

***KEEP PRIVATE LANDS IN PRIVATE HANDS COALITION***  
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Testimony by Chuck Cushman, Coordinator

Keep Private Lands in Private Hands Coalition

Executive Director  
American Land Rights Association  
(Formerly the National Inholders Association)

House Resources Committee  
US House of Representatives  
Honorable Don Young, Chairman  
Honorable Jim Hansen, Presiding

June 12, 1999  
Salt Lake City, Utah

Conservation and Reinvestment Act (HR-701)  
Permanent Protection for America's Resources 2000 Act  
Clinton/Gore Lands Legacy Initiative

We regret that we were denied the opportunity to testify in person at the hearing in Salt Lake as were many other organizations that requested to testify. We will share our concerns about HR-701, the Conservation and Reinvestment Act of 1999, HR-798 and the Clinton/Gore Lands Legacy Initiative. We have considerable personal on the ground experience with how the Land and Water Conservation Fund really works, and the policies and practices of the Federal land agencies as they carry out their land acquisition programs. If HR-701 or any of these other bills and initiatives become law it will make land acquisition in America far more threatening to the future of America.

We compliment Chairman Don Young on his most distinguished career in Congress and the good he has done for multiple use and conservation in general. We feel, however, that HR-701 is a misguided response to a demand by several powerful special interest groups for a new entitlement and subsidy giving them a disproportionate share of our country's natural resources and an automatic yearly hand in the Federal treasury.

I am Charles S. Cushman, Coordinator of the Keep Private Lands in Private Hands Coalition and Executive Director of the American Land Rights Association. My father was a ranger for the National Park Service and I served the Park Service in the second Student Conservation Corps in Olympic National Park in 1959. I also served as a volunteer with the Audubon Society at what is now known as Channel Islands National Park. My son worked for the Park Service in the living history center in Wawona, Yosemite National Park and I served as a member of the National Park System Advisory Board from 1981 to 1984. I have personally visited most Park Service areas where land acquisition has taken place in recent years as well as many other Federal areas.

The Keep Private Lands in Private Hands Coalition opposes HR-701, HR-798 and the Lands Legacy Initiative. It has over 600 organizations supporting it including the following:

Citizens for a Sound Economy  
Americans For Tax Reform  
Independent Forest Products Association  
National Tax Limitation Committee  
Alliance for America  
National Wilderness Institute  
American Agri-Women  
Defenders of Property Rights  
Pennsylvania Landowners Association  
Private Landowners of Wisconsin  
Riverside Farm Bureau – CA  
Schohrie Farm Bureau – NY  
Republican Party of Riverside County – CA  
Women Involved In Farm Economics -WIFE  
Stop Taking Our Property - IN  
Niobrara Basin Dev. Association – NE  
Small Property Owners Association  
American Policy Center  
Mt. St. Helen Trackriders – WA  
Multiple Use Association – ME/NH  
Associated Industries of Vermont  
Frontiers of Freedom  
American Land Rights Association - WA  
Citizens For Constitutional Property Rights – FL  
People for the Constitution – NV  
Public Lands for the People – CA  
Competitive Enterprise Institute – DC  
New Mexico Public Lands Council  
Environmental Conservation Organization  
Frontiers of Freedom – WY  
Property Rights Foundation of America - NY  
Alabama Family Alliance  
NY Blue Line Council  
Property Rights Alliance – WA  
Klamath All. for Resources and Environment – CA  
Eastern Oregon Mining Association  
Citizens for Private Property Rights –MO  
Keep ME Posted – ME  
Maine Property Rights Alliance  
NW Council of Governments – WA  
Riverside & Landowners Protection Coalition – TX  
Clearwater Resource Coalition – MT  
Montana Women Involved In Farm Economics  
Take Back Kentucky  
High Desert Multiple-Use Coalition – CA  
People for the USA – Rio Virgin -- UT  
American Agriculture Movement, Inc.  
Common Sense for Maine Forests  
Washington Contract Loggers Association  
Exotic Wildlife Association – TX  
Center for the Defense of Free Enterprise  
Northeast Regional Forest Foundation – VT  
National Taxpayers Union  
Montanans for Multiple-Use  
Grassroots ESA Coalition  
U. S. Taxpayers Alliance  
Communities for a Great Northwest  
Black Hills Women In Timber -- SD  
Property Owners Standing Together -VT  
Citizens for Private Property Rights – CA  
Fairness to Land Owners Committee --FLOC  
Vermont Forest Products Association  
Montana Mining Association  
Illinois Agri-Women  
NM Woolgrowers Action Committee  
East Mojave Property Owners (CA)  
Boothel Heritage Association -TX  
Fire Island Nat. Seashore Adv. Board –NY  
California Outdoor Recreation League  
People for the USA - Dent County, MO  
People for the USA - Lander Valley, WY  
Keep Maine Free  
Washington County Alliance -- ME  
Blue Ribbon Coalition  
Western Mining Council – CA  
Chamber of Commerce, Wrangell – AK  
Arizona Trail Riders  
Alaska Wildlife Conservation Assoc.  
New Mexico Cattle Growers  
New Mexico Woolgrowers  
Maine Conservation Rights Institute  
League of Private Property Voters  
Texas Wildlife Association  
Nat Assoc of Reversionary Prop Own.–WA  
Idaho Cattle Association  
Curry County Oregon Project  
Vermont Cabinet Makers  
Clallam County – WA  
Adirondack Solidarity Alliance  
Unorganized Territories United, Maine  
Columbia Basin Environ. Council -- WA  
People for the USA – Beaverhead – MT  
Pennsylvania Landowners Association  
Rhode Island Wiseuse  
Pennsylvania Forest Industry Association  
North Shore Association -- MI  
Wind River Multiple Use Advocates -- WY  
Family Water Alliance -- CA  
Take Back Arkansas  
Citizens Against Refuge Proposal -- OH  
Hill Country Heritage Association -- TX  
Kankakee River Prop. Rts. Task Force -- IN  
Davis Mountains Trans-Pecos Herit. – TX  
Trans Texas Heritage Association

The American Land Rights Association, formerly the National Inholders Association, represents private landowners throughout the United States. Of special interest are those people owning private land or other interests within Federal boundaries or who are affected by Federal statute such as the Endangered Species Act and various Wetlands regulations. ALRA has over 18,000 members in 50 states and over 200 Federally managed areas. There are an estimated 1.2 million inholders nationwide. Many of these live in communities in National Forests who have now idea they are now threatened by a massive increase in land acquisition caused by HR-701.

Inholders are landowners in National Parks, refuges, forests and other Federal areas, recreation residence cabin owners and other special use permittees in National Forests, ranchers in areas managed by the Bureau of Land Management and Forest Service, small miners on Federal lands, all kinds of inholders in and adjacent to FWS Wildlife Refuges and many other types of rights holders. They are also people who are impacted by the management, regulation of and access to Federal areas.

The American Land Rights Association also works to support continued multiple-use and productive contributions from our Federal lands. Recreationists, miners, hunters, sportsmen, ranchers, landowners, permittees, handicapped, elderly, and many others are encouraged to cooperate to support access and multiple-use on our Federal lands and to oppose selfish single-use designations that limit access to millions of American families.

American Land Rights, National Inholders Association as it was called then, made a fateful decision in 1980 with the proposal by former Senator Alan Cranston to make Big Sur, California into a National Park. The idea of opposing parks was foreign to my personal beliefs but in the two years since our association was formed in 1978, we had been unable to stem the tide of abuses against landowners inside Federally managed areas. We had reduced them and stopped some when we heard about them in time, but overall, the wave continued.

We made a conscious decision that since we could not get the Park Service, and to a lesser extent other agencies, to stop abusing inholders inside Federal areas, we would begin to fight to keep people from becoming inholders. It was not an anti park decision. It was a pro people decision. Simply put, if we couldn't get the Federal Government to take care of the inholders they already had, we would try not to let them have any more inholders.

HR-701 clearly justifies our decision. If HR-701 passes, any families we had allowed to become inholders would now be subject to being aggressively eliminated over time. HR-701 is actually anti-conservation because it says that if people do a good job of taking care of nice places, they will be rewarded by being thrown out of those places.

## **“Those That Fail to Remember History Are Bound To Repeat It”**

To date little has been done by the Congress or the Federal agencies to respond to the following reports by the General Accounting Office critical of land acquisition policies and practices carried out by those agencies. In large measure, the response by Congress has been to give the Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management less money to buy land. That greatly reduced the problem. More money will start the problems all over again. We're reminded of the Clinton campaign motto in 1992, “It's the Economy Stupid.” In the case of land acquisition, “It's the Money Stupid.” The scope and harm caused by land acquisition is simply a function of how much money the Federal agencies get and the type of oversight they receive.

HR-701 over time will increase the money and reduce the oversight. The result will be severe economic and cultural damage to rural America.

Today there is largely a new generation of Members of Congress and staff who do not remember the horror stories of the 60's, 70's and 80's and even the 90's. Most Members of Congress don't remember the days when every Member of Congress had to become a management consultant to the Park Service because the agency was unable to solve its conflicts. The current situation at Saddleback Mountain Ski Area in Maine is a perfect example. For over twenty years the landowner has been unable to get the Park Service to resolve the route of the Appalachian Trail. Without Congressional intervention, there is no hope.

The owner of the ski area has been prevented from upgrading and expanding his potentially world class facility because the Park Service has continually refused to settle on a trail route. If the Park Service can't get it right on less than three miles of trail, why should the public in Maine or anywhere else trust them with billions of additional dollars for land acquisition.

It is critical that the House hold regional oversight hearings so that it can get a better sense of the land acquisition abuses of the past. If the Resources Committee does not want to face up to the history of land acquisition, then individual Congressmen should take the initiative and hold their own hearings in their own districts.

Some will say that the GAO reports listed below are dated. They are the most current reports on a problem that was greatly reduced with the reduction in funding. Since Congress is considering greatly expanded and guaranteeing the funding, these reports must be examined carefully to try to make sure any potential legislation does not cause a repeat of the same mistakes.

### General Accounting Office (GAO) Reports About Land Acquisition

- ! The Federal Drive To Acquire Private Lands Should Be Reassessed" (CED-80-14) (December 14, 1979).
- ! "Federal Land Acquisition and Management Practice" (CED-81-135) (Sep. 11, 1981).
- ! "Lands In The Lake Chelan National Recreation Area Should Be Returned To Private Ownership" (CED-81-10) (Jan. 22, 1981).
- ! "The National Park Service Should Improve Its Land Acquisition and Management At Fire Island" (CED-81-78) (May 8, 1981).
- ! "Federal Protection of Wild and Scenic Rivers Has Been Slow and Costly" (CED-78-96) (May 22, 1978).
- ! "Federal Land Acquisitions By Condemnation – Opportunities To Reduce Delays and Costs" (CED-80-54) (May 14-, 1980).
- ! "Limited Progress Made In Documenting and Mitigating Threats To Parks" (RCED-87-36) (February 1987).
- ! "New Rules for Protecting Land In The National Park System – Consistent Compliance Needed" (RCED-86-16) (October 16, 1985).

### **PBS Frontline Documentary, "For The Good Of All"**

The committee should watch the hour long documentary, Public Television's "Frontline" about the Cuyahoga Valley NRA in Ohio which aired on June 6, 1983. It could have been filmed in areas managed by the Park Service, Forest Service and Fish and Wildlife Service. The only difference between when this film was made and today is money. You give the Park Service the money, and in five years, you'll get another film.

This tragic film documents the broken promises by the Congress and the Park Service in the Cuyahoga Valley National Recreation Area between Akron and Cleveland, Ohio. Only 29 homes were to be taken for the park. The law even promised the use of easements. Yet the number of homes purchased was well over 300, the small community was destroyed, churches and schools closed, their tax base eroded by unnecessary land acquisition. Cuyahoga Valley could have been a success without much land acquisition.

## Willing Seller – A Myth

"John Jones is a willing seller. He didn't want to sell and held out as long as he could. First the Park Service came in and purchased the, homes, farms and timberlands of his neighbors who did want to sell. There will always be some. Then the agency began to search out those families who were in some kind of financial distress such as from a death, divorce, loss of job and other reason.

"Jones watched as his community was checker boarded by the Park Service. He remembered being told when the park was created that he would not be forced out. But now the agency was targeting local businesses and the county itself. Many small businesses were purchased and put out of business. The Park Service purchased the holdings of several large timberland companies. Smaller timber owners began to sell as they saw that the logging infrastructure might eventually not be there. The mill eventually had to close because it could not get enough wood. Like a natural ecosystem, the economic ecosystem, of a community is very fragile.

"As more timberland was purchased, more homes and farms began to disappear. Many residents wanted to hold out but with fewer jobs in the county, the value of their homes and property began to go down. As the Park Service purchased them, they lay empty for months or even years because the agency said they did not have the funds to clear them out. They became havens for vandals and drug houses.

"The Nature Conservancy and other land trusts began to circle like buzzards. They would buy from financially distressed landowners, then turn the land over to the Federal government. Time after time this happened, quietly, secretly and silently they helped undercut the community.

"As properties were taken off the tax rolls, the schools and county services began to suffer. Several closed making longer trips to school necessary for families. The school district didn't have the money for the necessary busses. Roads began to close. As the Park Service purchased large areas, the agency put up chains across the roads. Some of these roads had been used for years by neighbors as access points to the river or to go camping, wood cutting or berry picking. Usually we knew another way but over time, all the access was closed off.

"Churches, clubs and other community services began to close. The library was in trouble. The hours were cut for it and other county services. There had been several markets in town and three gas stations. There is only one of each now and it looks like the store will close. That means an 80 mile drive to Millersville for groceries. Over time, other essential services and stores began to disappear.

"When the park was created they promised tourism. I don't know where it is. We gave up a lot of good jobs for this park and the tourists don't come. Several motels and restaurants were built in anticipation of the visitors. All but one restaurant is closed, and it cut its hours back. We have two motels still open but they are struggling.

"We have a very nice ski area but a Park Service trail runs through it. The agency has harassed the owners so often that they're close to giving up. They can't get any kind of commitment from the Park Service as to a final trail location so they can't invest in modernizing and expanding the ski area. There sure are a lot of people in town who would benefit if the ski area was allowed to meet its potential. We thought the Park Service supported recreation. Now it seems the opposite is true. We heard from people out West that the Park Service and the environmental groups were becoming anti-recreation. It couldn't be true we said. It looks like we were wrong. They seem to be against skiing and snowmobiling. It doesn't make sense.

"The county had no choice but to raise our taxes. The tax base for the county was shrinking almost daily. We had one local bank and several bank branches. Now there is only one branch open as part of the market, but it may go away too. The banks have not made loans in our town for several years now because the future is unstable. They won't make loans to loggers, equipment suppliers, or small businessmen because of threat from the Feds. No new houses have been built in some time. The theater closed and the cable television company is considering shutting down. It feels like a ghost town.

"Some of my neighbors are determined to stay and suffer the consequences and severe hardships of living within a now nearly all Federal enclave. I love my town. I was born and raised here, went away to college and came back. It looks like that even though I stood up to those Federal land acquisition agents, there will soon be nothing left to stand up for. I never thought I'd be a willing seller. But I am now."

The "willing buyer, willing seller procedure of acquiring land touted by park officials is 'meaningless' and a more proactive method is generally used," said William Kriz, Chief of Land Acquisition in an article in the Concord Journal in 1988.

## Do Most People in Parks Want to Sell? That's Nonsense!

The American Land Rights Association would not exist if that were true. People would not support us with their membership dues and extra contributions if all they wanted to do is sell. A very small part of the authorized backlog is people who are willing sellers.

But these relatively few cases are hyped by the green groups and some in Congress to justify their land acquisition goals. Let there be no mistake. If a person wants to sell, we support his ability to do so. But having the government involved corrupts the whole system. Once a person makes the mental decision to sell, he'll sell the easiest way possible. The Park Service and other agencies will have little reason not to want to buy with a trust fund behind them. The result will be even more of what has happened in the past – the Park Service and other agencies have become a dumping ground for open space.

However, often the only reason a landowner wants to sell is that he has been harassed and driven half-crazy trying to deal with the Park Service who generally fails to negotiate in good faith. After enough pressure and abusive tactics, almost any landowner can become a willing seller.

But the bottom line is that most landowners still do not wish to sell their land and GAO says that it is not necessary to buy them to achieve project objectives.

In the 70's it was clear the Park Service and other agencies didn't bother to prioritize their acquisitions. In their view they were going to buy it all so who cared. The trust fund will simply restart that mindless attack on rural America. In a 1979 interview with the then Carter Administration Deputy Assistant Secretary of Interior David Hales and the author, Hales said, "If Congress puts a circle around it, we're going to buy it all."

# **Neighbors – Follow The Money**

## **THE MORE MONEY THE FEDERAL AGENCIES GET, THE WORSE NEIGHBORS THEY BECOME.**

### SOME SPECIFIC CASE STUDIES FROM THE 70'S.

Lake Chelan National Recreation Area in Washington State-----was created at the same time as the North Cascades National Park. Lake Chelan was made a NRA so that the small community of Stehekin could continue its pioneering subsistence way of life. It was necessary for the community to have access to wood, water and power to continue.

Lake Chelan offered a unique opportunity to provide the handicapped, elderly, and children a truly wild experience at the end of a 40 mile boat ride, the only regular method to get into Stehekin. There were only 1,600 acres of private land. According to the GAO, the Park Service purchased most of these, cutting off the ability of the community to provide for many visitors.

In fact, it has been said that by 1980 there were half as many beds available to disadvantaged recreationists as there had been in 1968 when the area was made a National Recreation Area. The Park Service had purchased some of the facilities and closed them down.

Lake Crescent in Olympic National Park----There had been more than fifteen recreation resorts and destinations at Lake Crescent before the Park Service went on its land acquisition rampage. Now there are only two. How many handicapped, elderly and children will not get that fine experience they would have had with those facilities still operating?

The Buffalo National River in Arkansas-----While preparing for a debate on the “Today” show on NBC in 1988 between myself and Denis Galvin of the Park Service, the NBC staffers found that the Park Service had started out with 1,103 landowners. The law clearly encouraged easements and did not intend to destroy the special cultural communities along the river. The culture was so unique it was featured in National Geographic. However, NBC said there were only eight landowners left in 1988, the 20th anniversary.

I served with former Parks Committee Chairman Roy Taylor on the National Park System Advisory Board and Council in 1982. He told me personally that Congress never intended for the people of the Buffalo to be destroyed.

St. Croix River in Minnesota -----According to a 1978 report on rivers by GAO, they found the Park Service had acquired 21,000 acres when they were only supposed to acquire 1,000 acres of access sites according to the legislative intent.

St. Croix River----- Another GAO report issued in 1979 found the Park Service had 2,100 acres under condemnation, which was 900 acres over the legal limit. The Park Service agreed but said that when they concluded the condemnation trials on people enough to reach the limit, the rest would receive scenic easements.

St. Croix River ----- Park Service was found guilty by the Justice Department of using project influence to pay landowners less than fair market value. Justice planned to make the agency go

back and re-appraise the land and pay for what it had taken illegally. American Land Rights had to pressure the Justice Department to follow through.

St. Croix River-----Park Service is now over its legal limit for using condemnation to buy fee title. They are now threatening landowners with excessively restrictive public access easements that only leave the landowner with the right to pay taxes and liability for personal injury.

St. Croix River-----Ironically, one of the best examples of the use of easements was not by the Park Service. The Kettle River is a tributary under the responsibility of the State of Minnesota. The state purchased land protection in the form of easements for a fraction of the average cost paid by the Park Service in adjacent areas.

Boundary Waters Canoe Area, Minnesota---The Forest Service used LWCF funds to buy up and remove many resorts throughout the whole region of Minnesota. The result was not more recreation but recreation transferred to the young and healthy at the expense of the elderly, handicapped and children. There was a massive loss of access to traditional hunting and fishing areas further reducing broad-based family recreation.

Voyageurs National Park, Minnesota-----The Park Service admitted in a 1979 GAO report that they had acquired enough land for the park from the timber companies and did not need to acquire all the private landholdings that dotted this sparsely populated area. The agency went on to acquire the inholders.

Fire Island National Seashore in New York-----The Park Service was found guilty by the GAO in a 1981 report of acquiring an expensive home completely surrounded by other homes and not available for any form of public recreation. The Park Service justified its condemnation simply because the landowner had built his deck a little too large and had received a zoning variance from the local town. The cost to the taxpayer was \$100,000 for nothing.

C & O Canal in Maryland ----- The Park Service threatened all landowners with condemnation in the years around 1974. Even though they were required to offer landowners a life tenancy under the 1969 Uniform Relocation Act, the agency failed to provide each landowner notice of his rights because park officials wanted to limit any use and occupancy reservations to 25 years. The result is that now the landowners are fighting to get what was fairly theirs. Their Congressman, Roscoe Bartlett, has worked tirelessly to try to save the former landowners from Park Service eviction.

Mt. Rogers National Recreation Area in Southwest Virginia-----A Forest Service area created in 1966. Congress had specified that the agency should acquire 39,500 acres, 40% of them in fee title that would have allowed the communities to stay. When questioned by congressional investigators and the author in 1979 about how many acres they had purchased in fee and how many easements, they responded that they had purchased over 26,000 acres in fee and no easements. The agency thought Congress didn't really mean what they said in the law. They viewed it as just a suggestion. It took a surprising amount of hard work by former Congressman Bill Wampler of Virginia to stop a massive new round of condemnation actions planned by the Forest Service.

Yosemite National Park in California-----76 year old James Downey, a survivor of the 1906 San Francisco Earthquake, was threatened with condemnation in 1971 because he wanted to add a bathroom. He had no tub and had a double size septic tank and there was a covered breezeway under which the bathroom was to be built. There would be no new land coverage. The Park Service said what he was doing was an incompatible act and he would be condemned. They came



back to him two weeks later after realizing their political insensitivity and said that if he would sell them his home, they would lease it back to him and then it would be OK to build his bathroom. Was the goal to stop the bathroom or buy the house?

Yosemite National Park----- Harold Tischmacher's home burned down in December 1977. When he tried to rebuild it on the same foundation, the Park Service started condemnation proceedings because they said it was an incompatible act. He was saved by congressional intervention by Congressman Bernie Sisk (D-CA).

Foresta Fire, Yosemite National Park-----In the late 80's a fire got out of control in Yosemite National Park, roared up a canyon and wiped out the entire village of Foresta, about 80 homes. Park Service Superintendent Michael Findley had turned down help from the Forest Service and the state forestry service. After the fire, Findley requested that Congress give him immediate permission to condemn all the home sites because he could buy them cheaply since fire insurance would pay for the lost houses. When he was denied, he then set up as many roadblocks as possible to prevent the landowners from rebuilding, thereby forcing some to sell.

Unfortunately these cases are just the tip of the iceberg. Hundreds and perhaps thousands more have not been recorded. Investigators can find these kinds of stories at nearly every park or other special designation Federal area.

## NO LAW TO PREVENT THESE ABUSES HAS BEEN PASSED.

In the 1980's condemnations went down because the Reagan Administration opposed the use of this tool wherever possible. Offshore oil and gas money was reassigned to other social priorities by sending it directly to the treasury.

## THERE WERE ABUSES IN THE 80'S

Grand Teton National Park in Wyoming-----In an important national case a landowner had been trying to sell his 160 acres to the Park Service for 10 years. They've had the money. The problem was the bad faith negotiations extending all the way up the highest levels of Park Service management. The landowner finally had to threaten to subdivide his land in order to get them to make the purchase. The landowner did not want to subdivide and had been a good steward. The agency condemned him. During the next five years this case took, the landowner offered to settle with the Park Service and it was agreed to right up to the Directors level. William Mott overturned the agreement for \$1.8 million. The case then went to trial and ultimately cost the government over \$3.2 million, far more than the agreed upon settlement. The judge was not complimentary to the bad faith negotiating by the Park Service. To make the case more bizarre, this piece of land was the highest priority acquisition for the Park Service in the country and they still could not manage to negotiate in good faith.

Santa Monica Mountains NRA in California-----In the Murphy Duane case the landowner spent years going through all the vast permitting process and Coastal Commission approval to get to the point where he could build his dream home. The Park Service strategy was to let him go. Only when he had spent thousands of dollars and man-hours to get local approval, did they say they were going to condemn his land. Intervention by Members of Congress stopped this abusive example.

Chesboro Canyon, Santa Monica Mountains NRA in California-----The Park Service had enough money to purchase this Trust For Public Land Property for \$8 million leaving hundreds of small landowners in another area of the NRA laying helpless and strangling. This is the exact kind of case that gives the impression that lots of landowners want to sell and that there is the need for HR-701 because there isn't enough money.

The plain fact is that if the Park Service had used its money wisely to buy hardships and willing sellers they knew existed, there would be no cry for more money. It was lobbying by the Trust For Public Land that allowed the \$8 million to go for property the Park Service did not need to purchase thereby preventing the truly needy landowners from being paid.

Golden Gate National Recreation Area, Sweeney Ridge in California-----The Trust For Public Land acquired an option on this property for \$8.5 million. They then negotiated a sale to the Park Service for \$9.6 million. The Park Service really did not want to buy the property at all. Both the Carter and Reagan Administrations agreed that the land was not of park quality and should not be purchased.

However, as is often the case with large land trusts, TPL orchestrated a political campaign and forced a political confrontation. They obtained appraisals to show that the land was valued at anywhere from \$21 million to \$24 million. The landowner, part of a large oil company, hoped to obtain a large tax deduction. Our investigation showed the land worth from \$7 to \$10 million. Interior Secretary Bill Clark ultimately negotiated a sale near the \$8.5 figure, due in part to our campaign against this unfortunate use of land acquisition funds. The figure was 8% of the entire land acquisition budget for the Park Service. Many other deserving landowners were left out because of this misuse of money. The problem is not that there wasn't enough money, but that the money was spent unwisely.

Appalachian Trail, Hanover, New Hampshire-----The Park Service, working closely with the Dartmouth Outing Club, attempted to use LWCF funds to buy a greenway around Dartmouth College. They did this by moving the Appalachian Trail over to make it go through the middle of farmlands rather than along the fence lines as they were supposed to do and using a 1000 foot corridor to build their impact. They were found to be lying to Washington officials about their activities when called in to explain and ultimately had to move the trail back to the fence line and share the impact among adjacent owners. They were forced to use easements even though they tried to avoid using them. Only American Land Rights intervention saved their lands.

Appalachian Trail, Sheffield, Massachusetts----- Park Service ignored the Land Protection Planning Process and ran the trail through town without consulting local officials, holding hearings or meetings or producing a land protection plan for the area that had been shown to either local landowners or officials. In fact, the Park Service had deliberately rerouted the trail at the request of the green groups to run it through the land that was planned to be used for a high tech, low impact recycling plant the greens wanted to stop. The Appalachian Trail has often been used as a weapon. Park Service officials repeated this kind of abuse over and over along the Appalachian Trail.

As in the earlier examples, this is the tip of the iceberg. When there is little oversight there is no reason for the agency to even attempt to obey the law. And they end up spending billions of dollars that do not have to be spent.

## HOW ABOUT THE 90'S? THE ABUSES CONTINUED.

Sleeping Bear Dunes National Lake Shore in Michigan-----Riverside Canoes owned by Kathy and Tom Stocklen has been serving the public well for many years. Even the Park Service admitted they ran a good clean recreation business. But they would not sign over an easement type contract to the Park Service without compensation. The Park Service had already purchased two other canoe liveries and a campground either in condemnation or under threat of condemnation.

Finally, in 1990, the Park Service condemned the Stocklens. After several meetings with Park Service officials in Washington, no one at the agency could justify the condemnation, yet it went forward none the less. Finally, in 1992 just before the election, American Land Rights planned a huge demonstration in front of the Interior Building in Washington, DC. The Interior Department forced a settlement that gave the Stocklens back their land and compensated them for their attorney's fees prior to the demonstration.

Sleeping Bear was originally set up as a National Recreation Area. That is what a National Lakeshore is. It is tough to have full access to recreation when the managing agency buys out all the services providing certain types of recreation.

Moosehorn Wildlife Refuge in Maine-----The FWS wanted to expand the refuge. They promised the local people they would only buy from willing sellers. The others relaxed. After the willing sellers had been purchased, the agency came back, denied they had ever said they would only buy from willing sellers, and began threatening condemnation. This is a pattern that repeats itself over and over again.

Saddleback Mountain Ski Area in Maine-----Time after time, for over 20 years, the family that owns Saddleback has tried to work out a settlement of the route for the Appalachian Trail so that they could modernize and complete their ski area. Bad faith followed by bad faith by the Park Service in negotiations continues to this day. In fact, Saddleback recently offered the Park Service twice the land they could condemn under law just to settle the matter. Yet Saddleback sits twisting in the wind. The losers are the family, the community that loses jobs and \$40 million of much needed economic activity per year for the region. The recreation ski community loses access to what would become one of the finest ski areas in America. The greens want new National Parks in Maine. It is hard to imagine why Maine or Congress would allow the Park Service to take over 5 to 10 million more acres in Maine when they cannot seem to solve problems and get along on a simple trail.

Little River Canyon National Preserve in Alabama-----Here is an example of pure politics at work. The former Congressman from the area essentially told the Park Service to find him a park in his district. He apparently needed another monument. Fortunately, the agency found the Little River Canyon, which we consider of national significance. The State of Alabama and the Alabama Power Company owned it. As usual, the Park Service wanted much more. They tried to include the homes and farms of over 500 nearby landowners. American Land Rights helped fight the proposal, which ultimately was settled by Congress using just the state and power company land. The cost to the Park Service was minimal. It was totally unnecessary to include the 500 landowners. This kind of expansionist process that is imbedded in the Park Service culture raises the cost of parks and hurts the taxpayer.

# Can It Happen Again?

## HR-701 Makes It Appear Impossible To Avoid!

Congress has passed no law that would prevent a return to the terrible days of the 70's. The only difference is money. A simple change in policy by the Interior Department or less enforcement of the present policy that already falls short is all it would take. HR-701 will bring on a nightmare to rural communities across America.

### A Summary

#### The Problem

- ★ While HR-701 starts out more modestly, it will ultimately and inevitably increase to over \$1 billion per year and probably more with modest additions each election cycle. That is not counting the likely possibility of a compromise with the more aggressive bills proposed by others. Once the Trust Fund is set up, the gradual expansion process is inevitable. There will be no going back. The cow will be out of the barn and down the road. Just like the Endangered Species Act, Congress will be cowed into allowing a law that hurts people to continue to hurt people.
- ★ Why should the Park Service, Forest Service or Fish and Wildlife Service be given a new entitlement by this Congress which gives those agencies a higher priority for funding than the Defense Department, education, aids research, and many other important issues. Every program should have to compete for appropriations. No more entitlements.
- ★ No private property will be safe with the funds from HR-701 available. Gradually, over time, all inholder families will be wiped out. Special Interest Groups will seek to create new congressionally designated lands to apply their newfound largess. As was said about former Congressman Phil Burton, "if the only tool he had was a hammer, everything he saw would look like a nail." With HR-701, everything will begin to look endangered to certain special interest groups and in need of Federal purchase.
- ★ How much is enough? Is it the policy of this Congress to buy up all America? There should be a no net loss of private land policy in America so that any new acquisitions are accompanied by a corresponding sale of government lands.
- ★ What is the end game? Many members of Congress keep asking how America is going to extract itself from Kosovo and the Balkans. We would ask how Congress would be able to shut off this new unappropriated, dedicated and off-budget trust fund entitlement once it is started. The experience of the past says you will be unable to do so. The end result for anyone who cares to look beyond the years of his own term is obvious. The solution is so much bigger than the problem that the solution becomes the problem. Land acquisition will overwhelm rural America.
- ★ There is little oversight of land acquisition now. There will be virtually none if this bill passes.

- ★ Why are inholder families targeted for acquisition and removal? Senator Orrin Hatch once referred to this process as “cultural genocide.” Why cannot Federal areas be managed with families and communities still there? Why this hysterical rush to wipe out this cultural resource? Hundreds of small communities in existing Federal areas will be wiped off the map.
- ★ Land acquisition has always been used as a weapon to regulate and control private landowners. With billions of dollars to spend in a dependable and continuing stream, Federal agencies will be able to threaten landowners and control their activities. The reach of HR-701 into the very underpinnings of our Republic is remarkable.
- ★ Land acquisition destroys the culture and history of the US, often driving out old families. The Park Service is essentially the curator of our nations history and culture. Yet, Park Service practice in the past has been to buy out and destroy much of our cultural heritage.
- ★ Special Interest Groups will seek to designate hundreds of areas of private land as new government reservations. It will never stop. Just look at their current attempt to convert the 26 million-acre Northern Forests of Maine, New Hampshire, Vermont and New York into new Federal parks, refuges and other reservations of various kinds. Even the bill language of HR-701 appears to encourage this massive government sponsored population relocation plan.
- ★ Billions of dollars of private land will be taken off the tax rolls, forcing local taxes up. The taxes for those people who are not acquired will go up forcing some to sell, others not to invest and generally place a negative push against community development.
- ★ The basic tax base of many jurisdictions will be damaged or destroyed. It is true that HR-701 will provide money to the states, which they can choose to build swimming pools and other recreation alternatives. But HR-701 also funds the purchase of land by the state and Federal government which ultimately and permanently weakens that community or jurisdictions ability to provide basic services or even maintain those same swimming pools.
- ★ Reports over the past twenty years by the General Accounting Office document an ever increasing trend of poorly maintained National Parks. From an estimate of \$2 billion in maintenance backlog in 1981, the estimate by some seems to indicate that the backlog may approach \$10 billion or more. Does it make sense for this country to buy more land when it cannot take care of what it already owns?
- ★ The Payments In-Lieu of Tax Program, PILT, has never been fully funding by Congress. Local communities don’t get near enough money to replace the tax revenue they lost to Federal land acquisition. What is worse, PILT is essentially a “snapshot” concept where future payments are based on the value of land as of the date of acquisition. Thus a county that must meet the needs of 1999 gets payments based on 1976 values for example.
- ★ HR-701 will fund the buying out of new mining ventures, a vast array of the timber supply and ranching operations all over America. Thousands of jobs will be lost and with them a tremendous loss in economic opportunity and vitality. Rural communities don’t take much economic upheaval to permanently damage the economic ecosystem.

## Park Service Is Being Damaged

Unfortunately, Cuyahoga Valley is not an isolated example of how our Park Service areas are being managed. It is rather common place. Yet Congress has largely failed to examine the abuses discussed in this important film or how they could be corrected. The loss is to the Park Service. Because Congress failed to provide proper oversight, the Park Service feels it is immune from criticism. People who don't have to compete generally fail to be the best they can be. Congress, the Administration and yes, even the environmental groups, are cheating themselves and the American public out of a better Park Service.

## Conservation and Reinvestment Act Will Buy Land and Destroy People

Inholders are the targets of HR-701. They are the families in communities that will be removed at will by the National Park Service and other Federal agencies who will no longer be constrained to attempt to be good neighbors because they don't have enough money. If they cannot condemn people, they will simply threaten them, harass them, cut off their access, cut off Federal loans and grants and disaster relief and eventually drive them out. It's easy. It just takes a little more time.

The Conservation and Reinvestment Act (HR-701) will make victims out of people who are discriminated against because of where they live. These people will be rewarded for taking care of their land by having it taken from them.

Condemnation is a terrible tool often abused in its use in the past by the Park Service and Forest Service. Only limited funds have kept it under control. It is vital that any legislation adding financial strength to the Land and Water Conservation Fund also carry with it the restraints necessary to monitor and control that strength. We would be glad if HR-701 ultimately applies funds only to willing sellers but find the likelihood of that happening not very high. Even if willing seller passes this Congress, it will be easy to add condemnation back in next Congress. It's the Trust Fund, the money that does the damage.

In the near term, the Fish and Wildlife Service may be the most dangerous Federal agency. They are the only agency that can set up a Federal area without authorization by Congress. HR-701 says that money will only go to areas designated by Congress. It will be a simple matter for the Fish and Wildlife Service to set up a new refuge, then go for congressional designation. The FWS has such a huge constituency behind it that Members of Congress are afraid to put any real oversight into this agency or its abuses. HR-701 will only make matters worse.

## Millions of Acres Inside National Forests Will Now Be New Targets Of Land Acquisition

Perhaps the most amazing aspect of HR-701 is that it will make tens of thousands of landowners with millions of acres of private land inside National Forests almost entirely new targets of land acquisition. They don't even know it is coming. They have no experience with land acquisition because the Forest Service has never focused on land acquisition other than specially designated areas like National Recreation Areas and Wild and Scenic Rivers. And there hasn't been the money. Now there will be a massive attempt to consolidate all the checkerboarded private lands

and inholdings in the National Forests. Hundreds of small, unincorporated communities will find that if HR-701 passes, life in the National Forests will be changed forever.

Members of Congress with National Forests in their districts ought to hold a few hearings where they explain clearly to their constituents that they are supporting a bill that would target these people. You would see a huge uprising. As of now, the potential victims have no idea of the impending danger. Who do you think they'll blame when they figure it out? It will certainly be their Congressman who failed to tell them. Then he'll spend the rest of his career being a management consultant trying to mitigate the damage and hold off the Forest Service.

## Hunters and other Sportsmen Are In For A Surprise

Hunters and other sportsmen who count on private lands intermingled with Federal land as their access to those lands that are often closed because they're designated as Wilderness will find their favorite hunting and fishing spots closed as the government targets these areas for acquisition to eliminate the access.

Some sportsmen's organizations have recommended buying out the ranchers and farmers around the forests and the parks to protect the winter range for their hunting targets. We support hunting. But some sportsmen seem to think that those farms and ranches will supply the same level and quality of forage when the farmer or rancher is no longer their. It is the working farm or ranch that provides the quality winter range. Sometimes the farmer or rancher is not happy about it because he is actually subsidizing the government and the hunters with his private property. But the fact is that these farms and ranches provide far more in winter range than they would if land acquisition cleared out the occupants.

## Trails Will Become the New Battlegrounds

Congress is creating a number of new trails across the nation. They are trying to make sure there will not be massive land acquisition. But like night follows day, the Appalachian Trail will be the model.

First, each new trail is a model of cooperation with landowners. There are no threats. Deals are struck to run the trail across the land of willing participants. Eventually this arrangement gets too cumbersome so the trail society (like the Appalachian Trail Conference and all its local groups) lobby Congress to add land acquisition. Gradually the power of the managing agency is ratcheted up as the lobbying intensifies. Because a trail is a long string of land, the trail clubs have the power of many Congressional delegations supporting them while the poor landowner only has one Congressman and two Senators and virtually no chance to fight back. The result is generations of anger and frustration as landowner after landowner loses his land. Examples along the Appalachian Trail are numerous.

Another problem with trail management is that the support groups or clubs like the Appalachian Trail Conference largely run the agency in charge of the trail. In the case of most people who manage parks, they are routinely rotated from park to park. But in a few cases they develop fiefdoms and spend most of their careers in one place. The current management of the Appalachian Trail is one example. The current project manager has been at that one location for over 20 years. The Appalachian Trail Conference wants consistent power. They constantly lobby to keep "their" person in charge. The result is bad management and political nest building that damages the Park

Service and strains relations with local governments and others who must deal with trail management.

## HR-701 Will Help Create a Slush Fund Subsidy or Entitlement

Certain powerful special interest groups have lobbied to set up their own single-use entitlement program, the Conservation and Reinvestment Act. It is curious that under the cover of the “word-tool” called “recreation” these groups actually support legislation such as HR-701 which is anti-recreation. At least for the broad spectrum of the American public families; children, handicapped and the elderly are largely locked out of areas created with the Land and Water Conservation Fund. Instead these areas are set aside for the privileged few that are young and healthy enough to gain access and enjoy them.

Why an entitlement or subsidy? Should we be setting up special interest entitlements for every segment of society? Shouldn't resource preservation and limited-use recreation have to stand in line with everyone else during the budget process? Shouldn't wilderness and parks have to compete with other important social priorities like the Defense Department, education, AIDS research, childcare, and children's programs.

Why should the environmental groups get a special deal? They have become the privileged class. The Sierra Club advertises that the median income of its members is well in excess of \$60,000 yet it joins other environmental groups equally as wealthy standing in front of the line to the door to the Federal treasury. And they do it with tax-exempt dollars too. How many subsidies would they like?

## The Land Trusts – Leading or Following? Who is Setting the Priorities?

It is very clear that the Nature Conservancy, Trust for Public Land, Conservation Fund and other giant trusts are essentially taking over the role of deciding where our new national parks and other conservation areas will be. They are setting our future conservation policy instead of Congress. This seems to us to be a very dangerous course of action.

Already the land trusts are buying huge amounts of land in the Northern Forests of Maine, New Hampshire, Vermont and New York in what appears to be a plan to render moot what Congress thinks or plans. The land trusts would not do this if they didn't think there was a very good chance they would eventually be reimbursed by the Federal Government for their efforts. Most of the land they purchase is eventually transferred in some way to the Federal agencies.

Local officials in New England cannot go to bed at night knowing they will still have a tax base in their town or county the next morning. These land trusts are essentially deciding who lives and who dies from a community standpoint. The potential for corrupting the system and the Federal agencies is tremendous. The land trusts stand to make huge profits as they often do from sales to the government. Yet they are deciding where our next parks are coming from. Congress needs to visit this issue and make some decisions. Who is in charge? We believe the land trusts need to be put on notice that just because they buy something, there is no obligation to Congress to reimburse



them. Further, as we have said elsewhere in this testimony, no land trust should be able to sell land to the government that does not make their books available for review by the General Accounting Office and Congress.

Congress needs to decide just who is in charge. One Nature Conservancy official said several years ago that no developer or community should make plans about undeveloped land without going to the Nature Conservancy first. Their reach and their computer database are so large that they have that kind of power. In fact, the Nature Conservancy gave parts of its database to each state along with an operator so that hidden in all state land agencies is a computer data base with virtually single piece of private land listed and categorized. This database would never have passed the state legislature in each state but the Nature Conservancy sneaked it in through the back door. If that sounds scary, it is. It is clear that Congress needs to take charge of this situation. The self initiating park manufacturing system now in place with the large land trusts offers too much money, profits and opportunities for corruption without some careful regulation.

## National Natural Landmarks The Secret Park Service Land Grab

In the early 60's Interior Secretary Stuart Udall initiated a program whereby the National Park Service would reward landowners for being good stewards. If they met certain criteria, their land would be nominated as a National Natural Landmark. They would receive recognition and awards as good stewards. Interior Department and Park Service policy said the government had to ask permission of the landowner before moving forward so things seemed reasonable.

Somewhere in the 70's the Park Service got impatient. They stopped telling the landowners they were nominating and began quietly designating their land as National Natural Landmarks without telling them. Hundreds were designated and several thousand were nominated. Landowners only found out they had a problem when they went to do something with their property and were told by local and state authorities that they couldn't because their land was of "national significance."

When the program began to unravel, no one was prepared for the scope. One landmark nomination was for 10,000,000 acres. Huge amounts of private and public land were included. The National Parks and Conservation Association in their massive 1988 plan for park expansion called these areas "ladies in waiting."

In the early 90's the story broke courtesy of American Land Rights and a network of other private property advocacy groups. Various newspaper organizations and the Interior Department Inspector General investigated the Park Service. The agency was found to be guilty of taking control of private land or putting a legal cloud on that private land without telling the landowners. The National Natural Landmarks program was put in limbo. It just sat there for a number of years.

Just recently, the Clinton Administration has restarted the program. They have a cute way of saying will never going to let go of those properties. Most of their announcement said they were backing off but if you read between the lines, the landowners are going to have one heck of a time getting released. So much for stewardship and a partnership with the Park Service. The landowners continue to have a cloud on their title and fear in their hearts. The Park Service knows it stole something and got away with it.

# Land and Water Conservation Fun No Money For Maintenance

The General Accounting Office, the “non-partisan” investigative arm of Congress has released several reports over the past 20 years that say Park Service superintendents believe there is a shortfall in maintenance funding ranging in the billions of dollars. None of the money for Federal agencies from HR-701 can go for anything but buying land. Shouldn't we be able to take care of what we already own?

## Parks Will Become Political Trading Stock

For those with short memories, the late Congressman Philip Burton used parks as a tool to achieve great political success in Congress. A Billion Dollar Trust Fund with a dedicated money source will allow all Members of Congress to create new parks and other reserves at will. They can say, “Let the trust pay for it.” No one will be financially responsible... except the taxpayer.

Actually, it was Burton who hosted a secret meeting in 1979 with key Congressmen and staff from both parties along with agency officials and land trust executives who first planned out how to set up a billion dollar land acquisition trust fund and remove Congressional oversight.

HR-701 will make parks the political trading stock of the 90's. The Park Service will become the “Pork Service” as we head into the era of what the Washington Post referred to in 1980 as “one man one park.” In the late 70's the Park Service became a dumping ground for open space because they were used in the pork barrel trading process. The University of California Press has released an important book about the life of Phil Burton called A Rage For Justice by John Jacobs. This book rivals the Power Broker, Robert Moses and the Fall of New York, written in 1975 by Robert Caro. Both books document the use of parks as political trading stock to control the political playing field and Congress.

During my term on the National Park System Advisory Board, other members appointed by the previous Administration, may not have agreed with me on some issues. But they were almost united in feeling that the resources and the will of the Park Service were being diluted by areas not deserving of inclusion in the National Park System. They felt that the National Park System was being damaged by its use as a political tool by trading parks for votes.

## Park Service Has Taken the Land of Over 115,000 Landowners Through 1995

Even though HR-701 says the LWCF will only buy from willing sellers, we believe it will eventually allow for the condemnation and destruction of landowners and small communities all across America. It may happen with amendments in other Congresses but eventually this unappropriated off budget trust fund will fund condemnation. More than 115,000 landowners have already lost their land to the Park Service alone since 1966 because of the Land and Water Conservation Fund, which will be amended by HR-701.

# Lack of Congressional Oversight

The National Park Service and to a lesser extent other agencies, have been immune from Congressional oversight because they manage nice places. Parks are good in political terms and it is bad to appear to be against parks. The result is a runaway bureaucracy with little or no accountability. These land buying agencies are buffered by support groups who intimidate and overwhelm opposition.

## Land Protection Planning Process

There has been a definite trend for the better. Mostly related to funding. One of the true success stories of the Reagan Administration was the Land Protection Planning Process. The fact that the planning process is largely still in place testifies to the common sense nature of the policy. Responding to the severe criticism by the General Accounting Office in previous years, the Interior Department published the Land Protection Regulations in 1982. And many in the Park Service and Fish and Wildlife Service have made an effort to make them work.

Land Protection Plans were supposed to help the Park Service and other Federal agencies obtain protection for more land at less cost. They were supposed to encourage the use of cost effective easements and other alternatives to fee acquisition. They were supposed to buy the least amount of an interest necessary to meet congressional objectives.

Unfortunately, lack of support from certain Members of Congress and the long held belief that we will buy everything anyway so why bother prioritizing has led the Park Service and other agencies to largely ignore the Land Protection Planning Process. HR-701 could be improved by including the 1982 Land Protection Planning Policy into the bill.

We should make it clear that even though we have suggested improvements to HR-701 in various places in this testimony, we do that only to help landowners should this bill be made into law. As long as it creates a Trust Fund, increases land acquisition funding and those funds do not have to go through the appropriations process each year; our opposition remains total, complete and unequivocal.

## The East-West Conflict Over Parks

The East is overcrowded and needs more open space according to some. The West feels it has been abused by having too much land locked up. HR-701 may well be a response to calls for more parks in the East, but much of the damage will still be in the West. The West understands what condemnation, land acquisition and loss of tax base will do. In some cases, the West never was given the tax base in the first place. The East kept control by keeping the land in government ownership to restrict Western growth.

We hope Eastern Congressmen and Senators will be truthful with their citizens about what HR-701 means. Massive land acquisition of private lands, much of it in the Northern Forests of Maine, New Hampshire, Vermont and New York. Yet, the public wants parks near where they live. Ask them if they want their neighbor to lose his home as a price for making the park? Ask the urban resident if he is willing to pull the dollars out of his pocket to pay for the park? Don't extort the money from him without letting him understand the price he is paying.

# Let's Be Honest, HR-701 Is A Billion Dollar Tax Increase

Let's be honest about the Land and Water Conservation Fund. Any money that is appropriated for the fund, or that comes from the sale of public assets and put in the fund, is public money. Money that comes from off-shore oil and gas sales would normally go into the treasury to reduce taxes. Under HR-701, it will automatically be siphoned off for special interest groups and land acquisition and the taxpayer will have to make up the money. Lets not kid the folks back home and tell them they won't have to pay for all this land acquisition. They are paying for it all right... only it's being done in a sneaky underhanded way.

## HR-701 Says Only Willing Seller But Congress May Decide Otherwise

HR-701 contains no oversight provisions. The numerous General Accounting Office reports listed above have criticized the Park Service in particular and other Federal agencies for buying more land than they are supposed to; creating projects with huge cost overruns; not prioritizing their land acquisition so that they buy land they don't need instead of lands intended by Congress; failure to use easements and other cost effective protection alternatives; and failure to pay attention to the needs of local communities, landowners, and local government.

Use of eminent domain or condemnation must be severely restrained if money is added to the Land and Water Conservation Fund. On the St. Croix River the Park service has exceeded its condemnation limit. It continued to threaten to condemn easements that include public access over a person's entire property instead of just river access as the law intended. Otherwise unwilling sellers have gladly sold willingly rather than have nearly all the value of their land taken leaving them with little resale value but the right to pay taxes.

Land acquisition money is used as a giant regulatory umbrella. The Niobrara River Wild and Scenic River had a provision that limited condemnation to 5% of the land. When asked by the author how they would use this limited condemnation power, the Park Service said they would hold back condemnation and threaten everyone with it to keep them from making unwanted developments to their property.

The agency pays little or no attention to the legislative history of areas managed by them. According to GAO, they are just as apt to buy land they don't need as land that is critical. They assume they will buy it all anyway so why plan. Therefore, many condemnations take place that wouldn't have if more easements and other alternatives were used.

A court will not examine the taking—it is assumed that if it is for a “public purpose” then it is OK. The power comes with the power to govern. Courts only ask two questions. Does the agency have the money and the authority to spend it? They never ask if they have the authority to spend it on that land or at that project.

Therefore, the landowners cannot contest the taking. The Park Service uses condemnation as an abusive tool to intimidate. They know that the only thing that can stop them is congressional oversight and they have little to fear from that. Many landowners are squashed like bugs without a

chance to fight back. Yes, they get paid. And sometimes they even get enough to replace what they had. But what is the price of land you don't want to sell?

The Reagan and Bush Administrations held down condemnations and funding for mass condemnation but even their Justice Department would not review the thousands of condemnations in process when they came into office. If the willing seller provision fails to survive, HR-701 will allow the Federal agencies to return to the wholesale condemnation era of the late 60's and 70's. According to a report to Senator Ted Stevens by the Justice Department released in 1979, of 21,000 condemnations in process nationwide by all Federal agencies that year, the Park service had over 10,000 of them. That number is skewed somewhat by the Big Cypress condemnations.

Despite the Willing Seller – Willing Buyer provision in HR-701, we believe that any bill coming out of Congress will include condemnation. Declarations of Taking will increase if HR-701 passes. DT's, as they are called, are used by the Park Service as an abusive tool to intimidate and depress opposition to local land acquisition projects. They give the government immediate title to the property and can be used to force the landowner off the land in 90 days even if he has no other place to go. Small businesses and farmers have been especially hard hit by the use of this tool.

In the past, the congressional committees have often approved a DT without ever taking the care to ask local elected officials or landowners whether a DT is appropriate. Some are but most are not. The Resources Committee in the past was often counted on by the Park Service as an automatic sign-off to get a DT approved. It failed to investigate the facts. As a result the Park Service often gave Congress information that was not accurate. The Park Service did not have to tell the truth because it knew the Committee was not likely to check.

The Committee has often not fulfilled its oversight role. By passing HR-701, Congress would be placing a loaded gun in the hands of the Park Service. HR-701 should carry some very carefully crafted oversight provisions for the use of Declarations of Taking.

HR-701 will eliminate any motivation on the part of the Federal agencies and particularly the Park Service to use easements to protect land while saving money. The GAO says that the Park Service objections to easements are more perceived than real. For example, on the St. Croix, (Kettle River Section) the State of Minnesota purchased hundreds of easements at a cost of 30% or less of fee title. On the St. Croix just a few miles away, the Park Service was condemning fee title costing far more money for the same kind of land. The difference in management is money. If they have enough money they don't have to negotiate. They take the easy way out. They don't have to be a good neighbor. They always threaten condemnation. They use condemnation. The use of a high percentage of easements would cut land acquisition costs by a minimum of 40% while saving valuable cultural communities. More land could be protected at less cost if Congress enforced the use of easements.

Public Law 91-646, the Uniform Relocation Act is supposed to protect landowners from overly aggressive bureaucracy. IT DOES NOT WORK. If HR-701 passes it will be turning loose powerful bureaucracies to prey on their own people. Money is the key. If the land acquisition agencies do not have quite enough money to do their job in the old way, they become creative and fiscally responsible. To some extent this has happened in recent years. Without very tight controls over land acquisition and the condemnation process, private land in rural America will face a grave threat at the hands of its government.

Multiple-use on Federal lands will be damaged by HR-701. Multiple-use lands will be converted into single purpose restricted areas where only a small minority of citizens can go. Congressmen and Senators are able to change multiple-use lands into parks now, but they must be responsible for huge costs associated with buying private lands in those areas. Mineral rights, grazing rights, water rights and other private interests must be paid for too.

If there is a Billion Dollar Trust Fund, Congressmen will simply have to say: 'Let the trust PAY for the new Park.' They will not have to take fiscal responsibility for their actions. HR-701 will lead to virtually no congressional oversight over land acquisition. HR-701 is not the final Trust Fund. It is a transition bill that amends the Land and Water Conservation Fund so that it has a dedicated source of funds that will eventually grow to \$1 billion and more. The goal is to position the LWCF so that it will be removed from the congressional appropriations and oversight process. This would complete the plan laid out in June 1979 in the late Phil Burton's secret seminar where this whole process was planned. The goal of that meeting was "to get the Land and Water Conservation Fund out from under congressional oversight and give as much money as possible to land trusts" where there would be even less oversight.

Anyone who pays recreation or user fees on Federal land will eventually have to pay higher fees because of HR-701. Like night follows day. The environmental groups will use the excuse of paying for the Trust to prod Congress into raising user fees. Their goal, of course, is not really to raise money, but drive commodity production and other multiple-uses off the Federal lands.

HR-701 will eventually give the Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management 200%, 300% and even 400% of the land acquisition funding that has been provided by Congress over the past ten years. The threat to rural America is staggering.

If HR-701 passes we will end up with a \$25 billion backlog in 10 years. The appetite of some in Congress, the Park Service, and the environmental groups is very big. Their eyes are bigger than their funding. Instead of the current \$8 billion backlog as we have now (if you can believe the President's Commission on Americans Outdoors ten years ago) you'll simply see a \$25 billion backlog as Congress loads up the process with new ego-political parks. Remember, they no longer have to be accountable for costs because the "Trust will pay."

We will be mortgaging our children's future and setting impossible goals while guaranteeing to raise their taxes because LWCF funds that could have passed through to the general fund to help reduce the deficit will now be siphoned off.

It is suggested that we must take funds from an asset we are using up (off shore oil) to build another asset. There is some logic to that argument. Often, however, the Land and Water Conservation Fund is taking assets or their uses important to all Americans from them. We may buy land, but it is placed in a non-use category. Small communities are being destroyed and the local tax base damaged. HR-701 will remove millions of additional acres from the tax rolls throwing the burden of supporting necessary community services on other property owners. Often counties support the LWCF to pay for the swimming pool while giving up the tax base that could pay to keep up the swimming pool.

None of the money from HR-701 can be used by the Park Service, Fish and Wildlife Service or Forest Service for anything but buying land. No maintenance, no rehabilitation, nothing else. Yet the backlog in maintenance grows bigger with each passing year.

It seems inconsistent for the environmental groups to be suggesting the sky is falling about the preservation of land when advocating huge land acquisition increases while at the same time resisting to the death any attempt to add maintenance and rehabilitation funding to the Land and Water Conservation Fund.

If Congress passes HR-701, it will send a message to the Federal agencies. Remove private uses and commodity production from Federal lands. The logic is that if the government is spending so much money to buy private land for recreation and preservation then of course Congress must mean to rid existing Federal land of permits, leases, and other private uses for the same reasons.

The President's Commission on Americans Outdoors recommended massive increases in land use controls. These will be paid for by the Billion Dollar Land Acquisition Trust Fund. Examples: 2,000 Wild and Scenic Rivers by the year 2000; a national network of greenways modeled after the 1,000 foot wide Appalachian Trail from Maine to Georgia; a nationwide "scenic byway" program placing half-mile viewshed or buffer zones on either side of secondary highways across America; expansive new wetland and shoreline controls; growth shaping controls; and many more costly red-tape regulations. Some of these proposals like the "scenic byways" have been put into place on Federal land in areas managed by the Forest Service. Also the wetland, shoreline and growth controls. So far the impact on private land from the "scenic byways" has been minimal. What happens when there is a Billion Dollar Trust Fund?

## Where Will The Trust Funds Be Spent?

There is a whole list of programs and plans ready and waiting for the money from this new Trust Fund. The National Parks and Conservation Association 1988 Park Plan Hit List included 88 new national parks and additions of 10 million acres to 212 existing parks. 25% of the additions would come from private landowners. No one knows how much private land is in the 88 new areas. Conservative estimates in 1988 suggested this plan would have cost a minimum of \$30 billion and could well be more than twice that.

The Wilderness Society and other groups have followed suit with the "Blueprint For The Environment" which sets out a huge agenda. Dozens of other groups have their own ideas how to spend the new slush fund.

What is more onerous though are the secret future park projects that exist within the Park Service. The Park Service has one called the National Natural Landmarks program. Never authorized by Congress, this back room project gets landowners to list their property by promising that it will not be purchased and that they do not list people against their will. It rewards them with special ceremonies and other ego gratification. On the surface, it sounds like a good program.

However, lots of evidence surfaced a few years back that in fact people's land is listed against their will without even telling them. Despite protests to the contrary, this program is really a plan for future additions to the National Park System. The NPCA calls them "Ladies in waiting". An Interior Department Inspector General's investigation has clearly shown that the Park Service grew impatient waiting for landowners to give their permission and simply began bypassing them, designating millions acres of private land as landmarks without even telling the landowner they were under consideration. Land Trusts like the Nature Conservancy eagerly participated in this secret process in places such as Waas Island and Beals, Maine. Many more acres of Federal lands were planned to be designated with the result that other uses would eventually be removed.

The Biosphere Reserve and World Heritage Site program also appears to be tied into a program for expanding the parks while locking out the people. The first tangible evidence that these programs would be used in this manner was by the Superintendent of Yellowstone National Park, Michael Findley again, when he called in a United Nations inspection team several years ago to examine the New World Mine and its supposed threat to Yellowstone. The UN team recommended a huge buffer zone around Yellowstone and was the moral authority upon which the Clinton Administration based its successful efforts to shut down the project by using LWCF funds to buy it out thereby depriving Montana of much needed jobs. It is our view that any threat to Yellowstone was largely successful propaganda.

The 26 million-acre Northern Forests of Maine, New Hampshire, Vermont and New York are the primary initial target of the green groups for much of the new Trust Fund. There are timber companies going through an economic transition and seem willing to again sell Manhattan Island to the Indians for beads, foregoing the economic future of the area. Vast numbers of communities and thousands of jobs lay in the balance.

The Billion Dollar Trust Fund was originally recommended by the President's Commission on Americans Outdoors (PCAO). The General Accounting Office released a report (RCED-88-86) in 1988 concluding that the PCAO violated the Federal Advisory Committee Act by writing its recommendations in closed, secret meetings excluding the public and press. Lamar Alexander was the Chairman of that Commission and Victor Ashe was the Executive Director.

According to the President's Commission on Americans Outdoors, visitation to Park Service areas close to where people live has increased modestly. However, visits to parks and Wilderness areas away from population centers are moving steadily downward as the nation's population ages. Yet the PCAO, NPCA, and other plans include massive land acquisition in areas away from where the trends say people now generally go.

Some of the money from HR-701 will undoubtedly go to support national and local land trusts. There are very grave dangers in that. There are some large land trusts like the Nature Conservancy, Trust for Public Land, The Conservation Fund and others that portend to save the government money but there are indications now that they may in fact increase the cost of acquisition. They are acting very much like tax-exempt real estate companies, which cost the government (taxpayer) much more, when they stand between the landowner and the government than if the government could deal direct with the landowner. It is likely when the dust clears that these land trusts have cost the taxpayer the purchase price plus large deductions for perceived donations using "special appraisers." In the end, the taxpayer could pay twice as much or more.

In an investigation several years ago by GAO, they reported that they were not able to get the information necessary on the land trust in question because the trust would not supply the required financial records.

The Interior Department Inspector General was able to convict two real estate agents that were involved in a scheme to sell land to the Park Service at Santa Monica Mountains NRA at an inflated price through a land trust. The land trust was not convicted of any wrongdoing. HR-701 should carry with it a requirement that any land trust who receives Land and Water Conservation Fund money should be required to make full financial disclosure of its financial records in order to qualify for participation in the LWCF.



Local land trusts are a good idea. They promote conservation and enthusiasm on the local level. If they get Federal money they will become extended arms of the land acquisition agencies. This condition exists to some extent now but will be greatly expanded if HR-701 passes. Even the managers of local land trusts won't recognize their organizations in a few years if they accept Federal money. One of the main ideas of local land trusts is to raise public awareness and build public involvement in local projects. That comes from fund raising. If these trusts are financed with Federal dollars through the Land and Water Conservation Fund, that local spirit will die.

Most of the Federal part of the over \$8 billion spent by the Land and Water Conservation Fund since 1966 is not available for general public recreation. It has been locked up with people uses generally limited and sometimes eliminated altogether. Recreation is an excuse or a code word to develop public support for preservation projects when the real goal is the elimination of people. Someday a major event will bring this process of exclusion to the attention of the public. The results will be dramatic and tragic. Those who now have the power to swing the pendulum need to be careful not to swing it too far. It always comes back with equal force.

The LWCF presently does not have money in it unless Congress appropriates the funds first. Trust Fund proponents carry on the myth that the fund has money in it or that money is owed to it. Congress passed legislation authorizing \$900 million per year for the fund in 1978. It only approached appropriating that figure in 1979. That was also the year the former Congressman Sid Yates committee suspended the Park Service condemnation authority because of all the abuses. Congress must appropriate money each year from the present source of funds, offshore oil and gas leasing money, or the money will pass through the fund to support the general government treasury and reduce your taxes. The greens and some Members of Congress who know better encourage the fiction that somehow \$900 million per year has built up in the fund and now \$8 billion is owed to the fund and that it doesn't cost the taxpayer.

HR-701 dedicates up to \$1 billion per year from offshore gas and oil money to the Land and Water Conservation Fund, thus making it a Trust. The Trust Fund does not have to compete against other important national social priorities in the yearly budget process. Somehow, Trust Fund proponents think that the environmentalists and hunters need a special subsidy or entitlement to support their activities. Or perhaps they think they cannot compete in the budget process like everyone else and must receive special treatment.

If HR-701 passes, every special interest should insist on a dedicated Trust Fund for their own pet projects. Congress should consider doing away with the appropriations committees since they will no longer be needed.

HR-701 or the Land and Water Conservation Fund should not be used as a bargaining tool or trading stock to open the Arctic National Wildlife Refuge. While we support opening ANWAR, the funds from ANWAR should not be used to condemn land and destroy private property and communities in the rest of the country. We oppose making HR-701 part of other legislation involving ANWAR. It must stand alone and have to compete on its own merits and not be a result of election year vote trading. It would be appropriate to separate the LWCF from the current HR-701 so that Congress will not sell out private property rights as part of some goal to gain access to the Federal treasury by Coastal states or the Safari Club. We're not making a judgment here over whether that access for Coastal states is right or wrong. Slipping a Billion Dollar Trust Fund in the bill is wrong.

Park Service land acquisition has led to condemnation and removal of special cultural populations in small communities across America. HR-701 will fund the continuation of this process.

Over 115,000 landowners have lost their land to the Park Service alone since 1966 as a result of the Land and Water Conservation Fund. The impact on rural America has been destructive and tragic.

It is very important that field hearings be held around the country on HR-701. This bill is too important to have just a few carefully scripted hearings in selected states.

The Chairman of the old Interior and Insular Affairs Committee promised oversight hearings and a review of mistreatment of inholders in 1980. He failed to deliver on his promise.

HR-701 contains protection against condemnation if that provision passes Congress, a possibility we consider very unlikely. Whether or not condemnation is included in any final version of HR-701, the bill will do terrible social and cultural damage to rural communities across America. Willing seller, willing buyer is largely a myth. The government has ways to make you sell. It just takes the agencies fifteen years to do what they can complete in five years with condemnation.

The conclusions of GAO report after GAO report confirm past abuses. Newspaper and magazine stories by the hundred have told the story. National television shows documenting the horror stories on public television and network news magazine shows add to the documentation. Purchase and relocation by the thousand. It is true... terrible things have been done to the American people and their communities in the name of preservation.

HOW did this happen?

There are lots of little reasons, and TWO BIG REASONS.

First, our Constitution is written the way it is because the founding fathers knew that big government would always try to expand its power over those beneath it. It's why we have all those laws about unreasonable search and seizure. Big government, even big corporate government, always tried to get bigger and more powerful.

Second, for many reasons, most of them good, we have a huge and powerful movement for the conservation and preservation of our natural resources in this country. The American Land Rights Association believes in sensible conservation... some of our volunteers helped found conservation organizations.

But this movement, this bureaucracy, is like all the rest. It believes in itself... and its goals... above anything else... including your rights and the rights of every American.

And they are very smart. They know that American politics and politicians depend upon organizations—like the environmentalists—for political support through their publications and for money... money at election time and money to expose them in a good light in their many and large publications and broadcasts of a “non-political” nature.

So they have power and influence. And they are dedicated. Regardless of what they sometimes say, the basic goal of the environmentalists is to “get people off the land.” There are many quotes

from the leaders of these groups to show that they really want to keep everyone out of as much of the Federal lands... our land... as they can.

One example is a 1991 statement by Brock Evans, then Vice President and Chief Lobbyist for the National Audubon Society. He was comparing the environmental groups (greens) campaign for Federal acquisition of 26 million acres of the Northern Forests of New England to his successful campaign to shut down the forests and rural communities of the Northwest, using the spotted owl as the tool. He told a group of environmentalist leaders at an activist workshop at Tufts University:

**“This will be an even bigger campaign in the next few years than the Ancient Forest Campaign we’re just going through in the Pacific Northwest ... I don’t agree that we can’t get it all back [sic]... I don’t agree that it shouldn’t all be in the public domain.”**

And they don’t give a rat for your rights... or my rights. They get most of their money from people who don’t depend on the land... who pay their dues and lend their names to “good causes,” because its the “right thing to do.”

These good people, as many Members of Congress, never think about the human rights being trampled every day in the name of their good cause.

‘So what can I do about it?’ you ask. That’s what I thought when it happened to me. I have a cabin-inholding in Yosemite that the Park Service decided to take. My family had been there for a long time, and I didn’t believe in simply being tossed out because some bureaucrat said I was in the way.

So a group of us started the National Park Inholders Association which became the American Land Rights Association. And it has become my life.

God has given me reasonably good health, good friends and employees, and dozens, even hundreds of intelligent hard-working volunteers, decent people to help me.

And we have made a difference.

Before we were here, the National Park Service had seized nearly 100,000 pieces of property from American Citizens since 1966. Thousands of others... miners, stockmen, ranchers, farmers, cabin owners, landowners, recreationists, and other users of the Federal lands have been told they had to go... that they “didn’t belong.”

Thousands of people were being deprived of rights and property that had been assured by their government that they could stay. Families of good men and women had to pack their bags and leave. Why? For preservation. Never mind the promises that were made to create the new parks. Forget about the assurances that the new funding would not take their home. They had to go.

And so it goes... in hundreds of “preservation” areas across the country. Rare and beautiful cultures and lifestyles are broken up and destroyed. In America a culture must be 100 years old to be valued. The Park Service has committed “cultural genocide” or “cultural cleansing” over and over and Congress often has seemed not to care. But we fight on.

We can't say we have stopped the carnage every time. But we have stopped it, slowed it, made it more fair and made the bureaucrats think twice about doing it again, just about every time.

Park service bureaucrats talk in jargon that makes people feel stupid...real stupid ... and intimidated. They do that without maliciousness... these are not bad people, but they are people. Even ranchers, miners, and truckers have jargon... we all do it... it's human.

But it does make it hard on ordinary citizens... and it does make the bureaucrats see the world in a special way. They come to see their actions as part of a huge complex operation of which they are only a part. To them, as to us, their job takes over their life.

Help us keep the system fair... help us protect the rights of rural Americans. Don't give the giant environmental industrial complex free access to the Federal treasury with an unappropriated trust fund. Why do they need a subsidy or entitlement?

Write strict protections for families and communities into HR-701... defeat this bill. Don't discriminate against certain groups of people because of where they live. Remember that the issue is not just a few people in one place, it is the freedom of us all.

We do what we do because we believe that this system, this country, is based on some remarkable ideas, principal among which is that individuals and individual rights are important. Our Constitution was designed to protect the individual against the overwhelming power of a huge government that would take away rights and property.

We are Americans who are willing to work for our belief that it is individuals... and individual rights... who make this country important. We must never allow the single-use people to make their world better at the expense of the rights of all Americans. That's what this country's about.

Please... we cannot afford to buy all the nice places in this country. Try making landowners into partners... not enemies. HR-701 will not help this country... it will destroy the fabric of its rural communities.

## Suggestions to Improve HR-701

Often when legislation is introduced that has the potential to cause adverse and sometimes unintended consequences, we may make recommendations. In the case of HR-701, these suggestions to improve the bill should not be taken as ANY support for this bill. HR-701 is so dangerous that we are unalterably opposed to it. But in the off chance that it does pass, the suggestions below will at least mitigate to some degree some of the terrible damage this bill will cause.

1. The Land Protection Planning Policy of the Interior Department was created in 1982 and is still place and should be included in HR-701. While this is still the written policy of the Interior Department and Agriculture Departments, a good many of the regulations have been ignored. Also the Park Service, Fish and Wildlife Service and Forest Service implementing regulations should be included as amendments to HR-701.

The Land Protection Planning Policy for the first time got the agencies to create a Land Protection Plan in each park or management area. That plan set priorities for which parcels

were of high priority and which were of a lesser priority. Before that, the agencies didn't bother, feeling that they would ultimately buy it all so who cared.

The Land Protection Plan also had each agency identify the least amount of interest in the land that needed to be purchased to meet the intent of Congress. In some cases fee acquisition was recommended while in others it was easements, purchase and sell back, memorandums of understanding, cooperative agreements and other less invasive agreements. Before Land Protection Plans, the agencies had just purchased in fee title with little thought to alternatives. This dramatically raised the cost of many projects by hundreds of millions of dollars. Congress should instruct the agency to buy the least expensive alternative that meets Congress' intent unless the landowner wishes to sell a higher interest.

The Land Protection Planning Policy also requires the agencies to hold public hearings (not workshops) so that local elected officials and landowners can be involved and know what is going on.

2. Another amendment to HR-701 should require that each Federal area be required to hold a public hearing once year on their Land Protection Plan, what they purchased during that year and what interests were acquired. That way the public and local officials can see if the agency is following their Land Protection Plan. This provision in the current policy is usually ignored by the agencies which is why making it part of HR-701 would increase its strength.
3. Another amendment should require that the agencies not buy land inside unincorporated and incorporated communities and seek ways to protect the local community and culture. Otherwise the agency checkerboards the community undermining its social function and tax base and ultimately destroys it.
4. The agency using Land and Water Conservation Fund (LWCF) money funds should be required to notify the local county of any acquisitions of developed property, either a home or business, at least 60 days before closing and be required to seek approval from the local county or other elected body. Notice should also be required of any acquisition of undeveloped land of over 100 acres. That way the county could monitor their tax base and object to the agency action in time to make a difference if they felt that economic damage was taking place.
5. HR-701 should be amended to require all acquisition funds to go through the appropriations process. There should be no entitlement. The existing \$1,000,000 threshold protects larger landowners to some degree but ignores the needs of smaller landowners that constitute 99% of the land purchases. The bill should specify that there will be no net loss of private property. If the agency wants to buy private land, they should be required to identify land that will be sold to off-set the loss just like Congress does now in the budget process.
6. The LWCF should be amended to allow monies to be used for maintenance and rehabilitation. Right now the Appropriations Committee has said that the four key Federal land agencies are \$12 billion behind in maintenance funding. We should take care of what we have before buying more.
7. Another amendment should say that the agencies may not buy any land where the government already owns over 70% of the land and that they must get permission from the local county in order to buy land where the government owns a minimum of 20% of the private land. This

way the local county can be involved in protecting its tax base and making sure there is enough private land to support basic economic services to the people who live within the county.

8. An Environmental Impact Statement amendment should be included in the LWCF to require an EIS for any area where the Federal Government is carrying out large scale land acquisition and the Federal Government already owns 40% of the land base.
9. Every landowner should be given a copy of a booklet with his or her rights. They should be guaranteed a life tenancy if they choose that option. At the present time the agencies do not always follow the Uniform Relocation Act (91-646) and often deny the landowner the option of staying on his property for 25 years or life. The agency goal, of course, is to get the landowner off the property as quickly as possible.
10. No LWCF funds should be allowed to buy mining properties with documented reserves. If the agencies are allowed to buy the mining properties the country is deprived of new wealth and possibly important strategic minerals. Where would the country be today if the Free World's only supply of Rare Earth in the California Desert had been purchased by the Park Service before it was developed? It was years before we learned how important these minerals were to saving energy and lowering the weight of electric motors and much more.
11. LWCF funds should go to the state and local governments with the restriction that they can only be used with willing sellers. As of now, HR-701 allows the states and local jurisdictions to use condemnation.
12. Any lands purchased with LWCF funds must remain open to hunting, fishing and trapping. The irony of HR-701 is that the exact people who are pushing the bill are people who stand to lose a great deal in the long run. You can't hunt where you can't go. For example, the millions of acres of Forest Service lands now checkerboarded with private land will become targets for land acquisition for the first time. Many hunters and fishermen use these lands now. In the long run, HR-701 will Federalize those lands.
13. The Payments In Lieu of Taxes (PILT) program should be amended into the LWCF so that the full PILT payments are made to local counties before any land acquisitions take place.
14. The Tauzin amendment to the California Desert bill should be added to the LWCF. This amendment was adopted by a large majority in the 103rd Congress. It prohibited the Federal agencies from using environmental regulations such as the Endangered Species Act when appraising property for potential Federal acquisition.
15. The LWCF should be amended to lower the authorization to the historic level of appropriations, \$200 to \$300 million per year.
16. Another amendment should say that any lands purchased outside existing designated Wilderness with LWCF Funds may not be put into Wilderness in the future or put into any Wilderness Study category.
17. Land trusts that convey land to the Federal Government should be required in the LWCF Act to provide a complete accounting of how much the land cost and what kind of tax deductions were taken in the acquisition. That is the only way Congress can know what it is really spending on a piece of property. The land trusts should be limited to making no more than

10% profit on sales to the Federal agencies and that any purchases must fit into that agencies Land Protection Plan.

## ALRA

Assorted reading opportunities: (Available on the ALRA WEB site at WWW.landrights.org)

A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE APPALACHIAN TRAIL IN THE STATE OF NEW HAMPSHIRE by Kent Anderson. A report funded by the American Land Alliance located in Mountain View, California in 1983. Copies may be obtained through the American Land Rights Association, P. O. Box 400, Battle Ground, WA 98604. (360) 687-3087. FAX: (360) 687-2973.

PEOPLE OF THE BLUE RIDGE: A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE BLUE RIDGE PARKWAY by Kent Anderson. A report funded by the Institute For Human Rights Research located in San Antonio, Texas in 1980. Copies may be obtained from the American Land Rights Association.

THE PEOPLE OF THE BUFFALO: A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE BUFFALO NATIONAL RIVER by Kent Anderson. A report funded by the Institute for Human Rights Research in 1981.

A SOCIO-CULTUREAL ASSESSMENT OF INHOLDERS IN THE MOUNT ROGERS NATIONAL RECREATION AREA (US Forest Service) by Kent Anderson. A report funded by the Institute for Human Rights Research in 1980.

AN ASSESSMENT OF THE ADMINISTRATION AND DEVELOPMENT OF VOYAGEURS NATIONAL PARK by Donald D. Parmeter. Mr. Parmeter was Executive Director of the Citizens Committee on Voyageurs National Park under the State of Minnesota. Copies may be obtained from the Committee in International Falls, Minnesota.

NATIONAL PARK SERVICE LAND ACQUISITION HEARINGS, SUMMER 1978  
These were the only real hearings ever held on land acquisition by the Park Service. Former Congressman Sidney Yates Appropriations Interior Subcommittee took away the authority of the Park Service to use condemnation until they held hearings. The agency expected just a few people to show up but hundreds attended nationwide.

The hearings were held in Fresno, California; Seattle, Washington; Denver, Colorado; Atlanta, Georgia; and Washington, DC. Verbatim transcripts are available from the Park Service.

## Books

The Power Broker, Robert Moses and the Fall of New York. By Robert Caro. 1974, Vintage Press, New York. Originally published in 1974 by Alfred A. Knopf. Still in print. Winner of the Frances Parkman Prize and the Pulitzer Prize in 1975.

Wilderness Next Door by John Hart. Foreword by Cecil Andrus. 1979 Presido Press, San Rafael, California.

The Adirondack Rebellion by Anthony N. D'Elia. 1979 Onchiota Books, Glens Falls, New York.

The Taking by Joseph Gughemetti and Eugene Wheeler, 1981 Hidden House Publications, Palo Alto, California.

At The Eye Of The Storm, James Watt and the Environmentalists by Ron Arnold, 1982 Regnery Gateway, Chicago, Illinois.

Playing God In Yellowstone by Alston Chase, 1986 Harcourt Brace Javanovich, Orlando, Florida.

Wake Up America, They're Stealing Your National Parks by Don Hummel. 1987 Free Enterprise Press, Bellevue, Washington. Mr. Hummel was the former mayor of Tucson, Arizona, an Assistant Secretary in the Kennedy Administration and former concessionaire in Glacier National Park, Lassen National Park and Grand Canyon National Park.

Cades Cove, The Life and Death Of a Southern Appalachian Community by Durwood Dunn, 1988 University of Tennessee Press.

A Rage for Justice, The Passion and Politics of Phillip Burton, 1995, University of California, Berkeley and Los Angeles, California.

#### Films

“For The Good Of All”, an episode of the Public Television “Frontline” series first aired on June 6, 1983. Copies are available.

“For All People, For All Time”, a film by Mark and Dan Jury that documented land acquisition in the Cuyahoga Valley National Recreation Area in Ohio. Portions of this film were used by Public Television when they produced the “Frontline” episode above. Copies are available.