

**PETRIFIED FOREST IN ARIZONA; QUINCENTENNIAL OF THE
DISCOVERY OF FLORIDA; HARRY S TRUMAN NATIONAL
HISTORIC SITE; HUDSON-FULTON-CHAMPLAIN COMMISSION;
AND ROAMING HORSES IN CAPE LOOKOUT NATIONAL
SEASHORE**

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION

on

S. 784 **S. 1311**
S. 2499 **S. 2656**
H.R. 2055

SEPTEMBER 21, 2004



Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

97-780 PDF

WASHINGTON : 2005

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CENTENNIAL OF THE DISCOVERY OF FLOR-
IDA; HARRY S TRUMAN NATIONAL HIS-
TORIC SITE; HUDSON-FULTON-CHAMPLAIN
COMMISSION; AND ROAMING HORSES IN
CAPE LOOKOUT NATIONAL SEASHORE**

TUESDAY, SEPTEMBER 21, 2004

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:33 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,
U.S. SENATOR FROM WYOMING**

Senator THOMAS. Let us see if we can get started here. I want to welcome our witnesses for today's National Parks Subcommittee hearing.

Our purpose is to hear testimony on four Senate bills and one House bill. They include:

S. 784, to revise the boundary of Petrified Forest National Park in the State of Arizona, and for other purposes;

S. 2656, to establish a national commission on the quincentennial of discovery of Florida by Ponce de Leon;

S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri;

S. 1311, to establish the Hudson-Fulton-Champlain 400th commemoration commission, and for other purposes; and H.R. 2055, to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout.

So that is what we have on our agenda.

So I thank you all for being here. Keep your statements limited somewhat. They will all be in the record, and then we will have some questions. We will include your entire statement. So we look forward to hearing your testimony and the opportunity to discuss these bills.

[The prepared statement of Senator Clinton and a letter from Governor Pataki follow:]

PREPARED STATEMENT OF HON. HILLARY RODHAM CLINTON, U.S. SENATOR
FROM NEW YORK, ON S. 1311

Mr. Chairman, I want to open my testimony by extending my warmest thanks to you and to the ranking member, Senator Akaka, for including S. 1311 in today's hearing. I am grateful to have been given this opportunity to discuss my legislation before your subcommittee. Senator Schumer is a co-sponsor of the bill. It is also important at the outset to mention the efforts of Congressman Hinchey, my colleague from New York, who has introduced companion legislation, H.R. 2528, in the House of Representatives. I know he is heartened by your decision to hold this hearing, particularly in light of the action recently taken on H.R. 2528 by the House Committee on Government Reform. On July 21, 2004, that committee's Subcommittee on Civil Service and Agency Organization forwarded H.R. 2528 to the full committee, and on the same day the full committee ordered the legislation to be reported, as amended.

Let me also take a moment to thank you for the committee's past consideration of S. 1241, the Kate Mullany National Historic Site Act. As you know, following a hearing in your subcommittee and a full committee markup of S. 1241, the Senate passed the bill, as amended, on September 15, 2004.

Mr. Chairman, I would like to emphasize that the Hudson-Fulton-Champlain 400th Commemoration Commission Act has bipartisan support. As a notable example, I am submitting with my testimony a letter of support from Governor George Pataki of the State of New York. It is not surprising that there should be bipartisan support for this legislation, because the creation of the federal commission would help to celebrate some key events in the history of the great State of New York, the surrounding region, and North America as a whole. The three signal events I am referring to are the 400th anniversary (in 2009) of Henry Hudson's pioneering exploration, in the service of Dutch interests, of what is now known as the Hudson River; the 400th anniversary (also in 2009) of Samuel de Champlain's pioneering exploration of what is now known as Lake Champlain; and the 200th anniversary (in 2007) of Robert Fulton's inauguration of the successful commercial use of steam navigation by way of his historic voyage from New York City to Albany, New York. Each of these events is remarkable and together they demonstrate how vital they are to an understanding of the development of my State, the region, and, indeed, our Nation.

The Hudson River extends from the western edge of New York City and the northeastern edge of New Jersey, past the U.S. Military Academy at West Point, by Albany, farther northward into the Adirondack Mountains. Hudson's 1609 exploration of the Hudson River, extending to a point near Albany, the capital city of New York, was followed by the establishment of Fort Orange, a Dutch, and later, English settlement in the area. Almost two hundred years after Hudson's voyage, Robert Fulton's introduction of successful commercial steam navigation on the Hudson River helped make that waterway a vital commercial highway and engine of development for the state and the region. The river remains a natural wonder that is extremely rich in history, outdoors life, wildlife, and artistic inspiration.

In 1609, the same year that Henry Hudson, an Englishman, sailed north on the Hudson River, Samuel de Champlain traveled in the company of Native Americans and arrived at Lake Champlain. Lake Champlain itself is shared by two states—New York and Vermont. In addition to its enduring natural grandeur, it has contributed renowned chapters to the military history of the Nation and served as a passageway to Canada, our neighbor, trading partner, and ally to the north.

In keeping with the multilayered importance of these anniversaries, the proposed membership of the federal Hudson-Fulton-Champlain 400th Commemoration Commission is designed to bring together people with a wide variety of expertise and knowledge, including employees of the National Park Service. As envisioned in S. 1311, the commission would be composed of 31 members. Three members would be appointed after consideration of recommendations by the Governors of New York, Vermont and New Jersey. Thirteen members would be appointed after consideration of recommendations by the members of the House of Representatives whose districts encompass the Hudson River Valley and Champlain Valley. Six members would be appointed after consideration of the recommendations from the members of the Senate from New York, New Jersey, and Vermont. Two members would be employees of the National Park Service, of whom one would be the Director of the National Park Service (or a designee), and one would be an employee of the National Park Service having relevant experience. Another member of the commission appointed by the Secretary would be an individual knowledgeable of the Hudson River Valley National Heritage Area. And six members of the commission appointed by the Sec-

retary would have an interest in, support for, and expertise appropriate to, the commemoration.

The purpose of the federal Hudson-Fulton-Champlain 400th Commemoration Commission would be to: (1) ensure a suitable national observance of the Henry Hudson, Robert Fulton, and Samuel de Champlain anniversaries through cooperation with and assistance to the programs and activities of New York, New Jersey, and Vermont; (2) assist in the appropriate development of heritage tourism and economic benefits to the United States; (3) assist in ensuring that Hudson-Fulton-Champlain observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the New York, New Jersey, and Vermont sites; (4) assist in ensuring that Hudson-Fulton-Champlain observances are inclusive and appropriately recognize the diverse Hudson River and Lake Champlain communities that developed over four centuries; (5) facilitate international involvement in the Hudson-Fulton-Champlain observances; and (6) support and facilitate marketing efforts for a commemorative coin, a commemorative stamp, and related activities for the Hudson-Fulton-Champlain 2009 observances.

To carry out these responsibilities, the federal Hudson-Fulton-Champlain 400th Commemoration Commission would be required to: (1) plan, develop, and execute programs and activities appropriate to commemorate the three anniversaries; (2) facilitate Hudson-Fulton-Champlain-related activities throughout the United States; (3) coordinate its activities with State commemoration commissions and appropriate Federal Government agencies, including the Departments of Agriculture, Defense, State, and Transportation, the National Park Service with respect to the Hudson River Valley National Heritage Area, and the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997; (4) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain; (5) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration; (6) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain; and (7) ensure that the Hudson-Fulton-Champlain anniversaries provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

Thus, the federal Hudson-Fulton-Champlain 400th Commemoration Commission would coordinate educational, cultural and historical projects while cooperating and assisting the programs and activities conceived by New York, New Jersey and Vermont. The commission, as a federal entity, will naturally play a vital role in facilitating national and international celebration efforts, and helping to ensure the observances are inclusive and recognize the wonderful diversity of the communities that have inhabited the Hudson River and Lake Champlain regions over the last four hundred years. The commission would also play an important role in working with state commissions to help foster appropriate capital improvements that will help to attract heritage tourists from across the Nation and elsewhere.

Since a vital element of a successful commemoration is the participation of the state commissions mentioned in the legislation, I am pleased to let you know that the states of New York and Vermont have already created state quadricentennial commissions and New York's Hudson River Valley National Heritage Area, referenced in the bill, has already made a tremendous contribution to fostering heritage tourism, making it a significant element in the area economy. In 2002, Governor George Pataki of the State of New York signed legislation creating the Hudson-Fulton-Champlain Quadricentennial Commission. Governor Pataki said in his announcement: "These legendary figures played a key role in the history of New York and this important new commission will play a key role in helping us celebrate and honor their legacies These upcoming celebrations will help energize communities all along the Hudson River and Lake Champlain"

New York's Hudson-Fulton-Champlain Quadricentennial Commission was established with twenty-one members, including members appointed by the governor and elected officials of the state legislature, and members representative of relevant geographic areas. As set forth in Governor Pataki's announcement, the state commission is responsible for, among other things: (1) seeking funding from private individuals, foundations and corporations to support capital improvements, preservation and conservation needs associated with the commemoration; (2) making existing cultural institutions, museums and libraries the focus of the commemoration; (3) coordinating forums to seek public ideas for the commemoration; (4) coordinating civic, educational, cultural and heritage organizations to develop public interest and in-

volvement in the planning and development of the commemoration; (5) promoting and encouraging educational outreach programs, media and technology including electronic communications to achieve national and international impact; (6) coordinating the planning of commemorative events for all communities along the Hudson River, Lake Champlain, and elsewhere; (7) inviting other interested states and nations to participate; (8) coordinating and promoting conferences, seminars and conventions in Hudson River and Lake Champlain communities using the quadricentennial as an attraction and theme; and (9) coordinating and cooperating with local, state and federal entities, including any federal quadricentennial commission.

Likewise, in 2003 Governor James Douglas of the State of Vermont established the Lake Champlain Quadricentennial Commission, with up to 26 members. The commission is charged with the responsibility to advise, assist and support regarding the commemoration of the 400th anniversary of Samuel de Champlain exploration of Lake Champlain. The creation of the New York and Vermont state commissions is an essential step in the commemoration effort.

The federal-state cooperation envisioned by S. 1311 has an important precedent. Congress has acted before to help recognize the significance of the Hudson and Champlain commemorations by means of the creation of a federal commission. In 1958, President Dwight D. Eisenhower signed legislation (Public Law 85-614) establishing a 350th anniversary "Hudson-Champlain Celebration Commission." According to that statute, the commission was designed to "develop and execute plans for the celebration in 1959 of the three hundred and fiftieth anniversary of the exploratory voyages in 1609 of Henry Hudson and Samuel de Champlain which signaled the beginning of settlements whose influence on our history, culture, law, and commerce extend through generations to the present day, settlements whose significance is recognized not only by their parent countries, sister nations across the sea, but by untold others who have come from foreign lands to find in America a new homeland."

The year 1959 was also marked by the passage of S. J. Res. 59 (Public Law 86-68) and the issuance of a presidential proclamation, according to the Congressional Research Service. The joint resolution noted the significance of the commemorations and called on the President of the United States to "issue a proclamation designating 1959 as the year of the Hudson-Champlain Celebrations, and calling upon all citizens to join in commemorating the explorations carried out by these heroic men" By proclamation issued June 25, 1959, President Eisenhower designated 1959 as the year of the Hudson-Champlain Celebrations and invited the citizens of the United States, and the "schools, patriotic and historical societies, and civic and religious organizations to participate" in the commemorations.

The Final Report of the Hudson-Champlain Celebration Commission to the President and Congress of the United States ("Final Report") describes the celebration period's rousing success. "From New York City up through the Hudson and Champlain Valleys as far as Canada and then into Vermont, with a nod of recognition from New Jersey and counties of New York State which lie far to the west of the Hudson and Champlain areas, 1959 was a year of commemoration and celebration The character of the festivities ranged all the way from educational and religious projects, exhibitions of Dutch and French art, and continuing professional performances of music, drama and ballet to parades, waterama, fireworks, pageants, canoecades, historic re-enactments and exhibitions of the armed might of the United States." The report also describes the involvement of the governments of The Netherlands, France, Canada and Great Britain, which no doubt served to bring allies in North America and Europe even closer to the United States during that period when the Cold War was a daily fact of life. The Final Report also describes an even earlier celebration laying the foundation for this legislation. Festivities were held in 1909 as part of the Champlain Tercentenary in the Champlain Valley and the Hudson-Fulton celebrations in New York City.

Mr. Chairman, there are many significant voyages of exploration that led to the development of our Nation, but among the most significant are those of Hudson and Champlain. There are many acts of invention that have contributed to unleashing the full potential of America, and among the most significant is the contribution of Robert Fulton. These are some of the reasons I feel privileged to represent the State of New York. The history of New York and its waterways stretch back before the dawn of this great Nation. Native peoples knew the beauty and mystery and plenitude of this region. Those who arrived later—among them Hudson, Champlain, and Fulton—plied the magnificent rivers and lakes of New York in voyages of exploration. Crucial episodes in the American Revolution and other battles took place in this region. The story of these explorers and the waters they traveled upon are a part of the continuing story of New York, Vermont, New Jersey, and the Nation,

because that determined spirit of exploration, discovery and invention still thrives today, and is one of the reasons our Nation is unique among the Nations of the world.

Mr. Chairman, that is why it is so important to establish the Hudson-Fulton-Champlain 400th Commemoration Commission. The federal-state cooperation that took place nearly a half-century ago is evidence that the collaboration envisioned by S. 1311 has a crucial role to play in the proper commemoration of the significance of these events. I thank you for the opportunity to provide this testimony in support of S. 1311 and I look forward to working with you and Senator Akaka to turn this legislation into a reality. Thank you.

STATE OF NEW YORK,
Albany, NY, September 17, 2004.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. DANIEL K. AKAKA,
Ranking Member, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THOMAS AND RANKING MEMBER AKAKA: It is my understanding that the Subcommittee on National Parks will soon consider legislation to establish the Hudson-Fulton-Champlain 400th Commemoration Commission. S. 1311 seeks to celebrate and commemorate the anniversaries of events of major historic importance along these internationally significant waterways. I write in support of this legislation.

The discovery of the Hudson River in 1609 by Englishman Henry Hudson, while in the service of the Netherlands, is a key moment in the history of New York. His exploratory voyage up the Hudson provided the Western world with its first view of the wonders of the New World and, in large measure, with the limitless potential of North America. In the same year, French explorer Samuel de Champlain was the first European to set eyes upon the lake that now bears his name. Since the tricentennial of Hudson's exploration in 1909, when its commemoration was joined with that of the centennial of Robert Fulton's voyage up the Hudson on the steamship Clearmont, both events have generally been celebrated together.

In order to mark the significance of the 400th anniversary of these important events, New York State passed legislation in 2002 to create a statewide, commission. This commission will plan and develop the celebrations of these events by commemorating the rich heritage of the Hudson River and Champlain corridors, and the impact of these discoveries on our history, culture, and commerce.

At the federal level, S. 1311 would recognize the national and international significance of the discovery of the Hudson-Champlain Waterways, and the role these waters played in the birth and development of our nation, and the entrepreneurial spirit that continues to be a hallmark of our national identity. The multi-state commission envisioned by the bill would assist the states and communities in the region by coordinating events and observances across the region, and by providing federal recognition and resources to programs designed to commemorate these important discoveries and historical and cultural heritage associated with them.

I wholeheartedly support the bill and urge its swift passage.

Very truly yours,

GEORGE PATAKI,
Governor.

Senator THOMAS. Senator Kyl, would you like to comment?

STATEMENT OF HON. JON KYL, U.S. SENATOR FROM ARIZONA

Senator KYL. Thank you, Mr. Chairman, and thank you very much for holding this hearing.

I will be exceedingly brief, but just to note that the first I believe is the Petrified Forest National Park Expansion Act. Basically only 6 miles of the 22-mile Chinle Escarpment that carries the Petrified Forest are currently in the park and what this legislation would do is significantly expand the land that would comprise the park.

By the way, the bill is supported by the people in the area, by the Federal Government, by the State government, and so on.

There is one change. The one thing that I would like to draw your attention to, Mr. Chairman, is there were concerns in one area raised by the administration. They were legitimate. The substitute that I will offer at the markup addresses those concerns. It has to do with the fact that we have a unique provision in our State constitution that does not permit the exchange of State lands with Federal lands. Our State trust lands have to be sold at auction to the highest bidder. As a result, this language will allow the State and the National Park Service to exercise the appropriate means available under the law to acquire the land at the time of acquisition and allow for a memorandum of agreement between the State and the NPS for management of the State trust lands included within the park boundary until the Park Service and the State can agree on the terms of acquisition. So to my knowledge, that is the only issue to be resolved and I think that will resolve it, and we will try to accomplish that at the time that we mark the bill up.

But I want to thank you and I want to thank all the people from Arizona who are here in support of this legislation.

Mr. Chairman, might I ask too that my full statement be inserted in the record? I also note that Senator McCain, a cosponsor of the legislation, also has a statement, and I would like to submit that for the record as well.

Senator THOMAS. It will be included in the record.

[The prepared statements of Senator Kyl and Senator McCain follow:]

PREPARED STATEMENT OF HON. JON KYL, U.S. SENATOR FROM ARIZONA, ON S. 784

Mr. Chairman, thank you for holding this hearing on S. 784, the Petrified Forest National Park Expansion Act of 2004. This bill, which I am co-sponsoring with Senator McCain, would expansion the park to include some of the most unique natural and cultural resources contained anywhere in the world.

The Petrified Forest National Park is something of an anomaly among national parks. Designated as a National Monument in 1906 to protect the large petrified tree trunks that once towered over Triassic swamplands, it may not quite fit the popular image of a national park. Nevertheless, it is, a treasure, worthy of National Park status for the unique educational experience it provides its visitors. No where else can you glimpse the fossil remains of an ancient wilderness ecosystem, as it existed 30 million years ago.

Today we know that petrified wood is only a part of the globally significant record contained in the rock formation commonly known as the "Chinle Escarpment" which cuts across the park. Science has revealed numerous paleontological deposits and nationally significant archeological sites, including ancient Pueblo cultural sites. The Chinle Escarpment is now known to constitute the best record of Triassic period terrestrial ecosystems found anywhere in the world. Currently, however, only six miles of the 22-mile escarpment are within the park boundaries.

S. 784 would expand the park to include an additional 120,000 acres. These acres include the east and west portions of the Chinle Escarpment which are believed to include additional globally significant paleontological deposits and potentially nationally significant archeological sites. The proposed expansion areas are checkerboarded federal, state, and private lands.

Although a large addition to the federal land mass, this expansion, like the park itself, is unique. The expansion permitted by S. 784 is not just about adding land to the park. S. 784 is needed to protect these resources, they are seriously threatened by illegal activities occurring in the region, such as the theft of petrified wood and fossils, pot hunting, vandalism to petroglyph sites and the environmental degradation caused by mineral exploration.

This expansion has been in the works for nearly 10 years. It is supported by the private landowners, local communities, scientific and research institutions, state tourism agencies, and environmental groups such as the National Parks Conservation Association.

Mr. Chairman, this bill may unlock answers to profound questions about our earth's history and the changing environment. This bill is good for the state of Arizona and the nation. I plan to work with my colleagues to ensure that we pass it.

PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA,
ON S. 784

Mr. Chairman, thank you for holding this hearing today on a number of important pieces of legislation, including S. 784, the Petrified Forest National Park Boundary Expansion Act, which I introduced with Senator Kyl. Support for this proposed boundary expansion is extraordinary, from the local community of Holbrook, scientific and research institutions, state tourism agencies, and environmental groups, including the National Parks Conservation Association (NPCA).

As this Subcommittee is well aware, the Petrified Forest National Park is a national treasure among the nation's parks, renowned for its large concentration of highly colored petrified wood, fossilized remains, and spectacular landscapes. Upon visiting this Park, one is quick to recognize its wealth of scenic, scientific, and historical value. Preserved deposits of petrified wood and related fossils are among the most valuable representations of Triassic-period terrestrial ecosystems in the world. These natural formations were deposited more than 220 million years ago. Scenic vistas, designated wilderness areas, and other historically significant sites of pictographs and Native American ruins are added dimensions of the Park.

The Petrified Forest was originally designated as a National Monument by former President Theodore Roosevelt in 1906 to protect the important natural and cultural resources of the area. It was designated as a National Park in 1962. While several boundary adjustments have been made, a significant portion of unprotected resources remain in outlying areas adjacent to the Park.

Increasing reports of theft and vandalism around the area have activated Park authorities, local communities, and other interested entities to seek additional protections through a proposed boundary expansion. It has been estimated that visitors to the Park steal about 12 tons of petrified wood every year. Reports of destruction to archaeological sites and grave sites have also been documented. Based on these continuing threats to the Park's resources, the National Parks Conservation Association listed the Petrified Forest National Park on its list of Top Ten Most Endangered Parks in 2000.

A proposal to expand the Park's boundaries was recommended in the Park's General Management Plan in 1992, in response to concerns about the long-term protection needs of globally significant resources and the Park's viewshed in nearby areas. For example, one of the most concentrated deposits of petrified wood is found within the Chinle Escarpment, of which only thirty percent is included within the current Park boundaries.

S. 784 would revise the boundary of the Park to include approximately 130,000 acres, continue current grazing rights on lands transferred to the Park, and within three years, authorize the development of a plan, in accordance with Federal and State law, for acquisition of State land or interests in State lands within the Park's revised boundary. Since introducing the bill last year, we have been seeking the input of interested parties to ensure that the Park and all its wonderful resources are protected for future generations. I want to thank the major landowners and other witnesses today for their contributions to this effort.

Again, I thank the Chairman and the Subcommittee members and hope this measure will be approved by the full Committee as soon as possible.

Senator THOMAS. Thank you very much.
Senator.

**STATEMENT OF HON. JIM TALENT, U.S. SENATOR
FROM MISSOURI**

Senator TALENT. I thank the chairman.

It is good to see Mr. Jones again. I am looking forward to his testimony.

Again, I will also be brief about the Truman Farm Home Expansion Act, which we have on the calendar. I am grateful to the chairman for scheduling a hearing on that. I hope we can put it out and pass it. I cannot imagine anything less controversial.

The former Truman Farm home, where Harry Truman worked in the early part of the last century, is located in Grandview in eastern Jackson County, Missouri. It is an historic site, about 5 acres. And because of encroachment of commercial development, wear and tear on the house, we need to expand it by about another 5 acres. This will increase the educational opportunities for people who visit, protect the homestead from being threatened by commercial development, and open up a lot of other opportunities to really expand people's opportunity to enjoy and learn from the site.

So I am, again, grateful that you scheduled it, Mr. Chairman, and hope we can put it out so that the people of Missouri and, in fact, of the whole country can enjoy this opportunity to see where, according to Harry Truman's mother, he got common sense, by working on that farm. Thank you, Mr. Chairman.

I have a full statement to submit for the record.

Senator THOMAS. It will be included.

[The prepared statement of Senator Talent follows:]

PREPARED STATEMENT OF HON. JAMES M. TALENT, U.S. SENATOR FROM MISSOURI

Chairman Thomas, thank you for holding this hearing today and thank you for including a bill that I introduced, the *Truman Farm Home Expansion Act*, to expand the boundaries of the Harry S Truman Farm Home in Grandview.

The additional acreage to the site will be used to build a new visitors center and preserve the historic integrity of the farm by preventing additional commercial encroachment. This bill will permit the National Park Service to ensure the protection of the Farm Home and the historic grounds by removing non-historic uses. It will also offer increased educational opportunities to school children, residents, and visitors alike that are not currently available at this site.

The Truman Farm Home is a very special place to the people of Grandview and the Greater Kansas City area. It is here that Harry S Truman's mother said he got his common sense.

Truman was 22 when his father called him to work on the Young and Truman farm in 1906. In describing his duties Mr. Truman said he, ". . . Plowed, sowed, reaped, milked cows, fed hogs, doctored horses, bailed [sic] hay, and did everything there was to do on a six hundred acre farm with my father and my brother."

Currently the Truman Farm is located on a 5.2 acre area. S. 2499 would nearly double the size of the Harry S Truman Historic Site by giving the government the authority to purchase approximately 5-acres of land on the south side of the property. This area is basically undeveloped except for a small retail paint store located at the west end and fronting on Blue Ridge Boulevard. The proposed 5-acre strip is the only undeveloped land that remains of the original 600-acre Truman Farm.

The use of the existing paint store as a visitor contact center will permit the park to eliminate the administrative use of the Truman Farm Home's screened-in side porch as a visitor welcome point and sales area. This will restore the historic integrity to the home, while removing the impact of the wear and tear on the historic structure.

Since the existing portion of the Truman Farm is so small, there isn't adequate space to plant vegetation that would have the potential of screening existing commercial development. Sen. Talent's bill would give the park space to provide for those plantings without encroaching on the home. Eliminating views of commercial development, which surrounds the farm site, would help visitors better understand and appreciate the rural nature of the farm.

I believe this preservation is needed to ensure that future generations can gain an understanding of the lives of our Presidents. I am hopeful that this committee will act on this bill and it can be passed by the Senate before we adjourn this year.

**STATEMENT OF HON. WALTER B. JONES,
U.S. REPRESENTATIVE FROM NORTH CAROLINA**

Mr. JONES. Mr. Chairman, I thank you and I thank the committee members for this opportunity to speak briefly on H.R. 2055.

For 3 centuries, a herd of wild Spanish horses has occupied the Shackleford Banks, a barrier island in my district that is part of Cape Lookout National Seashore. H.R. 2055 would improve existing law by updating the science-based parameters that govern management of the horses.

The bill is based on the research of two world-renowned genetic scientists who spent decades studying the herds, Dr. Dan Rubenstein of Princeton University and Dr. Gus Cothran of the University of Kentucky.

This bill is supported by the National Park Service. We have worked together for over 8 years now, and this bill itself, all it is doing is just to ensure the future of the herds based on science.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF HON. WALTER B. JONES, U.S. REPRESENTATIVE
FROM NORTH CAROLINA, ON H.R. 2055

Mr. Chairman, thank you for scheduling this hearing on H.R. 2055—a bill to adjust the number of free roaming horses permitted on Shackleford Banks in the Cape Lookout National Seashore. Shackleford Banks is a barrier island off the coast of North Carolina that has been home to a herd of wild horses for over three centuries. In fact, experts believe the herd descended from Spanish stallions that were shipwrecked on the island during colonial times.

Over the years, the Shackleford horses have become an integral part of the natural and cultural fabric of Eastern North Carolina. They are treasured by the local community and adored by the visitors who come from around the world to see them.

To protect these beautiful creatures, in 1997 I introduced the Shackleford Banks Wild Horses Protection Act which the President later signed into law. The Act directed the Department of the Interior to enter into an agreement with a non-profit group—the Foundation for Shackleford Horses—to manage the herd. It also required the Department to allow a herd of 100 free-roaming horses in the Seashore, and it set out terms under which horses could be removed, including a prohibition on removal “unless the number of horses . . . exceeds 110.”

As the National Park Service and the Foundation began to implement the Act, disagreement erupted over the law’s requirements on the size of the herd. The Park Service interpreted the Act to mean that the herd’s population should be kept between 100 and 110. However, as the author of the legislation, I can tell you this interpretation was inconsistent with Congressional intent—which was to allow the herd to hover above 110.

The Park Service’s interpretation also conflicted with the established scientific consensus on the size of the herd. Studies by world-renowned genetic scientists Dr. Daniel Rubenstein of Princeton University, and Dr. Gus Cothran of the University of Kentucky, confirm that in order to maintain the herd’s long-term viability, its optimum size is around 120 animals. The experts also agree that the population should not dip below 110 and that it should be allowed to expand periodically to numbers at or above 130 in order to sustain the proper genetic diversity in the herd. It’s important to note that these numbers are well within the island’s carrying capacity.

After years of disagreement on the issue of herd size, the Park Service met in the fall of 2002 with the Foundation for Shackleford Horses, Dr. Rubenstein, Dr. Cothran and other stakeholders to find middle ground. After two days of meetings, the parties emerged with an agreement that largely mirrors the scientific understanding of how the horses should be managed.

H.R. 2055 seeks to codify this scientific consensus into law. It would allow a herd of not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses.” It would also clear up confusion on when horses can be removed from the island by mandating that removal can only occur if “carried out as part of a plan to maintain the viability of the herd.”

Mr. Chairman, this non-controversial legislation is supported by the Park Service, the scientific experts, and the local community. It is a legislative fix based on sound science, and I urge the Subcommittee to support it.

Senator THOMAS. All right, sir. Thank you very much.

I might say we have some extra wild horses in Wyoming, if you are interested.

[Laughter.]

Mr. JONES. Senator, I know my colleague, Ms. Cubin, and we have had several discussions about our horses and your horses as well.

Senator THOMAS. Ours are not used to the water, however.

Thank you very much, sir. We appreciate your being here.

Mr. JONES. I appreciate it. Thank you.

Senator THOMAS. We are ready for our first panel then. It will be Mr. Daniel Smith, Special Assistant to the Director, National Park Service, the Department of the Interior. Welcome, Mr. Smith.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT
OF THE INTERIOR, REGARDING S. 784**

Mr. SMITH. Mr. Chairman, thank you. I will try to be brief, and I will go through all these bills in hopefully short order.

Mr. Chairman, the first bill is the Department of the Interior's views on S. 784, a bill to revise the boundary of Petrified Forest National Park in the State of Arizona.

The Department supports S. 784, and on June 15 of this year, we testified in support of H.R. 1630, which as introduced in the House was identical to S. 784.

S. 784 does not include the number of acres, identify which acres are proposed for expansion, or cite a specific map reference. However, the NPS, in consultation with BLM, has developed a map that was incorporated in H.R. 1630 at markup. We suggest that S. 784 be amended to reference the same map.

Much of the proposed expansion land ownership is best described as a checkerboard, which is common in western lands bordering railroad corridors. The 128,000-acre addition includes Federally-owned, BLM-managed lands, about 14,500 acres; privately owned lands, about 79,000 acres; and lands owned by the State of Arizona, about 34,500 acres.

Petrified Forest National Park was established in 1906 and has been expanded several times to preserve and protect the Petrified Forest, its outstanding paleontological sites and specimens, its associated ecosystem and specimens, cultural and historic resources, and scenic and wilderness values for present and future generations. This is a world-class site, Mr. Chairman.

In addition to including the acreage and reference map, we would suggest two other amendments, which I think Senator Kyl alluded to. These are amendments that were included in H.R. 1630, and it involves an MOU with the State to deal with the possible purchase of the State-owned lands at a later date and management of those lands until that can be accomplished.

That concludes my testimony on S. 784.

[The prepared statement of Mr. Jones regarding S. 784 follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 784

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 784, a bill to revise the boundary of Petrified Forest National Park in the State of Arizona. We thank Senators McCain and Kyl for their interest and support for including and protecting world-class paleontological and archeological resources as well as extensive petroglyph sites in Petrified Forest National Park. Congressman Renzi and the other members of the House delegation have introduced companion legislation, H.R. 1630.

The Department supports S. 784. On June 15, 2004, the Department also testified in support of H.R. 1630, which as introduced was identical to S. 784.

S. 784 would expand the boundary of Petrified Forest National Park and authorize the Secretary to acquire lands within the boundary expansion from a willing seller by purchase, donation, or exchange. Within two years of enactment, the Secretary would be directed to develop a plan for the acquisition of State land or interests in State lands. The bill also would direct the Secretary to transfer to the NPS, administrative jurisdiction over other federally owned lands within the boundary expansion and specifically would allow grazing to continue on lands where grazing presently exists. And finally, S. 784 would require that the park's General Management Plan (GMP) be amended within three years after this bill is enacted to address the use and management of additional lands.

S. 784 does not include the number of acres, identify which acres are proposed for expansion, or cite a specific map reference. However, the NPS, in consultation with the BLM, has developed a map that was incorporated in H.R. 1630 at markup. We suggest that S. 784 be amended to reference the same map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered 110/80,044, and dated July 2004. This map would result in a total proposed expansion of approximately 128,000 acres.

Much of the proposed expansion landownership is best described as a checkerboard, which is common in western lands bordering railroad corridors. The 128,000 acres includes federally owned BLM-managed lands, privately owned lands, and lands owned by the State of Arizona.

Under the bill, approximately 14,500 acres of BLM-managed public land would be transferred to the National Park Service. Approximately 79,500 acres are privately owned. There are four major private landowners within this area and each has expressed interest in selling, exchanging, or donating their lands or interests. Because the proposed boundary expansion has been discussed for more than ten years, some of the landowners are losing interest while others are facing economic hardship and may be forced to sell to other interests if the expansion is not completed soon. Much of the private lands adjacent to the park have been managed as part of large cattle ranches for the past 120 years, however, this historic use of the land that has preserved the scenic views seen from the park is starting to change. According to the park's 1993 GMP, new land uses occurring within the past 30 to 40 years include large-scale, mechanized petrified wood mining on private lands (with no reclamation efforts)—and subdivision of square-mile sections into 40-acre ranchettes. Pot hunting and vandalism continue regularly, and the costs for patrolling are beyond the ability of most private owners to manage.

The State of Arizona owns approximately 34,500 acres in the proposed expansion. In support of the bill, the State has closed these lands to surface and sub-surface applications, mineral location, and prospecting permit application. This closure was originally done on March 4, 1991 and was just renewed on May 26, 2004.

We should note that two issues exist concerning the state-owned lands authorized for acquisition. First, State law prohibits lands to be donated. Second, it is our understanding that the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain state land except through auction to the highest and best bidder. We are told there is an effort to amend this provision in the Arizona Constitution on the November ballot. Given these remaining issues, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding should S. 784 be enacted.

The average cost per acre in the proposed new boundary, based on appraisals completed by the Department of the Interior, is between \$105 and \$175. Recurring costs for the management of the new lands would be approximately \$690,000, which includes planning, and compliance, resource inventory and monitoring, resource protection, and maintenance. We also expect to incur approximately \$625,000 in non-recurring costs for new fencing and the purchase and installation of site sensors to

remotely monitor lands for illegal activities. Funding would be subject to NPS priorities and the availability of appropriations.

Petrified Forest National Park was established in 1906 and has been expanded several times to preserve and protect the Petrified Forest, its outstanding paleontological sites and specimens, its associated ecosystems and specimens, cultural and historic resources and scenic and wilderness values for present and future generations. The Petrified Forest is located in the stark and beautiful high desert environment of badlands, dry washes, and sagebrush of northeastern Arizona. Where 200 million years ago there were lush green forests, rich in vegetation and trees hundreds of feet high supporting a variety of life, and where dinosaurs once roamed, there are now vistas broken only by distant mesas and the remnants of that forest and life, preserved by forces of nature in the shape of petrified wood and delicate fossils. In this stark and remarkable place, the remains of the oldest known dinosaur on earth were discovered in 1985.

The park contains some of the best fossil records of late Triassic ecosystems in the world, and nowhere else can one find the combination of world-class paleontology and nationally significant archaeological sites that one finds here. For the past 150 years, people have visited, researched and sometimes vandalized and looted these resources. The creation of the park and subsequent expansions has diminished the threat.

However, historic research by institutions such as the American Museum of Natural History, The Smithsonian, and the University of California at Berkeley has shown that the areas outside the park contain an even richer record of Triassic fossils than the areas within the park. The proposed boundary expansion would bring into the protection of the park, the following resources:

- the Chinle Escarpment, which cuts across the park from East to West and includes resources that contain in their rock layers the story of the world's only known complete Triassic era ecosystem—a remarkably rich concentration of information about a world that vanished more than 200 million years ago;
- critical riparian habitat along the Puerco River, central to ancient human history of the region and important for the protection of plants and wildlife;
- the Rainbow Forest Badlands, significant because it contains fossil-bearing strata that is a continuation of that protected within the park;
- the Dead Wash Petroglyphs parcel, containing a wide variety of paleontological features, archeological resources and riparian habitat critical to the wildlife and water quality of the region;
- the Wallace Tank Ruins parcel, containing a large ruin that may have played an important role in the closing phases of the area's prehistoric settlement; and
- the West Rim of the Painted Desert parcel, significant for its substantial number of archeological sites including three ruins, an ancient petrified wood quarry and a petroglyph site as well as several paleontological fossil beds adjacent to the Devils Playground bone site within the park.

These fossils are non-renewable, unique resources that face constant threat of destruction from erosion and theft, development pressures, and the attraction of commercial mining, particularly of petrified wood. Petrified Forest National Park has an established monitoring program within the park as one of many resource protection tools. The NPS would use that established monitoring program, as well as all law enforcement and resource protection tools in the expanded boundary. S. 784 would ensure long-term protection of the valuable paleontological, archeological, cultural, and natural resources of the Petrified Forest for generations to come.

In addition to including the acreage and map reference, we would suggest two other amendments. First, because of the checkerboard nature of the land ownership of the lands being considered under this bill, especially in the portion known as the East Chinle Escarpment, NPS is concerned about the ability to manage this area effectively. NPS would like to amend the bill to provide that the acquisition of the East Chinle parcel is authorized dependent upon a determination of the Secretary that either 1) federal lands elsewhere in the state of Arizona have been identified for exchange with the state lands or 2) that the state and the NPS have completed a Memorandum of Agreement that would allow the NPS to manage the state lands. Second, the bill should be amended to authorize the Department to acquire State land within the revised boundary of the Park by donation. These amendments were also suggested in the hearing on H.R. 1630 and were adopted in the markup of that bill.

S. 784 would continue the long and respected tradition and commitment of the NPS to science, education, and protection of the special places in the country significant enough to be considered national parks. These lands and resources are the legacy of the American people and by protecting them we expand our knowledge and

understanding of the history of the earth and how changes through time have affected it.

That concludes my remarks. Mr. Chairman, I would be happy to answer any questions you may have.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT
OF THE INTERIOR, REGARDING S. 2656**

Mr. SMITH. Mr. Chairman, the second bill is S. 2656, a bill that would establish a commission to commemorate the quincentennial of the discovery of Florida by Ponce de Leon.

The Department supports S. 2656 if amended as outlined in our testimony.

S. 2656 would establish a Discovery of Florida Quincentennial Commemoration Commission to encourage, coordinate, and conduct the commemoration of the quincentennial, and to ensure that the anniversary will have lasting educational value. The commission would terminate on December 31, 2013.

The Department suggests several clarifying amendments. We recommend that if a feasibility study is conducted, that the bill be amended to authorize the Secretary of the Interior to conduct the study, rather than the commission, in accordance with generally accepted practices for suitability and feasibility studies that the Park Service uses.

Also, while S. 2656 is quite specific in requiring the commission to consult with and encourage participation with governmental agencies, educational institutions, foreign governments, and private organizations, it is silent with regard to consultation with Indian tribes, and the Department recommends that consultation with tribes be included, especially the Seminole and the Miccosukee tribes of Florida.

There is also a minor constitutional issue brought up by the Justice Department concerning dealing with the Government of Spain, and we would work with the committee to work on that clarifying amendment.

This concludes our remarks in support of S. 2656.

[The prepared statement of Mr. Jones regarding S. 2656 follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK
SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2656

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 2656, a bill that would establish a commission to commemorate the quincentennial of the discovery of Florida by Ponce de Leon.

The Department supports S. 2656 if amended as outlined in our testimony. We believe that establishment of the commission would help ensure that the lasting legacy of the discovery and colonization of Florida is understood and appreciated by all Americans.

S. 2656 would establish a Discovery of Florida Quincentennial Commemoration Commission to encourage, coordinate, and conduct the commemoration of the quincentennial and to ensure that the anniversary will have lasting educational value.

Specifically, the bill would establish a Commission composed of 12 members who are Presidentially appointed and have demonstrated a strong sense of public service and expertise that will contribute to the duties of the Commission. The duties of the commission would include conducting a study regarding the feasibility of creating a National Heritage Area or National Monument to commemorate the discovery of Florida, planning and developing activities appropriate to commemorate the Quincentennial, consulting with and encouraging appropriate governmental en-

tities as well as elementary and secondary schools, colleges and universities, foreign governments, and private organizations to organize and participate in Quincentennial activities, and coordinating activities throughout the United States and internationally that relate to the history and influence of the discovery of Florida. The Commission would terminate on December 31, 2013.

As S. 2656 suggests, Juan Ponce de Leon, arriving in 1513, was likely the first European to set foot in what is now Florida, near present-day St. Augustine. Ponce de Leon's quest for the fountain of youth has become an established legend that has also drawn fame and recognition to Florida and the United States.

Spanish explorers and conquistadors who followed Ponce de Leon sought gold and other treasures, glory, and fame, like those who had previously made such discoveries in Mexico and Peru. Only in the New World was there the opportunity for quick advancement in diplomatic and Spanish military careers. Others came to advance the cause of the Inquisition, to convert all non-believers in the New World.

Historians generally believe that Ponce de Leon landed at or near the present location of the City of St. Augustine. Spanish heritage is still reflected in local architecture and historic resources and attractions in the center of the old part of the city. The Castillo de San Marcos National Monument contains arguably one of the oldest and most important historic structures in the State and the nation. It is prominently located on the Matanzas River directly across the road from the Spanish Quarter of St. Augustine. These aspects of St. Augustine's heritage combine to make it the ideal location for the offices of the Commission.

The Department suggests several clarifying amendments for S. 2656. We recommend that if a feasibility study is conducted, as specified in Section 5(a)(1) of the bill, that the bill amended to authorize the Secretary of the Interior to conduct the study, rather than the Commission, in accordance with generally accepted practices for suitability and feasibility studies, to determine what, if any, type of unit would be appropriate to commemorate the discovery of Florida within the National Park System. In addition to examining whether a unit of the National Park System would be appropriate, such a study would also examine other alternatives for a federal role, including whether designation of a National Heritage Area should be considered.

Also, while S. 2656 is quite specific in requiring the Commission to consult with and encourage participation in the commemoration by governmental agencies, educational institutions, foreign governments, and private organizations, we note that it is silent with regard to consultation with and involvement of the Indian tribes of Florida, particularly the Seminole and Miccosukee tribes. The Department suggests that Section 5(a)(3) of the bill be amended to require the Commission to consult with Indian tribes in Florida, as well as with foreign governments and State and local governments.

We recommend that Section 4(c)(3) be deleted due to concerns that the Department of Justice has raised regarding the constitutional authority of this provision of the bill. We will be happy to work with the Committee as well as the Department of Justice and the Department of State in order to find appropriate ways to involve the Government of Spain in activities regarding the Commission.

Finally, S. 2656 authorizes appropriations that are necessary for each fiscal year from 2005 to 2013. We recommend that \$250,000 a year be authorized for this effort given other competing priorities and the need to focus federal funds on our parks and other essential programs.

Our suggested amendments are attached to this testimony.

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

PROPOSED AMENDMENTS

S. 2656—QUINCENTENNIAL OF THE DISCOVERY OF FLORIDA

On page 5, line 1, strike paragraph (3) and renumber the following paragraph 4 as 3.

On page 6, line 18, strike "(1) conduct a study regarding the feasibility of creating a National Heritage Area or National Monument to commemorate the discovery of Florida," and renumber the following paragraphs 2, 3, and 4 as 1, 2, and 3.

On page 7, line 6, insert "tribal governments," after "governments,".

On page 16, line 14, strike all of subsection (a) and insert the following new subsection;

“(a) IN GENERAL.—Subject to subsection (b) there is authorized to be appropriated to carry out the purposes of this Act \$250,000 for each of fiscal years 2005 through 2013.”

On page 16, following line 23, insert the following new section;

“SEC. 10. STUDY.—

The Secretary of the Interior shall—

(1) conduct a study regarding the suitability and feasibility of commemorating the discovery of Florida with a unit within the National Park System in accordance with Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-59(c)); and

(2) submit a report to Congress that describes the findings of the study and any conclusions and recommendations of the Secretary not later than 3 years after the date on which funds are made available to carry out the study.”

Senator GRAHAM. Mr. Chairman?

Senator THOMAS. Yes, the Senator from Florida.

STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM FLORIDA

Senator GRAHAM. I apologize for arriving late. I appreciate your putting this legislation on the schedule.

The event that is going to take place seems like a long way away, but in terms of the ability to prepare for such an important celebration, I think it is timely.

In 1513, the first European discovery of North America occurred when Ponce de Leon bumped into what is now St. Augustine in the State of Florida. That event commenced the development of our great continent, and it deserves, in my judgment, the kind of recognition that this commission would call for.

I am going to raise some questions about the amendments that have been suggested. One is Spain has been a long, long ally of the United States and has been a participant most recently in the war in Iraq until there was a change of government. This is an important opportunity for Spain and the United States to recognize their many intersections in history, and the purpose of inserting that provision about Spanish participation was to accomplish that purpose. I can say that there is considerable interest in this in Spain as a means of celebrating the historic links between our country and our cultures.

I think this would also be an important statement for the large Hispanic population in the United States, to recognize their heritage and their culture as an important part of the culture of the United States of America.

So I would be open to work on language, but the idea of maintaining this relationship with Spain I think is an important part of the concept of this celebration.

[The prepared statement of Senator Graham follows:]

PREPARED STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM FLORIDA,
ON S. 2656

Mr. Chairman, I appreciate your including my bill on the agenda today. In 2013, our nation will celebrate the 500th anniversary of Ponce de Leon's landing on the east coast of Florida. I introduced a bill that establishes a commission to determine how we can best commemorate his discovery of North America. For a country as young as ours, a Quincentennial is a rare milestone worthy of tribute.

Juan Ponce de Leon landed on the coast of Florida, south of the present-day St. Augustine, in April of 1513. During the Easter holiday, he explored our coasts, visiting the southern half of the east coast, the Florida Keys and the southwest coast of Florida. The first European explorer to step foot on North American soil, Ponce de Leon opened Florida and the mainland of the Americas to the rest of the world.

Florida owes its heritage to Ponce de Leon. Even the name Florida dates back to Ponce de Leon's discovery. When he saw the lush terrain, Ponce de Leon named the area the 'land of flowers' or 'Florida' in Spanish.

While there is no doubt that Ponce de Leon is a key part of Florida's history, his landing in Florida is ingrained in our entire nation's early history. Children read in their history books about the myths surrounding Ponce de Leon's voyages. His quest for the fountain of youth has become a myth symbolic of the age of exploration.

Other Europeans were encouraged to make the dangerous journey across the Atlantic toward the Americas, persuaded by the stories of Ponce de Leon's explorations of the new lands of North America. Ultimately, his discovery opened the path for exploration and colonization of the Americas.

I have drafted this bill with the assistance of a notable scholar accomplished in the field of early Florida history—Dr. Samuel Proctor, Distinguished Service Professor Emeritus of History at the University of Florida. I would like to thank Dr. Proctor for all of his efforts in drafting this bill. I would also like to thank another eminent scholar at the University of Florida, Dr. Michael Gannon, Distinguished Service Professor Emeritus of History, for his testimony in support of the bill.

Funding authorized by this legislation would support the activities of this commission and would allow for educational activities, ceremonies, and celebrations. Fittingly, the principal office for this operation would be located in St. Augustine, Florida.

With the establishment of this commission, I want to not only commemorate Ponce de Leon's arrival in Florida but also to enhance the American public's knowledge about the impact of Florida's discovery on the history of the United States and North America. I hope that my colleagues will recognize the importance of commemorating this historic event.

The National Park Service has proposed a number of changes to the original bill, one of which shifts the responsibility of conducting a study as to creating a National Park Service site from the commission to the National Park Service. I hope that the National Park Service will not object to consulting with the commission in conducting the study.

I have proposed several changes to the original bill. They reduce the number of commission members from 12 to 10, change the method of selecting commission members, and add a specific authorization figure.

I hope the proposed changes meet the concerns of the National Park Service and Committee members. If not, I am willing to discuss the issues further. I hope we can work together to pass this legislation before Congress adjourns for the year.

Thank you.

Mr. SMITH. Senator, it was my understanding that it was a very technical constitutional issue, and the Justice Department and Interior will coordinate. I believe it is certainly not to preclude—

Senator GRAHAM. It is not a policy issue.

Mr. SMITH. No. It was a constitutional issue involving just how we deal with foreign governments. It certainly is not to preclude Spain. It is to find the correct language that will allow that type of participation to occur.

Senator GRAHAM. Muy bien.

[Laughter.]

Senator GRAHAM. The second issue that I understand was being raised was the question of the authorization level for the amount of funding. I frankly cannot tell you with much confidence today what this is going to entail over the next several years.

What would seem to me to be more appropriate would be to set an authorization level, for instance, similar to that which was provided in the Lewis and Clark Trail, and then allow the appropriators, on a year-by-year basis, to evaluate what was appropriate and make the judgment. With the number that I understood was being suggested, we would be setting a pretty tight cap for a celebration, which I hope is going to be as expansive as this. While much of it will focus on the St. Augustine point of landing, I would

hope that this would become a celebration for the Hispanic role and influence throughout our country.

Mr. SMITH. Senator, the amount of \$250,000 suggested by the administration is done with all of the concerns that we have in the Park Service budget, whether it be heritage areas or new areas or studies. Obviously, we fully recognize the authorizing and appropriations committees will make those determinations as the bill moves forward.

Senator GRAHAM. Well, my concern is if we start with an authorization of \$250,000, then that at least appears to be a ceiling on what the appropriations might be, and I would suggest that we consider some number that would allow for flexibility over what is going to be a 9-year period between now and when this comes to fruition.

Could we do this? Let me engage with the people in the administration. I assume this is primarily through the National Park Service. Which agency has suggested this?

Mr. SMITH. The National Park Service, in consultation with OMB, Senator. Again, you would be correct, in having the history that you have, of what has gone on at Jamestown or Lewis and Clark or others. Obviously, the authorizing committee and the Appropriations Committee will consider that as it moves through. This was the recommended amount, rather than just leaving it as the usual language of "sums necessary to carry out the act."

Senator GRAHAM. Mr. Chairman, how do you want to proceed on this?

Senator THOMAS. Well, we can make some conversation afterwards and so on. We do not do it here, of course, in the hearing, but whatever you would like to do. I happen to personally think there ought to be some level. We ought to decide. It makes you much more comfortable with a bill if you have some sort of a limit on what the authorizations can be.

Senator GRAHAM. Are you anticipating that there will be a markup on this legislation?

Senator THOMAS. Senator, I do not know. There could be because we do have some time, but frankly, I think the notion is unlikely that we will have a markup this year. Does anyone have any better information?

Senator KYL. I am hoping.

Senator THOMAS. I am not sure.

Senator GRAHAM. Are you hopeful that we do?

Senator KYL. I said I am hoping.

Senator THOMAS. There is none scheduled. That does not necessarily mean there will not be one.

Senator GRAHAM. Thank you.

Senator THOMAS. Are you finished?

Senator GRAHAM. The completes my comments, yes. Thank you.

Senator THOMAS. Thank you.

All right. If you would like to go on ahead then with the other bills, please.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT
OF THE INTERIOR, REGARDING S. 2499**

Mr. SMITH. Yes, Senator. I had finished on that bill, and the next one is S. 2499, a bill to authorize the Secretary of the Interior to modify the boundaries of the Harry S Truman National Historic Site in the State of Missouri.

The Department strongly supports the enactment of S. 2499.

[The prepared statement of Mr. Jones regarding S. 2499 follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2499

Mr. Chairman, thank you for the opportunity to testify on S. 2499, a bill to authorize the Secretary of the Interior to modify the boundaries of the Harry S Truman National Historic Site in the State of Missouri. The Department strongly supports enactment of S. 2499. The Administration transmitted a similar proposal to Congress on June 2.

Harry S Truman National Historic Site is comprised of two separate units within the Greater Kansas City Metropolitan area in Missouri. The current acreage is 6.67 acres with the 1.41-acre portion in Independence divided between four residential properties including the Truman Home. The 5.26-acre portion in Grandview includes the Truman Farm Home. S. 2499 would add approximately 5 acres of the original 600-acre Truman Farm that abut the Grandview unit. These two contiguous parcels are the only undeveloped land that remains of the original Truman Farm. This additional acreage would preserve the historic integrity of the Grandview site, provide improved on-site visitor amenities and interpretation, permit vegetative screening of existing development, and prevent additional commercial encroachment to the Truman Farm.

This expansion is included in the park's approved 1999 General Management Plan. It is the only land acquisition priority for this park. Both property owners are willing to sell their land to the National Park Service for the purposes defined in the park's General Management Plan and Long-Range Interpretive Plan. Public Law 103-184 authorized the addition of the Truman Farm Home by donation from Jackson County, Missouri, and directs the Secretary to provide appropriate means to minimize the adverse effects of development and use of adjacent lands.

The proposed 5-acre strip of land is basically undeveloped (3.82 acres) except for the small retail paint store (.95 acre) located at the west end and fronting on Blue Ridge Boulevard. The strip separates the park boundary on the south from a five-story retirement housing facility. The paint store is connected to all utilities (water, sewer, electricity, and telephone) and has a paved parking area in front. The total land acquisition cost for both parcels is estimated at about \$900,000, with a current economic price escalation factor of 3 percent per year.

S. 2499 would allow the park to remove non-historic items, such as the existing paved parking area, the paved entrance road, temporary park maintenance shed, portable toilet, and flag pole from the historic scene and relocate them to the new visitor contact center in the renovated existing paint store and paved parking area. The historic earthen entrance lane would then be re-established and used by visitors as the walk-in entrance to the site.

The use of the existing paint store as a visitor contact center would permit the park to eliminate the use of the Truman Farm Home's screened-in side porch as a visitor welcome point and cooperating association sales area, which is not sheltered from inclement weather. This would restore the historic integrity to the home, remove the impact of the wear and tear on the historic structure, and provide visitors with a sheltered staging area for tours. In addition, indoor handicapped accessible restroom facilities and drinking water would be available to visitors.

Passage of S. 2499 would have minimal impact on the park's current budget. In order to convert the paint store building into a visitor contact center, the park would request a one time nonrecurring project sum estimated at \$530,000 after acquisition of the 5 acres. The project would include minor remodeling of the paint store, development of an audiovisual program, and the construction of exhibits as well as restoration of the historic scene. The request for funds would be subject to National Park Service prioritization procedures for non-recurring project funding, so a specific timeframe cannot be identified for completion of this work. To operate the visitor contact center at current visitation levels from May 1 to October 15 would require

an annual operating increase estimated at \$103,000. This figure includes all staff, maintenance, and utility costs.

Upon acquisition of the two parcels, the park would be able to increase the visitor's experience, understanding, and appreciation of how Harry S Truman's time spent as a farmer helped develop his character and principles. This would be done through restoring the historic scene and utilizing interpretive exhibits and audio-visual programs in the visitor contact center. The interpretive media in this center would help the visitor understand what it must have been like to work on and manage a 600-acre Missouri farm during the turn of the 20th century, before they go out to tour the farm home.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT
OF THE INTERIOR, REGARDING S. 1311**

Mr. SMITH. Mr. Chairman, the next bill is S. 1311, a bill to provide for the establishment of the Hudson-Fulton-Champlain Commemoration Commission.

The Department supports the enactment of this bill if amended to reduce the number of commission members and to cap the annual appropriations to the commission, much in the same way as we requested that for the Ponce de Leon commission bill.

S. 1311 provides for the establishment of a commission to undertake the activities celebrating the contributions of Henry Hudson, Robert Fulton, and Samuel de Champlain to the history of our Nation. It proposes a commission of 31 members. We recommend that that be reduced to 15 to 17 members. We find that in the history of commissions, that is a much more workable number.

And the Department does recommend that the authorizing level be at \$250,000 per year during the period of its operation.

That concludes my comments on S. 1311.

[The prepared statement of Mr. Jones regarding S. 1311 follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 1311

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1311, a bill to provide for the establishment of the Hudson-Fulton-Champlain Commemoration Commission. The Department of the Interior supports this bill, if amended to reduce the number of commission members, to clarify Section (4)(d)(1), and to cap annual appropriations to the Commission.

S. 1311 provides for the establishment of the Commission to undertake activities celebrating the contributions of Henry Hudson, Robert Fulton and Samuel de Champlain to the history of our nation. Henry Hudson, as the master of the vessel Half Moon, was the first European to sail up the river that now bears his name in 1609. In 1807, Robert Fulton navigated up the same river between New York City and Albany in the steamboat Clarendon, revolutionizing the method of waterborne transportation and influencing forever commerce, the world's navies, and trans-oceanic travel and trade. The French explorer, Samuel de Champlain, was the first European to discover and explore what is now called Lake Champlain in 1609.

The Commission, composed of thirty-one (31) members, would be appointed by the Secretary of the Interior based, in part, on nominations from the governors of New York, New Jersey and Vermont and members of Congress from those states whose districts encompass the Hudson River and Champlain Valleys. Nine additional members would also be appointed by the Secretary including the Director of the National Park Service, or her designee, and one other NPS employee with relevant commemoration experience. The National Park Service would also provide administrative assistance to the Commission on a reimbursable basis.

The duties of the Commission are to plan, develop, and execute appropriate commemorative actions, coordinate with federal and state entities, and encourage a

wide range of organizations to participate in activities and expand understanding and appreciation of the significance of the voyages of these three men. It is granted broad powers to accomplish these tasks.

The Department recommends several amendments. First, we believe that a thirty-one member commission is too large and would be difficult to establish in a timely manner, would probably not work effectively and efficiently, and would be too costly. We recommend a smaller commission, with perhaps fifteen to seventeen members. We would like to work with the committee to develop an amendment that would reduce the number of commission members while ensuring a continued role for House and Senate members and the Governors from the relevant areas in the selection process.

Second, section (4)(d)(1) of the bill provides that the Commission may “disperse funds, and accept donations of personal services and real and personal property related to the Hudson-Fulton-Champlain 2009 and of the significance of Hudson, Fulton, and Champlain in the history of the United States.” We suggest that the word “money,” be inserted between the phrases “donations of” and “personal services” in this subsection. We believe that the Commission should be authorized to accept monetary donations, as well as those other donations to accomplish its tasks.

Third, given other competing priorities and the need to focus federal funds on our parks and other essential programs, we also suggest an amendment to cap the appropriations to the Commission at \$250,000 per year during its period of operation.

Mr. Chairman, that concludes my testimony. I will be happy to answer any questions of members of the Committee.

PROPOSED AMENDMENTS TO S. 1311

Page 16, line 4, insert the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this Act not more than \$250,000 for each of fiscal years 2005 through 2010.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2010.”

Page 16, line 4: renumber section 4 (i) as section 4 (j).

STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, REGARDING H.R. 2055

Mr. SMITH. Mr. Chairman, the final bill is the Department of the Interior’s views on H.R. 2055. This bill would increase the number of free roaming horses at Cape Lookout National Seashore.

The Department supports H.R. 2055’s efforts to adjust the number of free roaming horses within Cape Lookout National Seashore. And it is my understanding that the House has passed a bill that the Department can support. We had recommended language that the bill specify a maximum of 130 horses, but the language in the bill does work to sustain this healthy, free roaming herd of wild horses on the Shackleford Banks of North Carolina.

That, Mr. Chairman, concludes my statement before the committee and I look forward to answering any questions from the members.

[The prepared statement of Mr. Jones regarding H.R. 2055 follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 2055

Mr. Chairman, thank you for the opportunity to present the Department of the Interior’s views on H.R. 2055. This bill would increase the number of free roaming horses at Cape Lookout National Seashore.

The Department supports H.R. 2055’s efforts to adjust the number of free roaming horses within Cape Lookout National Seashore (Seashore) with an amendment, as stated in this testimony, that clarifies the population range of the horses. On June

24, 2003 the Department also testified in support of H.R. 2055 at a hearing before the House Subcommittee on National Parks, Recreation, and Public Lands.

The Department is strongly committed to conserving, protecting, and maintaining a representative number of horses on the Shackleford Banks portion of the Seashore, as we have done in other units of the National Park System which contain horses, and believes that the number of horses on Shackleford Banks should be determined by the ecology of the island and by means which protect the genetic viability of the Shackleford Banks horses. Without this legislation, NPS would manage this herd consistent with P.L. 105-229 which provides for a herd of 100 free roaming horses.

H.R. 2055 amends P.L. 89-366 by changing the number of free roaming horses at Cape Lookout National Seashore from 100, to not less than 110, and establishes a target population of between 120 and 130 horses. The bill also changes one of the criteria that the Secretary of the Interior may use to remove free roaming horses from the Seashore, allowing removal as part of a plan to maintain viability of the herd.

Congress established Cape Lookout National Seashore (Seashore) on March 10, 1966. Encompassing more than 28,000 acres of land and water about 3 miles off the mainland coast, the Seashore protects one of the few remaining natural barrier island systems in the world with excellent opportunities for fishing, shellfishing, hunting, beachcombing, hiking, swimming, and camping in a wild and remote setting.

The enabling legislation for the Seashore did not address the issue of free-roaming wild horses on Shackleford Banks. Public comments on the Seashore's 1982 Draft General Management Plan demonstrated widespread concern about, and interest in, the future of the horses on Shackleford Banks. The Final General Management Plan stated that a representative number of horses would remain on Shackleford Banks after the privately owned land on the island was purchased by the United States.

In 1996, following a series of public meetings, as well as discussions with scientists and professional managers of wild horse herds, the Seashore developed an Environmental Assessment (EA) with alternatives for managing the Shackleford Banks horse herd. That plan, while acceptable to the public, was opposed by some groups who rejected the idea of any management intervention. The plan proposed to maintain a representative herd of horses by using a combination of contraceptive drugs and periodic roundups and removal of horses.

On November 11, 1996, the National Park Service (NPS), with assistance from state veterinarians from the North Carolina Department of Agriculture, initiated a roundup of the Shackleford horses. State law required testing the horses for Equine Infectious Anemia (EIA). Out of the 184 horses on the island, 76 tested positive for EIA and were removed to the mainland for temporary quarantine. On the advice of the North Carolina Department of Agriculture, these horses were euthanized.

In December 1996, the NPS established the Shackleford Banks Horse Council, representing a wide variety of interests and stakeholders, as a working committee to assist the park with plans for managing horses. In 1997, a second roundup and testing program was conducted on the Shackleford horses. Of the 103 horses on the island, five tested positive for EIA. By this time, the Foundation for Shackleford Horses, Inc. had secured a state-approved quarantine site and the five EIA positive horses were transferred to it. In the transfer document, the Foundation and the Service committed to develop a long-term Memorandum of Agreement (MOA) to cooperate in the management of the Shackleford Banks horses. On an interim basis, the Service issued a special use permit to the Foundation to allow it to assist with the management of the herd.

On August 13, 1998, Congress passed P.L. 105-229, "An Act To Ensure Maintenance of a Herd of Wild Horses in Cape Lookout National Seashore." This act directed the NPS to maintain a herd of 100 free roaming horses and to enter into an agreement with the Foundation for Shackleford Horses, Inc. or another qualified nonprofit entity, to provide for the management of free roaming horses in the Seashore. In April 1999, a Memorandum of Understanding with the Foundation for Shackleford Horses, Inc. was signed.

P.L. 105-229 requires an annual Findings Report that provides the public with information regarding the population, structure, and health of the horses on Shackleford Banks. Research, monitoring and record keeping, with the goal of informed decisions for removal and immunocontraception, is ongoing, as is consultation with internationally recognized advisors in the fields of equine behavior, genetics, virology, immunocontraception, management, humane issues, and island ecology. The NPS continues to work with the Foundation under the MOU and management decisions regarding the horses are reached jointly with the Foundation and with the advice of scientists.

On October 29 and 30, 2002, the NPS hosted a roundtable meeting with the aim of reaching a consensus on the free roaming horse population range and the strategy for achieving that range. Participants included the Seashore Superintendent and staff, staff from Representative Jones' office, and representatives from the Foundation for Shackelford Horses, Inc. Three leading scientists considered experts in their respective fields also participated: Dr. Dan Rubenstein of Princeton University, Dr. Gus Cothran of the University of Kentucky, and (by telephone) Dr. Jay Kirkpatrick of ZooMontana.

Included in the discussion was the value of occasional herd expansion to maintain genetic variability in the population. The conclusion reached was that the population should be allowed to fluctuate between 110-130 individuals. The methodology of conducting removal and contraception toward this goal was also discussed and agreed upon. The range of 110 to 130 horses is based on sound science and provides the population changes, which are necessary for maintaining the genetic viability of the herd.

Based upon the October roundtable discussion, we recommend an amendment to the bill that is attached to this testimony. We believe that this amendment will more clearly reflect the need to allow the population bloom necessary for maintaining the genetic viability of the herd.

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

SUGGESTED AMENDMENT, H.R. 2055

On page 2, line 1, delete "with a target population of between 120 and 130" and insert, "allowing periodic population expansion of the herd to a maximum of 130 horses".

Senator THOMAS. Thank you very much.

Let me ask a couple of questions here. Let us go back to the Petrified Forest. This is a substantial increase in size, over 120,000 acres. Is that correct?

Mr. SMITH. Yes, 128,000 according to the map that we have now provided the committee, Senator.

Senator THOMAS. Do you ever consider some kind of trade? My State is 50 percent owned by the Federal Government, so I am not anxious to increase the net numbers. Is there any way to talk about trades, or have you considered some kind of reduction in other Federal holdings in order to offset this 120,000 acres?

Mr. SMITH. Mr. Chairman, this is a complicated land pattern. About 15,000 of the acres would be BLM lands, which the Park Service would just do an exchange in that ownership. So that brings it down to about 103,000 or 104,000. The 79,000 of private ownership, obviously, I think you will hear later from witnesses here today that these are large ranches. They are willing to sell but I do not know what exchange possibilities would be there.

And then, as Senator Kyl alluded to, the 34,000 or 35,000 acres of State land is really complicated right now with the way that Arizona has dealt with their public lands issues because they are a public lands State. So there are possibilities that something could be worked out, depending on if they change their State constitution, that we could enter into exchanges in the future, but there really are not exchange opportunities with what we are looking at here, and because the State cannot donate land, there really are not donation possibilities right now either. But this is still a little bit in movement because the State is going to consider whether they would change their constitution to allow that.

The reason for the acreage, though—and believe me, this administration looks very carefully before we recommend land acquisition, looking at budgets, property rights and other issues in the

country. But as Senator Kyl said, this is an amazing escarpment of world-class fossils. This is an attempt, 10 or 12 years of effort, to try to do something to put a boundary around these lands that will assure they are protected for future generations.

Senator THOMAS. What about the county and the tribal? What is their point of view?

Mr. SMITH. There are letters of support from the county. I believe the Hopi and the Navajo tribes have been in informal discussions with the superintendent, but I am not aware that there is anything official as far as a statement that they have made for the record yet.

Senator THOMAS. What is the estimated cost of the acquisition of these lands?

Mr. SMITH. Senator, that is always a difficult thing when you deal with appraisals, but it is my understanding that some work has been done on the ground out there. They have looked at the private acres, the private ownership, and they are looking at somewhere around \$14 million at a high, \$8 million at a low. But again, until you really appraise it and come to agreement on those values, that is just the range that has been looked at very briefly out there. But basically it does have a price tag in the tens of millions of dollars.

Senator THOMAS. Before you agree to support it, would you not want to know what it is going to cost?

Mr. SMITH. Well, in the world of appraisal, you really do not know until you get on the land. This is based on other actuals that have been completed in the area and whatever else. Again, this is the range. BLM and NPS have sort of looked at this range, and that is what I put on the record today, Senator.

Senator THOMAS. It is my understanding Congress appropriated \$2 million in 2000 for the acquisition. It could not be spent. Now we understand BLM has spent the money for wildfire suppression. What is the status of that?

Mr. SMITH. Senator, it is my understanding that part of the money we spent on fire suppression. The Park Service also has to contribute to that, and as you all from the West know, we just had tremendous fire seasons. It is my understanding that some of that \$2 million, which is an add-on to the administration's request, was spent for fire suppression, and then, because BLM did some appraisals but could not get to an agreed-upon price with the willing sellers, they did reprogram part of that money through the Senate and House Appropriations Committees and did apply it to some lands in Idaho.

I am not fully aware of the status of whether that money came back in a supplemental or not, but I would say it is very common that land acquisition money is utilized for fire management when it is necessary, and then we hope to get supplementals to replace that. To my knowledge, maybe \$1.6 million has been made available, but I would have to look that up for the record, Senator.

Senator THOMAS. On S. 2656, I do not think I have been involved in commemoration commissions before. Is this customary for the Park Service to be the lead agency on these?

Mr. SMITH. Yes, to my knowledge it is. We have other examples. Lewis and Clark is a major commemoration that is going on right

now. The Park Service is certainly involved in a very major way but with the other agencies in Interior and other governmental agencies. The commemoration for Jamestown, the 400th anniversary there, has the Park Service involved with a commission, and we certainly staff that for the commission. And there are others we could provide for the record, Senator. They escape me right now.

Senator THOMAS. Senator, do you have any questions?

Senator GRAHAM. Mr. Chairman, I have a statement which I would like to submit for the record at the appropriate place.

Senator THOMAS. Absolutely. We will have it in the record.

So the commemorative commissions are a normal way to do this, but is there some end to it? Does the responsibility of the park terminate at some point?

Mr. SMITH. Yes, Senator. Almost all of the commissions—the administration position is they do have a termination date, and in the case of the Ponce de Leon, that is 2013. It would terminate, I believe it is, on December 31 of that year. But yes, the legislation usually always does include a closeout date.

Senator THOMAS. For the commission or for the Park Service's role?

Mr. SMITH. For the commission.

Senator THOMAS. On S. 2499, is there any other land that has been identified for the future of the Harry Truman site?

Mr. SMITH. Senator, it is my understanding this is the last available 5 acres and there is no intention of looking for other land. This land is immediately adjoining, protects the farm, and there is no discussion of any additional acreage that would have this importance in protecting the resources that are already part of the park. Most of the rest of the nearby land has been developed.

And I would add that the landowners in this case are both willing sellers also, Senator.

Senator THOMAS. Let us see then. We have another commemoration, the Hudson-Fulton-Champlain. What events do you expect to conduct to commemorate this event?

Mr. SMITH. Mr. Chairman, I cannot go into specifics here today, but I will tell you that there is already a heritage area that identifies the Hudson. There are at least 6, if not 10, National Park Service sites along the Hudson, as well as many State and local areas of interest. Kingston, New York is there, the first capital of New York. So my feeling is that they would intertwine the commemoration of this in New York and up the Hudson and into Vermont in any number of key events in our history. That is such a historic river valley for our Nation. I can certainly try to provide some of that to you, but it obviously is an area of tremendous importance.

Senator THOMAS. I guess I am curious, trying to identify what the role of the Park Service is going to be. We are talking constantly about not having enough money and having to pick up repairs from the past. Yet, we find ourselves now, what, with 389 parks or whatever, doing heritage sites, doing more of these. So we have to sort of, I think, begin to take a look at what the role is and where the role is in all these different kinds of programs so that we do what is appropriate, that we do not find ourselves doing things that could logically be done locally. I am not suggesting this one could, but I think that is an issue that we have to look at in

all these and make sure that there is an appropriate for the Federal Government.

Mr. SMITH. Mr. Chairman, you are exactly correct. And this one, again, with the amendment to keep the authorized ceiling for the annual appropriations low, would say that there is a Federal role but it also does require a partnership role from State and local governments, from nonprofits, from interested citizens, and certainly that is the model we are looking for. So we certainly agree, those of us who look at these bills in the Department and at OMB. We do consider that they do carry costs and it is a concern of ours too. The testimony here says it is important, but we would reduce the role of the Federal dollar going toward the commission and hope that it would get support from State and local governments and nonprofits.

Senator THOMAS. Well, I think we ought to keep working at this. As you know, we just tried to define what heritage areas ought to be. Of course, I understand in each one people have different views, and it is not as black and white as it could, but we need to do that.

Wild horse, I am a little confused about this. Now, are you going to end up with a minimum number of horses that you would like to keep there, or does your suggested amendment change that?

Mr. SMITH. Mr. Chairman, when the bill was passed by Congress in 1998, we were taking a herd that had been at about 187 horses, was very sick with certain equestrian diseases and whatever else. And the original act stated that we would put the herd through a very major veterinarian type of review that was done by the State. As that herd was culled, for all the right reasons, as far as healthy animals, it came down at that time that we thought the best number that the herd would be able to sustain was about 100.

That herd has been studied by both an expert in horses from Kentucky and an expert in horses from Princeton, and they have been down there with field teams every year through the 1990's and through this last year. They are there every year. Those horses, through hurricanes and whatever else—they now really feel that the viability of that herd is to be able to have a maximum of 130 horses on those Shackelford Banks.

What they do now is they have a wonderful program, the Shackelford Banks Horse Association. When they do need to remove either sick or over-number horses, they do have a workable adoption program, a little bit different than maybe what you are used to with the wild horses in the West, but they are able to move those horses off the island and to have them adopted or to care for them at their center. The 130 horses from both of these university studies, very scientific—they have come to the conclusion that 130 is the manageable number to work with. They can adjust to that and keep this herd very healthy and very viable.

And if you ever get a chance to see it, Mr. Chairman, they are absolutely marvelous, little, miniature horses that somehow survive on those outer banks. Through hurricanes, they hunker down. Through dry weather or whatever, they have been there for 300 or 400 years, and they are an amazing cultural and historic resource for that part of the country.

Senator THOMAS. Did they hunker down here lately?

[Laughter.]

Mr. SMITH. The last storms missed them, but—what is our one from 2 years ago? Isabel. When Isabel did what it did to the east coast, they lost one mare, one young colt, and one mare and one colt swam about 2 miles across the inlet to get to safety. They are amazingly resourceful, and we hope that this bill continues to protect them out there on the banks.

Senator THOMAS. I guess this is a different location, but normally you evaluate the resource that is available for feed and this and that and sort of set a scientific number. Is it unusual to legislate the numbers that ought to be grazing here?

Mr. SMITH. Senator, unusual but not unprecedented. It was done at Ozark National Riverway in a situation sort of like this where those horses have a cultural and an historic meaning to the people, and the Park Service was managing them, actually calling them feral horses. People who live in these localities do not consider them feral. They consider that they have been there longer than most people have been.

It is amazing that these horses do survive with the vegetation that is there. Of course, that is what dictates their size, being very small and whatever else. But any assessments that would be done—they have survived in that natural habitat for 300 years. So for anybody to really study it, they have been a major part of it that entire time.

And the reason for this to be legislated rather than administratively done, as would normally be the case, the general management plan at one time for this unit of the park system, Cape Lookout National Seashore, considered eradicating them just as it would feral pigs or feral cows or whatever. And the people on the banks have long memories and this basically gives assurance that we will manage in accordance with a law rather than somebody being, at some time later, able to change the policy. It is an amazing history of what has happened down there on this, and that is why the administration does support a number rather than thinking we can do it administratively because of that long history and actually feeling that the Park Service might not manage to a number unless Congress legislated it.

Senator THOMAS. If you had some sort of a change in the vegetation, you might have to come back to reduce them to the amount of resources available.

Mr. SMITH. That is probably true, but I will tell you those banks—they move south and east, and they move all around, but somehow they all make do through storms and climate and whatever. They are amazing.

Senator THOMAS. Yes, it must be interesting.

We are thinking of a number in Wyoming, but it would be not to exceed a certain number. We seem to have more than we can handle.

At any rate, thank you very much. Appreciate your testimony. Thank you for being here.

Mr. SMITH. Thank you, Mr. Chairman.

Senator THOMAS. All right. Let us see. We have panel 2: Mr. Mike Fitzgerald, Twin Buttes Ranch, Holbrook, Arizona, and Dr. David Gillette, Department of Geology, Museum of Northern Arizona in Flagstaff.

Welcome, gentlemen. Mr. Fitzgerald, would you like to begin?

**STATEMENT OF MICHAEL R. FITZGERALD, OWNER,
TWIN BUTTES RANCH, LLC, HOLBROOK, AZ**

Mr. FITZGERALD. Sure. Mr. Chairman and members of the committee, I am Michael Fitzgerald, owner of the Twin Buttes Ranch that borders a large portion of the Petrified Forest National Park in Navajo County. I appreciate the opportunity to state today my strong support of S. 784. I applaud Senator McCain's and Senator Kyl's leadership in sponsoring this important legislation and thank the chairman for scheduling this hearing. I cannot express how relieved I am that we have come to this long-awaited hearing, and I urge the subcommittee to act favorably and quickly on this bill.

My family, which includes my wife Carol and our three children, have either lived on or worked this ranch since 1986, when we received it as a part of a three-way trade with the Federal Government after we felt compelled to cede our former ranch located on the eastern side of the park, as part of the Navajo-Hopi Relocation Act of 1974. We typically run a 600-cow/calf operation over the 38,400 acres of the ranch, of which about 80 percent is deeded and 20 percent is composed of State and BLM lands.

By the time I had taken title to the ranch, I realized that the Park Service was interested in adding portions of the ranch to the park. At first, I was not interested in another land trade. But over the years, I have learned about the wealth of pueblo sites and rock art galleries contained within the ranch and, more recently, about the potential to hold fossils of great importance to scientific learning about the early age of the dinosaurs. I also understand that my maintaining the open range has benefited the park and its visitors, whose vistas of the Painted Desert and Chinle Escarpment from prominent viewpoints along the park's road include large portions of my holdings.

The ranch has remained well protected over the years as a result of our cattle ranching operation and its limited access from paved roads. Carol and I place a high priority on the innate value of the land and its wildlife and we have demonstrated this commitment, for example, by providing permanent water sources for wildlife. Even though our commitment to the land runs deep, we recognize that we cannot adequately police the ranch from pot hunters and thieves. And we have found we cannot rely on local law enforcement to help us combat the rising tide of encroachment by grave robbers. Further, because we do not control the mineral rights within our ranch, we are powerless to stop commercial-scale mining, with track hoes and unreclaimed spoil piles, that render our rangeland worthless by others who unearth buried petrified logs.

These factors, combined with the economics of ranching in northeastern Arizona, have made us willing sellers, and we wish to see the ranch and its scientifically valuable artifacts protected within the park. Two years ago, we deferred our grazing privileges on the public lands and sold all our cattle. As a result of increases in artifact theft, the fluctuating beef market and drought, we simply cannot protect the land and its important resources as the Park Service could. And we would much rather see the ranch kept intact than having to sell it to a company that would subdivide it into rec-

reational ranchettes. If this were to happen, the important fossils and archaeological sites would, of course, be lost.

I am a willing seller and will consider either a cash purchase or land trade with the Federal Government for my holdings in the Twin Buttes Ranch, as long as such a sale or trade is in my family's best interest. It is my understanding that the other primary landowners will also entertain a land trade. I will insist on my part, however, that the Government purchase my entire ranch and not leave me with an uneconomic remnant. It is my understanding that the proposal offered by Senators McCain and Kyl, and that is supported by the Park Service, accommodates this request.

In closing, I would like the subcommittee to understand that my family has waited patiently for over 12 years to establish resolution to the Park Service's proposal to purchase the Twin Buttes Ranch. There has been a lot of activity regarding this bill over the past 4 years, and this is the second Congress to see an expansion bill introduced. At this point, we find ourselves needing to make long-term business decisions regarding the disposition of our ranch, and I respectfully request that you help us to immediately resolve this issue.

Thank you very much for inviting me to be here, and I would be very delighted to answer any questions.

[The prepared statement of Mr. Fitzgerald follows:]

PREPARED STATEMENT OF MICHAEL R. FITZGERALD, OWNER,
TWIN BUTTES RANCH, LLC, ON S. 784

Mr. Chairman and members of the committee, I am Michael Fitzgerald, owner of the Twin Buttes Ranch that borders a large portion of Petrified Forest National Park in Navajo County. I appreciate the opportunity to state today my strong support of S. 784. I applaud Senator McCain's and Senator Kyl's leadership in sponsoring this important legislation and thank the Chairman for scheduling this hearing. I cannot express how relieved I am that we have come to this long-awaited hearing and I urge the subcommittee to act favorably and quickly on this bill.

My family, which includes my wife, Carol, and our three children, have either lived on or worked this ranch since 1986, when we received it as part of a three-way trade with the federal government after we felt compelled to cede our former ranch, located on the eastern side of the park, as part of the Navajo-Hopi Relocation Act of 1974. We typically run a 600-cow/calf operation over the 38,400 acres of the ranch, of which about 80 percent is deeded and 20 percent is composed of state and BLM lands.

By the time I had taken title to the ranch, I realized that the Park Service was interested in adding portions of the ranch to the park. At first, I was not interested in another land trade. But over the years I have learned about the wealth of pueblo sites and rock art galleries contained within the ranch and, more recently, about its potential to hold fossils of great importance to scientific learning about the early age of the dinosaurs. I also understand that my maintaining the open range has benefited the park and its visitors, whose vistas of the Painted Desert and Chinle Escarpment from prominent viewpoints along the park's road include large portions of my holdings.

The ranch has remained well protected over the years as a result of our cattle ranching operation and its limited access from paved roads. Carol and I place a high priority on the innate value of the land and its wildlife and we have demonstrated this commitment, for example, by providing permanent water sources for wildlife. Even though our commitment to the land runs deep, we recognize that we cannot adequately police the ranch from pothunters and thieves. And we have found we cannot rely on local law enforcement to help us combat the rising tide of encroachment by grave robbers. Further, because we do not control the mineral rights within our ranch, we are powerless to stop commercial-scale mining—with track hoes and unreclaimed spoil piles—that render our rangeland worthless by others who unearth buried petrified logs.

These factors, combined with the economics of ranching in Northeastern Arizona, have made us willing sellers and we wish to see the ranch and its scientifically valuable artifacts protected within the park. Two years ago, we deferred our grazing privileges on public lands and sold all our cattle. As a result of increases in artifact theft, the fluctuating beef market and drought, we simply cannot protect the land and its important resources as the Park Service could. And we would much rather see the ranch kept intact than having to sell it to a company that would subdivide it into recreational ranchettes. If this were to happen, the important fossil and archaeological sites would be forever lost to science.

I am a willing seller and will consider either a cash purchase or land trade with the federal government for my holdings in the Twin Buttes Ranch as long as such a sale or trade is in my family's best interest. It is my understanding that the other primary landowners will also entertain a land trade. I will insist, however, that the government purchase my entire ranch and not leave me with uneconomic remnants. It is my understanding that the proposal offered by Senators McCain and Kyl, and that is supported by the Park Service, accommodates this request.

The original proposal contained in the park's 1992 General Management Plan would not be acceptable to me as it considered adding only the highlands portion of my ranch—the Ramsey Slide that contains the Chinle Escarpment—while leaving the lowland portions of the ranch presumably to be maintained as part of my cattle ranching operation. But this proposal was not feasible; as such a configuration would have bisected my ranch into two separate and far-separated pastures. It also would have greatly constricted my access between the two remaining pastures to a parcel of public land over which I would have no control. So this earlier proposal would have left me with a significant reduction in the number of cattle I could have run on the remaining lands, made my management of the ranch extremely difficult and, thus, would have left me with an unviable and uneconomic ranch. Therefore, I appreciate the fact that Senators McCain and Kyl, and the Park Service understand my situation and that their current proposal includes purchase or exchange for my entire ranch.

The idea to incorporate our entire ranch into the park has the support of prominent paleontologists and archaeologists that I have had the good fortune to work with these past two years. Many important and promising paleontological and archaeological sites exist on the Twin Butte Ranch that were unknown to the Park Service when they prepared their proposal in 1992. This oversight is largely a result of the fact that the government did not have access to our private lands.

Since 1992, when the Park Service first recommended its expanded boundary, paleontologists working in the area have discovered the immense significance of the upper portion of the Chinle Escarpment for their understanding the late Triassic period.

The Twin Buttes Ranch includes substantial amounts of the upper Chinle. In addition, leading archaeologists at Northern Arizona University, most notably Dr. Kelley Hays-Gilpin, have mapped extensive archaeological sites on the Twin Buttes Ranch that either were not known or whose location was not well understood by the Park Service in 1992. Finally, including my entire ranch into the park would also capture miles of healthy riparian areas along the Puerco River, for which I understand the Park Service has made restoration and recovery of its vital wildlife habitat a high priority.

In closing, I would like the Subcommittee to understand that my family has waited patiently for over twelve years to establish resolution to the Park Service's proposal to purchase the Twin Buttes Ranch. There has been a lot of activity regarding this bill over the past four years and this is the second Congress to see an expansion bill introduced. At this point, we find ourselves needing to make long-term business decisions regarding the disposition of our ranch and I respectfully request that you help us to immediately resolve this issue.

Thank you for inviting me to appear before you today and for considering my views. I would be happy to answer any questions.

Senator THOMAS. Thank you very much. A couple of quick questions and then we will go to Dr. Gillette.

This acquisition is 128,000 I believe. Your ranch is what?

Mr. FITZGERALD. It is about 38,000.

Senator THOMAS. I have a little map. Is yours on that checkerboard land?

Mr. FITZGERALD. No. It is that green portion on that map, if it is the colored one, on the west side of the Petrified Forest part of the park.

Senator THOMAS. But you have had a split estate. Is that right? For the minerals and the surface?

Mr. FITZGERALD. That is correct. I own the surface rights.

Senator THOMAS. Dr. Gillette.

STATEMENT OF DAVID D. GILLETTE, PH.D., COLBERT CURATOR OF PALEONTOLOGY, MUSEUM OF NORTHERN ARIZONA, AND RESEARCH PROFESSOR OF GEOLOGY, NORTHERN ARIZONA UNIVERSITY

Mr. GILLETTE. Mr. Chairman and members of the committee, I am David Gillette, Colbert Curator of Paleontology at the Museum of Northern Arizona in Flagstaff, and I am also a research professor of geology at Northern Arizona University. I have been associated with Petrified Forest for more than 20 years, conducting scientific research and educational activities within the park, and I also participated in the production of the general management plan for the park in 1992, and I believe that is the most recent general management plan.

I am testifying today on behalf of the Museum of Northern Arizona, the Society of Vertebrate Paleontology, the Sonoran Institute, National Parks Conservation Association, Northern Arizona University's Department of Anthropology, the city of Holbrook, Arizona, the Holbrook Chamber of Commerce, Petrified Forest Museum Association, the city of Winslow, Navajo County, and a large number of independent scientists, including archaeologists and paleontologists in northern Arizona.

Our organizations appreciate the opportunity to state our strong support of S. 784, and we appreciate the critical leadership of the sponsors of this important legislation. We thank you for scheduling this hearing.

We enthusiastically urge the subcommittee to act favorably and quickly on this bill.

Mr. Chairman, it is altogether fitting that we should be considering this bill today in the same day when we have the opening of the National Museum of the American Indian. The holdings in the expansion area include some nationally significant archaeological sites that have direct bearing on the early history of our indigenous ancestors and preservation of those is critical in light of recent activities with regard to pilfering and unauthorized collections.

It is also important that we recognize the paleontological significance of this area, which is separate from the archaeological materials, but especially along the Chinle Escarpment we have what would otherwise be a common cliché when we say we have world-class resources. But we really do have world-class resources because the Chinle Escarpment and the Petrified Forest represent the very earliest days of the age of dinosaurs. In fact, it is the reference standard for the global study of the earliest days of the age of dinosaurs for the Triassic Period. This area could, indeed, be called Triassic Park.

More than 220 million years ago, the earth was in transition. Pangaea was the world continent and that was the dominant

landmass. The Atlantic Ocean did not exist. The earliest dinosaurs roamed the land.

We know these things because evidence from this interval of geologic time is frozen in the geologic record, and we know it best from the Petrified Forest National Park area, including the area of the expansion lands. In addition to evidence from around the globe, a treasure trove of information can be found at Petrified Forest National Park that goes beyond the spectacular petrified trees. The petrified logs represent a forest, a tropical forest, that is now strewn across a desert landscape. Fantastical life forms frozen in the rocks bespeak an age that is so alien that it stupefies the imagination. We had amphibians like frogs that weighed 500 pounds. We had predators as large as crocodiles with 4-foot-long skulls and a battery of teeth that drove the evolution of the fleet-footed dinosaurs. Nearly 100 years after its establishment as a national monument by President Theodore Roosevelt, we now know that few places in the world contain such a rich fossil record of animals as well as the trees that have been preserved at the park.

This bill would add more than 100,000 acres, including lands that encompass virtually the entire Chinle Escarpment. It contains a priceless natural heritage of fossils and artifacts. They are being today systematically pilfered. Black market dinosaur bones and archaeological artifacts bring thousands of dollars on the commercial market. Grave robbers supply that black market with artifacts from areas so remote even the cows get lost. Treasure hunters seeking pots and burial items held sacred by Arizona's Native Americans have looted site after site in this area.

These archaeological and paleontological stories should be developed in the interest of all Americans. This national inheritance cuts to the core of our existence as citizens and leaders. The mission cannot be conservation and protection alone. Preservation without education is like a library under lock and key. Here in the Petrified Forest area we can tell gut-wrenching stories of predator-prey interactions, floods that carried trees as large as giant redwoods into colossal logjams. This represents the very humble beginnings of our modern ecosystem. We cannot afford to lose these stories or the ability to share them. This is our national natural laboratory.

Petrified Forest National Park and the expansion area hold the keys to education in the raw. This is the full surround sound, sunburn, flash flood experience. Here we teach teachers and students alike. We work elbow to elbow. Everybody is equal. We are all in this together. This is hands-on dinosaur excavations and application of technology to map archaeological sites. We can use high technology for remote sensing, and we can use traditional techniques of labor for the down and dirty work of hoisting 1,000-pound blocks of rock encased in burlap and plaster that contain dinosaur skeletons. This is the training ground for our next generation of scientists, historians, business executives, teachers, and yes, even politicians.

Education is the only solution to understanding our modern world. This is the real experience. We teach the scientific method. We become professional skeptics. We test our understanding with discoveries of new sites and new fossils. At the Petrified Forest, the

time dimension is the critical missing link. Can we understand the logs? Can we place them in perspective? Can we see the forest?

In conclusion, Mr. Chairman, I would simply say that tragically every day prehistoric archaeological sites, historical sites, and paleontological sites in the United States are lost forever, along with the precious information they contain. We have the ability, the opportunity, and the responsibility to prevent this loss of our heritage, a loss that impoverishes both present and future generations. Promptly enacting S. 784 into law will be a marvelous and tangible step forward to meet these duties. Future generations will thank you for your wisdom to act now.

Thank you for inviting me to appear before you today and for considering our views. I would be happy to answer any questions.

[The prepared statement of Mr. Gillette follows:]

PREPARED STATEMENT OF DAVID D. GILLETTE, PH.D., COLBERT CURATOR OF PALEONTOLOGY, MUSEUM OF NORTHERN ARIZONA, AND RESEARCH PROFESSOR OF GEOLOGY, NORTHERN ARIZONA UNIVERSITY, ON S. 784

Mr. Chairman and members of the committee, I am David Gillette, Colbert Curator of Paleontology at the Museum of Northern Arizona in Flagstaff, Arizona. I am testifying today on behalf of the Museum of Northern Arizona, The Society of Vertebrate Paleontology, The Sonoran Institute, National Parks Conservation Association, Northern Arizona University's Department of Anthropology, City of Holbrook, Holbrook Chamber of Commerce, Petrified Forest Museum Association, City of Winslow, and Navajo County. I am also submitting for the record letters and resolutions from a number of these parties, as well as others who support this legislation.

The Museum of Northern Arizona is a private, non-profit museum dedicated to research, collections, education, and outreach in cultural and natural sciences of the Colorado Plateau. Established seventy-five years ago, MNA has been deeply involved with archaeology and paleontology in the national parks throughout its existence.

NPCA is a non-profit citizens' organization, founded in 1919, dedicated to the protection and enhancement of the National Park System. NPCA has approximately 300,000 members, including 6,850 in the State of Arizona.

The Sonoran Institute is a non-profit organization that works collaboratively with local people and interests to conserve and restore important natural landscapes in western North America, engaging partners such as landowners, public land managers, local leaders, community residents, and nongovernmental organizations.

The Society of Vertebrate Paleontology is a non-profit organization of professional and avocational paleontologists, with an international membership of approximately 2000. The SVP has worked actively to promote responsible stewardship of paleontological resources on public lands.

Our 10 organizations appreciate the opportunity to state our strong support of S. 784. We appreciate the critical leadership of Senators McCain and Kyl in sponsoring this important legislation and thank the Chairman for scheduling this hearing. With enthusiastic support from all the major landowners, the State of Arizona, local governments, chambers of commerce, and scientists nationwide, we urge the subcommittee to act favorably and quickly on this bill.

More than 220 million years ago, the Earth was in transition. Pangaea, the World Continent, was the predominant landmass, the Atlantic Ocean did not exist, and the earliest known dinosaurs roamed the land.

We know these things because evidence from this interval of geologic time, called the Triassic Period, is frozen in time. In addition to evidence from around the globe, a treasure trove of information can be found at Petrified Forest National Park in northeastern Arizona. A vast forest of petrified logs, strewn across what is now a desert landscape, and fantastic life forms frozen in stone bespeak a time when a tropical swamp, filled with 200-pound ancestors of frogs and salamanders, and enormous crocodile-like beasts, existed where there is now arid, open land.

Petrified Forest National Park, originally proclaimed a national monument by President Theodore Roosevelt in 1906, was designated a national park in 1962 and receives about 600,000 visitors each year. The park originally was set aside to preserve the spectacular concentrations of rainbow-hued petrified wood, scenic landscapes of the Painted Desert, rare shortgrass prairie, and more than 500 archae-

ological and historical sites that reflect a 10,000-year continuum of human history. We now know that few places in the world contain such a rich fossil record of the Triassic Period. The Petrified Forest National Park could easily claim the title “Triassic Park” for its plant and animal fossils that represent the very roots of dinosaur history.

Recent scientific work has revealed that petrified wood is only one part of the globally significant record contained within the Chinle Escarpment, the name given to the geological formation containing the “mineralized remains of the Mesozoic forest” that the park was established to protect. Only six miles of the 22-mile-long escarpment, which contains the world’s most significant record of late Triassic Period fossils, is currently within the park. The area outside the park may contain more and better fossils that can more readily increase our understanding of flora and fauna and the changing climatic and tectonic conditions on Earth during that era. It also presents a unique opportunity to educate the public. According to the current director of the New Mexico Museum of Natural History and Science, Dr. Adrian Hunt, Petrified Forest National Park is the most important place in the world to study the early evolution of dinosaurs, an assessment with which I heartily agree.

S. 784 would add approximately 128,000 acres, including lands that encompass virtually the entire escarpment. These lands contain a priceless natural heritage of fossils and artifacts that are being systematically pilfered. Grave robbers supply the black market with artifacts from areas so remote even the cows get lost. Treasure hunters seeking pots and burial items held sacred by Arizona’s Native Americans have looted site after site. Fossils in the same area have come under similar pressure; dinosaur bones can bring thousands of dollars on the commercial market, but once they are removed, they are forever lost to science and the public domain. These activities led NPCA to place Petrified Forest National Park on its list of Ten Most Endangered Parks in 2000 and 2001. Since that time, the park has engaged in fruitful efforts to significantly reduce theft of petrified wood from within its boundaries, prompting NPCA to remove it from the endangered list in 2002. With the advent of high tech, low-cost mobile sensors and other non-intrusive measures aimed at educating and redirecting well-meaning park visitors, the Park has demonstrated that it is now in a much better position to protect this wealth of resources.

STATE LANDS

Slightly more than half of the lands within the proposed expansion areas currently are in private ownership, and 45 percent are in state or federal ownership. The State of Arizona and the Bureau of Land Management recognize the significance of the paleontological resources on their lands and have expressed an interest in seeing them preserved. In her letter to House National Parks, Recreation and Public Lands Subcommittee Chairman George Radanovich (in which she cc’d Senators Thomas and Akaka) dated February 19, 2004, Governor Janet Napolitano wrote: “Seldom does an opportunity arise to more fully protect an incredible national treasure like Petrified Forest with such broad, unequivocal support at the local, state and national levels.”¹ In that same letter, the State suggested a language change to the bill that the organizations I am representing here today all support. In addition, on May 28, 2004, the State closed approximately 36,000 acres adjacent to the park to both surface and subsurface applications to better protect these lands until they are added to the park.

State lands within the park expansion proposal contain a wealth of paleontological and archaeological resources. For example, state lands within the Twin Buttes Ranch contain numerous unique and highly detailed petroglyph panels dating from 600 to 1,000 years before present. One such panel appears to be a map of the constellations visible in the night skies each April. This panel has been photographed for the book *Tapaveni: The Rock Art Galleries of Petrified Forest and Beyond* and has been referred to as a work of “remarkable geometric intellect.”

The State lands also include a significant amount of the Chinle Escarpment that is such an important addition to the park, by virtue of the world-class paleontological resources it contains. State lands along the Chinle Escarpment east of the park also contain a rare Chacoan Culture Great House dating back some 1,000 years to between A.D. 900 and 1130. This pueblo ruin maintains the distinctive “core and veneer” masonry of the Chacoan Culture, whose ceremonial center was located in northwestern New Mexico, and the great house included in the park expansion proposal is thought by some scholars to define the southwestern edge of the Chacoan system. Understanding of this system has become one of the most significant ques-

¹ Letter from Arizona Governor, Janet Napolitano, to National Parks Subcommittee Chairman George Radanovich, dated February 19, 2004

tions in Southwest archaeology and the inclusion of this great house into the park will protect the site's context and likely will enhance scientific understanding of this remarkable culture. State lands are, to varying degrees, intermingled with the ranches of all four primary landowners.

PRIVATE LANDS

Most of the private lands adjacent to the park have been managed as part of large cattle ranches for the past 120 years. This use of the land has preserved the scenic views seen from the park. However, this land use pattern is starting to change. More intensive land uses, such as subdivisions and mineral exploration and mining—including mechanized petrified wood mining on private lands—threaten to both destroy the scenic quality of the park and destroy irreplaceable resources.

Four major landowners together own approximately half the total acreage of the expansion area, and all are highly supportive of the legislation and wish to see the cultural and scientific resources on their properties included in and protected by the National Park System. They have been patient since the Park's General Management Plan recommended expansion in 1992, but cannot be expected to wait indefinitely while other development offers come their way. In fact, history demonstrates that delay poses further risks for this land. The private lands identified in 1992 in the park's GMP were, at that time, held almost exclusively by 6 landowners. Since then, two of those landowners have subdivided and sold their holdings, and a portion of those lands is unfortunately not included in the current proposal.

Expansion lands formerly owned by the New Mexico and Arizona Land Co and now owned by Mr. Bob Worsley contain the Wallace Tank Ruin, an immense Pueblo IV period ruin dating from about A.D. 1200 to 1325. The pueblo contains an estimated 400-600 rooms. Looting has occurred at this site, including looting with the use of heavy equipment. Nonetheless, archaeologists believe that 90% of the architecture is intact. These Pueblo IV sites in the Western Pueblo region are quite rare and they are critical in understanding how the Western Pueblos (Hopi, Zuni, Acoma, and Laguna) came to be.

On the Twin Buttes Ranch, owned by Mr. Mike Fitzgerald, four Canyon Butte sites dating from about A.D. 1130 to 1325 (during the Pueblo III period) contain from 25 to 65 rooms each. These sites, originally recorded by Walter Hough of the Smithsonian Institution in 1901, represent the small hamlets that would later coalesce into large pueblos like Wallace Tank. More detailed analysis of these sites and their associated artifacts will allow them to be more precisely dated and will provide important information on the regional interactions that led to settled village life.

On the Paulsell Ranch expansion lands owned by Mr. Marvin Hatch, a researcher from the University of Texas discovered a fully intact phytosaur while on a dig in 2002. Phytosaurs were large, aquatic reptiles that were prevalent in the Petrified Forest of Triassic times. Also contained on these lands are Triassic era clamshell beds; the thickest that many paleontologists have ever seen. The Paulsell Ranch contains extensive portions of the Upper Triassic Chinle Formation. According to the park's 1992 General Management Plan, the lateral exposures of the Chinle Escarpment are most likely the best exposure of this geologic sequence in the world. Paleontologists are convinced that the escarpment's fossil resources are globally significant and that it has the potential to become the paleontological "gold standard" for late Triassic terrestrial life, since the fossil bearing rocks exposed here are even more continuous than those inside the park, which are now setting the standard. Other researchers have labeled the Hatch Ranch a "priceless outdoor lab for geologists, archaeologists, biologists, paleontologists and ecologists" and of "inestimable paleontological and geological importance."

BRINGING SCIENCE TO LIFE

These stories should be developed in the interest of all Americans. This national inheritance, both within the modern boundaries of the park and in the expansion area, cuts to the core of our existence as citizens and leaders. With leadership and vision, our parks and monuments can move to center stage where we need help the most—in solid, hard-nosed education. The mission cannot be conservation and protection alone, for preservation without education is like a library under lock and key.

Petrified Forest is filled with information that could unlock a bonanza of secrets about current challenges, such as biodiversity, ecosystem health, the importance of fire to the health of an ecosystem, and endangered species. Gut-wrenching stories of predator-prey interactions, floods that carried trees as large as giant redwoods into colossal log jams, and the humble beginnings of our modern world can be pried from the rocks at Petrified Forest National Park and the expansion areas. We can-

not afford to lose these stories or the ability to share them. This is our natural laboratory.

Petrified Forest National Park, and the expansion area around its current perimeter, hold the keys to education in the raw, the full surround-sound, sunburn, and flash flood experience. Here we can teach teachers and students alike, elbow to elbow, with hands-on dinosaur excavations, application of Global Positioning System to mapping archaeological sites, high technology remote sensing, and the down-and-dirty work of hoisting thousand-pound blocks of rock encased in burlap and plaster that contain dinosaur skeletons. This is a training ground for the next generation of scientists and politicians, historians and business executives. Education is the only solution to understanding our modern world. This is the real experience, where we teach the scientific method, where we become professional skeptics, where we can test our understanding with discoveries of new sites and new fossils.

Modern technology makes our natural laboratories accessible to everyone. Why accept replicas and models? Our mission must be to educate our public first. At the Petrified Forest, the time dimension is the critical, missing link. We can understand the logs, but can we place them in perspective? Can we see the forest? I recently had the remarkable good fortune to participate in a live broadcast from my paleontology laboratory in Flagstaff to classrooms across North America, from Florida to Alaska. Students called in and asked their own questions. Some were so excited they could scarcely talk into the telephone. They watched us on their television screens, and listened. to our answers. We were ordinary people who were excavating an extraordinary dinosaur. Our laboratory became theirs. We were transported live to schools across the continent, and those students in turn were transported to our laboratory in Flagstaff.

Now, at one of our national parks, Petrified Forest, we have the unique opportunity to enlarge and amplify that experience and build our future from the raw materials of field-based scientific exploration.

CONCLUSION

In conclusion, Mr. Chairman, I would simply say that tragically, every day, pre-historic and historic archaeological and scientific sites in the United States are lost forever—along with the precious information they contain. Congress has the ability, the opportunity, and the responsibility to prevent this loss of our heritage, which impoverishes both present and future generations. Promptly enacting S. 784 into law will be a marvelous and tangible step forward to meet these duties. Future generations will thank you for your wisdom to act now.

Thank you for inviting me to appear before you today and for considering our views. I would be happy to answer any questions.

Senator THOMAS. All right, sir. Thank you very much.

Where is this relative to Phoenix, for example?

Mr. GILLETTE. North and a little west. I am sorry. North and a little east.

Senator THOMAS. You already have 95,000 acres to work on. What will this additional do to you? Is it the same thing? Expanding the same materials?

Mr. GILLETTE. Virtually all of the private land and most of the public land in the expansion area have been off limits to scientific investigations because ranchers, frankly, have not wanted paleontologists and archaeologists on their land and they have not wanted anybody on their land. In this area, the lands are virtually untouched from pilfering for fossils, although they are being decimated by pilfering for artifacts.

But along the Chinle Escarpment, we have exposures of continuous rocks in the Chinle formation that now hold the secrets to questions we have been able to formulate from within the park. This becomes a substantial international laboratory.

Senator THOMAS. But it is just more of the same thing, is it not?

Mr. GILLETTE. No. There are more exposures and greater thickness of rocks there than in the park.

Senator THOMAS. What generally, Mr. Fitzgerald, are the other owners like over on this checkerboard? What kind of private owners have those?

Mr. FITZGERALD. I am probably the only one, other than Bill Jeffers who has just a small portion going—I am a fifth generation rancher, so to speak, and this is my life. This is my way of life. I do not want to give it up, but it is necessary at this point. Mr. Worsley, who owns the Milky Ranch to the southeast is a billionaire who owned this sky mall thing. Then Mr. Hatch is a businessman, a rancher, and has branched out into various other businesses as well.

Senator THOMAS. So relatively few owners in the area.

Mr. FITZGERALD. Oh, yes. We just mentioned four of us.

Senator THOMAS. I guess that is about it. I do not know exactly, as was asked before, what we will be able to do this year. Perhaps we can move it if we have a chance. We might have a markup. If not, why, I think at least the hearing materials will go on over into the first part of next year and we could continue to move forward.

So I appreciate your all taking time to be here. If anyone has any questions, we will leave the record open for 2 weeks in case somebody has some questions and would like to get in touch with you. Otherwise, thank you very much.

We will close the hearing.

[Whereupon, at 3:25 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

DEPARTMENT OF THE INTERIOR,
OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS,
Washington, DC, December 2, 2004.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are answers to the follow-up questions from the hearing held by the Subcommittee on National Parks on September 21, 2004, on S. 784, S. 2656, S. 2499, S. 1311, and H.R. 2055. These responses have been prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on this matter.

Sincerely,

JANE M. LYDER,
Legislative Counsel.

[Enclosure.]

QUESTIONS FROM SENATOR AKAKA

Question 1a. S. 784, Petrified Forest Expansion: The bill authorizes acquisition of over 120,000 acres of land. The Federal government already owns a lot of land in the west and we need to be thinking about no net gain whenever land is acquired.

Has the National Park Service examined the possibility of a land exchange instead of fee simple purchase?

Answer. The boundary adjustment includes lands privately-owned, those owned by the United States and managed by BLM, and state-owned lands. BLM manages approximately 14,500 acres, which could be administratively transferred to NPS management should this bill be enacted. All four of the private landowners who could be involved in the expansion have indicated an interest in a combination of exchanges and purchase. However, as stated in our testimony, ranching is becoming more and more difficult with drought and other factors, and some of the owners have expressed interest in selling their land, either to NPS or other parties. These other potential purchasers may have interests that conflict with or impact resources valuable to the park. With regard to state-owned lands, the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain state land except through auction to the highest and best bidder. Given these remaining issues, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding should this bill be enacted.

Question 1b. Has the National Park Service prioritized the land proposed for acquisition so that only parts of it could be acquired instead of the entire 120,000 acres?

Answer. The 1990 GMP lists priorities for the approximately 93,000 acres that were proposed as a boundary expansion in that document. As of now, these are the priorities identified in the GMP:

Chinle Escarpment (Fitzgerald & Hatch)
Key Archeological Sites (Worsley & Jeffers)
Visual Resource Protection (Jeffers—West Rim of the Painted Desert)

S. 784 also would direct the Secretary to revise the park's GMP. Land acquisition priorities could be established as part of that process and a Land Protection Plan

could be completed. Since the original GMP was completed, we have acquired additional information about park resources, which would be considered. Also, relationships with the owners have improved and we have had better access to determine what areas near the park boundary may be more critical than other areas. The 1990 priorities are a place to start, but they will need to be revisited with the new knowledge we have acquired about these areas.

Question 2. S. 784, Petrified Forest Expansion: Have County or Tribal officials expressed support for the proposed legislation?

Answer. We have letters of support from the City of Winslow, City of Holbrook, Navajo County Board of Supervisors, 4 landowners, Society of Vertebrate Paleontology, and other professional societies.

We have had informal consultation with two tribes (Hopi, Navajo). Neither have taken a public position on the proposal.

Question 3. S. 784, Petrified Forest Expansion: What is the estimated cost to acquire the private and state land covered by this bill?

Answer. We estimate that there would be 79,500 acres of private land within the proposed boundary expansion that could be acquired. Based upon appraisals recently conducted by the Department of the Interior the average cost per acre for these lands is between \$105 and \$175. If all of the private land within the boundary expansion were acquired in fee, the estimated costs could range from \$8,347,500 to \$13,912,500. Acquisition through exchange, donation, or purchase of easements could reduce the cost.

The Arizona constitution prohibits the disposal of State-owned lands except through auction to the highest and best bidder. We suggested amendments in our testimony that might help resolve the issue of management of State-owned lands, however, with regard to acquisition, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding should S. 784 be enacted.

Question 4a. S. 784, Petrified Forest Expansion: Congress appropriated \$2 million in 2000 to use for acquisition of property in the proposed expansion area. The money could not be spent until authorizing legislation was enacted. We have heard that BLM may have spent the money for wildfire suppression.

Is \$2 million currently available for use towards acquisition of this land if the proposed authorizing language is enacted?

Answer. The \$2 million was appropriated to the Bureau of Land Management's Land Acquisition Appropriation in FY 2001. This funding was used, along with other Land and Water Conservation Fund (LWCF) funding, to pay for fire suppression costs in FY 2003. Some, but not all, of this funding was restored, reducing the total available to \$1.6 million. The agencies in the Department have been under increasing pressure by the House and Senate Interior Appropriations Subcommittees to spend unobligated LWCF balances. Because there was no imminent deal, earlier this year BLM, with the approval of the House and Senate Interior Appropriations Subcommittees, reprogrammed these funds for use in the acquisition of conservation easements within Idaho's Upper Snake/South Fork Snake River Area of Critical Environmental Concern/Special Recreation Management Area, which is a high priority acquisition area for the Administration.

Question 4b. What steps are necessary after enactment of the authorizing legislation before actual acquisition of property can begin? How long do you think it would take to complete those steps?

Answer. NPS would develop priorities and if appropriations are made available, we would negotiate with landowners. If funds were available and all landowners were willing sellers, and the "due diligence" was completed, acquisition could be completed in 1-2 years. Due diligence includes researching title, conducting hazmat surveys, and completing appraisals. For large ranches, hazmat surveys could cost as much as \$100,000 each, and appraisals \$30,000 each. With land resources programs now centralized, each step could take 6 to 8 months to complete. This estimate is for privately held land and for the 4 primary owners. A portion of the area proposed for addition is composed of multiple, small landowners (North of the Rio Puerco River). This area could take longer to complete.

State lands are not included in these estimates. As we have mentioned, State law prohibits lands to be donated, and it is our understanding that the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain state land except through auction to the highest and best bidder. Given these remaining issues, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding before we could complete "due diligence" on these lands.

Question 5. S. 784, Petrified Forest Expansion: The bill allows grazing to continue on land acquired by the National Park Service for addition to the park Is cattle

grazing currently allowed in the existing boundary of Petrified Forest National Park? If so, how many acres?

Answer. Grazing does not exist within current park boundaries.

Question 6. S. 2656, Ponce de Leon Commemoration Commission: Is it customary for the National Park Service to be the lead agency for implementing authorizing legislation for commission of this type?

Answer. Yes. Often the National Park Service is directed to assume the lead on the Commission when the proposed legislation represents an historical theme.

Question 7. S. 2656, Ponce de Leon Commemoration Commission: How many other commemorative commission laws is the National Park Service currently implementing and how much has been authorized for appropriation for each?

Answer. Since 1997 there have been six Commissions enacted. Three of these Commissions authorize such sums as may be necessary to carry out the duties of the Commission. The remaining three have authorized a total of \$7.5 million for the life of the Commissions. In addition to the Commissions that have been established, during the same time period there have been at least five additional Acts that either extended or made corrections to existing Commissions. These Acts did not authorize additional funds. In addition to S. 2656 and S. 1311, there are three additional bills involving Commissions that have been introduced in the 108th Congress.

Question 8. S. 2499, Harry Truman Historic Site Boundary Adjustment: Other than the property included in S. 2499; has any other land been identified for future addition to the Harry S Truman Historic Site?

Answer. No. This is the last 5 acres of undeveloped land of the original 600-acre Truman Farm and is the only acquisition priority for this park. No other land in the area has historic significance that would qualify for addition to the historic site.

Question 9. S. 1311, Hudson-Fulton-Champlain 400th Commemoration Commission: What type of events do you expect to be conducted to commemorate the accomplishments of Hudson, Fulton, and Champlain?

Answer. If established, the Commission might sponsor or facilitate a full range of celebrations and events at the local, state, regional and national level to commemorate the accomplishments of Hudson, Fulton and Champlain. The commission might also sponsor or support scholarly research, symposia, and papers regarding the importance of the explorations and steamboat to the history of the region and to the United States. The commission would be authorized to develop a coin(s) to commemorate these individuals, as well as assist in the development and implementation of interpretive exhibits at strategic venues and waysides along the routes and at landing sites traversed by the explorers and Fulton. These functions would not only commemorate the successes of these three individuals but would also explain the meanings of their contributions to modern society. Assistance in and development and dissemination of educational materials could also be a major activity. The National Park Service could be involved through activities coordinated through the Hudson River Valley National Heritage Area.

Question 10. S. 1311, Hudson-Fulton-Champlain 400th Commemoration Commission: Would it be more appropriate for the State rather than the Federal government to sponsor such a commission and conduct special events?

Answer. The states in the region that is the focus of the Commission (NY, NJ and Vermont) do plan to take an active role in commemorating this effect. The Federal government has, in the past, sponsored multi-state commissions, as well as encouraged and assisted national commemorative events.

Question 11. S. 1311, Hudson-Fulton-Champlain 400th Commemoration Commission: If the State has already established a Hudson-Fulton-Champlain Commission, why is a Federal Commission needed?

Answer. New York and Vermont have each established commissions for these commemorations. A Federal commission could promote coordination between the various State activities and extend the commemorative activities to other parts of the nation. Similar federal commissions were established for commemorations of Hudson, Fulton and Champlain's accomplishments in 1909 and 1959.

Question 12a. H.R. 2055, Cape Lookout Wild Horses: The bill specifies that at least 110 wild horses shall be allowed to roam freely on Cape Lookout.

Is it common for the Congress to legislate specific resource levels in National Parks?

Answer. It is not common, but as the Department's witness answered at the hearing, Congress has done this in the past. At Ozark National Scenic Riverways, for example, Congress set specific limitations on the quantity of resources in the management of horses.

Question 12b. Can this be worked out in a management plan for Cape Lookout instead of in legislation?

Answer. This could be done administratively, but as the Department's witness answered at the hearing, management plans often become contentious, can take years to complete, and can be changed, modified, or even reversed by subsequent plans.

Question 13. H.R. 2055, Cape Lookout Wild Horses: The National Park Service has recommended a technical amendment to the bill. Is the amendment absolutely necessary or can the Park Service live with the bill in its current form?

Answer. As the Department testified at the hearing, the Department supports the bill's efforts with a technical amendment.

APPENDIX II

Additional Material Submitted for the Record

TWIN BUTTES RANCH,
Holbrook, AZ, October 5, 2004.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR HONORABLE SENATOR THOMAS: This is a reply to your letter of September 21, requesting my opinion about the possibility of grazing on the Petrified Forest National Park. This has to do with S. 784. I'm sorry that your letter only reached me yesterday, or I would have replied sooner.

To answer your first question, this country used to carry approximately 10 cow calf units per square mile. This was before the drought became so severe in the mid Nineties, and continues on to this day. I sold the last of my cattle in January of '02. I know you understand ranching in Wyoming, well Northeastern Arizona is not all that different from parts of your state, as I'm sure you know.

To answer your second question, as to my opinion about grazing on the Park. I must answer a reluctant "No". In the long run it would not be good. Your current Park Superintendent, Mr. Lee Biaza, is the best man this park has ever had in this position. But even he would probably have to give under the pressure of various naturalist and environmental groups. Also, he will probably only be here a few more years before he is replaced by who knows. I managed a grazing allotment on the National Forest for 10 seasons. Please, believe me, the change of personnel changes everything, from a man like Biaza with his feet on the ground to an environmentalist with their Socialistic ideals. I can remember helping my neighbor, Pat Paulsell, drive cattle across the Petrified Forest when I was 5 years old. I think we received more attention from the tourist of the mid-1950s than the sites of what was then a National Monument. So I have been aware of the problems of being a neighbor of this Park all my life. I'm sure from your opinion, Mr. Chairman, and mine as well, it would be better for the wildlife as well as the country in general to keep cattle on it. However, relating these practical truths to the population in general is not an easy undertaking. We presented our reasons for the expansion of the Park as a need to protect "world class" archaeological sites and artifacts, paleontological attributes, and viewshed. I could have talked for an hour or more at the hearing about the problems relating to cattle ranching in this nation at this time.

If your questions are in anyway relating with what to do about government lands, my ranch is 80% deeded with only a few sections of BIM and State lands scattered throughout. It would be impossible to do anything different with any portion of it. The other ranches with their Checkerboarded deeded are State lands would be very similar since you can't graze in one place and not the other without fences and water. In my opinion then, if it is to be a National Park then the Park Service must take care of it. Ranching on the other hand should be done on private land since we ranchers are such individuals with our differing opinions on how things should to done.

Thank you for your kind interest in our situation. We are looking forward to hearing that S. 784 has been passed by the Senate very soon.

Sincerely,

MICHAEL R. FITZGERALD,
Owner.

PREPARED STATEMENT OF MICHAEL GANNON, DISTINGUISHED SERVICE
PROFESSOR EMERITUS OF HISTORY, UNIVERSITY OF FLORIDA

April 2, 2013 will be an historical date of major national significance. It was on April 2, five hundred years before, that Europeans first sighted and landed on the part of the North American continent we call the United States. It was on that distant day, too, that the first geographic name of European origin, *La Florida*, was etched upon the maps of our country.

The expedition that left us this legacy was led by the Spaniard Juan Ponce de León, lately governor of Puerto Rico. On March 3, 1513, Juan Ponce (the short form of his name used by Spanish chroniclers) departed Añasco Bay on the western side of Puerto Rico with two caravels and a bergantina. In addition to the Spanish crews these vessels carried two women, Beatriz and Juana Jiménez, two African freemen, Juan Gárrido and Juan González [Ponce] de León, and two unnamed native Taino seafarer-guides from Puerto Rico. Florida's discoverers were a multi-cultural body.

Juan Ponce's intended destination was a rumored island to the north of Puerto Rico named Bimini. According to legend, the island contained a fountain of waters that rejuvenated old men—the so-called “fountain of youth.” Our source for the legend is a questionable mention of the fountain a century later by the historian Antonio de Herrera y Tordesillas. Today's historians tend toward the view that the fountain was probably a gloss by Herrera, particularly given the fact that Juan Ponce's *asiento*, or charter, from King Fernando II authorizing his voyage, which was meticulously detailed in its specification of the expedition's purpose and goals, nowhere mentions such waters.

Juan Ponce encountered the Florida peninsula by accident. Sailing through the chain of Bahama Islands, he was swept westward by winds and currents through the New Providence Channel and into the Florida Current, popularly called the Gulf Stream. Bearing westward as best he could, he was shouldered to the north by the three-knot current until he made a landfall just south of Cape Canaveral, probably at or near Melbourne Beach, where his tiny fleet anchored in forty-four feet of water.

From Herrera's redaction of Juan Ponce's log we learn what followed: “And thinking that this land was an island, they called it La Florida [the flowery land], because it was very pretty to behold with many and refreshing trees, and it was flat and even; and also because they discovered it in the time of Flowery Easter [*Pascua Florida*], Juan Ponce wanted to give the land this name.”

After remaining in the region for six days, the expedition sailed south against the Gulf Stream, Juan Ponce's second great discovery, in an effort to circumnavigate the “island.” In so doing he gave us seven more geographic names: *Cabo de las Corrientes* (Cape of the Currents, for a cape north of Lake Worth Inlet); *La Cruz* (The Cross), for Jupiter River; *Santa Marta* (Saint Martha) for Key Biscayne; *Pola* (meaning unknown), for one of the keys; *Los Mártires* (Martyrs), for the entire chain of keys; *Matanzas* (Massacre), for Sanibel Island, where his party was attacked by Calusa natives; and *Las Tortugas* (Turtles), for the Dry Tortugas. Sanibel was the farthest north Juan Ponce ventured on the Gulf Coast before shaping course home to Puerto Rico.

Unlike some of the would-be conquistadors who followed him to Florida, Juan Ponce did not of his own design employ violence against the native populations, though he himself was assaulted three times by clubs and arrows, near Lake Worth Inlet, at Jupiter Inlet, and at Sanibel. Of the first encounter Herrera wrote that Juan Ponce did not wish to do the natives harm but was forced to fight in order to save both his men's lives and their boat, oars, and weapons.

Delayed by family responsibilities, Juan Ponce did not return to Florida until winter 1521, when he arrived on the lower Gulf Coast, probably in the region of San Carlos Bay, with 200 male and female settlers, parish priests and missionary friars, horses and domestic animals, seeds, cuttings, and agricultural implements. The composition of this expedition indicates that he intended to build a permanent town and develop farmland. The presence of parish priests indicates that his settlement conducted the first Christian service (Mass) in North America north of Mexico. The presence of missionary friars indicates that he intended to approach the native peoples in a peaceful way, imparting to them the basic teachings of Judaeo-Christian religion, as well as the rudiments of European arts and crafts, as was done later in the Franciscan Florida missions of the 16th and 17th centuries. But such was not to be.

Natives at the site attacked the Spaniards as they debarked, as they erected their buildings, and as they planted their crops and tended their cattle. When Juan Ponce himself received a painful, suppurating wound in a thigh, he ordered abandonment

of the colony. The Spaniards sailed to Cuba where Juan Ponce could receive medical treatment, but shortly after arriving there he died from his infection.

To the natives it was the invaders who were the infidels. And this was still their land.

The effects of Juan Ponce's discovery and enterprise were far-reaching. Over the following forty-four years, six more Spanish expeditions came to La Florida, including that of Pedro Menendez de Avilés, who in 1565 established St. Augustine, which proudly bears the title of first permanent European settlement in North America north of Mexico. By a half century after Juan Ponce's exploits, his appellation La Florida was applied by Spain to the entire seaboard from the Florida Keys to Newfoundland, and westward indefinitely from the Atlantic.

It is altogether fitting and proper that the name of our country's First Discoverer should be writ large in the chronicles about early America, and that it should be celebrated by the entire nation in the years leading up to and including the Quincentenary Year of 2013.

I strongly support the establishment of a National Commission on the Quincentenary of the Discovery of Florida by Ponce de León. And I particularly endorse the Senate's support of scholarly research, publications, lectures, conferences, and media presentations that will acquaint the American people with their largely unknown Hispanic heritage.

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