

SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

HEARING BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES NINETY-NINTH CONGRESS SECOND SESSION

ON

H.R. 4811

TO ESTABLISH THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION
AREA IN COCHISE COUNTY, ARIZONA, IN ORDER TO ASSURE THE
PROTECTION OF THE RIPARIAN, WILDLIFE, ARCHAEOLOGICAL, PALE-
ONTOLOGICAL, SCIENTIFIC, CULTURAL, EDUCATIONAL, AND RECRE-
ATIONAL RESOURCES OF THE CONSERVATION AREA, AND FOR
OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC

JULY 15, 1986

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SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

TUESDAY, JULY 15, 1986

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC LANDS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 1:23 p.m., in room 2257, Rayburn House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. SEIBERLING. The Subcommittee on Public Lands will please come to order.

The subcommittee is going to hear testimony today on three bills.

First, we will take up H.R. 4811, which would designate a San Pedro Riparian National Conservation Area on BLM lands in Arizona. It was introduced by Hon. Jim Kolbe, who represents the district in which this area lies, and the bill has been cosponsored by all of his colleagues in the Arizona delegation, including our colleague on the Interior Committee, John McCain, and the committee's chairman, Mo Udall.

I believe Mr. McCain is here and in addition to inviting him to sit with us, I would be happy to recognize him. But first, let me just make a couple of other observations.

Designating a BLM national conservation area is something the Congress has done infrequently. There are presently three such areas Only: One designated in 1970—the King Range National Conservation Area in northwestern California; one in 1976—the California Desert National Conservation Area was designated by the Federal Land Policy and Management Act; and one in 1980—the Steese Mountain National Conservation Area in Alaska designated by the Alaska Lands Act.

Nor is it all that often that we have such unanimity of support for a bill from a group as diverse as Arizona's congressional delegation. We did have such support for Arizona's wilderness bill in 1984, and I think the results were excellent. Hopefully, we will do as well with this bill.

It is my belief that the BLM lands and their resources have not received the attention that they deserve from this committee or from the public. It is clear that these lands have many special resources of great importance to the public and that their proper management and conservation is of great importance to the West and to the Nation as a whole. This bill recognizes a particular re-

source of importance, and I commend its sponsors for bringing it before us and I look forward to hearing the testimony on it.

Before proceeding to our first witness, and without objection, let us have printed at this point in the hearing record, a copy of the bill, H.R. 4811.

[The bill, H.R. 4811, follows:]

99TH CONGRESS
2D SESSION

H. R. 4811

To establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1986

Mr. KOLBE (for himself, Mr. UDALL, Mr. MCCAIN, Mr. STUMP, and Mr. RUDD) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. ESTABLISHMENT OF CONSERVATION AREA.

4 (a) ESTABLISHMENT.—(1) There is hereby established
5 the San Pedro Riparian National Conservation Area (in this
6 Act referred to as the “conservation area”).

7 (2) The conservation area shall—

1 (A) consist of Federal lands acquired by exchange
2 or purchase; and

3 (B) be managed by the Secretary of the Interior,
4 acting through the Bureau of Land Management, (in
5 this Act referred to as the "Secretary") in accordance
6 with the provisions of this Act.

7 (3) The conservation area shall not cover more than
8 60,000 acres.

9 (b) BOUNDARIES.—Lands to be included in the conser-
10 vation area are generally depicted on a map entitled "Bound-
11 ary Map, San Pedro Riparian National Conservation Area",
12 and 51 Federal Register 8715, which together with a legal
13 description, reference A21410, shall be on file and available
14 for public inspection in the offices of the Secretary of the
15 Interior, Washington, District of Columbia, and in appropri-
16 ate State and local offices of the Bureau of Land Manage-
17 ment in the State of Arizona. The Secretary shall finalize the
18 boundaries of the conservation area no later than five years
19 after the date of enactment of this Act.

20 SEC. 2. MANAGEMENT OF CONSERVATION AREA.

21 (a) MANAGEMENT.—The Secretary shall manage the
22 conservation area—

23 (1) in accordance with the provisions of this Act,
24 and where not inconsistent with the provisions of this
25 Act, the principles of the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1701 et seq.);

2 and

3 (2) in a manner that conserves, protects, and en-
4 hances the riparian, wildlife, archaeological, paleonto-
5 logical, scientific, cultural, educational, and recreation
6 resources of the conservation area.

7 (b) OTHER USES.—The Secretary may allow uses other
8 than those specified in subsection (a) if he can show that such
9 uses will have no significant adverse effects on the primary
10 purposes for which the conservation area is established.

11 (c) NO DISPOSITION OF LANDS WITHIN CONSERVA-
12 TION AREA.—Notwithstanding any other provision of law,
13 lands within the conservation area shall not be available for
14 disposition, except through exchange to improve boundaries.

15 SEC. 3. MANAGEMENT PLAN.

16 (a) DEVELOPMENT OF PLAN.—No later than two years
17 after the date of enactment of this Act, the Secretary shall
18 develop a plan for the comprehensive and long-term manage-
19 ment, development, and protection of the conservation area.
20 The plan shall be developed with full opportunity for public
21 participation and comment, and shall contain provisions de-
22 signed to assure protection of the riparian, wildlife, archae-
23 ological, paleontological, scientific, cultural, and recreation
24 resources and values of the conservation area.

1 (b) USE OF CONSERVATION AREA.—The plan devel-
2 oped pursuant to subsection (a) shall generally provide for
3 visitor use of the conservation area. Notwithstanding the pre-
4 ceding sentence, the Secretary may limit visitor use, close
5 portions of the conservation area to public use, or allow use
6 of the conservation area by permit only (to be issued by him
7 with appropriate conditions) in order to insure protection of
8 the conservation area's resources and values as provided in
9 this Act.

10 (c) RESEARCH IN CONSERVATION AREA.—In order to
11 assist in the development of appropriate management strate-
12 gies for the conservation area, the Secretary may authorize
13 research on matters including the environmental, biological,
14 hydrological, and cultural resources in the conservation area.

15 (d) PRIVATE MANAGEMENT.—The Secretary may enter
16 into cooperative agreements with appropriate State and local
17 agencies or private organizations for the management of any
18 portion of the conservation area in accordance with land use
19 plans for the conservation area developed pursuant to the
20 provisions of this Act.

21 SEC. 4. MULTIPLE USE ADVISORY COUNCIL.

22 The Secretary of the Interior shall establish a Multiple
23 Use Advisory Council which shall advise and recommend to
24 the Secretary appropriate management practices to imple-
25 ment the provisions of the land use plan and the purposes of

1 this Act. The members of the council shall be appointed by
2 the Secretary and shall include representatives from Cochise
3 County.

4 **SEC. 5. GENERAL PROVISIONS.**

5 (a) **WITHDRAW FROM MINING.**—Subject to valid exist-
6 ing rights, the lands described in section 1 are hereby with-
7 drawn from all forms of appropriation under the public land
8 laws, including mining and mineral leasing laws and the Geo-
9 thermal Leasing Act.

10 (b) **REGULATIONS.**—The Secretary is authorized to
11 issue regulations necessary to implement the provisions of
12 this Act.

13 (c) **VIOLATIONS OF ACT.**—Any person who violates
14 any provision of this Act or other regulations issued by the
15 Secretary to implement this Act shall be subject to a fine of
16 up to \$10,000, or to imprisonment for up to one year, or
17 both.

18 (d) **COOPERATIVE AGREEMENTS.**—The Secretary may
19 enter into cooperative agreements with appropriate State and
20 local agencies for enforcement of the provisions of this Act
21 and regulations issued pursuant to it.

22 (e) **ENDANGERED SPECIES ACT.**—Nothing in this Act
23 shall supersede or otherwise affect the Endangered Species
24 Act of 1973 (16 U.S.C. 1530 et seq.).

1 (f) ACQUISITION OF LANDS.—Nothing in this Act shall
2 affect State or private inholdings within the boundaries of the
3 conservation area as described by the Secretary except as
4 they may be acquired by exchange or purchase but not by
5 condemnation.

6 SEC. 6. REPORT TO CONGRESS.

7 No later than five years after the date of enactment of
8 this Act and every ten years thereafter, the Secretary shall
9 furnish to the appropriate committees of the House of Repre-
10 sentatives and the Senate, a report on the implementation of
11 this Act. Such report shall include a detailed statement on
12 the condition of the resources within the conservation area
13 and the Bureau of Land Management's ability to achieve the
14 management goals specified under this Act.

15 SEC. 7. AUTHORIZATION.

16 There are hereby authorized to be appropriated such
17 sums as may be necessary to carry out the provisions of this
18 Act.

○

Mr. SEIBERLING. And I am happy to recognize our colleague from Arizona, Mr. McCain.

Mr. MCCAIN. Thank you very much, Mr. Chairman. I would again like to express my appreciation to you for the opportunity to join you today as we consider this measure. I would also like to express my appreciation to you for your continued efforts to conserve the great natural beauties of our Nation and your particular interest in the State of Arizona.

I would like to congratulate my esteemed friend and colleague who represents this area so ably, Cochise County in Arizona. That is Congressman Jim Kolbe. Without his efforts and dedication in bringing this bill to where we are today, I don't believe that it would have been possible. Congressman Kolbe has been deeply concerned about this area for many years.

Mr. Chairman, I request that my statement be made a part of the record, and I will make my remarks even briefer.

Mr. SEIBERLING. Without objection, it will be included in full.

Mr. MCCAIN. Mr. Chairman, I believe that this bill embodies a good approach to conservation as well as its other features. It sets up a council, with local representation, to assist the BLM in devising a long-term management plan and determining the appropriate uses for the area. While the area is closed to future development, existing uses are preserved for their lifetime.

I am confident, given passage of this legislation, that the San Pedro Riparian National Conservation Area will be beneficial to Cochise County, the State of Arizona, and, indeed, our entire Nation. I hope we can act quickly on this measure. And I urge my colleagues on the subcommittee to feel free to come and view this absolutely magnificent part of our country. We would love to host you in our great State of Arizona.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Are there any other opening remarks? Mr. Strang?

Mr. STRANG. Thank you, Mr. Chairman. I will be very brief.

I would like to compliment my colleague and my friend, Mr. Kolbe from Arizona, for introducing this bill and to draw the attention of the committee to some language in here which I will be asking about as the testimony moves forward to try to clarify two things: The definition of riparian, how it relates to any, if there are any, upstream water rights, and the question of whether or not the business of reserve water rights is addressed or not addressed in this legislation.

Thank you, Mr. Chairman.

Mr. SEIBERLING. All right. Thank you.

If there are no further opening remarks, we will hear from our first witness, our distinguished colleague, Mr. Jim Kolbe of the Fifth District of Arizona.

[Prepared statement of Hon. Jim Kolbe may be found in the appendix.]

STATEMENT OF HON. JIM KOLBE, A U.S. REPRESENTATIVE FROM
THE STATE OF ARIZONA

Mr. KOLBE. Thank you, Mr. Chairman. I don't know whether you would like the others who have statements to join me at the table at this time.

Mr. SEIBERLING. Well, we will call on them. Why don't you go ahead?

Mr. KOLBE. Thank you, Mr. Chairman.

I do appreciate the opportunity to speak to you on this bill, H.R. 4811. I have a full statement which, with your permission, I would like to have inserted in the record at this point.

Mr. SEIBERLING. Without objection, it will be inserted in full.

Mr. KOLBE. Thank you, Mr. Chairman. I will just make my remarks very brief.

This bill, as Congressman McCain indicated, is one that I have sponsored with every member of the Arizona delegation, and it would designate the San Pedro National Conservation Area in Co-chise County, AZ, which is a county that borders Mexico to the south. For those members who believe that Arizona is only a sun-baked, desolate State with only the Grand Canyon as its redeeming feature, I hope that those of you that have a chance to get out and see this or to see pictures of it or to hear a little bit of my testimony, I hope that will dispel that myth.

We are all proud, and justifiably so, of the districts and the States that we represent, and certainly I am no exception to that. I grew up on a ranch in Santa Cruz County, just a few miles from this particular area. And there we have rolling green hills, streams that nourish giant cottonwoods, and air that is as clean as any place on Earth. The House Interior Committee has played an active role in seeing that we are able to maintain that natural beauty, and for that, Mr. Chairman, I salute you, the distinguished members of this subcommittee, the full committee, and most especially the chairman of the Interior Committee, my colleague from Arizona, Mo Udall.

The San Pedro River, which is the subject of this legislation, flows north from Mexico into the United States. It passes near the city of Sierra Vista and the towns of Hereford, Charleston, St. David, and Fairbanks. The area for designation, currently consisting of 43,000 acres, lies in a narrow strip along 30 miles of river bottom between St. David and Hereford. Along this river can be found one of the most important areas in the country for riparian wildlife, as well as archaeological and historical sites.

The ecosystem along the river is one of the best remaining in Arizona. Because of the year round water and the riparian forests, the San Pedro is home to approximately 161 species of birds, including nearly 20 percent of the Nation's nesting population of the rare gray hawk; 80 species of mammals, including raccoons, muledeer, whitetail deer, javelina, bobcats; 12 species of fish; and 69 species of reptiles and amphibians. The area is home to over 100 known prehistoric and historic sites and 9 known fossil sites. We can only guess as to how many more of these sites might be discovered given the time and the ability to study the area.

Since the Federal Government acquired this land a few months ago by means of a land exchange—an exchange that, I might add, did not cost a penny to the public—it has been closed to the public while studies and guidelines are being prepared. But controlled access to the area could eventually include significant opportunities for hiking, horseback riding, bird watching, nature studies, camping, and hunting. The extent of these possible uses will be determined in the management plan based on the guidelines that are dictated by this legislation, H.R. 4811.

The purposes of the bill are several: To place the area under the stewardship of the Bureau of Land Management; to define the resources which Congress believes to be preeminent, and therefore a need to be protected; to provide direction to the Bureau as they attempt to formalize their management guidelines; to ensure that the Bureau is carrying out the purposes of this act in line with congressional intent by requiring a report to the House and Senate on the progress and implementation of this act; to ensure full public participation and comment by establishing an advisory council to assist in the development of the management plan and in carrying out that plan; to establish legal enforcement provisions which would enable the U.S. Government to prosecute individuals found guilty of violating the provisions or regulations of this act.)*

I want to take a moment to mention that I believe the Bureau of Land Management in the State of Arizona, including Dean Bibles, the State director, and Les Rosenkrance, the manager of the Safford District of BLM, and all their staff, deserves commendation for the job they have done thus far on this project. The kind of support this bill enjoys in Arizona is directly related to their work. They have done a marvelous job of educating the public about the importance of this area, holding numerous public hearings throughout the State to hear everyone's concerns about possible uses and abuses in the area. In March, they completed a complicated land exchange in order to acquire the property at no cost to the taxpayer, and they are working with a volunteer management steering committee in developing management guidelines in order to ensure that the process continues in a very wide open and public way. Without their dedication and high professionalism, I think this bill and the support that exists for its passage would not exist.

The rest of my testimony, Mr. Chairman, goes into some of the specifics of the bill, and it is included in the record. I know there are other groups that want to make some statements. And for those who are not here today, I hope that their comments will also be entered into the record of this hearing.

I would like to, in conclusion, just reiterate that I think that the Bureau of Land Management has done an excellent job in getting this project started. The fact is widely recognized in my State.

In fact, the Arizona Game and Fish Commission has written to me in support of this legislation and to express their belief that the BLM is best qualified to administer the wide array of resources that are found in this area. And I would ask that their letter be also included in the record, if it might, at this point.

Mr. SEIBERLING. Without objection, it will be.

[EDITOR'S NOTE.—The above-mentioned letter may be found in the appendix. See table of contents for page number.]

Mr. KOLBE. The Arizona Republic newspaper, in Phoenix, recently editorialized in favor of this legislation. They concluded that the sooner this bill is passed, the better—and quoting from that editorial—“because this land deserves help both from the BLM and the people of Arizona. It should be a part of our national trust.” I couldn't agree more, and I hope the members of this committee will also.

Thank you very much, Mr. Chairman.

Mr. SEIBERLING. Well, thank you.

I notice that the bill provides for establishing a multiple-use advisory council to recommend the management practices and implementation of the land-use plan. Except for the withdrawal from mining and the mineral leasing laws and the Geothermal Leasing Act, how would the administration of this area be any different from any other BLM lands?

Mr. KOLBE. Well, on the surface of it not different. The actual degree to which the management or the actual uses to which it is put might be different will be determined by the management plan. But from a legal standpoint, it is not different.

Mr. SEIBERLING. So basically, what this does apart from withdrawing from the mining laws is identify the area and emphasize that visitor use and conservation of natural and cultural values are to be stressed. Is that basically what it does?

Mr. KOLBE. Mr. Chairman, I think that is an accurate statement.

Mr. SEIBERLING. All right. Well, thank you.

Mr. Hansen?

Mr. HANSEN. Thank you, Mr. Chairman.

It is interesting that on this committee we are constantly coming up with new definitions. In 1964, we defined what a wilderness was in the 1964 wilderness bill.

Mr. Chairman, maybe if I could address you or Mr. Kolbe, I am not quite sure. Is a national conservation area defined in any other previous pieces of legislation, or are we establishing one now that defines the term?

Mr. SEIBERLING. I see that the members have listened to my opening remarks about as much as they usually do.

Mr. HANSEN. I apologize, Mr. Chairman. [Laughter.]

Mr. SEIBERLING. There are three: one is the King Range, one is the California Desert, and one is the Steese Mountain National Conservation Area in Alaska.

Mr. HANSEN. I heard that, Mr. Chairman, but what I didn't hear was the definition of the term.

Mr. SEIBERLING. Well, I don't think there is a definition.

Mr. HANSEN. That is what I am driving at.

Mr. SEIBERLING. Each had its own legislation and it is, in effect an ad hoc designation. I try to discourage these sort of third systems, unless there is a specific reason for having them in a particular place, because we don't have any statutory guidelines, such as we have for wilderness areas, for example.

Mr. HANSEN. Well, if I may say so, when we were debating the Utah wilderness bill, I made a point of defining the terms that were put in by Congress, like “primitive area,” many years ago. Wilderness Area and other areas have been defined by statutory law. I have no objection to what the gentleman is trying to do. I

concur that it is very laudatory and a meritorious piece of legislation. I just wonder if we need a definition of this. It would help to define it because we may want to do one in Utah. Are we going to use the Arizona definition, or the inspired version that you just mentioned in the other three in your opening remarks?

Mr. SEIBERLING. Let me say that in Alaska I didn't like the idea of creating the Steese Mountain National Conservation Area. I thought it was an effort to seem to be protecting an area when in fact we were not giving it very much protection. But the Senate in their wisdom decided to put it in.

So I have some of the same feelings the gentleman does, that we have something here that is not within any of the standard concepts that we have developed over the years. It is not a national park, it is not a national monument, it is not a wilderness area, and it is not just ordinary BLM land. So you really have to make an ad hoc definition in the particular legislation.

Mr. HANSEN. I would assume as close as we have come to that is line 20 on page 2 where we get into section 2, management of the conservation area.

Mr. KOLBE. Exactly.

Mr. HANSEN. There under "Management" we take it over to page 3, line 15. That is our criteria for how this is going to be handled, I guess, and that is pretty broad.

If I may respectfully ask the gentleman, do you think this definition is satisfactory for what you are trying to establish, or does it worry you that we are possibly using some very broad and loose language, not knowing where it will lead and that possibly, the intent of your bill will be somewhat changed as people attempt to determine what you are trying to accomplish?

Mr. KOLBE. Well, Mr. Chairman, I might add that that argument could apply from either direction that you come to this legislation from. There are those that think it is too broad because there ought to be more specific direction to BLM to make sure they don't go off in the wrong direction with it. There are those that think it ought to be left very, very broad so that we don't limit any possible uses from it. So it all depends on which direction you are coming from.

But I think the chairman's point is an accurate one and this land doesn't really fit other definitions. It certainly is not wilderness area, and it really doesn't qualify as a national monument or national park, but it certainly has something different than the other land which BLM manages for strictly multiple-use purposes. This land was in private hands and requires legislation in order to specifically protect it, so I think the conservation definition is one essentially that, as the chairman suggests, is an ad hoc one, and perhaps those lines at the top of page 3 really suggest it as much as anything: in a manner to conserve, protect and enhance, and then stating what the purposes, the particular values of this land are that we are attempting to conserve, protect and enhance.

Mr. HANSEN. I don't want to do any damage to your bill because I think you have the right idea. I am merely asking the question, do you feel at this time, we could tighten up the definition so that you accomplish what you really want? I know that one of the biggest frustrations any of us have in any legislative body is to pass

something we believe is right, turn it over to our friends who administer it and see it administered 180 degrees differently than we anticipated.

I remember being sponsor of the Utah no-fault bill in 1970. Boy, the lawyers sure fouled that one up in a hurry. When I was speaker of the Utah House, I insisted on more language of intent than I did in the 1970 bill so the courts would know how to interpret legislation. I am just saying I want to see this bill have the effects you folks want, because I think it will do just exactly what it says. I understand the area is gorgeous, but I agree with the chairman, also, that it is not well defined. We sort of picked it out of the air. Somebody in BLM will be forced to draw up his own definition of it just like they say, "the most powerful man in government is the young lawyer who writes the regulations."

Mr. KOLBE. Mr. Chairman, Mr. Hansen, I appreciate your comments and yes, we are certainly willing to work with you on a definition that we might want to put into the law that perhaps defines what a conservation area is if that is going to be used in the future. We used it because working with BLM in going through the list of possible designations nothing really worked and since conservation area had been used in three other instances it seemed to fit most nearly the kind of middle ground management that the land requires, and that is why we have used that here. But I would be happy to work on drafting revisions.

Mr. HANSEN. You are another precedence case here. I mean, you are the fourth case.

Mr. KOLBE. Right.

Mr. HANSEN. What do we look at when number 5 comes along? I thank you, Mr. Chairman.

Mr. SEIBERLING. Well, the only thing this has in common with the other three and the only things they have in common with each other is they have the same title. But each one is governed by a separate statute, so that is the problem.

Mrs. Vucanovich?

Mrs. VUCANOVICH. I have no questions, Mr. Chairman.

Mr. SEIBERLING. Mr. Strang?

Mr. STRANG. Thank you.

Jim, my initial questions here concern simply the water situation under this bill as it relates to Arizona water law. Are there any ditches or private water rights in and around the area that you know of?

Mr. KOLBE. There are significant water rights that are involved here, but this essentially protects all of them. As I mentioned, this is downstream from Mexico and upstream from the Gila River Indian Tribe, which is laying claim to the entire San Pedro watershed. None of those claims have been adjudicated at this point, so in a sense this basically protects all of those existing claims. I think it would be accurate to say that as it is laid out here and without specific language as it is, it is satisfactory to all parties, including Sierra Vista, which is concerned about their water rights in the area. But there are no significant rights in the United States upstream from this.

Mr. STRANG. Now, you have got 20-some wells either in or adjacent to the area as I understand it, and there is some fear that

maybe the pumping for municipal uses is placing enough of a burden on the river that, in a phrase, could reverse it. I don't know how you do that. But is there any way that we should provide that the riparian nature of this thing which you have drafted here somehow has to be subordinate to natural flows in the river? In other words, if you get a drought, who is going to pay? Does everybody pay as we do? Everybody gets a little less water? Or is the riparian nature of the river guaranteed and the wells are then cut off? Is there any provision for that in Arizona law?

Mr. KOLBE. No.

Mr. STRANG. Are there any priorities? Should the BLM go in and file for water under Arizona law? I see where the Audubon Society has tried to.

Mr. KOLBE. Yes, they have filed under Arizona law, as have the Indians which have overlaid an existing claim to this, as has Sierra Vista, as the other communities that draw water from this area would file claims, and all those would be adjudicated in Arizona through our process that we have in the Department of Water Resources.

Mr. STRANG. Would you have any feeling about language in your bill which stated that this particular conservation reserve did not create a Federal reserve water right?

Mr. KOLBE. I would prefer that we would not have such language in there.

Mr. STRANG. Would you want language that says it did create a Federal reserve water right?

Mr. KOLBE. I prefer that it just exactly stay neutral as it is here.

Mr. STRANG. Would you like language that said with regard to water this is neutral? It neither convey nor not convey, it is neutral with regard to State water rights, or Federal reserve water rights?

Mr. KOLBE. I might. I will get an answer specifically to that, rather than commit myself on the spot on that. I think that is what we are attempting to do, to say it is neutral in that regard by not addressing that issue in the bill.

Mr. STRANG. All right. So your intent is that it be neutral with regard to Federal reserve water rights?

Mr. KOLBE. That is correct.

Mr. STRANG. Thank you. I have a copy of the draft San Pedro River Resources Conservation Interim Management Guidelines here. It states in the "Introduction" that this document details management objectives that will be effective for 2 years until the long-term San Pedro Management Plan can be completed.

Were these guidelines drafted in expectation of a bill being enacted designating the area as a conservation area? In other words, can we expect these guidelines to reflect what the BLM intends to do in the area in the next 2 years?

Mr. KOLBE. I would say in a preliminary sort of way yes, although these preliminary guidelines, if we are looking at the same thing—the Draft Inter-Management Guidelines, dated April 1986, that you are looking at?

Mr. STRANG. Yes.

Mr. KOLBE. Yes, those are certainly preliminary and given an indication that is based on the interim advisory committee that has

been working with BLM to develop the program. But they really can go no further at this point until they have legislation.

Mr. STRANG. Is it necessary to close the area to hunting in your view?

Mr. KOLBE. I would think most of the area. Yes, I would think most of the area. I am not certain that all of it needs to be posted.

Mr. STRANG. Is that because of the size?

Mr. KOLBE. Well, because of, I think, the density and high use it is going to have in that area.

Mr. STRANG. One more question, Mr. Chairman.

The interim management guidelines also have some information regarding water quality and problems, coming back to that. It is my understanding the river flows north out of Mexico. What treaty and foreign policy considerations must the BLM address that you know of?

Mr. KOLBE. Absolutely no treaty guides us in this matter. There is an interesting issue that is raised here because far and away the more significant water issues with Mexico, as you are aware, are on the Colorado River where the water is flowing south into Mexico. So we find ourselves on the other side of the issue here.

Mr. STRANG. I appreciate what you are doing, appreciate the bill and I raise the questions only because we have a series of very serious water questions in all of the Western States that are appropriate States. I want to be sure they were not setting out a precedent which gets us in a bind dealing in Nevada, Colorado, Idaho, Wyoming, and so forth, and that is the only reason for the purpose these questions, to try to get at the reserve water right issue.

I have no more questions.

Mr. SEIBERLING. All right. Thank you.

Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Chairman. Actually I had come here to express my strong support for my colleague from Nevada, bill, Harry Reid. But I want to commend my colleague from Arizona for his bill. It looks like a good piece of legislation. I just want him to answer one question relating to the archeological and paleontological finds that exist in this area.

Is there an active University of Arizona program involved some of this research, too?

Mr. KOLBE. Yes, Mr. Chairman, Mr. Richardson, there is such a program. As a matter of fact, in my visit down there a couple months ago we were accompanied by an archeologist from the University of Arizona who has been doing the research and the initial work on this first site, which is the only Spanish presidio extant in the United States, that is remaining, where there are actual walls remaining. They are in very serious disrepair at this point and much is remaining, and the BLM is very anxious to get the protection of this legislation so that they can get in there and protect what is left. And in the meantime, not identifying the location of anybody, it is an extraordinary site and has all kinds of important archeological implications, as well as all the Indian sites along the river.

Mr. RICHARDSON. I commend my colleague for his legislation. Mr. Chairman, if we can only get enough BLM personnel to take care of the area, I think we will be all right.

But I mainly came here to express my support for Mr. Reid's bill. I have to leave, Mr. Chairman. Thank you for calling on me.

Mr. SEIBERLING. Thank you.

Mr. Kolbe, I understand that Sierra Vista is a very rapidly expanding city, is that correct?

Mr. KOLBE. Yes, sir. Very rapidly.

Mr. SEIBERLING. And that they get their water from underground sources?

Mr. KOLBE. They get their water from a wellfield which is close to this area, that is correct.

Mr. SEIBERLING. Now does this wellfield affect the flow into the river?

Mr. KOLBE. Mr. Chairman, I cannot say with any certainty about that. We do not believe that it does. That issue of the adjudication of those rights will still be determined, and ultimately I believe that we can say that this Congress will ultimately make that determination because of the Indian claims that exist on the river there and that will be part of a broader settlement.

Mr. SEIBERLING. If it expands to the point where it dries up the river, then what will be left of this conservation area?

Mr. KOLBE. There is a study which is being completed now, and I don't have the data so I can only talk in the most general terms about it. A study which is being completed now with regard to the expansion of the mining facilities at Cananea, Mexico, 30 miles south, upstream from this. There has been substantial drilling of new wells at Cananea that could expand their use by as much, based on the size of the wells—they are being very close-mouthed about what capacity they are going to have, but it would appear from the data that we can get that it could be expanding their capacity, and I think my figures are correct, from 10,000 to 50,000 acre-feet, a fivefold increase. The study that is being done at least on a preliminary basis suggest that even that will have no impact 30 miles downstream.

I don't believe the domestic water use that Sierra Vista is talking about—there is no heavy industry there, the main facility is Fort Huachuca—would have any major impact on this area.

Mr. SEIBERLING. So you feel that you can afford to bypass the question of water rights because there is not likely to be any impact on the area?

Mr. KOLBE. Mr. Chairman, I think they must be bypassed and they must be addressed as they are now in the court system, as they are being addressed now.

Mr. SEIBERLING. Thank you. If there are no further questions, we will go on to the other witnesses on this bill. I will ask them all to come up to the table. Ms. Elizabeth Morris, Director of the Office of External Affairs, Bureau of Land Management; Mr. Michael Gregory of the Grand Canyon Chapter of the Sierra Club; and Mr. Brock Evans, vice president of the Audubon Society.

Ms. Morris, welcome.

[Prepared statements of Elizabeth Morris, Michael Gregory, and Brock Evans may be found in the appendix.]

PANEL CONSISTING OF ELIZABETH MORRIS, DIRECTOR, OFFICE OF EXTERNAL AFFAIRS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR; MICHAEL GREGORY, CONSERVATION CHAIRMAN, GRAND CANYON CHAPTER, SIERRA CLUB; AND BROCK EVANS, VICE PRESIDENT FOR NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY

Ms. MORRIS. I appreciate the opportunity to appear here today to support H.R. 4811, a bill that would establish the San Pedro Riparian National Conservation Area in Cochise County, AZ.

The San Pedro area is a unique area with many outstanding and varied resource values. The bill before the subcommittee assigns to the Bureau of Land Management the responsibility of protecting this unique and beautiful area in a manner that will enhance public appreciation of the significant natural resources along the San Pedro River. We believe it is appropriate that this area be managed by the Bureau of Land Management and appreciate the endorsement for BLM management by the bill's sponsors, the Arizona congressional delegation.

We strongly support enactment of H.R. 4811, if amended as suggested herein.

The area covered by the act currently contains 43,371 acres of land acquired by BLM. We support designation of this acreage as the San Pedro Riparian Conservation Area, but see no reason for including in the bill the provision that the area shall encompass not more than 60,000 acres.

The San Pedro area is about 30 miles long and 2 to 3 miles wide and contains a high-quality riparian ecosystem. It is presently managed by BLM for its many resource values under the broad mission given to the Bureau by the Federal Land Policy and Management Act of 1976, to manage lands under principles of multiple use. This means that appropriate attention is given to riparian and aquatic values, wildlife habitat, soil, vegetation, watershed, historical and cultural resources, and recreational activities.

The area contains a diverse wildlife population. Approximately 260 species of birds are thought to frequent the area, including about 20 raptor species. The most notable of these is the golden eagle. Big game species include mule and white-tailed deer and jackrabbits. The area also serves as a migration corridor for wildlife species moving in and out of Mexico. There are no known threatened or endangered species in the area.

The San Pedro area also affords opportunities for a variety of developed and diverse recreational activities. In addition, there are 122 known archeological sites within the area, and there is a strong possibility there are many more.

The area also includes sites representing all stages of human occupation of the Southwest over an 11,000-year period. These provide a unique opportunity for interpretation.

There are also nine known vertebrate fossil sites, at least two of which are highly significant. These paleontological sites provide an excellent opportunity for scientific research and development.

H.R. 4811 would refine the principles under which the San Pedro area would be managed. It would continue multiple-use management of the area by BLM, identify the resource areas of most

cern to the Congress, establish congressional direction for the management of the area, and give the Secretary additional authority to enter into cooperative agreements for enforcement of the laws and regulations relating to the area. However, the legislation would close the area to mining or mineral or geothermal leasing. We object to this provision and recommend that the bill retain the authority of the Secretary for mineral leasing.

In addition, we also find the reporting provisions in H.R. 4811 to be burdensome and unnecessary.

The San Pedro area is truly a unique area with many outstanding and varied resource values.

This concludes my prepared statement, but I would be more than happy to answer any questions.

Mr. SEIBERLING. Well, thank you.

I am a little puzzled by the statement on page 4 of your testimony that says "We support designation of this acreage as the San Pedro Riparian Conservation Area. However, we see no reason for including in the bill the provision that the area shall encompass not more than 60,000 acres." What is the precise nature of the objection to that? That you don't have a boundary definition or what?

Ms. MORRIS. The area currently under management by BLM includes the 43,371 acres.

Mr. SEIBERLING. Yes.

Ms. MORRIS. We feel that the bill should only speak to the acreage currently under BLM management.

Mr. SEIBERLING. I guess the idea was that maybe the BLM would acquire additional land. Is that the thought?

Ms. MORRIS. That is a possibility. Yes.

Mr. SEIBERLING. Mr. Kolbe.

Mr. KOLBE. Mr. Chairman, if I might. Yes; that is exactly right. There are, as you may have seen from the map, little chunks—

Mr. SEIBERLING. I haven't seen the map, that is a part of the problem.

Mr. KOLBE. I am sorry. I will happily provide this map to you, my only copy here.

There are small areas where I believe it is going to be necessary—private holdings inside of it where it is going to be necessary for BLM to acquire very small holdings, and I believe it can be done through exchange, not through costs. I believe the objection of BLM is really an objection of the Office of Management and Budget—OMB.

Mr. SEIBERLING. Are the boundaries on this map presently the 42,000 acres or do they include the 60,000?

Mr. KOLBE. That is the 43,000 acres. The reason for making it a larger area is so that through exchange we could close in some of those other areas.

Mr. SEIBERLING. How can they determine what area you are talking about unless you have drawn the boundaries of the proposed area?

Mr. KOLBE. There is a land description which would do that.

Mr. SEIBERLING. It does seem to me that we ought to define the area precisely that is included in the proposal, even if it includes non-BLM lands, and then stipulate, as far as non-Government

lands are concerned, how they would be acquired, if indeed they are to be acquired.

Mr. KOLBE. Yes, Mr. Chairman. The land description is on file and it is the larger area. Page 2 of the bill does give the specific boundaries of this area. Obviously, if BLM doesn't own the land, the Federal Government doesn't control it, they would have no way of managing the land that is not in there now.

Mr. SEIBERLING. So the map that was referred in 2(b) is the 60,000-acre area, is that right? Then it goes on to say that the Secretary shall finalize the boundaries.

Mr. KOLBE. Finalize them, right. Correct.

Mr. SEIBERLING. What is meant by that? "Finalize" is not exactly a well-defined word.

Mr. KOLBE. The idea would be that in the 5 years' time, if they were able to effect exchanges, to acquire the small private holdings that are inside of there now. And I might add that there are ranchers standing in line that would love to do that. If they can do it through an exchange and not through an appropriation, then we would be able to finalize these boundaries.

Mr. SEIBERLING. Well, I am still a little bit puzzled here. Then is the BLM's objection, Ms. Morris, to the vagueness, or simply that they don't want more than 43,371 acres?

Ms. MORRIS. Mr. Chairman, I think that is an open question. Our point was just that we are only currently managing the 43,371 acres. We feel that we can only support designation of that particular acreage. We certainly wouldn't want to be in a situation where we were forced to acquire additional acreage if it weren't in the public interest.

Mr. SEIBERLING. All right. You also object to removing mineral leasing from this area. Do you object to having it withdrawn from the mining laws otherwise?

Ms. MORRIS. No, sir.

Mr. SEIBERLING. All right. Why do you object to having it withdrawn from mineral leasing?

Ms. MORRIS. It is traditional in multiple-use management in other conservation areas of the Bureau of Land Management. There is no significant evidence that there is heavy mineralization but we would prefer to retain that authority in the Secretary of the Interior.

Mr. SEIBERLING. In the Steese area, in Alaska, does the BLM still have mineral leasing authority?

Ms. MORRIS. I am not familiar with the Steese area, Mr. Chairman.

Mr. SEIBERLING. How about the California Desert?

Ms. MORRIS. California Desert, yes; it is heavily mineralized.

Mr. SEIBERLING. You have that authority there. And what about the King Range?

Ms. MORRIS. I am not certain about the King Range, either. I would be happy to respond at a later time.

Mr. SEIBERLING. All right. Thank you.

[EDITOR'S NOTE.—In response to Mr. Seiberling's question, the Department subsequently supplied the following additional information:]

BLM has mineral leasing authority in both the Steese Mountain National Conservation Area and the King Range National conservation Area.

Mr. SEIBERLING. Mr. Hansen?

Mr. HANSEN. I have no questions, Mr. Chairman. Thank you.

Mr. SEIBERLING. Mrs. Vucanovich?

Mrs. VUCANOVICH. No questions. Thank you.

Mr. SEIBERLING. Mr. Strang?

Mr. STRANG. Ms. Morris, do you think closing the area to hunting is necessary?

Ms. MORRIS. I think that is a decision that is going to have to be made by the Multiple-Use Advisory Committee. BLM is interested in working with the State at this point in time to determine if hunting is an appropriate use and what level of hunting should be allowed, and I think that is a decision that will ultimately be made by the advisory committee.

Mr. STRANG. These guidelines that were drafted on this thing, were they drafted with your participation with an eye toward how you would envisage managing this thing over the next couple of years?

Ms. MORRIS. I wasn't personally involved in that.

Mr. STRANG. You, the BLM?

Ms. MORRIS. The BLM, yes. BLM worked with the volunteer steering committee that included representatives of the Governor's office and the Arizona delegation, and local county users as well.

Mr. STRANG. I see. It is my understanding that the river flows north. There are 22 individuals or corporations with water wells. Do you have any problem with the whole concept here? That if the river begins to get drawn down by pumping, who has to yield?

Ms. MORRIS. Well, I think it is the Bureau policy to state very simply that we would do what is necessary to protect the resources in accordance with State law.

Mr. STRANG. In other words, you are planning to go into the State courts, as my colleague said, to get this problem resolved under a State adjudication. So you don't have any feeling personally that the Feds need a reserve water right out of this?

Ms. MORRIS. Yes, sir.

Mr. STRANG. OK. The Sierra Club has stated in their comments on the management guidelines they would like to see predators reintroduced. Do you have any feeling or comments about that?

Ms. MORRIS. Well, there has been some discussion about reintroducing certain species. But again that is a decision—

Mr. STRANG. What would those be?

Ms. MORRIS. I am not sure, I would have to look into that. There are some species that used to inhabit the area they think, and we still need to do an inventory of species to determine which species are currently in the area.

Mr. STRANG. Now this is a long, narrow strip. So would you put up signs saying no wildcats over there, this is private property?

[Laughter.]
I have some problems with that.

One final question is what do you mean by "riparian"?

Ms. MORRIS. The Bureau has worked for quite sometime on a definition of "riparian" and I would be more than happy to work on that and supply that to you for the record.

Mr. STRANG. If you would share that with the committee, we would all be very interested in seeing that because we are wrestling with it, too.

Ms. MORRIS. Yes, sir.

Mr. STRANG. I have no further questions, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Mr. Udall?

The CHAIRMAN. Mr. Chairman, I have no questions of this distinguished panel. I want to thank my colleague Mr. Kolbe for introducing this bill, and I am proud to be a cosponsor. It is something we have worked on for a long, long time. It is a different and innovative approach to use of the public lands and I think it will pay off in dozens of different ways. So I am pleased to be a cosponsor. I am thankful that your subcommittee has decided to devote time to it and we will be working with you as we go down the road here.

Mr. SEIBERLING. Thank you. This is Ms. Morris' first appearance before this committee, I believe, and we appreciate having her here.

Ms. MORRIS. Thank you, sir.

Mr. SEIBERLING. Let us hear from Mr. Gregory now.

Mr. GREGORY. Mr. Chairman and members of the subcommittee, my name is Michael Gregory, and I live in Cochise County, AZ, which is the county, of course, that we are talking about here.

As representative of the Grand Canyon Chapter of the Sierra Club, I want to thank you for this opportunity to speak in favor of a rapid passage of Mr. Kolbe's bill to establish the Riparian National Conservation Area.

Mr. SEIBERLING. Mr. Gregory, in order to ensure an even more rapid passage, if you can summarize your presentation, we will be glad to put the whole thing in the record.

Mr. GREGORY. Yes, sir; I will do that. I do not intend to read the whole thing.

This is the first national conservation area to be specifically dedicated to riparian values, and I think that is its main value. This particular riparian area has been subject to a great deal of abuse and misuse over the past 100 years or so, and this legislation, the Sierra Club feels, would go a long way toward protecting the area from further abuse. Rivers are very special in the Southwest, and the San Pedro is a very special river among them. Of many of the rivers that have lost up to 90 or 95 percent of the riparian cover that is, the vegetation and animal life along them, the San Pedro stands out as maintaining over 75 percent of its native flora. It is one of the longest continuous stretches of riparian habitat left in the Southwest. And for that reason, we feel that it should be protected. It is a reminder of what our rivers used to be.

The San Pedro, as I said, contains about 75 percent of its habitat. It is not without scars. All the Southwest rivers have scars from misuse in the past. The San Pedro a century ago ran full enough to support several species of fish including one which was several feet long. It was used as a game fish and food fish in the area. Today, of course, we don't have anything like that amount of water. That is an indication of some of the misuses that have happened around the river.

Banks today on the river sometimes are only a trickle. The river is perennial, but sometimes it runs underground. Its perennial flow is not always on the surface.

It seems to us that we have to protect this river for what is left, as well as try to restore some of what it has lost. And for that reason, we do support this legislation.

Now some of these problems are already being dealt with; some of the historical problems, as well as some of the current problems. The subdivision threat, for instance, has been taken care of by BLM's acquiring the land recently, so that it is now under Federal ownership and will not be subdivided, at least the major portion of the riparian area. We have, of course, recently signed agreements with Mexico to stop one of the major acid rain threats to the area from the Nacozari and Douglas smelters; and supposedly, both governments will keep those agreements so that that protection from acid rain will continue.

The EPA has recently cited the Phelps Dodge copper mine in Bisbee to stop it from putting toxic metals into the San Pedro tributaries, and we expect that that protection will be important. The Sierra Club, the Audubon Society, and other organizations are presently joining with BLM to protect the river from other problems under State law in Arizona. We have proposed an active management area under the State law, which means that it would get some special looking into to decide which kind of management would best suit the area under State law.

But all of these actions so far taken have been remedial, rather than restorative or rehabilitative. We feel that Mr. Kolbe's bill would provide the kind of comprehensive view of the river that we need to protect it more fully. We would, in fact, like to protect the area even more fully than the bill does under its present language, and we feel that this is necessary to stop some of the increasingly important problems from the overpopulation that is rapidly taking over the San Pedro Valley. The city of Sierra Vista is one of the fastest growing cities in the country and we anticipate in a few years that we will have problems of increased ORV use, we will have trampling of the vegetation, we will have increased poaching, we will have increased problems with the cultural sites, pothunting and so forth.

The bill now before you is a major opportunity to stop in advance some of these foreseen problems. And we feel that not only can we protect the San Pedro, itself, through this law, but that we could provide a strong precedent for future conservation areas in the country. When we speak of the San Pedro, we do not speak of just the water on the surface; we speak of the water under the surface, we speak of the water in the trees and in the animals above the surface. The San Pedro is an ecosystem. We are not talking just about water in a river. And it is that ecosystem, that riparian ecosystem that we are mostly concerned with.

The biotic parameters which define that ecosystem it seems to us are what should be used to define the conservation area. We should not have arbitrary lines on a map. We should not have arbitrary dates in the bill. Rather, the legislation should set up guidelines for the agency to define those areas that would naturally protect the riparian values. Those areas which are essential to a riparian

system should be included in the conservation area. We would not like to see the area limited by time or by arbitrary amounts of money or lines on a map.

We especially should prohibit activities in this area. There should be guidelines it seems to us that prohibit certain activities which are not compatible with riparian values. For instance, we can talk about mining operations; graveling operations such as take place in one part of the river now; livestock grazing, which has traditionally destroyed a great deal of the riparian habitat around the river; fuelwood harvesting is another threat to the area, especially as the population of the Sierra Vista area grows; the taking of listed species, which seems to happen more and more frequently as more people come into the area; and so forth. We feel that guidelines to prohibit these kinds of destructive activities should be part of the intent of Congress. That Congress should move to direct the BLM to protect the values by prohibiting as well as allowing certain acquisitions—prohibiting uses, as well as allowing certain acquisitions to the area.

Thank you.

Mr. SEIBERLING. Thank you for some excellent suggestions.

Why don't we hear from Mr. Evans, and then we will get into questions.

Mr. EVANS. Thank you, Mr. Chairman. I, also, of course, will summarize. I am Brock Evans, vice president of the National Audubon Society, and we want to be here to state our support of this legislation. And we commend not only Mr. Kolbe and the Arizona congressional delegation for sponsoring it, but also the Bureau of Land Management for pursuing and consummating the land trade which permitted public ownership of these lands in the first place. We wouldn't be here if it weren't for their timely action.

Others have already spoken about the rare or unique values of the San Pedro River and its associate riparian lands. We, in the Audubon Society, see it as just about the only—since it is just about the only permanent source of surface water in an arid land, its wildlife habitat is indeed outstanding. And others have already cited that, as well as other values.

It is for those reasons that the National Audubon Society working with our local chapters in Arizona has sought maximum protection of the special values that the San Pedro offers. We further believe that to adequately protect the named resources and values in the bill certain other uses which are common to many other parts of Arizona are definitely not compatible or suitable here. High among these uses we regard as incompatible are mining, grazing, and the use of off-road vehicles. We think that the obvious intrusion of these types of uses, each of them extractive of resources in their own way, speaks for itself.

Therefore, while we are generally supportive of H.R. 4811 and its whole approach to management of the San Pedro area, we believe it is essential to clarify and emphasize the purpose for which this special designation is being created, if we are to have real protection of this significant resource. And for those reasons, we suggest some modifications or clarifications to the bill on page 2. I will just tick them off, Mr. Chairman, without reading them in detail.

First, on the question of size, we feel it should be expanded from 60,000 to no more than 100,000 acres. This is for the reason that the previous witness just said. That the ecosystem, the riparian values should be the boundary, not some lines just drawn on the map. And the Secretary should have authority to acquire them if it is going to protect the riparian values there.

We feel that another section should be clarified by adding the words "ecosystem and aquatic" after the word "riparian" to make it plain that it is the riparian values that we are talking about and these values here, of course, depend on the water.

Third, we feel that the "other uses" section should be strengthened by making it plain that the Secretary should specifically prohibit uses which we have already felt were incompatible—grazing, fuelwood cutting, and off-road vehicles—of course, subject to existing rights.

Fourth, the Secretary may limit visitor use. We suggest that either the statute or the report language make it plain that visitor use is permitted only when there is a clear determination that it will not adversely affect the outstanding wildlife values and the archaeological values for which this area is created.

Finally, we feel the Secretary should also be allowed to acquire lands by donation, as well as exchange or purchase, if appropriate.

Again, just to sum up, we feel the San Pedro River and its associated lands in this stretch are truly a rare, perhaps almost unique, resource not only in Arizona, but indeed in the United States. Thanks to the quick action of the Bureau of Land Management and the Arizona congressional delegation, we have a chance here—your committee does—to give it the recognition and protection it deserves. We look forward to working with you.

Thank you.

Mr. SEIBERLING. All right. Thanks.

Mr. Gregory, if the suggestions of Mr. Evans were adopted, would that satisfy the concerns you express on page 8 of your statement?

Mr. GREGORY. Yes, Mr. Chairman, most of them. We have, of course, been in consultation with the Bureau of Land Management and the Arizona delegation and the Audubon Society. We have suggested specific language, including some of the things that Mr. Evans suggested, and we are hoping during markup to introduce amendments, or have the delegation introduce those amendments.

Mr. SEIBERLING. Well, he proposes specifically prohibiting grazing, fuelwood cutting, and off-the-road vehicles subject to existing rights. You propose, in addition, prohibiting mining and graveling operations. Well, I guess that would be taken care of by the bill anyway, which withdraws it from mineral leasing and mining laws. The taking of listed species, which would be prohibiting hunting and trapping of specific species. So those are in addition to what he listed in his recommendations.

Mr. GREGORY. I don't think the language I suggested on page 8 really adds anything that is not already in the law except those things that Mr. Evans mentioned.

Mr. SEIBERLING. Well, I have no other questions.

Mrs. Vucanovich.

Mrs. VUCANOVICH. I have no questions. Thank you.

Mr. SEIBERLING. Mr. Udall.

The CHAIRMAN. No questions.

Mr. SEIBERLING. Mr. Strang.

Mr. STRANG. I have just two questions. Mr. Gregory, do you feel that this bill as proposed carries with it a Federal reserve water right, or should?

Mr. GREGORY. Frankly, Mr. Strang, I really don't know. I am not a lawyer. I do feel that the language of the bill is deliberately neutral and should stay that way. Because I do think we have sufficient protection under the Arizona laws. As I mentioned in my written testimony, we are working with the State of Arizona, and I think they have just passed two of the most progressive water laws in the country; and we do seem to have access to protect for the river through those laws.

Mr. STRANG. Mr. Evans, you remind me of a neighbor of mine that kept buying up places around him. And he said, "I don't want all of the land." He said, "I just want that land on my borders."

[Laughter.]

Now I think we have to be careful because you can tip these things over by going too far, and then pretty soon you have got a whole bunch of enemies.

Both of your testimony and the testimony of the BLM seems to counter the language in the bill that talks about multiple use. Basically, you don't want multiple use. You want to get back to kind of a nonuse area, as I understand it, so that it is not impacted by livestock grazing, mining, and so forth.

What about those highways that cross it, is that a problem in this conservation designation? There are two highways that cross it; what do we do about that?

Mr. GREGORY. Well, I am pretty well familiar with those highways. I use one of them regularly to drive to the college where I teach. No, I don't think that they are a particular problem.

Actually, there is only one highway that goes through it, one paved highway. There is a paved road, which I don't think we would call a highway, that goes through another section which is relatively unused. And they do, of course, provide some difficulties with dust and with access to the river. I think those are things that can be handled.

Now this area has been fenced for several years under private ownership. So we are not asking for a new restriction on use, actually; we are asking to continue a use that has already been there. The fencing that is in place runs along those highways and has stopped people from getting in and messing up the area pretty well now. It needs policing, which, hopefully, BLM will be able to do, to restrict those areas or to direct the people in those areas better.

But I don't think that the highways, per se, cause a particular problem. In fact, there is a blackhawk nesting site—one of the species we are particularly interested in saving in that area—a very short distance from one of those highways.

Mr. STRANG. Thank you very much.

I have no further questions, Mr. Chairman.

Mr. SEIBERLING. Mr. Kolbe, do you have any comment on the recommendations made by the BLM or by the other witnesses?

Mr. KOLBE. Mr. Chairman, the only one that I would comment on at this point—the one about water, I think we have covered

thoroughly. I think it is neutral and, as Mr. Gregory has suggested, Arizona has very good ground water legislation that I was helpful in passing in 1980 when I was in the State legislature, and I think we ought to rely on that.

The one comment that I would make is—I am sure my esteemed colleague from Arizona would think of an appropriate joke to tell us at this point about compromise. But the BLM is saying keep it to 44,000, and I think I hear Mr. Evans say make it 100,000. We have got 60,000, so I must be somewhere right if I am in the middle here on this thing. I do think it is important not to limit it to the exact acreage that is there today; otherwise, that prohibits them from doing anything to close in, through exchange to acquire the little pieces inside. They would never, short of coming back and changing the law, be able to be included in the future in the conservation area.

I understand BLM's concern is that this may only be acquired through purchase and that may mean an appropriation, and I think that is OMB's concern. But all of this was acquired through an exchange, and I think the small pieces we are talking about could be as well. But I think it is important to give that flexibility.

Mr. SEIBERLING. What about the suggestions of Mr. Evans with respect to management and to prohibited uses and that sort of thing?

Mr. KOLBE. Mr. Chairman, I feel very good with the direction that BLM has taken thus far. I am not adverse to giving more direction, if necessary, to BLM in this legislation, but I would prefer to do it without tying them down too much. The more we do so, the more red flags we raise. And I believe that we are going to have a management plan that will adequately protect the resources, so I want to maintain the flexibility here.

Mr. SEIBERLING. Well, thank you. If there are no further questions, we will excuse these witnesses, except for Ms. Morris, who is going to testify on the next bill.

[Whereupon, at 2:20 p.m., the subcommittee proceeded to consideration of other business.]

APPENDIX

TUESDAY, JULY 15, 1986

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF REP. JIM KOLBE

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

ON H.R. 4811
DESIGNATION OF THE SAN PEDRO NATIONAL CONSERVATION AREA
IN COCHISE COUNTY, ARIZONA

JULY 15, 1986

MR. CHAIRMAN, I WANT TO EXPRESS MY APPRECIATION TO YOU FOR SCHEDULING TIME IN YOUR SUBCOMMITTEE TO HEAR DISCUSSION OF H.R. 4811. THIS IS A BILL I SPONSORED, WITH EVERY MEMBER OF THE ARIZONA DELEGATION, TO DESIGNATE THE SAN PEDRO NATIONAL CONSERVATION AREA IN COCHISE COUNTY, ARIZONA. FOR THOSE MEMBERS WHO BELIEVE THAT ARIZONA IS A SUNBAKED AND DESOLATE STATE, WITH ONLY THE GRAND CANYON AS A REDEMPTIVE FEATURE, THEN I HOPE THAT MY TESTIMONY WILL DISPEL THAT MYTH.

WE'RE ALL PROUD OF THE DISTRICTS AND STATES WE REPRESENT -- AND I'M NO EXCEPTION TO THAT. I GREW UP ON A RANCH IN SANTA CRUZ COUNTY, IN SOUTH EASTERN ARIZONA, WHERE WE HAVE ROLLING GREEN HILLS, STREAMS THAT NOURISH GIANT COTTONWOODS, AND AIR AS CLEAN AND CLEAR AS ANYWHERE ON EARTH. THE HOUSE INTERIOR COMMITTEE HAS PLAYED AN ACTIVE ROLE IN SEEING THAT WE'RE ABLE TO MAINTAIN THAT NATURAL BEAUTY, AND FOR THAT, MR. CHAIRMAN, I SALUTE YOU, THE DISTINGUISHED MEMBERS OF THIS COMMITTEE, AND MOST ESPECIALLY THE CHAIRMAN OF THE INTERIOR COMMITTEE, MY COLLEAGUE FROM ARIZONA, NO UDALL.

THE SAN PEDRO RIVER -- THE SUBJECT OF THIS LEGISLATION -- FLOWS NORTH FROM MEXICO INTO THE UNITED STATES. IT PASSES NEAR THE CITY OF SIENNA VISTA, AND THE TOWNS OF HEREFORD, CHARLESTON, FAIRBANK AND ST. DAVID. THE AREA FOR DESIGNATION, CURRENTLY CONSISTING OF 43,000 ACRES, LIES IN A NARROW STRIP ALONG THIRTY MILES OF RIVER BOTTOM BETWEEN ST. DAVID AND HEREFORD. ALONG THIS RIVER CAN BE FOUND ONE OF THE MOST IMPORTANT AREAS IN THE COUNTRY FOR RIPARIAN WILDLIFE, AS WELL AS ARCHAEOLOGICAL AND HISTORICAL SITES.

THE ECOSYSTEM ALONG THE RIVER IS ONE OF THE BEST REMAINING IN ARIZONA. BECAUSE OF THE YEAR ROUND WATER, AND THE RIPARIAN FORESTS, THE SAN PEDRO IS HOME TO APPROXIMATELY 161 SPECIES OF BIRDS, INCLUDING NEARLY 20 PERCENT OF THE NATION'S WESTING POPULATION OF THE RARE GRAY HAWK; 80 SPECIES OF MAMMALS, INCLUDING RACCOONS, MUDDER, WHITETAIL DEER, JAVELINA AND BOBCATS; 12 SPECIES OF FISH; AND 69 SPECIES OF REPTILES AND AMPHIBIANS. THE AREA IS HOME TO OVER 100 KNOWN PREHISTORIC AND HISTORIC SITES AND NINE KNOWN FOSSIL SITES. WE CAN ONLY GUESS AS TO HOW MANY MORE WILL BE DISCOVERED GIVEN THE TIME TO STUDY THE AREA.

SINCE THE FEDERAL GOVERNMENT ACQUIRED THIS LAND A FEW MONTHS AGO BY MEANS OF A LAND EXCHANGE, IT HAS BEEN CLOSED TO THE PUBLIC WHILE STUDIES AND GUIDELINES ARE BEING PREPARED. BUT CONTROLLED ACCESS TO THE AREA COULD EVENTUALLY INCLUDE SIGNIFICANT OPPORTUNITIES FOR HIKING, HORSEBACK RIDING, BIRD WATCHING, NATURE STUDIES, CAMPING AND HUNTING. THE EXTENT OF THESE POSSIBLE USES WILL BE DETERMINED IN THE MANAGEMENT PLAN BASED ON THE GUIDELINES DICTATED IN H.R. 4811.

THE PURPOSES OF THIS BILL ARE SEVERAL:

- TO PLACE THE AREA UNDER THE STEWARDSHIP OF THE BUREAU OF LAND MANAGEMENT;
- TO DEFINE THE RESOURCES WHICH CONGRESS BELIEVES TO BE PREEMINENT, AND THEREFORE SHALL BE PROTECTED;
- TO PROVIDE DIRECTION TO THE BUREAU AS THEY ATTEMPT TO FORMALIZE THEIR MANAGEMENT GUIDELINES;
- TO ENSURE THAT THE BUREAU IS CARRYING OUT THE PURPOSES OF THIS ACT IN LINE WITH CONGRESSIONAL INTENT BY REQUIRING A REPORT TO THE HOUSE AND SENATE ON THE PROGRESS AND IMPLEMENTATION OF THIS ACT;
- TO ENSURE FULL PUBLIC PARTICIPATION AND COMMENT BY ESTABLISHING AN ADVISORY COUNCIL TO ASSIST IN THE DEVELOPMENT OF THE MANAGEMENT PLAN AND IN CARRYING OUT THAT PLAN;
- TO ESTABLISH LEGAL ENFORCEMENT PROVISIONS WHICH WOULD ENABLE THE U.S. GOVERNMENT TO PROSECUTE INDIVIDUALS FOUND GUILTY OF VIOLATING THE PROVISIONS OR REGULATIONS OF THIS ACT.

I WANT TO TAKE A MOMENT TO MENTION THAT I BELIEVE THE BUREAU OF LAND MANAGEMENT IN THE STATE OF ARIZONA, INCLUDING DEAN BIBLES, THE STATE DIRECTOR, AND LES ROSENKRANCE THE MANAGER OF THE SAFFORD DISTRICT BLM OFFICE, AND THEIR ENTIRE STAFF, DESERVES COMMENDATION FOR THE JOB THEY HAVE DONE ON THIS PROJECT. THE KIND OF SUPPORT THIS BILL ENJOYS IN ARIZONA IS DIRECTLY RELATED TO THEIR WORK. THEY HAVE DONE A MARVELOUS JOB OF EDUCATING THE PUBLIC ABOUT THE IMPORTANCE OF THIS AREA, HOLDING NUMEROUS PUBLIC HEARINGS THROUGHOUT THE STATE TO HEAR EVERYONE'S CONCERNS ABOUT POSSIBLE USES AND ABUSES IN THE AREA. IN MARCH, THEY COMPLETED A COMPLICATED LAND EXCHANGE IN ORDER TO ACQUIRE THE PROPERTY AT NO COST TO THE TAXPAYER, AND THEY ARE WORKING WITH A VOLUNTEER MANAGEMENT STEERING COMMITTEE IN DEVELOPING THE MANAGEMENT GUIDELINES IN ORDER TO ENSURE THAT THE PROCESS CONTINUES IN A VERY WIDE OPEN AND PUBLIC WAY.

WITHOUT THEIR DEDICATION AND HIGH PROFESSIONALISM, THIS BILL, AND THE SUPPORT THAT EXISTS FOR ITS PASSAGE, WOULD NOT EXIST.

VERY BRIEFLY, I WOULD LIKE TO EXPLAIN THE SUBSTANCE OF THIS LEGISLATION, AND PROVIDE MY PERSPECTIVE ON THE INTENT OF ITS PROVISIONS.

* (IN THE TITLE WE SPECIFICALLY DEFINE THE RESOURCES WHICH SET THIS AREA APART AND MAKE THIS A GEM IN THE HIGH SONORAN DESERT. CERTAINLY WE WANT TO PROTECT AND PROVIDE A REFUGE FOR THE UNIQUE WILDLIFE RESOURCE, SO WE PLACE A SPECIAL EMPHASIS ON PROTECTION OF THE RIPARIAN ECOSYSTEM.

JUST AS IMPORTANT, FROM THE STANDPOINT OF PUBLIC BENEFIT, IS THE INFORMATION TO BE DERIVED FROM PROTECTION, ANALYSIS AND UTILIZATION OF THE MULTITUDE OF ARCHAEOLOGICAL, PALEONTOLOGICAL, SCIENTIFIC, CULTURAL, EDUCATIONAL AND RECREATIONAL RESOURCES.

I'VE HAD THE OPPORTUNITY TO TOUR THIS AREA, AND ONE STUNNING FEATURE IS THE

REMAINS OF THE PRESIDIO OF SANTA CRUZ DE TERRENATE, AN OLD SPANISH OUTPOST MANNED BY EXPLORERS FOR JUST A FEW YEARS IN THE LATE 18TH CENTURY UNTIL THEY WERE DRIVEN OFF BY UNRELENTING INDIAN ASSAULTS. ONE CAN STILL DISCERN THE FLOOR PLAN OF THE PRESIDIO, AND WITH EACH STEP I SAW FRAGMENTS OF BEAUTIFUL POTTERY OF STUNNING COLOR AND DETAIL. THE BLM PLANS TO KEEP THIS AREA CLOSED TO THE PUBLIC WHILE WORK IS DONE TO PREVENT FURTHER DETERIORATION OF THE REMAINS, AND TO STABILIZE THE AREA. EVENTUALLY, THE SITE MAY BE OPENED FOR PUBLIC EDUCATION TOURS WITH SPECIAL CARE BEING TAKEN TO RESTRICT ACCESS TO THE AREA AND ELIMINATE THE POTENTIAL FOR MALICIOUS VANDALISM. THIS AN EXCELLENT EXAMPLE OF THE KIND OF DIVERSE RESOURCE, AND DIVERSE MANAGEMENT STRATEGY NECESSARY FOR PROPER CARE OF THE SAN PEDRO AREA.

THE BILL ESTABLISHES A MAXIMUM ACREAGE FOR THE AREA OF 60,000 ACRES. AT THE TIME OF INTRODUCTION, I FELT THAT THIS GAVE THE BLM ENOUGH LEeway SO THAT THEY COULD SEEK TO ACQUIRE LAND CONTIGUOUS WITH THE AREA TO ENHANCE THE PROJECT DURING THE 5 YEAR PERIOD BEFORE BOUNDARY FINALIZATION. AFTER DISCUSSION AND CONSIDERATION, I AM TOLD THAT A NUMBER OF ADDITIONAL ACQUISITION OPPORTUNITIES ARE PRESENTING THEMSELVES. LATER ON IN THE PROCESS WE MAY WANT TO AMEND THIS SECTION TO SET A LIMIT OF 100,000 ACRES FOR THE AREA.

IN SECTION 2(C), THE BILL STIPULATES THAT THE BLM WILL NOT BE PERMITTED TO DISPOSE OF LAND UNLESS IT IS DONE IN ORDER TO BE ABLE TO PRESERVE THE INTEGRITY OF THE AREA AND TO MAKE THE AREA'S BOUNDARIES MORE CONSISTENT WITH THE CUT OF THE LAND, THE ROADS AND THE RIVER.

IN SECTION 3, THE BILL AGAIN NOTES THAT THE MANAGEMENT PLAN SHOULD BE DEVELOPED WITH FULL OPPORTUNITY FOR PUBLIC PARTICIPATION. THE BLM IN ARIZONA IS VERY COMFORTABLE WITH THAT KIND OF WORKING RELATIONSHIP WITH INDIVIDUALS AND GROUPS WHO HAVE AN INTEREST IN THE AREA.

IN SECTION 3(B) THE BILL GIVES THE SECRETARY OF INTERIOR THE AUTHORITY TO LIMIT PUBLIC ACCESS, CLOSE SECTIONS OF THE AREA, OR ALLOW USE BY PERMIT ONLY. GIVEN THE PUBLIC ATTENTION GIVEN TO THIS AREA RECENTLY, IT'S EXPECTED THAT SUCH MEASURES WILL BE NECESSARY, ESPECIALLY IN THE SHORT TERM. I DO NOT VIEW EXTREMELY RESTRICTIVE REGULATION TO BE IN THE BEST INTEREST OF THE PUBLIC OR THE AREA, IN GENERAL. THE LAST THING WE NEED IS COMMUNITY RESENTMENT TOWARD THE BLM AND TOWARD OUR CONSERVATION EFFORTS. BY MANAGING THE AREA AGGRESSIVELY AND EFFECTIVELY, WE CAN PROVIDE THE MAXIMUM OPPORTUNITY FOR PUBLIC ENJOYMENT OF THE AREA WHILE PROVIDING THE ULTIMATE IN PROTECTION FOR THE WILDLIFE, AND THE RIPARIAN, CULTURAL AND HISTORICAL RESOURCES.

I BELIEVE HUNTING AND FISHING USE SHOULD BE PERMITTED WITH PROPER RESTRICTIONS, BUT THE USE OF OFF ROAD VEHICLES SHOULD NOT BE PERMITTED IN LANDS WHICH ARE SENSITIVE TO THAT KIND OF DAMAGE. I BELIEVE THAT THROUGH THE ACQUISITION PROCESS, THE BLM MAY BE ABLE TO DEVELOP AN AREA SPECIFICALLY FOR OFF-ROAD VEHICLE USE, WHERE THOSE VEHICLES WILL NOT EFFECT THE FRAGILE RESOURCES OF THE AREA. I WOULD BE SYMPATHETIC TO EFFORTS TO SPECIFICALLY PROHIBIT OFF-ROAD VEHICLE USE IN THIS AREA, BUT I DON'T THINK A SPECIFIC PROHIBITION, WITHOUT DEVELOPING SOME KIND OF ALTERNATIVE FOR THE THOUSANDS OF OFF-ROAD ENTHUSIASTS IN THE COUNTY, WILL PREVENT VIOLATIONS FROM OCCURRING. IN THAT REGARD, I SUPPOSE I AM ADVOCATING A KIND OF "SUPPLY SIDE" APPROACH TO THIS PROBLEM. IF WE DEVELOP AN OFF-ROAD AREA,

THEN WE CAN MORE EFFECTIVELY PREVENT VEHICLE TRESPASSING IN THE MORE SENSITIVE AND VITAL PORTIONS.

IN SECTION 4, THE BILL AUTHORIZES THE ESTABLISHMENT OF AN ADVISORY COMMITTEE WHO SHALL ADVISE THE SECRETARY ON QUESTIONS OF MANAGEMENT STRATEGIES. THE MEMBERS OF THIS COMMITTEE SHALL BE APPOINTED VOLUNTEERS WITH A STRONG BACKGROUND IN VARIOUS DISCIPLINES RELATED TO THE RESOURCES IDENTIFIED IN THIS ACT FOR PROTECTION. AT A LATER DATE, WE MAY WISH TO AMEND THIS SECTION TO GIVE THE GOVERNOR OF ARIZONA, AND THE BOARD OF SUPERVISORS OF COCHISE COUNTY ONE APPOINTMENT EACH FOR THIS COMMITTEE, AND TO DESIGNATE A SPECIFIC NUMBER OF MEMBERS TO SERVE ON THE COMMITTEE.

IN SECTION 5(A), THE BILL SPECIFICALLY PROHIBITS LOCATABLE MINING OPERATIONS FROM BEING PERMITTED. CURRENTLY, THERE ARE NO OUTSTANDING MINE CLAIMS IN THE AREA, AND ONLY A SAND AND GRAVEL OPERATION AND A MUD COLLECTION OPERATION UNDER LEASE RIGHT ALONG THE RIVER -- BOTH OF WHOM EXPIRE AT THE END OF 1987. THE BLM IS TRYING TO FIND ALTERNATIVE SITES FOR THESE OPERATIONS THAT WILL NOT IMPINGE ON THE MORE IMPORTANT RESOURCES. WITH THE SAND AND GRAVEL OPERATION, THERE IS A POSSIBILITY THAT THE COLLECTION COULD BE RESHAPED AND CLEANED UP, AND MADE COMPATIBLE WITH A DUCK POND ALONGSIDE THE RIVER BANK.

IN SECTION 5(E), THE BILL DECLARES THAT NOTHING IN IT SHALL SUPERSEDE THE ENDANGERED SPECIES ACT. THERE ARE CURRENTLY NO ENDANGERED SPECIES IN THE AREA. HOWEVER, IN THE EVENT THAT ONE IS LOCATED, OR IF REINTRODUCTION TAKES PLACE, THEN PROVISIONS OF THE ENDANGERED SPECIES ACT WILL BE FULLY OPERATIVE.

IN SECTION 5(F), THE BILL STATES THAT STATE OR PRIVATE LAND CURRENTLY LYING WITHIN THE BOUNDARIES OF THIS ACT SHALL NOT BE AFFECTED WITHOUT THEIR CONSENT AND COOPERATION. NO LAND WILL BE CONDEMNED FOR ACQUISITION.

I UNDERSTAND THAT THIS SUBCOMMITTEE WILL BE RECEIVING TESTIMONY IN SUPPORT OF THIS LEGISLATION FROM VARIOUS GROUPS AND INDIVIDUALS WHO WERE UNABLE TO BE WITH US TODAY, AND I HOPE THEIR COMMENTS WILL BE ENTERED INTO THE RECORD OF THIS HEARING.

I WOULD LIKE TO REITERATE THAT I BELIEVE THAT THE BUREAU OF LAND MANAGEMENT HAS DONE AN EXCELLENT JOB ON THIS PROJECT. THIS FACT IS WIDELY RECOGNIZED IN ARIZONA. IN FACT, THE ARIZONA GAME AND FISH COMMISSION HAS WRITTEN TO ME IN SUPPORT OF THIS LEGISLATION, AND EXPRESSES THEIR BELIEF THAT THE BLM IS BEST QUALIFIED TO ADMINISTER THE WIDE ARRAY OF RESOURCES TO BE FOUND IN THIS AREA. I ASK THAT A COPY OF THE COMMISSION'S LETTER ALSO BE INCLUDED IN THE RECORD.

THE ARIZONA REPUBLIC NEWSPAPER RECENTLY EDITORIALIZED IN FAVOR OF THIS LEGISLATION. THEY CONCLUDED THAT THE SOONER THIS BILL IS PASSED, THE BETTER, "BECAUSE THIS LAND DESERVES HELP BOTH FROM THE BLM AND THE PEOPLE OF ARIZONA. IT SHOULD BE PART OF OUR NATIONAL TRUST." I COULDN'T AGREE MORE, AND I HOPE THE MEMBERS OF THIS COMMITTEE WILL ALSO.

APR 23 1986

BRUCE BARBITT, Governor

Commissioner:
 FRANCIS W. WETNER, Tucson, Chairman
 CURTIS A. JENNINGS, Scottsdale
 W. LINDA MCHUGH, Phoenix
 FRED E. SANDER, Elgin
 LARRY D. ADAMS, Burnham City

Deputy:
 BUD BRISTON

Assistant Director, Services:
 ROBERT J. GRUENEWALD

Assistant Director, Operations:
 CLAUDE L. SHROUSE



ARIZONA GAME & FISH DEPARTMENT

2222 West Genway Road Phoenix, Arizona 85023 942-3000

April 16, 1986

Mr. John Kelly
 Washington Office, Representative Kolbe
 1222 Longworth House Office Building
 Washington, D.C. 20515

Dear Mr. Kelly:

On April 5, 1986, in public session, the Arizona Game and Fish Commission unanimously adopted the following statement regarding its position relative to future management of the San Pedro River exchange lands:

The Arizona Game and Fish Commission believes the San Pedro River exchange lands should be administered by the Bureau of Land Management. The B.L.M. is best qualified to administer the archaeological, paleontological, scientific, cultural, educational and recreational resource values present on these lands.

Further, the Commission urges that any Congressional legislation addressing the future management of these lands should recognize and allow hunting and trapping thereon. Specific mention of this form of consumptive use, regulated by the Commission in cooperation with the B.L.M., belongs in the management plan for the San Pedro River exchange lands.

It is the hope of the Commission that the drafting and discussion of legislation pertaining to the management of these lands will receive wide publication, ensuring the opportunity for public comment in the process. Many of the conservation and sportsmen's groups that interact with the Commission on a regular basis have already expressed their interest and desire to do so.

In the spirit of helpfulness, the Commission offers the expertise of the Arizona Game and Fish Department relative to any

An Equal Opportunity Agency

USSPRNCA00049

April 7, 1986

questions you may have about the wildlife values associated with the San Pedro River exchange lands.

Cordially,

W. Linn Montgomery
W. Linn Montgomery, Chairman
Arizona Game and Fish Commission

WLM/blc

p. 31

JUL 15 1986

STATEMENT OF ELIZABETH MORRIS, DIRECTOR, OFFICE OF EXTERNAL AFFAIRS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE PUBLIC LANDS SUBCOMMITTEE, INTERIOR AND INSULAR AFFAIRS COMMITTEE, UNITED STATES HOUSE OF REPRESENTATIVES ON H.R. 4811, A BILL TO ESTABLISH THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA IN COCHISE COUNTY, ARIZONA, IN ORDER TO ASSURE THE PROTECTION OF THE RIPARIAN, WILDLIFE, ARCHAEOLOGICAL, PALEONTOLOGICAL, SCIENTIFIC, CULTURAL, EDUCATIONAL, AND RECREATIONAL RESOURCES OF THE CONSERVATION AREA, AND FOR OTHER PURPOSES.

I appreciate the opportunity to appear here today to support H.R. 4811, a bill that would establish the San Pedro Riparian Conservation Area in Cochise County, Arizona.

Section 1 of the bill would establish the conservation area. It would consist of Federal lands acquired by exchange or purchase, would be managed by the Secretary of the Interior through the Bureau of Land Management and could encompass not more than 60,000 acres.

Section 2 would require the Secretary to manage the conservation area in accordance with the provisions of H.R. 4811 and, where not inconsistent with H.R. 4811, the principles of the Federal Land Policy and Management Act of 1976. Management would be in a manner that conserves, protects, and enhances the riparian, wildlife, archeological, paleontological, scientific, cultural, educational and recreation resources of the conservation area. The Secretary could allow other uses if he can show that such uses will have no significant adverse effects on the primary purposes for which the conservation area is established.

The bill specifically provides that, notwithstanding any other provision of law, lands within the conservation area shall not be available for disposition, except through exchange to improve boundaries.

Section 3 of H.R. 4811 would require the Secretary to develop a plan for the comprehensive and long-term management, development, and protection of the area. The plan would be developed with full opportunity for public participation and comment and would contain provisions to assure protection of all the diverse values of the conservation area that I mentioned earlier in this statement.

Section 3(b) provides that the plan shall generally allow for visitor use but that the Secretary may limit visitor use of portions of the conservation area, or allow use by permit only, with appropriate conditions, in order to assure protection of the area's resources and values. The Secretary would be allowed to authorize research projects on the various resources in the conservation area and to enter into cooperative agreements with appropriate State and local agencies or private organizations for the management of any portion of the area in accordance with the land use plans developed in accordance with the Act.

Section 4 would require the Secretary to establish a Multiple Use Advisory Council to advise and recommend to the Secretary appropriate management practices to implement the provisions of the land use plan and the purposes of the Act. In appointing members of the Council the Secretary would be required to include representatives from Cochise County.

Section 5 contains general provisions:

- o It withdraws the conservation area from all forms of appropriation including the mining, mineral leasing and geothermal leasing laws.
- o It authorizes the Secretary to issue regulations to implement the Act.
- o It establishes penalties for violations of the Act or regulations issued by the Secretary - a fine of up to \$10,000 or imprisonment for up to 1 year, or both.
- o It authorizes the Secretary to enter into cooperative agreements with State and local agencies for enforcement of the provisions of the Act and regulations issued pursuant to it.
- o It states specifically that nothing in H.R. 4811 shall supersede or otherwise affect the Endangered Species Act of 1973.
- o It establishes that nothing in the Act shall affect State or private inholdings within the conservation area, except that they may be acquired by exchange or purchase but not by condemnation.

Section 6 requires a report to Congress 5 years after the date of enactment, and every 10 years thereafter, on the condition of the resources of the area and the ability of the Bureau of Land Management to achieve the management goals specified in the Act.

Section 7 authorizes appropriation of such sums as may be necessary to carry out the provisions of the Act.

We strongly support enactment of H.R. 4811 if amended as suggested herein.

The area covered by the Act currently contains approximately 43,371 acres of land acquired by the Bureau of Land Management by deed dated March 6, 1986.

We support designation of this acreage as the San Pedro Riparian Conservation Area. However, we see no reason for including in the bill the provision that the area shall encompass not more than 60,000 acres.

The 43,371 acres are presently managed by the Bureau of Land Management for its many resource values under the broad mission given to the Bureau by the Federal Land Policy and Management Act of 1976 to manage lands under principles of multiple use. This means that appropriate attention is given to riparian values, wildlife habitat, soil, vegetation, watershed, historical, cultural resources and recreational activities.

The area is about 30 miles long and 2 to 3 miles wide. It contains a high quality riparian ecosystem which BLM is managing for long-term wildlife benefit. It serves as a migration corridor for wildlife species moving in and out of Mexico.

The area contains a diverse wildlife population. Approximately 260 species of birds are thought to frequent the area, including about 20 raptor species. The most notable of these is the Gray Hawk. Big game species include mule and white-tailed deer and javelina. There are no known threatened or endangered species in the area.

Water resources include:

- o A permanent, artesian fed stream that is a tributary to the Gila River;
- o Wetland zones created by a major artesian system;
- o Surface and groundwater allocations which are currently under adjudication in the State Court; and
- o A flood plain substantially unaltered by major developments.

The San Pedro area affords many opportunities for a variety of developed and diverse recreation activities.

There are 122 known archeological sites within the area and numerous known sites adjacent to the area. There is a strong possibility there are many more. To name just a few of the known sites:

- o Murray Springs - the famous and highly significant Paleo Indian (Clovis) site that dates back 11,000 years.

- o The first site excavated of the San Pedro stage of the Cochise culture, dating back 7,000 years, as well as numerous other Cochise sites and the more recent Hohokam sites that date from 1 A.D. to 1400 A.D.
- o Sobaipuri (upper Piman) sites - Quiburi, Gaybanipitea and Boquillas. This is one of the few areas in the southwestern United States with known sites of the transition period between prehistoric and historic occupation of the Southwest.
- o Several of these sites were visited by Father Kino between 1692 and 1698.
- o The Presidio of Santa Cruz de Terrenate, a Spanish military post and chapel dating from 1776 to 1780. The ruins are of the best preserved presidio of that era in the United States.
- o Routes of Coronado and other Spanish explorers who crossed the San Pedro property.
- o Route of the Mexican War's Mormon Battalion and the site of the Battle of the Bulls.
- o The Wells Fargo Stage Route and station sites.

- o Several 19th century towns and mill sites including Fairbank, Contention, Lewis Springs, Charleston and Hereford.

In addition there are sites representing all stages of human occupation of the Southwest over a 11,000 year period. These provide a unique opportunity for interpretation.

There are also 9 known vertebrate fossil sites. At least 2 of these are highly significant sites. There are numerous additional sites adjacent to the area. These paleontological sites provide an excellent opportunity for scientific research and development.

Currently there is grazing in the area.

H.R. 4811 would refine the principles under which the San Pedro Riparian Conservation Area would be managed. It would continue multiple use management of the area by the Bureau of Land Management, identify the resource areas of most concern to the Congress, establish congressional direction for the management of the area and give the Secretary additional authority to enter into cooperative agreements for enforcement of the laws and regulations relating to the area. However, the legislation would close the area to mining or mineral or geothermal leasing. We object to this provision and recommend that the bill retain the authority of the Secretary for mineral leasing.

In addition, we find the reporting provision in H.R. 4811 to be burdensome and unnecessary.

The San Pedro area is a unique area with many outstanding and varied resource values. This bill assigns to the Bureau of Land Management the responsibility of protecting this unique and beautiful area in a manner that will enhance public appreciation of the significant natural resources along the San Pedro River. We believe it is appropriate that this area be managed by the Bureau of Land Management and appreciate the endorsement for BLM management extended by the bill's sponsors.

This concludes my prepared statement. I will be pleased to respond to questions.



SIERRA CLUB

Grand Canyon Chapter · Arizona

STATEMENT OF MICHAEL GREGORY, CONSERVATION CHAIRMAN, GRAND CANYON CHAPTER OF THE SIERRA CLUB, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, HEARINGS ON H.R. 4811 ESTABLISHING A SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA.

WASHINGTON, D.C., 15 JULY 1986

Mr. Chairman and members of the Subcommittee, my name is Michael Gregory, and I live in Cochise County, Arizona, whose major population center, one of the fastest-growing cities in the country, lies in the Upper San Pedro River Basin.

As representative of the Grand Canyon Chapter of the Sierra Club, I want to thank you for this opportunity to speak in favor of a rapid passage for Mr. Kolbe's bill to establish the San Pedro Riparian National Conservation Area, the first National Conservation Area to be designated specifically for riparian values. The intent of the bill is to finally set aside for rehabilitation and federal protection, after more than a century of heavy use, misuse and abuse, much of what is left of the Upper San Pedro riparian ecosystem. It is an area rich in cultural and biotic resources, and it deserves to be protected and preserved for future generations.

Along with other conservation organizations, the Sierra Club has suggested a few language changes to increase the restorative, protective and enhancement capabilities of the bill, and we are working with the Arizona delegation to offer amendments during mark-up; so instead of talking about specific legislative language today, I'd like to draw your attention instead to some more general considerations and, in particular, to two terms: riparian and ecosystem. The first is a sub-category of the second.

Understanding those two terms is part of understanding the general purpose of the bill, and the terms are especially pertinent to a reading of the sections of the bill dealing with Acquisitions [Sec. 1(a)(3)], Boundaries [Sec. 1(b)], and secondary or peripheral uses of the Conservation Area [Sec. 2(b), 3(b)].

Rivers are very special in the Southwest. And very fragile. Without special care, they dwindle away into gullies and dry washes. Those that remain are survivors. In southeast Arizona, the San Pedro is the only one left in a relatively healthy condition of diversity and productivity. Unlike the Pecos River, which has been stripped of 95% of its estimated historic native flora, and the Gila, which has lost 90%, the San Pedro supports one of the longest stretches of riparian habitat in the Southwestern United States and retains some 75% of its native flora (USFWS 1985),

a reminder of what our rivers used to be.

But none of our remaining desert rivers has survived without scars. Portions of the San Pedro are still relatively lush and rich with wildlife, but other parts have suffered drastic reductions in biotic diversity and productivity. Although in better shape than most southwest river systems, the San Pedro too has been adversely affected by a

"concentration of agricultural, municipal and industrial development in river valleys [that] has reduced or destroyed both terrestrial and aquatic wildlife habitats" (Ohmart 1962). The word agricultural in that quotation should be understood to mean livestock ranching as well as the farming of vegetable crops.

The San Pedro about a century ago ran full enough to support a lively fishery, including one species of native fish that grew to several feet in length. Today the river is still perennial, but during dry seasons the surface water sometimes ducks under the riverbed and resurfaces at some distance downstream. Banks that used to be many feet apart are now sometimes separated by only a trickle.

The river is still alive and running, but it is not what it used to be; and if it reminds us of a rich past, it also re-

minds us of what we have lost, and of our present responsibilities to properly manage what little we have left. The forces that have reduced the size and diversity of the riparian system over the past hundred years are still at work; but besides the very real risks of pollution from agriculture, industry, military and civilian dumping; and the incessant, erosive pressure of livestock grazing; during the past two decades, the San Pedro system has also had to endure the effects of a population explosion as more and more people migrate to the sunbelt from the eastern and northern states.

The Arizona Department of Water Resources reports, for instance, that for several years now, excessive pumping has been overdrafting the groundwater and contributing to the San Pedro's decline (DWR 1986). Population growth has also brought the threat of subdivision, as the wooded riversides become more and more valuable in a vigorous real estate market. } 1

Some of these threats are already being dealt with. The subdivision threat, for instance, has largely been averted by putting most of the wet riparian area into public ownership under BLM management. If recent agreements between the U.S. and Mexican governments are kept by both sides, we will also avert some serious threats of air and water pollution

from the Smelter Triangle south and east of the Conservation Area. Furthermore, the EPA has recently ordered the Phelps Dodge mine in Bisbee to stop contaminating tributaries to the San Pedro with toxic metals, and the State of Arizona has recently enacted two of the most progressive water quantity and quality laws in the nation. The Sierra Club and the Audubon Society are working with BLM to guarantee protection of the San Pedro under the new Arizona statutes.

But all these actions are more remedial than rehabilitative; they address specific acute problems rather than implementing a comprehensive plan for protection of the riparian system as a whole. Mr. Kolbe's bill can provide for that kind of comprehensive protection that biologists, anthropologists, conservationists and others have called for repeatedly over the past quarter century.

More than a decade ago, the Fish and Wildlife Service identified the San Pedro as a unique ecosystem suitable for inclusion in the National Wildlife Refuge System, and portions of the San Pedro have been proposed as Natural Areas to be preserved under the Arizona Natural Heritage Program. Portions have also been proposed as county, state, federal and international parks for the preservation of important historic and prehistoric resources.

All these proposals indicate the importance of the San Pedro as a biotic resource, supporting one of the greatest diversities of species of any locale in North America; and as a

rich cultural resource, containing records of mankind's continuous habitation for more than 10,000 years, and the social interchanges between early peoples who used the San Pedro as a trade corridor between North and Central America. But none of these proposals has come to fruition, and the San Pedro has become increasingly subject to the impacts of population pressure, including the trampling of vegetation, ORV damage to the landscape, harvesting of riparian trees for fuelwood, and vandalizing of cultural and paleontological sites.

The bill now before you is a major step toward a comprehensive management plan that brings together the mutual goals of most previous proposals. The bill offers an opportunity not only to restore the San Pedro Area to something like its natural conditions of diversity and productivity, but also offers an opportunity to set a strong precedent for protection of other Riparian Conservation Areas to be designated in the future. The San Pedro, as the first, ought to be the model or demonstration area to show how well we can do the job.

Water is the lifeblood of the Southwest, but when we speak of the San Pedro, we do not mean just the water that flows in the riverbed; we mean the whole riparian system with the river at its center. The water we see on the surface is only

part of the San Pedro: some of it flows above the riverbed in the veins of trees and grasses and animals whose lives depend on it; most of it is underground where it helps replenish the water table which is the sole drinking water source for the basin.

We should not define the San Pedro too narrowly, and we should be similarly careful in defining the Riparian Conservation Area. Biotic considerations should determine the extent of the Area, not arbitrary dates and yardsticks. As introduced, the bill does not define the Riparian Area broadly enough to fit the biotic situation.

Most of the birds and other animals that make up the wildlife communities of the riparian corridor do not confine themselves to the narrow edge of the river. Many species of birds, for instance, are dependent on the drier brushlands as well as the habitats along the riverbanks (cf. Szaro and Jakle 1985). Mammals that feed and drink at the river's edge also need the upland habitats for food and shelter; some of them, like the deer and wild cats, use the upland terraces to get from the riverbottom to their second homes in the mountains on either side of the San Pedro Valley.

The animals are not confined to the narrow corridor of the river, and the Riparian Conservation Area shouldn't be, either.

Biotic parameters should determine boundary and acquisition decisions, just as they should determine permitted-use decisions. The legislation should not tie the hands of the agency by precluding their acquisition of lands that are integral components of the riparian life-support system. Conversely, we don't want to saddle the agency with too many options at cross-purposes. Congress should provide specific guidance to the agency on what uses are incompatible with the purposes of the San Pedro Riparian Conservation Area.

Just as the agency is directed by law to prohibit destruction of the cultural and paleontological resources, so it should be directed to prohibit activities destructive to the biotic resource—mining and graveling operations, livestock grazing, motorized recreation, taking of listed species, and fuelwood harvesting, to name a few of the more conspicuous ones.

In short, the legislation would best satisfy its intent by directing the managing agency, within budget constraints, to acquire whenever feasible, whatever is needed to restore, maintain and enhance the cultural and biotic resources of the San Pedro; and to prohibit whatever activities or uses are not conducive to those same ends.

Thank you for your attention and consideration.

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National Audubon Society

NATIONAL CAPITAL OFFICE
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STATEMENT OF BROCK EVANS
VICE PRESIDENT FOR NATIONAL ISSUES
BEFORE THE HOUSE INTERIOR SUBCOMMITTEE ON PUBLIC LANDS
REGARDING H.R. 4811, ESTABLISHING THE SAN PEDRO
RIPARIAN NATIONAL CONSERVATION AREA, ARIZONA
WASHINGTON, D.C., JULY 15, 1986

Mr. Chairman, thank you for the opportunity to appear here today and to present the views of the National Audubon Society on this legislation, which affects an area of great importance to our members and chapters in the state of Arizona, the San Pedro River in the southern part of that state.

H.R. 4811 designates a 30 mile stretch of this river and the land surrounding it at a varying distance therefrom as the San Pedro Riparian National Conservation Area, to be administered by the Bureau of Land Management. Although this specific title is a somewhat new designation, the language of the statute itself makes plain the intent: ". . . to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational and recreational resources of the conservation area . . ." The size of the conservation area, determined by reference to a map, shall not be more than 60,000 acres, or about 2,000 acres per river mile. The bill further outlines provisions which permit the Secretary to allow other uses under certain conditions, essentially forbid disposition or sale of the lands, requires the Secretary to develop a management plan, permits him to limit visitor use, withdraws the lands from appropriation under the mining laws, and permits further acquisition of inholdings under certain conditions.

We generally support this legislation, and commend not only the Arizona Congressional Delegation for sponsoring it, but also the Bureau of Land Management for pursuing and consummating the land trade with the Tenneco Corporation which permitted public ownership of these lands in the first place. We would not be here if it were not for that fact.

The San Pedro River and its associated riparian lands is a rare and unique resource in this part of the world. As just about the only permanent source of surface water in a very arid land, its wildlife habitat is outstanding, and many species flourish there which could never survive otherwise. Because of this fact, it was also the site of human habitation from the earliest times, and is therefore of enormous archaeological and educational interest. It has outstanding recreation resources as well, especially those which offer opportunities for nature study, hiking, and solitude in a unique environment.

For all of these reasons, the National Audubon Society, working closely with our local chapters, has sought maximum protection of the special values that the San Pedro offers. We further believe that to adequately protect the named resources and values in the bill, certain other uses, common to many other parts of Arizona, are definitely not compatible or suitable here. High among these uses we regard as incompatible are mining, grazing, and the use of off road vehicles. We think that the obvious intrusion of these types of uses -- each of them extractive of various resources in their own way -- speaks for itself.

Therefore, while we are generally supportive of H.R. 4811 and its whole approach to management of the San Pedro area, we believe it is essential to clarify and emphasize the purpose for which this special designation is being created, if we are to have real protection of this significant resource of national importance. For the purposes of this clarification, we would suggest the following changes or additions to H.R. 4811:

- Size, Boundaries. Should be expanded from 60,000 to no more than 100,000 acres. This is because there are significant lands joining those outlined on the map which are biologically or otherwise a part of the San Pedro River ecosystem. The Secretary should have authority to acquire these lands as appropriate.
- Management of Area. Section 2(a)(2) should be clarified by adding the words "ecosystem, aquatic," after the word "riparian." The reason for adding the word "ecosystem" makes it plain that it is the entire ecosystem related to the riparian values that is to be protected here. The reason for the word "aquatic" is to simply clarify the intent, which is to make it plain that the biological values here, at least, depend upon the water.
- Section 2(b) "Other Uses." Should be strengthened by making it plain that the Secretary should specifically prohibit grazing, fuelwood cutting, and off road vehicles -- subject to existing rights -- unless there is the strongest showing of no adverse impact on the primary purposes of the area.
- Management Plan. Section 3(b) says the Secretary "may" limit visitor use. We suggest either in the statute, or in the report language, that it be made quite plain that visitor use shall be permitted only when a clear determination is made that this will not adversely affect the values and purposes for which the area is created.
- Acquisition of Lands. We feel that the Secretary should also be allowed to acquire lands by donation, as well as by exchange or purchase, if appropriate.

These are some of the major changes or clarifications we would offer at this time. Again, we feel that the San Pedro River and its associated lands in this stretch are truly a rare, almost unique, resource, not only in Arizona, but indeed in the United States. Thanks to the quick action of the Bureau of Land Management and of the Arizona Congressional Delegation, we have a chance here to give it the recognition and protection it deserves. We look forward to working with you to accomplish this goal. Thank you.

903F



JUL 21 1986

BRUCE BABBITT
GOVERNOROFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007IN REPLY
REFER TO:

July 10, 1986

The Honorable John F. Seiberling, Chairman
Subcommittee on Public Lands
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Seiberling:

I understand that you will be conducting hearings on legislation to establish a National Conservation Area encompassing the San Pedro River lands that were recently acquired by the Bureau of Land Management. I would like to express my support for the San Pedro Riparian National Conservation Area bills introduced both in the House and the Senate on May 13, 1986, and for the management of this area by the Bureau of Land Management within a multiple-use framework.

Because of the unique riparian lands being considered, legislation should include provisions which provide special protections for these sensitive lands. I believe that the riparian zone should be off limits to off-road vehicles and fuel wood harvesting. Cattle grazing should be absolutely minimized and access to the river should be controlled.

The San Pedro lands contain a wide range of resource values, including one of the richest assemblages of land mammal species in the United States, thirty miles of high-quality riparian habitat, approximately 275 species of birds, many significant archaeological and paleontological sites, the remains of an 18th Century Spanish Presidio, and outstanding recreational opportunities. An area with this exceptional ecological and cultural diversity is well deserving of National Conservation Area status. Such a designation would provide appropriate recognition and would set the tone for the kind of multiple-use management the area requires.

Support for the legislation to establish the San Pedro Riparian National Conservation Area is widespread and bipartisan. Endorsement has come from Arizona's State Parks and Game and Fish Department, The National Audubon Society, The Nature Conservancy, Defenders of Wildlife, The National Parks and Conservation Association, Cochise County, the surrounding communities of Sierra Vista, Bisbee, Tombstone, Benson and Huachuca City, and members of Arizona's Congressional delegation.

I strongly support BLM's acquisition of the San Pedro lands and believe, without question, that the BLM is the agency best able to manage them. This is particularly so in light of the Bureau's recent acquisitions, through exchange with the State of Arizona, of lands in Aravaipa Canyon and the Muleshoe Ranch.

Together, Aravaipa Canyon and the Muleshoe Ranch comprise nearly 97,000 acres located in southeast Arizona, north of the San Pedro lands. Both of these areas contain a broad spectrum of outstanding resource values and, in this sense, are quite similar to the San Pedro lands. Certainly, BLM's management of the San Pedro property is consistent in concept with its management of the Aravaipa and Muleshoe areas and would represent a logical extension of its multiple-use administration in that part of the State.

Sincerely,



Bruce Babbitt
Governor

BB:dps

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