a Nation where the Government owns one of every five acres of land and is responsible for maintaining one out of every four acres, we all need to be aware that operations and maintenance costs for the Federal Government have increased dramatically, endangering the very assets we all seek to preserve and protect.

Please be assured that this proposal stresses local responsibility in public-private partnership. In fact, this bill does not call for any Federal ownership, nor does it call for any future Federal maintenance and upkeep. Instead, this bill would require the State and local governments to work with willing sellers. Similar to the Fed-

eral Forest Legacy Program, the Highlands Stewardship Act only provides Federal financial assistance for willing sellers. In short, this bill is seeking a helping hand from the Federal Government, rather than overregulating, strong-armed mandate.

Because local communities welcome this Federal partnership, and without Federal oversight, 24 towns and four New Jersey counties have passed resolutions in support of conserving the Highlands resources. Notably, not one community has expressed opposition.

At the Federal level, along with a large number of our colleagues from New York, and I am here with Congressman Garrett and Congresswoman Kelly, the entire New Jersey delegation has co-sponsored this bill. This truly is a bipartisan effort. This spirit exists because the bill provides deference to local authority, while recognizing the need for Federal assistance to preserve nationally significant natural resources in our local forest areas, just as Congress did with a similar collaborative State-Federal partnership 7 years ago with Sterling Forest.

In short, this bill is important to New Jersey, New York, Connecticut and Pennsylvania. By not providing Federal ownership or future Federal maintenance responsibilities, and by acquiring land from only willing sellers, H.R. 1964 conforms to the Bush administration's best practices and vision for land acquisition. As such, I see this bill as a victory for the people of the Northeast, the Congress and the President, and I ask your support of the bill.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Frelinghuysen follows:]

Statement of The Honorable Rodney P. Frelinghuysen, a Representative in Congress from the State of New Jersey, on H.R. 1964

Good Morning. Mr. Chairman, members of the Subcommittee, thank you for allowing me this opportunity to testify in support of my legislation, H.R. 1964, the Highlands Stewardship Act.

President Bush's Fiscal Year 2004 Forest Legacy Budget designates the Highlands as one of nine national priority areas threatened by development. There is good reason for this designation.

The time to act is now! The Forest Service Study found that each year more than 5000 acres of the New York/New Jersey Highlands are being developed. From 1990 to 2000, the population within the Highlands increased by 11 percent. When you consider that New Jersey is already the most densely populated state in the union, this is a significant increase.

While it is not my intention to drop a laundry list of numbers highlighting the Highlands importance to the northeast, several examples are definitely noteworthy. According to a U.S. Forest Service Study on the area, the Highlands watershed lands contain reservoirs and aquifers that provide and protect high quality drinking water for over 15 million Americans. In addition, over 25 million Americans live within an hour's drive of these invaluable watersheds, wildlife habitat, and recreation opportunities that lie in the roughly 2 million acres that encompass the Highlands.

More important than these numbers, however, is the fact that this bill fits into the current administration's vision for land conservation. In a nation where the government owns 1 in every five acres of land and is responsible for maintaining 1 out of every 4 acres, we all need to be aware that operations and maintenance costs to the Federal Government have increased dramatically endangering the very assets we all seek to preserve and protect.

Please be assured this proposal stresses local responsibility and public/private partnerships. In fact, this bill does not call for any Federal ownership, nor does it call for any future Federal maintenance and upkeep.

Instead, this bill would require state and local governments to work with willing sellers. Similar to the Federal Forest Legacy Program, the Highlands Stewardship

Act only provides Federal financial assistance for willing sellers. In short, this bill is seeking a helping hand from the Federal Government rather than an over-regulating, strong armed mandate.

Because local communities welcome this Federal partnership and without Federal oversight, 24 towns and 4 New Jersey Counties have passed resolutions in support of the conserving the Highlands' resources. Notably, not one community has expressed opposition.

At the Federal level, along with a large number of our colleagues from New York, Connecticut, and Pennsylvania, the entire New Jersey delegation has co-sponsored this bill. Thus, this truly is a bipartisan effort. The bipartisan spirit exists because the bill provides deference to local authority, while recognizing the need for Federal assistance to preserve nationally significant natural resources in our local forest areas, just as Congress did with a similar collaborative state/Federal partnership seven years ago with Sterling Forest.

In short, this bill is important to New Jersey, New York, Connecticut, and Pennsylvania. By not providing Federal ownership or future Federal maintenance responsibilities, and by acquiring land from only willing sellers, H.R. 1964 conforms to the Bush Administration's best practices and vision for land acquisition. As such, I see this bill as a victory for the people of the Northeast, the Congress, and the President.

That concludes my testimony. Once again, I thank you all for the opportunity to be heard and I would be happy to answer any questions.

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

The Honorable Scott Garrett, welcome to the Subcommittee. If you would like to begin your testimony, that would be great. I understand it is on the same bill, H.R. 1964.

**STATEMENT OF HON. SCOTT GARRETT, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. GARRETT. That is correct, and thank you, Mr. Chairman, and Ranking Member, as well, for the opportunity to present my testimony to you today and also thanks to my colleague to the right, who I have served with in the State legislature over the years and as a friend, for his efforts to this matter and his devotion to these significant environmental issues.

Mr. Chairman, I have lived in the Highlands region my entire life, and now my congressional district lies in the heart of this very vast and diverse national heritage. More than 12 years ago, I ran for public office for the State legislature because I believe in a cleaner environment and a healthier America. I believe that we really weren't doing enough on the State and Federal level, and I wanted to become involved.

Upon being sworn in as a member of the New Jersey Assembly, I continued my efforts for preserving open space, expanding our recreational land and protecting our natural resources. In my time as a State legislator, I sponsored several pieces of legislation that were eventually signed into law that allocated millions of dollars for acquisition and protection of recreational land, open space, farmland preservation and also park developments as well.

Now, we have made several important strides to protect and restore our State's resources. Of course, there is still much more we can do.

If you look at these pictures and if you looked at the area, and if you have ever been there, you know there is an opportunity to preserve an open space of greenways with endless trees and waterways. Imagine a landscape of recreational lands and fields for our children to play and enjoy.

Our commitment to conserve this open space and a cleaner America really runs deep, and it runs deep in New Jersey, and that is because New Jersey is the most congested State in the country. More of this prized open space is being used up every single day. A recent report from the U.S. Forest Service found that certain portions of this area in the Highlands are losing over 5,000 acres of open space every year. H.R. 1964 will go a long way to addressing this serious concern.

It would help to preserve some of that open space that remains there and help protect cherished natural resources as well. It would help to provide the Highlands region with a national designation and perhaps financial support to protect these lands.

Now, the Highlands lie in the middle of one of the most populated areas in the country. And as my colleagues just stated, over one-twelfth of the U.S. population lives within a driving range, an hour; 14 million visitors come there every year to provide significant economic help to the area, and we rely on it for water as well.

In a recent update of the original Forest Service study, it states that the Highland is a "landscape of national significance." The update also draws attention to some recent trends that I think we should pay attention to. Over 25,000 acres of land were developed in the Highlands from 1995 to 2002. Continued development trends would reduce the quality of the water. Nearly 300,000 acres of critical watershed areas are still unprotected. All of these, and more, are of concern to us.

Over the last several years, there has been an increase in funding and support on both a Federal level, the State level and local governments to preserve this area. Now, from the Federal Government alone, between 2001 and 2003, more than \$10 million has been distributed to help preserve some of these critical tracts. It is vital that this support continue.

Now, with that said, there is an ever-increasing demand from all regions for these limited dollars. So it is essential that all Federal dollars allocated to the region be used to help protect those areas that have the highest conservation value and are at the greatest risk of being developed. Preservation of the Highlands is not a partisan issue, and so we must work hand-in-hand to meet these goals. But let us make this one point clear. By working to protect open space, we must also ensure that an adequate opportunity for economic development continues as well. And there are signs that the economy is beginning to grow again. It is important that we find that right balance between protecting the cherished resources and promoting strong economy as well.

Now, during my tenure in the legislature, I found that people at the local level, in this case, those people who live in and around the land that we are working to protect, they really are the ones that are best-qualified to determine what works in their communities. So local involvement is essential to the success of protecting these critical areas.

Now, when discussing local control, it is also important to remember the potential problems associated with increasing the already overburdensome Federal bureaucracy. It would be extremely disappointing to see money get wasted on paperwork and red tape

that could have been used better for more critical habitat and environmentally sensitive tracts of land acquisition.

And so in closing, Mr. Chairman and Ranking Member, I would like to thank you again for the chance to be with you and present this testimony, and to work together to protect open space. Throughout my entire life, I have had the opportunity, along with my family, to enjoy the natural resources of the Highlands and what they have to offer. My hope is that we can work together so that future families can, also.

Thank you.

[The prepared statement of Mr. Garrett follows:]

**Statement of The Honorable Scott Garrett, a Representative in Congress
from the State of New Jersey, on H.R. 1964**

Thank you Chairman Radanovich. I would like to thank you, Ranking Member Christian-Christensen, and Chairman Pombo for holding this hearing today to discuss the Highlands and for providing me an opportunity to come before this Subcommittee to offer my testimony. I would also like to thank my good friend, Congressman Frelinghuysen, for all of his hard work on this legislation and for having such a devotion to protecting this significant environmental treasure.

Mr. Chairman, I have lived in the Highlands region my entire life and my Congressional District lies in the heart of this vast and diverse natural heritage. More than 12 years ago, I ran for public office because I believed in a cleaner and healthier America. I believed we weren't doing enough to preserve our precious farmland and vital open space.

Upon being sworn in as a member of the New Jersey General Assembly, I continued my cause for preserving our open space, expanding our recreational land and protecting our natural resources. In my time as an Assemblyman, I sponsored and had several pieces of legislation signed into law that allocated millions of dollars for acquisition and protection of recreation land, open space, farmland preservation and park development projects.

We've made several important strides to protect and restore our state's resources and there is still much more work to do. Imagine a vast, open space of greenways with endless trees and waterways. And imagine a landscape of recreational lands and fields for our children to play and enjoy.

Our commitment to conservation of open spaces, and a cleaner and healthier America, runs deep. But, Mr. Chairman, I believe it doesn't run deep enough. New Jersey is the most congested state in the country and more of this prized open space is being used up everyday. The recent report from the U.S. Forest Service found that certain portions of the Highlands in New Jersey are losing over 5,000 acres of open space per year.

H.R. 1964, the Highlands Stewardship Act, would go a long way towards addressing this serious concern. It would help preserve the remaining open space in New Jersey and help protect cherished natural resources that provide extraordinary environmental, recreational, and historical assets. This bill would provide the Highlands region with a national designation and an increase in Federal financial support to protect these lands.

The Highlands lie in the middle of one of the most populated areas in the country. Over one-twelfth of the U.S. population lives within an hour driving distance. The 14 million visitors to the Highlands every year provide a significant economic impact to the area while 15 million people rely on the Highlands for clean drinking water.

In the recent update of the original Forest Service study, it states that the Highlands is a "landscape of national significance." The update also draws attention to some recent trends and makes several predictions about what could happen to the land if it goes unprotected. The report states:

- Over 25,000 acres of land were developed in the Highlands between 1995 and 2000;
- Continuing development trends will reduce the exceptional value water quality watersheds by 75 percent;
- Nearly 300,000 acres of critical watershed areas are unprotected, and
- The loss of wetland and forestland quadrupled between 1984 and 1995 at the rate of 3,400 acres per year.

Mr. Chairman, these trends are very worrisome and something must be done to address these concerns.

Over the last several years, there has been an increase in financial support from Federal, state, and local governments to preserve the Highlands. From the Federal Government alone, between Fiscal Year 2001" to Fiscal Year 2003", more than \$10 million has been distributed to help preserve critical tracks of land. It is vital that this financial support from the Federal Government continue to grow.

With that said, there is an ever-increasing demand from all regions of the country for the limited Federal resources available to protect undeveloped lands like the Highlands. So it is essential that all Federal dollars allocated to the region be used to help protect those areas that have the highest conservation value and are at the greatest risk of being developed.

The preservation of the Highlands is neither a Republican nor Democratic issue. Rather, it is a national prerogative and a local responsibility. We must work hand-in-hand with the local communities to determine which tracks of land have the highest priority and use the limited resources available to ensure they are protected.

But, while working to protect open space, we must also ensure there is adequate opportunity for further economic development. As there are signs that the economy is beginning to improve, it is important that we find a balance between protecting our cherished natural resources and promoting a strong economy.

During my 12-year tenure in the New Jersey State Assembly, I found the people at the local level, in this case those who live in and around this land we are working to protect, are best qualified to determine what works in their communities. Local involvement is essential to the success of protecting these critical, at risk areas and we must ensure that this local participation is a top priority as we move forward.

When discussing local control, it is also important to remember the potential problems associated with increasing the already over-burdensome Federal bureaucracy. It would be extremely disappointing to see money get wasted on paperwork and red tape that could have been used to purchase more critical habitat and environmentally sensitive tracks of land.

In closing Mr. Chairman, I would like to again thank you and Chairman Pombo for holding this hearing today and I would reiterate the importance of protecting open space in the Highlands.

Throughout my entire my life, I have had the opportunity to take advantage of all of the natural resources the Highlands has to offer. My family and I have enjoyed the resources the Highlands provides, and I want to ensure that many other families have the same opportunities for years to come.

The critical lands in the Highlands must be protected and it is our job to work with the state and local governments to see that they are.

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

Sue Kelly, welcome to the Subcommittee. As you know, we have got I think two votes coming up here shortly—is it three votes? And if we could hear your testimony, then I think what we will do is break, and then everybody here is welcome to join us on the dais when the panels gather, the second and third panel, to discuss your bill. So you might want to be here to help ask questions and such.

So, Sue, welcome to the Committee, and if you would like to begin, go ahead.

**STATEMENT OF HON. SUE KELLY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK**

Mrs. KELLY. Thank you Mr. Chairman. I will be very brief.

I appreciate the opportunity to testify here in support of H.R. 1964, the Highlands Stewardship Act. As a co-sponsor of the bill, I join my colleagues here today from New Jersey in urging the passage of this really important piece of legislation. I represent much of the New York portion of the Highlands on both sides of the Hudson River, and I can attest to vital importance of the Highlands Forests, to the millions of residents of New York Metropolitan Area, and to the tremendous pressure this resource is facing from suburban sprawl.

The Highlands supply and protect water supply for over 15 million people, and the region hosts more than 14 million recreation visitors annually. That is more than Yellowstone National Park.

The U.S. Forest Service documented the national significance of the Highlands in their recent study of the region and the threats to those critical water and recreational resources from the loss of over 5,000 acres of open space annually in these highlands. This New York-New Jersey Highlands.

Only 20 percent of this region is publicly or privately preserved, and the U.S. Forest Service has identified 300,000 acres of high-value water resource lands that further need preservation and protection. Despite the significant investment that is being made by State, local and private individuals to protect these lands, the future of the region and this vital water supply will be in jeopardy unless the Federal Government becomes a partner in this effort.

The Highlands Stewardship Act would do just that by authorizing the Federal Government to assist the Highlands States in purchasing priority lands, and I want to again stress from willing sellers only, that would be then owned and managed by the States and not by the Federal Government. Technical and financial assistance would also be provided to private landowners and local communities to help them remain good stewards of these lands and resources.

The bill will grant no new authority to any level of Government to interfere with local control over land use. This legislation simply enables us to preserve this land. The legislation is broad and bipartisan in its outlook, and from our regions, congressional delegation, from local governments and throughout the region, it is fully bipartisan.

Thank you so much for the opportunity to testify in support of H.R. 1964, and I really urge your support for this very important legislation. I also want to issue an invitation to anyone on this Committee who would like to come and see the Highlands for themselves. You are welcome. Just call my office, and we will take you there.

Thank you.

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

[The prepared statement of Ms. Kelly follows:]

**Statement of The Honorable Sue W. Kelly, a Representative in Congress
from the State of New York, on H.R. 1964**

I want to thank you Mr. Chairman, for the opportunity to testify in support of H.R. 1964, the Highlands Stewardship Act. As a cosponsor of this bill, I join my colleagues here today from New Jersey in urging passage of this important legislation.

I represent much of the New York portion of the Highlands, on both sides of the Hudson River, and can attest to the vital importance of Highlands' forests to the millions of residents of the New York metropolitan area, and to the tremendous pressure this resource is facing from suburban sprawl.

The Highlands supply and protect the water supply for over 15 million people and the region hosts more than 14 million recreational visitors annually, more than Yellowstone National Park. The U.S. Forest Service documented the "national significance" of the Highlands in their recent study of the region and the threats to these critical water and recreational resources from the loss of over 5,000 acres of open space annually in the NY-NJ Highlands alone.

Only 20% of this region is publicly or privately conserved, and the U.S. Forest Service has identified 300,000 acres of high-value water resource lands that need further protection. Despite the significant investment that is being made by state

and local governments to protect these lands, the future of the region and this vital water supply will be in jeopardy unless the Federal Government becomes a partner in this effort.

The Highlands Stewardship Act would do just that by authorizing the Federal Government to assist the Highlands states in purchasing priority lands—from willing-sellers only—that would be owned and managed by the states, not the Federal Government. Technical and financial assistance would also be provided to private landowners and local communities to help them remain good stewards of these lands and resources.

The bill would grant no new authority to any level of government to interfere with local control over land use decisions.

This legislation has broad and bipartisan support from our region's Congressional Delegation, from local governments throughout the region.

Thank you again for the opportunity to testify in support of H.R. 1964. Again I urge your support for this important legislation.

Mr. RADANOVICH. The Chair recognizes Mr. Saxton from New Jersey.

**STATEMENT OF HON. JIM SAXTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. SAXTON. Mr. Chairman, as a cosponsor of H.R. 1964, and a strong supporter, I thank you for inviting me to sit on the panel this afternoon, and I have a statement which I ask unanimous consent be placed in the record at this point.

Mr. RADANOVICH. There being no objection, so ordered.

[The prepared statement of Mr. Saxton follows:]

**Statement of The Honorable Jim Saxton, a Representative in Congress
from the State of New Jersey, on H.R. 1964**

Good afternoon Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to join you today to discuss an important piece of legislation, The Highlands Stewardship Act. My colleague, Mr. Frelinghuysen, also of New Jersey, has introduced this important piece of conservation legislation. Thank you to the witnesses who have taken time out of their schedules to be here with us today, and I look forward to hearing your testimony.

I have long been an advocate for, and worked hard to preserve open space and prevent the encroachment on and development of significant tracts of land in both my district and throughout the state of New Jersey.

I am proud of the fact that New Jersey has been a leader on the issue of open space, recognizing the importance of not developing every acre of land possible. We need areas of undeveloped land, for a wide range of reasons, from habitat protection to simply providing areas for people to recreate and enjoy the outdoors.

In Burlington County, which is in my Congressional district for example, there are over 162,000 acres of protected land. There is 4,000 acres of Federally protected land, which is primarily in the New Jersey Pine Barrens; 130,000 acres of State-held acres, of which 120,000 is also located in the Pinelands; the Municipality has 8,000 acres and the County 1,500 acres; 4,000 acres are held by Non-Profit organizations and there are over 15,000 acres acquired as Farmland Preservation areas. This is an impressive number of acres and demonstrates New Jersey's ongoing commitment to these important and often fragile lands and ecosystems.

Mr. Frelinghuysen has also recognized this important need, which is why he introduced this piece of conservation legislation. The New York/New Jersey Highlands, consisting of nearly 2 million acres, has been identified by the U.S. Forest Service and virtually all other Federal, state, local and private authorities as critical lands in need of preservation.

This region provides and protects the drinking water supplies for over 15 million residents of the New York and Philadelphia metropolitan areas. The Highlands region hosts more than 14 million recreational visits annually, which is more than Yellowstone and many of our national treasures in the West.

The USDA Forest Service found that over 5,000 acres of land are being developed a year in the NY-NJ Highlands alone, threatening the quantity and quality of water supplies, and other critical resources in the Highlands. Currently, 294,000

acres, which is 77% of high-value lands in the Highlands are unprotected and 100,000 acres of this high-value land are immediately threatened.

I have joined with Mr. Frelinghuysen in this important effort and it is my hope to move this bill out of the Resources Committee and to the House of Representatives. Thank you and I look forward to hearing your testimony.

Mr. RADANOVICH. Ladies and gentlemen, thank you for your testimony. Again, we will break. We will take a quick break, we will go vote, come back and hear these other two panels.

We are in recess.

[Recess from 2:22 p.m. to 2:54 p.m.]

Mr. RADANOVICH. We are back from recess and back in session. Ladies and gentlemen, welcome to Panel No. 2 of the Subcommittee hearing on H.R. 1616 and H.R. 1964. That is Mr. Randy Jones, deputy director of the National Park Service here in Washington; Mr. David Tenny, who is the deputy undersecretary for Natural Resources and the Environment, with USDA, who is accompanied by Kathryn Maloney, with USDA.

Welcome.

Dave, I understand that you have got to leave soon. So if you want to give your testimony, and then we will ask you questions. I assume that you are speaking on both bills or just the one?

Mr. TENNY. Just the one.

Mr. RADANOVICH. On H.R. 1964. So please begin, and then we will ask questions of you, and then, Randy, we will save you for later.

STATEMENT OF DAVID TENNY, DEPUTY UNDER SECRETARY FOR NATURAL RESOURCES AND THE ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C., ACCOMPANIED BY KATHRYN MALONEY, DIRECTOR, NORTHEAST AREA, STATE AND PRIVATE FORESTRY, FOREST SERVICE

Mr. TENNY. Thank you, Mr. Chairman.

I have to admit that I find it more comfortable sitting up there in my former capacity than sitting down here, but, nonetheless, it is a privilege to be here.

Mr. RADANOVICH. Welcome back.

Mr. TENNY. Thank you. In the interest of conservation; that is, conserving the time of the Committee and hearing what you would like to know, I will condense my remarks.

As noted, I am accompanied by Kathy Maloney. She directs our Northeastern Area for State and Private Forestry in the Forest Service, very involved in this project, has a great responsibility and is responsible for much of the good work that is being done in this region.

Mr. Chairman, over the last decade, the Department of Agriculture has been an active participant and player with States, local governments, local communities and others, in documenting and inventorying the resources' values that exist in this part of the country. They have done a number of studies. They have done some very good work and have been able to document what is truly there, and what is important, and those resources that are most significant from a conservation standpoint.

Based on our experience in the region, the Department believes that this legislation generally tracks the findings and the actions that have been taken by the Forest Service over the last decade. We are not opposed to this bill. We would like to be able to work with the Committee to maybe make a few improvements to the bill that we think are useful and will be helpful in making it work, even better on the ground, and we recognize the importance of this area, not only to the people who live in and around the Highlands, but also to the Nation as a whole, and we would like very much to be able to work not only with the Committee, but with the delegation as we move forward.

The most recent work that the Forest Service has done on the Highlands has been an update in 2002 of a study that was done some time ago. A couple of highlights from that study are probably worth noting.

As has been stated, this is an area that is home to upwards of 20 million people. As many as 11 million people rely upon this area for their drinking water. As was noted earlier, 14 million people visit this area for recreational purposes on an annual basis. Those are pretty significant numbers. They, I think, demonstrate the importance of the resource.

The bill that has been introduced from the Department of Agriculture's standpoint does three essential things:

First of all, it establishes what is called the Highlands Stewardship Area in the Highlands region. This would be an exercise of actually mapping the region that we would be looking at for purposes of identifying opportunities to engage in conservation types of practices, in partnership with the State and local communities;

It establishes the Office of Highlands Stewardship within the Department of Agriculture. This would be an entity that would be responsible for administering the activities within the region, and it establishes a Highlands Stewardship Area Work Group, which would be a group of advisers that would come together, representing various interests, who would make their recommendations, working through their Governors and working with the Department and with the Forest Service on recommendations for activities that should move forward;

And then, finally, the bill has a funding mechanism that makes use of the Land and Water Conservation Fund.

We have noted in our testimony some of the recommendations that we would have. Rather than going into those in detail, what I would like to do is just reiterate the position that we have that we would like to work with the Committee on this bill and do our very best to try and move forward in a reasonable, balanced way.

I would be happy to answer any questions that the Committee might have that, hopefully, will be helpful to you as we move forward.

Thank you.

[The prepared statement of Mr. Tenny follows:]

Statement of David Tenny, Deputy Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture, on H.R. 1964

Mr. Chairman, thank you for this opportunity to present the Administration's views on H.R. 1964, the Highlands Stewardship Act. I am David Tenny, Deputy Under Secretary for Natural Resources and Environment, U.S. Department of Agri-

culture (USDA). I am accompanied today by Kathryn Maloney, Director of the Forest Service Northeastern Area.

Mr. Chairman, over the last decade, the Department of Agriculture has been an active partner with States, local governments, academics, landowners, community-based organizations, and others in documenting the resource values and supporting land conservation efforts in New York and New Jersey, two of the four states included in this legislation.

Based upon our experience in this region, the Department believes this legislation generally reflects actions and findings that we have already taken to date. We are not opposed to the measure, but we would like to work with the committee to make improvements to the bill. I can assure the Subcommittee that the Department of Agriculture recognizes the importance of the Highlands area and supports the desired land management objectives of H.R. 1964, which builds on the body of work we have completed.

At the direction of Congress, in 1992, the USDA Forest Service completed the New York–New Jersey Highlands Regional Study that characterized the water resources, wildlife habitat, outdoor recreation opportunities, and agricultural resources in the region. This study identified lands with important resource values such as the Sterling Forest located near Tuxedo, NY.

Over the past 10 years, the Forest Legacy program with \$4,000,000 in Federal funds has leveraged over \$14,000,000 in non-Federal funds to secure conservation easements and other interests in 3,400 acres in New Jersey and New York. Over the last five years, private landowners, nonprofits and State and local governments, through a range of Forest Service non-regulatory, technical and financial assistance programs have leveraged nearly \$750,000 toward land conservation activities. These include technical and financial assistance to states and communities and landowner assistance for management planning and implementation of conservation practices.

The Forest Service updated the New York–New Jersey Highlands Regional Study in 2002. The original study area was expanded from the Hudson River eastward to the New York–Connecticut border. The Update identifies a number of many important natural resources in the Highlands, and the effect of existing patterns of land use change on these resources. Some key findings from the 2002 Update include:

- The Highlands adjoin a metropolitan area of more than 20 million people.
- More than 11 million people rely on the Highlands water resources.
- More than 14 million people visit the Highlands each year for recreational opportunities.
- 5,200 acres per year of land was developed between 1995 and 2000.
- Almost 40 percent, 540,000 acres, are considered to have high conservation value. Nearly half of these lands are currently in some type of permanent conservation arrangement, such as an easement or under a nonprofit land trust holding.
- Approximately 100,000 acres considered to have high conservation value have a high likelihood of change.
- Forty two of the 51 existing Hydrologic Unit Code 11 watersheds (which have an average area of about 50 square miles) presently have 10 percent or less impervious surface cover (a significant indicator of water quality). Depending on the rate of land use change, this number could fall to between 18 to 9 in the next thirty years.
- The future population in the New Jersey–New York Highlands could increase by 26 to 48 percent in the next 30 years, based on our analysis.

H.R. 1964 directs the Secretaries of Agriculture and the Interior, in consultation with appropriate Federal officials, the Governors of the four states, and local units of government, to establish the Highlands Stewardship Area in the Highlands region. It provides that not later than one year after the date of enactment of this Act, the Secretaries shall prepare a map depicting the Stewardship Area.

The bill also directs the Secretary of Agriculture to establish the Office of Highlands Stewardship to implement the strategies of the 1992 Study and 2002 Update. The Office would be authorized to provide financial and technical assistance to an eligible entity to carry out a project to protect, restore, preserve, promote or interpret Area resources.

H.R. 1964 also directs the Secretary of Agriculture to establish the Highlands Stewardship Area Work Group to assist with implementation of those strategies and to advise the Secretaries on priorities for projects carried out with assistance provided pursuant to the Act.

Finally, the bill directs the Secretary of the Interior to designate annually land conservation partnership projects that are eligible, under certain conditions and with specified limitations, to receive financial assistance under the Act. H.R. 1964 would authorize appropriations of \$25,000,000 to the Secretary of the Interior from

the general funds of the Treasury or the Land and Water Conservation Fund for each of Fiscal Years 2004 through 2013 to be used for this purpose.

As part of a Congressional request in Fiscal Year 2002, the Secretaries of Agriculture and the Interior will be putting forth a joint set of recommendations identifying ways that Federal Government can work with State, local and non-profit partners to address important resource issues, based on the findings of the 1992 Study and 2002 Update. These recommendations are currently in executive branch clearance. I believe when they are provided to Congress that they will be consistent with several of the key components of H.R. 1964.

However, this afternoon, I want to bring to the Subcommittee some issues that the Department has identified with H.R. 1964 that may require further consideration by the Subcommittee.

First, the legislation covers a 2 million-acre, four-state region. The Department's efforts to date have concentrated on the 1.5 million acre New York–New Jersey portion of the region, and have only generally characterized the resource values in the Pennsylvania and Connecticut portions of the proposed Highlands Stewardship Area. More thorough consideration and inventory of the resource values in Pennsylvania and Connecticut is needed. It is important to have current and accurate inventory information for Pennsylvania and Connecticut so that natural resources in all four states can be considered equally for the technical and financial assistance authorized by this legislation. This type of comprehensive resource assessment would require additional time and money, and is not now addressed in H.R. 1964.

Second, the specific organizational requirements mandated in H.R. 1964 could duplicate existing activities and organizations that support land conservation in the Highlands region. For example, the functions articulated for the Office of Highlands Stewardship are currently performed by the staff of the Forest Service's Northeastern Area of State and Private Forestry. The measure is unclear about which USDA agencies other than the Forest Service or Natural Resources Conservation Service, if any, are to participate in the Office of Highlands Stewardship, the organizational location of that office within USDA, or its relation to the Department of the Interior. The Subcommittee should consider using the existing Forest Service organizational structure.

To our knowledge, the bill does not authorize any activity not already authorized under current law. USDA could designate the Highlands area as a high priority within existing authorities to permit its agencies to address resource issues in the Highlands region. The bill's targeting of technical assistance, financial assistance, and land conservation projects could require USDA to determine the priority of these activities relative to other high-priority programs or projects that may rely on the same funding source.

The bill is also unclear about how land conservation projects would be funded, authorizing funds either from Treasury or the Land and Water Conservation Fund (LWCF) but not indicating whether the projects authorized under the measure are the same as land acquisition authorized by LWCF.

The measure includes a concept for focusing intra- and cross-departmental Federal conservation assistance on non-Federal lands but has few details on the idea, particularly with regard to how this designation would change with respect to on-the-ground management of lands within the stewardship area, most of which are privately owned.

In addition, the Department believes H.R. 1964 would be improved by clarifying several provisions.

H.R. 1964 lists the Palisades Interstate Park Commission as both a "Highlands State" and as a "non-Federal entity". The Commission should not be considered a State. It should be listed as a non-Federal entity only.

Section 5(c) directs the Secretaries to prepare a map of the Highlands Stewardship Area within one year. As discussed previously, the Department believes it prudent to undertake an analysis of the 500,000 acres in Pennsylvania and Connecticut that are proposed to be included in the Area. If the Subcommittee concurs, the deadline for preparing the map should be extended so that the two-state assessment could be conducted.

Also, if a primary purpose of the map is to delineate the properties and communities that are envisioned to be eligible for the technical and financial assistance to be provided under H.R. 1964, the Subcommittee should consider clearly stating that is the purpose for which the map is to be used by the Secretaries.

The Highlands Work Group set forth in Section 6(c) would alter the informal collaborative process that successfully operated for a decade.

During the study process, an informal work group met periodically and was effective in providing valuable input. More than 100 organizations and individuals, rep-

resenting a broad spectrum of interests, were invited to participate, building good working relationships and a sense of inclusiveness.

The proposed Highlands Work Group would fall under the provisions of the Federal Advisory Committee Act (FACA). Congress has had occasion to exempt advisory groups from FACA for various reasons. The Department is concerned whether a 100-member FACA committee would be effective and timely. The Department suggests that more specific guidance on the selection of members and the appointment of a Chair be provided, if FACA is to apply. However, our experience has shown that an inclusive, informal model could serve as the mechanism for inter-governmental consultation and public participation.

Mr. Chairman, that concludes my statement. The Department would be pleased to work with the Subcommittee on amendments to the provisions discussed in my statement.

I would be happy to answer any questions you may have for me at this time.

Mr. RADANOVICH. Thank you, Mr. Tenny. A couple of questions. As the concept of this project comes up, in my mind, I am having trouble figuring out where it fits in either the National Park Service or USDA. What is a stewardship area? is this something that exists already or are we creating something that has never existed before? Are there similar examples of this type of a partnership?

Mr. TENNY. This type of partnership occurs frequently within our State and private forestry area. The term "stewardship area," I don't believe is necessary a term of art. Kathy can correct me on that if I am wrong.

Ms. MALONEY. That is correct.

Mr. TENNY. But this is more a term that is descriptive of the way we have been working with the communities and with the States in this region of the country.

Mr. RADANOVICH. Can you give me an example of one in California?

Mr. TENNY. I don't think that there is one that would be an exact match to what we are doing here in California.

Mr. RADANOVICH. Good enough.

I recognize Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I don't believe you had an opportunity to get into the improvements of the bill, and I wasn't really listening to your question. I hope I am not asking you a question that was already asked, but you said you would work with the Committee to make improvements to the bill. Would you like to just outline some?

Mr. TENNY. Yes. Let me just outline, really briefly, a couple of the improvements that we would suggest.

There are what I would call some technical improvements. Rather than taking your time on those, let me give you some of the bigger picture improvements.

We have been looking at this area for over a decade, and the area that we have been most focused on has been the area that has been in New York and New Jersey. The bill covers a little bit larger area than what is reflected in our studies, and there is a requirement to do some mapping so that we are clear on the area within which we are going to be doing the technical assistance and other conservation practices.

Because we are a little bit light on some of the inventory of the resources that we need in the expanded area, we would like some

further time to be able to look at that, so that as we are making our decisions, we are doing it on an informed basis.

Secondly, because we have a structure in place in our Northeast Area for State and Private Forestry, we would like to work with the Committee and with the delegation on what the Office of Highlands—or the office that is established in the bill—how we can make sure that that doesn't duplicate any of the existing infrastructure that we have in place because we are confident that the organization is in place now that could really do a good job, and we would like to see that continue without a hiccup if we are going to be moving forward.

And then, finally, as I mentioned, there are a few technical corrections that we want to make in the bill, but I think that probably covers the high points.

Mrs. CHRISTENSEN. Just looking through your testimony, it just seems like it is more a matter of coordination of activities that are either already being done or underway or planned more than needing to create an additional structure.

Mr. TENNY. That would be correct.

Mrs. CHRISTENSEN. Twenty-five million dollars a year from the Land and Water Conservation Fund seems like an extraordinarily large amount of funding that we would be authorizing out of that fund. I should have asked the staff how much is usually available, but do we fund projects out of that fund at that level over 10 years?

Mr. TENNY. I can tell you a little bit about what the Forest Service does. It probably would be a good idea for me to refer to my colleague, Mr. Jones, to talk about how the Land and Water Conservation Fund, in general, is administered out of the Department of Interior.

But in the past, the Forest Service has been using the Forest Legacy Program, which is an ongoing program. Last year it was funded at probably about, if I am not mistaken, around \$70 million/\$75 million to do some of the conservation work. This is acquiring helping States and other entities acquire conservation easements another types of work of that nature. That is the purpose of the Forest Legacy Program.

In addition to that, the other agencies within the Department of Agriculture also administer technical assistance programs. For example, the Farmland Trust helps also do some conservation work for farmland. So there are a number of different programs that are used to do this kind of work.

Mrs. CHRISTENSEN. My understanding is that we appropriate approximately \$100 million a year for that fund for use by all of the States.

Mr. JONES. That is correct. The current fiscal year for the state-side Land and Water Conservation Fund is \$97 million, and then within the National Park Service, \$74 million is appropriated for land acquisition within the units of the National Park Service.

We have funded a couple of projects in this area in recent years, including under our Rails to Trails Program. We have supported a planning and orientation to help establish a couple hundred miles of hiking and biking trails, and we also provided, under the Land and Water Conservation Fund, a grant of \$1 million, which was matched by the State, for a \$2-million purchase.

Mrs. CHRISTENSEN. There is a joint Agriculture-Interior update of the 1992 Highlands Study. When would that be completed? Do I understand it should be ready soon?

Mr. TENNY. Yes. There is an update that has been completed, and then in 2002, Congress, in the appropriations bill, requested some recommendations based upon the update. Those are moving through the agencies as we speak. We expect for those to be coming to the Department in very short order, and we will be transmitting those to Congress soon thereafter.

Mrs. CHRISTENSEN. Ballpark time?

Mr. TENNY. Ballpark time will be—

Ms. MALONEY. It is in clearance.

Mr. TENNY. It is in clearance right now? If it is in clearance right now, that means it is going to be on our desk in just a very short time, and then it is a matter of just moving it through the inter-agency clearance process, which shouldn't be too long. I believe we are talking a matter of weeks.

Mrs. CHRISTENSEN. Thank you.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mrs. Christensen.

The Chair recognizes Mr. Saxton from New Jersey for 5 minutes.

Mr. SAXTON. Thank you, Mr. Chairman. I, again, appreciate your willingness to permit me to sit on this panel of which I am not a member.

Let me just begin by—

Mr. RADANOVICH. Oh, you are not?

Mr. SAXTON. Pardon me?

[Laughter.]

Mr. SAXTON. Mr. Chairman, the intent of this bill is well shown by looking at the two photographs over here or demonstrated by looking at the two photographs. The photograph on the right is New York City, the photograph on the left is the Highlands, and the photograph on the right is a picture taken from the Highlands.

And I point this out because in States like New Jersey, and Connecticut and New York that have a center of commerce, a growing center of commerce, which is an attraction, obviously, for people to find good jobs, and it creates, inevitably, a situation where the beautiful greenlands, like the lands of the Highlands, become subject to very rapid development.

And in New Jersey, which is already the most densely populated State in the country, there is no issue that unifies liberals and conservatives, Republicans and Democrats, suburbanites and people who live in the country more than the preservation of open space. This is a really big deal for our State.

I remember years ago, probably 30 years ago, my family and I enjoy sailing, and we would sail out of the little creek where we kept our boat, it is called Cedar Creek, and sail south on Barnegat Bay. On the left is a barrier island called Island Beach State Park, and it was natural, and still today is natural, and to the right was the mainland. It was beautiful trees, just like the picture that you see here on the left.

Today, if you superimposed what has happened to the mainland, as I looked over my shoulder sailing to the south, that picture would be nothing but rooftops, and that is what has happened in

so many areas of New Jersey. We have got a great highway system, we have great work opportunities. If I am not mistaken, and Mr. Frelinghuysen can correct me if I am not, I think our per capita income is one of the highest, if not the highest, among all of the States. And so it is a great place to live. It is an attractive place for people to come and build homes, so much so that people who live in New Jersey today want nothing more than to preserve the open space that is left.

So I commend, Mr. Frelinghuysen, on his foresight of drafting H.R. 1964, and I commend the Administration for their careful examination. As a matter of fact, I want to commend the Forest Service for producing an excellent 2002 update on the Highlands Regional Study. Thank you for doing that, and thank you for understanding the needs of New Jersey.

Mr. Tenny, can you elaborate for us, with regard to the study, why the study so forthrightly declares this region to be one of national significance.

Mr. TENNY. I think it is, probably the most direct answer to that question is because of the unique nature of the region. As you pointed out, there are some very populated areas, but a very unpopulated area, for the most part, and because of that there are some resource values that have a very direct effect on the livelihoods, quality of life and the experiences in these areas that those very populated areas have.

I think in the total region there were, of the \$1.5 million acres, there was somewhere in the neighborhood of a half-a-million acres that had some very, very unique ecological values attached to them that were identified by the Forest Service. Because of their character, and their nature, these were of high value either for their water quality or because they were home to a listed species or because of high-value recreation opportunities, that sort of thing.

And so there is a prioritization that has occurred, as the Forest Service has looked at this area, but that prioritization has demonstrated that there are some areas here that are truly significant and truly unique.

Mr. SAXTON. Thank you. One final quick question. I think one of the highlights of Mr. Frelinghuysen's bill is the incorporation of the willing sellers and public-private partnerships. Can you speak to those issues and tell us how you think they fit within the Administration's concept of land conservation.

Mr. TENNY. Yes. Obviously, when you are talking about land conservation at the local level, as has been noted in this hearing already very well, it is critical that those who are involved at the local level, not only in identifying the issues, the right issues that need to be addressed, but in making decisions about those issues, working together, are the ones who ought to be directly involved.

When you are talking about those who own property, it is absolutely essential that those who own property are able to exercise the rights of property ownership, and in that regard, I note that the bill has language in it that makes clear that there is a willingness that has to be demonstrated on the part of the property owner in order to participate in the conveyance of any of their interests in property, and that is an important principle.

The Secretary has talked about working lands as a concept moving forward, in terms of addressing some of the challenges that we face for our rural communities and rural landowners, and certainly it is a principle that we adhere to, making sure that as we work with local communities, that we are taking into full account the interests of those local landowners and the importance of their ability to maintain their property interests in a way that is not only comfortable to them, but is not coercive in any way, in terms of what they do with those interests.

Mr. RADANOVICH. Thank you, Mr. Saxton.

Mr. Frelinghuysen?

Mr. FRELINGHUYSEN. Mr. Chairman, I want to thank you for the opportunity to testify earlier, and I want to thank Congressman Saxton for so well articulating a lot of the excitement and the importance of this legislation, and to Mr. Tunny and your colleagues who put together this updated report, done with a huge collaboration of so many interested parties.

It was then-Governor Christie Todd Whitman, what, seven or 8 years ago, who set a goal just for New Jersey of saving a million acres from development and set her heart and soul into that. Her vision has been endorsed by a Democratic successor, Jim McGreevey, and every step is being made, obviously, to recognize the need for home ownership and the desire of people who live in this wonderful area, but to recognize that what makes it special is its open space and farmland, which is rapidly disappearing. But the work that you did to highlight why it is so important is essential to the success of this legislation, and I really appreciate your being here today.

And this is part of a process, and you have made some excellent suggestions, which I am sure the Committee will consider. And if the bill needs some improvement, we will be happy to do it, but our heart and soul is in this bill and has wide bipartisan support on both sides of the aisle and throughout a four-State region. So I want to thank you for all of your efforts, and thank you, again, Mr. Chairman.

Mr. RADANOVICH. You are welcome, Mr. Frelinghuysen.

Dave, is there a presence in this area by the Forest Service right now?

Mr. TENNY. The Forest Service doesn't have a physical presence in that there is not a ranger district or a forest, obviously, but the Forest Service has a presence in the area. The Northeast Area for State and Private Forestry of the Forest Service covers about 20 States, and they provide, on an ongoing basis, technical assistance. They help with forest health monitoring and other types of work, working with the State foresters to address forest health issues and other resource management issues. So there is a presence in the region.

Kathy, do you want to elaborate on that? Kathy directs the area. She can tell you, with precision, exactly what we do.

Ms. MALONEY. In addition to what Dave has said, we have had, through the course of the study that was updated in the last 2 years, we have had a coordinator onsite in the Highlands area, working with the public and doing the coordination and help with setting up meetings and bringing people to this discussion. That is

a person who is in a term appointment position, and we have trained her so well she has accepted a new job and will leave at the end of this month.

But there has been that sort of presence there, and as an organization, while our headquarters are near Philadelphia, we have the flexibility to position people where they are needed, and we do that throughout the 20-State area that I manage. So I would expect a continued presence of some sort there, depending upon the role that is agreed to by the Secretary and recommended up here.

Mr. RADANOVICH. Can you tell me, with regard to the private property owners that would fall under this designated area, if such a thing were to occur, what happens to their property values once it is under that designation? I mean, I know that there is going to be a willing seller involved, but there has been a history of, when there is Federal land, when the land is being projected for a particular use, usually that land value goes down before it is bought. Is that typical?

Mr. TENNY. In this area or generally? I think I will talk about this area and what I do know, and that is that as we have worked in this area in the past, I don't know that we have identified any direct impacts on property values that have been caused by the reports that have been done. Whether an additional or new designation of the area would have that kind of an impact, to be honest with you, I don't know that we have studied that directly, and so it would be a little bit speculative to say that.

However, I do believe that there probably would be some effect on property values, depending upon where they are within this area. Obviously, the further away you get from highly developed areas, probably the more likely that impact might be.

Mr. RADANOVICH. I yield to Rod, if you want to further comment.

Mr. FRELINGHUYSEN. If anything, land values continue to escalate, which is germane to the earlier question as to why this figure has a \$25-million annual goal. Whether that is achievable or not would depend largely on the work of those of us who serve on the Appropriations Committee, from whatever State you are, in terms of the Land and Water Conservation Fund or whatever Federal source, but that land values continue to escalate, this is a very expensive piece of real estate here.

There won't be any diminution of value. If anything, that is why land is so expensive here, just to be any tract of land. And there are certain tracts of land that have been identified either by the U.S. Forest Service or other local agencies that are particularly important to watershed protection. And if we don't act quickly, a lot of that watershed would be violated forever, and I think that is sort of what is the root cause of why we are moving and trying to move with some rapidity.

Mr. RADANOVICH. If I can, too, comment, and I still need to know what a stewardship area is, when it is all said and done, because it is very cloudy, in my mind. But an area of private property that falls under this type of designation, though, and I would assume the private property that is in that designation has certain development rights that are, by the very nature of falling into an area such as this, as soon as I find out what it is, you would, in a sense,

lose your development rights, and that is where your property value would decline.

Mr. FRELINGHUYSEN. Local control, Mr. Chairman, is still maintained. New Jersey has, for instance, 21 county governments. It has over 500 municipalities. They still retain the power to decide where development goes. Nobody is losing their property rights as a result of this difficult-to-describe stewardship designation. The stewardship actually already exists through a State, Federal, municipal and county collaboration. It is to continue the collaboration and to make it more successful in preserving pieces of land that are literally under the gun to be developed, inappropriately to be developed.

Mr. RADANOVICH. So what is a stewardship area, and where are the examples of this?

Mr. TENNY. I think probably the best way to answer that—

Mr. RADANOVICH. I have been on this Committee for 8 years, and I have never heard of anything like this. So this is new to me.

Mr. TENNY. Yes. A stewardship area would be whatever this piece of legislation would define it to be. There is no designation, within the Agency right now, of a stewardship area, per se. So that is one of the questions that would be answered by a piece of legislation like this. It would certainly be a defined area on a map. It would certainly have certain types of values associated with it, and some of those have been identified. Probably most of those have been identified by the studies that have been taking place and some of them have been listed in the bill.

But I think the bottom line is that a stewardship area of this nature would be whatever this bill would define it to be.

Mr. RADANOVICH. I yield to Mr. Saxton.

Mr. SAXTON. Mr. Chairman, let me take a crack at the two issues that you have brought up.

First, with regard to the stewardship issue, I am not sure that there is a legal or Federal definition of stewardship area, but the term "stewardship" would tend to imply that the Federal Government is somehow overseeing this tract of land, the Highlands.

There is another example of this in New Jersey, but it is different, and very different. And so I don't want to confuse the two, but in I believe the late 1970's, the Federal Government passed a law creating the Pinelands National Reserve in New Jersey, and it was different than this because there were specific mandates that the Pinelands National Preserve delineated.

And they said the State will become the caretaker of the Pinelands National Preserve, and the State then enacted a law to implement their responsibilities. They created a commission, and it, in effect, usurped a certain amount of local zoning. Well, everybody wanted that to happen in New Jersey for many of the same reasons that I stated before.

In this case, there is no prescribed method of governance by the Federal Government or by the State. It simply sets this land aside and says that \$25 million a year could be used to purchase the property or the property rights, the development rights, I suppose, of anybody who wants to sell them.

And so the stewardship in this case is defined differently than the stewardship that is in my district, through the Pinelands

National Reserve. Would you tend to agree that that is a fair analysis of what is happening?

Mr. TENNY. I think that is probably pretty fair. One point that was raised here that made some sense is that what is being proposed here is, in many ways, analogous to what occurs with the Forest Legacy Program right now because the State will enroll in the Forest Legacy Program, the State will identify lands that are eligible for Forest Legacy assistance, and then those lands, those areas will be prioritized on a national basis, and then they are put into a queue based upon their priority. Sometimes Congress will identify priorities for us.

And then the assistance, whatever it may be, in this case, with Forest Legacy, is it often an easement, a conservation easement of some kind or some other interest in the land for conservation purposes, monies will be appropriated for that purpose, and then we move forward.

That might be the most analogous, from a programmatic standpoint.

In this case, it appears that the designation of this area would be for the purposes of identifying those lands that would be available or be eligible for certain types of assistance; for example, some technical assistance or other types of research assistance or, in some cases, the acquisition of easements on a priority basis.

So, really, the designation of the area is, more than anything else, the establishment of a priority for the delivery of certain kinds of assistance and other types of funding for easements.

I think that is probably maybe the best description of it, for purposes of the——

Mr. SAXTON. Thank you. If I could take a crack at the other question that you raised, which I think is an important one, what happens to property values? Mr. Frelinghuysen just told me that there is about two million acres in this parcel, and if we could just assume, for one moment, that, and let us say over a 10-year period, that owners of one million acres decided they wanted to take part in the program, and somehow we found the money to purchase a million acres, and assume also that the demand remains relatively stable. Because the supply of land has been significantly reduced, would it then cause the price of the remaining buildable land to increase?

Mr. TENNY. I think that is probably true. I think you see it in different places, and certainly the intensity of that effect varies from place-to-place. Obviously, population pressures and folks looking for opportunities to build and to expand will have its influence on that, but I think that, generally, your premise is correct.

Mr. RADANOVICH. Mr. Tenny, thank you very much for being here. We appreciate the testimony.

And, Mr. Randy Jones, of the National Park Service, sir, if you want to go ahead.

Are you speaking to both, Randy, or what?

Mr. JONES. Yes, Mr. Chairman.

Mr. RADANOVICH. You are welcome to be brief, if you would like to.

**STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, WASHINGTON, D.C.**

Mr. JONES. In fact, I would be very happy to be brief, and I would ask that my statements be submitted for the record in their entirety.

I will start very briefly with thanking you for the opportunity to present the views on H.R. 1616. The bill would authorize the exchange of lands within Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta.

The Department of Interior supports H.R. 1616. I think, as several members have pointed out, this is one of the best examples of a win-win proposal we think we have ever seen.

It would allow us to provide, in exchange with the City of Atlanta, provide for the city lands that are currently undeveloped, with only a temporary structure on them, that would be used by the city to help the urban renewal and revitalization of this important historic district and provide lands coming from the City of Atlanta to the National Park Service, which would provide really critically needed access, especially for emergency services to the park's visitor center. The visitor center actually is on lands that have already previously been donated by the City of Atlanta to the park itself.

So we think this is an excellent proposal, and we think it will help all of the parties involved, and we do strongly support it, Mr. Chairman.

Moving on to H.R. 1964, a bill to establish the Highlands Stewardship Area in the State of Connecticut, New Jersey, New York and the Commonwealth of Pennsylvania.

As you know from the testimony just presented, the U.S. Forest Service is the lead agency on this, which we continue to support them being the lead. The background has already been provided by several members, as far as the significance. There is no doubt there is a great significance to this area.

One of the things that we think this bill does provide is it provides a focus of what are several different Federal programs and their importance to the area.

From the National Park Service point of view, several units of the National Park Service are within the boundaries of this area, including Morristown National Historic Park, part of the Appalachian Trail, the Delaware Water Gap National Recreation Area, the Upper Delaware and Farmington Wild and Scenic Rivers, and two Heritage Areas—the Hudson Valley Heritage Area and the Delaware Lehigh Valley National Heritage corridor.

As I mentioned earlier in questions, the National Park Service has had a role in this area, through the stateside Land and Water Conservation Fund. We think that is a role that can continue.

As our reading of the bill is not really, other than the authorization of funding, is not really providing any new specific authority, but as I said earlier, providing a focus of several different authorities to recognize the importance of this area. Otherwise, we would actually defer to the U.S. Forest Service for their positions on the area.

So, with that, I would be happy to answer any questions the members might have.

[The prepared statement of Mr. Jones on H.R. 1616 follows:]

**Statement of A. Durand Jones, Deputy Director, National Park Service,
U.S. Department of the Interior, on H.R. 1616**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the Department's views on H.R. 1616. This bill would authorize the exchange of lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

The Department supports H.R. 1616. The bill would allow the National Park Service (NPS) to exchange land currently owned on Edgewood Avenue for land of equal or greater value from the City of Atlanta (City). The exchange would provide the Martin Luther King, Junior, National Historic Site (park) with emergency access to the park visitor center, and would help in the continuing revitalization of Edgewood Avenue. Although appraisals have not been completed, there would be no acquisition costs associated with this equal value exchange. Development of the newly acquired land, in order to provide paved access for emergency vehicles, is estimated to cost \$160,000. There would be no increase in operational costs or the need to fund additional facilities.

H.R. 1616 would amend Section 2(b) of P. L. 96-428, the act that established Martin Luther King, Jr. National Historic Site, to allow the Secretary of the Interior to acquire land within the boundary of the park that is owned by the State of Georgia, or any political subdivision of the State, by exchange. Currently, P. L. 96-428 only allows the Secretary to acquire such lands by donation.

The park and nearby Preservation District, which includes Sweet Auburn, the economic and cultural center of Atlanta's African American community during most of the 20th century, were established in 1980 to preserve, protect and interpret the places where Dr. King was born, worked, worshiped, and is buried. Located near downtown Atlanta, the park consists of 34.47 acres, of which 13.04 acres is currently in Federal ownership.

Most of the park is self-guided, including the visitor center, Historic Ebenezer Baptist Church, Dr. King's gravesite, Freedom Hall and Historic Fire Station No. 6. Guided tours are provided for Dr. King's Birth Home. In addition, the park preserves and maintains 22 historic properties. Most of these properties are located on the same block as the Birth Home and are restored to the 1930s period when Dr. King lived on Auburn Avenue. These historic properties are leased, as residential units, to the general public.

In 1992 when the NPS began planning for a visitor center, the preferred location was determined to be the site of the City owned Martin Luther King, Jr. Community Center. In accordance with P.L. 96-428, land could only be acquired from the City of Atlanta by donation. The City, realizing the importance of having an NPS visitor center within the park, agreed to donate the community center to the NPS.

Due in large part to the City's generosity, the visitor center has been completed. However, emergency vehicles are unable to access the visitor center from nearby streets and additional land is needed to provide this emergency vehicle access. The City owns 1.71 acres that are adjacent to the visitor center, have easy access from Jackson Street, and could be developed to provide the needed emergency access for the visitor center. The City is interested in conveying all, or a portion, of this property to the NPS through an exchange.

When the park was established, the boundary was created to ensure the preservation of Dr. King's neighborhood. Included within the boundary is Edgewood Avenue. In order to assure preservation of the area NPS has gradually acquired several properties along Edgewood Avenue, which was a deteriorating commercial area.

At the time the park was established, there were no local efforts to preserve properties along Edgewood Avenue. However, during the past 10 years several individuals and organizations, with the support of the City, have initiated restoration of the preservation district, including Edgewood Avenue. NPS ownership on Edgewood Avenue is no longer needed solely to ensure preservation and NPS has identified land along Edgewood Avenue that would be suitable for an exchange with the City, in order to acquire the parcel adjacent to the visitor center.

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

Thank you, Mr. Chairman.

[The prepared statement of Mr. Jones on H.R. 1964 follows:]

**Statement of A. Durand Jones, Deputy Director, National Park Service,
U.S. Department of the Interior, on H.R. 1964**

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1964, a bill to establish the Highlands Stewardship Area in the states of Connecticut, New Jersey, New York, and the Commonwealth of Pennsylvania. As you know, the U.S.D.A. Forest Service has the lead on this initiative. We will defer to them on provisions of the bill affecting the Forest Service and only comment on provisions relating to the Department of the Interior and the collaborative role our two Departments have played in this important natural area.

The Highlands Area, comprising more than 2 million acres in one of the most urbanized sections of the country, contains numerous natural and cultural resources worthy of protection. It is a water supply source for over 11,000,000 persons, provides critical habitat to a wide variety of plant and animal species, and is the site of many historic events that have shaped our nation including significant actions related to the American Revolution. It is also an area rapidly experiencing the impacts of urbanization.

The Highlands Area has been the subject of many past studies described in the bill that document its important natural and cultural resources. It also contains units of the National Park System including Morristown National Historical Park and the Delaware Water Gap National Recreation Area; designated wild and scenic rivers including the Upper Delaware and Farmington Rivers; and two designated national heritage areas—The Hudson River Valley National Heritage Area and the Delaware and Lehigh National Heritage Corridor. The National Park Service has enjoyed long-standing partnerships with many of the governments and organizations in this region.

In 1992, the Forest Service completed its initial study of the Highlands Region, which was authorized by the 1990 Farm Bill. The study supported land stewardship and watershed based planning activities, identified voluntary and non-regulatory means to protect important areas, fostered public awareness of the region's resources, and identified priority areas for protection. In 2000, under Representative Frelinghuysen's leadership, Congress recognized the need to revisit the study's findings and authorized an update in Public Law 106-291. The Forest Service completed the update this year with the National Park Service providing comments on the draft report. The draft report is the product of extensive public participation across the Highlands Region, including involvement by members of the working group from over 120 municipalities, non-profit groups, private groups, and citizens in 12 counties as well as other Federal agencies and members of Congress.

Congress has requested that at the conclusion of the update, the Secretaries of Agriculture and Interior report on how they will work together to implement the recommendations of the study. In the draft report, the Secretaries provide three recommendations for a continued Federal role in the Highlands Region including: supporting the stewardship of the Highlands region, ensuring the availability of science-based information, and partnering in local land stewardship activities. The Secretaries are in the final stage of completing this document and hope to transmit it to Congress in the very near future.

We currently see many opportunities for participation in the Highlands Region through existing programs of the Department of the Interior. Projects within the region may qualify for Rivers, Trails and Conservation Assistance, Wild and Scenic Rivers Program assistance, and Land and Water Conservation Fund (LWCF) assistance, among others. For example, through the LWCF program, the Rockaway Township in the Highlands Region of the State of New Jersey recently acquired 294 acres of land adjacent to the Wildcat Ridge Wildlife Management Area to protect open space inhabited by endangered species including the threatened bald eagle. Through our Rivers, Trails and Conservation Assistance Program, we are working with local groups along the Delaware and Hudson Canal to create a 220-mile network of trails (including water trails), scenic railroads, and scenic byways. We look forward to continuing this productive relationship with the Department of Agriculture, the four states, local governments, and many present and new partners in the Highlands Region as we strive to protect natural, historic, and cultural resources.

Our concern with the bill is its cost. H.R. 1964 would authorize the appropriations of \$250 million from the Land and Water Conservation Fund over 10 years. The targeting of these funds could require redirecting funds from other high-priority programs or projects, which could reduce the efficacy of those programs. Many of the purposes of this bill can be accomplished through grants to states under the Land and Water Conservation Fund Act. We would like to work with Representative Frelinghuysen and other sponsors of the bill to examine more appropriate and cost-effective sources of funding.

This concludes my testimony. I would be pleased to answer any questions the Committee may have on this bill.

Mr. RADANOVICH. I now recognize Mrs. Christensen.

Mrs. CHRISTENSEN. Just for clarification, following along the lines of the question that was partially answered by Congressman Saxton, what is the difference between the Highlands Stewardship Area and a National Heritage Area?

Mr. JONES. A National Heritage Area has a direct relationship with the National Park system and the National Park Service. A Stewardship Area is not a unit of the National Park system, and we would hope would not be the National Park Service.

Mrs. CHRISTENSEN. And would this sort of a Highlands Stewardship Area fit under the President's Heritage America Program?

Mr. JONES. I really would have to defer those questions specifically to the Forest Service to answer because I do not have any background or experience in the concept of what is proposed in this bill.

Mr. RADANOVICH. Just to clarify that last remark, though, the Heritage Area is usually administered out of the Park Service. Did you mean to say, then, that a Stewardship Area is generally administered out of the USDA, the Department of Forestry?

Mr. JONES. Well, the Heritage Areas are not administered by the National Park Service, but we are the lead Federal agency that work with private partners.

Mr. RADANOVICH. Right.

Mr. JONES. Be they State, local governments or private organizations.

Mr. RADANOVICH. Does that mean that, typically, then—what is this called?—a Stewardship Area, then, is the Department of Forestry then the lead agency on that?

Mr. JONES. That would be how we see it, yes, sir.

Mr. RADANOVICH. Good.

Mr. Frelinghuysen, any questions?

Mr. FRELINGHUYSEN. Actually, your boss is Gale Norton, Secretary Norton?

Mr. JONES. That is correct, yes, sir.

Mr. FRELINGHUYSEN. And Secretary Norton and Secretary Veneman are both involved in coming up with the recommendations that the appropriations language requested.

Mr. JONES. That is correct.

Mr. FRELINGHUYSEN. We are hoping, obviously, for a very positive, some positive recommendations, in terms of how the Federal Government can collaborate with other stewards of properties in this regard, including the good stewardship, obviously, that the National Park Service has shown in this region and around the Nation.

Mr. JONES. Absolutely. I would agree with you, and there is definitely a continued role for the stateside Land and Water Conservation Fund in this area as well. We have had good projects in the area, and we fully expect we will have them in the future, in partnership with all of the local organizations and States.

Mr. RADANOVICH. Thank you very much, Mr. Jones, for your valuable testimony. I appreciate it.

With that, you are excused, and we call up Panel 3, the Honorable Margaret Nordstrom, a freeholder from Morris County Board of Freeholders in Long Valley, New Jersey, and Mr. Stephen Shaw, the immediate past president of the New Jersey Builders Association from Mountain Lake, New Jersey. Both are here to speak on H.R. 1964.

Good afternoon and welcome to the Subcommittee.

Ms. Nordstrom, would you like to begin your presentation? We will give you both 5 minutes, and then we will open it up for questions from the members up here.

Thank you and welcome.

**STATEMENT OF MARGARET NORDSTROM, FREEHOLDER,
MORRIS COUNTY BOARD OF FREEHOLDERS, LONG VALLEY,
NEW JERSEY**

Ms. NORDSTROM. Mr. Chairman, Madam Ranking Member, my name is Margaret Nordstrom, and I am pleased to appear for you today on behalf of the Morris County Board of Chosen Freeholders and the diverse local interests we represent, including small businesses, community groups, private property owners and nearly 750,000 residents of the New Jersey Highlands, to share with you the overwhelming support in our local communities for the legislation you are considering today.

We are grateful, Mr. Chairman, for your Committee's expeditious attention to this bill and to the urgent needs it will address in New Jersey and throughout the four-State Highlands Region.

We also deeply appreciate the dedication of our congressional delegation, including Representatives Frelinghuysen and Garrett, and the efforts of the many committed House members from other States who recognize the intense pressures the Highlands face, and the appropriate Federal role and appropriate local control the Highlands Stewardship Act provides.

The Highlands is truly a glorious part of the United States. It has scenic vistas, unmatched recreational opportunities, critical wildlife habitat and prime farmland. However, its major importance lies in the fact that the Highlands is the prime source of drinking water for 15 million people.

Today, these water resources are profoundly threatened, mainly as a result of unprecedented growth. The population in the Highlands from 1990 to 2000 increased 11 percent. The USDA Forest Service found that over 5,000 acres of land are being developed a year in the New York-New Jersey Highlands alone.

Aquifer recharge areas that contribute to groundwater renewal have been paved over and other important aquifers have been damaged irreparably by inappropriate development. During times of heavy rains, water that in the past would have been allowed to percolate back into the ground now becomes runoff, making the rivers swell and flooding downstream communities with storm water.

In the 18 years I have lived in my town, Washington Township, I have seen intermittent streams and wells dry up and the level of groundwater drop markedly. As the number of people who are dependent on the Highlands as their source of drinking water is expected to continue to increase, it is vital that we take steps now

to ensure that we have water in sufficient quality and quantity for the future.

The USDA Forest Service Report identified about 77 percent of the highest-value water resources in the Highlands, approximately 294,000 acres, as being unprotected. About 100,000 of these acres are immediately threatened by potential development. We, in the Highlands, have a longstanding commitment to protecting our watersheds to prevent the need for water treatment options that ultimately cost far more and deliver less community benefit.

Preservation of water resources is an issue of primary importance and cuts across municipal, political, and economic lines. As a result, many partnerships are being forged between State, county and municipal governments to this end, but this, in itself, will not be sufficient to do what needs to be done. We need the Federal Government to partner with us.

Each of the towns and counties in the Highlands has its own goals for providing for its citizenry. Some want to continue to grow more than others, to provide services for their people, but all want to grow intelligently by protecting vital resources as they move forward.

This is the common understanding that has to drive public policy. Yes, we need housing and commercial development, but it has to be built within a framework that accommodates environmental realities.

I understand full well that this Committee hears from many communities who face similar, if less pronounced, land-use issues and which urge you to respond by asserting Federal control in the form of new national park areas or other Federally managed units.

Please be assured, Mr. Chairman, that the very last thing we are interested in is a Federally controlled and mandated solution to local planning and land management decisions. In fact, our support for the Highlands Stewardship Act stems precisely from the bill's respect for local decisionmaking and from its targeted Federal assistance to our efforts to protect the nationally significant resources in our own backyard.

The Highlands Stewardship Act offers a helping hand, rather than a strong-arm intrusion, regarding these issues. The bill brings Federal agencies, in a defined and welcome role, into the full partnership that now exists among our State and local agencies and the broad array of involved private interests.

This balanced approach will help us to maintain our community vitality and our open spaces. It will facilitate cost-effective alternatives to domestic water purification options that otherwise would place even greater strains on public budgets, and it will enhance our ability to shape the best-possible future for our area and our constituents.

I have here with me resolutions in support of this bill from five counties, many municipalities, a local guy who is a real estate agent, a very active real estate agent, and an organization of which fully one-third of their members represent the business community.

Mr. RADANOVICH. And I would ask unanimous consent that that be submitted for the record as well, there being no objection.

[NOTE: The supporting resolutions have been retained in the Committee's official files.]

Ms. NORDSTROM. Thank you, Mr. Chairman.
 [The prepared statement of Ms. Nordstrom follows:]

**Statement of Margaret Nordstrom, Freeholder,
 Morris County, New Jersey, on H.R. 1964**

Mr. Chairman, my name is Margaret Nordstrom, and I am pleased to appear before you today on behalf of the Morris County Board of Chosen Freeholders and the diverse local interests we represent including—small businesses, community groups, private property owners, and nearly 750,000 residents of the New Jersey Highlands—to share with you the overwhelming support in our local communities for the legislation you are considering today.

We are grateful, Mr. Chairman, for your Committee's expeditious attention to this bill and to the urgent needs it will address in New Jersey and throughout the four-state Highlands region. We also deeply appreciate the dedication of our Congressional delegation (including Representatives Frelinghuysen and Garrett) and the efforts of the many committed House members from other states who recognize the intense pressures the Highlands face and the appropriate Federal role—and the appropriate local control—the Highlands Stewardship Act provides.

The Highlands is truly a glorious part of the United States. It has scenic vistas, unmatched recreational opportunities, critical wildlife habitat, and prime farmland. However, its major importance lies in the fact that the Highlands is the prime source of drinking water for 15 million people. Today, these water resources are profoundly threatened, mainly as a result of unprecedented growth. Population in the Highlands from 1990 to 2000 increased 11%. The USDA Forest Service found that over 5,000 acres of land are being developed a year in the NY-NJ Highlands alone.

Aquifer recharge areas that contribute to groundwater renewal have been paved over and other important aquifers have been damaged irreparably by inappropriate development. During times of heavy rains, water that in the past would have been allowed to percolate back into the ground now becomes run-off, making the rivers swell, and flooding downstream communities with storm water. In the 18 years I have lived in my town, Washington Township, I have seen intermittent streams and wells dry up, and the level of ground water drop markedly. As the number of people who are dependent on the Highlands as the source of their drinking water is expected to continue to increase, it is vital that we take steps now to insure that we have water in sufficient quality and quantity for the future.

The USDA Forest Service report identified about 77 per cent of the highest value water resource lands in the Highlands, approximately 294,000 acres, as being unprotected. About 100,000 of these acres are immediately threatened by potential development. We in the Highlands have a long standing commitment to protecting our watersheds to prevent the need for water treatment options that ultimately cost far more and deliver less community benefit. Preservation of water resources is an issue of primary importance, and cuts across municipal, political, and economic lines. As a result, many partnerships are being forged between state, county and municipal governments to this end, but this in itself will not be sufficient to do what needs to be done. We need the Federal Government to partner with us.

Each of the towns and counties in the Highlands has its own goals in providing for its citizenry. Some want to continue to grow more than others, to provide services for their people, but all want to grow intelligently by protecting vital resources as they move forward. This is the common understanding that has to drive public policy. Yes, we need housing and commercial development—but it has to be built within a framework that accommodates environmental realities.

I understand full well that this Committee hears from many communities who face similar, if less pronounced land-use issues and which urge you to respond by asserting Federal control in the form of new national park areas or other Federally managed units.

Please be assured, Mr. Chairman, that the very last thing we are interested in is a Federally controlled and mandated solution to local planning and land management decisions. In fact, our support for the Highlands Stewardship Act stems precisely from the bill's respect for local decision-making, and from its targeted Federal assistance to our efforts to protect the nationally significant resources in our own back yard.

The Highlands Stewardship Act offers a helping hand, rather than a strong-arm intrusion, regarding these issues. The bill brings Federal agencies, in a defined and welcome role, into the full partnership that now exists among our state and local agencies and the broad array of involved private interests.

This balanced approach will help us to maintain our community vitality and our open spaces. It will facilitate cost-effective alternatives to domestic water purifi-

cation options that otherwise would place even greater strains on public budgets. And it will enhance our ability to shape the best possible future for our area and our constituents.

Mr. RADANOVICH. Thank you, Ms. Nordstrom for your testimony. Right on 5 minutes. Good job.

Mr. Shaw, welcome to the Subcommittee. If you would like to bring your testimony, that would be great.

**STATEMENT OF STEPHEN H. SHAW, IMMEDIATE PAST
PRESIDENT, NEW JERSEY BUILDERS ASSOCIATION,
MOUNTAIN LAKE, NEW JERSEY**

Mr. SHAW. Yes, thank you, Chairman Radanovich, Ranking Member Christensen, and members of the National Parks, Recreation and Public Lands Subcommittee.

My name is Stephen Shaw. I am a lifelong New Jersey resident, and I am a second-generation builder and developer who has been in the home building business in New Jersey for over 30 years. I am the immediate past president of the New Jersey Builders Association, and I serve as councilman in Mountain Lakes, New Jersey, where my wife and I raise our two children.

I am pleased and honored to have the opportunity to appear before you today to share the views of the New Jersey Builders Association and the National Association of Home Builders concerning H.R. 1964, the Highlands Stewardship Act.

While we appreciate the efforts of this Subcommittee and Representative Frelinghuysen to address growth issues in New Jersey, New Jersey, Pennsylvania and Connecticut, the members of the New Jersey Builders Association and the National Association of Home Builders are opposed to the Highlands Stewardship Act.

In my home State of New Jersey, we are facing a severe housing shortage. In the 1990's, New Jersey's population grew, while housing starts declined during that same time period. Because of this imbalance between supply and demand for housing, one million low- and moderate-income families will not have the opportunity to own a safe, decent and affordable home in the State of New Jersey.

Mr. Chairman, using H.R. 1964 to influence population growth and migration trends in the Highlands is unrealistic. The Highlands Stewardship Act will only exacerbate the housing shortage in New Jersey.

The Highlands Region is home to over 1.4 million people and, as the study states, virtually in the backyard of the Nation's largest metropolitan area. The region looks like any other suburban setting in the U.S. It is beautiful. It has lakes, rivers, highways, corporate parks, housing and shopping. Yet, this seemingly average suburban setting has been the subject of two congressionally authorized, and funded, U.S. Forest Service studies; first, in 1992, and most recently in 2002.

Representatives of the New Jersey Builders Association were asked to participate on the Highlands Work Group for the 2002 update. Unfortunately, our participation was limited to little more than reviewing and commenting on the update. As a result of our limited input, the 2002 update fails to recognize the critical importance of housing and the economic impacts in the region.

The attempt by the 2002 update to quantify the influence of future development is flawed in a number of ways. The lack of specificity in the modeling and scientific data presented in the reports opens the reports to contradiction and debate. These omissions, coupled with other flaws within the study, do nothing to realistically portray future development patterns or the likelihood of environmental damage in the Highlands.

Mr. Chairman, H.R. 1964, which draws its basis from the conclusions and recommendations of the 2002 update, will have an adverse affect on housing affordability and housing choice in the Highlands Region. Land preservation and the development restrictions in the Highlands can only serve to increase the cost of land—I think Mr. Tenny testified to that—and therefore increase the cost of a home.

There is no need for the creation of a Federal Office of Highlands or a special annual appropriation for the region, as H.R. 1964 would do. There currently exists several Federal programs that can aid local Highlands communities in their efforts on land preservation.

For example, the U.S. Forest Service's Forest Legacy Program, which offers States an opportunity to identify and protect environmentally important forests, includes the programmatic infrastructure and funding to serve the goals of protecting sensitive lands in the Highlands.

Additionally, as you, Mr. Chairman, pointed out, H.R. 1964 offers no definition of Stewardship Area and what Federal protection, management or obligation the designation may provide to the Highlands Region. Although the legislation attempts to preserve local zoning control and private property rights, the creation of a Highlands Stewardship Area will encourage preservationists and no-growth advocates to further limit land use in the name of "national significance."

The study poses a question: What will the area look like for our children and grandchildren? And that is a question I want to know, too. And I submit they will be forced to live and look at the Highlands from afar, unless we balance preservation with planning for people.

Thank you for this opportunity to share our views on this very important issue. I look forward to answering any questions you or your Subcommittee members may have.

[The prepared statement of Mr. Shaw follows:]

Statement of Stephen H. Shaw, on behalf of the New Jersey Builders Association and the National Association of Home Builders, on H.R. 1964

Chairman Radanovich, Ranking Member Christensen and members of the National Parks, Recreation and Public Lands Subcommittee, I am pleased to appear before you today to share the views of the New Jersey Builders Association (NJBA) and the National Association of Home Builders (NAHB) concerning H.R. 1964, the Highlands Stewardship Act.

My name is Stephen Shaw and I am a life long New Jersey resident and second-generation builder and developer who has been in the home building business for over thirty years. For the past thirteen years, I have been the President of Shaw Built, Inc., an award winning medium-sized building company specializing in the construction of custom single-family homes in Morris, Hunterdon and Sussex Counties in New Jersey. I am the Immediate Past President of the NJBA and serve as a Councilman in Mountain Lakes, New Jersey.

On behalf of the 2,000 members of the NJBA and the 211,000 members of the NAHB, I would like to express our opposition to H.R. 1964, the Highlands Stewardship Act, introduced by Representative Rodney Frelinghuysen (R-NJ). While we appreciate the efforts of this Subcommittee and Representative Frelinghuysen to address growth issues in New Jersey, New York, Pennsylvania and Connecticut, the NJBA and NAHB are opposed to the Highlands Stewardship Act.

This country is faced with the inevitability of population growth and migration trends. For years, NJBA and NAHB have been working on how to grow “smart.” However, in order to provide solutions, we must confront an emerging issue that goes hand in hand with smart growth: population pressure. Projections based on U.S. Census data show that the U.S. population segment between 25 to 64, the population segment that accounts for the most household formation, will increase by about 1.4 million per year over the next ten years. With the addition of approximately 800,000 immigrants per year, the number of U.S. households will increase about 1.3 million per year for the next ten years. To satisfy this nationwide demand, and demand for the replacement of lost housing stock, home builders will have to provide approximately 1.6 million new homes a year.

In my home state of New Jersey, we are facing a severe housing shortage. According to New Jersey’s State Plan, approximately one million households, which represent about 2.5 million people, live in sub-standard, over-crowded housing for which they pay too much. The average new home in New Jersey costs \$308,000; and the average existing home costs \$224,000. To put it in context: the state’s median household income is about \$52,000 per year. A family at the median income level, assuming a generous down-payment and reasonable property taxes, can afford a house that costs perhaps \$150,000—well below the average resale and average new home price in New Jersey. Over the decade of the 1990’s, New Jersey’s population grew 87% more than in the 1980s; but our housing starts declined by 36%. The imbalance between the demand for and supply of housing is denying one million middle and modest income families to one of life’s basic necessities: a safe, decent and affordable home.

Mr. Chairman, the option to halt future growth, as a means of controlling present frustrations, is unrealistic. Future growth in the Highlands region is not an exception to this reality. The Highlands Stewardship Act will only exacerbate the housing shortage in New Jersey by slowing or even halting the opportunity to provide affordable housing in the Highlands region of the state and throughout the entire Highlands region.

The Highlands is a geographic region that encompasses over two million acres stretching from western Connecticut across the Lower Hudson River Valley and northern New Jersey into east-central Pennsylvania. This area is home to over 1.4 million people and abuts one of the most populous metropolitan regions of the nation. The region is home to interstate highways, airports, a variety of single family and multi family housing, industrial complexes and corporate parks. The region also includes brownfield sites, gas stations, and shopping complexes, as well as, mountains, farmland, lakes and streams. The communities within the Highlands are vibrant and dynamic and, like most communities, will continue to grow to accommodate the needs and desires of people who choose to live, work and raise their families in the Highlands region.

The Highlands has been the subject of two congressionally authorized and funded U.S. Forest Service studies: first, in 1992 and, most recently, the New York–New Jersey Highlands Regional Study 2002 Update (the 2002 Update). In both instances, the reports accompanying these studies attempt to both qualify and quantify the natural resources of the Highlands and the threats posed to the region’s natural resources by “a growing population, urban decline, and suburban sprawl.”

Representatives of NJBA were asked to participate by the U.S. Forest Service on the Highlands Work Group and ensure a regional perspective for the study. Unfortunately, our representatives were just a few of the over one hundred members of the Work Group. While our members had hoped to provide the U.S. Forest Service study team with specific input on the scope and subjects of the study, our participation was limited to little more than reviewing and commenting on the 2002 Update. As a result, we believe that the 2002 Update fails to recognize the critical importance of housing needs and economic impacts in the region. Further, the 2002 Update makes extremely general statements and negative predictions describing the condition of the natural resources within the area. The lack of specificity in the modeling and scientific data presented in the reports opens the reports to contradiction and debate. Because these studies comprise the basis for the legislative action we are contemplating today, it is important to comment on the shortcomings of these reports, specifically the 2002 Update.

The 2002 Update presents a broad scale assessment of the water quantity and quality, forest, habitat, recreation, and farmland resources of the New York and New Jersey portions of the Highlands region. The 2002 Update concludes that the Highlands' resources are being placed in jeopardy by development pressures. In order to draw the conclusion that the area's natural resources are threatened by residential expansion, the 2002 Update uses general modeling methods to make predictions about what will occur in the future. These modeling methods are replete with assumptions and generalities.

For example, in an effort to quantify the effect future development will have on the region, the 2002 Update establishes a low-constraint and high-constraint build out analysis. The low-constraint build out analysis, which assumes that existing policies and conditions will be continued indefinitely, showed that build out would be reached in 2021 with a 47.6 % population increase. The high-constraint build out analysis, which increases development constraints by removing areas that can be developed and changes some policies, showed that build out would be reached in 2035 with a 26.3% population increase.

This attempt to quantify the influence of future development is flawed in a number of ways. First, build out may never occur. Both models assume that all available developable land will be utilized. Further, the two scenarios alter the pace of build out by using different and widely general assumptions, leading to the conclusion that increased development will occur. Second, the scenarios completely generalized local zoning regulations and ignored any opportunity for zoning changes. Third, both scenarios removed areas that were already built to maximum zoning density and areas that were zoned for commercial and industrial use. To omit these areas from consideration completely disregards the possibility, and reality, of community revitalization and infill development, such as brownfields redevelopment.

The report employs additional modeling methodology with similar levels of assumptions and generalities to describe the future conditions of the area's water resources, forest resources, and watersheds. As above, it is through application of a generalized principle and coarse scale that the report provides the inevitable conclusion that these resources are imperiled.

Additionally, the 2002 Update fails to assess the strain that development constraints will have on the local economies of the Highlands communities. If actualized, the restrictive modeling of the high-constraint scenario would deny the opportunity for 300,000 residents (as compared to the predicted population of the Highlands using the low-constraint scenario) to live in the Highlands region. Further, the model fails to consider the economic benefit those new residents would provide to the region. The 2002 Update is noticeably silent on this issue, failing to adequately address any consideration of economic impacts, either in the modeling employed or in the potential impacts of the conservation measures sought in the report, might have on the region.

Coupled with the conclusions and recommendations of the 2002 Update, H.R. 1964 will have an adverse affect on housing affordability and housing choice in the Highlands region. As stated earlier, the Highlands is adjacent to one of the most populous metropolitan regions of the country and presents a desirable location in which to live, work, raise a family and recreate. Land preservation and development restrictions in the Highlands can only serve to increase the cost of land and, therefore, the cost of a home, and prohibit people from living in a home of their choice, in a setting of their choice and at a price they can afford.

In an effort to address the short-term pressures of growth within the Highlands, the Highlands Stewardship Act provides Federal grants to the four Highlands states of New Jersey, New York, Pennsylvania and Connecticut for land acquisition. However, H.R. 1964 creates an unneeded and unwarranted level of bureaucracy. The legislation creates a Federal Office of Highlands Stewardship within the U.S. Department of Agriculture with the authority to approve and dispense land preservation grants for the Highlands region. Further, the Office of Highlands Stewardship is tasked with implementing the findings and strategies of the 1992 study and the 2002 Update, which, as stated earlier, has many flaws. The legislation authorizes an annual authorization of \$25 million for land acquisition within the Highlands.

There currently exist several Federal programs that can aid local Highlands communities in their efforts on land preservation without the creation of a new Federal office. For example, the U.S. Forest Service's Forest Legacy Program offers states an opportunity to partner with the U.S. Forest Service to identify and help protect environmentally important forests. The U.S. Forest Services' Land and Water Conservation Fund, which this legislation uses to fund Highlands preservation, provides money to Federal, state and local governments to purchase land, water and wetlands. The Natural Resources Conservation Service's Farmland Protection Program provides funds to help purchase development rights to keep productive farmland in

agricultural uses. These Federal programs, and others, include the programmatic infrastructure and funding to serve the goals of protecting land in the Highlands without the creation of a new office to administer the program.

Although H.R. 1964 attempts to preserve local zoning control and private property rights, the designation of the Highlands as a national Stewardship Area will serve to grant the Federal imprimatur to the Highlands region. With this designation, preservationists and no-growth advocates in the region will be emboldened to seek further limits on land use in the name of "national significance." Further, the legislation offers no definition of "Stewardship Area" and what Federal protection, management or obligation the designation may provide to the area and the citizens who live within the region.

One solution to easing development pressures and threats to natural resources in the Highlands is to examine the Federal statutory and regulatory impediments to sensible development and resource protection. Our industry has struggled over the years with myriad overlapping regulations that inhibit responsible development. Rather than create another layer of Federal oversight for this region, the Congress should explore ways that the Federal Government can coordinate its own various land use authorities and its own often contradicting policies that affect the Highlands region. The local communities within the Highlands that desire land preservation would be better served by the streamlining or improved cross-department coordination of the Federal requirements and processes that influence local land use plans. With better Federal regulatory coordination, state and local governments could better accommodate both development and preservation.

The redevelopment of petroleum-contaminated brownfield sites is one area that the Federal Government can aid local communities. Unfortunately, current Federal law does not provide liability protection for innocent developers who want to develop petroleum brownfield sites. Without liability protection, builders are unwilling to assume the risk to their businesses and, therefore, are deterred from redeveloping petroleum sites. Petroleum brownfield sites, which present excellent redevelopment opportunities, represent approximately half of the 500,000 brownfield sites in the country. By providing statutory or regulatory incentives for redevelopment, brownfields revitalization can ease the development of "green fields" and aid land preservation efforts.

Mr. Chairman, the Highlands Stewardship Act seeks to preserve land in the Highlands by using solutions drawn from debatable conclusions in flawed reports. Without exploring the economic impact that land preservation will have on local Highlands' economies and housing affordability, the solutions and strategies H.R. 1964 seeks to implement are incomplete and could damage the economic future of the region. While the cause of land preservation is a noble one, the goal of land preservation within the Highlands can be accomplished by existing Federal conservation programs without any special "national" designations.

Mr. Chairman, thank you for this opportunity to share the views of the New Jersey Builders Association and the National Association of Home Builders on this important issue. I look forward to any questions you or the members of the committee may have.

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

Mr. Shaw, do you think that the Highlands should be developed, then; is that what you are—

Mr. SHAW. I think we have—I don't think—I know we have, and according to our State plan today, as we sit here, one-third of New Jersey residents live in substandard, overcrowding housing for which they put too much. It is a balancing act.

The recommendation calls for more recreation space for the citizens of New Jersey. I submit that we need to be equally concerned or more so that these residents have a safe, affordable roof over their head before we worry about where they are going to go during the day for recreation.

The Highlands needs to be developed responsibly. I live there. Obviously, I have children and a family I am raising there, but the notion that housing, and the people that inhabit housing, are going to be detrimental to the environment is simply not true. Development can be done responsibly and protect the environment. But we

need to provide housing, and we need to have a plan for people, instead of planning against people.

Mr. RADANOVICH. Thank you very much.

Mrs. Christensen?

Mrs. CHRISTENSEN. I have no questions.

Mr. RADANOVICH. No questions, no?

Mr. Frelinghuysen?

Mr. FRELINGHUYSEN. Just one brief comment.

Thank you, again, Mr. Chairman, for the courtesies you have extended to me, Mr. Saxton, and the witnesses here today, and I particularly want to welcome Freeholder Margaret Nordstrom and Steve Shaw, who is an old friend, both of whom are constituents, particularly Margaret Nordstrom, who is a county-elected official. Mr. Shaw is a municipal-elected official. Both of them are dedicated to the betterment of their communities and to Morris County, the county in which I live.

And I know that I will continue to work with both of them, particularly Margaret Nordstrom, in terms of preserving open space, and toward the goals of this Highlands Stewardship Act. And I look forward to working with the New Jersey Home Builders, and Mr. Shaw and his group to make any improvements that are within reason, but help us achieve this very important goal.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Frelinghuysen.

I have one question, too, and, Rod, it may be more appropriate for you to answer, but were there issues, and I mean this land is primarily in New Jersey and New York, but in Pennsylvania and Connecticut, were there ever any ballot or statewide ballot initiatives or bills at the State level to try to accomplish open space preservation within these same areas?

Mr. FRELINGHUYSEN. Well, I can speak for New Jersey. We have had a number, we have something called the Green Acres Program. I am not sure whether you have the equivalent in California. But the voters of New Jersey stand up on a fairly regular basis, and with their feet and with their pocketbooks, have voted, in many cases, to tax themselves so that they can raise money that can be matched by municipal, county, State and sometimes Federal resources; the ones that have been mentioned previously.

So the State of New Jersey has had a long history of supporting public ballot initiatives to preserve open space, both in Republican and Democratic legislatures, as well as Republican and Democratic Governors.

Mr. RADANOVICH. Any initiatives to make this more of a State park system or anything like that?

Mr. FRELINGHUYSEN. Well, what we don't want to do with this bill, as I have discussed with you on the way to floor votes, is give the Federal Government any more responsibilities to match—

Mr. RADANOVICH. No, I am just thinking State parks, though, in a State park scenario.

Mr. FRELINGHUYSEN. Well, the State has lots of initiatives to buy more open space itself. The State is not relaxing, nor are the counties and municipalities, in terms of trying to preserve open space. They are willing to tax themselves, add on to their own tax rates, a certain percentage to buy open space. So I think there is a wide

support for what we are doing because many municipalities and counties already have the State mechanism.

We hope that that self-taxing mechanism can be used in conjunction with Federal dollars to expand the ability to buy more property from willing sellers.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Ladies and gentlemen, thanks for your fine testimony. I appreciate your being here and, with that, the hearing is closed.

[Whereupon, at 3:48 p.m., the Subcommittee was adjourned.]

