

Committee on Resources, Full Committee

- - Rep. James V. Hansen, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6201 - - (202) 225-2761

Witness Statement

Testimony of
Renee Daniels-Mantle, Rancher
Dinosaur, Colorado
before the
House Resource Committee
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Thank you, Chairman Hansen, Ranking Member Rahall, distinguished members of the House Resource Committee, for the opportunity to tell you a little bit about what life is like today in rural Western America and to provide testimony on some land acquisition proposals currently being considered by Congress.

My name is Renee Daniels-Mantle. My family has raised cattle for over a century. In 1919, my husband's grandfather, Charley Mantle, homesteaded the Mantle Ranch in Hell's Canyon, along the Yampa River in northwestern Colorado.

Miles away, and four years earlier, Dinosaur National Monument was declared by President Wilson near the town of Jensen, Utah. The original monument was only 80 acres. In 1938, President Roosevelt expanded Dinosaur by over 200,000 acres, encompassing the Mantle homestead. Twenty-two years later, legislation authorized another small expansion and gave it its present-day borders, including the rest of the Mantle Ranch. (Attachment 1)

Today, the Mantle Ranch is the only occupied private ranch remaining inside the monument. It consists of 1800 acres in four parcels, two of which are completely surrounded by federal property and two of which border it (Exhibit). In addition to these base lands, the law of 1960 grand fathered a large grazing allotment that the Mantle family had already maintained when the land was under the control of the BLM. This allotment is committed to the Mantles in perpetuity, and it is transferable with the private base property.

The ranch is located in in one of the most remote areas of the country. Today, it is still a perfectly preserved pristine snapshot of the early pioneer days. There is still no electricity, no running water, no phone, and no mail.

I want to stress that the Mantle Ranch is still a working cattle operation within the borders of Dinosaur National Monument. Four generations have raised cattle on this ranch. The men and women of this ranch were born on it and buried on it. In addition to our cattle operation, we have recently obtained an Incidental Business Permit to begin showcasing it to guests. We conduct weeklong horseback excursions through the ranch, working cattle and riding some of the roughest terrain in Colorado.

Not only does the ranch possess incredible beauty, it boasts one of the largest collects of privately owned petroglyphs in the United States. Some of these are at least 4,000 years old. The Mantles have fiercely

protected these artifacts, yet we enthusiastically display them to our guests. We are fond of saying in our family that if we do not share our ranch with people, then we probably don't deserve our ranch.

Though the natural challenges of this country and the ranching industry are difficult, they are minor in comparison to those coming from the Park Service.

As stated in their Land Acquisition Plan, the acquisition objective for Dinosaur National Monument is to "acquire private and state inholdings as they become available. First priority for purchase will be those lands where incompatible uses are taking place." Incompatible uses are described as "...grazing, development of roads and structures, etc."

Based in part on these guidelines, there has been an aggressive and relentless effort by the Park Service over the years to make the Mantle property available for acquisition. The Park Service has attempted this in two ways; the first was once described by a federal Judge as "regulatory whittling"(Attachment 2). The second, a far worse fate, is condemnation.

Evidence of this is overwhelming, but I will provide only a few examples.

First, a letter dated November 25, 1964 hung the cloud of condemnation over the Mantle Ranch (Attachment 3). In this document, we see that the Park Service intended to use the property for "major road and construction projects" with recommendations to "acquire [the property] by condemnation." I also wish to note the phrase in recommendation two of this document: "when land acquisition funds become available." It is my understanding that in land acquisition, it is the availability of federal dollars for a condemnation proceeding that determines how deliberately a federal agency acts.

In 1979, the Mantle Ranch's fully lawful grazing allotment is next targeted in the same Land Acquisition Plan mentioned earlier (Attachment 4). Although considerable text is spent describing how condemnation will only be used as a "last resort" in the event there is an incompatible use, a sentence near the end of the document says this is about easement acquisition, "scenic easement acquisition is not practical for this area because it will not eliminate grazing use, which is one of Dinosaur National Monuments objectives." A letter fifteen years later from the Park Service (Attachment 5) clarifies their position on grazing by stating "In general, grazing is regarded as an incompatible use of National Park System areas."

The current Management Plan (Attachment 6) states " if any nonfederal property is subjected to incompatible use, necessary actions would be taken to protect park resources. This could include the use of condemnation." Incompatible uses include; "new agricultural uses, including grazing or the cultivation or irrigation of a meadow or pasture, new major agricultural support structures...including stock ponds, barns, and storage buildings." Remember...we are a ranch and this applies to our private property.

Finally, the current Superintendent, Dennis Ditmanson, wrote the most recent threat in a 40-year series, on February 5, 2001. I might mention that Mr. Ditmanson has actually been a remarkable Superintendent. Mr. Ditmanson wrote an objective, sensible letter outlining the options for sale of our ranch, should the day ever come when the Mantles sell their land.

Yet, as this letter shows, Option 1 for a Mantle land purchase by the agency is a condemnation proceeding. Although this letter is not nearly as alarming as the one from 1964, my family is alarmed that condemnation proceedings are described here as presenting an "advantage" to the family on the point of agreeing to a price. Furthermore, the letter clearly informs us that "If the NPS elects to condemn the property, either with

or without [our] concurrence, the Mantle family does not have the option of withdrawing" (Attachment 7).

It seems to me that if the Mantles are willing sellers, a fair price will be arrived at. The federal government does not need the power to acquire land for conservation purposes until the owner is ready.

I have many more examples that display intentions to acquire the property by making us "willing sellers". This says nothing of the blatant harassment, constant surveillance, private property destruction, and trespassing on the part of the NPS. All to acquire our land by creating a situation that prohibits our grazing and renders our property worthless to us. In a nutshell, ranching is not a compatible use and as soon as the Park is able or has the funds, they will use their regulations to put us out of business or condemn our property.

Congress is currently considering many proposals that deal with land acquisition. It is my understanding that the House Appropriations Subcommittee has allocated \$390 million dollars toward federal land purchases out of the Land and Water Conservation Fund, or LWCF, for 2002. Last year, this entire account was funded at a record \$544 million. Without adequate private property protections on the LWCF, my family and others like us across the country, fear it will become the instrument by which the government forcibly removes us from our homes.

Two proposals in Congress attempt to add property rights protections to the LWCF. The Conservation and Reinvestment Act, or CARA, does make a good start at addressing the potential abuses that can occur when federal land acquisitions are made. However, CARA does not prohibit condemnation, and because it transforms the LWCF into a mandatory trust fund, what little protections it does have are just decorative.

By contrast, Congressman Thornberry's proposal, H.R. 1592, would add much more meaningful private property protections to the LWCF. His bill requires the consideration of land exchanges, easements and other options before acquisition is made. His bill reasserts the provision in CARA that requires an area be notified when an acquisition is under consideration. His bill takes an aggressive step in blocking the application of federal regulations to private property if that property is inside or adjoining land purchased with money from the LWCF -- the right of the landowner to use and enjoy his or her property would not be diminished. I guarantee, had this provision been placed upon the funds that created Dinosaur, the problems the Mantles have encountered would have never existed. Most importantly, however, H.R. 1592 prohibits acquisition by condemnation. The federal government and its employees would be kept honest in dealing with a willing seller, and even a state would not be able to use federal money for a condemnation proceeding.

H.R. 1592 offers the protection that families like mine need. It would help us in many ways. It would take away the incentive for harassment by the Park Service seeking to make us willing sellers. It would finally eliminate the cloud of condemnation that has hung over our ranch for 40 years.

Thank you again Mr. Chairman, for allowing me to testify. I would be happy to answer any questions you or any other members of the committee may have.

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