

STATEMENT OF SUE MASICA, CHIEF OF STAFF, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 986, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN SEGMENTS OF THE EIGHTMILE RIVER IN THE STATE OF CONNECTICUT AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES.

April 17, 2007

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

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

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

values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, Great Horned Owls, red foxes, and the Cerulean Warbler.

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

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

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

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

**STATEMENT OF SUE MASICA, CHIEF OF STAFF, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE COMMITTEE
ON NATURAL RESOURCES, CONCERNING H. R. 1100, A BILL TO REVISE THE
BOUNDARY OF THE CARL SANDBURG HOME NATIONAL HISTORIC SITE IN
THE STATE OF NORTH CAROLINA, AND FOR OTHER PURPOSES.**

APRIL 17, 2007

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

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

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

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

an American in every pulse-beat."

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

Land or easement acquisition is estimated to cost between \$300,000 and \$2.25 million.

Management of these new lands is estimated to cost less than \$10,000 annually. These acquired lands could be used for a visitor center, estimated to cost about \$3 million, but that project, as well as the additional costs mentioned in this paragraph, would be subject to the budget prioritization process of the NPS. Annual operation of the visitor center is expected to cost \$345,000 annually. The costs of operating a shuttle are not known at this time. No funding has yet been identified for any of these costs.

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

pastoral view from Sandburg's estate.

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

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

The National Park Service contacted each landowner that holds an interest in the 110 acres

proposed for acquisition during the planning process for the site's 2003 General Management Plan. All of these owners agreed to have their parcels included in the map and proposal to expand the park. The Village of Flat Rock, North Carolina supports the proposal for a visitor center, parking facility, and shuttle service.

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

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

**STATEMENT OF
SUE MASICA, CHIEF OF STAFF, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR,
BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC
LANDS,
HOUSE COMMITTEE ON NATURAL RESOURCES,
CONCERNING
H.R. 554, THE PALEONTOLOGICAL RESOURCES PRESERVATION ACT.**

APRIL 17, 2007

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

Fossils are non-renewable resources that provide information about the history of life on earth. Federal lands, the majority of which are in the drier western part of the United States, contain a rich array of plant, invertebrate and vertebrate fossils. Paleontological digs and preserved sites on federal lands, paleontological exhibits in museums, and informal displays at local nature centers attract visitors from across the United States and abroad. Popular books, television shows, and movies that

feature creatures of our past, such as dinosaurs, generate the attention of audiences of all ages. The information supporting many of these efforts is derived from the preservation and study of paleontological resources.

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

- The skull and lower jaw from an Oreodont, a sheep-sized, cud-chewing, plant-eating mammal from 37 million years ago (scientific name *Miniochoerus gracilis*). This was collected in 1932 from what is now Badlands National Park. (EXHIBIT 1)
- Two skeletons of herring-like fossil fish from 50 million years ago (scientific name *Diplomystus* spp.). These were collected in 1956 from the Green River Shale in what is now Fossil Butte National Monument. (EXHIBIT 2)
- A small ammonite (related to the modern chambered nautilus) from about 80 million years ago (scientific name *Scaphites* sp.). This was collected some time prior to 1876 in what is now Yellowstone National Park. (EXHIBIT 3)
- Theropod tracks found in Denali National Park and Preserve. Theropods were carnivorous dinosaurs that walked on their hind legs and probably weighed about 200 pounds. Field researchers located dozens of additional dinosaur footprints in the area, including those of hadrosaurs (duck billed dinosaurs), bird tracks, and numerous plant fossils. All these organisms lived during the Late Cretaceous period (65 to 145 million years ago). (PHOTO 1)
- Five complete t-rex fossils, valued in the millions, found at the Charles M. Russell (CMR) National Wildlife Refuge in Montana. Although no official count exists, 465 fossil

exposures and finds also have been reported at the refuge, including more than 10 Triceratops' fossils that have been verified by refuge staff. (PHOTO 2)

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

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

paleontological resources from federal lands were caught and convicted. While these cases ultimately identified the offenders and recovered the fossils, they also represent the limitations of existing federal protections.

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

H.R. 554 would provide paleontological resources with specific protection. The bill would ensure that valuable sites remain protected by providing the Secretary with the authority to withhold information on the nature and specific location of paleontological resources. The bill would prohibit the excavation, removal, or damage to paleontological resources on federal lands as well as the sale, purchase, exchange, transport, export, or receipt of paleontological resources. Criminal penalties for these acts would be set by classification, following fine and imprisonment penalties imposed under

federal law. Civil penalties would provide for consideration of scientific value as well as the cost of response, restoration and repair of the resource and the site location. These and other provisions in the bill would provide agencies with additional tools needed to protect paleontological resources and to potentially deter the large scale commercial destruction and exploitation of fossils on federally administered lands.

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

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

H.R. 554 includes a provision that would authorize the Secretary to allow the casual collection, without a permit, of certain paleontological resources for non-commercial personal use. For

example, under this bill, visitors to BLM lands who enjoy paleontology as a hobby could continue to collect and keep for their personal use a wide variety of common plant and invertebrate fossils. The casual collection of such fossils can be an important component of the public's enjoyment of some federal lands and is generally consistent with scientific and educational goals.

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

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

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