

**H.R. 554, PALEONTOLOGICAL RE-
SOURCES PRESERVATION ACT;
H.R. 986, EIGHTMILE WILD AND
SCENIC RIVER ACT; H.R. 1100,
CARL SANDBURG HOME NATIONAL
HISTORIC SITE BOUNDARY REVI-
SION ACT OF 2007; AND H.R. 1285,
SNOQUALMIE PASS LAND CONVEY-
ANCE ACT.**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

Tuesday, April 17, 2007

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CONTENTS

| | Page |
|--|------|
| Hearing held on Tuesday, April 17, 2007 | 1 |
| Statement of Members: | |
| Bishop, Hon. Rob, a Representative in Congress from the State of Utah ... | 3 |
| Grijalva, Hon. Raúl M., a Representative in Congress from the State of Arizona | 2 |
| Prepared statement of | 3 |
| Shuler, Hon. Heath, a Representative in Congress from the State of North Carolina | 4 |
| Prepared statement of | 5 |
| Statement of Witnesses: | |
| Caviezel, Chris L., Chairman, Board of Commissioners, King and Kittitas Counties (WA) Fire District 51 | 58 |
| Prepared statement on H.R. 1285 | 59 |
| Courtney, Hon. Joe, a U.S. Representative in Congress from the State of Connecticut | 8 |
| Prepared statement on H.R. 986 | 10 |
| Frohling, Nathan M., Director, Lower Connecticut River Program, Eightmile Project, The Nature Conservancy | 48 |
| Prepared statement on H.R. 986 | 49 |
| Hastings, Hon. Doc, a U.S. Representative in Congress from the State of Washington | 11 |
| Prepared statement on H.R. 1285 | 12 |
| Larson, Peter L., President, Black Hills Institute of Geological Research, Inc. | 30 |
| Prepared statement on H.R. 554 | 32 |
| Masica, Sue, Chief of Staff, National Park Service | 15 |
| Prepared statement on H.R. 554 | 17 |
| Prepared statement on H.R. 986, | 19 |
| Prepared statement on H.R. 1100 | 20 |
| McGovern, Hon. James P., a U.S. Representative in Congress from the State of Massachusetts | 6 |
| Prepared statement on H.R. 554 | 8 |
| McGrady, Charles, Member, Board of Commissioners, Henderson County, North Carolina | 55 |
| Prepared statement on H.R. 1100 | 56 |
| Norbury, Fred, Associate Deputy Chief, National Forest Systems, U.S. Forest Service | 21 |
| Prepared statement on H.R. 554 and H.R. 1285 | 22 |
| Vlamis, Ted J., Chairman, Government Affairs Committee, Society of Vertebrate Paleontology | 39 |
| Prepared statement on H.R. 554 | 41 |

LEGISLATIVE HEARING ON H.R. 554: TO PROVIDE FOR THE PROTECTION OF PALEONTOLOGICAL RESOURCES ON FEDERAL LANDS, AND FOR OTHER PURPOSES. (PALEONTOLOGICAL RESOURCES PRESERVATION ACT); H.R. 986, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN SEGMENTS OF THE EIGHTMILE RIVER IN THE STATE OF CONNECTICUT AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES. (EIGHTMILE WILD AND SCENIC RIVER ACT); H.R. 1100, TO REVISE THE BOUNDARY OF THE CARL SANDBURG HOME NATIONAL HISTORIC SITE IN THE STATE OF NORTH CAROLINA, AND FOR OTHER PURPOSES. (CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY REVISION ACT OF 2007); AND H.R. 1285, TO PROVIDE FOR THE CONVEYANCE OF A PARCEL OF NATIONAL FOREST SYSTEM LAND IN KITTITAS COUNTY, WASHINGTON, TO FACILITATE THE CONSTRUCTION OF A NEW FIRE AND RESCUE STATION, AND FOR OTHER PURPOSES. (SNOQUALMIE PASS LAND CONVEYANCE ACT).

Tuesday, April 17, 2007

U.S. House of Representatives

Subcommittee on National Parks, Forests and Public Lands

Committee on Natural Resources

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:06 a.m. in Room 1334, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Heller, Inslee, Sali, Herseth Sandlin, and Shuler.

STATEMENT OF THE HON. RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Let me call the Subcommittee on National Parks, Forests and Public Lands to order. To open this hearing. I want to thank our witnesses and the panelists for their patience, and I am pleased to welcome my colleagues and our distinguished panels to today's Subcommittee hearing. In particular we want to thank those witnesses who have traveled to Washington to join us.

Today we are meeting to consider four measures, H.R. 554, H.R. 986, H.R. 1100, and H.R. 1285.

Our first bill, H.R. 554, was sponsored by our colleague, Representative Jim McGovern. The bill would implement the recommendations of a report—commissioned by Congress and completed by the Secretary of the Interior—regarding the need for standardized management provisions governing fossils found on public lands. Uniform rules for archeological and cultural resources located on public lands have already been established, and we look forward to hearing from our witnesses today regarding the need for a similar step with regard to fossils.

Our next bill, H.R. 986, would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by Representative Joe Courtney, and would protect portions of the river that have been found to have outstandingly remarkable values including an intact watershed with natural flow, very high water quality, unusual regional geological features and large numbers of rare plants and animals. The river would be managed under a partnership agreement as envisioned in Section 10[e] of the Wild and Scenic Rivers Act.

The next bill, H.R. 1100, is sponsored by our new Subcommittee colleague, Representative Shuler. The bill would authorize the expansion of the Carl Sandburg Home National Historic Site in Representative Shuler's district, consistent with a recommendation contained in the general management plan for the site. We look forward to learning more about the historic site, and the two-time Pulitzer prize winning author and poet who once lived there.

The final bill we will consider today is H.R. 1285, sponsored by Representative Doc Hastings. The bill would authorize a conveyance of three acres of National Forest System lands in the Mt. Baker-Snoqualmie National Forest and facilitate the construction of a new fire and rescue station. I welcome our witnesses from the local fire and rescue squads to describe the need for a new fire and rescue station in this community. I also look forward to hearing from the Forest Service about the best way to move forward in making land available for this purpose, be it administratively or legislatively.

Once again we look forward to our witnesses' insights and thank them for their efforts. I would now recognize Mr. Bishop for any opening statements he may have.

[The prepared statement of Chairman Grijalva follows:]

**Statement of The Honorable Raúl Grijalva, Chairman,
Subcommittee on National Parks, Forests and Public Lands**

I am pleased to welcome my colleagues and our distinguished panelists to today's subcommittee hearing. In particular, we want to thank those witnesses who have traveled to Washington to join us. Today we are meeting to consider four measures: H.R. 554, H.R. 986, H.R. 1100, and H.R. 1285.

Our first bill, H.R. 554, is sponsored by our colleague from Massachusetts, Representative Jim McGovern. The bill would implement the recommendations of a report—commissioned by the Congress and completed by the Secretary of the Interior—regarding the need for standardized management provisions governing fossils found on public lands. Uniform rules for archeological and cultural resources located on public lands have already been established and we look forward to hearing from our witnesses today regarding the need for a similar step with regard to fossils.

Our next bill, H.R. 986, would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by Representative Joe Courtney and would protect portions of a river that have been found to have “outstandingly remarkable” values including an intact watershed with a natural flow, very high water quality, unusual regional geological features, and large numbers of rare plants and animals. The river would be managed under a partnership agreement as envisioned in section 10(e) of the Wild and Scenic Rivers Act.

The next bill, H.R. 1100, is sponsored by our new subcommittee colleague, Representative Heath Shuler. The bill would authorize the expansion of the Carl Sandburg Home National Historic Site, in Representative Shuler's district, consistent with a recommendation contained in the general management plan for the site. We look forward to learning more about this historic site and the two-time Pulitzer Prize winning author and poet who once lived there.

The final bill we will consider today is H.R. 1285, sponsored by Representative Doc Hastings. The bill would authorize a conveyance of three acres of National Forest System lands in the Mt. Baker-Snoqualmie (“snow-qual-mee”) National Forest to facilitate the construction of a new fire and rescue station. I welcome our witness from the local fire and rescue squad to describe the need for a new fire and rescue station in his community. I also look forward to hearing from the Forest Service about the best way to move forward in making land available for this purpose, be it administratively or legislatively.

Once again, we look forward to our witness's insights and thank them for their efforts. I would now recognize Mr. Bishop for any opening statement he may have.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Thank you, Mr. Chairman. I appreciate this opportunity. I apologize for being late. You would think if Mussolini could make the trains in Italy run on time House Administration could do the same thing with the elevators in Longworth but that is probably too much to hope for.

I would like to welcome today's witnesses including my two colleagues from my short tenure on the Rules Committee, Representative Hastings of Washington and Representative McGovern from Massachusetts, and also a new member to Congress, Mr. Courtney from Connecticut, as well as our colleague who has a bill here today but he is a member of the committee.

Mr. Hastings' bill, H.R. 1285, appears to be a sensible conveyance of forest lands to volunteer fire departments so it can continue to serve their community. H.R. 986 by Mr. Courtney designates segments and tributaries of the Eightmile River as additions to the

National Wild and Scenic River System. I note that the Wild and Scenic River Act of 1968 allows the Federal Government to acquire private property along designated rivers and prevents certain developments on private property. I am going to be eager to hear from Mr. Courtney and other witnesses how private property will be affected by H.R. 986.

H.R. 1100 introduced by Mr. Shuler would authorize the expansion of the Carl Sandburg National Historic Site by 115 acres. This unit already has 260 acres. I am interested to learn the compelling reasons for this large addition as well as the costs that would be attributed to the taxpayers. I note that Mr. Shuler's predecessor who chaired the Interior Appropriations Subcommittee did not advocate this addition.

Finally, I am very concerned with the unintended consequences that may be incurred with H.R. 554, introduced by Mr. McGovern. I am intrigued how someone from a state with very little Federal land ownership and few fossils has chosen to take the lead on a bill that creates civil and criminal penalties as well as assets forfeiture for folks who are collecting fossils on Federal lands. Also the Senate companion bill as introduced by the junior Senator from Hawaii, whose state is entirely volcanic and very few fossils included.

My state has 67 percent owned by the Federal Government, has an abundance of fossils. Thousands of my constituents collect rocks, gems and fossils from Federal lands, and I have heard from them about this particular bill. I believe their position will be presented today by Peter Larson, who is the founder and the President of the Black Hills Institute of Geological Research in South Dakota, and I look forward to hearing Mr. Larson's testimony and thank Representative Herseth Sandlin for inviting him here today.

Mr. GRIJALVA. Thank you, Mr. Bishop, and as I noted earlier our colleague on the Subcommittee, Representative Shuler, is the author of H.R. 1100. I would recognize him now for any remarks he may have on this legislation that he is promoting.

STATEMENT OF THE HON. HEATH SHULER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. SHULER. Thank you, Mr. Chairman. Mr. Chairman, I appreciate the opportunity to discuss the Carl Sandburg Home National Historic Site. I am also honored to have Henderson County Commissioner Chuck McGrady with me who will testify about the importance of the Carl Sandburg Home National Historic Site.

Carl Sandburg was one of America's most celebrated and accomplished literary minds. Although he possessed only an eighth grade education, Carl Sandburg worked to become a two-time Pulitzer Prize winner with his biography of Abraham Lincoln and later for his "Complete Poems." Carl Sandburg was a native of Galesburg, Illinois but spent 22 years of his professional career in Flat Rock, North Carolina, in Henderson County. Carl Sandburg's home in Flat Rock includes Connemara Farms, lush pastures, five miles of wooded hiking trails, gardens, apple orchards and several small lakes and ponds.

It is currently preserved as a National Historic Site by the National Park Service. The Carl Sandburg Home National Historic

Site attracts over 26,000 visitors a year who come to enjoy one of western North Carolina's most scenic and beautiful natural areas. I have introduced H.R. 1100 to allow for the protection of this pristine and historical, valuable space from the pressures of overdevelopment on the land that is contiguous to the Carl Sandburg Historic Site.

I will offer an amendment to add maps to this site at Thursday's markup. This bill authorizes the Secretary of Interior to acquire from willing sellers by donation or purchase with donated or appropriated funds up to 115 acres of land neighboring the Carl Sandburg National Historic Site for the inclusion in this site.

The bill also directs the Secretary to revise the boundary of the historic site to reflect any acquisition of new land and further directs the Secretary to administer acquisitions of land as part of the historic site. The land being considered under this authorization runs to the south and west of the National Historic Site and encompasses the side of the Big Glassy Mountain, the focal point of the Carl Sandburg home viewshed.

The goal of this authorization is to give the park and its patrons the ability to preserve the surrounding landscape, a vital element to the park itself. All parcels of land in question are privately owned, and each of the landowners have given consent for their property to be included in the authorization boundary. The surrounding community is enthusiastic about the proposed authorization as is the State.

North Carolina Department of Resources have already acquired 22 acres of this land with the help of the Conservation Trust of North Carolina and shows the willingness to be included into the authorization boundary as well. It is critically important that we work to preserve our National Historic Site for future generations. I sincerely appreciate the opportunity to discuss the importance of the Carl Sandburg Home National Historic Site and welcome any questions or comments. I yield back my time.

[The prepared statement of Mr. Shuler follows:]

**Statement of The Honorable Heath Shuler, a Representative in Congress
from the State of North Carolina**

Mr. Chairman, I appreciate the opportunity to discuss the Carl Sandburg Home National Historical Site.

I am also honored to have Henderson County Commissioner Chuck McGrady with me, who will testify to this committee about the importance of the Carl Sandburg Home National Historic Site.

Carl Sandburg was one of America's most celebrated and accomplished literary minds.

Although he possessed only an 8th grade education, Carl Sandburg worked to become a 2-time Pulitzer Prize-winner—first for his biography of Abraham Lincoln, and later for his "Complete Poems".

Carl Sandburg was a native of Galesburg, Illinois, but spent 22 years of his professional career in Flat Rock, North Carolina, near the seat of Henderson County.

Sandburg's home in Flat Rock—which includes Connemara Farms, lush pastures, 5 miles of wooded hiking trails, gardens, apple orchards, and several small lakes and ponds—is currently preserved as a National Historic Site by the National Park Service.

The Carl Sandburg Home National Historic Site attracts over 26,000 visitors a year, who come to enjoy one of Western North Carolina's most scenic and beautiful natural areas.

I have introduced H.R. 1100 to allow for the protection of this pristine and historically-valuable space from the pressures of overdevelopment on land that is

contiguous to the Carl Sandburg Historic Site. I will offer an amendment to add maps of this site at Thursdays mark-up.

This bill authorizes the Secretary of the Interior to acquire from willing sellers by donation or purchase, with donated or appropriated funds, up to 115 acres of land neighboring the Carl Sandburg Home National Historic Site, for inclusion in the site.

The bill also directs the Secretary to revise the boundary of the Historic Site to reflect any acquisition of new land, and further directs the Secretary to administer acquired land as part of the Historic Site.

The land being considered under this authorization runs to the south and west of the National Historic Site and encompasses the side of Big Glassy Mountain, the focal point in the Carl Sandburg Home viewshed. The goal of this authorization is to give the park and its patrons the ability to preserve the surrounding landscape—a vital element of the park itself.

All parcels of the land in question are privately owned and each of the landowners has given consent for their property to be included in the authorization boundary. The surrounding community is enthusiastic about the proposed authorization, as is the State. The North Carolina Department of Resources has already acquired 22 acres of this land with the help of the Conservation Trust for North Carolina and has shown willingness to be included in the authorization boundary as well.

It is critically important that we work to preserve our National Historic Sites for future generations.

I sincerely appreciate this opportunity to discuss the importance of the Carl Sandburg Home National Historic Site, and welcome any questions or comments.

Mr. GRIJALVA. Thank you, Congressman, and let me without objection indicate that the statements of all the witnesses today will be made part of the record in their entirety. With that, I would like to turn to our first panel and begin with our colleague, Congressman McGovern.

STATEMENT OF THE HON. JAMES P. McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. McGOVERN. Thank you very much, Mr. Chairman and Ranking Member Bishop and other members of the Subcommittee. I am grateful for the opportunity to testify before the Subcommittee today on H.R. 554, and I should say at the outset to my former colleague from the Rules Committee, Mr. Bishop, that one of the reasons why I became interested in this legislation was after meeting with some members from the Society of Vertebrate Paleontology. You are going to hear from Mr. Ted Vlamis who is going to testify a little while later.

I should also point out that the American Association of Museums is also very interested in this legislation, and they support this bill, and I will assure Mr. Bishop that we do have a lot of museums in Massachusetts, and that you are more than welcome to come up, and we can visit them all together. But there are lots of museums.

Mr. Chairman, like most of us here I have always had a fascination with dinosaurs and natural history and our planet's development. As both a conservationist and a former member of this committee, I am committed to promoting fossil research and preserving our national heritage for future generations.

In that spirit, my colleagues and I on both sides of the aisle introduced legislation again in this Congress to protect the irreplaceable and historically significant resources that are found on public

land. Neither the rarity of these fossils nor the growing problem of theft and vandalism of these resources should be underestimated.

Far less than one percent of all organisms that have ever lived become fossils. These rare fossils provide clues that help us solve the mysteries of life on earth. They are one of the few ways we can study evolutionary patterns and environmental change. These fossils are educational and scientific research tools for our generation and those to come. Simply stated, fossils teach us about the history of life on earth and it is necessary that we have the most complete record possible.

Protecting that fossil record is precisely why this legislation is so urgently needed. As we sit here today, the illegal collection of specimens from Federal lands is the most significant threat to vertebrate fossil resources. The commercial value of America's fossils has spawned an exploding international black market. The sale of fossils has become a highly profitable industry that has led to the theft of fossils from both public and private land.

A 1999 study conducted by the National Park Service opened my eyes to the magnitude of this problem. Between 1995 and 1998, it documented 721 incidents of fossil theft and vandalism. A subsequent study commissioned by the Forest Service produced even more shocking results. These are the public's resources on public land. They belong to all of us, and we must not stand idly by allowing them to disappear into the hands of unscrupulous dealers and black marketeers.

Unfortunately as illegal fossil collection has flourished, we have failed to develop a clear, consistent and unified policy that gives Federal land managers the authority to properly protect these resources. H.R. 554 is the product of bipartisan collaborations within both the House and Senate. Throughout this process we have worked hand-in-hand with our Federal agencies, respected members of the professional and amateur paleontologist community and distinguished research scientists. Together we have crafted a bill that provides stiff penalties for crimes involving the theft and vandalism of fossils of national significance in order to deter the illegal collection of these resources on public lands.

It is important to note that the bill seeks only to penalize those who knowingly violate the law and seek to illegally profit from these public resources. It does not place any new restrictions on amateur collectors who, by and large, respect the value of these fossils. It is limited to public lands. It will in no way affect private landowners. Furthermore, this bill mandates that all such fossils taken from Federal land be curated at museums or suitable depositories.

Last, it standardizes the permitting practices for excavation on public lands to ensure that fossils are not needlessly damaged which is another problem. I am convinced that H.R. 554 represents the best chance we have to guard our shared history and to protect the legacy for future generations. Again, Mr. Chairman, I thank you for the opportunity to testify before you today, and I urge my colleagues on both sides of the aisle to support this legislation.

[The prepared statement of Mr. McGovern follows:]

Statement of The Honorable James P. McGovern, a U.S. Representative in Congress from the State of Massachusetts, on H.R. 554, The Paleontological Resources Preservation Act

I am grateful for the opportunity to testify before the Subcommittee today on H.R. 554, the Paleontological Resources Preservation Act. Like most people, I have always been fascinated with dinosaurs, natural history, and our planet's history. As both a conservationist and a former Member of the House Resources Committee, I am committed to promoting fossil research and preserving our national heritage for future generations.

In that spirit, my colleagues and I—on both sides of the aisle “introduced legislation again in this Congress to protect the irreplaceable and historically significant resources that are found on public land. Neither the rarity of these fossils nor the growing problem of theft and vandalism of these resources should be underestimated.

Far less than 1% of all organisms that have ever lived become fossils. These rare fossils provide clues that help us solve the mysteries of life on earth. They are one of the few ways we can study evolutionary patterns and environmental change. These fossils are educational and scientific research tools for our generation and those to come. Simply stated, fossils teach us about the history of life on earth, and it is necessary that we have the most complete record possible.

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H.R. 554 is the product of bipartisan collaborations within both the House and Senate. Throughout this process, we have worked hand-in-hand with our federal agencies, respected members of the professional and amateur paleontologist community, and distinguished research scientists.

Together, we have crafted a bill, which provides stiff penalties for crimes involving the theft and vandalism of Fossils of National Significance (FONS) in order to deter the illegal collection of these resources on public lands. And, it is important to note that the bill seeks only to penalize those who knowingly violate the law and seek to illegally profit from these public resources. It does not place any new restrictions on amateur collectors who by and large respect the value of these fossils. It is limited to public lands, and will in no way affect private land-owners. Furthermore, this bill mandates that all such fossils taken from federal land be curated at museums or suitable depositories. Lastly, it standardizes the permitting practices for excavation on public lands to ensure that fossils are not needlessly damaged.

I am convinced that H.R. 554 represents the best chance we have to guard our shared history and to protect that legacy for future generations.

Mr. GRIJALVA. Thank you, Mr. McGovern, and with that let me turn to our colleague, Congressman Courtney.

STATEMENT OF THE HON. JOE COURTNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. COURTNEY. Thank you, Mr. Chairman, and thank you Congressman Bishop and other members of the Subcommittee for the opportunity to testify today in support of H.R. 986, the Eightmile Wild and Scenic River Act. With me today is Nathan Frohling, who is the Director of the Connecticut River Program, Eightmile River Program of The Nature Conservancy, who also will be offering tes-

timony regarding this project, and I just want to spend a few minutes outlining how important this legislation is to the region and entire State of Connecticut.

The entire Connecticut delegation has joined me in a bipartisan effort cosponsoring H.R. 986 that would designate the Eightmile River as part of the National Wild and Scenic Rivers Program, and there is a companion bill in the Senate that has been cosponsored by Senators Dodd and Lieberman which has movement in that chamber as well.

More than five years ago, President Bush signed legislation to authorize a study to determine the merits of the Eightmile River's request for inclusion in this program. While that was the beginning of the Federal legislative movement, local citizens from the three towns of East Haddam, Lyme, and Salem, Connecticut, have been working diligently for years to plan how best to protect and preserve the river and its watershed.

The Eightmile River is so named because of the distance between the mouth of the river in East Haddam all the way to Long Island Sound. There is a 62-square mile watershed of mostly forested area with many rare plants and animal species which surround the river. It represents an intact aquatic ecosystem that is rare in the Northeast, and the National Park Service has determined in its study that the Eightmile River met all the criteria necessary for the Wild and Scenic designation.

In addition, I think this is important—all three of the affected towns passed resolutions in town meetings, every board and commission that deals with land use has reviewed this proposal, have supported it. The Connecticut General Assembly unanimously passed a resolution in support of this measure, and I want to emphasize these are three very small towns in eastern Connecticut.

This is small town meeting local government at its finest. This is a highly educated area in terms of the communities, people who abut the river. It has been very visible and public. People have had plenty of opportunity over the last 10 years to weigh into this proposal and the support has been unanimous. There has not been a single bit of opposition expressed to this measure which as I think Congressman McGovern can attest I mean in New England now land use issues are some of the most hotly contested areas of local government, and yet this is a proposal which has brought extraordinary consensus in the local communities in support of it.

And it was decided early on by the local citizens to recognize the entire watershed and put together a management plan whereby local, state and Federal organizations could voluntarily work to address the needs of the region.

I just want to conclude by addressing Congressman Bishop's concern about the Federal Government's potential impact on local private landowners' rights. Section g(2) of the legislation which deals with acquisition of lands explicitly states that the Federal Government is prohibited from exercising any condemnation rights in reference to this management plan.

Connecticut is the home of the Kelo Eminent Domain case which I am sure many of you will recall from a couple of years ago, and frankly people are extremely sensitive to this issue that we do not

want intrusive, heavy-handed powers being granted to the Federal Government to come in and affect people's local property rights.

The only scenarios in which people or which the Federal Government could acquire property would be in cases of donation or voluntary consent by a property owner. So I think again the bill is extremely balanced in terms of its process as far as local property owners and their private property rights.

Again, it is a measure which has been 10 years in gestation from the very grassroots local level all the way up through the Federal Government's study bill, which again was signed into law by President Bush five years ago, and I look forward to any questions that the committee may have. Thank you, Mr. Chairman.

[The prepared statement of Mr. Courtney follows:]

Statement of The Honorable Joe Courtney, a U.S. Representative in Congress from the State of Connecticut, on H.R. 986, The Eightmile Wild and Scenic River Act

Chairman Grijalva, Congressman Bishop and Members of the Subcommittee, thank you for scheduling this hearing and allowing me to testify on behalf of Connecticut's Eightmile River and the decade long effort to obtain Wild and Scenic designation by the citizens and communities that abut this precious natural resource.

Later you will hear from Nathan Frohling, the Director of the Connecticut River Program, Eightmile River Program at the Nature Conservancy. I would just like to spend a few minutes outlining how important this legislation is to the region and the entire state of Connecticut.

The entire Connecticut delegation joined me in a bipartisan effort, cosponsoring H.R. 986 that would designate the Eightmile River as part of the National Wild and Scenic Rivers Program. There is a companion bill in the Senate cosponsored by Senators Dodd and Lieberman.

More than 5 years ago, President Bush signed legislation to authorize a study to determine the merits of the Eightmile River's request for inclusion in the Program. While that was the beginning of the federal legislative movement, local citizens from across the three towns of East Haddam, Lyme and Salem had been working diligently for years to plan for how best to protect and preserve the River and its watershed.

The Eightmile River is so-named for the distance between the mouth of the River in East Haddam to Long Island Sound. The 62-square mile watershed is mostly forested area with many rare aquatic and animal species. It represents an intact aquatic ecosystem that is rare in the Northeast. The National Park Service determined in its study that the Eightmile River met all criteria necessary for Wild and Scenic designation. In addition, all three affected towns passed resolutions in support of this designation, including the support of the relevant land use commissions and boards.

It was decided early on by local citizens to recognize the entire watershed and put together a management plan whereby local, state and federal organizations could voluntarily work to address the needs of the region. Designation would bring funding and staff support to the region in order to preserve the rural character of the region, protect and enhance the diverse plant and animal species, provide small grants to assist local resource activities, ensure adequate outreach and educational opportunities, and maintain water quality.

Although located in a more rural area of the State, the watershed is no less susceptible to unchecked growth and development. At the same time, my legislation preserves the rights of landowners. Language within the bill specifically prohibits the federal government from acquiring land through condemnation, a practice that the National Park Service does not follow anyway, but we took that extra step to be clear.

During the study period, a Management Plan was initiated at the local level based on scientific recommendations and is being implemented at the local level today. Citizens from the three towns voted in support of the Management Plan to preserve this unique area.

As you may know, the National Wild and Scenic Rivers Program will be celebrating its 40th anniversary next year. More than 150 Rivers have been designated Wild and Scenic across the country, including the Farmington River in Connecticut.

The Wild and Scenic Rivers is one of the best examples of a public private partnership based on locally driven priorities and goals.

The citizens of East Haddam, Salem and Lyme and organizations like the Nature Conservancy have committed many years to this endeavor which culminated in votes of support last year. The National Park Service is supportive and I urge the Subcommittee to look favorably on H.R. 986, the Eightmile Wild and Scenic River Act.

Mr. GRIJALVA. Thank you, sir, and let me now turn to our colleague as well, Congressman Hastings.

STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. HASTINGS. Thank you, Mr. Chairman. I want to thank you and Ranking Member Bishop and other members of the Subcommittee for holding this hearing today. I am here this morning to speak in support of H.R. 1285, legislation that I introduced along with my colleague from Washington, Dave Reichert, which would convey a small portion of the Forest Service land to the King and Kittitas Counties Fire District No. 51 which is also known as the Snoqualmie Pass Fire and Rescue.

Under my proposal, this land would be conveyed at no cost but it would have to be used by the Fire District specifically for the construction of a new fire station or the land will revert back to the Forest Service. Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90. This area is a very rural area. There are a small number of full-time residents but Interstate 90 is a major transportation corridor between eastern and western Washington. It is also a destination for winter sports in that area.

This area is often the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responders to these types of incidents in this area. For decades the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was never designed to be a fire station. Through their hard work and dedication, they have served their community ably despite the building's many shortcomings.

However, with traffic on the rise and the need for emergency services in the area growing, the Fire District really needs to move into a real-life fire station. They have identified a nearby site that would better serve the needs of the residents and visitors alike. This location would provide access to the interstate in either direction, reducing response time in emergencies.

The parcel is on Forest Service property immediately adjacent to a freeway interchange between a frontage road and the interstate itself. Much of this parcel right now is currently a gravel lot. I am aware that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by nonresidents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of Federal land ownership in this area which severely limits the local tax base.

In addition, I would note again that under my proposal this land will revert back to the Forest Service if for whatever reason a new fire station is not built on the property. Passage of this legislation would not guarantee that a new station would be built. The Fire District would have to work hard to gather the financing that they would be able to from state and local sources as well as any applicable Federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of the project.

I am pleased that Chris Caviezel, the Chairman of the Fire District Commission, is here today from Washington to more fully explain the needs that they have, and I look forward to working with this committee, the Fire District, and our delegation and the Forest Service on this legislation.

I just may say, Mr. Chairman and members of the Subcommittee, I visited this site about three weeks ago, and two days before I visited this site they had a 60-car accident up there which I will not say is a common occurrence but the first responders were this Fire and Rescue, and that happens typically when we have a lot of snow like we have had this year. So they serve a great service from a rural area on the most traveled corridor between eastern and western Washington, and I think they need the up-to-date facility. So I thank you for your consideration.

[The prepared statement of Mr. Hastings follows:]

Statement of The Honorable Doc Hastings, a U.S. Representative in Congress from the State of Washington, on H.R. 1285

Chairman Grijalva:

I want to thank you and Ranking Member Bishop and other members of the Subcommittee for holding this hearing today.

I am here this morning to speak in support of H.R. 1285, legislation that I introduced along with Representative Dave Reichert, which would convey a small parcel of Forest Service land to the King and Kittitas Counties Fire District #51—also known as Snoqualmie Pass Fire and Rescue. Under my proposal, this land would be conveyed at no cost, but would have to be used by the Fire District specifically for the construction of a new fire station or it would revert back to the Forest Service.

Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90. This is a very rural area, with a small number of full-time residents, but it is also the major transportation corridor for goods and services between Eastern and Western Washington, as well as a destination for winter recreation. This area is also often the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responder to incidents in the area.

For decades the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was never designed to be a fire station. Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a fire station. They have identified a nearby site that would better serve the needs of residents and visitors alike. This location would provide access to the interstate in either direction, reducing response times in emergencies. The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. Much of the parcel is currently a gravel lot.

I am aware that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by non-residents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of federal land ownership in the area, which severely

limits the local tax base. In addition, I would note again that under my proposal, this land would revert back to the Forest Service if for whatever reason a new fire station is not built on the property.

Passage of this legislation would not guarantee that a new station would be built—the Fire District would have to work hard to gather the financing that would be required from state and local sources, as well as any applicable federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of this project.

I am pleased that Chris Caviezel, the Chairman of the Fire District Commission, was able to come to Washington, DC today to explain more fully the needs they have.

I look forward to working with this Committee, the Fire District, and the Washington House and Senate delegation to find a solution that meets the emergency services needs of the area. I thank you again for holding today's hearing.

Mr. GRIJALVA. Thank you, sir. I have no questions for our colleagues, and let me turn to Mr. Bishop for any questions he might have.

Mr. BISHOP. Let me just do two quick ones. First of all, Mr. McGovern, in your bill it says that the fossils that would be recovered would have to be situated in I think it says an appropriate entity. Appropriate institution. Approved repository. That is the phrase. Approved repository. What is an approved repository?

Mr. MCGOVERN. My understanding is that we are talking about a museum or you know what has been I think designated and recognized by the Department of the Interior as an approved depository. I mean a place that would store these fossils in a way that they would be protected and that people would have access to them.

Mr. BISHOP. Is that phrased and defined by rule or is it defined by statute anywhere?

Mr. MCGOVERN. I can get back to you on that.

Mr. BISHOP. OK. One of the professional organizations—I am sorry. This is three questions. It will be the last one. One of the professional organizations suggested that fossils that will be collected should be established in an institution within the state in which they were found or collected. Would you be amenable to such kind of language?

Mr. MCGOVERN. Well I would be happy to work with you on that, and my issue here is that they be protected and not be violated, destroyed or you know sold so that people would not have access to them.

Mr. BISHOP. I think you can understand my position. There are a lot of fossils in my state. Massachusetts does not have many, maybe with the exception of the State Legislature.

Mr. MCGOVERN. We have a few.

Mr. BISHOP. But other than that there are not a whole heck of a lot. I appreciate those answers. Mr. Courtney, you talked a bit out the area of condemnation. I just want to ask a question about that specifically. Your bill refers to Section 6[e] of the Wild and Scenic River Act that prohibits Federal acquisition but actually Section 6[e] does allow condemnation under certain circumstances which states basically primarily if the zoning ordinances of the local community are tough enough then the Secretary of Interior, Secretary of Agriculture may not acquire lands but if they are not equal to that kind of protection that is required in this Act then

there is condemnation power. Now is that your understanding of this bill as well?

Mr. COURTNEY. I am not familiar with that specific provision that you just cited but I would note that the bill does go on to indicate that the system is limited to acquisition by donation or acquisition. So certainly the intent of the language is to nix condemnation as an option.

Mr. BISHOP. I appreciate that, and I would suggest that if you actually move forward with the markup on this bill you may want to look at that because the provisions of Section 6[c] is the one that actually does give condemnation power to the Federal Government.

Mr. COURTNEY. That is a—

Mr. BISHOP. Regardless of what may be further stipulated in the bill itself.

Mr. COURTNEY. Thank you.

Mr. BISHOP. That is all I have.

Mr. GRJALVA. Thank you, Mr. Bishop, and let me thank the members for their testimony. We know that you have other business and other responsibilities but if you would—you have a question?

Mr. INSLEE. Thank you, Mr. Chair. I appreciate that. Doc, I really appreciate your comment about this fire station being of value to travelers over the past. It is a real unique challenge up there, particularly when it is snowing to respond. So I think you all, all of us who travel back and forth have an interest in that.

I just wonder about any alternatives. I noticed in a memo there was some apparent alternative discussed at one time about a smaller acreage being used. Could you tell us what you know about that?

Mr. HASTINGS. Yes. That is certainly a negotiable part of it but you have been over that pass many times, and there is a frontage road, and the area between the interstate and the frontage road is about three or four acres. The point is that probably all should be conveyed to the Fire District because if half of it was conveyed, then the Forest Service would own half of land that would essentially be isolated. But I mean that is a negotiable part but just the way that is, as I said, it is kind of landlocked between the frontage road and the interstate.

Mr. INSLEE. Is this by the state highway maintenance shed? In that area?

Mr. HASTINGS. No. It is up on top of the hill. As you go over the summit going from west to east, it would be off the second ramp.

Mr. INSLEE. I was up there this weekend. We had our office retreat there. So it is a great spot. Is there any potential appropriation to fund the Forest Service losses here at all?

Mr. HASTINGS. Well the reason we are asking for a free conveyance is because—and Chris Caviezel will talk later on—but I think there is only about 150 or 200 year-round residents, and because there is so much Federal land around there, there simply is not a tax base by which to tax it. So if—

Mr. INSLEE. I was referring to a Federal appropriation. In other words, some pool?

Mr. HASTINGS. My understanding again—and Chris can speak to this—they are going to have to have funds in order to build this.

That could come from grants. Perhaps there could be some money to pay the Forest Service, but you know we are only talking at max three or four acres, and in the last 10 years I do not know how many thousands of acres has been acquired by the Forest Service both in King County and in Kittitas County.

So the issue should not be—from my point of view at least—hung up on the conveyance part but the reason is that there simply is not a tax base, and they simply do not have the means to go out and do all of you know what you normally do if you build a fire station.

Mr. INSLEE. Right. Well we will talk some more about it. Thanks a lot.

Mr. HASTINGS. You bet.

Mr. GRIJALVA. Thank you, Mr. Inslee, and I apologize for rushing into closing that part of the panel. Any other questions?

Mr. BISHOP. I have one. I did not mean to be rude to Representative Hastings. I should ask you a question. Does your wife still like the beard?

Mr. HASTINGS. Yes, she does, as a matter of fact.

Mr. BISHOP. OK. That is fine.

Mr. HASTINGS. Thank you.

Mr. GRIJALVA. As I was saying, I know members are busy and have other responsibilities, but if they would like to join us at the dais for the rest of the panels, they are welcome to do so if there is no objection. Gentlemen, thank you. At this point let me call the next panel forward.

[Pause.]

Mr. GRIJALVA. Thank you very much, and let me begin with Ms. Sue Masica, Chief of Staff, National Park Service.

**STATEMENT OF SUE MASICA, CHIEF OF STAFF,
NATIONAL PARK SERVICE**

Ms. MASICA. Good morning, Mr. Chairman. Thank you for the opportunity to present the views of the Department of the Interior on three of the four bills before you today. My comments are most extensive on the paleontological bill so I will start with that one, and then I will also summarize our position on the other two bills, and then respond to any questions you might have.

H.R. 554, the Paleontological Resources Preservation Act and the tools it would provide to the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation and the U.S. Geological Survey, would allow these agencies to properly manage, protect, interpret, and care for paleontological resources on Federal lands as well as with the Forest Service but those are all Interior agencies.

Fossils are nonrenewable resources that provide information about the history of life on earth. The bill would balance the public's interest in protecting these types of fossils by creating a permit system that provides for the public's interest in collecting fossils by allowing for the casual collection of certain fossils from Federal lands without a permit.

I have brought with me today some examples of the types of resources that would be covered under H.R. 554. The first two are resources that would be protected under H.R. 554. We will pass

these around. This is the skull and lower jaw from an oreodont, a sheep sized, cut chewing, plant eating mammal from 37 million years ago, and this particular fossil was collected in 1932 from what is now Badlands National Park. Then there are two skeletons of herring-like fish from 50 million years ago that were collected in 1956 from the Green River shale in what is now Fossil Butte National Monument.

And then this last example is a—and if you all want to take them out of the bag you can. I just do not trust myself to not drop them. The last example is a common invertebrate fossil that could continue to be casually collected without a permit on BLM lands, and this is a small ammonite which is related to the modern chambered nautilus, and this was found in what is now Yellowstone National Park.

Currently the Federal agencies primarily use their general authority to protect resources to manage paleontological resources on Federal land. To address the theft of such resources the agencies rely on general statutes that protect against theft of government property. These general statutes, however, do not adequately take into account the unique nature of paleontological resources, their scientific value, and the high commercial demand.

H.R. 554 would not change which paleontological resources are protected and which may be casually collected. It would provide specific protection for these resources allowing agencies to better and more uniformly manage and protect them.

H.R. 554 would create a uniform permit system that emphasizes collaborative inventory and monitoring efforts among Federal agencies, scientists, amateur paleontologists and other interested parties and the public. It would ensure that these fossils are retained as public property and curated in suitable repositories for current and future generations of scientists and the public to study and enjoy.

High commercial values of fossils have likely contributed to the number of fossil thefts and vandalism on Federal lands. Fossils illegally removed from Federal lands are sold here and abroad for amounts that in some cases have totaled hundreds of thousands of dollars. Even if the fossils are eventually recovered—which is rare—the contextual information critical for interpreting the fossil is permanently lost and the scientific value significantly diminished.

H.R. 554 would provide additional tools needed to protect paleontological resources to potentially deter the large scale commercial destruction and exploitation of fossils on Federally administered lands, and to preserve these fossils for the public's knowledge and enjoyment. In conclusion, the specific protection of paleontological resources is long overdue. What we can learn about the history of life on earth through the examination of paleontological resources on Federal lands is invaluable.

The next bill is H.R. 1100, a bill that would expand the boundary of Carl Sandburg Home National Historic Site in North Carolina. The Department of the Interior supports enactment of this bill but would like to work with the committee to amend the bill so make it more consistent with the Park's 2003 general management plan. The lands proposed to be included in the new boundary

involve approximately 115 acres that would protect the viewshed from Big Glassy Mountain. Estimated land or easement acquisition is estimated to cost between \$300,000 and \$2.25 million.

Additionally, land would be authorized for acquisition to establish a site for a visitor's center and a parking lot to solve traffic and safety problems near the park's northern boundary. Funding to accomplish any of these investments would be subject to the budget prioritization process of the National Park Service.

The third bill is the H.R. 986 to designate segments of the Eightmile River and its tributaries as components of the Wild and Scenic River system. The Department does support enactment of the legislation. Pursuant to legislation in 2001, the Park Service studied the natural and cultural resources of the river and developed a management plan to conserve those resources. While the study is still under final Departmental review, it has preliminarily concluded that the proposed segments in the legislation are eligible for Wild and Scenic River designation because of the free flowing nature and outstandingly remarkable scenic, geologic and fish and wildlife values.

The study has received public comment and review, and the Park Service does not anticipate making any changes in the study's recommendations based on the input received. Thank you very much.

[The prepared statements of Ms. Masica follows:]

Statement of Sue Masica, Chief of Staff, National Park Service, U.S. Department of the Interior, on H.R. 554, The Paleontological Resources Preservation Act.

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 554, the Paleontological Resources Preservation Act. The Department supports H.R. 554 and the tools it would provide to the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, and the U.S. Geological Survey to properly manage, protect, interpret, and care for paleontological resources on federal lands. The bill would balance the public's interest in protecting fossils by creating a permit system with the public's interest in collecting fossils by allowing for the casual collection of certain fossils from federal lands without a permit. We appreciate past efforts by the Committees and the sponsors of the bills to adopt amendments offered by the Department and look forward to continuing to work with you as this bill moves forward.

Fossils are non-renewable resources that provide information about the history of life on earth. Federal lands, the majority of which are in the drier western part of the United States, contain a rich array of plant, invertebrate and vertebrate fossils. Paleontological digs and preserved sites on federal lands, paleontological exhibits in museums, and informal displays at local nature centers attract visitors from across the United States and abroad. Popular books, television shows, and movies that feature creatures of our past, such as dinosaurs, generate the attention of audiences of all ages. The information supporting many of these efforts is derived from the preservation and study of paleontological resources.

Some examples of the types of resources that would be protected under H.R. 554 include:

- The skull and lower jaw from an Oreodont, a sheep-sized, cud-chewing, plant-eating mammal from 37 million years ago (scientific name *Miniochoerus gracilis*). This was collected in 1932 from what is now Badlands National Park. (EXHIBIT 1)
- Two skeletons of herring-like fossil fish from 50 million years ago (scientific name *Diplomystus* spp.). These were collected in 1956 from the Green River Shale in what is now Fossil Butte National Monument. (EXHIBIT 2)
- A small ammonite (related to the modern chambered nautilus) from about 80 million years ago (scientific name *Scaphites* sp.). This was collected some time prior to 1876 in what is now Yellowstone National Park. (EXHIBIT 3)
- Theropod tracks found in Denali National Park and Preserve. Theropods were carnivorous dinosaurs that walked on their hind legs and probably weighed

about 200 pounds. Field researchers located dozens of additional dinosaur footprints in the area, including those of hadrosaurs (duck billed dinosaurs), bird tracks, and numerous plant fossils. All these organisms lived during the Late Cretaceous period (65 to 145 million years ago). (PHOTO 1)

- Five complete t-rex fossils, valued in the millions, found at the Charles M. Russell (CMR) National Wildlife Refuge in Montana. Although no official count exists, 465 fossil exposures and finds also have been reported at the refuge, including more than 10 Triceratops' fossils that have been verified by refuge staff. (PHOTO 2)

High commercial values of fossils have likely contributed to the number of fossil thefts and vandalism on federal lands. For example, 721 incidents of fossil theft and vandalism were reported in just 36 national parks between 1995 and 1998. At just one refuge, it is estimated that hundreds of pounds of small items such as shark teeth, turtle scutes and Triceratops horns are carried out each year. Fossils illegally removed from federal lands are sold here and abroad for amounts that, in some cases, have totaled hundreds of thousands of dollars. Even if the fossils are eventually recovered, which is rare, the contextual information critical for interpreting the fossils is permanently lost and the scientific value is significantly diminished.

Currently, the federal agencies primarily use their general authority to protect resources to manage paleontological resources on federal land. To address the theft of such resources, federal agencies rely on general statutes that protect against theft of government property. These general statutes, however, do not adequately take into account the unique nature of paleontological resources, their scientific value, and the high commercial demand. Many federal fossil theft cases are treated as misdemeanors and the associated penalties do not reflect the actual value of the fossil. One way that Congress can address such challenges is to provide specific statutory protection for the items at issue. In 1979, Congress enacted the Archeological Resources Protection Act (ARPA) to provide specific protection for archeological resources. H.R. 554 recognizes the need to provide similar protections for fossils. Below are several examples of the relatively few cases in which looters of paleontological resources from federal lands were caught and convicted. While these cases ultimately identified the offenders and recovered the fossils, they also represent the limitations of existing federal protections.

- In 2005, an individual with foreign citizenship plead guilty to three counts of theft of government property for stealing mammoth ivory and bones from the BLM administered National Petroleum Reserve in Alaska. The defendant was sentenced to one year and one day imprisonment, three years supervised release, \$25,706 in restitution, \$2,604 criminal fine, and \$900 special assessment. Much of the ivory was believed to have been exported out of the country. Mammoth tusks in the commercial market can command anywhere from \$1,000 to \$20,000 per tusk depending on their condition. For example, four tusks similar in quality and condition to those in this case, were valued by an appraiser at \$68,000. (PHOTO 3)
- In 2001, a group of individuals confessed to excavating large pieces of fossils under cover of night on federal lands located on the Utah and Colorado border. Evidence could not be recovered in the case and the individuals could not be prosecuted under theft of government property statutes with only the confession. The scientific value of the site was largely destroyed. The defendants had previously been convicted under ARPA and indicated that they switched to digging fossils because of the lack of specific statutory protection. (PHOTO 4)
- In 2002, a Pennsylvania resident also plead guilty to theft of an Allosaurus fossil that was obtained from federally administered land. The defendant sold the specimen to a Japanese buyer for \$400,000. The defendant was sentenced to one to fifteen years in prison and paid a fine of \$50,000. The case was prosecuted under more favorable Utah state law. (PHOTO 5)

H.R. 554 would provide paleontological resources with specific protection. The bill would ensure that valuable sites remain protected by providing the Secretary with the authority to withhold information on the nature and specific location of paleontological resources. The bill would prohibit the excavation, removal, or damage to paleontological resources on federal lands as well as the sale, purchase, exchange, transport, export, or receipt of paleontological resources. Criminal penalties for these acts would be set by classification, following fine and imprisonment penalties imposed under federal law. Civil penalties would provide for consideration of scientific value as well as the cost of response, restoration and repair of the resource and the site location. These and other provisions in the bill would provide agencies with additional tools needed to protect paleontological resources and to potentially deter the large scale commercial destruction and exploitation of fossils on federally administered lands.

H.R. 554 would codify recommendations in an interagency report submitted to Congress in May 2000, titled "Fossils on Federal and Indian Lands" (the Interagency Fossil Report). The report found that a majority of people who commented viewed fossils on federal lands as part of America's heritage, recommended that vertebrate fossils continue to be protected as rare and within the ownership of the federal government, and supported the involvement of amateurs in the science and enjoyment of fossils. The report recommends the establishment of a framework for fossil management, analogous to ARPA.

Under the agencies' existing regulations and policies, vertebrate fossils located on Federal lands may only be collected with a permit for scientific and educational purposes. H.R. 554 would codify this collection policy and standardize the permitting requirements among the various agencies. It would ensure that these fossils are retained as public property and curated in suitable repositories for current and future generations of scientists and the public to study and enjoy.

H.R. 554 includes a provision that would authorize the Secretary to allow the casual collection, without a permit, of certain paleontological resources for non-commercial personal use. For example, under this bill, visitors to BLM lands who enjoy paleontology as a hobby could continue to collect and keep for their personal use a wide variety of common plant and invertebrate fossils. The casual collection of such fossils can be an important component of the public's enjoyment of some federal lands and is generally consistent with scientific and educational goals.

We have identified a few specific amendments we would like to offer at this time. First, we would like to provide clarification language on the confidentiality provisions in the bill. Second, we would like to offer some additional comments concerning Sections 7, 8, and 9, including clarification of the mental state standard, specification of a statute of limitations of the bill, the inclusion of civil judicial penalties and injunctive relief, as well as a multiple offense provision. We would like to work with the Committee, the Department of Agriculture, and the Department of Justice on these specific amendments as well as some additional technical and clarification amendments.

The specific protection of paleontological resources is long overdue. What we can learn about the history of life on earth through the examination of paleontological resources on federal lands is invaluable. As the prices of fossils rise, we will be under increasing pressure to both protect scientifically significant fossil resources and ensure their appropriate availability to the general public. H.R. 554 would provide a number of critical tools that are needed to adequately protect paleontological resources and effectively provide for their coordinated and comprehensive management.

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

Statement of Sue Masica, Chief of Staff, National Park Service, U.S. Department of the Interior, on H.R. 986, Eightmile Wild and Scenic River Act

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on H.R. 986, a bill to amend the Wild and Scenic Rivers Act by designating segments of the Eightmile River and its tributaries as components of the Wild and Scenic Rivers System. The Department supports enactment of this legislation.

H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries as part of the Wild and Scenic Rivers System, administered by the Secretary of the Interior. The River would be managed in accordance with the Eightmile River Watershed Management Plan with the Secretary coordinating with the Eightmile River Coordinating Committee. The bill authorizes the Secretary to enter into cooperative agreements with the State of Connecticut, the towns of Lyme, East Haddam, and Salem, Connecticut, and appropriate local planning and environmental organizations.

The Eightmile River is located in the lower Connecticut River watershed in south central Connecticut. Its name comes from the fact that the river is located eight miles from the mouth of the Connecticut River. Fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, Connecticut are included on the National Park Service's Nationwide Rivers Inventory of potential wild and scenic river segments. Both segments are included on the inventory for outstanding scenic, geologic, fish and wildlife values. In addition to those values, the draft report also documents outstandingly remarkable water quality, hydrologic, and cultural resource values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood

forests that are home to a diverse assemblage of plants and animals including bobcats, Great Horned Owls, red foxes, and the Cerulean Warbler.

P.L. 107-65, the Eightmile Wild and Scenic River Study Act of 2001, authorized a study of the Eightmile River for potential inclusion in the Wild and Scenic Rivers System. As a part of the study, the National Park Service worked with the communities of Lyme, East Haddam, and Salem, Connecticut; the State of Connecticut; The Nature Conservancy; and local conservation interests to study the natural and cultural resources of the Eightmile River and develop a management plan to conserve those special values. The resulting Eightmile River Watershed Management Plan (December, 2005) was brought before special town meetings in each of the communities and was overwhelmingly supported by the public, as was the plan's recommendation to seek Wild and Scenic River designation. While the study is still under final Departmental review, it has preliminarily concluded that the proposed segments of the Eightmile River and its tributaries are eligible for inclusion into the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable scenic, geologic, fish and wildlife values.

H.R. 986 would implement the environmentally preferred alternative contained in the draft study report, which was released for public review and comment in July 2006. This draft report highlights a watershed ecosystem that is unique within the State of Connecticut in terms of its intact hydrology, water quality and ecosystem health. The commitment of local, state and non-governmental partners is also exemplary. Having already been through a local town meeting process, only one comment was received on the draft report—a letter of support from the State Park Director for the State of Connecticut. Consequently, while the study and the accompanying Finding of No Significant Impact (FONSI) document has not been finalized, the National Park Service does not anticipate making any changes in the study recommendations based on public comments.

If H.R. 986 is enacted, the Eightmile River will be administered as a partnership wild and scenic river, similar to other recent designations in the northeast, including the Farmington River in Connecticut and the Musconetcong River in New Jersey. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural and recreational resource values without the need for direct federal management or land acquisition.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

Statement of Sue Masica, Chief of Staff, National Park Service, U.S. Department of the Interior, on H.R. 1100, Carl Sandburg Home National Historic Site Boundary Revision Act of 2007

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 1100, a bill that would expand the boundary of the Carl Sandburg Home National Historic Site (site) in the State of North Carolina.

The Department supports the enactment of this bill, but would like to work with the committee to amend the bill to make it more consistent with the site's 2003 General Management Plan and other recent boundary expansion bills.

Carl Sandburg Home National Historic Site currently includes 264 acres of Connemara Farm, an estate purchased by Sandburg in 1945 near the pre-Civil War resort town of Flat Rock, North Carolina. Following Sandburg's death in 1967, his wife deeded the estate to the Federal Government. The National Historic Site was authorized one year later, in 1968.

Sandburg, though perhaps best known for his poetry celebrating the lives of common American people, was also a Pulitzer Prize-winning biographer of Abraham Lincoln, children's author, and a collector of folk music. Fellow author H.L. Mencken declared that Sandburg was "indubitably an American in every pulse-beat."

H.R. 1100 would authorize the acquisition, from willing sellers, of interests in 115 acres of land contiguous to the Carl Sandburg Home National Historic Site. The bill would also authorize the use of up to 5 of these 115 acres for a visitor center and parking facilities.

Land or easement acquisition is estimated to cost between \$300,000 and \$2.25 million. Management of these new lands is estimated to cost less than \$10,000 annually. These acquired lands could be used for a visitor center, estimated to cost about \$3 million, but that project, as well as the additional costs mentioned in this paragraph, would be subject to the budget prioritization process of the NPS. Annual operation of the visitor center is expected to cost \$345,000 annually. The costs of

operating a shuttle are not known at this time. No funding has yet been identified for any of these costs.

Acquisition of 110 of the 115 acres proposed in H.R. 1100 would allow the site to protect the view that Carl Sandburg and his neighbors enjoyed from Big Glassy Mountain. Big Glassy overlook is the highest point at Carl Sandburg Home National Historic Site and a popular stop for visitors. Sandburg and his family often visited this granite outcrop to enjoy its stunning views of surrounding mountains and valleys. The majority of the overlook is within the authorized park boundary. However, the overlook precipice as well as the view below it, lies on private property outside the authorized boundary. Purchasing conservation easements or fee simple property rights from willing sellers in the viewshed would allow the site to protect the pastoral view from Sandburg's estate.

The acquisition of 5 acres for a visitor center and parking lot would help to solve traffic and safety problems along Little River Road, the thoroughfare that forms the site's northern boundary and provides excellent views of the site's pastures, barns, and Side Lake. When the site's existing parking area is full, vehicles enter and exit from Little River Road, searching for an open space. Some visitors park on the shoulder of Little River Road and walk to the site. The presence of park vehicles, pedestrians, and speeding traffic on Little River Road is a hazard to all. The local community has expressed concern about this issue, but there is no additional parking available in the community.

To solve these problems, the site's 2003 General Management Plan proposes acquiring up to 5 acres to build a visitor center and parking facility, and offering shuttle service from the facility to the main house. In order to protect the historic character of the site, the National Park Service would like this facility to be located outside the 110 acres that are proposed to protect the views from Big Glassy Mountain. An appropriate location would be near, but not necessarily contiguous with the park's boundary, perhaps fronting Little River Road or Highway 225. H.R. 1100 would need to be amended to allow the National Park Service to acquire 5 acres near, but not contiguous to, the site's boundary. No funding or operation decisions have been made about implementing a shuttle system.

The National Park Service contacted each landowner that holds an interest in the 110 acres proposed for acquisition during the planning process for the site's 2003 General Management Plan. All of these owners agreed to have their parcels included in the map and proposal to expand the park. The Village of Flat Rock, North Carolina supports the proposal for a visitor center, parking facility, and shuttle service.

H.R. 1100 applies boundary expansion criteria from the 1978 National Parks and Recreation Act. In the 29 years since that Act was signed into law, Congressional committees and the National Park Service have developed and refined these criteria. We would like to work with the subcommittee to amend H.R. 1100 to make it more consistent with recent boundary adjustment bills.

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

Mr. GRIJALVA. Mr. Norbury.

STATEMENT OF FREDERICK NORBURY, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE

Mr. NORBURY. Thank you, Mr. Chairman, for the opportunity to present the views of the Department of Agriculture on two bills, H.R. 554 and also on H.R. 1285. With your permission, I will submit my testimony for the record and summarize my testimony.

Mr. GRIJALVA. Without objection.

Mr. NORBURY. The Department supports H.R. 554 for many of the same reasons that Ms. Masica outlined. Most importantly for us it replaces what we regard as a crazy quilt of laws. It provides clear and unambiguous authority for us to manage paleontological resources. At the moment, we rely on laws like the Organic Act, the Archeological Resources Protection Act, the Native American Graves Protection Restoration Act, and the Hells Canyon National Recreation Act and similar kinds of statutes. This would provide unified authority.

Congress has passed legislation with respect to paleontological resources before. In 1990 Congress transferred 16,000 acres from the Department of Defense to the Forest Service, the Picket Wire Canyon area which is administered as part of the Comanche National Grassland in southeastern Colorado. We believe this has been a great success. It has engaged the enthusiasm of many volunteers, and we have provided the committee with photos of some of the fruits of that earlier legislation.

What it shows is some fossils that were identified in the Picket Wire Canyon in 2004 that are now on their way to the Denver Museum of Nature and Science, and those are volunteers that you see in those photos who are participating with us. We would like the opportunity to work with the committee to clarify a couple of points in the bill related to the definition of casual collection, the sources of reward money, and the ability to protect the confidentiality of locations.

With respect to the other bill, H.R. 1285, the Department of Agriculture does not object to the conveyance. The Department does object to conveyance without compensation. We do believe there are other ways that we can work with the Fire District to achieve the conveyance. We would point to the authorities that we have under the Town Site Act, under the Weeks Act and the General Land Conveyance Act.

If the bill moves forward, we would like the opportunity to work with the committee to clarify a couple of points. One is on the actual legal description of the parcel. The staff tells me that that legal description is incorrect, and we also would like to explore whether the acreage total is really needed by the Department. And with that, I will take any questions that the members of the committee may have.

[The prepared statement of Mr. Norbury follows:]

Statement of Fred Norbury, Associate Deputy Chief, National Forest Systems, U.S. Forest Service on H.R. 554: Paleontological Resources Preservation Act and H.R. 1285: Snoqualmie Pass Land Conveyance Act

Mr. Chairman and members of the Subcommittee, thank you for inviting me today to talk with you about two bills that pertain to the U.S. Forest Service, Department of Agriculture: H.R. 554: the "Paleontological Resources Preservation Act" and H.R. 1285: the "Snoqualmie Pass Land Conveyance Act".

H.R. 554: Paleontological Resources Preservation Act

The Department of Agriculture (USDA) supports enactment of H.R. 554, the Paleontological Resources Preservation Act. This bill would provide the Forest Service with the tools needed to properly manage, protect, interpret, and care for fossils, the unique traces of past life. We would like to work with the committee in fashioning some minor changes to strengthen the bill.

Paleontological resources are a part of our natural heritage. Large or small, fossils fascinate people all over the world. They provide important scientific information about ancient life on Earth. They are also valued by collectors, some who enjoy casual collecting where legally permitted, while others desire rare specimens that can be high in commercial value.

These resources are also fragile and rare. Their loss has been documented in surveys such as one on the Oglala National Grassland in Nebraska, which found that one-third of all fossil sites inventoried between 1991 and 1996 had been vandalized. In 1996, a case involving fossil theft on National Forest System lands in California, which was prosecuted under civil authority by the Department of Justice and ultimately settled out of court, pointed out the need for more specific statutes and regulations related to theft of federal fossils.

The Forest Service currently manages paleontological resources under a patchwork of laws and policy that do not specifically address their unique characteristics

not adequately provide for their management, protection, and availability for scientific research and discovery. In May of 2000, the Secretary of the Interior, in consultation with other federal agencies, including the Forest Service, completed a report at the request of Congress titled "Fossils on Federal and Indian Lands." The report found that a coordinated approach to the appropriate protection and management of fossil resources would greatly enhance federal stewardship of these resources. The report contained seven principles and associated recommendations that were subsequently addressed by several bills introduced into the 107th, 108th, and 109th Congresses. The USDA has provided support, and has worked with committees to strengthen some provisions. In the 110th Congress, H.R. 554 and its companion legislation, S. 320, would provide the legal framework to manage and protect these important resources on National Forest System and other Federal lands. The bills, if enacted, would also encourage scientific discovery, public education, and allow, to the extent authorized, for the collection of common invertebrate and plant fossils for non-commercial personal use.

Section 3 of H.R. 554 would direct the Secretary of the Interior and the Secretary of Agriculture to manage and protect paleontological resources on certain Federal lands, as defined in the bill, using scientific principles and expertise. The bill recognizes the non-renewable nature of fossils and would define a paleontological resource as any fossilized remains, traces, or imprints of organisms, preserved in or on the Earth's crust, that are of paleontological interest and that provide information about the history of life on earth. The definition of paleontological resources does not include materials associated with archeological resources under the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)), or any cultural item under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

Section 5 of the bill would establish permitting requirements, with uniform criteria for collecting fossils on certain Federal lands, including National Forest System lands. Section 5(a)(2) would also allow the Secretaries to authorize on certain Federal lands the casual collection of a reasonable amount of insignificant common invertebrate and plant fossils for non-commercial personal use without a permit.

Sections 7 and 8 of the bill would provide uniform criminal and civil penalties to be used for theft and damage of paleontological resources from Federal lands, as defined in the bill. This would be an important provision for the Forest Service and other agencies because it would provide the same specific statutory authority under which to issue a citation for theft or damage of paleontological resources.

Section 9(a) of the bill also would authorize the Secretaries to provide payment from proceeds arising from civil and criminal penalties established under the bill to those who furnish information that leads to the finding of a civil violation or to a criminal conviction for which the penalties are assessed. This reward provision could help further the protection of the resource.

Section 10 of the bill would require information concerning the nature and specific location of a paleontological resource that requires a permit for its collection to be exempt from disclosure under the Freedom of Information Act and any other law unless certain criteria were met. The confidentiality provision would be an important tool to manage information regarding resources that could be vulnerable to theft.

We have identified a few areas in the bill that could be strengthened with minor changes. In addition to the ones suggested by the Department of the Interior, these include clarifying the definition of "casual collecting" in section 2, providing for the use of appropriated funds for rewards in section 9, and clarifying the confidentiality provision in section 10. We would like to work with the Committee and the Departments of the Interior and Justice to provide additional comments about the bill's law enforcement provisions. If the bill is enacted, the Forest Service would work with Department of the Interior agencies to develop implementing regulations, including the opportunity for public comment.

Important as the enforcement provisions are, the USDA is mindful of the tremendous interest the public has in learning about fossils and participating in their stewardship. H.R. 554 calls for developing plans to inventory, monitor, and study fossil resources, involving non-Federal partners, the scientific community, and the general public.

This kind of work is exemplified by investigations being carried out in the Picket Wire Canyonlands managed by the U.S. Forest Service on the Comanche National Grassland in southeastern Colorado. In 1990, Congress passed Public Law 101-510, transferring 16,700 acres of rugged canyon lands from the Department of Defense to the Department of Agriculture, with legislative language calling for inventory, protection, and conservation of fossil resources within the canyon. In partnership

with the scientific community and volunteers, one-third of the canyon has been explored, and an abundance of significant fossil resources has been located.

The "Last Chance" Dinosaur Quarry, discovered in the canyon by a volunteer enthusiast in 2004, is one of the most important dinosaur quarries in Colorado. It contains parts of skeletons from at least three dinosaurs, which will be curated at the Denver Museum of Nature and Science. Volunteers enrolled in the Forest Service "Passport in Time" program assist Forest Service paleontologists in the excavation and preservation of these amazing remains. Information from the excavations will inform both the public and the scientific community. The establishment of a comprehensive legal framework that encourages the integration of public and private resources, skills, and enthusiasm would facilitate undertaking more of these projects.

Mr. Chairman and members of the Committee, paleontological resources are remarkable evidence of the Earth's history. The Paleontological Resources Preservation Act would provide the Forest Service and other Federal agencies with the framework needed for their stewardship and protection while providing opportunities for scientific research, education, and recreation. By passing this bill, Congress would make the important statement that the American people will benefit from uniform Federal law and policies governing the discovery, research, interpretation, and stewardship of fragile and rare paleontological resources.

H.R. 1285: Snoqualmie Pass Land Conveyance Act

This bill would require the Secretary of Agriculture to convey, without consideration, approximately three acres of land on the Wenatchee National Forest to the King and Kittitas Counties Fire District #51 for use as a site for a new Snoqualmie Pass fire and rescue station. The bill includes a clause for reversion of the property to the United States if it is determined, after a hearing, that the land is not being used for the purpose stated in the bill.

The Department does not support the bill in its present form. We do not object to conveying the lands included in H.R. 1285, but we oppose this bill because it does not require market value compensation. The taxpayers of the United States should receive market value for the sale, exchange, or use of their National Forest System lands.

We also believe that this legislation is unnecessary because the Forest Service can meet the bill's objectives through current statutes that allow the Forest Service to convey this parcel to the Fire District for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for market value, up to 640 acres of land to established communities located adjacent to National Forests. Under the General Exchange Act and Weeks Act, the Secretary of Agriculture can exchange National Forest System lands with non-Federal entities, including State and Local governments. These laws require the Secretary of Agriculture to obtain market value for exchanges or sales of National Forest lands.

The fire district currently has a fire station located on Forest Service lands under special use permit, several miles away from the property covered by this legislation. We understand the fire district's need for an updated facility, and the desired property is situated at an interchange on Interstate 90, which would improve response times to the many emergency situations that occur in that area. However, there is a question as to whether three acres is excessive to their actual physical needs for the facility. In addition, the legal description used in the bill is incorrect and a land survey will be needed to properly locate and describe the property. Under the Townsite Act and exchange authorities, the fire station would be required or expected to pay administrative costs of making the conveyance, such as the survey.

Although we do not support the bill as written, we are eager to continue discussions with the bill's sponsors, the fire district, and the committee, in the hopes of assisting the District in achieving its desire to improve its abilities to provide necessary fire and rescue services.

I am happy to answer any questions you may have on my testimony today.

Mr. GRIJALVA. Thank you, and I have a question for Ms. Masica. My colleague, Mr. Bishop, raised the concern regarding condemnation authority in the bill 986 I am referring to, and as I understand it, the Wild and Scenic River Act says that if legal zoning is tough enough, local zoning is tough enough there is no condemnation authority. Am I correct in that?

Ms. MASICA. I do not have the copy of the legislation right in front of me, Mr. Chairman.

Mr. GRIJALVA. My question is in reference to the Wild and Scenic Rivers Act. That if local zoning laws are tough enough then there is no condemnation authority.

Ms. MASICA. Mr. Chairman, that is my understanding, and that the Federal Government would not be stepping in to what are the local zoning decisions that are already in place.

Mr. GRIJALVA. OK. Then let me follow-up with another question. Then lines I think 16 through 18 on page 7 of H.R. 986 says that local zoning regulations are deemed to be tough enough. Is that a correct interpretation?

Ms. MASICA. Mr. Chairman, I would have to get back with you, Mr. Chairman. I do not know.

Mr. GRIJALVA. OK. The other part of the question when you get back to the committee on would be if it is deemed to be tough enough, then there is no condemnation authority within the legislation, correct?

Ms. MASICA. That is my understanding.

Mr. GRIJALVA. I look forward to those responses. Let me just follow-up on 554. How are archeological and cultural resources found on public lands managed? That is part of the question. And should fossil resources be managed in a similar way?

Ms. MASICA. I believe that is absolutely the intent of the legislation. Our desire to have that happen. I think the experience of the agencies of the Department of the Interior has been that the archeological protection authorities have made it possible for us to do a good job of both protecting and most importantly educating the public about the significance of those resources, and we would like to see similar protection provided for paleo resources.

Mr. GRIJALVA. Thank you. I guess a very general question, if I may, resources that we are talking about in this legislation, resources found on public land belong to all Americans, and so part of what I think the legislation tries to address is that it is unfair to allow individuals to take these resources out and sell them for a profit. Do you agree with that point of view or do you have a comment on that point of view?

Ms. MASICA. I believe that I concur that that is the intent, and our desire to as much as possible to have the resources remain available for all Americans to benefit from and to be educated by.

Mr. GRIJALVA. Thank you. Mr. Norbury, you mentioned working with the committee on the same legislation on the casual collection part of that legislation. Could you just expand on that comment that you made?

Mr. NORBURY. One of our concerns, Mr. Chairman, is the phrase of non powered hand tools and what that means. People can disturb a lot of surface with tools that do not involve motors, and we really want to make it clear that the casual collection is intended to be that collection that can be achieved with minimal surface disturbance, and we would want to have some clear definition of what kinds of tools can be employed in that casual collection.

Mr. GRIJALVA. OK. I do not have any more questions at this point. Mr. Bishop.

Mr. BISHOP. I have a couple of them. Let me start with 554 with you if I could. Ms. Masica, in the 1987 Appropriations Act the Park Service was mandated to come up with rules and regulations based

on the NAS report on paleontological collecting. Why was that never implemented? Why did your agency not do it?

Ms. MASICA. Mr. Chairman, I am not familiar with that. I will have to get back to you for the record. I do not know.

Mr. BISHOP. All right. Then let us talk about 1100 for just a second. You said the cost of acquisition of the land would be anywhere from \$300,000 to \$2.5 million.

Ms. MASICA. That is correct.

Mr. BISHOP. Can you come up with a little bit closer of a ballpark figure then?

Ms. MASICA. I think part of that, Mr. Chairman, depends on the type of acquisition, whether we do fee simple or easement, and that affects then the price as well as then how much because it is multiple parcels. It is not just one parcel.

Mr. BISHOP. If they need parking so that the situation you are talking about down there is similar to what I experience at Mt. Vernon most of the time where people are walking along the street and parking on the streets, where would the most likely place of that parking be?

Ms. MASICA. My understanding is the issues are on the northern boundary of the Park. I do not think a specific parcel was identified in the general management plan for where that would be.

Mr. BISHOP. That is probably true. You said also in your testimony that the general management plan is not consistent with the bill as written. What specifically is not consistent with the bill with the general management plan?

Ms. MASICA. Mr. Bishop, my understanding is that the general management plan had a more specific site in mind where a visitor's center would be located, and that that is a different circumstance than where we are at right now. That the GMP had a specific site in mind, and I have got it backwards. Let me get back to you with that, Mr. Chairman. I do not have the details of the GMP right in front of me.

Mr. BISHOP. I have no other questions.

Mr. GRIJALVA. Thank you. Let me turn to Mr. Inslee, if you might have any questions.

Mr. INSLEE. Thank you. Mr. Norbury, is there any general idea what a compensation would be for the Snoqualmie property? Has that been discussed or considered?

Mr. NORBURY. Mr. Inslee, I do not have any information on what that particular parcel might be worth in terms of market value. The averages for the acquisitions by the Forest Service are not useful here. It is located right next to an interstate, right next to an interchange, and as we all know real estate values are very sensitive to location.

Mr. INSLEE. So have you discussed with the folks there at all any potential Federal pools of money that might be available to compensate the Forest Service?

Mr. NORBURY. I believe that local staff have searched for pools of Federal money that might be available but have not been able to identify any so far.

Mr. INSLEE. Thank you.

Mr. GRIJALVA. Thank you. Mr. Hastings.

Mr. HASTINGS. Thank you, Mr. Chairman, and thank you for the courtesy extended me to be up here. I appreciate that very much. Mr. Norbury, if this land were conveyed to the Fire District as outlined, this action would still be subject to the usual environmental and regulatory procedures, is that correct?

Mr. NORBURY. My understanding that is correct, and would include NEPA into ESA and the State Historic Preservation Act and all similar laws.

Mr. HASTINGS. Yes. So the only thing that we are really asking differently is to have a conveyance without cost. Everything else would be in place.

Mr. NORBURY. I believe that is correct.

Mr. HASTINGS. OK. You mentioned that one of the concerns you had is there should be some compensation, and my colleague from Washington you know trying to explore other areas. Just I think it is important and I alluded to this just briefly in my comments when I was where you were, and that is in the last 10 years in King County and Kittitas County alone the Forest Service has acquired about 20,000 acres.

We are only talking about a small, I mean it is not like the Forest Service is being deprived of this, and I think this is an extraordinary circumstance given the rural nature and the fact that it is surrounded by Federal lands. So I just wanted to make that point. I am not asking for a response. It is just that the Forest Service has acquired in the last 10 years quite a bit of land. I just wonder in that vein though in the next fiscal year or so is the Forest Service contemplating acquiring any more land in King or Kittitas Counties?

Mr. NORBURY. Mr. Hastings, I do not have that information as to what the proposed acquisitions for the next year are in King and Kittitas Counties.

Mr. HASTINGS. OK. Well once again that is all I have, Mr. Chairman, and once again thank you for the courtesies that you extended me to be here. Thank you.

Mr. GRIJALVA. Thank you, sir. Let me turn to our colleague, Ms. Herseth Sandlin.

Ms. HERSETH. Thank you, Chairman Grijalva, and thank you both for your testimony today. I know both of you in your oral and written testimony document some surveys or estimates on the loss or reports of fossil theft and vandalism, and you point out a couple of examples, whether it is the Ogallala National Grassland in Nebraska, a particular refuge, Ms. Masica, that you note. Could either of you provide is there a reasonable estimate on how many paleontological specimens are removed from Federal lands each year? I mean is it roughly a third as you estimate in some cases or is there any way that you can provide more specific detail from the surveys that have been done to give a reasonable estimate?

Ms. MASICA. I am told by our experts here from the BLM that their estimate is about a third.

Ms. HERSETH. Is that consistent with the estimates for the—

Mr. NORBURY. Unfortunately we do not have any comparable estimates for the national forest system as a whole. We have sites like the one mentioned in the testimony where we have found that

a third of the sites have been disturbed by unauthorized collection but we do not have a system-wide survey.

Ms. HERSETH. And then, Ms. Masica, if the surveys that the National Park Service has done or what your estimate is if one-third of those specimens are removed, do you have any estimates on how many pass into private ownership and how many remain in the public domain?

Ms. MASICA. I am told that we do not have that breakdown. I can follow up and check and see if we can get it for the record.

Ms. HERSETH. I appreciate that. And then one final question for both of you. I noticed that both of your agencies were involved in the 2000 report that demonstrated significant collaboration among different agencies, the one entitled Fossils on Federal and Indian Land. It also included lengthy public comment that I know is part of the report but could either of you comment on the scope and the tone of the comments the Administration received when it undertook this effort? Was it fairly balanced as it relates to some of the testimony we are getting today as it relates to H.R. 554 or do either of you recall were either of you part of reviewing the public comment as made part of that report in 2000?

Mr. NORBURY. My knowledge of the comments is limited to the information that appears in the report, and the comments are listed at least summarized at the back of that report. When I read the report and looked at those comments, my impression was the majority of the comments were supportive of the intent of the report. There is significant concern and concerns that can be addressed in the regulations that would implement this legislation.

Ms. HERSETH. Thank you.

Ms. MASICA. And I would concur with that. I think it was a balanced input from the various sides who will be also heard later this morning.

Ms. HERSETH. Thank you. Thank you, Chairman.

Mr. GRIJALVA. Thank you. Mr. Sali?

Mr. SALI. Thank you, Mr. Chairman. I guess for either of you I am sort of concerned about the priority of expending Federal resources you know for patrolling what will be a significant amount of land versus you know for example issues with meth production.

Ninety percent of the meth problem in the State of Idaho is imported across the southern border of the United States, as a part of illegal drug activity that crosses Federal land and whatnot. You are here to express some opinion I guess about that priority for Federal policy. Is dealing with paleontological finds is that more important than dealing with the meth problem in the State of Idaho?

Ms. MASICA. Mr. Chairman, Mr. Congressman I am sorry, I think what the legislation provides is some authorities to the agency. I do not believe that we anticipate a significant increase in our presence and a significant redeployment of resources or increase in resources made available to the agencies to carry out the purposes of the Act. I think that it becomes a juggling of priorities within our budgets as we deal with formulating those requests every year.

Mr. SALI. You would agree though that somehow that priority is going to have to be made, and you are asking us to consider this legislation that is before us and you know how it will impact

Federal agencies. Are you here advising us that this should take a priority over for example dealing with the meth problem and the other issues at the Federal agency is dealing with?

Ms. MASICA. I do not think that that is my position to dictate to you all what that priority would be. I think that we have in any given budget year we are dealing with many competing priorities, and we do the best we can. I think that our support for this if we anticipate it there would be a significant huge cost burden on the agencies we would be talking about that but that is not our intent that there would be a significant expected cost increase for the agencies to carry out this legislation.

Mr. SALI. Well let me come at this in a little different direction. We have got some pretty serious criminal penalties and provisions in this legislation. If the idea is you know who owns the fossil and whether you can have them or not in private possession if you found them on Federal ground, why could we not just have a civil system so that you know we would declare that these belong to the Federal Government at some level, and if you happen to have one of those then we will come get that back from you as opposed to having criminal prosecution and all the agents that it takes to go out and find when the law has been violated from a criminal standpoint, all of the constitutional issues that you come up with there, and finally in court having to deal with that burden of proving things beyond a reasonable doubt.

If the issue is just to get the fossils in possession of the Federal Government, why could we not just do that with a civil process?

Ms. MASICA. I will need to respond for the record for that. I am not well versed in the nuances of that debate inside the agencies. There are I think an attempt to protect the resources and keep damages from happening, and that is what we are trying to accomplish with this.

Mr. NORBURY. If I could comment, the value of the fossils is not only in the fossils themselves but in the context in which they are found, and once they are removed from that context and removed from the Federal land, much of the scientific value of the fossil has been lost. So the bill correctly identifies both the paleontological value of the fossils in addition to the commercial value of the fossils and also speaks to the impact on the site from fossil collection.

So it is larger from the Forest Service point of view. It is larger than just getting the fossils back. It is protecting the scientific information that is yielded by the fossils and their context.

Mr. SALI. And you would be advocating to this committee that that ought to be a higher priority, that scientific value, than for example the meth problem that we have in the State of Idaho?

Mr. NORBURY. The Forest Service does not read this bill as affecting the priorities for our law enforcement personnel at all in terms of how they would spend their time. What this bill does is make our law enforcement activities more effective because it creates a better basis for charging people with the violations that our law enforcement people already observe.

Mr. SALI. So you are suggesting there will not be any fiscal impact for passing this law?

Mr. NORBURY. Our read the bill as it is written does not require the expenditure of funds, does not change the priorities for our law

enforcement people. What it does is creates a clearer message to the public about what is legal and what is not legal. It provides a clearer legal basis for making citations. It provides a clearer legal basis for bringing prosecutions for people who violate the law.

Mr. SALI. So there will be a fiscal impact if we pass this legislation? It will increase the need for the agencies.

Mr. NORBURY. I am unable to identify a fiscal impact since we are already charged legally with protecting all the resources that are present on the National Forest. We already have law enforcement people who are out there doing investigations and doing patrolling, trying to protect those resources, who are already bringing cases and attempting to bring cases for violation of the laws.

So it is difficult for me to see how there would be a fiscal impact. It is possible for me to see how we would get more benefit from the money that we are already spending on law enforcement activities on the National Forest because we would have more investigations that would actually yield successful prosecutions.

Mr. SALI. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. There are no follow-up questions? Let me thank the panel. I appreciate it very much. The committee members can and might submit questions in writing to you. We appreciate a speedy turnaround. So thank you very much. Appreciate it. And let me call the next panel forward please.

[Pause.]

Mr. GRIJALVA. Let me welcome the panel. Appreciate very much your testimony today. Let me begin with Mr. Peter Larson regarding H.R. 554, Black Hills Institute of Geological Research. Mr. Larson.

STATEMENT OF PETER L. LARSON, BLACK HILLS INSTITUTE OF GEOLOGICAL RESEARCH

Mr. LARSON. Good morning. Thank you, Mr. Chairman and members of the Subcommittee. I am Peter Larson, research and field paleontologist and President of Black Hills Institute of Geological Research. I have been a fossil enthusiast since I was four, and started my company while still an undergraduate. I have published 56 scientific papers and two books, and have four papers and a third book in press. My business, a large private fossil company, has provided internships to graduate students from here and abroad, identified new species, and participated in educational television programming.

We have provided fossil exhibits to nearly every major natural history museum here and abroad, including the U.S. National Museum of Natural History. My credentials include participation in the largest paleontological legal case in American history. You may have heard of a T. rex named Sue. I mention this case now to acknowledge that being the target of a Federal case stimulates extensive research. My lawyer and I are now experts in many of the issues discussed here today.

However, my expertise in these issues began well before Sue. Twenty years ago I sat on the committee of the National Academy of Sciences that provided recommendations to land management agencies regarding the collection and stewardship of fossils on

public lands. The same questions raised by that examining body are discussed here today. It is time to resolve them.

This committee has the same goals as did the NAS committee, to balance the protection of a natural resource with its productive use, and to enlist the support and positive participation of people with enthusiasm and knowledge who can act as stewards. Regarding both of these goals, H.R. 554 demonstrates a difference of opinion from that expressed by the NAS committee.

In 1987, the report issued by the NAS began and I quote, "In general the science of paleontology is best served by unimpeded access to fossils and fossil bearing rocks in the field." My experience supports their conclusions and points out one crucial difference between H.R. 554 and the NAS recommendations. One prioritizes law enforcement while the other prioritizes fossils and the people who collect them.

We all ask how do we rescue fossils in danger of destructions from the elements and protect them from vandals? How do we protect fossils adequately without stifling scientific curiosity? The Bureau of Land Management alone oversees half a billion acres of public land, and that does not include land overseen by the Forest Service and other agencies. There are literally millions of fossils being exposed and lost to weathering each year. The overwhelming majority of these fossils are not rare and have little scientific value.

They can, however, serve other purposes. For example, I personally have witnessed the transformation of many bored children who saw a fossil and then opened a door to learning. When the focus is on preserving fossils, which means collecting them rather than restricting their collections, the fossils themselves become educational tools, part of the scientific mystery and sources of inspiration.

The vast majority of people who collect fossils are a resource. They are not a threat. I acknowledge that not every enthusiast holds a degree in the field of paleontology and damage can occur to fossil specimens during the learning process but remember each Ph.D. must go through that same process. Therefore, our focus should be on educating the people in the field so their interaction with the fossil resource is positive. Our focus should be on discerning the differences between the extremely rare special fossils that should be in museums and the common thoroughly studied fossils that can live in a child's pocket or on a mantel and still promote the science of paleontology.

Interestingly, most of the major fossil discoveries have been made by amateurs. Natural history museums and academia have always depended upon such finds. Of the 40 plus *T. rex* specimens found to date, only two were found by academic paleontologists. All six archaeopteryx, the crucial link between birds and dinosaurs, were found by amateurs and sold to museums. If Germany had had a law like H.R. 554, not one of the archaeopteryx would have been found.

Museums require paleontological materials both on display and in research drawers so that they can educate and enlighten visitors. Many entire exhibit halls are comprised of fossils that have been bought from companies like mine, which collect and prepare fossils brought to our attention by ranchers and amateurs.

With a successful paradigm shift, one that acknowledges that amateur, commercial and academic paleontologists are interdependent we can gather together to not only assist science but also develop a collection program to protect fossils from natural destructive forces and from genuine criminals. An army of amateur and commercial collectors can help do both.

H.R. 554 assumes that only a certain class of paleontologists should be allowed to collect fossils. This posture does more than restrict land access. It asks of government employees in that special class an impossible task, and one not in the best interest of science. They simply can neither collect all the important fossils nor protect them in the field. A fossil left in the field will be destroyed period either by the forces of weathering, wildlife, developers or an unwitting hiker. We cannot say all the fossils. However, there is an army of people who will help in this situation if you just ask.

To quote Thomas Jefferson, "I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion." I thank you for inviting me to testify, and I appreciate the opportunity to share the NAS committee's views, a view that I believe is rational and balanced, and if incorporated into this legislation could help save the science of paleontology.

[The prepared statement of Mr. Larson follows:]

Statement of Peter L. Larson, Black Hills Institute of Geological Research, Inc., Hill City, SD (President); Black Hills Museum of Natural History (Member: Board of Directors); Association of Applied Paleontological Sciences (Member: Board of Directors); on H.R. 554: The Paleontological Resources Preservation Act

I am a degreed geologist, experienced vertebrate paleontologist and current member of the Society of Vertebrate Paleontology, the Paleontological Society, and the Mid-American Paleontological Society. My expertise has been requested for numerous educational, academic and museum programs, public lectures, and governmental committees. My opinions about the subjects addressed by H.R. 554 are certainly strong, but they also reflect decades of study and collaboration with a host of experts in the field who represent the scientific, amateur, government and commercial communities.

You might be surprised and pleased to note that in general, the prevailing views of all of these groups coalesce in shared needs, practices, and opinions. This trend was first documented in essential and foundational conclusions reached by the Committee on Guidelines for Paleontological Collecting, which was convened by the Board on Earth Sciences of the National Research Council, National Academy of Sciences (NAS) from 1984 to 1987. I was appointed as a member of that committee, along with ten other paleontologists and geologists, plus two attorneys. We all worked closely with liaison members from various Federal land management agencies including the Bureau of Land Management, the National Park Service, and the U.S. Geological Survey, among others.

The committee reviewed several categories of interest relating to the subjects of H.R. 554, which will be discussed in this document. However, first allow me to summarize the overall findings and recommendations, as these might serve to illustrate the breadth of the committee's understanding of the issues.

NAS COMMITTEE ON GUIDELINES FOR PALEONTOLOGICAL COLLECTING

The committee's charge was to answer the question: "How should government protect and preserve fossils of extinct plants and animals while at the same time allowing other legitimate uses of the land and encouraging the scientific study of fossils?" (NAS Report, 1987, p. 1)

When the committee issued its report, it adopted the following statement as the basis for its 10 specific recommendations to federal agencies in answer to that charge:

"In general, the science of paleontology is best served by unimpeded access to fossils and fossil-bearing rocks in the field. Paleontology's need for unimpeded access is in sharp contrast to the prevailing situation in archeology. In this report, "access" is defined to include all collecting and removal of fossiliferous material for study and preservation. Generally, no scientific purpose is served by special systems of notification before collecting and reporting after collecting because these functions are performed well by existing mechanisms of scientific communication. From a scientific viewpoint, the role of the land manager should be to facilitate exploration for and collection of, paleontological materials." (NAS Report, 1987, p. 2)

The NAS Committee's 10 recommendations are as follows (*italics as they appear in original document*):

Recommendation #1: A uniform national policy on paleontological collecting should be adopted by all federal agencies. Existing statutory authority is adequate for implementation of such a policy.

Recommendation #2: Each state should adopt a uniform paleontological policy for state-owned lands.

Recommendation #3: All public lands should be open to fossil collecting for scientific purposes. Except in cases involving quarrying or commercial collecting, collecting fossils on public lands should not be subject to permit requirements or other regulations:

The Committee recommends the following procedures and definitions:

Reconnaissance Collecting: Requires no advance notice to any public lands manager; no permit is required. Such collecting is a day or less at any one locality and involves surface collecting by hand tools.

Extended Stay Collecting: Requires written advance notice to the land manager so that applicable rules can be known and followed; no permit is required. Consists of surface collecting for more than one day by using hand tools.

Quarrying for Fossils: For this report, a paleontological quarry is defined as an excavation of greater than two (2) cubic yards initiated for the extraction of fossils. Collecting fossils by quarrying should be controlled by a permit procedure. Permit forms should be simple.

Recommendation #4: Fossils of scientific significance should be deposited in institutions where there are established research and educational programs in paleontology. These repositories will ensure that specimens are accessioned, maintained, and remain available for study and education. There is no justification for requiring that fossils be deposited in an institution in the same state in which they were found; such requirements discourage paleontological research.

Recommendation #5: Commercial collecting of fossils from public lands should be regulated to minimize the risk of losing fossils and data of importance to paleontology. Permit applications must be subject to review by paleontologists qualified to assess the projects' potential impact on related research programs. Applications must receive the endorsement of a paleontologist who is willing to supply guidance to the commercial operation. Specimens deemed to be of special scientific interest must be deposited in a public institution, such as a museum, college, or university.

Past experience has clearly shown that commercial collecting has both benefited and hurt paleontological research. Many unique and scientifically important fossils have been discovered and made available to science by commercial collectors. Conversely, there are documented instances of important fossils disappearing into private hands with no opportunity for scientific study. The Committee believes that a permitting procedure for commercial collecting would ensure access to specimens by scientific community and commercial interests.

Recommendation #6: Private landowners should follow the guideline that commercial collecting of fossils be undertaken with thorough scientific oversight to ensure that the scientific usefulness of specimens is not impaired.

Recommendation #7: Blanket paleontological inventories, mitigation, or salvage activities should not be undertaken, funded, or required by government agencies as a routine part of environmental assessment, impact analysis, permitting, land management, or similar programs.

By facilitating the work of scientists, Land managers and other agencies can take advantage of the most effective means of accomplishing inventory objectives, i.e., increasing knowledge of fossil distributions on public lands. Thus, surface paleontological collecting should be encouraged on all public lands, including Areas of Critical Environmental Concern, Research Natural Areas, Wilderness Study Areas, and

Designated Wilderness Areas. There is no need to conduct general paleontological inventories on all public lands....

Recommendation #8: Land managers or developers who require scientific guidance on perceived paleontological problems should initially seek advice from the U.S. Geological Survey, or appropriate state geological surveys, which in turn may wish to contact appropriate paleontological organizations.

Recommendation #9: The Department of the Interior, in cooperation with the professional paleontological community, should identify and evaluate potential paleontological localities of national significance (on both public and private lands) for designation as National Natural Landmarks (NNL's), pursuant to the existing National Natural Landmark Program administered by the National Park Service (36 CFR 62).

Recommendation #10: The paleontological societies of the nation should develop permanent and broadly based educational programs to inform landowners and commercial and amateur collectors of the research needs of professional paleontologists. (NAS Report, 1987, p. 24-26)

Although the committee finished its work nearly 20 years ago, the recognized problems and solutions are perhaps even more relevant today than they were at the time we published our findings. Fossils are still being exposed and destroyed by the actions of nature and humans at a rate so great that it will never be possible to save them all, no matter how many collectors are allowed access. Unfortunately, because of competing interests, both in the land management agencies and in some private organizations, the National Academy's recommendations were never implemented. This lack of action occurred despite a mandate by Congress found in the 1987 Appropriations Act requiring that federal agencies use the report in developing regulations concerning paleontology (Congressional Record—House, Oct. 15, 1985, p.H.10679, sec. 121).

After conclusion of the NAS committee's work, I was appointed to and served for several years on a committee for Negotiated Rule-Making with the BLM, NFS, NPS, USGS, and other agencies. The resulting rules and proposals again were never implemented.

Today the NAS Report on paleontological collecting remains the only scientific study that has addressed the question of what is best for the science of paleontology and for fossils found on public lands. This committee's work often stands in great contrast to recommendations by special interest groups such as SAFE ("Save America's Fossils for Everyone") and some of the leadership for the Society for Vertebrate Paleontology (SVP). SAFE and the SVP leadership rely heavily upon recommendations distilled from a poll of 300 adults conducted in 1995. That poll has since been scientifically analyzed:

"Many people are trumpeting this poll as proving that public opinions overwhelmingly in favor of legal restrictions on fossils, whether the fossils were found on public or private land, and whether the finder is a professional, commercial employee, or an individual. The poll was likely biased and, worse, made no attempt to distinguish whether the respondents understood the issues at hand, thus making the wisdom of following their opinions suspect. Regardless, the poll does not prove public opinion is in favor of legal restrictions as 1) many results were contradictory, 2) results were clearly in favor of personal property rights despite claims to the contrary, and 3) questions were not worded in such a way as to allow only a single or clear conclusion." (Poling, 1996, p. 7)

Although I applaud Congressman McGovern's interest in the somewhat esoteric subject of paleontology, and I share his desire to coordinate the efforts of the various land management agencies, I cannot support this bill in its present form because it diametrically opposes valid research and the recommendations of the National Academy of Sciences Committee on which I served.

Specific topics illustrating this opposition are discussed below.

IDENTIFYING THE PROBLEM

The most basic problem in this debate is a difference of opinion on the nature of the problem. Are there not enough fossils, or are there not enough fossil collectors? Do fossils need to be protected from humans, or does the very nature of human scientific curiosity need to be protected and nourished? Is it acceptable to "sacrifice" a small number of fossils to inadvertent damage for the greater benefit that is derived from having more people looking for them? Is it possible that by loosening restrictions, we might be able to increase exponentially our scientific knowledge of life on this planet?

The posture of H.R. 554 is evident in Section 5, which imposes rigorous permit requirements for fossil collecting for scientific research and does not permit commer-

cial collecting of any kind or vertebrate collecting by amateurs, contrary to NAS recommendations #3 and #5.

Let's recall how the NAS Committee spoke to this very issue when it stated:

"...the science of paleontology is best served by unimpeded access to fossils and fossil-bearing rocks in the field...Generally, no scientific purpose is served by special systems of notification...From a scientific viewpoint, the role of the land manager should be to facilitate exploration for, and collection of, paleontological materials." (NAS Report, 1987, p. 2)

H.R. 554 seems to focus on danger that can occur to fossils—either in the form of damage or theft—where the NAS Committee focused on the good contributed by a higher volume of interested parties participating in a common goal. Further, the NAS Report stated, "the Committee was dismayed to learn of the number of instances of disruption of collecting by what seem to be overzealous regulatory activities of federal agencies." Clearly, the NAS Committee was more concerned with the potential for wrongful prosecution of people than with the human threat posed to fossils.

How can we reconcile these seemingly polar positions, and arrive at an equitable, reasonable, beneficial, and long-standing solution that maximizes resources? For me to contribute to this answer, I must first present information broadening the scope presented in H.R. 554.

ABUNDANCE OF FOSSILS

A primary element of the equation is whether or not fossils are rare—and if some are, how much protection do they need?

H.R. 554 assumes that fossils, especially all vertebrate fossils, are rare, and thus are in need of protection. Only those who do not actively collect fossils could possibly believe this; field experience quickly reveals that, in fact, fossils are not rare. They occur wherever we find sedimentary rock, which is found on over 80 percent of the land surface of this planet. Certainly, plant cover and human structures obscure these rocks in many areas, but natural weathering and human activity constantly uncover new fossils; they also ultimately destroy them, sometimes within a few hours. The NAS Report states:

"An irony of the natural renewal process is that once specimens of fossils are exposed at the surface of the earth, they do not remain collectable for very long in most environments. If a collector does not remove them, nature will destroy the exposed fossils through weathering and erosion. In especially hard and resistant rocks, on the other hand, a fossil exposure may remain essentially intact for many years." (NAS Report, 1987, p. 16)

It is true that certain fossil species are represented by only a few, or in some cases, only one individual.

"The rarity of a particular kind of fossil depends very much on what one means by "particular kind." For example, dinosaur bone fragments are a common component of many stream deposits of Mesozoic Age; they are found on all continents and occur in rocks spanning more than 100 million years of geologic time. In many collecting areas, finding dinosaur bone fragments, or even complete bones, is not unusual or especially noteworthy. However, certain species are known only from one or two localities." (NAS Report, 1987, p. 15)

Therefore, the blanket statement that fossils, or even vertebrate fossils, are rare is untrue. For this same reason, there is no scientific, public, or practical reason why all fossils found on public lands should remain, in perpetuity, as public property, as is mandated by H.R. 554, [Sec. 5(c)(1)].

There are literally trillions of fossils eroding out from public lands each year. The NAS Committee recognized the value and variety of uses for these fossils, from science to the most mundane. "To many people, the purely esthetic quality of fossils is important, and they use fossils for decorative purposes as objects of art." (NAS Report, 1987, p. 11) The Report mentions as acceptable interior decorating and even using fossils as facing stones. With this in mind, we cannot assume that all fossils are rare or important, and must be housed only in museums.

Conversely, SAFE and the SVP leadership often cite a "worst-case scenario" that causes those unfamiliar with the science to focus on "protection" rather than "multiple use." The scenario involves a clumsy amateur stumbling upon a rare treasure and stashing it on his mantelpiece, hidden away from the public and scientists. Although most fossils found today on the average mantelpiece are common and have little scientific value, I contend that even in this unlikely case, a fossil has been saved that probably otherwise wouldn't have been. Further, that one important fossil, should it have made its way to a mantelpiece, represents thousands of others that have been brought to museums and saved for science.

For those of us on the NAS Committee, we saw the value incorporated in that mantelpiece fossil. Left uncollected and unobserved, that fossil has no value at all.

THE VALUE OF AMATEUR ENTHUSIASTS AND COMMERCIAL COMPANIES

Amateur collectors are the foot-soldiers of paleontology. They are the equivalent of amateur astronomers, who broaden the scope of scientific observation a thousand-fold. This bill does nothing to encourage their contribution or increase their access to fossils, but acts, instead, to negate their contributions to the science. I recall a time in 1982 when tens of thousands of letters were received by the BLM in opposition to a proposed rule-making that failed to address amateur access in the way promoted by the NAS Report. Those tens of thousands represent perhaps hundreds of thousands who have a strong interest in paleontology.

Further, museums all over the world have depended—for their entire histories—upon the commercial collection of fossils for display purposes. In fact, some museums, such as the Houston Museum of Natural Sciences and the Children's Museum of Indianapolis, contain entire exhibit halls that are almost exclusively composed of specimens that were purchased from or donated by businesses like my own.

Every one of the six *Archeopteryx*, that rare missing link between birds and meat-eating dinosaurs, was found by an amateur and commercially placed in a public museum. And of the 40 *T. rex* specimens found to date, only two were discovered by academic paleontologists—who, under this bill, would be the only people able to secure permits. All of these specimens, and countless others collected and preserved by amateur and commercial collectors, changed the face of science. Without their access to public lands, a impressive percentage of the potential scientific information contained in public areas will be lost forever.

To assume that it is beneficial to draw a line separating academics from the rest of the field, as recommended in H.R. 554, reflects a lack of paleontological field experience that is understandable only if one has never collected fossils.

THEFT

No responsible person condones the theft of fossils or vandalism of fossil sites. Not only are these acts reprehensible and already covered under existing laws, but also they are erroneously attributed to amateur and commercial collectors. Instead, fossil crimes are committed by people who neither understand nor appreciate the science—the most exciting aspect of paleontology to true enthusiasts, regardless of whether they hold jobs in paleontology, and regardless of who writes their paychecks. Thieves are opportunists who do not fall into the categories of “amateur,” “professional,” or “commercial” paleontologists. Thieves do not share our love of or respect for fossils and paleontology.

Thieves also do not understand the small size, intimacy, and particular dynamics of the marketplace. This is a marketplace that depends, for the most part, upon museums as customers. Stolen fossils are nearly impossible to pass undetected through the usual rigors and channels of this marketplace. Amateurs and commercial paleontologists alike are, generally, familiar with current collections, market needs, and any reported thefts. Indeed, I have personally been responsible for reporting to an institution when I saw what I suspected was stolen property at a trade show.

Much of the debate informing H.R. 554 has targeted amateurs as “inexperienced” people who can damage our scientific heritage. Although it is true that some amateurs lack experience and might not be the best fossil collectors, the same can be said about academics, as well. How is a graduate student expected to learn, without going out into the field—and learning by doing?

The debate also has wrongly pitted academia against commercialism, when in fact the two are complementary and interdependent. It is incorrect to assume that “commercial collector” is synonymous with “thief.” Academics and amateurs who work with credentialed, experienced, respected commercial paleontologists recognize their valid contributions. “The trading, buying, or selling of common fossils often fulfills an educational need. In fact, many museums have funds set aside to purchase unique, unusual, or rare fossils.” (NAS Report, 1987, p. 13)

Many of the supposed violations commonly quoted—usually about commercial collectors—actually misrepresent innocent mistakes or exaggerate the problem. A famous example is that of “Big Al,” an *Allosaurus* skeleton from near Shell, Wyoming. In this case, a misplaced fence, established on the wrong line for more than 80 years, led to an assumption that a fossil found on the “private side” actually was on the private side. Only after extensive surveying was it determined that the fossil actually lay, literally, inches beyond the line, on BLM-administered land. This collector was never prosecuted for obvious reasons, but often this case is cited as one of intentional wrongdoing.

A second case, in which a university professor collected most of a *T. rex* skeleton without bothering to check on land ownership at the courthouse, also could have been prosecuted for intentional trespass. However, again, this was understood to be an honest mistake.

Finally, a group of boy scouts skipping stones on a lake—and inadvertently damaging a dinosaur track way—were nearly prosecuted, along with their counselor.

The single case that most exemplifies the assumptions about commercialism is the one in which I played an intimate part. Sue the *T. rex* was seized from a non-profit museum because the Acting U.S. Attorney falsely claimed that we collected it from federal land, and that our commercial participation in the collection of the fossil by definition put the fossil at risk to be “sold to the highest bidder.” The land claim was later abandoned; the fact that the fossil had already been donated in perpetuity to the private museum seemed irrelevant. At the end of a three-year investigation and eight-week trial, I served a prison sentence for “failure to fill out forms.” Our purchase of the fossil from the original owner was recognized and then negated, the fossil was returned to the landowner, and the federal government facilitated its auction sale. Like our donation, the irony of this outcome seemed irrelevant. The fossil is again on public display at a private museum in Chicago, where I enjoy scientific visitation rights. (For more information on this case, see Fiffer, 2000, and Larson & Donnan, 2002.)

All of these examples illustrate the potential problem with the legislation as written, in which fossils are more important than people and their intent. Individuals such as these must be distinguished from thieves and vandals.

Responsible, knowledgeable collectors fall in all camps, and all camps support reasonable permitting processes. One way to help protect and preserve paleontological resources is through education and promoting access to all qualified individuals for the collection of fossils. This includes amateur and commercial collectors who could double as the eyes and ears of land managers.

PUNISHING PERPETRATORS

Adequate laws are currently in force to protect against theft and vandalism of public property. However, H.R. 554 increases the number of offenses, and the penalties for violations, despite the NAS Committee’s findings:

“In its further investigations, the Committee was dismayed to learn of the number of instances of disruption of collecting by what seem to be overzealous regulatory activities of federal agencies. Cases range from a Harvard biology professor who was apprehended in Montana for collecting fossils after inadvertently crossing an unmarked boundary of BLM land to an elderly hobbyist who was arrested in South Dakota for collecting seven rather undistinguished fossils in a National Forest.” (NAS Report, 1987, p. 2)

H.R. 554 creates a “fossil police force.” There are two primary, troubling aspects to this development. First, this force would be assigned the impossible task of patrolling the nearly one-half billion acres of public land controlled by the Bureau of Land Management (this does not include land controlled by the U.S. Forest Service, Park Service, Bureau of Reclamation, and other agencies). As soon as this position is adopted, the public’s relationship with the land and land managers becomes adversarial. The focus becomes on protecting something from “almost everyone,” instead of facilitating reasonable processes. In times of record deficits and a drain on human resources, is this really how we want to direct our efforts?

Second, if we adopt the wording of H.R. 554, this police force could potentially arrest scouts, students on organized field trips, graduate students, professors, and researchers whose sole goal is to learn about past life on earth—while missing those who intend to steal. As in most illegal enterprises, those with a negative agenda are skilled at evasion; a reasonable permitting process would facilitate access for those who are not a danger, and erect an initial roadblock for those who are. Instead of subjecting students and educators to jail [Sec. 7(a)] or confiscation of private and school vehicles [Sec. 9(b)], how about instituting a reasonable program that includes easy, permit-less access for educational organizations and easy-to-obtain excavation permits when it is in the best interest of science, as is recommended by the NAS Report (Recommendations 3 and 5).

Other “crimes” listed in H.R. 554 are also troubling. The bill states that mislabeling fossils is to become a crime [Sec. 7(b)]: “A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from federal lands.” If this becomes a standard, then all museum curators are destined for a prison cell instead of a laboratory. There is no museum that is free from labeling or identification errors, and even field identifications might change several times before a piece arrives in the lab—and

then additional times thereafter. Science is a process of discovery, postulation, comparison, and educated guessing. Scientific names have been found to be redundant or inaccurate—but only after additional information and preparation has occurred. If scientists feel constrained to be “correct,” science will stop in its tracks.

Further, Sec. 5(c)(3) states that: “specific locality data will not be released by permittee or repository without written permission by the Secretary.” This is in complete opposition to the scientific principle of shared data and information. Research dictates that locality data is essential in the scientific process; a fossil without a locality has no scientific value. We all understand that the purpose of this rule is to protect a site from unauthorized access; however, the researcher should be trusted and allowed autonomy in determining recipients of the data.

“SCIENTIFIC VALUE”

“Scientific value” has been listed as a determinant for the penalty phase in prosecutions or judgments. Specifically, H.R. 554 [Sec 8(a)(2)(A)] sets the amount of a penalty for violations as “the scientific or fair market value, whichever is greater.” However, this definition would never stand in a court of law, as there is no empirical way to assign a dollar figure to “scientific value.” One scientist’s treasure is another scientist’s trash—because of varying areas of interest. Also, a fossil might answer the question of ancestry for an entire Order of organisms but, because of its abundance or size, might not bring three cents on the open market. Indeed, the value is often in the discovery, not the object.

Because of my extensive work with valuing fossils for museum and other sales or donations, I have often been called upon to appraise individual fossils and entire collections. Although scientific value is certainly mentioned in the appraisal, and might have an effect upon fair market value, standard practice shows that it cannot be quantified into a discreet dollar figure. We scientists call this nebulous, unquantifiable amount, “the cool factor.—It is completely subjective and untestable. The only equitable value to include when assessing penalties is fair market value, which is both easily determined and takes rarity and scientific importance into account.

“Scientific value cannot be determined by a simple formula or by application of a predetermined set of criteria...The scientific value of a fossil depends ultimately on what it adds to our knowledge of the history of life or of the physical history of the Earth, rather than on any easily codified assessment of value.” (NAS Report, 1987, p. 18)

CONCLUSION

It is gratifying to see that this subject, crucial to so few of us, is still being discussed by our government. I am hopeful that we are approaching an equitable end to this long discussion.

As in this case, so often legislation is introduced by well-intentioned legislators who are inundated by information on so many topics that they cannot possibly have integrated the large volume of background or crucial data necessary for adequate coverage of a single topic. Particularly in a specialized field like this, where decades of debate have been clouded by paleontological politics, it is easy to see that only the most vocal or powerful side may be able to bring their desires to the forefront.

This is our opportunity to propose solutions that will work for the whole field, and for the public, today and for the future.

Our mission is not to restrict access to all except those representing academia. Our mission is not to draw a line between academia and commercialism. Our mission is not to restrict amateurs because they lack education—thus denying them access to one of the best classrooms on earth. Instead, our mission is to create policy that distinguishes between those who act according to the best interest of science and the law, and those who do not. Our mission is to gather together all foot-soldiers of paleontology, so that they can work toward common goals of preserving scientific information, and train collectors sufficiently so that fossils are not unduly damaged. We must ensure that experts are called in appropriately in order to identify important sites, evaluate scientifically important specimens, and make recommendations as to what is best for the resource.

It should be everyone’s job to help protect these resources from people with bad intentions. Academic, amateur, and commercial paleontologists all share these goals and these responsibilities. Excluding everyone who does not work at a government facility is shortsighted and unnecessarily exclusionary. The private sector, on a daily basis, supports and assists the public sector in its goals.

The question remains: what do we do about “the bad guy”? Can restricting legal access to large stretches of public lands prevent a fossil from being destroyed—

either by unsavory collectors or by the weather? No. The only sure way to protect a fossil is to collect it.

Adopting legislation such as H.R. 554 not only will not protect fossils from degradation or theft, but also makes them more vulnerable—because there is less chance that they will be found. The bill is written from a stance that is untenable. What is required to solve the dilemma we all recognize is a paradigm shift from “saving fossils” to “utilizing available resources.” The best resources to protect and save fossils and their crucial scientific data are fossil collectors. They are eager to help—and the work of the independents is free to the taxpayer.

“I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.” (Thomas Jefferson, 1820)

I urge you to review and adopt the recommendations of the thorough NAS Report. Any lasting and helpful legislation must rely upon the extensive work already done by a coalition of the scientific community. The wheel in this case has already been invented. Let's put it on the cart.

I believe, therefore, that despite the well-meaning intentions of The Honorable Representative, James McGovern from Massachusetts and his co-sponsors, whom I respect very much, H.R. 554 is fatally flawed. My recommendation is that H.R. 554 in its present form not be recommend by this committee for passage by the House of Representatives.

Thank you for the opportunity to address this committee.

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APPENDICES

APPENDIX A:

EXECUTIVE SUMMARY
NATIONAL ACADEMY OF SCIENCES REPORT:
PALEONTOLOGICAL COLLECTING
NATIONAL ACADEMY PRESS, WASHINGTON, D.C. 1987

APPENDIX B:

LETTER TO COMMITTEE
MICHAEL TRIEBOLD, PRESIDENT
ASSOCIATION OF APPLIED PALEONTOLOGICAL SCIENCES
APRIL 10, 2007

[NOTE: Appendices have been retained in the Committee's official files.]

Mr. GRIJALVA. Thank you very much, sir. And let me turn to our next witness, Mr. Vlamis, and a butchering of your last name.

STATEMENT OF TED J. VLAMIS, CHAIRMAN, GOVERNMENT AFFAIRS COMMITTEE, SOCIETY OF VERTEBRATE PALEONTOLOGY

Mr. VLAMIS. Vlamis.

Mr. GRIJALVA. Got it.

Mr. VLAMIS. Thank you very much, Mr. Chairman. I would like to thank you for the opportunity to testify in favor of H.R. 554, the Paleontological Resources Preservation Act. I am an amateur paleontologist and have seen firsthand how the increased public interest in paleontology has motivated many Americans to make an advocacy of this fascinating field of study.

One of the most gratifying things for me has been the opportunity to collaborate with professional scientists, to learn from them, and to make my own small contribution to the advancement of scientific knowledge. The PRPA has been endorsed by the Society of Vertebrate Paleontology and by the American Association of Museums.

Because of my personal interest in paleontology and the nexus between paleontology and public policy, I have studied the problems of illegal collection and theft of fossils from Federal lands for the past several years. We urgently need stronger penalties for theft and destruction of fossils from public lands. Sadly, some of the most egregious cases of theft and vandalism have occurred on Federal lands belonging to all Americans.

The rapidly increasing commercial value of fossils has created a situation where the limited penalties that exist are not sufficient to deter illegal collecting. I would like to share with you a couple case histories that illustrate what is happening to this valuable public resource. A specimen of allosaurus was illegally collected from BLM land in Utah. The collector was not prosecuted because of the lapse of the statute of limitations. The commercial fossil dealer who purchased the specimen for \$90,000 sold it to an overseas collector for \$400,000. He pled guilty to receipt of stolen property and was sentenced to one year probation. His company was fined \$50,000. A profit of \$260,000 is not a deterrent.

Were my photos able to be displayed? I had submitted photos. I do not know if they were able to be displayed on the screen or not. Well I did submit them in a PowerPoint format. The first photo that I had to show you was a photo of the remains of what was once a largely intact allosaur vertebra found in the Fruita paleontological area. The entire portion of the vertebra that was protruding from the surrounding matrix has been sheared off.

The second photo shows what was probably once a major portion of an allosaurus skeleton. We will never know the scientific information this specimen would have yielded. And my last photo was a photo of an imprint showing where a diplodocus femur was stolen from Federal land.

Fossils themselves cannot tell the full story of life on earth, and they must be supplemented with contextual data. A fossil collected without this information has lost much of its value and we know little more than that this animal lived and died. Researchers must be able to compare new specimens with those previously on earth. Oftentimes a new analysis many years later shows our earlier understanding was incomplete or mistaken. For this reason, it is important to ensure future access by preserving these in public institutions.

Although much of the need for this legislation has been driven by the increase in the commercial value of fossils, it is important to note that many fossils of enormous scientific value do not have huge commercial value. H.R. 554 puts no new restrictions on amateur paleontologists like me. Any collecting we can legally do today will still be permitted under the casual collecting provision in Section 5[a][2].

Nothing in this bill restricts rock collecting, and this is made explicit in Section 12.2. Indeed, the PRPA formally recognizes it as

a legitimate recreational activity. I have talked with people who have expressed concern about the false labeling provision of Section 7[b] of the PRPA, and fear that people could be prosecuted for inadvertently misidentifying fossils. The false labeling offense applies only if one knowingly violates the law.

Some have argued for reversing the existing policy of not allowing commercial collecting of fossil on Federal lands with the exception of petrified wood, citing a 1987 report from the National Academies of Science. The recommendations of this report were considered in the DOI report, Fossils on Federal and Indian Lands, and it has been implemented to the extent possible under existing law.

In a poll taken of America's major museums, more than 49 percent of the 1.8 million specimens of dinosaurs and other fossil vertebrates in their collections were from public lands. Of the overall total, amateurs had donated more than 100,000 specimens to museums, and significantly less than one percent of the specimens came from commercial collectors.

As detailed in Section 12.2 of the PRPA, this bill will not interfere with mining on Federal lands. I would like to conclude with telling you about one example of the kind of cooperation which exists between Federal agencies, amateur paleontologists, and professional paleontologists. Amateur paleontologist Kathy Wankel found a tyrannosaurus rex on Federal land and reported it to dinosaur paleontologist Jack Harner of the Museum of the Rockies. The field study triggered by this find is yielding valuable information about this most famous of the dinosaurs and the environment in which it lived.

Just last week a study which used new techniques to recover proteins from this specimen provided the first molecular data showing the connection between T. rex and birds. The passage of H.R. 554 will foster more and more opportunities like this and inspire the long-term preservation of these priceless national resources. Thank you very much for the opportunity to testify, and I would be happy to answer any questions that the committee has.

[The prepared statement of Mr. Vlamis follows:]

**Statement of Ted J. Vlamis, Chairman, Government Affairs Committee,
Society of Vertebrate Paleontology**

I'd like to thank you for the opportunity to testify in favor of H.R. 554, the Paleontological Resources Preservation Act. I am an amateur paleontologist, and have seen firsthand how the increased public interest in paleontology has motivated many Americans to make an avocation of this fascinating field of study.

One of the most gratifying things for me has been the opportunity to collaborate with professional scientists—to learn from them, and to make my own small contribution to the advancement of scientific knowledge. I have had the pleasure in participating in fieldwork with the Dinamation International Society, the Universidad Autonoma de México, the Shuler Museum of Paleontology at Southern Methodist University, and the Ft. Worth Museum of Nature and History. I have been an active member of the Society of Vertebrate Paleontology, including serving as a member of its Government Affairs Committee since 1996 and as Affiliated Societies Liaison since 1997. I have been the Chairman of this Committee for the past several years and have been nominated for the position of Treasurer of the Society. By having amateurs like me serve in significant positions, the SVP has ensured that it reflects the interests of both professional and amateur paleontologists.

The PRPA has been endorsed by the Society of Vertebrate Paleontology, an organization of more than 2000 professional and amateur paleontologists, and by the American Association of Museums, which counts among its membership 11,500

individual museum professionals and volunteers, 3100 institutions, and 1700 corporate members.

Because of my personal interest in paleontology, and the nexus between paleontology and public policy I have studied the problems of illegal collection and theft of fossils from federal lands for the past several years. We urgently need stronger penalties for theft and destruction of fossils from public lands. Sadly, some of the most egregious cases of theft and vandalism have occurred on federal lands belonging to all Americans.

The rapidly increasing commercial value of fossils has created a situation where the limited penalties that exist are not sufficient to deter illegal collecting. In the Report "Fossils on Federal and Indian Lands" it was noted that "the fines currently imposed on fossil thieves are usually low compared to the lost resources. For example, one man who had stolen fossils from a national park over a period of years was fined a total of \$50." (Babbitt, 2000 p. 29)

In many cases the theft of fossils is so widespread and occurs so rapidly that we do not even know what is being lost. In a study commissioned by the Forest Service, it was found that almost one-third of the paleontological sites surveyed in the Ogilala National Grassland showed evidence of unauthorized collecting. In 1999, the National Park Service identified 721 documented incidents of paleontological resource theft or vandalism, many involving multiple specimens, in the national parks between 1995 and 1998. (Babbitt, 2000 p. 28)

The increased commercial market for fossils worldwide has sometimes led to distortion of the fossil record. In some cases fossils have been altered in order to inflate their commercial value. And we have lost significant specimens from further scientific investigation and exhibit, making it harder for people to see and examine for themselves the authentic objects in our museums. It is critical that scientifically significant fossils from federal lands, i.e. that portion of the fossil record that belongs to the American people, remain in the public domain so that everyone—children and adults, amateur and professional paleontologists may benefit from this irreplaceable resource.

I'd like to share with you a couple case histories that illustrate what is happening to this valuable public resource. I'm going to begin with the story of three Allosaurus specimens. Allosaurus was a large carnivorous dinosaur of the Jurassic period.

In 1991, the BLM discovered an illegal commercial collection taking place on federal land. The BLM contacted the Museum of the Rockies at Montana State University—Bozeman and asked them to collect the specimen and hold it in the public trust. As a result of this, the most complete Allosaurus ever found, which this commercial collector intended to sell to a private collector overseas, now has been saved for all the people of the United States. As a result of careful analysis of injuries sustained by this dinosaur and preserved in the bones, this particular specimen has yielded a treasure trove of information about how Allosaurus lived. The commercial collector, who had attempted to steal this fossil and the information it tells us, was never prosecuted.

Unfortunately, the American people were much less fortunate in the case of another Allosaurus find. This Allosaurus was illegally collected from BLM land near Fremont Junction, Utah. The collector was not prosecuted because the lapse of the statute of limitations. Last year the commercial fossil dealer, who purchased the Allosaurus for \$90,000 and sold it to a Japanese collector for \$400,000, plead guilty to receipt of stolen property and was sentenced to 1 year probation. His company was fined \$50,000. A profit of \$260,000 is not a deterrent. We simply must have stronger penalties and have specific laws protecting fossils on federal lands in order to deter this type of illegal activity.

The Fruita Paleontological Area near Grand Junction, Colorado became the first management area specially protected by the Bureau of Land Management solely because of fossils in 1976. Specimens from this area include Allosaurus, Apatosaurus, Camarasaurus, Ceratosaurus, Dryosaurus, and Stegosaurus. It has also yielded numerous microvertebrate and invertebrate remains and has facilitated reconstruction of the ecological community in which these animals lived. During a trip to the Fruita Paleontological Area I was able to learn much about the important research being done there. Unfortunately, I also witnessed the damage that is occurring there because of theft and vandalism.

Figure 1 shows the remains of what was once a largely intact allosaur vertebrae. The entire portion of the vertebrae that was protruding from the surrounding matrix has been sheared off.

Figure 2 shows what was probably once a major portion of an allosaur skeleton. We will never know what scientific information this specimen would have yielded.

In Figure 3 we see the imprint showing where a *Diplodocus* femur was stolen from Dinosaur Hill, a quarry just a short distance from the FPA.

I would like to share a little bit of information with you about how paleontological research is done and why this legislation is essential to ensuring maximal public benefit from this research.

Many kinds of fossils, including those of most vertebrates (backboned animals), are rare for several reasons. Many organisms are not readily preserved as fossils because they do not have hard parts. Only rather unusual sedimentary rock environments preserve soft parts long enough to become fossilized. Also, organisms can only be preserved where sediments accumulate at a fairly high rate. Most organic remains are not buried fast enough to contribute to the fossil record. Vertebrate fossils are much less common than invertebrate and plant fossils. Although we are fortunate to have some exceptions, spectacular deposits of diverse and complete organisms are rare over the history of the earth. The majority of fossil vertebrate species are extremely rare or are represented by a single unique specimen. For these reasons the chances of any vertebrate becoming a fossil are very small. Thus, individual vertebrate fossils are extremely valuable as bearers of information about the past. Furthermore, fossils of extinct groups are not renewable. More fossils will be discovered and collected, but always from a finite supply. More than 99% of all life forms that have ever lived on Earth are already extinct and are only potentially known by fossils.

Fossils themselves cannot tell the full story of life on Earth and they must be supplemented with contextual data. The rocks in which the fossils are found provide information about ancient environments and climates, the age of the fossils, position in a historical sequence, and their paleogeographic location. Fossil assemblages can also provide information about ecological interactions and communities.

A fossil collected without this information has lost much of its value, and we know little more than that this animal lived and died. In contrast, when contextual data are collected and studied, we begin to understand how the animal lived and its place in the balance of nature. As paleontologists and geologists learn more ways to interpret ancient environments and ecological communities from fossil assemblages in their original context, this information becomes more and more valuable and important. These contextual data allow us to bring these animals to life for tens of millions of visitors to our museums, to the many young children who have hands-on experience with original specimens, and to the American public.

Our understanding of evolutionary processes and the tree of life comes primarily from comparing the skeletons from different animals to each other. In order to do this researchers must be able to compare new specimens with those previously unearthed. Oftentimes a new analysis many years later shows our earlier understanding was incomplete or mistaken. For example, when Dr. John Ostrom was doing research on *Deinonychus*, a dinosaur similar to the *Velociraptor* popularized in Jurassic Park, he found that a specimen thought to be a carnivorous dinosaur was actually the rare early bird *Archaeopteryx*. Ostrom's research was critical in establishing the link between dinosaurs and birds that became a proudly recited fact for every young dinosaur aficionado. Only when specimens are properly collected and permanently preserved in public institutions can researchers access these specimens in order to make these comparisons. And when these comparisons and interpretations are made education and the general public greatly benefit by having access to this new interpretive knowledge through media reports, books, and the Internet.

Although much of the need for this legislation had been driven by the increase in the commercial value of fossils, it's important to note that many fossils of enormous scientific value do not have as huge commercial value. The scientific value of fossils can be determined by the Secretary of the Interior based on existing case law and uniform regulations for determining the archeological value of archeological resources under the Archeological Resources Protection Act.

In a poll taken of America's major museums, more than 49% of the 1.8 million specimens of dinosaurs and other fossil vertebrates in their collections were from public lands. Of the overall total, amateurs had donated more than 100,000 specimens to museums and significantly less than 1 % of the specimens came from commercial collectors (Stucky and Ware, 1991).

H.R. 554 puts no new restrictions on amateur paleontologists like me. Any collecting that amateur paleontologists and rock collectors can legally do today will still be permitted under the PRPA. For example, an amateur collector can legally collect common plants and invertebrates on BLM and FS land without a permit. This would still be allowed under the casual collecting provision in Section 5 (a) (2). Collection of vertebrate fossils requires a permit under existing rules and regulations. Collecting on NPS lands is by permit only. In sum, nothing changes.

One thing that should be of interest is that although the Forest Service has been allowing rock collecting in National Forests, they really have no legal authority for doing so as current agency "organic acts," do not specifically address this recreational use of public lands. Without specific authority this practice may be in jeopardy and future administrations could take away this privilege. The problems inherent in not having this authorization spelled out clearly were seen in the issuance of the Forest Service's 1994 proposed rules which would have prohibited amateur rock, mineral and fossil collecting on all National Forest system lands. It is estimated that 30,000 to 70,000 comments were received from amateurs opposed to eliminating amateur collecting. The PRPA gives the needed Congressional authorization for amateur collecting on public lands. Nothing in this bill restricts rock collecting. Section 12 (2) specifically states that "Nothing in this Act shall be construed to...apply to, or require a permit for, amateur collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act."

The paleontological community is strongly in favor of laws protecting fossils on public lands, and of prohibiting their collection for commercial use. Several years ago, the Society of Vertebrate Paleontology (SVP) added a Statement of Ethics to its bylaws to help the society and its members handle ethical issues such as those raised by increasing commercialization. I summarized the SVP Ethics Statement and a subsequent Joint Position Statement by the Paleontological Society as follows: "The SVP Ethics Statement contains several principles that are particularly noteworthy for their public policy implications. It begins by recognizing that vertebrate fossils are usually unique or rare, and that they are part of our natural heritage. The Ethics Statement assigns to vertebrate paleontologists the responsibility of ensuring that pertinent detailed contextual data are recorded when vertebrate fossils are collected and notes that collection and preparation should be done by properly trained personnel. The importance of proper curation and the assurance of access for future researchers are recognized by the Ethics Statements' provision that scientifically significant vertebrate specimens should be curated and accessioned in institutions charged in perpetuity with conserving fossil vertebrates for scientific study and education. The Ethics Statement further recognizes the responsibility of paleontologists to expeditiously disseminate information to other paleontologists and to the general public. Perhaps the most important part of the SVP Ethics Statement from a public policy perspective is the conclusion that "The barter, sale, or purchase of scientifically significant vertebrate fossils is not condoned unless it brings them into, or keeps them within, a public trust" (SVP, 1994).

In order to ensure that the SVP's public policy recommendations and initiatives regarding fossils on federal lands were also reflective of the wider paleontological community, the SVP initiated a dialogue with the Paleontological Society. Together these two scientific societies include several thousand individuals, representing more than 90% of professional paleontologists and a very large proportion of amateur paleontologists. This dialogue culminated in 1999 when the two societies issued the joint position statement *Paleontological Resources on U.S. Public Lands*. The PS-SVP joint statement advocates public policy which, like the SVP Ethics Statement, recognizes that fossils are part of our scientific and natural heritage. It goes on to find that fossils on public lands belong to all the people of the United States and that, as such, they need special protection, and should not be collected for commercial purposes. The joint statement concludes that the two societies strongly support actions which "protect fossils on public lands as finite natural resources; encourage responsible stewardship of fossils for educational, recreational, and scientific purposes; promote legitimate access to, and responsible enjoyment of, paleontological resources on public lands by the public and amateur paleontologists for personal use, and by the professional paleontological community, including professional paleontologists from outside the U.S.; and bring fossils from public lands into public institutions where they are available for purposes of education and scientific research" (PS and SVP, 1999)." (Summary from Vlamis, 2001) The Society of Vertebrate Paleontology has endorsed The Paleontological Resources Preservation Act.

Similarly the American people support the type of stewardship of fossils on federal lands which is embodied in H.R. 554. MKTG, INC., a market research firm that has conducted over 10,000 studies since its founding in 1979, conducted a survey of American public opinion regarding fossils. This survey of 300 American adults analyzed public responses both to a hypothetical situation involving the discovery of a fossil, and to a series of more general questions pertaining to fossils. A random calling program was utilized which gave every telephone in the U.S. the same probability of being called. The survey results have an accuracy rate of +/- 7%. The findings of this survey are detailed in Vlamis (2001).

Several key points that demonstrate public support for the principles embodied in H.R. 554. When the hypothetical find is assumed to have been made on public land 86.6 percent agree with the statement that “The fossil is part of our heritage, it belongs to everyone in the United States”, 80.0 percent with the statement that “There should be a law against my selling the fossil”, 81.0 percent with the statement that “There should be a law against my taking the fossil out of the United States”, and 81.0 percent disagree with the statement that “The fossil is mine, finders keepers”. The consistency of responses when asked in a variety of different ways is striking.

In the second part of the survey, 85.3 percent agreed with the statement that that “Fossils of animals with backbones are part of our national heritage and should be protected in much the same way that archeological remains (human artifacts) are now protected”; and, 88.0 percent agreed that “If laws are created to restrict the collection of fossils on public lands, the only people who should be allowed to collect them are people with appropriate skills for doing so and with a permit for that purpose. All the fossils that they find should go into museums and universities prepared to protect them” (Vlamiš, 2001). The American people want our natural heritage preserved as a national treasure.

I’ve talked with people who have expressed concern about the false labeling provision in Section 7 (b) of the PRPA and fear that people could be prosecuted for inadvertently misidentifying fossils. The false labeling offense applies only when a false statement is made in association with a criminal offense under Section 7 of the PRPA and the criminal offense only occurs if one knowingly violates this law. It is in the bill so that unscrupulous collectors can’t circumvent the law by intentionally misidentifying scientifically significant fossils as common plant or invertebrate fossils, or by labeling fossils collected from federal lands as coming from nearby private land. This is not new authority as the agencies have the authority now to make a charge of “false labeling,” and if applicable, would be made in association with a charge under theft of federal property at 18 USC 641. The basis for this section of the bill is 18 USC 1001.

Some have argued for reversing the existing policy of not allowing commercial collecting of fossils on federal lands with the exception of petrified wood, citing a 1987 report from the National Academies of Science. The recommendations of this report were considered in the DOI Report, *Fossils on Federal Lands* (Babbitt, 2000), and have been implemented to the extent possible under existing law. This policy dates back to the 1915 Earl Douglass decision. The decision in this case that the dinosaur bones found by Mr. Douglass were not locatable minerals within the meaning of mining laws laid the groundwork for the establishment of Dinosaur National Park, a national treasure visited by thousands of Americans every year. There are sound reasons for continuing this long-standing policy.

Proper stewardship of any public resource should seek to ensure that the resource is properly protected from harm, that any use of the resource maximizes the value of the use to the public, and that the benefits of use of the resource accrue to the entire public. In cases where the resource in question is renewable, a market-based sale of rights to use of the resource simultaneously benefits the general public and the acquirer of these rights. Examples of these types of resources include grazing rights, which can be managed such that the grazing use does not destroy other important uses of the land, and timber rights, which can include a mandate to ensure that reforestation is part of the harvesting program.

For other resources, utilization of the value embodied in the resource requires that it be consumed. Extractable minerals and energy sources have no intrinsic value when they are lying in the ground; they do, however, contain significant value when they are extracted, refined, and used in manufacturing or converted into energy. Again, a market-based sale of these rights can ensure that these benefits are distributed to the public at large.

Some have proposed that vertebrate fossils on federal public lands be treated in an analogous manner to the above—that rights to harvest them be sold on some type of market-based basis. Such an approach is both impractical and unwise. The parallel with timber and other renewable resources is inappropriate because fossils are nonrenewable. Similarly, treating fossils like oil, gas, etc. is impractical and ill-advised because the greatest value of fossils lies not in their consumption, but in the information they convey.

The PRPA will not interfere with mining on federal lands. Section 12.1 of the PRPA states that “Nothing in this Act shall be construed to “(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned

laws including but not limited to the Federal Land Policy Management Act (43 U.S.C.1701 “1784),the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358),and the Organic Administration Act (16 U.S.C.478,482,551);”

I would like to conclude by telling you about one example of the kind of cooperation, which exists between federal agencies, amateur paleontologists and professional paleontologists. Amateur paleontologist Kathy Wankel discovered a *Tyrannosaurus rex* on federal land. She reported this find to dinosaur paleontologist Jack Horner of the Museum of the Rockies at Montana State University, Bozeman. The MOR was able to collect this fossil and the contextual data and to learn much more about this animal known to all schoolchildren. Dr. Horner is currently in the ninth year of a field study in the Charles M. Russell National Wildlife Refuge in eastern Montana. To date eight *Tyrannosaurus rex* skeletons have been discovered. The field study is yielding valuable information about this most famous of the dinosaurs and the environment in which it lived. Just last week a paper on this specimen was published in the journal *Science*. This paper used new techniques to recover soft tissue from this specimen and to extract proteins from this tissue. A comparison of these proteins with those found in chickens offers the first molecular evidence for the close evolutionary relationship between *T. rex* and modern birds. Many more benefits that are expected to flow from this ongoing research,

The work of the Museum of the Rockies has made it possible for the National Museum of Natural History, Smithsonian Institution, to collect one of these specimens. Thus, our National Museum will be able to display an actual specimen of this celebrated American dinosaur for the first time. The passage of H.R. 554 will foster more and more opportunities like this and inspire the long-term preservation of these priceless national resources.

The amateur and professional paleontological communities and the general public need the information from fossils found on federal lands and they want these fossils to be protected from theft and vandalism.

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APPENDIX 1

SOCIETY OF VERTEBRATE PALEONTOLOGY BY-LAW ON ETHICS

Article 9. Statement of Ethics.

Several goals for the Society of Vertebrate Paleontology follow from its mission statement (Constitution Article 1): to discover, conserve, and protect vertebrate fossils and to foster the scientific, educational, and personal appreciation and understanding of them by amateur, student and professional paleontologists, as well as the general public. Fossil vertebrates are usually unique or rare, nonrenewable scientific and educational resources that, along with their accompanying contextual data, constitute part of our natural heritage. They provide data by which the history of vertebrate life on earth may be reconstructed and are one of the primary means of studying evolutionary patterns and processes as well as environmental change.

It is the responsibility of vertebrate paleontologists to strive to ensure that vertebrate fossils are collected in a professional manner, which includes the detailed recording of pertinent contextual data (e.g. geographic, stratigraphic, sedimentologic, taphonomic).

It is the responsibility of vertebrate paleontologists to assist government agencies in the development of management policies and regulations pertinent to the collection of vertebrate fossils, and to comply with those policies and regulations during and after collection. Necessary permits on all lands administered by federal, state, and local governments, whether domestic or foreign, must be obtained from the appropriate agency(ies) before fossil vertebrates are collected. Collecting fossils on private lands must only be done with the landowner's consent.

Fossil vertebrate specimens should be prepared by, or under the supervision of, trained personnel.

Scientifically significant fossil vertebrate specimens, along with ancillary data, should be curated and accessioned in the collections of repositories charged in perpetuity with conserving fossil vertebrates for scientific study and education (e.g. accredited museums, universities, colleges, and other educational institutions).

Information about vertebrate fossils and their accompanying data should be disseminated expeditiously to both scientific community and interested general public.

The barter, sale, or purchase of scientifically significant vertebrate fossils is not condoned unless it brings them into, or keeps them within, a public trust. Any other trade or commerce in scientifically significant vertebrate fossils is inconsistent with the foregoing, in that it deprives both the public and professionals of important specimens, which are part of our natural heritage.

APPENDIX 2

JOINT POSITION STATEMENT BY THE PALEONTOLOGICAL SOCIETY AND THE SOCIETY OF VERTEBRATE PALEONTOLOGY ON PALEONTOLOGICAL RESOURCES ON U.S. PUBLIC LANDS

The Paleontological Society and The Society of Vertebrate Paleontology are committed to increasing scientific knowledge, educational benefits, and appreciation of the natural world based on fossils—for everyone—child or adult, the general public, or amateur or professional paleontologists. Fossils are an invaluable part of our scientific and natural heritage. They yield detailed information about the history of life and of our planet, and provide lessons for the modern world and our future.

Many important fossil localities occur on U.S. public lands and belong to all people of the United States, including future generations. The Society of Vertebrate Paleontology and The Paleontological Society therefore support the development of policies and practices that can be used by different federal agencies to regulate the collection of fossils on U.S. public lands in an appropriate, clear and consistent manner.

Many fossils are common (for example, many non-vertebrate fossils) and should be allowed to be collected—in a responsible way—by any amateur or professional paleontologist, thus allowing them to experience and benefit from the excitement of discovery, recovery, identification and study. In particular, because of the benefits that derive from increased public appreciation of fossils, it is important that the participation of amateurs in paleontology is not discouraged by Federal policies and practices.

Other fossils are rare (for example, many vertebrate fossils and some non-vertebrate fossils), and require special protection, especially from destruction by vandalism or commercial exploitation. In particular, because of the dangers of over-exploitation and the potential loss of irreplaceable scientific information, commercial collecting of fossil vertebrates on public lands should be prohibited, as in current regulations and policies. The commercial collecting of other paleontological resources on U.S. public lands should be strictly regulated by permit through the appropriate land management agencies. Regulations and policies regarding the collection of paleontological resources from U.S. public lands should be strictly enforced.

In this context, the Council of The Paleontological Society and the Executive Committee of The Society of Vertebrate Paleontology strongly support actions that:

- protect fossils on public lands as finite natural resources,
- encourage responsible stewardship of fossils for educational, recreational, and scientific purposes,
- promote legitimate access to, and responsible enjoyment of, paleontological resources on public lands by the public and amateur paleontologists for personal use, and by the professional paleontological community, including professional paleontologists from outside the U.S.; and
- bring fossils from public lands into public institutions where they are available for purposes of education and scientific research.

Mr. GRIJALVA. Thank you. Let me turn now to Mr. Frohling for your comments and testimony.

STATEMENT OF NATHAN M. FROHLING, DIRECTOR, LOWER CONNECTICUT RIVER PROGRAM, EIGHTMILE PROJECT, THE NATURE CONSERVANCY

Mr. FROHLING. Good morning. Mr. Chairman and members of the Subcommittee, thank you for this opportunity to present the Nature Conservancy's testimony in support of H.R. 986. The Nature Conservancy is an international nonprofit organization dedicated to protecting nature and preserving life on the planet. The Eightmile River watershed is a high priority for us. I have had the privilege to work with the communities of the Eightmile for the last nine years, and to serve as an active member of the locally led wild and scenic study committee.

It is rare to find entire freshwater ecosystems intact throughout the range especially on the east coast but the Eightmile is one example. The Eightmile is free flowing. Its water quality is good as the best rivers in Connecticut. There are no surface water diversions, no dams that regulate flow, no point or source of discharges from industries or treatment plants. Over 80 percent of the watershed is forested. Less than 7 percent is developed, and over 30 percent is in permanent protection.

The Eightmile is a haven for biodiversity and ranks in the top 5 percent of New England's watersheds for high concentrations of rare species. The scenic beauty and recreational abundance of opportunity in the Eightmile also makes this a highly regarded resource by residents and visitors.

The greatest threat is incremental, unplanned growth, and a clear message from Eightmile communities is and has been we cherish what we have. We do not want to lose it. The Eightmile characterizes where we live and gives special meaning to our lives. How can we protect it? Wild and Scenic designation was the answer chosen because it provides the best vehicle for protection while also strengthening local control over decisions affecting the area's future. It provides the incentive and wherewithal to accomplish a process of community self-determination. Designation also offers special important protections and resources not otherwise available.

The watershed base designation was sought and recognizing this would be the best way to protect both the river and its landscape. Although only one outstandingly remarkable value is needed for eligibility, there were six identified for the Eightmile. During the study, a major outreach effort was implemented to facilitate citizen input and awareness. This included numerous community meetings, events, newsletters, brochures, press articles and mailings to all residents and riverfront landowners.

With this community input, a watershed management plan was prepared and endorsed as a companion document, as the companion document to designation, and as the communities' blueprint for protecting the Eightmile's outstanding values. The plan is a set of recommendations and relies on existing authorities. It is locally implemented at the discretion of the local communities.

The plan's strength stems from the investments citizens and towns have made in creating it and in endorsing it, and towns have in fact already begun voluntarily to implement it. Regarding landowner interest, the study paid close attention to protecting them.

The bill assures no Federal land condemnation. Management plan recommendations were evaluated for potential impact on landowners and designed to assure no unreasonable burden or hardship.

The plan assumes flexibilities so that actual measures will be responsive to reality on the ground. A clear majority of landowners recognize that at the most the plan may entail relatively small concessions in exchange for a very large benefit, sustaining the outstanding quality of where they live. Ultimately votes by town boards and citizens served as the direct expression of support and confidence and support is widespread.

Town meetings were held with large citizen turnout and produced overwhelming votes in favor of designation and the plan. All selectmen, all the land use boards, the locally led study committee endorsed designation and the plan. Many civic and nonprofit groups have expressed their support as have individuals and riverfront landowners. Major newspapers have consistently run strong editorial endorsements. The Connecticut Legislature and Governor Rell endorsed designation with Public Act 518.

Congressman Courtney and the entire Connecticut delegation as you know are sponsoring H.R. 986, and this is a bipartisan effort. With 10 years of work toward saving the Eightmile, the communities have done their part and are now eager for designation which they know is key to completing the protection of this nationally significant resource. Thank you for the opportunity to testify today for H.R. 986, and I am happy to answer any questions.

[The prepared statement of Mr. Frohling follows:]

Statement of Nathan M. Frohling, Lower Connecticut River Program Director, The Nature Conservancy, Connecticut Chapter

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's testimony in strong support of H.R. 986, legislation to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Conservancy has approximately 1,000,000 individual members and programs in all 50 states and in over 30 foreign countries. To date, we have protected more than 15 million acres in the 50 states and over 117 million acres globally.

As Lower Connecticut River Program Director, I lead The Nature Conservancy's efforts to conserve the Eightmile River Watershed. The Eightmile's 62-square mile watershed is part of the larger and internationally significant ecosystem of the Lower Connecticut River region. Both the Eightmile and Lower Connecticut are top priorities for The Nature Conservancy. In the late 1990's, The Nature Conservancy and University of Connecticut let a joint effort called the "Eightmile River Project" to study and map the watershed and explore community-based strategies for protecting it. A primary outcome of this project was community interest in pursuing Congressional Wild and Scenic River designation for the Eightmile. I testified before Congress on behalf of this effort in 2001 and have participated actively over the last 5 1/2 years as a member of the Eightmile River Wild and Scenic Study Committee, serving as Chairman of the Management Subcommittee, as a member of the Executive Committee and as Vice Chair of the full Committee.

The Eightmile River is a National Treasure

The Eightmile River is a national treasure because it is one of the last and best examples of an intact, near-coastal river system on the East Coast of the United States, particularly along the Northeast coast. It is uncommon to find an aquatic ecosystem which is highly intact throughout its range, particularly at the scale of the Eightmile River Watershed, and particularly in the highly populated and

developed coastal region from Washington D.C. to Boston. From rare species and natural communities to a high quality wetland and watercourse system to extensive, intact forest habitat, the Eightmile is such an example; it is a rare gem of nature.

The Eightmile is also exemplary in providing a high quality of life for its residents and visitors. It is a rural landscape with great scenic beauty and offers an abundance of recreational opportunities. It offers excellent fishing and boating including power and sail in the river's one-mile long Hamburg Cove section. Hiking, sight-seeing, hunting, and nature observation are among the popular activities in the Eightmile at State and Town Forests, Devil's Hopyard State Park, and many publicly available nature preserves owned by The Nature Conservancy and local land trusts.

The Eightmile name is based on the distance between its mouth at the Connecticut River and Long Island Sound. The river system is dominated by the 10 mile East Branch, the 10 mile West Branch, and the 5 mile main stem. There are major tributaries such as Beaver, Harris, and Falls Brook. The towns of East Haddam, Salem and Lyme make up the Eightmile Watershed.

Threats to the Eightmile River Watershed:

The greatest threat to the special attributes of the Eightmile River and its watershed is incremental, unplanned growth. Between 1985 and 2002, the Eightmile towns of East Haddam and Lyme each experienced an 11% increase in developed acreage and in Salem, a 23% increase. Unmanaged development typically results in landscape and habitat fragmentation, the loss of water quality, the loss of important species and natural communities, the intrusion of undesirable nuisance species, the loss of the cultural landscape—in short, loss of the Watershed's outstanding resource values. Change and growth is inevitable; the challenge for the Eightmile is whether this growth will be managed to protect and sustain its outstanding resources. There are other potential threats such as the excessive diversion of water or poorly managed resource extraction.

Community Desire: "Protect What we Have:"

During the Eightmile River Project conducted in the mid to late 1990's and the Eightmile River Study conducted since 2001, and in the course of numerous meetings and presentations, there has been a clear message from the communities of Salem, East Haddam and Lyme: "we cherish what we have, we don't want to lose it, we don't want it to change for the worse as so many other places have in Connecticut, the Eightmile River and its landscape is what characterizes and gives meaning to where we live." There has been recognition that without a pro-active effort to protect what is special, the special qualities of the area would be lost or seriously degraded, whether unintentionally, incrementally or directly. The question early on was "how can we realize a collective vision to save this region, especially when we are set up to work as independent and often competitive towns?"

Wild & Scenic River Designation the Chosen Strategy:

Congressional Wild and Scenic River designation was enthusiastically chosen as the best strategy for protecting the Eightmile River, its Watershed and realizing the community goals mentioned above. Highlights of why the Wild and Scenic River designation strategy was chosen include:

- The Wild and Scenic River process provides the structure, expertise, funding and facilitation needed for the communities to come together and collectively identify the issues and goals they have for the resource, and to set forth the means for meeting those goals. By adding the "higher purpose" and honor of national recognition and focusing citizens around a common and clear goal, the Wild and Scenic process could (and did) serve as a catalyst for local, community-based action and self-determination.
- A Wild and Scenic River designation, if achieved, would offer important protections not otherwise available locally or through the State of Connecticut. Federally funded or permitted water resource related projects that would have a direct and adverse impact on the river would not be allowed under designation. There are several threats to the Eightmile where this may be important including, for example, adverse water diversions.
- The Study would (and did) provide a greater level of scientific information than could otherwise be achieved, which will be useful for future decision-making.
- A Wild and Scenic River study represents the potential to bring in needed funds to support the community-based protection process that has been identified.
- The Wild and Scenic River designation process would be built on local control. The ability to maintain local control over land use decisions is key.

- Designation would facilitate long term coordination and consensus building among the towns and further heighten public awareness and citizen commitment to long term protection.

Watershed Approach:

It was decided early on to pursue a watershed-based Wild and Scenic designation rather than focusing on discrete segments of the river. This approach was motivated by the exemplary quality of the watershed itself. It also allowed consideration of the important and intricate connection between the upland areas of the watershed and Eightmile streams and wetlands. Additionally, this approach would be the most realistic vehicle for communities to sustain the quality of the landscape of the Eightmile region as a whole. The Eightmile experience might also serve as a model to other communities interested in working together on a regional basis to address issues such as sprawl.

Outstandingly Remarkable Values:

Six “Outstandingly Remarkable Values” were established for the Eightmile River system during the Eightmile Wild and Scenic River Study. Numerous scientific and technical studies were conducted in support of establishing these values. They form the basis for the Eightmile River’s Eligibility for Wild and Scenic River designation and include:

Watershed Hydrology: The Eightmile River Watershed hydrologic regime operates without major impediments or influences—and as such is a naturally functioning system. More specifically, there are no surface water diversions, no dams which regulate flow, there are no direct point source discharges from industry or wastewater treatment plants and the level of impervious land cover is low at only 3% watershed-wide. There are high levels of forest cover coupled with low levels of development.

Water Quality: Water quality and aquatic habitat in the Eightmile River Watershed is not only locally exemplary, but as good as the best rivers studied in the state. In addition, the two primary threats to water quality, point source and non-point source pollution, are almost nonexistent. All waterbodies in the watershed evaluated by the state fully meet their water quality use goals, and none are considered impaired; 92% of the watershed’s streams and 99% of the ground water meet the state’s highest water quality classification criteria. Chemical and biological indicators reveal that water quality and aquatic habitat are exemplary. Riparian corridors are highly intact and continuous and 80% of the watershed is forested and less than 7% developed.

Unique Species and Natural Communities: The combined rarity, abundance and diversity of species and natural communities in the Eightmile River Watershed is unique and exemplary within Connecticut and throughout New England. The Eightmile River Watershed ranks in the top 5% of New England’s watersheds for having one of the highest concentrations of rare species. A total of 155 “at-risk” plant and animal species occur in the watershed, including 32 vascular plants, 6 amphibians, 81 birds, 8 fish, 12 invertebrates, 7 reptiles and 9 mammals. There are 5 globally rare species and 54 occurrences of state-listed rare plants, eleven of which are also rare for New England. There are over 100 occurrences of “significant” natural communities in the watershed and 18 natural communities were found to have exemplary biodiversity. Extensive, native beds of submerged aquatic vegetation, the healthy presence of native fresh water mussels and other small aquatic organisms such as mayflies, damselflies, dragonflies, beetles, snails, etc. are further indicators of overall ecosystem integrity.

Geology: In the Eightmile, a combination of an exceptional bedrock assemblage, an atypical local topography and exemplary evidence of glacial action creates a distinct local representation of the geology of Connecticut.

The Watershed Ecosystem: This is the “holy grail” of the outstandingly remarkable values in that the entire Eightmile River Watershed ecosystem remains highly intact and as mentioned above, this is a rare characteristic. The high quality of the system is also a reflection of the quality and summation of its interacting sub-ecological features. Some of the features noted include: 1) 72% of the watershed consists of large, connected roadless blocks of habitat (>1000 acres), 2) nutrient and energy cycles critical for plants, animals and water quality are intact, 3) over 80% of the watershed is forested, 4) the high density of rare species, 5) minimal impacts from invasive species, 6) outstanding interior nesting bird habitat associated with the large, intact forest, 7) the natural hydrological system and flow regime that supports riparian communities dependent on periodic flooding and natural scour processes, 8) high water quality, etc.

The Cultural Landscape: This outstanding resource value is a reflection of the bucolic, rural landscape and special places created by human interaction with the environment. In the Eightmile this includes a landscape dominated by scenic views and vistas, historic features such as old colonial homes and churches, stone walls, cemeteries and the lack of modern development and transportation patterns. Lands adjacent to the Eightmile River also have a high potential for intact archaeological resources.

What has been Achieved:

Outreach and Community Process:

During the Wild and Scenic Study, a major outreach effort was implemented to assess social needs, facilitate citizen input, clarify community goals regarding the Eightmile River Watershed and to inform the public about the Wild and Scenic process. Examples include:

- Community Meetings: Numerous meetings held in each of the three towns covering the full range of topics from the background and history of the project to discussion of the Outstanding Resource Values to the watershed management framework. Particular attention was paid to feedback on the types of management tools citizens would support.
- Land Use Commissioners Summit: Attended by over 40 local land use decision-makers, this was a 4-hour facilitated work session which provided critical input into the formation of the management plan.
- Community Open House: This event was widely publicized and drew nearly 150 people; soliciting feedback from the public was a primary objective.
- Newsletters: six “update” newsletters were sent to riverfront landowners and the Eightmile subscriber list.
- Mailings to all Town Residents: invitations to the community forums and community open house, a special newsletter leading up to town votes and vote notices were sent to all residents of all the towns.
- Letter to 200 Riverfront landowners: This letter included a brochure on the Eightmile Wild and Scenic River Study and solicited their feedback and input into the Study process.
- Fairs and Events: Local fairs and events were staffed by Wild and Scenic representatives; a kick-off event for the Study was held at Devil’s Hopyard State Park and attended by dignitaries such as Senator Dodd and Congressman Rob Simmons.
- Brochures and pamphlets: These were distributed to libraries, stores and other locations.
- Press Releases and signage: These were used to inform the public of Study progress, opportunities for input and votes regarding designation and the management plan.

Recognition that Existing Protection is Strong:

Careful analysis conducted as part of the Wild and Scenic Study revealed that existing protection is strong. Quoting from page 22 of the Study Committee Report, “Currently there are strong protections in place for the Eightmile River Watershed. These protections include: local, state and federal statutes and regulations that directly protect the waterways and adjacent lands, large amounts of conserved land and open space, many non-profit and governmental supporting organizations, landscape features that do not promote development, and a strong desire by local citizens to preserve the resource values of the watershed. Together with a locally administered watershed management plan, these existing protections are found to meet the suitability criteria for designated segments recommended for Wild and Scenic River designation.” The towns, local land trusts, The Nature Conservancy and State have permanently protected over 31% of the watershed (over 12,500 acres) and 25% of all river frontage within 100 feet of the 160 miles of river and stream within the watershed. Approximately 3000 acres were protected during the period of the Study (2001 to 2006).

Eightmile River Watershed Management Plan:

A comprehensive watershed management plan was prepared and endorsed during the Study. It is the blueprint for enabling the 3 towns to collectively realize their vision for protecting the outstanding qualities of the Eightmile River Watershed. The content of the management plan reflects the many hours of research, analysis, planning and most of all—discussions with and input from citizens and town boards and commissions—it is the culmination of the Study at the local level. The Plan also helps fulfill the suitability criteria for designation by providing a management framework that brings key river interests together to work toward the ongoing

protection of the river and watershed. An advisory Coordinating Committee has been set up to assist in implementing the management plan including facilitation of communication and consensus building. Key management issues addressed by the plan include riparian corridor protection, open space conservation of key habitats, limiting adverse impervious land cover, municipal stormwater management and best management practices for stormwater system and stream crossing design.

The plan is a set of near and long term recommendations—it does not create any new authorities and its implementation is done locally and at the discretion of the local communities. The power behind the plan stems from the investment made by each town in creating it and ultimately by its formal endorsement by town boards and citizens. All three towns have begun to voluntarily implement the Plan prior to achieving designation because of their desire to continue moving toward their community goals. Designation remains key however, because designation is an important component of the overall framework for achieving long term protection and it represents a reward for the town's "doing their part."

Protection of Landowner Interests:

Assuring that landowner interests would be respected was a major tenant of the Wild and Scenic Study process including development of the management plan and designation legislation. At the top of the list is that designation would be conditional on assuring that the "provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River," which is the wording of the proposed legislation. Secondly, as mentioned above, the management plan is developed locally and its implementation is locally led and at the discretion of the local communities. Thirdly, the recommendations in the management plan were evaluated in terms of their potential impact on landowners and adjusted as necessary to assure that if implemented they would not pose an unreasonable burden or hardship. Also, the management plan was designed to be flexible and anticipate that the specifics of potential measures might be adjusted to take into account the "reality on the ground" at the time of implementation. Communication with riverfront landowners was a consistent and important part of the conduct of the Study. Ultimately, votes by the town land use boards and citizens served as the most direct expression of support for the designation and proposed protection measures. In general, as indicated through citizen votes, community input, discussions and neighbor to neighbor contact, the clear majority of landowners recognized that the potential implications of implementing the management plan would entail at worst the prospect of making relatively small concessions in exchange for the larger benefit of sustaining overall neighborhood and community quality.

Strong Support for Designation and Management Plan:

Consistent with the history of the project and its origins, there is overwhelming, widespread support for Eightmile Wild and Scenic River designation. In the winter of 2006, the towns of East Haddam, Lyme and Salem held town meeting votes so that citizens could vote on whether to endorse the Eightmile River Watershed Management Plan and Wild and Scenic designation. These votes were attended in large numbers. In Salem the First Selectman claimed that it was the largest turnout for a town meeting. All of the towns had votes which were strongly in favor of endorsement—in total the votes were nearly unanimous. All town First Selectmen, land use commissions and boards of selectmen as well as the Wild and Scenic Study Committee voted to endorse the Management Plan and designation. Prior to and during the course of the Study many civic and non-profit groups have expressed their support for the Study and/or designation through letters, resolutions and other forms of endorsement. Individuals, landowners and river fronting landowners have also expressed support. Please see attachment.

The State of Connecticut Legislature endorsed designation and the Management Plan by passing Public Act No. 05-18 "An Act Concerning Designation of the Eightmile River Watershed Within the National Wild and Scenic River System" which was signed into law by Governor Jodi Rell at a riverside ceremony.

The Eightmile designation has been and remains a bipartisan endeavor. Republican Rob Simmons introduced the Study Bill in 2001 and introduced a designation bill just before the end of the 109th Congress. Democratic Congressman Joe Courtney has introduced H.R. 986 and has the full support of the Connecticut Delegation, both republicans and democrats. Senators Dodd and Lieberman have been strong supporters since the beginning in 2001.

Finally the newspapers have followed the Eightmile Project and the Wild and Scenic Study. There have been numerous articles about the project and strong editorial endorsements for designation. Examples are summarized in the attached exhibits.

The Time for Designation is Now!

With 10 years of work into the effort to save the Eightmile River Watershed including the past 5 years during the Wild and Scenic Study, the communities have done their part and are anxious to complete this final critical step of obtaining Wild and Scenic River designation. They see the federal role as an inherent part of the collective multi-party approach to protecting the resource. In order to continue making the commitment of time and resources, local communities need to know their federal partner will in fact come through too and allow the full partnership to be established. Noting that 2008 is the 40th anniversary of the Wild and Scenic Rivers Act, those involved in the Eightmile effort would greatly appreciate the honor of being one of the rivers who receive designation within the Act's first 40 years!

Thank you very much for the opportunity to testify in support of H.R. 986. I urge the committee's favorable consideration of this important legislation. I would be happy to answer any questions from Members of the Committee.

ATTACHMENT:

SAMPLE LIST OF EIGHTMILE WILD AND SCENIC RIVER SUPPORTERS
(THROUGH LETTERS, RESOLUTIONS, OR OTHER FORMS OF ENDORSEMENT):

Town Leaders:

Lyme Selectmen
East Haddam Selectmen
Salem Selectmen

Town Commissions:

Lyme Conservation and Inland Wetlands Commission
Lyme Planning and Zoning Commission
Lyme Open Space Committee
East Haddam Planning and Zoning Commission
East Haddam Economic Development Commission
East Haddam Inland Wetlands and Watercourses Commission
East Haddam Conservation Commission
East Haddam Open Space Commission
East Haddam Historical District Commission
Salem Planning and Zoning Commission
Salem Inland Wetlands and Conservation Commission

Community-based Committees:

Eightmile River Wild and Scenic Study Committee; (2002—2006)
Eightmile River Wild and Scenic Coordinating Committee; (2006—present)
East Haddam Community Planning Group; Deb Matthiason, Project Assistant
Community Civic Organizations:
Auxiliary of Lyme Fire Company
Bashan Lake Association, East Haddam
East Haddam Civic Association
Federated Garden Club
First Congregational Church of Lyme
Friends of Devil's Hopyard
Jewish Federation of Eastern Connecticut
Lyme Cemetery Commission
Lyme Garden Club
Lyme Library and Lyme Public Library, Inc.
Lyme Lions Club
Lyme Public Hall Assoc., Inc.
New Haven Hiking Club
Salem Democratic Town Committee
Salem Historical Society

River Fronting Property Owners:

Andrew Zemko, Salem
Anthony Irving, Lyme
Betsy Woodward, Lyme
Bill Cuddy, East Haddam
Charlotte Barringer, Lyme
David and Anne Bingham, Salem
Dr. Richard Goodwin, Salem
Fritz Gahagan, Lyme
Jack Bodman, Salem
John and Barbara Kashanski, East Haddam

Karen Dahle, Lyme
 Marilyn Wilkins, Lyme
 Maureen and Chris VanderStad, East Haddam
 Mike and Faye Richardson, Lyme
 Roger Dill, Lyme
 Sue Hessel, Lyme
 Vivien Blackford, East Haddam

Town Residents:

Anita Ballek
 Ann M. Kilpatrick, East Haddam
 Betty Cleghone, Lyme Garden Club member
 Janice and Richard Anderson, Lyme
 Leslie Shaffer, Lyme
 Mary Catherwood, Lyme
 Mary Platt, Lyme
 Sebyl Martin, East Haddam

Conservation Organizations:

American Rivers
 Audubon Connecticut
 Connecticut Botanical Society
 Connecticut River Watershed Council
 East Haddam Land Trust
 Fisheries Advisory Council
 Lyme Land Conservation Trust
 Potapaug Audubon Society
 Salem Land Trust
 Southern New England Chapter, American Fisheries Society
 The Connecticut River Salmon Association
 The Connecticut River Watershed Council
 The Nature Conservancy
 Wind Over Wings

[NOTE: Additional information submitted for the record by Mr. Frohling has been retained in the Committee's official files.]

Mr. GRIJALVA. Thank you. And testimony on H.R. 1100, Commissioner McGrady.

**STATEMENT OF CHUCK McGRADY,
 HENDERSON COUNTY COMMISSIONER**

Mr. McGRADY. Thank you, Mr. Chairman. Mr. Chairman and members of the Subcommittee, I appreciate being here today. I am here to support H.R. 1100, a bill that would authorize the boundary expansion of Carl Sandburg Home National Historic Site. I have submitted a written statement, and I do not intend to simply read from that but just hit the high points if that is OK.

I am primarily here to attest to the broad support that H.R. 1100 with respect to the revision of the boundary of the Carl Sandburg Home National Historic Site has. I am a county commissioner in Henderson County, North Carolina, the area the site is in. A Republican I might add. And I am a former council member in the village of Flat Rock, which is where the site specifically is.

The county commission, the village of Flat Rock, and for that matter a broad range of groups within the community support this bill. The chamber of commerce, for example, a number of the environmental and community organizations are all supportive of the bill.

The bill tries to do two things I guess. First, protect the viewshed of Carl Sandburg Site and its boundary, and second potentially provide parking and a visitor's center. The land rises up. The

bottom portion is sort of a farm, and the upper portion is probably the highest point in Flat Rock, and it looks out well to the west, and the need here is to protect the viewshed.

In the past several years, we had an opportunity a neighboring landowner was quite willing to potentially sell his property to the Park Service but because the boundary was what the boundary was, the Park Service did not have the ability even to talk with that adjoining landowner about the boundary extension. This is a good proposal.

I want to respond to the Ranking Member's question. I guess my only little quibble relates to just a drafting issue. In the bill it refers to acquiring contiguous land I believe to the present boundary. Eight of the tracts that are at issue here with respect to the viewscape are all contiguous.

But on the northern boundary of the site, there is a state road. In fact, right across the road is the state playhouse and next to that is the village headquarters, and the expectation would be that if additional parking and visitor's center were added, it would not be actually contiguous but probably immediately across the road.

I would tell you that the Park Service originally came forward with a proposal that suggested a much bigger area for parking and a visitor's center, and went through a series of processes with people like me, public officials in Henderson County, and we worked on this, and we came up with a smaller footprint with respect to potential parking and a visitor's center, and I commend them for that process.

And because of the process the Park Service used, we now have I believe a near consensus within the Henderson County and Flat Rock community on this bill, and so I recommend it to you. I think the last thing I would say is what we are talking about here is willing landowners. These are my constituents. I know several of them. They are my neighbors. I live very close to this site.

All of these landowners have agreed to the inclusion of their property in the boundary lines, and I think that is a really important point to make. And finally again I support this bill. I urge your support for it, and I would note in passing that Senator Dole has introduced companion legislation in the Senate which would do precisely the same thing. So there is broad bipartisan support I believe for the bill as introduced.

[The prepared statement of Mr. McGrady follows:]

Statement of Mr. Charles McGrady, Member of Board of Commissioners, Henderson County, North Carolina, on H.R. 1100, a Bill to revise the boundary of Carl Sandburg Home National Historic Site in the State of North Carolina

Mr. Chairman, thank you for the opportunity to appear before your subcommittee today to support to H.R. 1100, a bill that would authorize the boundary expansion of Carl Sandburg Home National Historic Site, a unit of the National Park System. Later in my testimony I will recommend one change to the bill.

My name is Chuck McGrady, and I currently serve as a county commissioner in Henderson County, North Carolina, where Carl Sandburg Home National Historic Site is located. Prior to becoming a county commissioner, I served on the Flat Rock Village Council; the Sandburg site is located within the Village of Flat Rock. I previously owned and operated a summer camp for boys in the area and serve on a variety of community and state-appointed boards. I share this informational background as a way to convey my engagement with the community and my

understanding of the great community support for this bill which would authorize the Sandburg site to expand by up to 115 acres.

The determination of the need for up to 115 additional acres was a direct result of the recent public planning process which created the General Management Plan for Carl Sandburg Home National Historic Site. The General Management Planning process began in 1999 and concluded in 2003. The four-year process involved a broad spectrum of the community including attention to the wishes of the local government, the Village of Flat Rock, in regard to the boundary expansion. Park Superintendent Connie Backlund and the General Management Planning team were sensitive to the wishes of the community, and as a result the General Management Plan and this associated boundary expansion are widely supported. In particular, the Flat Rock Village Council, Henderson County Board of Commissioners, Henderson County Travel and Tourism, Henderson County Chamber of Commerce, the North Carolina National Park, Parkway and Forests Development Council have gone on record as supporting the proposed park expansion. In addition, our local newspaper, the Hendersonville Times-News, has written an extensive number of editorials supporting the additional acreage for the park.

The 115 additional acres will serve two important functions related to the site. First of all, one hundred and ten (110) acres are to protect the top and sides of Big Glassy Mountain, a popular hiking destination as well as protect the scenic backdrop to the park's pastureland, a primary historic feature of the site. Comments from park visitors and others place a very high value on the park's pastoral landscape and preserving the associated views across the pastureland. Much of the backdrop to the pastureland is the up slopes of Big Glassy Mountain and lie outside the park boundaries. If these lands were to be subdivided and developed all agree the historic values of the site and the visitor experience associated with the site would be greatly compromised.

The top of Big Glassy Mountain is the highest point in the park and the top consists of a large granite outcrop with the park boundary going directly across this rock face. Visitors to this popular mountaintop can frequently be outside the park. The immediate foreground of their views is located outside the park boundary. Development of this foreground property would have adverse affects on what is now a wonderful and expansive viewpoint enjoyed by many.

In addition to this 110 acres to protect the top of Big Glassy and associated scenic views, the remaining three to five (3-5) acres of the boundary authorization would be to provide additional visitor parking at the site as well as to provide land for a visitor center.

The current visitor parking is inadequate to accommodate the numbers of visitors to the site during much of the spring, summer and fall seasons. Frequently during the busy times of the year, visitors unable to find a parking space will park along Little River Road, the state road which provides access to the parking lot. This can result in safety hazards for park visitors and for vehicle traffic using this road. Other visitors, unable to find a parking place, will leave never having had an opportunity to visit the site. In addition, the park currently has no visitor center; however, the potential for exhibits and other educational opportunities are impressive. The National Park Service acquired the site directly from Mrs. Sandburg in 1968, a year after Carl Sandburg's death, and she donated all the family possessions to the National Park Service. This forms a museum collection of over 300,000 items which reflect Sandburg's far-ranging interests including President Abraham Lincoln and the Civil War. The visitor center and interpretive exhibits would provide critically needed visitor orientation, interpretation of the Sandburg story and opportunities for the site's growing education program.

I wish to offer one recommended change to H.R. 1100, and that would be to delete the word "contiguous" as the way to describe lands that could be considered for purchase or donation. The General Management Planning process, in concert with the community, devised the description of lands that may be considered from willing sellers to be lands located west of the Greenville Highway (Highway 225) and south of Little River Road. This is the recommended best description to use, and gives the park the flexibility to see what may come up on the market from a willing seller to address the needs for a visitor center and additional parking.

Mr. Chairman, I appreciated the opportunity to present my testimony, and I welcome any questions you or members of the subcommittee may have.

**Recommended Change to Authorization Bill to Expand
Carl Sandburg Home NHS**

The one recommended change to the bill authorizing the boundary expansion of Carl Sandburg Home National Historic Site would be to delete the phrase "contiguous to the Carl Sandburg Home National Historic Site" and replace it with the phrase "located west of the Greenville Highway (Highway 225) and south of Little River Road in the Village of Flat Rock" in the section describing acquisition of additional land.

The language makes the bill consistent with the site's General Management Plan crafted through a four-year public planning process and provides flexibility in acquiring land for the authorized visitor center and visitor parking area.

Mr. GRIJALVA. Thank you, Commissioner. Let me call on Commissioner Caviezel.

**STATEMENT OF CHRIS CAVIEZEL, COMMISSIONER,
KING AND KITTITAS COUNTIES FIRE DISTRICT 51**

Mr. CAVIEZEL. Caviezel.

Mr. GRIJALVA. Got it.

Mr. CAVIEZEL. My name is Chris Caviezel, and I am Chairman of the Board of Commissioners for King and Kittitas Counties Fire District No. 51, a volunteer fire department serving a residential community of Snoqualmie Pass. This unincorporated area has 350 full-time residents. In addition, we have a wintertime ski area which sees an estimated 20,000 people a day during the peak of the season. The Washington State Department of Transportation estimates up to 60,000 vehicles will travel through our fire district on a busy day.

Snoqualmie Pass has an enormous amount of snowfall with an average of 32 feet of snow each year for the last 10 years. This results in avalanches and rockslides on both sides of the pass, and additionally adds to the appeal of the area by many visitors. These unique demographics challenge local resources to the limits.

Our fire department averages over 300 calls a year and has seen a 10 percent annual increase in call volumes. Snoqualmie Pass is completely surrounded by Forest Service land. To the north and south of us are the Cascade Mountains, and along the Interstate 90 corridor Forest Service land extends to the east and west of us, well beyond our seven and a half mile response area in each direction.

While our primary mission is to fight fires and provide emergency medical services in our local residential setting and nearby interstate highway, the impacts of the surrounding Forest Service land definitely affect our mission. The Forest Service has the primary responsibility for putting out fires on their land. However, the nearest Forest Service resources are 30 minutes away in good weather in the town of North Bend.

Although Snoqualmie Pass all volunteer fire station is not obligated to respond to any fires on Forest Service land, we gladly do so. We are usually the ones in the position to get to the fire first, giving us a better chance at containing the fire before it can get out of hand and present a much larger problem.

It is also important to note that our all volunteer fire department must respond quickly to prevent fire from spreading onto Forest Service land. The nearest career department is 30 minutes away,

weather cooperating, and during a recent fire we have had support come to us from over an hour away.

Despite our very limited resources, there is tremendous need for a new fire station. The current fire station was originally built in the 1930s as a maintenance shed for the Department of Transportation. The existing building has numerous electrical, structural and operational deficiencies. One problem of note is that the roof sheds snow in front of the apparatus base, especially when the fire station sirens sound when we get a call. This can leave up to a four-foot ridge of snow and ice in front of our rigs, preventing a response until the path is cleared.

Last year our fire department was contacted by the Forest Service to ask if we would be interested in purchasing the land where our fire station is currently located. We have long recognized the pressing need to build a new fire station. So for many years our department has been looking at alternative locations. Unfortunately, each and every time it always came down to the lack of money for us to proceed.

Through a series of discussions with the Forest Service, we also learned that there is a different parcel of land that they would be willing to consider. This other parcel would allow us to build a new station with less impact to current operations, and this new location due to its location and accessibility would definitely serve us better. Also it should be noted that the land that we desire is a rarely used parking lot.

Monies received through fire department levied property taxes this year will equate to around \$163,000. This money is barely enough to sustain current operations, and since Snoqualmie Pass is surrounded by Forest Service land and because we cannot levy a tax against the U.S. Forest Service, we are severely prohibited from expanding our tax base and must rely upon outside assistance for continued operation, and unlike almost all the other fire departments in the State of Washington, most of our customers, about 84 percent, are non taxpaying residents. Rather they are people that are driving through the area, visiting the ski area or visiting U.S. Forest Service land.

We recognize that the process to convey land without cost is not done very often. However, we believe our unique circumstances more than justify this to be done. My constituents recognize the importance of a top quality fire department, and they are supportive of the fire department. A conveyance of this land would ease the burden of building a new fire station.

Funding sources for building the fire station are being sought through State Representative Bill Hinkle and others. Additionally, Fire Chief Matt Cowen and myself will be attending a workshop at the end of this month for the purpose of fire station design and alternative funding sources to fund the cost of building a new fire station. Thank you.

[The prepared statement of Mr. Caviezel follows:]

**Statement of Chris L. Caviezel, Chairman, Board of Commissioners,
King and Kittitas Counties Fire District #51**

My name is Chris Caviezel, I am the Chairman of the Board of Commissioners for King and Kittitas Counties Fire District #51, a volunteer fire department serving the recreational community of Snoqualmie Pass.

This un-incorporated area has 350 full-time residents. In addition, we have a winter-time ski area which sees an estimated 20,000 people a day during the peak of the season. The Washington State Department of Transportation estimates that up to 60,000 vehicles will travel through our fire district on a busy day.

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While our primary mission is to fight fires and provide emergency medical services in our local residential setting and nearby inter-state highway—the impacts of the surrounding Forest Service Land definitely affect our mission. The Forest Service has the primary responsibility for putting fires out on their land, however, the nearest Forest Service resources are 30 minutes away—in good weather—in the town of North Bend. And though Snoqualmie Pass's all volunteer fire station is not obligated to respond to any fires on Forest Service Land, we gladly do so. We are usually the ones in the position to get to the fire first, giving us a better chance at containing the fire before it can get out of hand and present a much larger problem.

It is also important to note that our all-volunteer fire department must respond quickly to prevent fire from spreading on to Forest Service Land. The nearest career department is 30 minutes away, weather co-operating, and during a recent fire we have had support come to us from over an hour away.

Despite our very limited resources, there is a tremendous need for a new fire station. The current station was originally built in the 1930's as a maintenance shed for the Department of Transportation, the existing building has numerous electrical, structural and operational deficiencies. One problem of note is that the roof sheds snow in front of the apparatus bays, especially when the fire station siren sounds when we get a call. This can leave up to a four foot ridge of snow and ice in front of our rigs preventing a response until the path is cleared.

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My constituents recognize the importance of a top quality fire department and they are supportive of the Fire Department. A conveyance of this land would ease the burden of building a new fire station. Funding sources for building the fire station are being sought through State Representative Bill Hinkle and others. Additionally, Fire Chief Matt Cowan and myself will be attending a workshop at the end of this month for the purpose of Fire Station Design and Alternative Funding Sources to fund the cost of building a new fire station.

Mr. GRIJALVA. I thank all the witnesses for their testimony. Let me begin with a question for Mr. Vlamis. It appears that the highest prices for fossils is overseas. That being an incentive to ship fossils found in this country out, is this one of the reasons in your testimony that you mentioned that the price for fossils has risen sharply just in the last several years? Is that one?

Mr. VLAMIS. Mr. Chairman, it is a global phenomenon the rise in the value of fossils, and so we do see high prices being paid by overseas buyers but also by buyers in the United States.

Mr. GRIJALVA. Let me ask another question. It has to do with—

Mr. VLAMIS. But the intent is to ensure that these fossils remain in the public trust to be curated in repositories so that future access is guaranteed to researchers and to the general public because oftentimes you have to reexamine that fossil because you found that gee, I was not looking at this the right way. And so the intent is to make sure that there is access guaranteed both to the public and to future researchers.

Mr. GRIJALVA. And maybe just expand a bit on the context point that you made in your testimony that was made from a scientific standpoint to examine fossils in the context in which they were found.

Mr. VLAMIS. Sure. The contextual data oftentimes tell a lot about the fossil. So you can find what type deposit was there. What was it that killed this particular animal. Was it a flood event? Was there a drought? These kinds of things can be discovered by looking at the contextual data. So that is why those data are very important. Without those data, you do not know nearly as much about the fossil.

Mr. GRIJALVA. Let me just the last question because it seems to be the crux of the discussion or the issue with this piece of legislation. Is there a role for private for profit collectors, and what should that role be? Two questions. And the last one, should private for profit collectors be limited to private land?

Mr. VLAMIS. Well I think that the commercial collection of fossils on public lands is not really an appropriate use of public lands. We certainly would not advocate restricting what private landowners choose to do. You know sometimes I have had people raise the analogy well you know we allow timber to be harvested on Federal lands, why should not the same thing be done or they will say we allow mineral extraction, oil and gas extraction on Federal lands, why should this not be the case for fossils?

And I think really those analogies kind of break down. With timber we are talking about a renewable resource. Fossils are by definition a nonrenewable resource. And I think that the analogy with mineral extraction, oil and gas exploration really does not work either because the value of a mineral is you achieve that value by turning it into something.

You achieve the value of oil and gas by turning it into energy, and consuming it, and therefore the marketplace allows you to dollarize that and distribute those benefits to all the people of the United States. The value of a fossil is in the scientific information it has. So if the public is going to maximize the value of this resource for everybody, then the way to do that is by making sure

that the contextual data are collected and that that fossil remains available for future study, and that way the public maximizes the value of this resource.

Mr. GRIJALVA. Thank you. On that same vein, let me ask a question of Mr. Larson. Following that discussion about private collectors for profit, but just in general could you describe the process for finding and removing fossil resources from private lands? And for instance, can people walk onto private lands and keep whatever they find?

Mr. LARSON. In this country the private landowner is the steward of those fossils. They own the fossils found on their land, and so if they get permission or if they sell a lease or you know they have the right to give permission for the removal of those fossils. I mean bad people could of course steal from private landowners as well.

Mr. GRIJALVA. Would the logic follow then that the Federal Government as steward of those public lands would indeed be the owner who gives permission regarding that process for extraction of fossils on public land?

Mr. LARSON. Absolutely. The Federal Government has the statutory authority and owns those. The people of the United States own those fossils but that also means that they could like private landowners give permission to transfer those ownership rights to people in certain appropriate conditions.

Mr. GRIJALVA. I appreciate that. Mr. Bishop.

Mr. BISHOP. Thank you. Let me start with Mr. Caviezel if I could. Could you please tell me structural challenges you have with the current building that you are using?

Mr. CAVIEZEL. Yes. As I mentioned, the building was originally built as a maintenance shed for the Department of Transportation. When the fire department moved in, basically the bay doors had to be reconfigured to allow the fire trucks to come into the building. We do not have the adequate clearance to be able to safely do that all the time. We kind of in some respects moving the engine in and out is a challenge much greater than it really needs to be.

Mr. BISHOP. Can you tell me the types of incidents for which you are often the first on the scene?

Mr. CAVIEZEL. Sure. As Congressman Doc Hastings mentioned a little bit earlier, about a month ago we had about a 60-car pileup that was on Interstate 90. We were the first fire and rescue district to get on the scene. We have had some structural fires, and basically there is a lot of different types of incidents along Interstate 90 due to the weather and so forth along the interstate that we have to respond to in terms of multi-car pileups and things of that nature.

Mr. BISHOP. Thank you. I appreciate that, and I also appreciate your very explicit testimony on the financial challenges the district has to try and meet these emergency service needs in your particular area, and I appreciate that.

Mr. CAVIEZEL. And thank you. Just in closing, I wanted to point out too this is a picture of the land that we are looking at trying to convey.

Mr. BISHOP. It would look very much enhanced with a fire station there.

Mr. CAVIEZEL. Thank you.

Mr. BISHOP. This is one of the problems that we have when we are dealing with four bills at the same time, and I will do this as quickly as I possibly can. Mr. Larson, as I understand—if I am taking questions away from the gentlelady from South Dakota just wave your hand and I will shut up. I understand approximately 85 percent of your business is dealing with museums, selling to museums.

Mr. LARSON. Yes, that is correct. That is our—

Mr. BISHOP. If this bill were to go into effect, perhaps limiting the amount of fossils that would be collected, what impact would that have on your personal business?

Mr. LARSON. Actually when you limit the number of fossils, you raise the price of those fossils. You limit their distribution. If this bill were to get into effect, it would be a good thing for my business because we have tons of fossils in warehouse now, and we have good access to private lands. That sort of eliminates a lot of other people who could potentially compete with us. But as a scientist, I find it a bad thing and especially for the contributions that amateurs make.

Mr. BISHOP. You should probably quit fighting elitism. It would help you out in the long run there.

Mr. LARSON. It probably would.

Mr. BISHOP. In your written testimony you say paleontology's needs for an unimpeded access is in sharp contrast with the prevailing situation in archeology. Can you explain very quickly—because I have only got like a minute—what you mean by that?

Mr. LARSON. In archeology the resources are very limited. They are limited to the last in this country approximately 10,000 years of occupation whereas fossils have been around and have been being made for the past three billion years, and in terms of vertebrates for the past half a billion years. So we have lots and lots of fossils here. Wherever there is sedimentary rocks, there is fossils. Literally trillions and trillions of fossils in this country.

Mr. BISHOP. I understand that in the 104th Congress there was a bill, H.R. 2943, that was a bipartisan bill from then Congressman Johnson and Congressman Skeen. I was wondering if your organization has been able to see that, and if you have a preference to that particular bill.

Mr. LARSON. As a matter of fact, I have copies of it here if anyone on the committee is interested, and there always you know some problems with some bills but this is I think a very, very good attempt at trying to do what the NAS committee had recommended.

Mr. BISHOP. I do have some questions for the other three witnesses as well. I may have to wait until a second round to get some of those in there. Mr. Vlamis, first of all before I say anything else I appreciate your comments on timber and mineral extraction, and I hope the committee heard those very well. I think they should be you know written down in gold and put up on the walls so we will remember when we talk about the purpose and value of timber and mineral extraction. I think you were right on, on that one. Let me just ask one simple question. How do you fence a fossil?

Mr. VLAMIS. How do you sell a fossil?

Mr. BISHOP. Yes. If I illegally take a fossil, to whom do I sell it?
 Mr. VLAMIS. We see those fossils often up at auctions. There are auctions that are held by various auction houses. Christie's, Butterfields.

Mr. BISHOP. Who buys them though?

Mr. VLAMIS. The highest bidder. No, I mean I am not trying to—

Mr. BISHOP. Which are what kinds of people?

Mr. VLAMIS. Sometimes it is museums that buy them. Some—

Mr. BISHOP. I mean I have got like two seconds. I am sorry, and I will come back and give you another chance to give me a better definition. The allosaurus from Utah, the Japanese purchaser, for what purpose did he purchase that?

Mr. VLAMIS. I do not know.

Mr. BISHOP. OK. I am sorry. I will come back.

Mr. GRIJALVA. Mr. Shuler, questions?

Mr. SHULER. Thank you, Mr. Chairman. I would like to extend a special thank you to Mr. McGrady for his testimony today, and I think it is a perfect example of how the community continues to work together in a bipartisan relationship to better community and have the involvement in the Carl Sandburg Historic Home Site. So it has been really good working with you and a lot of the other colleagues throughout our district. We have been very excited about having this opportunity, extending those boundaries.

Can you talk a little bit more about just two quick things? Also the economic impact that the Carl Sandburg Home has to the area, and also you know what types of visitors does the home actually bring forth? School kids and other types.

Mr. MCGRADY. The site clearly has economic impact although it is hard to cut it out from all the other things. In my county recreation is very important. Agriculture is too but we have a lot of people that visit this area because it is cool, and a lot of other places in the south are not, and we have got a range of recreational opportunities, cultural opportunities, and this is clearly one of them. As I have indicated, right across the street from the state playhouse. It has got visitors approaching 30,000 I believe right now.

I think what surprised us actually is the recreational component of the site. It was originally preserved because Carl Sandburg lived there, and that was expected to be the draw but it backs up to Flat Rock, several of the major housing areas, and a lot of our residents use the site for recreation because of the trails in the area. So it has evolved into something a little bit different perhaps than those who were responsible for acquiring it back in the late 1960s might have considered.

Mr. SHULER. Well I can certainly say my first visit to the home was in the eighth grade. So I appreciate your work and your dedication. Thanks for your testimony today.

Mr. MCGRADY. Thank you, Congressman.

Mr. SHULER. Thank you.

Mr. GRIJALVA. Thank you, sir. Ms. Herseth Sandlin, any questions?

Ms. HERSETH. Yes. Thank you again, Chairman Grijalva, for the hearing, and the testimony which I commend to my fellow Subcommittee members of Mr. Larson. Dr. Larson's experience I think

speaks volumes about the need for clarity within Federal regulations, and I think a closer look at the NÁS recommendations and the focus on the fossils and those who are uncovering them and preserving them and using to add to the basis of scientific knowledge in addition to some of the questions raised throughout this hearing as it relates to the focus of this bill on law enforcement. Hopefully we will be able to find some compromise here especially with the legislation that Dr. Larson has referred to us, now Senator Johnson's bill that was introduced in large measure based on some of what folks in South Dakota were experiencing.

I do have a question that I want to start out with, Mr. Vlamis, before we come back to the bill 554 and how it may differ from what was introduced by now Senator Johnson. I am interested in learning more about the casual collecting provisions of the legislation, and I certainly appreciate the fact that the bill preserves a place for casual collectors and enthusiasts to pursue their hobby on Federal lands.

The collecting is limited to common invertebrate and plant paleontological resources. Could you comment at all about how hard it is to draw the line in practice, in other words, defining the term common, and why the line was drawn at invertebrates?

Mr. VLAMIS. Well, vertebrate fossils tend to be more rare than invertebrate and plant fossils so that is why the line was drawn there. In terms of addressing what is defined as a common plant or invertebrate versus a scientifically significant plant or invertebrate, we feel that that could be addressed through the regulations that are put in place after this bill is passed, if it is passed.

Ms. HERSETH. Thank you. And I want to thank the Ranking Member for his questions on this bill, and so let me come back to you, Mr. Larson. On the issue of casual collecting or the sale of fossils found on public land, how does H.R. 554 differ from the bill that was introduced back in 1996 I believe? Was it introduced in 1996?

Mr. LARSON. In 1996. There are provisions for amateur collecting of vertebrate fossils and commercial collecting as well.

Ms. HERSETH. And could you elaborate for the record and for the committee on just a little bit? I know that you have made copies available to us, and we will be doing some of that comparison with our committee staff too, but you had mentioned at the outset in your testimony that the focus of the recommendations that you have been involved in formulating with the National Association as well as what is incorporated into the 1996 bill. But the focus you say is more on the fossils themselves and the folks involved in preserving and collecting those fossils versus the folks on law enforcement. For example, how did the 1996 bill deal with law enforcement provisions?

Mr. LARSON. It certainly did not increase penalties in the way that this bill does. I do not remember the exact provisions of the law enforcement but it recognizes the ability of the Federal Government through theft regulations and authority already that there is plenty of authority for prosecuting people if they are really bad people. If they are doing bad things.

But it actually protects some of the people who are innocently going at it from the basis of a scientific curiosity and helps to

promote that type of activity which actually increases the number of people out watching fossil sites and helps in preserving those fossil sites without the additional expense of more law enforcement and more court cases.

Ms. HERSETH. Thank you. And in response to Congressman Bishop's question—actually it was Chairman Grijalva's—it relates to the work with private landowners. Could you just summarize your experience back in 1996 and where you think we need to further clarify to avoid the District Court having to get involved to do it as it relates to land on Native American reservations?

Mr. LARSON. The Bureau of Indian Affairs is sort of a different type of situation although now the Bureau of Indian Affairs seems to be treating individual allotments and individual Indian land as normal individual, they have the right to determine their land. However, in certain instances, it has to go through the Bureau's legal teams to make sure that they are not being cheated, and make sure they get a fair deal.

Ms. HERSETH. Thank you very much, and thank you again, Chairman Grijalva.

Mr. GRIJALVA. Thank you. Mr. Bishop.

Mr. BISHOP. I know that the Chairman has to be on the Floor in just a few minutes so let me do this really fast, and I will apologize for that. I wanted to give some of you a little bit more time to talk to some of these bills. I appreciate that. Let me just lay down a marker for where I think the minority will be looking at some of these pieces of legislation.

Specifically to Congressman Shuler's bill, two quick questions if you can give this to me, Mr. McGrady. How much was the original homesite of the Sandburg?

Mr. MCGRADY. Under 150, 160 acres.

Mr. BISHOP. OK. Now you are up to 250. So you have expanded that significantly. Do you have an assessed valuation of this property?

Mr. MCGRADY. I can give it to you. We just had reassessments but it is in the 2 to \$3 million range.

Mr. BISHOP. For the 115?

Mr. MCGRADY. If all the property was acquired in fee simple, but that is not necessarily.

Mr. BISHOP. Two to \$3 million. I appreciate that because you are a heck of a lot better than the Park Service was in trying to estimate what the value of that property was.

Mr. MCGRADY. We just had revaluation last month.

Mr. BISHOP. Give the data to the Park Service. Let me do this very quickly so we can go on with that. I think from the minority side we look at the need for parking as something that is essential there and understandable as well as the visitor's center. We would be supportive of that whether it is contiguous or not. The additional property that you are after is not part of the viewshed. You cannot see it from the house itself. You have to go up to the ridge to go back at it.

To be honest if the village of Flat Rock would like to have open space, I suggest you do what many western states do and bond and buy it, and keep that as open space but to add it to the National Park inventory is something I think we would find not necessary

and overly expensive to that particular price. But if you want to make the argument for additional parking and for a visitor's center, I think you make a credible recommendation, especially when the original Sandburg property is about half of what you already have there in the Park Service at the same time.

I apologize for that but I know everyone has a 12 o'clock appointment. So do I, and I would have tried to do it more deftly than I did. I apologize for that.

Mr. MCGRADY. Mr. Chairman, if I can respond to that later I will just in a personal letter to the Ranking Member can respond to some of the concerns he has.

Mr. BISHOP. I would appreciate that very much.

Mr. SHULER. [Presiding.] Are there any other questions? At this time I would like to thank the panel, and we are adjourned.

[Whereupon, at 11:55 a.m., the Subcommittee was adjourned.]

