

Testimony  
Of  
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before

The House Subcommittee on Fisheries, Conservation, Wildlife and Oceans  
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My name is Bob Allphin; I reside at 4235 Blackland Drive, Marietta, Ga. Like Mr. Farrell, I represent *Fair Access to Island Refuges*, or "FAIR". I wish to thank the Subcommittee for this opportunity to testify on the issue of public access to the certain U.S. wildlife refuges.

I am enjoying an early retirement and enjoying my family, 2 young grandchildren, travel and my hobby that has interested me since I was a young boy-Amateur Radio also known as Ham Radio. I have held an amateur radio license for 47 years since I was 13 years old and am one of 700,000 federally licensed amateur radio operators in the US and among several million worldwide. Although the hobby is very diverse, we are probably best known for providing what is sometimes the only communications available during National and local emergencies. If you have ever been directly affected by a hurricane, tornado, flood or read accounts of the aftermath of Sept. 11<sup>th</sup> or more recently, the Tsunami in the Indian Ocean you have heard of the emergency communications role played by unpaid volunteers with their ham radios.

On a National level hams operate through the Radio Amateur Civil Emergency Service (RACES), which is coordinated through the Federal Emergency Management Agency (FEMA), and the Amateur Radio Emergency Service (ARES), which is coordinated through the American Radio Relay League and its field volunteers. In those areas prone to tornados and hurricanes, many hams are involved in Skywarn, which operates under the National Weather Service.

Other hams have entirely different interests ranging from amateur television, antenna design and experimentation to bouncing signals off our own satellites that we have launched and even sometimes off the moon. Some just like "shooting the breeze" with a fellow ham in a neighboring state or around the world. However, my interest involves transmitting and contacting others hams worldwide while I am visiting rare and out of the way places. This way I combine two of my interests...travel and hamming. Thus far I have operated my ham radio from 42 different countries.

While most hams with interests similar to mine are on the receiving end of these contacts and are made from their ham radios in their living room or den at home, I am among those who travel to those out of way places where few hams may live or for whatever reason, there is little or no radio activity. These places are usually uninhabited, isolated or politically difficult. In our ham radio world there are 335 of these places, called entities. The range from entities as large as Russia, Canada or the USA to as small as Kingman Reef in the Pacific Ocean about 1000 mile SW of Hawaii, which is nothing more than a spit of sand about 450 ft long, 25 feet wide and 5 feet above water at high tide. These are all entities for amateur radio purposes and hams collect contacts with these entities much like others collect stamps, coins, art or sports memorabilia. The US Fish and Wildlife Service in the Caribbean and Pacific regions administer a number of these entities.

Over the years there has been a good partnership between amateur radio operators and the FWS. In fact, there remains a very good partnership between FWS and Amateur Radio operators in the Pacific region, but unfortunately in recent years not so good in the Caribbean area. It's like they are operating under a different set of rules of different legislation.

Oftentimes, when amateur radio operators apply for and receive a permit to visit and operate their radios from a refuge, FWS personnel will accompany them. This allows the FWS personnel to visit the refuge and do their work more frequently than might otherwise be possible during times of budgetary restrictions. Of course, with FWS personnel on hand they can also be sure that the ham visitors stay within the restrictions of their permit that require that their visit has little or no impact on the local ecology, environment or wildlife. Needless to say, this cooperative relationship also allows a few fortunate citizens the chance to visit and enjoy places that most US citizens will never have the opportunity to see or experience.

In Jan. 1993, I was part of a Ham radio expedition to Howland Island, one of the Refuges in the Pacific. As a matter of interest, this is the island that Amelia Earhart and her navigator, Fred Noonan were looking for when they disappeared in 1937. We sailed to Howland on an 85-foot schooner that our group chartered and were accompanied by 2 FWS employees. One was Dr. Beth Flint, a FWS biologist. I am quoting her directly "I hope you guys take advantage of this opportunity. You are going to a place that, unfortunately most of the public never, ever, gets to see even though it belongs to them. These places just can't tolerate a lot of public use for obvious reasons. We are delighted when some people get to use it and we hope you will become advocates for these resources."

She also said, "It's pretty easy to operate without causing death and destruction if you're real careful.....I'll be able to teach you guys how to do it without having to cause mortality to the birds."

When we arrived at Howland Island, she and the other FWS employee, Mr. Dave Woodside went ashore in the first zodiac and surveyed the area. They marked the nesting colonies with colored flags and then marked where we could put up our tents and antennas. Since we had 2 campsites, she marked a clear pathway between the sites. Dr. Flint spent considerable time with us showing us what to do and not to do to protect the birds. And for those of us who wanted to learn more, she was a wealth of information. It was much like a high school field trip for those of us that who didn't want to spend all their time on the radios.

I have also operated ham radios from Kingman Reef, that spit of sand that I mentioned earlier and on nearby Palmyra Island. Although the islands were not under FWS control at that time in October, 2000; in early 2001 they both became FWS refuges.

Today, there continues to be an excellent relationship between the FWS in the Pacific area and amateur radio operators. In fact, as recently as 2002 a permit was granted to a Yugoslav citizen who led a multi-national team of radio operators to the Baker Island Refuge.

In the Caribbean it is a different story. We are not sure why. At least 16 requests for permits from radio amateurs to visit two refuges, Navassa and Desecheo, have been turned down in the last 10 years. The most recent denial was in March of this year. Prior to 1992, permits were issued with regularity.

The reasons cited for the refusals are usually the same time and time again. As Mr. Farrell has already testified, FWS own records contain evidence that Amateur radio is a compatible activity under current legislation and the reasons given for denial of access may be less than accurate or truthful.

Personally, I have been involved with two groups that have requested permits to visit Desecheo. One application filed by Mr. Carl Henson of Virginia and the other by Mr. Farrell. Both requests were denied despite our willingness to sign any releases or waivers that might be requested, submission to any reasonable restrictions imposed by FWS upon our operations to protect the environment and wildlife and our offer to have FWS personnel accompany us. Yet we were denied!

In late 2002, I represented a small group of hams and submitted a written proposal for a joint operation on Desecheo with 8-10 amateur radio operators and the Puerto Rico Emergency Management Agency. We were working with Mr. Raphael Guzman, Executive Director, who happens to be a ham, and he was interested in pursuing the idea of joint emergency communications exercise to help train his personnel. We also proposed that the training exercise be highly publicized and used to provide visibility and recognition for the 100<sup>th</sup> Anniversary of the U. S. Refuge System. Our proposal was to help bring a higher level of understanding and appreciation by the general public of the USFWS and the US Refuge System. It would have also publicized PREMA. Mr. Guzman met with

FWS personnel in Puerto Rico, presented our plan and he was denied permission for this training exercise.

The United States is not the only country that has ecologically sensitive and pristine ecosystems scattered around the globe. In 1997, I and a group of 19 other amateur radio operators applied for and received a permit from the Australian government to conduct radio operations from Heard Island. Heard Island is one of the world's rare pristine island ecosystems and lies in the complete absence of alien plants and animals, as well as human impact. Heard Island is a protected area and the subject of 13 different acts of protective legislation. It is also the site of an old Antarctic research base that is a national historic landmark. We spent 16 days on the island camped right next to this historic landmark. We complied with all of the many restrictions placed upon us and were able to enjoy this very special place... thanks to the Australian government.

In 2000, I and a small group of 12 amateur radio operators were given permits to set up camp and operate our radios from Thule Island, the southernmost island in the South Sandwich Island group near Antarctica. This island is the home of one of the largest concentrations of Chinstrap penguins in the world and a protectorate of the United Kingdom.

We also spent 12 days on South Georgia Island, one of the most prolific wildlife areas in the world. South Georgia is home to the greatest concentration of Antarctic and sub-Antarctic wildlife on the planet. In the summer, there are 2.2 million fur seals crowding the shoreline; 95% of the world's population. The 360,000 elephant seals that breed on the island is more than half the world's population. A very special place, a protectorate of the UK, and available to amateur radio operators, under strict conditions.

In summary, while the FWS and amateur radio operators and the wildlife benefit from a cooperative relationship in the Pacific region, and other nations cooperate with U. S. amateur radio operators and allow access to their pristine, sensitive and important areas around the world, why is it that in the Caribbean region of the FWS we are continuously denied access to Desecheo and Navassa Island refuges? How can this US agency discriminate against American citizens, the owners of these islands, when the 1963 act clearly requires that the Department of the Interior to use a nationwide approach to administering our wildlife refuges, 16 U.S.C. This 34 year old provision was left unchanged when Congress considered and then adopted the 1997 National Wildlife Refuge System Improvement Act. Something is wrong. Something is not right! My thanks to the subcommittee for allowing me to testify but more importantly for thanks looking into these important questions.