

S. HRG. 99-1055

ADDITIONS TO THE BIG CYPRESS NATIONAL PRESERVE; ESTABLISHING THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA; DESIGNATING THE HORSEPASTURE RIVER AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM; AND AMENDING FLPMA

HEARING

BEFORE THE

**SUBCOMMITTEE ON PUBLIC LANDS, RESERVED
WATER AND RESOURCE CONSERVATION**

OF THE

**COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE**

NINETY-NINTH CONGRESS

SECOND SESSION

ON

**S. 2029/H.R. 4090, S. 2442/H.R. 4811,
S. 2707/H.R. 2826, and H.R. 2921**

SEPTEMBER 23, 1986



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**ADDITIONS TO THE BIG CYPRESS NATIONAL
PRESERVE: ESTABLISHING THE SAN PEDRO
RIPARIAN NATIONAL CONSERVATION AREA;
DESIGNATING THE HORSEPASTURE RIVER AS
A COMPONENT OF THE NATIONAL WILD AND
SCENIC RIVERS SYSTEM; AND AMENDING
FLPMA**

TUESDAY, SEPTEMBER 23, 1986

U.S. SENATE, SUBCOMMITTEE ON PUBLIC LANDS, RESERVED
WATER AND RESOURCE CONSERVATION, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,

Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room SD-358, Dirksen Senate Office Building, Hon. Malcolm Wallop presiding.

Present: Senator Wallop.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

**OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S.
SENATOR FROM THE STATE OF WYOMING**

Senator WALLOP. Good morning, ladies and gentlemen. This morning the Subcommittee on Public Lands, Reserved Water and Resource Conservation will hear testimony on the following measures:

S. 2029 and H.R. 4090, to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes;

S. 2442 and 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, whatever they may be;

S. 2707 and H.R. 2826, to amend the Wild and Scenic Rivers Act by designating a segment of the Horsepasture River in the State of North Carolina as a component of the National Wild and Scenic Rivers System; and

H.R. 2921, to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under Acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes.

I will place a copy of each of these measures in the hearing record.

[The text of the bills follow:]

99TH CONGRESS
2D SESSION

S. 2442

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 SENATE OF THE UNITED STATES

MAY 13 (legislative day, MAY 12), 1986

Mr. DECONCINI (for himself and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources.

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 Fed. Reg. 8715, which together with a legal descrip-
13 tion, ref. A21410, shall be on file and available for public
14 inspection in the offices of the Secretary of the Interior,
15 Washington, D.C., and in appropriate State and local offices
16 of the Bureau of Land Management in the State of Arizona.
17 The Secretary shall finalize the boundaries of the conserva-
18 tion area no later than 5 years after the date of enactment of
19 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 5 years after the date of enactment of this
8 Act and every 10 years thereafter, the Secretary shall furnish
9 to the appropriate committees of the House of Representa-
10 tives and the Senate, a report on the implementation of this
11 Act. Such report shall include a detailed statement on the
12 condition of the resources within the conservation area and
13 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.

99TH CONGRESS
2D SESSION

H. R. 4811

IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1986

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

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 SAN PEDRO RIPARIAN

4 NATIONAL CONSERVATION AREA.

5 (a) ESTABLISHMENT.—In order to protect the riparian
6 area and the aquatic, wildlife, archeological, paleontological,
7 scientific, cultural, educational, and recreational resources of
8 the public lands surrounding the San Pedro River in Cochise

1 County, Arizona, there is hereby established the San Pedro
2 Riparian National Conservation Area (hereafter in this Act
3 referred to as the "conservation area").

4 (b) AREA INCLUDED.—The conservation area shall con-
5 sist of public lands as generally depicted on a map entitled
6 "San Pedro Riparian National Conservation Area—Pro-
7 posed" dated July 1986, comprising approximately 43,000
8 acres.

9 (c) MAP.—As soon as is practicable after enactment of
10 this Act, a map and legal description of the conservation area
11 shall be filed by the Secretary of the Interior (hereafter in
12 this Act referred to as the "Secretary") with the Committee
13 on Interior and Insular Affairs of the House of Representa-
14 tives and the Committee on Energy and Natural Resources
15 of the United States Senate. Each such map shall have the
16 same force and effect as if included in this Act. Such map
17 shall be on file and available for public inspection in the
18 Office of the Director of the Bureau of Land Management,
19 Department of the Interior, and in the Bureau of Land Man-
20 agement offices of the State Director for Arizona, and the
21 district office responsible for the management of the conser-
22 vation area.

23 **SEC. 2. MANAGEMENT OF CONSERVATION AREA.**

24 (a) GENERAL AUTHORITIES.—The Secretary shall
25 manage the conservation area in a manner that con-serves,

1 protects, and enhances the riparian area and the aquatic,
2 wildlife, archeological, paleontological, scientific, cultural,
3 educational, and recreational resources of the conservation
4 area. Such management shall be guided by this Act and,
5 where not inconsistent with this Act, by the provisions of the
6 Federal Land Policy and Management Act of 1976 (herein-
7 after in this Act referred to as "FLPMA").

8 (b) USES.—The Secretary shall only allow such uses of
9 the conservation area as he finds will further the primary
10 purposes for which the conservation area is established.
11 Except where needed for administrative or emergency pur-
12 poses, the use of motorized vehicles in the conservation area
13 shall only be allowed on roads specifically designated for such
14 use as part of the management plan prepared pursuant to
15 section 3 of this Act. The Secretary shall have the power to
16 implement such reasonable limits to visitation and use of the
17 conservation area as he finds appropriate for the protection of
18 the resources of the conservation area, including requiring
19 permits for public use, or closing portions of the conservation
20 area to public use.

21 (c) LIVESTOCK.—In order to provide an opportunity for
22 the study, evaluation, and monitoring of riparian areas in the
23 absence of livestock grazing, the Secretary shall not, subject
24 to valid existing contractual rights, issue any permit for the
25 grazing of livestock on lands designated as part of the conser-

1 vation area by this Act for a period of 15 years from the date
2 of enactment of this Act.

3 (d) WITHDRAWALS.—Subject to valid existing rights,
4 all Federal lands within the conservation area are hereby
5 withdrawn from all forms of entry, appropriation, or disposal
6 under the public land laws; from location, entry, and patent
7 under the United States mining laws; and from disposition
8 under all laws pertaining to mineral and geothermal leasing
9 and all amendments thereto.

10 (e) ENFORCEMENT.—Any person who violates any pro-
11 vision of this Act or any regulation promulgated by the Sec-
12 retary to implement this Act shall be subject to a fine of up to
13 \$10,000, or imprisonment for up to one year, or both.

14 SEC. 3. MANAGEMENT PLAN.

15 (a) DEVELOPMENT OF PLAN.—No later than 2 years
16 after the enactment of this Act, the Secretary shall develop a
17 comprehensive plan for the long-range management and pro-
18 tection of the conservation area. The plan shall be developed
19 with full opportunity for public participation and comment,
20 and shall contain provisions designed to assure protection of
21 the riparian area and the aquatic, wildlife, archeological, pa-
22 leontological, scientific, cultural, educational, and recreation
23 resources and values of the conservation area.

24 (b) RECOMMENDATIONS.—The Secretary shall, in the
25 comprehensive plan referred to in subsection (a), develop rec-

1 ommendations to Congress on whether additional lands
2 should be included in the conservation area.

3 (c) COOPERATIVE AGREEMENTS.—The Secretary may
4 enter into cooperative agreements with appropriate State and
5 local agencies, pursuant to section 307(b) of FLPMA, to
6 better implement the plan developed pursuant to subsection
7 (a).

8 (d) RESEARCH.—In order to assist in the development
9 of appropriate management strategies for the conservation
10 area, the Secretary may authorize research on matters in-
11 cluding the environmental, biological, hydrological, and cul-
12 tural resources of the conservation area, pursuant to section
13 307(a) of FLPMA.

14 SEC. 4. ADVISORY COMMITTEE.

15 (a) ESTABLISHMENT.—The Secretary shall establish a
16 San Pedro Riparian National Conservation Area Advisory
17 Committee, whose purpose shall be to advise the Secretary
18 with respect to the preparation and implementation of the
19 comprehensive, long-range plan required pursuant to section
20 3 of this Act.

21 (b) REPRESENTATION.—There shall be 7 members of
22 the Committee, who shall be appointed by the Secretary.
23 Members of the Committee shall be appointed for terms of
24 three years, except that of the members first appointed 2
25 shall be appointed for terms of 1 year and 3 shall be appoint-

1 ed for terms of 2 years. The Secretary shall appoint one
2 member from nominations supplied by the Governor of the
3 State of Arizona, and one member from nominations supplied
4 by the Supervisors of Cochise County, Arizona. The other
5 members shall be persons with recognized backgrounds in
6 wildlife conservation, riparian ecology, archeology, paleontol-
7 ogy, or other disciplines directly related to the primary pur-
8 poses for which the conservation area was created.

9 **SEC. 5. LAND ACQUISITION.**

10 The Secretary may acquire lands or interests in lands
11 within the boundaries of the conservation area by exchange,
12 purchase, or donation, except that any lands or interests
13 therein owned by the State or local government may be ac-
14 quired by donation or exchange only. Any purchase or ex-
15 change of lands to be added to the conservation area shall
16 require the consent of the owner of those lands or rights.

17 **SEC. 6. REPORT TO CONGRESS.**

18 No later than five years after the enactment of this Act,
19 and every ten years thereafter, the Secretary shall report to
20 the Committee on Interior and Insular Affairs of the House
21 of Representatives and the Committee on Energy and Natu-
22 ral Resources of the United States Senate, on the imple-
23 mentation of this Act. Such report shall include a detailed
24 statement on the condition of the resources within the

1 conservation area and of the progress of the Bureau of Land
2 Management in achieving the purposes of this Act.

3 SEC. 7. AUTHORIZATION.

4 There are hereby authorized to be appropriated such
5 sums as may be necessary to carry out the provisions of this
6 Act.

Passed the House of Representatives August 11, 1986.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

Statement by Senator Dennis DeConcini
On S. 2442, a bill to Establish the San Pedro National
Conservation Area
Hearing Before the Public Lands Subcommittee
September 23, 1986

Mr. Chairman, I am delighted to be here today to testify in support of legislation sponsored by myself and Senator Goldwater to designate approximately 43,000 acres of Bureau of Land Management land in southeastern Arizona as a National Conservation Area. Mr. Chairman, I want to take this opportunity to thank you and the Ranking Minority Member, Mr. Bumpers, for scheduling this hearing on S. 2442. I know it is late in the session and the Committee has a busy schedule. Over the years, this subcommittee has been very responsive to the public land needs in Arizona and again I want to express my appreciation to you and the staff for all of your assistance over the years.

S. 2442 will designate one of the most unique and undeveloped riparian areas along the San Pedro River in Arizona as a National Conservation Area. The 31-mile stretch of land along the San Pedro River in southeastern Arizona is rich in many significant natural and cultural resources. These lands were brought into Federal ownership on March 7, 1986, when the Bureau of Land Management acquired 43,371 acres of private land along the upper San Pedro River by method of exchange. Up until this

time, state, local, and national efforts to acquire the San Pedro lands concentrated on an outright appropriation of funds by the Congress. The Arizona State Director of the BLM, Mr. Dean Bibbes, is to be credited with this exchange action. Through his initiative and perseverance, these highly valuable resource lands were acquired for the U.S. to become part of our nation's public land legacy. In these times of great fiscal concern, it is refreshing to see a Federal agency devise a way to acquire important lands with little or no cost to the U.S. taxpayer.

The San Pedro Riparian area is one of the last remaining natural riparian areas in the southwest. The bulk of the land comprising the San Pedro Riparian Area are two Spanish land grants (the San Juan de las Boquillas y Nogales and the San Rafael del Valle). These land grants are rich in wildlife, riparian, cultural, scientific, paleontological, and other resources. There are 110 known archaeological sites within the San Pedro area. It is one of the few areas in the southwestern United States with known sites of the period between the prehistoric and historic occupation of the southwest. These sites need to be protected from vandalism, and the natural environment surrounding these sites must be preserved. One site in particular, the 200-year old Spanish Presidio of Santa Cruz de Terrenate, better known as Quiburi, requires immediate stabilization work. It is the last undisturbed presidio in the U.S., and it has tremendous opportunity for public enjoyment and education through interpretation programs.

As far as wildlife values are concerned, habitat for numerous wildlife species are contained within the San Pedro Riparian area. Habitat for the largest diverse assemblage of reptiles, birds, and mammals found in the U.S. and North America for that matter, are located in the San Pedro. Mexican birds, whose northern range is southeastern Arizona, frequent this area and include such species as the Harris hawk, black hawk, zone-tailed hawk, gray hawk, aplomado falcon, elegant trogon, and others. The area also possesses great potential for the reintroductions of threatened and endangered species including jaguarundi, ocelot, and possible fish species.

While the Bureau of Land Management has existing authority under the Federal Land Policy and Management Act of 1976 to manage these lands, because of the significant resource values and the delicate character of the riparian ecosystem, I believe we need to afford this area special protection under the designation of a National Conservation Area to be managed as outlined in the legislation. Under S. 2242, the area will be primarily managed to conserve and protect the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational and recreation resources. A special management advisory committee, comprised of state and national leaders with expertise in natural resources, to assist the BLM in the formulation of a long-term management policy for these lands will further ensure the proper stewardship and protection of the area.

As a National Conservation Area the rich cultural, riparian, archeological and other significant resources along the 31-mile stretch of the San Pedro River in western Cochise County, Arizona will be preserved for future generations. At the same time, the designation will assure continued access to and use by the public for recreation and educational purposes.

Mr. Chairman, companion legislation was introduced in the House by virtually all members of the Arizona Congressional Delegation. The bill which has passed the House, has the strong endorsement of the State of Arizona and many interests both in Arizona and nationally. I would ask that articles which appeared in Arizona newspapers endorsing the San Pedro legislation appear in the record after my remarks.

At this time, I would like to recommend to the Committee that the changes adopted by the House be incorporated into the Senate bill. The only other change I would recommend at this time is an expansion of the area to accommodate approximately 5,336 acres of private and state land within the area and immediately adjacent to the southeastern boundary. The BLM is currently attempting to acquire these lands and private owners have expressed an interest in exchange. The additional land will allow the BLM to protect the entire riparian wildlife corridor. It will also bring those lands with associated historic and

archaeological values into the area. These acquisitions will further assist in reducing the number of smaller inholdings within the San Pedro and provide for more efficient management of the area by the BLM. The map including the 5,000 plus acres has been drawn up by the BLM. The new map will expand the area to 48,707 acres.

Mr. Chairman, a lot of work and energy has gone into the management of the San Pedro area both by the BLM and many interested citizens in the State of Arizona over the past year. I can think of few areas in the southwest, Mr. Chairman, that are more deserving of special status and special Federal protections than the San Pedro Riparian Area. It encompasses an entire fragile ecosystem which can be easily tipped off balance by the slightest misuse. It is an area I am proud to be associated with and one which I believe will go down in history as one of our wisest Federal acquisitions. Enacting legislation this session which affords specific protections to this land will add impetus to the BLM's management planning process for the the area. While I recognize we have little time remaining in the current session, it is my hope the Committee will take expedited action on the San Pedro legislation so there will be no questions in anyone's mind how this area will be preserved for future generations.

*

Senator WALLOP. Mike, thank you very much. I appreciate your taking the time to come over here this morning.

Senator Goldwater has submitted a statement for the San Pedro legislation.

As well as has Congressman Mo Udall in support of the legislation.

[The prepared statements of Senator Goldwater and Mr. Udall follow:]

TESTIMONY OF SENATOR BARRY GOLDWATER
BEFORE THE SENATE SUBCOMMITTEE
ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
SEPTEMBER 23, 1986

Mr. Chairman, thank you for giving me this opportunity to testify in support of S. 2442 and H.R. 4811, legislation which would establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona. The San Pedro River riparian area in question consists of 43,371 acres, is about 31 miles long, and is two to three miles wide. The northern border is near St. David and the southern boundary is near Hereford. This area affected by the legislation is one of the Southwest's most important prehistoric, historic, and natural areas.

In March, 1986, the Bureau of Land Management acquired title to the riparian area through a land exchange with Arizona White Tank Associates, a group which purchased the land from its previous long time owner, Tenneco, Inc. The title transfer was the result of many months of negotiation under the leadership of Dean Bibles, our Arizona State BLM Director, who deserves our many thanks. And, as a matter of fact, Mr. Bibles is currently negotiating for additional lands to be added to the area.

In accordance with the bill's purposes, this desert riparian habitat is very rich and unique in diversity, having great wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources. It is home to more than 260 bird species, including raptors such as the gray hawk, black hawks, ospreys, peregrine and aplomado

falcons. One can also find 80 species of mammals, including the mule and whitetail deer, 12 species of fish, and 68 species of reptiles and amphibians.

On the prehistoric level, there are at least nine fossil beds going back some 250,000 years. In addition, the land includes over 120 known archaeological and historic sites. Most of them are located on land which was previously two Mexican land grants, the San Juan de las Boquillas y Nogales and the San Rafael del Valle. An outstanding historic site in the area in the Spanish fortress Santa Cruz de Terrenate, founded August 22, 1775. There are also historic ghost towns and mill sites.

Mr. Chairman, with all that I have mentioned above, you can well imagine the need to protect and enhance the riparian habitat and the area's archaeological and historical properties. Now that the Federal Government has acquired the lands, we have the opportunity to do just that.

As part of the land exchange, the Bureau of Land Management has agreed to honor the three existing land lease agreements, the primary one expiring at year-end 1987. Because of this condition, the area will be not be open to the general public until the leases expire. Regarding a long-term management plan of the area, the legislation calls for the establishment of a San Pedro Riparian National Conservation Area Advisory Committee to advise the Secretary of the Interior on the development and implementation of such a plan. There will be full opportunity for public participation and comment, and the Secretary may enter into cooperative agreements with State and local agencies like the Arizona Game and Fish Department, Arizona State Parks, and other special interested parties who may assist in the preservation of the area.



Mr. Chairman, this is a very special area. It is also a very fragile environment. We should protect this area's riparian ecosystem while allowing the public to enjoy its scientific, cultural, and recreational resources. Though the House-passed bill is different from the version my colleague, Senator DeConcini, and I introduced, I have no problem with the final provisions of H.R. 4811. I would hope that the committee would move expeditiously on this legislation because, quite simply, we don't have much time left in the Session and all of the Members of the Arizona Congressional Delegation support the legislation. Thank you.

STATEMENT OF THE
HONORABLE MORRIS K. UDALL
REGARDING H.R. 4811
THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

Mr. Chairman, I want to thank your Committee for taking the time today to consider legislation to designate the San Pedro Riparian National Conservation Area in Arizona. As you know, the House already has passed an amended version of the bill before you and I am very pleased to be in complete support of this legislation.

The lands covered by the bill are 43,000 acres of private lands that were acquired by the BLM in a major land exchange earlier this year. The lands are located in Cochise County, Arizona, which I had the pleasure of representing here in Congress for many years. All the lands in question lie in a narrow strip along about 30 miles of the San Pedro River that runs north from the Mexican border. Arizonans, as well as federal officials, have been interested in protecting these special lands for many years.

The riparian area still retains about 75% of its native flora which is very unusual for a river in the Southwest. The nearby Gila, for example, has retained only about 10% and the Pecos about 15%. It is habitat for at least 20 species of raptors, a third of the entire U.S. population of gray hawks, and a total of about 210 species of birds. The diversity of mammals is considered the greatest of any area of comparable size in the country. The water that attracts wildlife also has attracted man for thousands of years so the area is rich in archaeological sites from early man, through 20th century Indians and Spanish settlers. The public recreation possibilities are outstanding.

The bill designates the area a "national conservation area." There are no real standards for what makes a national conservation area and we have approached the construction of this particular designation very carefully. Although we in the House generally frown on such designations because they are not well defined, we also recognize that none of the alternatives available to us are very conducive to this unusual area. Rather than force an incompatible management scheme on the San Pedro we concluded that we would be better off crafting one that is custom tailored to the San Pedro.

The basic approach is to define the essential resources of the area -- wildlife, archaeologic, paleontologic, scientific, cultural, educational and recreational -- and instruct BLM to draft a management plan promoting activities that further the protection and development of these resources while discouraging or prohibiting all activities that do not.

BLM is given pretty wide latitude in this regard, but there are some significant exceptions. First, all mining is banned after two current contracts signed by the former private landholder expire. Second, all vehicles are banned except on roads designated for their use by the management plan.

And finally, grazing is banned for at least 15 years. Like

all too much of the lands in the Southwest, and especially its riparian lands, this area has been overgrazed. Our purpose in banning grazing, however, is not to make an anti-grazing statement or set any anti-grazing precedents. Rather, it is an effort to create a riparian zone that has not been grazed by livestock, to study its ecosystem and provide a benchmark by which we can judge other riparian areas that may be characterized by good, bad or indifferent grazing management practices.

The ban against livestock grazing expires in 15 years so BLM can be given an opportunity to reevaluate this approach at that time. I want to emphasize that the fact that the ban sunsets in 15 years should in no way be interpreted as Congressional intent to resume grazing after 15 years. It is my strong belief that grazing should be re-introduced only if the land managers believe it is necessary to do so for the ecological health of the riparian area and only then in such limited areas and for such limited time as they think is necessary. I am very excited by the prospect that this riparian area of the Southwest will be allowed to develop without the imprint of livestock grazing because I think it has the potential to further by a long mile our understanding of the natural workings of desert riparian ecosystems. I strongly urge the Committee to retain this provision.

There are essentially three current commercial activities in the area. All of them are operating under contracts with the former private landowner. These contracts all expire at the end of this year or the next. BLM intends to move all three of them -- a grazing operation, a sand and gravel mine and a "slumpblock" operation -- out of the area when their contracts expire and we fully support that intention.

Mr. Chairman, we have had excellent bipartisan cooperation and support from the very beginning of the effort to conserve the San Pedro. I want to offer a special note of appreciation to Dean Bibles, the Arizona state director of BLM, for making the acquisition and protection of this area a personal priority and for meeting this challenge with great skill and dedication. I also would like to thank the rest of the Arizona Congressional delegation for their help and to offer my congratulations to those many private citizens in southern Arizona who have worked so hard for this day for many years.

Finally, Mr. Chairman, I would like to thank you and your Committee for holding this hearing today and for giving me the opportunity to testify.

Senator WALLOP. Doug, I understand your strong opposition to broadening it now, but does that mean that as far as the Department of Agriculture, the Forest Service is concerned that all discussions are closed on future concepts that are related?

Mr. MACCLEERY. Not at all. We would be more than happy to discuss this—

Senator WALLOP. In the future?

Mr. MACCLEERY [continuing]. And look at other options on their own merits in the future.

Senator WALLOP. Well, I would urge that you do that. FLPMA was not the first issue that Congress acted on not knowing all the strings it was pulling. There are some inequities that remain outside the irrigation and stockwater issues that I think were unintended, and that just does not sit well with a democratic government. They are acts of taking that I do not think were intended. It is just a statement of arrogance—I do not mean yours, but ours as a Nation—that we continue in a posture merely because we were authorized, however unintentionally, to take it.

I would hope that we would continue those conversations with Congressman Strang and others.

Mr. MACCLEERY. We would be more than happy to continue these. With respect to this particular bill, we have worked very hard to work out the compromise.

Senator WALLOP. I understand that, and I appreciate that. I heard what Congressman Strang's counsel was, as well. This is what we asked you to do, and I appreciate that. It is a display of an agreeable relationship between Congress and the Administration which I hope continues. So we will respect that as far as this Subcommittee, at least, is concerned.

But I do urge you to continue those negotiations so that we can correct some other inequities which I am aware of and I think you are, as well.

Mr. MACCLEERY. We would be more than happy to discuss those and resolve them on their own merits.

Senator WALLOP. Thank you very much. I appreciate it.

Mr. MACCLEERY. Thank you.

Senator WALLOP. The next witness is Deputy Director Dave O'Neal from the Bureau of Land Management on S. 2442 and H.R. 4811.

Good morning, Mr. O'Neal. Welcome. I believe this is your first time in front of this committee, is it not?

Mr. O'NEAL. Yes, sir, it is.

Senator WALLOP. Thank you for coming.

STATEMENT OF DAVID C. O'NEAL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. O'NEAL. Thank you.

I appreciate the opportunity to appear here today to support S. 2442 and H.R. 4811, similar bills that would establish the San Pedro Riparian National Conservation Area.

First of all I would like to thank the sponsor of this legislation, the Arizona Congressional Delegation, for their endorsement of

BLM management of this special area. I have a formal statement that I would like included in the record. Instead of presenting the entire statement, I would like to offer some brief comments on the specific provisions of the bill.

Senator WALLOP. By all means. Thank you.

Mr. O'NEAL. We strongly support enactment of S. 2442 or H.R. 4811, if amended as suggested. The area covered by both bills currently contains approximately 43,371 acres of land acquired by BLM in March of this year. The Senate bill provides that the area shall not encompass more than 60,000 acres. We support the approximately 43,000-acre limitation now included in H.R. 4811.

In addition, grazing is currently allowed in the area. Therefore, we do not favor the language of H.R. 4811 disallowing new grazing permits for a period of 15 years. We prefer that the Secretary be allowed the discretion to determine whether grazing should be continued. Both S. 2442 and H.R. 4811 would close the area to mining, mineral, or geothermal leasing. We agree that the area should be closed to mining, but suggest that both bills should be amended to provide that the Secretary of the Interior may lease the lands under the Mineral Lands Leasing Act and the Geothermal Steam Act, and also that they may dispose of mineral materials under the Mineral Materials Act of 1947.

We believe that these activities can be appropriately controlled through the land-use planning process. We also find the reporting provisions in both bills to be burdensome and unnecessary.

Finally, H.R. 4811 is very specific as to the makeup of the Advisory Committee. The term and number of members are specified. We believe such details could prove to be counterproductive and believe they are best left to the discretion of the Secretary. We prefer the Advisory Council provisions included in S. 2442.

The San Pedro area is a unique area with many outstanding and varied resource values. We believe it is appropriate that the area be managed by the Bureau of Land Management and are pleased with this Committee's interest in considering this legislation.

I will be pleased to answer any questions you might have.

[The prepared statement of Mr. O'Neal follows:]

SEP 23 1967

STATEMENT OF DAVID C. O'NEAL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION SUBCOMMITTEE, ENERGY AND NATURAL RESOURCES COMMITTEE, UNITED STATES SENATE ON S. 2442 AND H.R. 4811, A BILL AND AN ACT, RESPECTIVELY, 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 S. 2442 and H.R. 4811, similar bills that would establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona.

Section 1 of S. 2442 would establish the San Pedro Riparian National Conservation Area. The Area 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 1 of H.R. 4811 differs from S. 2442 in that it limits the area to approximately 43,000 acres.

Section 2 of S. 2442 would require the Secretary to manage the conservation area in accordance with its provisions and, where not inconsistent with S. 2442, 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 could show that such uses would 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.

Similar management provisions are contained in section 2 of H.R. 4811. However, under H.R. 4811 the Secretary would not, subject to valid existing contractual rights, be allowed to issue any permit for the grazing of livestock on lands designated as part of the conservation area for a period of 15 years from the date of enactment of H.R. 4811. In addition, H.R. 4811 provides that, except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area would be allowed only on roads specifically designated for such use.

Section 3(a) of S. 2442 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 required to be developed with full opportunity for public participation and comment and to contain provisions to assure protection of all the diverse values of the conservation area that I mentioned earlier.

Section 3(b) of S. 2442 provides that the plan shall generally provide for visitor use but that the Secretary may limit visitor use, close 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.

Under section 3(c), 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 3 of H.R. 4811 contains similar provisions for long-term management of the area. It would, however require the Secretary to develop recommendations to Congress on whether additional lands should be included in the conservation area. H.R. 4811 would provide for cooperative agreements with State and local agencies, but not private organizations, to better implement the management plan.

Section 4 of S. 2442 would require the Secretary to establish a Multiple Use Advisory Council to advise and to 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 4 of H.R. 4811 provides for an advisory committee, with specific instructions as to its composition. The Secretary would appoint 7 members with terms of 3 years except that, of the members first appointed, 2 would be appointed for terms of 1 year and 3 would be appointed for terms of 2 years. Five members would be required to have recognized backgrounds in wildlife

conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created. The sixth member would be selected from nominations submitted by the Governor of Arizona and the 7th member would be selected from nominations supplied by the Supervisors of Cochise County, Arizona.

Section 5 of S. 2442 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 of the 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 S. 2442 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 5 of H.R. 4811 would allow the Secretary to acquire lands as well as interests in lands within the boundaries of the conservation area by exchange, purchase or donation. Lands owned by the State or local government could be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area would require the consent of the owner of those lands or rights. Section 2 of H.R. 4811 contains similar provisions covering withdrawal from the mining, mineral leasing and geothermal leasing laws, and enforcement. H.R. 4811 is silent on issuing regulations and on the Endangered Species Act of 1973.

Sections 6 of both S. 2442 and H.R. 4811 require the Secretary to 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.

Sections 7 of both S. 2442 and H.R. 4811 authorize the appropriation of such sums as may be necessary to carry out the provisions of the Act.

We strongly support enactment of either S. 2442 or H.R. 4811 if amended as suggested.

The area covered by both bills 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 the 43,371 acres as the San Pedro Riparian National Conservation Area. However, we see no reason for including in the bill the provision section 1(a)(3) of S. 2442 that the area shall encompass not more than 60,000 acres. We therefore favor the approximately 43,000 acre limitation in H.R. 4811.

The 43,371 acres are presently managed by the Bureau of Land Management for their 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 and 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. We do not favor the language in section 2(c) of H.R. 4811 disallowing new grazing permits for a period of 15 years. If any moratorium is to be imposed, it should be for no more than 5 years. It would be preferable to allow the Secretary the discretion to determine whether grazing should be continued. The preparation of the management plan will provide the opportunity for complete and thorough consideration of the impacts of livestock grazing.

Both S. 2442 and H.R. 4811 would refine the principles under which the San Pedro Riparian National Conservation Area is managed. Both 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, both S. 2442 and H.R. 4811 would

close the area to mining or mineral or geothermal leasing. We agree that the area should be closed to mining but suggest that both bills should be amended to provide that the Secretary of the Interior may lease the lands under the Mineral Lands Leasing Act and the Geothermal Steam Act, and also that he may dispose of mineral materials under the Materials Act of 1947. These activities can be appropriately controlled through the land use planning process.

We find the reporting provision in both S. 2442 and H.R. 4811 to be burdensome and unnecessary.

H.R. 4811 is very specific as to the makeup of the advisory committee. The terms and number of members are specified. We believe such details could prove to be burdensome and counterproductive. They are best left to the discretion of the Secretary. We prefer the provisions of S. 2442 for an advisory council.

The San Pedro area is a unique area with many outstanding and varied resource values. Both bills assign 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 the area be managed by the Bureau of Land Management and appreciate the endorsement for BLM management extended by the sponsors of the legislation.

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

Senator WALLOP. Next on S. 2442 and H.R. 4811, Mr. Burt Eller, Public Lands Council of the National Cattlemen's Association, and the Arizona Cattle Growers' Association; Mr. Brock Evans of the National Audubon Society; and Ms. Debbie Sease of the Sierra Club.

Mr. Eller, good morning. Please proceed.

**STATEMENT OF J. BURTON ELLER, JR., VICE PRESIDENT,
GOVERNMENT AFFAIRS, NATIONAL CATTLEMEN'S ASSOCIATION**

Mr. ELLER. Mr. Chairman, the livestock organizations I represent today compliment the Secretary of the Interior and BLM for that land transfer that created the proposed San Pedro area. As we understand it, both parties were satisfied, and that is what a land swap should accomplish.

We also commend Senators DeConcini and Goldwater for a bill that we think is extremely workable in that situation. It requires a management plan. It asks that multiple use management be looked at. But we are then concerned about its companion bill, and I might add, the substitute bill not the original bill, but the substitute bill 4811 from the House side that then proceeds to tell the Secretary in detail how to manage those lands.

The livestock industry is greatly concerned about the legislative exclusion of grazing on the San Pedro. This is a surprising and unnecessary precedent for Congress to set. Livestock producers are experts in range management and are good stewards of the public lands they use. Their livelihood depends on it.

The Bureau of Land Management pays experts to develop and implement public use systems and multiple use plans for those same public lands. Is Congress now going to step in and say "we, the Congress, know best how to manage the Nation's public lands?"

Further, the House bill eliminates livestock grazing on the San Pedro to, according to the bill's committee report for the House side, "an opportunity for a study, evaluation, and monitoring of riparian areas in the absence of livestock grazing." Why "in the absence of livestock grazing"?

Any valid study makes comparison of comparable things. Therefore, at least some of the San Pedro must be grazed under good management guidelines in order to make any valid conclusions on the remaining nongrazed portion.

Finally, Mr. Chairman, we must reiterate that the San Pedro area was not mismanaged. It was not overgrazed, nor were its riparian values threatened when it was acquired from private ownership. In fact, the House report says "desert riparian habitat in good condition". This leads us to question why the harsh, irrelevant mandates in H.R. 4811. Such arbitrary and capricious issues must be addressed before such a bill becomes law.

Mr. Chairman, attached to my testimony are two letters very important to this hearing. They come from the Arizona Cattle Growers Association and the Greenlee County (Arizona) Cattle Growers Association. I ask that they become a part of this hearing record.

Senator WALLOP. By all means.

Mr. ELLER. That is my testimony. Thank you.
[The prepared statement of Mr. Eller follows:]

PUBLIC LANDS COUNCIL

"A Western Livestock Public Land User Organization"

STATEMENT

of the

Public Lands Council

National Cattlemen's Association

National Wool Growers Association

Regarding H.R.4811 and S.2442

THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

Before the

Subcommittee on Public Lands, Reserved Water and Resource Conservation

Senate Committee on Energy and Natural Resources

September 23, 1986

J. Burton Eller, Jr., Vice President Government Affairs

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NORM PALM

Association of National Grasslands
BRYCE BOWMAN

Member States:

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California

Colorado

Idaho

Montana

Nevada

New Mexico

North Dakota

Oregon

South Dakota

Utah

Washington

Wyoming

Mr. Chairman, the organizations I represent today compliment the Secretary of the Interior and the Bureau of Land Management for the manner in which they accomplished the land exchange creating the proposed San Pedro Riparian National Conservation Area. Both the private landowner and the Federal government were willing to make the trade and reportedly pleased with the results.

We commend Senators DeConcini and Goldwater for introducing S.2442 and for their general approach to the use and management of this proposed area. The Senate bill has our enthusiastic support.

Both bills, S.2442 and H.R.4811, instruct the Secretary to manage the area consistent with the Federal Land Policy and Management Act of 1976, and in a manner that conserves, protects and enhances the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational and recreation resources of the conservation area.

The House bill (H.R.4811), unfortunately, then proceeds to tell the Secretary in detail how to manage and what restrictions he must impose. The livestock industry is greatly concerned with the legislated exclusion of grazing on the San Pedro area. This is a surprising and unnecessary precedent for Congress to set. Livestock producers are experts in range management, and are good stewards of the public lands they use; their livelihood depends on it! The Bureau of Land Management pays experts to develop and implement multiple use plans and management systems for those same public lands. Is Congress now going to step in and say, "We (Congress) know best how to manage the nation's public lands?"

Further, the House bill eliminates livestock grazing to, according to the bill's committee report, "provide an opportunity for the study, evaluation and monitoring of riparian areas in the absence of livestock

grazing". Why in the absence of grazing? Any valid study makes comparisons of comparable things. Therefore, at least some of the San Pedro must be grazed under good management guidelines in order to make any valid conclusions on the non-grazed portion.

Finally, Mr. Chairman, we must reiterate that the San Pedro area was not mismanaged, overgrazed nor were its riparian values threatened when it was acquired from private ownership. The fact that it has been grazed for many years and is now, according to the House Report 99-773, "desert riparian habitat in good condition", leads us to ask why the harsh, irrelevant mandates in H.R.4811? Such arbitrary and capricious issues must be addressed before such a bill becomes law.

Mr. Chairman, attached to my testimony are two letters very important to this hearing. They come from the Arizona Cattle Growers Association, and the Greenlee County (Arizona) Cattle Growers Association. I ask they become a part of this hearing record.

Thank you, Mr. Chairman.

Attachments

September 9, 1986

Jeff Menges, President
Greenlee County Cattle Growers Assoc.
P.O. Box 792
Morenci, AZ 85540

Dear Senator

With regards to HR 4811 concerning the establishment of the San Pedro Riparian National Conservation Area, a bill introduced by our own Congressman Jim Kolbe, we would like to express some concerns over that portion of the bill which calls for the total exclusion of grazing in the area for 15 years.

We feel that if that language is not removed before the bill passes, it will set an unfair precedent for all such conservation areas. We are now learning that properly managed grazing is a necessary part of the restoration of our ranges.

Since the San Pedro Area was first traded for, we have felt that it would be an ideal area to set up a model of the multiple use concept--wildlife management, recreation, fire management, gravel, crop production, and livestock production through proper grazing management techniques.

In the past, even with grazing, this area has been particularly susceptible to range fires, mostly started by illegal aliens coming up from Mexico. If grazing is removed, we're sure this problem will compound.

Furthermore, many of the members of our association have riparian vegetation on their grazing allotments and are in the process of fencing those areas and entering various deferred grazing programs within those areas. If this bill is passed in its present form, I'm sure that many of the ranchers will reconsider their riparian management proposals for fear that grazing will totally be excluded once the fences are complete.

Please consider our concerns. We're sure that there is a solution to this that can be acceptable to everyone.

Thanks for all your support to Agriculture.

Jeff Menges,



President,
Greenlee County Cattle Growers Association

Arizona Cattle Growers' Association

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 Hugh Esterline, Yuma
 Yuma County
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 De Lane, Phoenix
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 Wayne Metzger, Flagstaff
 Walter Armer, Tucson
 W. Anderson, Phoenix
 Deceased

September 3, 1986

Senator Barry Goldwater
 353 Russell Building
 Washington, D.C. 20510

RE: San Pedro Riparian National Conservation Area

Dear Senator Goldwater:

We in the livestock grazing industry have great concerns about the language of HR 4811, the bill before Congress that creates the above named area. The provision, legislatively placing a fifteen year moratorium on livestock grazing, we feel is unwise. The area has been grazed for many years and is rated in good condition, so to place a ban on grazing in the law doesn't seem to have any justification.

There are three major concerns that we have, one being that legislation banning grazing in riparian areas such as this one, could well set a precedent for future legislation that will be forthcoming when Congress again addresses a Public Rangelands bill. We all recognize that there will be many attempts to ban grazing on as many areas as possible by the anti-grazing groups within our society. As you know, riparian areas received a great deal of attention during the hearings on the last Omnibus Rangeland Bill that failed to get introduced last fall.

The second concern is that we dislike seeing specific restrictions on the use of public lands being mandated by legislation. We feel that the land management agency should have the flexibility to use whatever tools are available to maintain the area in as good a condition as possible. This proposed legislation would remove one tool from their management alternatives.

The third concern is that the moratorium on grazing in this riparian area could well be detrimental to the condition of the area. There is growing popular acceptance of a concept of land management known as Holistic Resource Management. This philosophy, also known as the Savory Method (after its originator Alan Savory), states that domestic livestock grazing is a necessary practice to create the required herd impact or hoof action to the plant community to maintain it in a healthy and viable condition. Many people from all interest groups are paying more and more attention to Savory's teachings, as the resulting benefits to rangelands have been proven. Again, the fact that this existing riparian area has been grazed till now and is in good health, would seem to support this philosophy.



Senator Barry Goldwater
September 4, 1986
Page 2

We feel it would be very unproductive to legislate a ban on livestock grazing when a management plan could accomplish the same objective, if so desired. The agencies need to have as much flexibility as possible to carry out their responsibilities and reach their mandated objectives.

The Arizona Cattle Growers' Association encourages you to seek removal of that portion of HR 4811 that places a moratorium on livestock grazing.

Thank you for your consideration of this request.

Sincerely,



Bob Bowman
President

BB:slh

CC: Senator James McClure
Chairman, Energy and Natural Resources

Senator Malcolm Wallop
Chairman, Sub-Committee
Public Lands, Reserved Water and Resources Conservation

Senator WALLOP. Thank you, Mr. Eller.
Brock.

STATEMENT OF BROCK EVANS, VICE PRESIDENT, NATIONAL
ISSUES, NATIONAL AUDUBON SOCIETY

Mr. EVANS. Thank you, Mr. Chairman.

I guess the Audubon Society is before you twice today, and you can see how our interests go across the country. I am here in support of the legislation before you for the San Pedro River. I work on it extensively. I have explored the area this summer. It is a truly unique place. I recommend it to you, if you get a chance to get out that way.

We also want to commend the Bureau of Land Management for its exchange here. I point out that this is all Federal land we are dealing with here. Luckily we do not have the problem you pointed out a little bit earlier, and we certainly commend the Arizona delegation for putting all this together.

This is a very important area to us, Mr. Chairman, because of its unique wildlife habitat on this kind of land: 210 species of birds that are in the area, approximately one-third of the United States population of grey hawks occur along the San Pedro; it is a very unique kind of riparian habitat in an otherwise arid land.

I think we all realize that riparian communities in Arizona are an especially scarce and declining natural resource. We estimate that only about 15 percent of all of Arizona's original riparian acreage remains in its natural state. The intent of the legislation makes it very plain that it is to assure the protection of educational, recreational, scientific riparian, wildlife, archaeological, and paleontological resources, and that is what I want to emphasize here.

While we generally support the intent of the Senate bill and its companion House bill, we think it is important to clarify a few things to reinforce this kind of intent. Let us highlight one or two briefly and then end.

First, the size and boundaries are now limited to 43,000 acres. We think it very important to permit, if you would, Mr. Chairman, the Secretary to acquire additional lands if possible. That is because the nearby Huachuca Mountains also constitute a very important habitat, and professionals have said that if we could we should preserve a corridor there. We urge that the Secretary have authority to acquire related lands as appropriate, not by condemnation but if they are offered and available. We would urge you to consider that.

Secondly, in terms of the management of the area that my colleague next to me just mentioned and the other uses, I guess we would have to support the exclusion of grazing for a 15-year test period, a moratorium that occurs in the House bill. We urge you to consider that here. This is because we respectfully disagree. We think it has been well documented that grazing can have a severe impact on wildlife values in riparian areas. The purpose of this area is to remain for all the intents I mentioned earlier, and not for grazing.

We do not think it sets a precedent. This is a special case for a special kind of area, and we would like to ease the fears of my colleague next to me on that point, but we do think it is important.

We also disagree with the Bureau of Land Management who said it should be open to mineral leasing, once again for the reason that this is a special area not to be managed for the normal BLM purposes, but for the special and unique kind of wildlife values.

Finally, I just want to echo what Nat Reed said earlier. You and I have known Nat for a long time, and he is right. Many great achievements of our conservation movement have been enacted in the last days of a Congress. We think this is one of them. It is a unique kind of an area. It is a special thing for the Bureau of Land Management, a special thing that we are asking them to do.

We think they can do a good job, and that is why we are supporting their management. A lot of work has gone into this already. We urge you to give it all the attention you can in these last days.

Thank you.

[The prepared statement of Mr. Evans follows.]



National Audubon Society

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STATEMENT OF BROCK EVANS
VICE PRESIDENT FOR NATIONAL ISSUES
BEFORE THE SENATE ENERGY SUBCOMMITTEE ON PUBLIC LANDS
REGARDING S. 2442, ESTABLISHING THE SAN PEDRO
RIPARIAN NATIONAL CONSERVATION AREA, ARIZONA
WASHINGTON, D.C., SEPTEMBER 23, 1986