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TITLE: CALIFORNIA DESERT PROTECTION ACT OF 1994

TEXT: Text that appears in UPPER CASE identifies statements or insertions which are not spoken By a MEMBER of the Senate on the floor.

[*H4367]

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H. R. 518.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California desert as **wilderness**, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. Peterson of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 10, 1994, the amendments en bloc offered by the gentleman from California (Mr. Pombo) had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Hunter: Page 34, after line 18, insert the following:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the **Wilderness** Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within **wilderness** areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

Mr. HUNTER. Mr. Chairman, this is an amendment that is offered by myself and by my colleague,

the gentleman from California (Mr. Mc Candless) who represents the desert area just to the north of my district, and my district and the affected area that brought about this amendment is a desert area. It has about 1 inch of rainfall a year, and large portions of this desert, this southern California desert, are actually below sea level. It is extremely arid, and it is the area that is to the east of the coastal range of mountains that are immediately adjacent to Riverside and San Diego Counties, and most of the area in my district that is affected by this issue is Imperial County, and of course the area of the gentleman from California (Mr. McCandless) just to the north is in Riverside County, and what we are asking to do here is to maintain a very important status quo, and that status quo is this:

We discovered, when we developed Imperial County, which is a farming area located in the bottom of the desert, again south of Palm Springs, that in bringing in waters from the Colorado River in the canal system, in the great canals, the All-American canal system in the Coachella canal system, we essentially changed the environment of that entire desert in that we cut off with these massive canals, we cut off the free flow of animals, the desert bighorn sheep, and mule deer and other species from water sources that were in the Imperial Valley that are now being farmed.

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We made it more difficult for them to get water. To provide water for big game species and other species, the State of California developed a real expertise in building water holes. A great group of volunteers in my district, Desert Wildlife, Unlimited, which also has members from Mr. McCandless ' district, with other conservation organizations, like the society for the Preservation of Bighorn Sheep, went out in 120 degree weather and built over 50 water holes in the California desert.

Now, in building these water holes, they discovered a couple of things. I have a couple of pictures I would like to show to my colleagues to illustrate what we are doing here.

First, if you look at this picture and you look at the bottom, you will see the desert bighorn sheep, which are the primary focus of this desert water hole program. If you look just in the middle here of my chart, you will see a dead sheep that is lying in the bottom of a natural water hole that is called a tinaga. That is a deep crevice in the rocks where the sheep work their way down through this crevice and may find water at the very bottom of the crevice.

The reason that bighorn sheep is dead and floating in that water hole is because it was such a vertical fall going down that tinaga, that crevice in the earth, that once the sheep got down, it lost its footing and ground and was unable to escape from the water hole.

Desert Wildlife, Unlimited, along with the California Department of Fish and Game, realized they had to do some things to make our water holes more available to bighorn sheep, and also to create some water holes in some good habitat areas where the sheep population could increase, and also desert mule deer and quail and all of the other populations that need water. so they used motorized entry into this desert country, that will now be **wilderness** if this bill passes. They took jeeps and pickups and trucks and they took in equipment, like jackhammers, to jackhammer stairs, literally, that go down these tinagas, out of the hard rock, so that the sheep can now walk down the tinaga, and a bighorn sheep can walk into this crevice, to the water hole, get a drink of water, and walk back out. That keeps our sheep from drowning in the water holes.

The other aspect of the program is this: Before we drilled or made these [*H4368] 55-plus water holes, the game would move to the Coachella canal, which is an irrigation canal that separates the desert part of Imperial County from the agriculture part. So the sheep, in order to get water, might travel 30 or 40 miles a day to try to get water. When they got to the canal, it was cement-lined. They would slide down the canal banks, they would try to drink, to slake their thirst, and then they would try to escape. And they could not escape, and they would literally

wear out their hooves trying to climb back up the canal banks.

I have here a picture of a deer trapped in one of these death traps in the Coachella canal. If you look at this, the blue line marks is the Coachella canal. The small object in the middle is a deer that cannot get back out of that canal. At the bottom you see one of the wildlife volunteers holding the leg of a dead bighorn sheep that has obviously worn out its hooves trying to climb back up these very steep concrete embankments.

We found that if we did not dig and maintain water holes in the desert, the wildlife would go to the All-American canal, the Coachella canal, slide down the slide, and be unable to escape, and hundreds and hundreds of them were lost.

Well, over the years we developed an expertise with our State fish and game department working with these great volunteer organizations like Desert Wildlife, Unlimited, founded by Leon Lethica, a volunteer in Imperial County, and a number of other wonderful people.

Let me tell you, the people who belong to Desert Wildlife, Unlimited, give of their time, and they do not ask for a dime for what they do. All they want to do is maintain our wildlife populations.

What we are asking for in my amendment is the right for the State of California, which provides the motorized access that Desert Wildlife, Unlimited, operates under, to continue to have motorized access to these 55 water holes so that they can continue to save the lives of desert bighorn sheep and our mule deer populations.

AMENDMENT OFFERED BY MR. VENTO AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HUNTER

Mr. VENTO. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Vento as a substitute for the amendment offered by Mr. Hunter :
Revise Hunter amendment to read as follows:

Page 34 after line 25, insert the following:

WILDLIFE MANAGEMENT Sec. -. In furtherance of the purposes of the **Wilderness** Act, management activities to maintain or restore fish and wildlife populations may be carried out within **wilderness** areas designed by this title, where consistent with relevant **wilderness** management plans and in accordance with appropriate policies and guidelines (including policies and guidelines related to use of motorized equipment) such as those cited in section 101(h) of Public Law 101-628.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I have listened to the suggestions of our colleague from California (Mr. Hunter) concerning the amendment for maintenance of the guzzlers in the California desert. Today, of course, with the concurrence of BLM and with the concurrence of the public land management agencies, these water facilities have been maintained.

Even with that concurrence, even with all the wisdom apparently of the BLM and the State of

California and the voluntary organizations, which I commend for their efforts with regards to the bighorn sheep, although some of them may have ulterior motives, in essence they may also want to maintain them as a game species. But in any case, I commend them for their efforts.

The fact is, though, the BLM today and the Federal land manager has a voice in terms of the wildlife policies that occur on Federal land. These are Federal lands.

The question here, I think, is one of general agreement. That is to say, the State of California has a role, that the volunteer organizations have a role. But so does the BLM. This is Federal land.

What we are doing in this legislation, of course, is designating some of this area as **wilderness**. That means that there could be a change with regard to how the guzzlers, how the water holes are basically maintained.

I think that we all concur that there is a need for some motorized, some mechanized type of utilization. The language I am offering, that is being presented here to revise the Hunter amendment, is to conform to the Senate bill that passed and to the Arizona Desert **Wilderness** Act. The effect would be to make clear that wildlife management activities can continue in **wilderness** areas under relevant policies and guidelines that were referenced in the Arizona legislation that is now law.

That would be referenced as well in this bill. These policies and guidelines were developed through cooperation with the Federal and land management agencies and the International Association of Fish and Wildlife agencies, which is the group representing the various State fish and wildlife agencies, including California.

So indirectly, although not specifically, California has, of course, through its fish and wildlife agencies, agreed to this particular sharing of responsibilities, the power to make such decisions. In 1986, the guidelines were adopted by the international association, as well as by the BLM and the U.S. Forest Service.

We agree completely with the gentleman from California (Mr. Hunter) that wildlife management activities by State agencies are important and should continue in these areas. The question is whether we should continue to provide for a cooperative relationship between the State agency and the Federal land managers, or whether the State agencies should be given more leeway in the **wilderness** areas than we have in nonwilderness areas.

In terms of the State being able to unilaterally decide only the means of carrying out various wildlife management activities, such policy would unacceptably undercut the ability of the Federal land managers to do their job. As revised by the Vento substitute amendment, however, the proper balance between the Federal and State responsibilities would be maintained.

I might say, of course, that in listening to the presentation of my colleague from California (Mr. Hunter), one wonders what the bighorn sheep did prior to the invention of the internal combustion engine and some of the other power mechanisms. As a matter of fact, of course, they got along a lot better because we did not have the canals and some of the other manmade obstacles and traps.

I concede we probably will need to use motorized and other types of power equipment to maintain these 50 guzzlers or so, and frankly, that is acceptable. All we are trying to do under the provisions of the **Wilderness** Act and the amendment is to keep the BLM on an equal footing, keep a Federal BLM role with regard to **wilderness**. When we designate **wilderness**, we should not reduce the voice of the BLM. If anything, it probably is more important than ever that the BLM be involved.

The California **wilderness** should be a first-class **wilderness**. We have a national **wilderness** system, not a different policy for Arizona than we have for California or for Minnesota, my home State. We have the same policies apply to **wilderness** in each of these instances. I think because of the special problems here, this language similar to Arizona, which is working in Arizona, although they obviously have had their disagreements, as scientists will disagree, they have been able to work it out.

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I think that we see the mistakes that may have been made in California with regards to some loss of wildlife when policies changed. The same can occur if the State of California and others are doing it unilaterally. We do not always have a precise and perfect record of dealing with wildlife species because of our limited knowledge in some instances.

I am certain that this amendment will accomplish the goal but will keep [*H4369] the BLM in a role of responsibility that is appropriate for Federal lands, which, incidentally, are being proposed to be **wilderness** in this measure.

Mr. McCANDLESS. Mr. Chairman, I wish to offer an amendment to the Hunter amendment. It is a perfecting amendment to the Hunter amendment.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, we have an amendment pending to the Hunter amendment at this time.

The CHAIRMAN. The gentleman from Minnesota has an amendment which is in the form of a substitute. Therefore, a perfecting amendment to the Hunter amendment is still in order.

Mr. VENTO. Mr. Chairman, I thank the Chair for the explanation.

PERFECTING AMENDMENT OFFERED BY MR. MC CANDLESS TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. McCandless. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. McCandless to the amendment offered by Mr. Hunter :
strike out all after line one and insert:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the **Wilderness** Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within **wilderness** areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

Mr. McCANDLESS (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCANDLESS. Mr. Chairman, the need for the Hunter-McCandless amendment is made even clearer by the precedent which has been set in Arizona, California's neighbor to the east. When the Arizona **Wilderness** Act was enacted, there was an understanding to the effect that the State would retain its authority for maintenance and management of wildlife and related functions. Assurances were given in this regard.

Since that time, however, in practice, conflicts have arisen between the Federal agencies which administer the **wilderness** areas, and the Arizona Department of Fish and Game, which is more oriented toward wildlife conservation and management.

Much of the conflict has centered around the creation of new water sources for bighorn sheep and other animals, including bats, deer, and wild turkeys. Again, the issue was and is one of access. In order to service these much needed water sources, motorized transport is occasionally necessary. However, the State has, in the words of one Fish and Game official, "had to fight tooth and nail," in order to access these areas and carry out its mission. In one **wilderness** area, the Fish and Game Department had to rent a haywagon-a nonmotorized vehicle pulled by horses-in order to transport the heavy equipment and tools needed to construct or improve water sources in that area.

On another occasion in the late 1980's, a disease broke out among one population of bighorn sheep, which inhabited a particularly rugged and remote area of the Arizona desert. It was thought that the disease had been contracted by contact with Mexican cattle, but the cause is still unclear. Attempts ;by fish and game personnel to access the region to determine mortality levels and collect tissue samples were stymied by Federal officials. The reason? Again, resistance to allowing motorized access, even in what was clearly a health crisis situation.

My intent here is not to point fingers or assign blame; my intent is to point out that we should not create a situation in California by which these kinds of conflicts will repeat themselves. We should learn from past experience, and benefit from past mistakes. Without the Hunter-McCandless amendment, California will surely flounder through these same kind of situations which Arizona has experienced. The result will be that much of the fine conservation work which has been done in the desert, and the wildlife which benefits from it, will suffer irreparable damage.

A common theme among the fish and game personnel who provided my office with this information was one that we have already mentioned today-the fact that man has, like it or not, forced these animals from their natural habitat, or otherwise permanently altered it. In light of this, in order to sustain their populations, water sources must be developed and maintained. Given the harsh climate and rugged conditions of the desert, motorized access is necessary to carry out these functions.

It is not enough to merely declare that the State of California will retain authority over fish and wildlife management, but without the tool of motorized access. It is not enough to say that the State can continue its management practices, provided that "these activities are consistent with applicable **wilderness** management plans or other management plans." These are blueprints for bureaucratic squabbling and interagency infighting. While the agencies argue, the wildlife suffers.

If we are serious about preserving wildlife in these desert areas, then it only makes sense that the California Department of Fish and Game, whose job it is to do so, is not restricted from doing that job properly. Again, we are talking about careful, responsible vehicle use, when necessary, to benefit wild animals. Plain and simple. If you want wildlife to continue to thrive in the desert

areas affected by this bill, then please support our amendment.

Mr. Chairman, I would like to quote a letter than I have here written on June 13, 1994, signed by Duane L. Shroufe, director of the Game and Fish Department of the State of Arizona, in which, quoting him,

In order to avoid conflicts with federal management guidelines in **wilderness** areas, our operations efforts have become very creative. In most instances how we access **wilderness** areas and the tools we propose to use are the main points of contention. For instance, to deliver materials over an existing road for a maintenance project, we are forced to rent horses and wagons to avoid the use of motorized equipment.

The director has included in this letter a Western Association Fish and Wildlife Agency resolution relative to the California Desert Protection Act in which he addresses this problem.

Mr. Chairman, I include for the Record this letter from the Game & Fish Department.

Game & Fish Department,

Phoenix, AZ, June 13, 1994.

Representative Alfred A. McCandless,

Rayburn Building,

Washington, DC.

Re California Desert Protection Act. Dear Representative McCandless: In response to your request for information pertaining to our experiences with regard to balancing objectives for **wilderness** values, established by federal land management agencies, and our Department's wildlife management objectives, the following is provided.

Although Congressional direction has been very clear, land managers at various levels in the federal government continue to attempt to usurp the State's authority to manage resident wildlife populations in **Wilderness** Areas. Recent examples include the following:

Existing wildlife habitat improvements, such as water catchments for desert bighorn sheep and mule deer, continue to be considered "non-conforming structures" in **wilderness** areas. In addition, the opportunities for development of new habitat features have been restricted due to access and minimum tool guidelines.

Draft **Wilderness** Management Plans have attempted to restrict population transplants of desert bighorn sheep by establishing artificial criteria for population levels that reduce transplant opportunities.

Draft **wilderness** plans, currently in preparation, have indicated that habitat enhancement actions intended to increase population levels in order to provide additional hunting opportunities are not compatible with **wilderness** objectives.

In order to avoid conflicts with federal management guidelines in **wilderness** areas, our operations efforts have become very creative. In most instances how we access **wilderness** areas and the tools we propose to use are the main points of contention. For instance, to deliver materials over an existing road for a maintenance project, we were forced to rent horses and wagons to avoid the use of motorized equipment.

In closing, please find attached a copy of a recent resolution adopted by the Western Association

of Fish and Wildlife Agencies. The position adopted the Western Association [*H4370] recommends establishing a National Recreation Area or Preserve, rather than a National Park in order to allow land management flexibility and preserve traditional public uses on federal lands in the California Desert.

Sincerely,

Duane L. Shroufe,

Director.

Attachment.

Western Association of Fish and Wildlife Agencies

Resolution: California Desert Protection Act, Adopted May 18, 1994

Whereas, the proposed Desert Protection Act will have major impacts on land management, wildlife and habitat enhancement and public use in a large area of the Mojave Desert in California by creating an East Mojave National Park and **wilderness** area; and

Whereas, such designation will prohibit traditional wildlife management practices, including habitat enhancement and public uses, such as regulated hunting; and

Whereas, the California Department of Fish and Game has a substantial investment in wildlife habitat enhancement, and the people of the United States benefit from the ability of the department to actively manage wildlife, including the most productive bighorn sheep population in the state which is the source of relocation stock for establishing new populations in historic range; and

Whereas, alternative designations, including National Recreation Area and National Preserve would allow land management flexibility and traditional public uses on federal lands in the California desert: Now, therefore, be it Resolved that the Western Association of Fish and Wildlife Agencies supports the recommendation of designating lands in the proposed East Mojave National Park as a National Recreation Area or a National Preserve in which wildlife management and habitat enhancement activities can continue, and where public uses, including regulated hunting, trapping and fishing may continue; Be it further resolved that the Western Association of Fish and Wildlife Agencies support the amendment to HR 518 proposed by Mr. LaRocco of Idaho to designate the proposed East Mojave National Park as the East Mojave National Preserve.

(On request of Mr. Hunter, and by unanimous consent, Mr. McCandless was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank my friend, the gentleman from California (Mr. McCANDLESS) for his work in this area, because he understands what the problem is. The objective here is to save several species. The first species is the desert bighorn sheep in California, which is very important to us. Other species are the desert mule deer and the quail and all the other wild game in the desert and protected game in the desert that desperately needs water.

We should not care if a turf battle is resolved in the wrong way and, God forbid, the State

Department of Fish and Game is allowed to maintain access to these desert lands where they have done such a superb job of keeping our desert bighorn sheep alive. We want to keep the animals alive.

Let me tell my colleagues, the Hunter - McCandless - Cunningham - Lewis amendment is supported by Desert Wildlife Unlimited. It is supported by the Society for the Conservation of Bighorn Sheep. Those are not a bunch of sheep hunters. Let me say to the gentleman from Minnesota (Mr. Vento), who is my good friend, there is no open season on desert bighorn sheep in the Imperial Valley Desert.

My constituents, these people that we see scrambling around in the rocks in the 120-degree weather building these water holes for desert bighorn sheep are not getting a big hunt out of this, as was the implication. They are out there doing that because they are conservationists. They want to preserve the species.

I do not think we can argue with the fact that there is, under present law, where it has been applied in places like Arizona, there is a squabble.

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In one place where we had a serious disease breaking out in Arizona with our bighorn sheep, killing a lot of the sheep, what happens? What happens in government?

The State wanted to go in immediately and start getting some tissue samples so they can stop the disease. The doggoned Feds came in and said you cannot do that because you cannot have motorized vehicles in the **wilderness** area.

The State guy says, "It looks to us like you can." The Federal guy, analyzing the regs, says, "It does not look to me like you can, and I am the boss, and you are not going in." We had dozens of bighorn sheep die. We could not do anything about it.

Mr. Chairman, in the North Algodones dunes we have already had a sample of that in California. I am told by State Fish and Game that over 250 deer died in an area where the Feds took over the maintenance of that particular area. They let the waterholes go to pot, and because of that, 250 head of desert deer died.

Mr. McCANDLESS . Mr. Chairman, we had windmills operating in that area, pulling water from the ground, putting it in tanks for these mule deer. Because it was a **wilderness** area, the Federal Government ordered us to pull those windmills out and do away with that source of water.

Therefore, what my colleague, the gentleman from California (Mr. Hunter), is talking about is, no longer were those mule deer area supplied with artificial water through windmills, because it was designated a **wilderness** area. This is not right. This is not something any of us are trying to accomplish here. That is what we are looking at.

Mr. VENTO. Will the gentleman yield?

Mr. McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I am trying to determine what the difference is between the perfecting amendment and the Hunter amendment. The only difference I note, I might suggest to the gentlemen from California, is the deletion of the last sentence. That is to say, there is still no authority in here, in other words, that would permit the State of California to basically manage the wildlife on public lands and Federal lands without any concurrence from the Federal Government.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has expired.

(On request for Mr. Hunter of California and by unanimous consent, Mr. McCandless was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Will the gentleman continue to yield?

Mr McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I am just trying to discover the difference. I understand that the gentleman wants the State of California to be able to move in without agreement from the BLM or any other agency with **wilderness** that happens to be where they are doing a maintenance, but the intent remains the same; in other words, there is no concurrence here, there is no cooperation.

Mr. McCANDLESS. As I had pointed out earlier in my written remarks, in order for these watering holes, and there are all types, dealing with little float valves, with underground tanks, that supply the water, and then the tanks are filled when it does rain, there are all kinds of ingenious types of things out in the middle of nowhere that have been developed, but they need to be maintained. They are too far from any kind of a location.

What we are saying here, Mr. Chairman, is that all we want is for the Fish and Game of California, along with the various other agencies and volunteer agencies, such as Quail Unlimited, we have talked about the Desert Wildlife Association, the California Wildlife Federation, the Society for the Conservation of Bighorn Sheep, all of these people who devote time to these projects, and at no cost to any Government agency, they would not be permitted under your law if the Federal Government said you cannot use motorized vehicles.

Mr. VENTO. Will the gentleman yield to me further?

Mr. M c CANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, my concern is that you would have basically two policies. You would have one on regular BLM lands and a different one on **wilderness**. The concern is that motorized use would not be allowed on **wilderness**, but we concede that would [*H4371] be allowed under the Vento amendment to the Hunter amendment or under the McCandless amendment.

The question here is not whether motorized use would be used; the question is how it would be used. The question is, if you are going to have motorized use on regular BLM land and the Federal Government has to concur, you ought to have the same on **wilderness**, and the same from one State to the other. Of course, it is always easier to decide on your own without having the two parties involved. That is what the hub of the issue is here.

Mr. HUNTER. Will the gentleman yield?

Mr. M c CANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me answer my friend, the gentleman from Minnesota (Mr. Vento).

Of course, both Federal agencies right now under the 1964 **Wilderness** Act arguably have the right to take motorized vehicles into **wilderness** areas. Theoretically they can do that, but they have not given that right historically in places like Arizona, where they decided the right of the Arizona Fish and Game to go in and save a bighorn sheep population. They did not allow them to

go in, and in another case they forced them to rent hay wagons to carry in equipment to keep these waterholes open.

The gentleman and I want to keep the waterholes open, so we are not preventing the Federal Government from coming in, but we certainly do not want to have, in this 120 degree heat during the summer time, we do not want our desert bighorn sheep dying.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has expired.

(On request of Mr. Vento , and by unanimous consent, Mr. McCandless was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Will the gentleman continue to yield?

Mr. M c CANDLESS. I am happy to yield further to the gentleman from California.

Mr. HUNTER. Mr. Chairman, we do not want to have our animals dying while you have a turf war between the Federal Government and its interpretation and the State government. The State government obviously is doing a great job. They have quadrupled the desert bighorn sheep population in these desert areas with their waterholes, so we all applaud them. I am sure Mr. Vento applauds them.

What we want is a guarantee they will be able to continue to have motorized access, and that is all that this amendment says. This amendment does not take the Federal Government out of **wilderness** areas. They are already there by virtue of the 1964 **Wilderness** Act.

Mr. VENTO. Will the gentleman yield to me further?

Mr. M c CANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's patience. I did not mean to imply that everyone who was trying to promote the bighorn establishment and health were all hunters. They certainly are not. There may be some that perhaps do have that interest as well, which is just fine.

The point that I was trying to get across here, of course, is that the Federal Government should have a voice in this particular process, and indeed, in the case of Arizona I have numerous examples here where there have been differences between the different names for all the right reasons.

I do not think we want to completely preempt them. This is not just the bighorn sheep; this applies to all the nongame and game species in these **wilderness** areas. You are going to treat them completely differently.

Mr. M c CANDLESS. Mr. Chairman, reclaiming my time, for the life of me, when two people are trying to accomplish the same objective, the State Wildlife, the Bureau of Land Management, the Federal agencies involved, we are all trying to create an ecological system, we are all trying to create and save what we have in the way of natural resources. It is not like a bunch of bandits going in from the State without conferencing with the Federal authorities.

Mr. Chairman, these are reasonable people who have a goal and objective who have been kept out of this by Federal authorities in the State of Arizona. When the gentleman talks about hoof and mouth disease in Mexico, and the possibility that that was a reason for the demise of this bighorn sheep, you are talking about a major threat to the cattle industry which, if this happened to be the case, needed to be put down immediately and steps taken. The hoof and mouth disease can be devastating if it comes through wild animals into domestic animals.

Mr. VENTO. Will the gentleman yield to me?

Mr. McCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the concern here is that any time you have domestic sheep coming in contact with bighorn you have a problem. They have to be completely separated.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has expired.

(On request of Mr. Hunter and by unanimous consent, Mr. McCandless was allowed to proceed for 3 additional minutes.)

Mr. VENTO. If the gentleman will continue to yield, I will finish my statement.

Mr. McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Therefore, Mr. Chairman, there has to be a separation in terms of those types of overlap, but the point I would make is we are giving the Federal land manager a job here in terms of **wilderness**. We have to permit him to have the tools and have the voice to be part of the process.

I wish everyone always got along. It probably is not even the case with regard to the California State Fish and Wildlife Service, that everyone there does not always get along. The concern is that anyone can make a mistake, and heaven forbid California can make a mistake, private groups can make a mistake. Maybe in the case of Arizona, the Federal Government made a mistake.

I note that in the example with one, that there was. The truth is, however, we are giving them a job and classifying this land. You may disagree with the classifications, but here we should agree that they ought to have a voice in managing the lands under their jurisdiction and the species, not a primacy voice, but one which is collaboratively working. That is why they have endorsed this amendment.

In 1986 all the States got together, the Fish and Wildlife management on an international basis, really, and they agreed with the BLM and Forest Service on the language I am presenting. That is why I am pushing that language.

The amendment the gentleman has takes us back and sets California off by itself. No other State has, as far as I know, that type of control over its **wilderness** areas, national **wilderness** areas.

Mr. McCANDLESS. Reclaiming my time, Mr. Chairman, the problem I have has been demonstrated by the fact that we had to take down the windmills in the mule deer territory as a result of a Federal agency pact which severely hampered and caused a lot of death of mule deer. There was no reason in the world in my mind why the Federal agency had the right, the moral right, to take those windmills down and do away with that water source that was the very life blood of the mule deer that perished.

Therein lies one of my problems.

Mr. VENTO. If the gentleman will continue to yield, it is my understanding that while it was controversial, that there was concurrence on the removal of those windmills with the Federal and with other responsible entities. Therefore, really placing it, I expect, or pointing the finger at only the Federal Government or the BLM in that instance may not be appropriate.

Mr. HUNTER. Will the gentleman yield?

Mr. McCANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

This is a valuable discussion we are having here. Let me just point out the problem with the argument of my friend, the gentleman from Minnesota (Mr. Vento).

What the gentleman wants in his amendment basically retains the right [*H4372] of the Federal Government to veto State access by motorized vehicle. That means that if those waterholes are going down and the gentleman gets the wrong guy in the wrong place in the Federal Government, he can tell the State, which has painstakingly put in 55 waterholes to keep these desert bighorn sheep alive, that they cannot come in with motorized vehicles and maintain those waterholes. The time you need the waterholes is in the summer time when it is 120 degrees in the shade.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has expired.

(On request of Mr. Hunter and by unanimous consent, Mr. McCandless was allowed to proceed for 2 additional minutes.)

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Mr. McCANDLESS. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for continuing to yield.

The time that we need these watering holes according to Desert Wildlife Unlimited, Leon Leseka, Joe Brauna with the State Fish and Game has done a marvelous job. It is needed in the summertime and one cannot get into that desert on foot in the summertime. One cannot carry enough water on his back, much less the jackhammers that one has to have to maintain the steps going down these tinagas to keep desert bighorn sheep like this one from drowning.

Mr. Chairman, I do not know why the gentleman has this problem. This is basically a turf problem. I want the gentleman to analyze at least what we are saying. We listened to him very carefully.

Mr. McCANDLESS. Mr. Chairman, I have a comment I would like to make which I think is relevant to this discussion and as my colleague said, the discussion is a good one.

Mr. VENTO. Mr. Chairman, I agree.

Mr. McCANDLESS. Let me propose what it is you are saying here: That in the case of Arizona, it is all right to take cement and other heavy equipment by horse and hay wagon into an area, but we cannot use a 4-wheel drive or other vehicle to do the same thing.

Mr. Chairman, I have a little trouble with that, so as I yield I would be happy to have the gentleman explain that to me.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in my amendment, it includes policy guidelines relating to the use of motorized equipment.

I specified that we fully expect in the guidelines, in the law and in the policy to provide for the

use of motorized equipment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, is that by the State agencies?

Mr. VENTO. By the BLM, the State agencies and others that are authorized to maintain the wildlife.

Mr. HUNTER. Mr. Chairman, let me ask the gentleman a question. Is the interpretation of the gentleman's language that if the State determines they have to go in with a 4-wheel drive to maintain water holes to keep the bighorn sheep from dying of thirst in a given area they can go even if a Federal manager says, "I do not like any motorized vehicles"? Could the gentleman answer that question? It is an important one.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the issue, of course, is we expect the Federal Government, the BLM, the manager of that land, would concur with that for that particular purpose.

Mr. HUNTER. What if he did not concur?

Mr. VENTO. If he did not concur, there is a disagreement that has to be resolved, which is generally what happens when someone has a public property right.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has again expired.

(On request of Mr. Hunter and by unanimous consent, Mr. McCandless was allowed to proceed for 2 additional minutes.)

Mr. McCANDLESS. Mr. Chairman, I am glad to continue to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the other hand is if that was necessary, the State of California disagreed with that particular route, the BLM manager could do it as well. The point is, either the BLM or the State can be wrong about the diagnosis that they have in terms of what the proper treatment and care of such species are. It is not just a one-way street. It is a two-edged sword.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the problem is the gentleman has described a system in which the Federal managers can veto a 4-wheel drive vehicle going in to open a water hole that is literally life or death for the bighorn sheep. I guess my question would be, if we have two entities that are capable of delivering a lifesaving capability, that is, opening up water holes for desert species, why is either agency interested in cutting and having the power to cut the other one off?

What happened in Arizona was we did have a Federal manager who did disagree that the **Wilderness** Act gave the right in this case to have motorized transport go in and we had a lot of

animals die. In the North Algodones Dunes, we had a Federal manager who thought all the lifesaving windmills had to be taken down and a lot of animals died. We are doing things right in California. We have quadrupled the herd of desert bighorn sheep and the Federal Government should be anxious to have volunteers that want to go out in 120 degree heat at no pay and maintain these watering holes. That is all we are asking.

Mr. McCANDLESS. Mr. Chairman, reclaiming my time, one of the cornerstones of this position is that the courts have established that in the management of wildlife, in the case Kleppe versus New Mexico, that the States predominate over Federal in the management of wildlife. The gentleman is probably quite familiar with that.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think there is a role here that States have. I do not think there is any question but the States have a very important role, recognized by that court case.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has again expired.

(By unanimous consent, Mr. McCandless was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would like to say, we have been listening to this debate now for 45 minutes and the fact is there is no disagreement among the parties. What the Hunter amendment would do without the Vento amendment is simply cede all of the decisions on Federal lands, in this case a Federal **wilderness** area, to the State Fish and Game Department, and that simply is inconsistent with the management of those Federal lands as they would be designated under this legislation. The gentleman may disagree with that and I understand that, but the point is what we have done is joined the notion here with the Vento amendment that we do not believe the use of motorized vehicles in this case for the preservation of wildlife in this area is inconsistent with the purposes of this legislation and/or the **Wilderness** Act.

Mr. Chairman, the working out of how that is to be done between the State and Federal Government is the consultative process that takes place. The Federal Government, if anybody reads the Congressional Record, is clearly on notice that there is bipartisan support within our delegation, within this committee, across the aisle here that this project and the restoration and the preservation of this wildlife is to go forward. This is a fairly strong mandate. [*H4373]

Mr. McCANDLESS. Mr. Chairman, reclaiming my time, I would pose to the gentleman a question.

For purposes of the terrain, what is the difference between a wagon pulled by horses to an area for purposes of maintaining a guzzler and a 4-wheel drive vehicle?

Mr. MILLER of California. If the gentleman will continue to yield, the difference is that the **Wilderness** Act specifically discusses motorized equipment of any kind out and the desire to keep those motorized equipments of any kind out of those **wilderness** areas. The fact is as we have created **wilderness**, and in many areas there is really very little inconsistent with that. As we move to create **wilderness** now in 1994, we find these kinds of problems in those areas because of preexisting uses. That is why we have got to recognize that. I do not think we should nor can we go back to suggesting that that is pristine in that sense.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has again expired.

(On request of Mr. Hunter and by unanimous consent, Mr. McCandless was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if I can just continue that, or that it is in fact untrampled, because it is not. There are these activities that are there as we create this **wilderness** area. This is an effort to strike a medium, recognizing that this activity should in fact go forward.

I think what the Vento amendment does is allow us to go ahead and to do that, and if it does not work out, clearly that is going to be unacceptable, I think almost to all of us in the California delegation, it is going to be unacceptable to a wide array of people around this area who are aligned with similar causes or, in fact, this particular cause in wildlife preservation and conservation. We then have to deal with it.

Mr. Chairman, the gentleman is suggesting we simply cede all of this decisions to the State. We cannot and are not going to do that on Federal lands.

Mr. M c CANDLESS. Mr. Chairman, reclaiming my time, that is your interpretation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. M c CANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to take one second. I know my colleague, the gentleman from San Diego, California wants to discuss this, also.

Let me just say to my friend, the gentleman from California (Mr. Miller), that our wildlife managers in California, and I am reading from the game and fish department, the director of game and fish, Duane L. Shroufe has said:

"Although congressional direction has been very clear," and that is what the gentleman from California (Mr. Miller) is trying to establish about vehicular access to these water hole areas, "land managers at various levels in the Federal Government continue to attempt to usurp the State's authority to manage resident wildlife populations in **wilderness** areas."

Mr. Shroufe goes through a series of examples. The facts are people are not perfect, we have turf wars. The problem is when we have a turf war in 120 degree heat and these animals have 20, 30 miles to go to alternate water sources, they die. We cannot afford to have a turf war in the California desert after game and fish has painstakingly brought back the population.

Mr. Chairman, I know the gentleman from California (Mr. Cunningham) has a few things to say.

Mr. M c CANDLESS. Mr. Chairman, reclaiming my time, I would like to quote from the letter of the director of the game and fish department of the State of Arizona:

Existing wildlife habitat improvements, such as water catchments for desert bighorn sheep and mule deer continue to be considered nonconforming structures in **wilderness** areas. In addition, the opportunities for development of new habitat features have been restricted due to access and minimum tool guidelines. Draft **wilderness** management plans have attempted to restrict population transplants of desert bighorn sheep by establishing artificial criteria for population levels that reduce transplant opportunities. Draft **wilderness** plans currently in preparation have indicated that habitat enhancement actions intended to increase population levels in order to provide additional hunting opportunities are not compatible with **wilderness** objectives.

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We are not interested in **wilderness** hunting. We are interested in maintaining the guzzlers and the source of water to maintain the basic structure of what has been developed over a period of time in maintaining the natural habitat.

Mr. Chairman, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

My friend, the gentleman from California (Mr. Miller), and I, we have worked on a lot of issues together, and I think we have the same intent in what we are trying to do with this amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. McCandless) has again expired.

(By unanimous consent, Mr. McCANDLESS was allowed to proceed for 1 additional minute.)

Mr. M c CANDLESS. Mr. Chairman, I will continue to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, personally I do not really care who provides the water for game and nongame animals as long as it gets done, but I love to hunt and fish, and I also know that I believe there should be areas where only foot should touch and not motorized vehicles and those kinds of things, but in the event that we are trying to get specifically to a spot to provide water, to me that is what is proper care and treatment of a species.

You know, in California, 48 percent of all of California is owned by the Federal Government. With this 8 million acres, it is going to boost it up to 52 percent. I would think the State has the right to provide for the ecosystems and for game animals, and I know that it is not just bighorn sheep.

We have got gnatcatchers out there that prove a big problem for California as well, and I imagine they like a little drink of water. So I would ask the gentlemen, the gentleman from Minnesota (Mr. Vento) and the gentleman from California (Mr. Miller), help us with this amendment. Because, you know, the intentions on both sides of this are very, very good.

Mr. VENTO. Mr. Chairman, I rise in opposition to the perfecting amendment that is before us.

Mr. Chairman, I will be happy to yield to my colleagues if they want to continue on the dialog.

I just think it is necessary to put in perspective that we are all talking about cooperation and collaboration, but then the amendment here really puts the State of California in a position where it does not have to receive permission to do these activities on Federal lands with regard to maintenance of these guzzlers.

The amendment goes really in a sense further than that. I do not think it is limited at all to simply the guzzlers. It talks about the entire maintenance and restoring fish and wildlife population and habitat, support population. So it is not specific to game, to nongame species. It simply means the State of California can go onto the BLM land and do appropriately what they think is responsible.

I am certain in 99 percent of the time there would not be any disagreement. But the fact is, because there have been some agreements, some spectacular problems that have occurred where a lot of people have put in work with desert bighorn and apparently with mule deer, the concern is that these mistakes are apparently visited all upon the BLM.

As an example, in the discussion in terms of the BLM from California sent me information talking

about the windmills and pumping of water to provide and to feed the guzzlers that we are talking about, and that issue was raised by my friend and colleague, the gentleman from California (Mr. McCandless).

But the information I have from BLM is that both groups, both the wildlife, and local wildlife officials-and I assume that means the State-and the BLM agreed to remove the windmills because they were expensive to operate, there were some objections to them in terms of being prone to break down, and that apparently there was some complaint about the windmills. So that is the information that I have here, you know.

So, I mean, it is not a question, but there was generally agreement here. [*H4374]

Now, I just want to point out that the amendment that I am offering was agreed to. This is the international wildlife groups, all the States got together to have this organization; they have agreed to this type of language for each State. It is in place in Arizona, and, as my colleagues have pointed out, there have been some disagreements, but a lot of success in Arizona. They have transplanted bighorn desert sheep in Arizona. They have had a lot of success.

You pointed out the one problem. Even in a case where there was a bighorn problem in terms of monitoring the health of them, and they wanted to do, and most of this, incidentally, was done by, or monitoring by helicopter or fixed-wing aircraft trying to monitor bighorn, because, of course, the range of the bighorn sheep is very great. After some initial problems that occurred, they did relent and did do the monitoring by fixed-wing aircraft.

There are all sorts of studies they have done in terms of mountain lion studies, feeding habitats, and there is just a lot of success that has gone on here as well as some disagreements.

I want to point out that the Vento amendment to this does provide for use of motorized equipment or mechanical transport as required. It does require, of course, approval of the BLM when you go on public lands, when you go onto **wilderness** areas.

There is no disagreement. You end up establishing two different policies, one for BLM **wilderness**, and a different policy for BLM lands. You would have a different policy for California, a different policy within California.

I just do not think there is any excuse for these two agencies not to get together and to do their job without necessarily disregarding in essence what the Federal land manager might have, the responsibility for basically hundreds of thousands of acres. The State properly would insist on giving permission for others to carry on such activities on State lands. We are not suggesting that the Federal Government be able to go in and dictate to the States what the wildlife policies are on State lands.

We hope this relationship would be cooperative and collaborative. That is fully what we expect in the case of **wilderness**.

Mr. Chairman, I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the problem is this: The problem is that this land right now that we are speaking of that will transform into **wilderness** under this bill is presently the land where these species live, and it is land where their populations were brought back by a combination of volunteers and State fish and game management, and this is a very fragile population, these desert bighorn sheep and the desert mule deer. The water is very precious to them. They cannot stand 2 weeks in the summertime of bureaucratic wrangling over whether or not the 1964 **Wilderness Act** provides for motorized access.

The facts are what we are trying to do is just maintain the status quo. The game has got water right now. We want to keep them in water. One thing the gentleman does concede is you are presenting some danger, because you are giving a veto power to the Federal Government, and if you get the wrong guy in that position--

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Vento) has expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, I will continue to yield to the gentleman.

Mr. HUNTER. Mr. Chairman, let me finish the last sentence. And I would like the gentleman to respond to this.

You are giving a Federal bureaucracy, as you did in Arizona, the opportunity to veto vehicular access by a State fish and game person who thinks that these populations may be in extreme danger. Is that not true?

Mr. VENTO. But I would just suggest to the gentleman that is the status quo. The fact that they have been successful in transplanting and initiating populations of desert bighorn sheep here is that they have done so in conjunction and in agreement with the BLM who is the land manager in this particular area. So what the gentleman's amendment would do it is to say no, we are going to throw that out, because you are designating this **wilderness**. We will no longer permit the BLM to have a voice in what we are doing in managing these populations. I am trying to maintain the status quo.

The difference in the equation, the difference that there is an uneasiness on the part of the gentleman and others is because they have this **Wilderness** Act which suggests we do not have motorized use.

The gentleman should take great comfort in the fact that the gentleman from Minnesota is saying motorized use will be permissible in this particular instance. So you could have the same problem you have today. You could have the BLM go off the deep end and not agree to do something. On the other hand, I could have the same problem with the State of California and other principals involved.

Mr. HUNTER. Does the gentleman have motorized vehicle use in his amendment?

Mr. VENTO. The amendment speaks to the motorized use. It talks about such policies, and I appreciate the gentleman, including policies and guidelines relating to the use of motorized equipment. I fully specified to the point that that means motorized equipment.

Mr. HUNTER. Let me respond to the gentleman. To some Federal managers, the policies regarding motorized equipment, at least in Arizona cases, have been you cannot use them, and you have to use hay wagons.

1700

So by referring to the status quo or the existing dispute between State and Federal people, the gentleman does not clear those up.

Mr. VENTO. Reclaiming my time, it is clear that could happen today within the study areas and within other areas. What we mean, of course, is that motorized use where it is necessary will be provided.

Mr. HUNTER. So things will be different from now on.

Mr. VENTO. It is a **wilderness** designation.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Vento) has expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 1 additional minute.)

Mr. VENTO. We intend for that to occur. It is occurring today in Grand Wash Cliffs **wilderness**.

Again, we provide an opportunity for motorized use, extensive use of EA drafts, public involvement in use of choppers to bring in and to drop off and to transplant. So it is not just motorized use for 4-wheel vehicles, it is a lot of different tools that are used and have been used to maintain these populations under the Arizona law, under the agreement that the State of California and others, State wildlife management agencies have agree to.

So we can accomplish that without necessarily writing off the BLM or ceding powers to the State.

I yield to the gentleman from California (Mr. Miller).

Mr. MILLER of California. On that point, again, the current land managers are the same land managers you will be dealing with under the designation of this as **wilderness**, allowing this practice to go forward on Federal lands. Also, the Joshua Tree National Monument, you have extensive preservation and servicing of these guzzlers by helicopters, which they have chosen to use rather than 4-wheel-drive vehicles because they have less impact on the land, open up lesser land to the general public access by motorized vehicles. So the history is long in these areas.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 2 additional minutes.)

Mr. VENTO. I would just point out that I think the problem that we have here is that we are trying to basically write the rules on the floor as to whether the State of California is going to be able to do what it wants to do, whether BLM is going to be able to do what it wants to do; there is no [*H4375] effort here in terms of trying to overcome that. The Vento amendment as proposed leaves that status to be worked out; the present status is what it is today. In terms of an agreement recognizing that we are reclassifying and designating these lands.

I for the life of me do not understand why you would want to take the professional BLM manager out of the picture in terms of having a voice with regard to lands that are all Federal lands in terms of the BLM. I believe they should have a voice. We understand the State has an important role in fish and wildlife with regard to management. We just are simply talking about how this is accomplished here. Where there have been problems in the past, there could be problems in the future, but that is not the basis to completely eliminate the Federal land management.

Mr. Chairman, I yield to my friend from California.

Mr. McCANDLESS. I thank the gentleman for yielding.

Going back to the gentleman's amendment, this is the problem area: Where you speak of management plans and in accordance with appropriate policies and guidelines, there is a parenthesis, "(including policies and guidelines relating to the use of motorized equipment)." Then the parenthesis closes, "such as those cited in section 101(h) of Public Law 101-628," which I understand to be the Arizona Act, which then we go back to guidelines related to the use of motorized equipment, which then further presents the problem which this is all about.

Mr. VENTO. Reclaiming my time, that is what we are talking about. It means they can use it where it is necessary. The concerns here do not just relate to what is appropriate for the desert bighorn, it is what is appropriate if you have burros or you have cattle. As we know, we have grazing in **wilderness** areas. So what they are trying to do is avoid the conflicts where they are going to have those conflicts meeting the needs of the desert bighorn without creating more problems.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I think we all need to listen to what the gentleman from California said that these species, animal and bird species, have been brought back from near extinction by private groups and by the State. Now, the Federal Government is coming in under this bill and adding 8 million new acres, basically taking State land. In California, over 50 percent of the land in the State of California. Also, in ruling out the State's rights to go in. They are operating now with motorized vehicles in this area.

Under this bill, when you talk about you want to change the law, you are changing the law by the bill itself by restricting current use of the land to motorized vehicles to supply these water areas.

That is what they are doing right now. If anybody is changing the rules and doing things different, it is this bill itself. We would like to set and allow currently the way people are providing for these species. The Government comes in and says, "Look, you cannot do that, State. We are going to take 50 percent of your land, but you do not have any control over it when you want to do it." That is what we are doing right now, we are currently using motorized vehicles in this area. Your bill changes that.

All we are trying to do is say that we will continue to protect these species by using motorized vehicles to go in.

Mr. Chairman, I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I am reading from the gentleman's language substitute to my amendment. It does not give the weight of the argument in favor of encouraging the State to use motorized vehicles to save the lives of desert sheep there. It does not do that. What it says is that activities to maintain these populations may be carried out "where consistent with relevant **wilderness** management plans (including policies and guidelines relating to the use of motorized equipment)." That could be interpreted by the same people, the same manager who forced people to use hay wagons in Arizona and kept State people from going in and saving the population.

That same section can be cited by him to keep the State out of those waterholes with their motorized equipment. This is not a concession the gentleman is offering; this is what can be interpreted by a certain Federal manager as an objection to the State coming in.

I think my friend stated it best: We preserve the species; the key is to preserve the species; the goal is to preserve the species. The status quo is those people going in when it was not **wilderness**, presently, going in with these volunteers, spending a lot of difficult hours creating waterholes for these populations. We are afraid of what has happened in other parts of the country where areas have been made **wilderness** and Federal managers have come in and said, "You can't do that any longer."

While we have letters going back and forth in Washington, DC, trying to get Mr. Vento on the

phone to assure everybody that the colloquy allowed motorized vehicles, we are going to have desert species like the bighorn sheep floating dead in the waterhole, die. Do you know what that sheep dead in the waterhole represents? It represents gridlock the State and Federal Governments not being able to try to figure out who gets what. That is what those 250 dead deer represent in the North Algodones Dunes, where the Feds came and knocked out all the watering holes. We want to keep these species alive, and they cannot tolerate 2 weeks of gridlock between Federal and State governments.

Right now the Federal Government has a right, if you can scare up some Federal managers who want to go in and build waterholes, fine; I have not seen them doing that in many years out there. The people who build them have the expertise, they volunteer, are Californians. The great groups, like Desert Wildlife Unlimited, the Society for the Preservation of the Bighorn Sheep, Quail Unlimited, and others. We want to maintain that status quo, and that means life for our game species. What the gentleman is offering here is fine words; they are great words, but they are going to result in the death of our species as soon as we have gridlock between the Feds and the State. We have already had that in other States. We know it is going to happen. Why do we not just cut it off by preserving in the States their right to go in with volunteers-it does not cost the taxpayer any dollars-and maintain those waterholes?

I thank the gentleman for yielding.

Mr. CUNNINGHAM. Reclaiming my time, I would like to make a quick statement. As it was stated, private volunteers and State agencies have maintained these species by providing water. That is important to the host species.

We are coming in and changing the rules. What the Hunter amendment attempts to do is to maintain the status quo so that we can still protect those species by using motorized vehicles, which we are doing today. But this bill changes that. So we are attempting under the Hunter amendment to support that position. We would like the support of the other side of the aisle on this. To me it is not something that we are trying to change. We are trying to keep it just the way it is so that we can provide the water.

Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

The concern is that you are not keeping it like it is. That is the concern. I will not object to the McCandless amendment. I know it basically attempts to perfect the Hunter amendment, but it has the same basic flaw in that it excludes the Federal land managers from having a voice in what happens to Federal lands. In this case we are saying--

Mr. CUNNINGHAM. I would not want the Federal Government not to have a say in it; I just do not want them to be able to override it.

Mr. VENTO. That is what the amendment does. It eliminates the--

The CHAIRMAN. The time of the gentleman from California (Mr. Cunningham) has again expired.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [*H4376]

Mr. MILLER of California. Mr. Chairman, reserving the right to object, we have been on this amendment an hour and 10 minutes now. In spite of all the debate, there is an agreement of the minds but apparently not an agreement on the resolution. Can we have some indication of how

much longer? Otherwise I am going to have to start objecting.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Further reserving the right to object, I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I was hoping that the time would go on because a number of questions and my own commentary to this amendment relate to the author of the bill itself, who has yet to arrive on the floor. I really want to see if we can extend it long enough so that we can see what his intent is regarding these questions that are before us.

Frankly, I am not sure how we get back to that, but it is unusual for an important bill like this to be before us and the author not be on the floor.

1710

That really complicates what I might want to do with this bill.

Mr. MILLER of California. I understand that. I still need to know how much time.

Mr. M c CANDLESS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. M c CANDLESS. Mr. Chairman, I have one short part that I would like to use here in a comparison nature between the amendment offered by the gentleman from Minnesota (Mr. Vento) and my amendment, and then I will be finished.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I will not object at this time. I just want to inform the chairman and others that in the future I think that the Chairman of the Committee of the Whole House, unfortunately, is going to have to start objecting after extended, extended unanimous consent requests because we are just simply never going to get through the list of amendments.

Perhaps that is the intention of some of our colleagues.

Mr. M c CANDLESS. This is important to the gentleman from Minneapolis.

My amendment, I think, addresses an issue here by a simple word that is included in the amendment.

Management activities to maintain or restore fish and wildlife populations and habitats to support such populations may, may, be carried out within **wilderness** areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

My point of bringing this to my colleague's attention is we have a "may" there in the beginning which the Federal Government has control over. Once the Federal Government says, "Yes, you may go in there," then we are saying we are entitled to use motor vehicles rather than hay

wagons.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California (Mr. Cunningham) for yielding to me, and let me just say to my friend, the gentleman has used the word "consult" over and over again. It wasn't consultation that killed the bighorn sheep in Arizona. It wasn't consultation with the Feds that killed the 250 deer in the North Algodones Dunes. It was a veto by the Federal Government, and we don't want to have to see that veto arising here.

And to the gentleman from California (Mr. Miller), my friend, who is concerned about the time, I just want to tell my friend, I've got a lot of friends in Imperial County who have put hundreds of hours of their lives into building this watering system. This is important to them. My amendment, and I think Mr. McCandless ' amendment, didn't arise out of us trying to figure out how we could scuttle this bill. It arose from letters and meetings with our constituents in Imperial County who looked over into what's happening in Arizona and said, "Don't let that happen in our area. We don't want to see our wildlife killed."

Mr. Chairman, these dead sheep floating in these watering holes because of poor management on the Feds' part are real.

I thank the gentleman from California (Mr. Cunningham) for having yielded to me.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California (Mr. McCandless) to the amendment offered by the gentleman from California (Mr. Hunter).

The perfecting amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Vento) as a substitute for the amendment offered by the gentleman from California (Mr. Hunter).

Mr. M c CANDLESS. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. First the Chair will put this to a voice vote.

Those in favor of the amendment offered by the gentleman from Minnesota (Mr. Vento) as a substitute for the amendment offered by the gentleman from California (Mr. Hunter) will say "aye"; those opposed, "no".

In the opinion of the Chair, the ayes have it.

Mr. M c CANDLESS. Mr. Chairman, I am a little bit lost here on the protocol. I asked for a recorded vote on my amendment, and the Chair went on to the next amendment. I wanted a vote on my amendment even though it passed by voice vote. That was where I was at.

The CHAIRMAN. The Chair did not understand that the gentleman from California (Mr. McCandless) was standing for that purpose.

POINT OF ORDER

Mr. M c CANDLESS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. M c CANDLESS. Mr. Chairman, I rose to request a recorded vote, and then the Chair went on to the amendment offered by the gentleman from Minnesota (Mr. Vento).

The CHAIRMAN. Does the gentleman from California (Mr. McCandless) make a unanimous consent request for a recorded vote?

Mr. M c CANDLESS. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Reserving the right to object, Mr. Chairman, could the Chair explain to me where we are right now? I thought we already had a vote on the amendment offered by the gentleman from California (Mr. McCandless). Then the question was put on the amendment offered by the gentleman from Minnesota (Mr. Vento), and then at that point the gentleman stood and asked for a vote.

I ask, does this request for a recorded vote not come too late?

Mr. M c CANDLESS. With all due respect, Mr. Chairman, I was standing and asking for the vote.

The CHAIRMAN. At this point, the gentleman must gain unanimous consent to get a recorded vote on his amendment to the amendment offered by the gentleman from California (Mr. Hunter).

Mr. M c CANDLESS. Mr. Chairman, I ask unanimous consent for a recorded vote on my amendment to the amendment offered by the gentleman from California (Mr. Hunter).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. The Chair hears an objection.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Under parliamentary procedure, Mr. Chairman, the gentleman had an amendment. He was standing, and, as the Chair was [*H4377] going through the deliberations, he asked for a vote prior to you ever talking about the amendment offered by the gentleman from Minnesota (Mr. Vento). Now, under parliamentary procedure, is he not granted the right for a vote on his own amendment?

The CHAIRMAN. The Chair did not recognize the gentleman for a recorded vote because the gentleman was not seeking recognition at that point.

Mr. CUNNINGHAM. Mr. Chairman, that is the Chair's problem of not recognizing the gentleman. The gentleman was standing, and I would point out that could be done every time, and the Chair would just not identify someone who is asking for a vote on their amendment.

Mr. Chairman, this is the Chair's problem and not the gentleman's. He was following procedure

by standing and asking for a vote.

Mr. MILLER of California. Mr. Chairman, I withdraw my objection so that the gentleman from California (Mr. McCandless) can have a vote on his amendment.

Mr. MCCANDLESS. Mr. Chairman, I renew my demand for a recorded vote on my amendment.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for the electronic votes, if ordered, without intervening debate, on the substitute amendment offered by the gentleman from Minnesota (Mr. Vento) and on the original amendment offered by the gentleman from California (Mr. Hunter).

The vote was taken by electronic device, and there were-ayes 360, noes 0, not voting 79, as follows:

(Roll No. 232)

AYES-360

Abercrombie	Ackerman	Allard	Andrews (ME)
Andrews (NJ)	Applegate	Archer	
Armey	Bacchus (FL)	Bachus (AL)	
Baesler	Baker (CA)	Ballenger	
Barca	Barcia	Barlow	
Barrett (NE)	Barrett (WI)	Bartlett	
Bateman	Becerra	Beilenson	
Bentley	Bereuter	Berman	
Bevill	Bilbray	Bishop	
Bliley	Blute	Boehlert	
Boehner	Bonilla	Bonior	
Borski	Boucher	Brewster	
Brooks	Browder	Brown (CA)	
Brown (FL)	Brown (OH)	Bryant	
Bunning	Burton	Buyer	
Byrne	Callahan	Calvert	
Camp	Canady	Cantwell	
Cardin	Castle	Chapman	
Clayton	Clement	Clinger	
Clyburn	Coble	Coleman	
Collins (GA)	Collins (IL)	Combest	
Condit	Conyers	Costello	
Cox	Coyne	Cramer	
Crane	Crapo	Cunningham	
Darden	de la Garza	de Lugo (VI)	
Deal	DeFazio	DeLauro	
Dellums	Deutsch	Diaz-Balart	
Dickey	Dicks	Dixon	
Dooley	Doolittle	Dornan	
Dreier	Duncan	Dunn	
Durbin	Edwards (CA)	Edwards (TX)	
Ehlers	Emerson	Eshoo	
Evans	Everett	Ewing	
Faleomavaega (AS)	Farr	Fawell	
Fazio	Fields (LA)	Filner	

Fingerhut	Fish	Foglietta
Fowler	Frank (MA)	Franks (CT)
Franks (NJ)	Gallegly	Gallo
Gejdenson	Gekas	Gephardt
Geren	Gibbons	Gilchrest
Gillmor	Gilman	Glickman
Gonzalez	Goodlatte	Goodling
Gordon	Goss	Grandy
Greenwood	Gunderson	Hall (OH)
Hall (TX)	Hamburg	Hamilton
Hancock	Harman	Hastings
Hefley	Hefner	Herger
Hilliard	Hinchey	Hoagland
Hobson	Hoekstra	Hoke
Holden	Horn	Houghton
Hoyer	Huffington	Hughes
Hunter	Hutchinson	Hutto
Hyde	Inglis	Inslee
Istook	Jacobs	Jefferson
Johnson (GA)	Johnson (SD)	Johnson, E. B.
Johnson, Sam	Johnston	Kanjorski
Kaptur	Kasich	Kennelly
Kildee	Kim	King
Kingston	Klein	Klink
Klug	Knollenberg	Kolbe
Kreidler	Kyl	LaFalce
Lambert	Lancaster	Lantos
LaRocco	Laughlin	Lazio
Leach	Levin	Levy
Lewis (CA)	Lewis (GA)	Lewis (KY)
Lightfoot	Linder	Lipinski
Livingston	Lloyd	Long
Lucas	Mann	Manton
Margolies-Mezvinsky	Markey	Martinez
Matsui	Mazzoli	McCandless
McCloskey	McCrery	McDade
McDermott	McHale	McHugh
McInnis	McKeon	McKinney
McMillan	McNulty	Meehan
Meek	Menendez	Meyers
Mfume	Mica	Michel
Miller (CA)	Miller (FL)	Mineta
Minge	Mink	Moakley
Molinari	Mollohan	Montgomery
Moorhead	Moran	Morella
Murphy	Murtha	Myers
Nadler	Neal (MA)	Norton (DC)
Nussle	Oberstar	Obey
Olver	Ortiz	Orton
Oxley	Pallone	Pastor
Paxon	Payne (VA)	Penny
Peterson (FL)	Peterson (MN)	Petri
Pickett	Pickle	Pombo
Pomeroy	Porter	Portman
Poshard	Price (NC)	Quillen
Quinn	Rahall	Ramstad

Reed	Regula	Richardson
Roemer	Rogers	Rohrabacher
Romero-Barcelo (PR)	Ros-Lehtinen	Rose
Roukema	Rowland	Roybal-Allard
Sanders	Sarpalius	Sawyer
Saxton	Schaefer	Schenk
Schiff	Schroeder	Schumer
Scott	Sensenbrenner	Sharp
Shaw	Shays	Shepherd
Shuster	Sisisky	Skaggs
Skeen	Skelton	Slaughter
Smith (IA)	Smith (MI)	Smith (NJ)
Smith (OR)	Smith (TX)	Solomon
Spence	Spratt	Stark
Stearns	Stenholm	Stokes
Strickland	Studds	Stump
Swift	Synar	Talent
Tanner	Tauzin	Taylor (MS)
Taylor (NC)	Tejeda	Thomas (CA)
Thompson	Thurman	Torkildsen
Torres	Traficant	Tucker
Underwood (GU)	Unsoeld	Upton
Valentine	Vento	Visclosky
Vucanovich	Walker	Walsh
Waters	Watt	Waxman
Weldon	Williams	Wilson
Wolf	Woolsey	Wyden
Wynn	Yates	Young (AK)
Young (FL)	Zimmer	

NOT VOTING-79

Andrews (TX)	Baker (LA)	
Barton	Bilirakis	Blackwell
Carr	Clay	Collins (MI)
Cooper	Coppersmith	Danner
DeLay	Derrick	Dingell
Engel	English	Fields (TX)
Flake	Ford (MI)	Ford (TN)
Frost	Furse	Gingrich
Grams	Green	Gutierrez
Hansen	Hastert	Hayes
Hochbrueckner	Inhofe	Johnson (CT)
Kennedy	Kleczka	Kopetski
Lehman	Lewis (FL)	Lowey
Machtley	Maloney	Manzullo
McCollum	McCurdy	Neal (NC)
Owens	Packard	Parker
Payne (NJ)	Pelosi	Pryce (OH)
Rangel	Ravenel	Reynolds
Ridge	Roberts	Rostenkowski
Roth	Royce	Rush
Sabo	Sangmeister	Santorum
Serrano	Slattery	Snowe
Stupak	Sundquist	Swett
Thomas (WY)	Thornton	Torricelli

Towns
Washington
Wise

Velazquez
Wheat
Zeliff

Volkmer
Whitten

1741

So the perfecting amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we certainly do appreciate the attention of the House. Mr. Chairman, with this number of Members present, it seems to me that as I rise to address an amendment proposed by my colleague, the gentleman from Minnesota (Mr. Vento), it would be most appropriate to say to the House that this is an issue before us, that is, the entire bill before us is an issue of critical importance to four Members of the House who happen to be Members who are elected in the State of California, to represent the citizens who live in the California desert.

The reality is that often when we have environmental issues before the House, Members tend to look to see if that environmental issue touches their district at all, and when they find it does not oftentimes one just casts a vote, what is called a green vote around here, to make sure their environmental record looks good to those people who might view it from outside.

However, Mr. Chairman, this issue before us, the issue of the California desert, is fundamental to the constituencies represented by those four Members elected from the California desert.

Mr. Chairman, I have said on an earlier occasion that this Member is outraged by the way this bill has been handled by the committee, and indeed, by the House. It is a fact of life that those of us who represent the four districts in the desert all happen to be on the minority side of the aisle, but our constituencies make up some 3 million Californians, Democrats and Republicans, independents, the entire mix of the California population. Those people do not view the issues that relate to their territory in partisan terms, but indeed, in this process in the House, particularly in the committee, their voice has been all but stifled.

Mr. Chairman, I wanted the Members to know that I am not just lightly outraged by the process that has gone on before us. I think the Members know, I believe the Members know, that this Member of the House does not rise with any frequency by way of extreme voice. I abhor the extremes that often dominate the debate on the floor.

However, in this case, Mr. Chairman, it is clear to me that the kind of excess of the committee that has been demonstrated in this case is one of the [*H4378] reasons why Members feel they must come to the well and often carry the debate to the extreme. Mr. Chairman, I believe the American people are sick and tired of those shrill voices. In this instance, the people of California have had their voice essentially cut off by the committee process.

Mr. Chairman, while I rise essentially to express my own support for the amendment that just passed, that is, the Hunter-McCandless amendment dealing with wildlife preservation, at the same time I rise in opposition to the Vento amendment, which essentially contrasts an amendment that reflects a States rights kinds of focus upon the individual citizens' concerns about the desert who live and work in that desert.

Mr. Chairman, essentially I am rising to oppose the amendment offered by my colleague, the gentleman from Minnesota (Mr. Vento), which essentially is a "trust me" amendment. It is our concern that while people suggest that there will be no change essentially in the way this territory is being managed, that the reality is that there is plenty of history that would indicate

major problems between the way various practical agencies deal with such territory.

Mr. Chairman, if I could ask my colleague, the gentleman from California (Mr. Hunter), to assist me, the Members may not be able to see it, but in the middle of that water channel there, if the House would focus on my colleague, Mr. Hunter , in the well, a man of no extreme, Mr. Hunter would point to a deer in the middle of that water channel.

That deer is treading water there as it is awaiting more than one Federal agency, as a result of the Vento amendment, to make up its mind which way it should go, whether it should allow the State to be involved or not to be involved. Mr. Chairman, I fear for the life of that deer, but indeed, we fear more for those people who would choose to live in the desert.

Mr. HUNTER. Will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, for those Members who have come in just a few moments ago, this is the essence of this debate. The State of California and a lot of volunteers have motorized access to the watering holes they have developed in the California desert. It saved a lot of wildlife. The Federal Government in some States has cut off motorized access that would be used to maintain watering holes.

We have now a large number of bighorn sheep and deer that have had their populations expanded in these proposed desert **wilderness** areas because of volunteers.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) has expired.

(Mr. LEWIS of California, at the request of Mr. Hunter, was allowed to proceed for 3 additional minutes.) ; 1750

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, the volunteers in Desert Wildlife Unlimited and the Society for the Preservation of Bighorn Sheep, Quail Unlimited, many groups throughout California have gone out in 120 degree heat and built watering holes for these desert animals. We want to maintain the motorized access that allows them to go out and keep these waterholes open.

This deer has had to come to the Coachella Canal because the waterholes have been destroyed in parts of the desert, they slide down the steep banks and they literally wear their hooves out trying to climb back up those banks and they drown.

For that reason, this is an unusual amendment. The Hunter-McCandless-Lewis position is supported by Desert Wildlife Unlimited, a conservation group, The Society for the Preservation of Bighorn Sheep, Quail Unlimited, a conservation group, and these groups feel that the Vento amendment which gives veto power to the Federal Government for motorized access will result in the death of many wildlife species.

The conservation vote here is against the Vento amendment and for the McCandless-Hunter amendment that just passed. If Members voted yes on the amendment that just passed, they should vote no on Vento because Vento guts what Members of the House just did.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for his comments. I think it is very important that the Members understand what my colleague just said. We have just passed by unanimous vote an amendment that would essentially clarify our purpose here, that is, to make certain that the California State Government, the agency of Fish and Game that for years has managed these territories along with any number of volunteer groups, will continue to be able to operate in the way they have in recent years.

It is very important for us to know that there is a significant difference between the way volunteer preservation groups, the State Fish and Game Department and other agencies would treat this territory versus what we can expect from the Park Service.

Mr. Chairman, let me illustrate that point by the following:

In 1978, when the Oregon Pipe National Monument in Arizona was designated as **wilderness**, there were a number of wildlife guzzlers in the **wilderness** very, very important to the preservation of the life of many a species in the desert. Since then, all guzzlers have been phased out in accordance with Park Service policy. The National Park Service could be expected to carry out the same policy in East Mojave National Park, the Death Valley National Park, as well as the Joshua Tree. It is our concern about that pattern of policy of the Park Service that causes us to oppose the Vento amendment.

In a straightforward fashion, we have just passed an amendment that assures the State's involvement as well as volunteer private sector involvement in maintaining the various resources that are very important for the preservation of species that live in the desert.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) as again expired.

(By unanimous consent, Mr. Lewis of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, one of the most important components of the mission of the State Park and Wildlife Service is the maintenance of wildlife guzzlers. Those Members not familiar with ;guzzlers, they provide an artificial water supply in areas where much of the traditional water supply has disappeared. Water in this area has always been a scarce commodity. The result of this lack of water has been the steady decline of wildlife populations. That is, until the conservation efforts of those who build and continue to maintain the guzzlers.

These guzzlers have been the central reason for the reinvigoration of the bighorn sheep. However, it is very apparent that gamble quail, chucker, partridge, jack rabbits and lizards are all beneficiaries of guzzlers, as well. Without the extensive guzzler system that exists throughout the California desert, the majority of these animals would cease to exist in this region. I am uncertain as to whether or not that is the goal of the two gentlewomen from California and the gentleman from California (Mr. Lehman), the chairman, and the gentleman from California (Mr. Miller), the authors of this bill before us.

Mr. Chairman, I do know that the Members have a tendency as the hours grow late to become impatient with extended debate. I hope this will not be extended, but I would say to my colleagues, it is relatively rare for me to rise on this floor and discuss extensively any subject, but in this case we are talking about a subject that is fundamental to those who live in and love the desert. We do appreciate your assistance as well as your attention.

To maintain existing guzzlers or build new ones, motorized access to the desert regions involved is essential. We are talking about construction materials ranging from water storage tanks to heavy-duty piping. This material, simply put, cannot be carried on foot [*H4379] or horseback to the areas that are involved. Motorized access is essential if we are serious about maintaining or even expanding existing wildlife populations. At the very least, 4-wheel drive vehicles are

necessary to access these remote areas. In many instances, helicopters are necessary to move bulky and cumbersome equipment into the areas concerned.

Mr. Chairman, the point I am trying to make here is that currently the State of California serves as the lead agency in the maintenance and expansion of these wildlife populations. It is a fact that the Park Service has a different charge and mandate under Federal law. If the Park Service is able to veto access to these areas on the part of State agencies or voluntary groups, we are very concerned that the preservation of species involved could indeed be cut off and undermined.

I will repeat to the Members, it was in 1978 when the Oregon Pipe National Monument in Arizona was designated as a **wilderness**. There were a number of wild guzzlers in the **wilderness**. Since then, all those guzzlers have been phased out in accordance with park policy. We are trying to make absolutely certain that such arbitrary action does not take place and undermine the conservation and preservation of these endangered species. I think it is important for Members to know that conservation groups such as Quail Unlimited, the Desert Wildlife Association, the Wildlife Federation, the Society for the Conservation of Bighorn Sheep as well as others support our position.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) has again expired.

(By unanimous consent, Mr. Lewis of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, the following preservation and conservation groups support essentially our position; that is, to make sure that these lands are managed in the future as they have been in recent years.

Those groups include the following: Conservation groups such as Quail Unlimited and the Desert Wildlife Association.

1800

Mr. VENTO. Mr. Chairman, if the gentleman will yield, the gentleman has constantly referred to the Park Service management, but this amendment has nothing to do with the National Park Service. It has to do with the Hunter amendment, the slightly perfected Hunter amendment by the gentleman from California (Mr. McCandless), and the amendment that I have to deal with the Bureau of Land Management and its management of Federal lands for which it is responsible.

The real issue here is not one of whether or not we are going to have mechanized use. And it would permit the wildlife management activities within BLM **wilderness**.

In fact, the illustrations that our colleague showed us here is, in fact, the existing circumstances where BLM has a voice. The fact is, if you want to do something about that canal, you had better fence it in, because it is going to happen again. You are going to see more deer floating in there, no matter what language you put in these amendments.

In accordance with the policies we all agree there is going to be mechanized use. We are talking about a policy that works in Arizona. We are not talking about a National Park Service unit.

But what the essence of this amendment is, it takes the Federal Government out of the loop. Here we have Federal lands, BLM **wilderness** lands, and you are just taking them out so you have the State of California that would not have to consult. It would not have to occur with the Federal land management. That is the essence of what this amendment is about. Therefore, the Vento amendment ought to be adopted, which keeps the status quo rather than creating a separate standard for California as we have with the rest of the Nation.

Mr. LEWIS of California. Mr. Chairman and my colleagues, let me say that there are four Members of Congress who represent these territories. Those Members have been essentially kept out of the loop here in the whole process whereby the committee worked its will.

It is very apparent to us the Park Service policies have not worked in Arizona in terms of concerns that we have about preserving these wildlife. We want to make certain that as these lands are managed by a combination of Bureau of Land Management, the Park Service, and hopefully some involvement of the State Department of Fish and Game, that it will be different than the story that has developed in Arizona.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say to my colleague, the gentleman from Minnesota (Mr. Vento), why do we want to fix something that is not broken? The State of California, with the wildlife groups, maintains this.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) has again expired.

(At the request of Mr. Hunter and by unanimous consent, Mr. Lewis of California was allowed to proceed 3 additional minutes.)

Mr. LEWIS of California. I am happy to continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, this system that these volunteers in California, with the wildlife, the Fish and Game Commission, have developed, works. Now, the doggone system the Feds have put in place in Arizona does not work where they have hay wagons bringing equipment out. The system that we have in place in California works. We have quadrupled the bighorn sheep herd on these areas that now are going to become **wilderness**. As they become **wilderness**, the same Federal managers who have vetoed vehicular access to these watering-hole sites will be on the job. They will be, I think we can anticipate, vetoing the State going in in certain areas with motorized vehicles to keep these water holes open. That is what results in game coming down to the Coachella Canal and dying, wearing their hooves out trying to get out of the canal.

This sense in Washington that we have that nobody knows anything except the Federal managers is wrong. We have people doing this work for free in California, not costing any Federal taxpayer dollars, and the amendment that I offered with the gentleman from California (Mr. McCandless) that was passed by, I believe, 380 to 0, allows our people to have continued access.

Vote against Vento.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) has again expired.

(By unanimous consent, Mr. Lewis of California was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding so I can respond.

First of all, the policies which have been developed which developed these guzzlers were done

with the concurrence of the BLM, with the concurrence of the Federal land managers.

What happens in the status quo is the Hunter amendment, as slightly modified by McCandless, has the same basic law in terms of excluding consultation with the Federal Government. They are going to go ahead without approval, and the fact is that the gentleman from California (Mr. Lewis) says four of you represent the desert.

Well, all of us represent the public lands in this body. Four hundred thirty-five of us represent the BLM. So I appreciate the concern of the gentleman for his constituents that live close to those public lands.

We want to do what is right. But the question is: Excluding the National Government from having a voice on lands that are under its control is a formula for a problem. It is a formula for a problem.

Mr. LEWIS of California. Reclaiming my time if I might, I understand the gentleman's point. But I would suggest that in no way, shape, or form have we even begun to make a dent in arbitrary way in which this bill was handled in your committee. [*H4380]

I mean, clearly it is apparent that Minnesota knows a lot more about the desert than people who come from California.

But in turn, it is very important that people realize that in terms of this amendment which has just been unanimously passed by the House, and in fact the gentleman, I believe, voted for it. The gentleman voted for the amendment, I believe.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Yes. I have no objection to the gentleman from California (Mr. Hunter) having his amendment put in the shape he wanted. The amendment was marginally better with the addition, but it still has the same basic flaw.

As far as the gentleman knowing something about the desert, I make no apologies for that. The fact of the matter is each of us in this body specializes in land use and other types of issues, just as the gentleman does in other areas of expertise. While I want to listen to the gentleman and I have sat here and listened for quite some time, I also think we ought to be talking about what this amendment does. This amendment takes the BLM out of the loop in terms of being involved in making decisions on the Federal lands.

You cannot classify lands, you cannot put the BLM in charge, and then withdraw them from the decisionmaking process. That is what the gentleman's amendment does.

The Vento amendment goes for a proven policy, one that we are using in Arizona in which we have transplanted an increase in bighorn sheep population. The gentleman's amendment defeats that.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I would like to call to the attention of the subcommittee chairman my amendment which was passed.

We are not taking anybody out of the loop. My amendment said that populations and habitats to

support such populations may be carried out within **wilderness** areas designated by this title, may be. What we are saying here is if they are carried out, then we shall be able to use motorized vehicles by the appropriate agencies for that purpose.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis) has again expired.

(By unanimous consent, Mr. Lewis of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, any my colleagues, I did have originally about a 5-minute statement, and with a combination of the order of the House and otherwise, I have not quite completed that statement.

Mr. Chairman, if any of you in your districts have been treated by way of your constituency as we have been treated by the committee of the House that handled this bill, you would be outraged.

The fact is that none of the four Members who represent the desert territories have been consulted in this process. It is very, very apparent that the committee has a preconceived notion as to the way the desert world ought to work, and the people who represent the desert essentially be damned. If you were treated in this fashion in the majority, there would be a revolution going on around here.

Mr. Chairman, I must say, and Members, while you have been more than courteous with your time, what we are attempting to do in this amendment is essentially to undermine current policies that are working very well on behalf of those animals that are currently threatened in the desert environment.

The presence of water sources created by man, the use of voluntary groups and the State agencies that have been so effective will essentially over time be excluded if the Vento amendment is passed.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will try to do this quickly.

Mr. Chairman, this amendment is fundamental to the Federal stewardship of Federal **wilderness** lands. The purpose of this bill is to convert lands that are currently under BLM jurisdiction to BLM **wilderness** lands.

What are colleagues on the other side of the aisle would do is to have you throw the Federal Government off the very lands over which it has title and jurisdiction. They would do so, and to make the **wilderness** in California essentially a second-class **wilderness**.

This is not done in Idaho **wilderness**, this is not done in Montana **wilderness**, this is not done in Colorado **wilderness**, Arizona **wilderness**, Utah **wilderness**, or any of the other **wildernesses** created in this country.

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The fact is that this amendment, the Vento amendment, is needed to provide for stewardship and management of those lands, of the habitat, and of the wildlife of those lands. The fact is that this amendment was never offered in committee. The fact is the author of this amendment never discussed it with the chairman of this committee or any other Member representing this area has ever discussed this with this member of the committee. I would hope that you would understand how important this is.

Mr. Vento 's amendment, Mr. Vento 's amendment preserves the right of the State of California with respect to its being the lead agency with respect to fish and wildlife, and it allows motorized vehicles, whatever is necessary to preserve those guzzlers. Everybody agrees on a bipartisan basis that these guzzlers would be preserved. I would hope you would vote for the Vento substitute.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I will just take a minute. My friends, we are passing a desert act, that is fairly clear; but it is also clear we should proceed with common sense. Last week when we had an amendment offered to allow the border patrol and drug enforcement agencies to take motorized vehicles into the **wilderness** area, we did not say, "Stop, the **wilderness** is pristine, so we are going to allow drug dealers to use these as safe havens to move cocaine." We said we allowed Federal, State, and local agencies to go into these **wilderness** areas. By the same token, we are allowing here State agencies to go in and save the desert bighorn sheep population just like we have been doing for the last 20 years. As the gentleman from California (Mr. Lewis) said, you have got this deer that is treading water in the Coachella Canal and that represents what will happen when you get a turf war between the Federal agency and the State agencies as to "can you take vehicles in?" And the State boys who say, "We want to take them in to save the wildlife populations."

Vote for common sense. Let me say if you just voted "yes" on the Hunter-McCandless amendment, and everybody voted "yes" on that amendment, including Mr. Vento, the Vento amendment guts what you just voted "yes" on. If you just voted "yes," you need to vote "no" on the Vento amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

The gentleman from California (Mr. Miller) says this system does not exist in any other State. But the Federal Government is taking under this bill 8 million acres. You could put 5 Eastern States in those acres.

Mr. MILLER of California. These are already Federal lands.

Mr. CUNNINGHAM. They are not--

Mr. MILLER of California. They are not taking it from anybody. These belong to the taxpayers.

The CHAIRMAN. All debate will be handled through the Chair.

Mr. CUNNINGHAM. I thank the Chairman.

Mr. Chairman, there are existing systems in which State agencies--we are not asking for mass populations to invade the desert, we are asking for State agencies, fish and game, which are today now servicing those water areas, to continue to be allowed to use motor vehicles to those. That is all this amendment does.

Mr. Vento 's amendment guts that and allows the Federal Government to override what the State is already doing. [*H4381]

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I disagree. The Federal amendment maintains the status quo. Just like we did last week with respect to law enforcement, it does not make sense to designate these lands **wilderness** and then take the BLM out of having any voice in what happens and hand it over to the State. No one knows what the Federal Government, you know, will do; I think they are going to make prudent judgments in this case as they have in the past when you put guzzlers in.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentleman for yielding.

Mr. Chairman, let me say to the four Members from California on the other side of the aisle that they have made a rather compelling and convincing argument and many of us on this side of the aisle would like to vote with them. However, as the argument goes on and because of its unending nature, that momentum is shifting the other way.

So, I would advise Members on that side that perhaps they would want to call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Vento) as a substitute for the amendment offered by the gentleman from California (Mr. Hunter), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were-ayes 183, noes 189, not voting 67, as follows:

(Roll No. 233)

AYES-183

Abercrombie	Ackerman	
Andrews (ME)	Andrews (NJ)	Bacchus (FL)
Barca	Barlow	Barrett (WI)
Becerra	Beilenson	Berman
Bevill	Bilbray	Bishop
Boehlert	Bonior	Borski
Boucher	Brooks	Brown (CA)
Brown (FL)	Brown (OH)	Bryant
Byrne	Cantwell	Cardin
Clayton	Clement	Clyburn
Coleman	Collins (IL)	Conyers
Coyne	Cramer	Darden
de Lugo (VI)	Deal	DeFazio

DeLauro	Dellums	Derrick
Deutsch	Dixon	Durbin
Edwards (CA)	Engel	Eshoo
Evans	Faleomavaega (AS)	Farr
Fazio	Fields (LA)	Filner
Fingerhut	Fish	Foglietta
Frank (MA)	Franks (CT)	Franks (NJ)
Gejdenson	Gephardt	Gibbons
Gilchrest	Gilman	Gonzalez
Gordon	Hall (OH)	Hamburg
Hamilton	Hastings	Hefner
Hilliard	Hinchey	Hoagland
Holden	Hoyer	Hughes
Inslee	Jacobs	Jefferson
Johnson (GA)	Johnson (SD)	Johnson, E. B.
Johnston	Kanjorski	Kaptur
Kennelly	Kildee	Klein
Klink	Klug	Kreidler
LaFalce	Lancaster	Lantos
Levin	Lewis (GA)	Long
Maloney	Mann	Manton
Margolies-Mezvinsky	Markey	Matsui
Mazzoli	McCloskey	McDermott
McHale	McKinney	McNulty
Meehan	Meek	Menendez
Meyers	Miller (CA)	Mineta
Minge	Mink	Moakley
Mollohan	Moran	Morella
Murphy	Murtha	Nadler
Neal (MA)	Norton (DC)	Oberstar
Obey	Olver	Oxley
Pallone	Pastor	Peterson (FL)
Pomeroy	Porter	Price (NC)
Rahall	Ramstad	Reed
Regula	Richardson	Roemer
Romero-Barcelo (PR)	Ros-Lehtinen	Roukema
Roybal-Allard	Rush	Sanders
Sawyer	Saxton	Schenk
Schroeder	Schumer	Scott
Serrano	Sharp	Shays
Shepherd	Skaggs	Slaughter
Spratt	Stark	Stokes
Studds	Swift	Synar
Thompson	Tucker	Underwood (GU)
Unsoeld	Valentine	Vento
Visclosky	Waters	Watt
Waxman	Williams	Woolsey
Wyden	Wynn	Yates
Zimmer		

NOES-189

Allard Applegate	Archer	
Armey	Bachus (AL)	Baesler
Baker (CA)	Ballenger	Barcia
Barrett (NE)	Bartlett	Bateman

Bentley	Bereuter	Bilirakis
Bliley	Blute	Boehner
Bonilla	Brewster	Browder
Bunning	Burton	Buyer
Callahan	Calvert	Camp
Canady	Castle	Chapman
Clinger	Coble	Collins (GA)
Combest	Condit	Costello
Cox	Crane	Crapo
Cunningham	de la Garza	Diaz-Balart
Dickey	Dicks	Dooley
Doolittle	Dornan	Dreier
Duncan	Dunn	Edwards (TX)
Ehlers	Emerson	Everett
Ewing	Fawell	Fields (TX)
Fowler	Gallegly	Gallo
Gekas	Geren	Gillmor
Goodlatte	Goodling	Goss
Grams	Grandy	Greenwood
Gunderson	Hall (TX)	Hancock
Harman	Hastert	Hefley
Herger	Hobson	Hoekstra
Hoke	Horn	Houghton
Huffington	Hunter	Hutchinson
Hutto	Hyde	Inglis
Istook	Johnson (CT)	Johnson, Sam
Kasich	Kim	King
Kingston	Knollenberg	Kolbe
Kyl	Lambert	LaRocco
Laughlin	Lazio	Leach
Levy	Lewis (CA)	Lewis (KY)
Lightfoot	Linder	Lipinski
Livingston	Lloyd	Lucas
Manzullo	Martinez	McCandless
McCollum	McCrery	McDade
McHugh	McInnis	McKeon
McMillan	Mfume	Mica
Michel	Miller (FL)	Molinari
Montgomery	Moorhead	Myers
Nussle	Ortiz	Orton
Parker	Paxon	Payne (VA)
Penny	Peterson (MN)	Petri
Pickett	Pickle	Pombo
Portman	Poshard	Quillen
Quinn	Rogers	Rohrabacher
Rose	Rowland	Sangmeister
Sarpaluis	Schaefer	Schiff
Sensenbrenner	Shaw	Shuster
Sisisky	Skeen	Skelton
Smith (IA)	Smith (MI)	Smith (NJ)
Smith (OR)	Smith (TX)	Solomon
Spence	Stearns	Stenholm
Strickland	Stump	Talent
Tanner	Tauzin	Taylor (MS)
Taylor (NC)	Tejeda	Thomas (CA)
Thurman	Torkildsen	Torres

Traficant	Upton	Vucanovich
Walker	Walsh	Weldon
Wilson	Wolf	Young (AK)

NOT VOTING-67

Andrews (TX)	Baker (LA)	Barton	Blackwell
Carr	Clay	Collins (MI)	
Cooper	Coppersmith	Danner	
DeLay	Dingell	English	
Flake	Ford (MI)	Ford (TN)	
Frost	Furse	Gingrich	
Glickman	Green	Gutierrez	
Hansen	Hayes	Hochbrueckner	
Inhofe	Kennedy	Kleczka	
Kopetski	Lehman	Lewis (FL)	
Lowe	Machtley	McCurdy	
Neal (NC)	Owens	Packard	
Payne (NJ)	Pelosi	Pryce (OH)	
Rangel	Ravenel	Reynolds	
Ridge	Roberts	Rostenkowski	
Roth	Royce	Sabo	
Santorum	Slattery	Snowe	
Stupak	Sundquist	Swett	
Thomas (WY)	Thornton	Torricelli	
Towns	Velazquez	Volkmer	
Washington	Wheat	Whitten	
Wise	Young (FL)	Zeliff	

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The Clerk announced the following pairs:

On this vote:

Ms. English for, with Mr. Barton of Texas against.

Mr. Rangel for, with Mr. Roth against.

Mr. SANGMEISTER and Mr. TORRES changed their vote from "aye" to "no."

Mr. POMEROY changed his vote from "no" to "aye."

So the amendment, as amended, offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Hunter) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will designate title II.

The text of title II is as follows:

TITLE II-DEATH VALLEY NATIONAL PARK

FINDINGS Sec. 201. The Congress hereby finds that-

- (1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;
- (2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;
- (3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and **wilderness** values;
- (4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and
- (5) the **wilderness** within Death Valley should receive maximum statutory protection by designation pursuant to the **Wilderness Act**.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

Sec. 202. There is hereby established the Death Valley National Park, as generally [*H4382] depicted on 23 maps entitled "Death Valley National Park Boundary and **Wilderness**-Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS Sec. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall ad-

minister the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

MAPS AND LEGAL DESCRIPTION Sec. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the

Interior.

WITHDRAWAL Sec. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS Sec. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

GRAZING Sec. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(B) IF A PERSON HOLDING A GRAZING PERMIT REFERRED TO IN SUBSECTION (A) INFORMS THE SECRETARY THAT SUCH PERMITTEE IS WILLING TO CONVEY TO THE UNITED STATES ANY BASE PROPERTY WITH RESPECT TO WHICH SUCH PERMIT WAS ISSUED AND TO WHICH SUCH PERMITTEE HOLDS TITLE, THE SECRETARY SHALL MAKE THE ACQUISITION OF SUCH BASE PROPERTY A PRIORITY AS COMPARED WITH THE ACQUISITION OF OTHER LANDS WITHIN THE PARK, PROVIDED AGREEMENT CAN BE REACHED CONCERNING THE TERMS AND CONDITIONS OF SUCH ACQUISITION. ANY SUCH BASE PROPERTY WHICH IS LOCATED OUTSIDE THE PARK AND ACQUIRED AS A PRIORITY PURSUANT TO THIS SECTION SHALL BE MANAGED BY THE FEDERAL AGENCY RESPONSIBLE FOR THE MAJORITY OF THE ADJACENT LANDS IN ACCORDANCE WITH THE LAWS APPLICABLE TO SUCH ADJACENT LANDS.

MR. SCHAEFER. MR. CHAIRMAN, I RISE TODAY TO EXPRESS MY CONCERNS ABOUT A PARTICULAR ASPECT OF H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT. AS YOU KNOW, THIS LEGISLATION WILL DESIGNATE NEARLY 8 MILLION ACRES OF DESERT **WILDERNESS** THROUGHOUT CALIFORNIA. MY COMMENTS HERE INVOLVE ONLY A SMALL PORTION OF THE LEGISLATION-A FEW TINY ACRES.

ONE OF MY COLORADO CONSTITUENTS, LUTHER EGGERTSEN, OWNS THE MINERAL RIGHTS TO THE LUCKY MINE, LOCATED WITHIN THE PROPOSED MOJAVE NATIONAL PARK. AS I UNDERSTAND IT, ACCESS TO THIS MINE WAS INCLUDED IN THE SENATE-PASSED CALIFORNIA DESERT BILL, S. 21, THROUGH THE INCLUSION OF A CHERRYSTEM OF THE CURRENT ACCESS ROADS TO NONWILDERNESS PROPERTY. THIS WOULD ENSURE THAT ACCESS TO THE AREA IS NOT IN ANY WAY IMPEDED BY THE NEW **WILDERNESS** DESIGNATION. I AM INCLUDING A COPY OF THE CORRESPONDENCE I HAVE RECEIVED FROM MR. EGGERTSEN IN THIS REGARD.

Luther E. Eggertsen,

Englewood, CO, May 11, 1994.

Hon. Dan Schaefer,

U.S. House of Representatives, Longworth House Office Building, Washington, DC.

Re H.R. 518. Lucky Mine and Old Dad Mine, WSA (CDCA-243) Unit of Mojave National Park Boundary and **Wilderness**-Proposed. M-10. Dear Representative Schaefer: Reference is made to my correspondence and enclosures of September 30, 1993 and February 9, 1994, all with regard to the "cherry-stemming" of the Lucky Mine and its access roads out of the proposed National

Park/**Wilderness** as the subject items appear in HR 518 and S21. We have proposed that in consideration of the "cherrystemming" of the Lucky Mine and its access roads out of the Park and **Wilderness**, the mining claims covering the Old Dad Mine would be quitclaimed to the United States and the 2 1/2 mile east-west access road to that mine could be closed. Our proposal has passed the Senate with S21.

It is my understanding that HR 518 will make it to the floor of the House this next week. It is of vital importance that this matter be given immediate consideration such that if HR 518 is passed it will include our proposal. Your assistance is earnestly solicited.

The following statement of facts will, perhaps, shed additional light on my client's (Idora Silver Mines, Inc.) proposal:

LUCKY MINE (GOLD/SILVER QUARTZ VEIN DEPOSIT)

1. The Lucky Mine is a "major gold mine" according to the U.S. Bureau of Mines.
2. Significant production of gold and silver ore has occurred since its discovery in 1937 according to published U.S. Government reports.
3. The Lucky Mine has not produced for several years because of the low price of gold and inadequate financing of the mining operations.
4. Present gold prices provide justification for beginning operations. Sampling and assaying provide additional motivation. Mining operations will commence only if sufficient reserves are found.
5. Access roads have been used since operations began in 1938.
6. Both the Lucky Mine and the Old Dad Mine used the 4 mile NW-SE access road which remains in use today.

OLD DAD MINE/(IRON)

1. The Old Dad Mine has been classified by the U.S. Bureau of Mines as a "principle ore body" with estimated reserves of 500,000 tons having a value in 1956 of \$ 17,000,000.
2. At the present time, because of the depressed iron ore market, it is not economically feasible to start operations at the Old Dad Mine. This could change at any time, however,
3. There is no question but what operations, if started, would be "open-pit".
4. The Old Dad Mine and its access roads of 6 1/2 miles have been "cherrystemmed" out of the Park/**Wilderness**.

PROPOSAL

We propose that the Lucky Mine and its access roads be "cherrystemmed" out of the Park/**Wilderness** (see attached plat), and in consideration therefore the FE lode mining claims covering the Old Dad Mine would be quitclaimed to the United States. This will foreclose any future development of the Old Dad Mine and permit the closing or removal of the short easterly 2 1/2 mile access road to that mine.

The net effect of this proposal is:

1. To remove a potential major open-pit mining operation from the proposed Park/**Wilderness**

and provide for the "cherrystemming" out of the Park/**Wilderness** and underground quartz vein gold/silver mine and its access roads;

2. To remove from Park/**Wilderness** a potentially expensive acquisition. If The U.S. Government should decide to acquire the Old Dad Mine it would be faced with a cost that might run as high as \$ 50,000,000 in 1994 dollars. It could go even higher if ongoing inflation and the development of new reserves are taken into consideration; and

3. To provide the Park/**Wilderness** with a substantially better long-term management situation.

There is no question but what the Lucky Mine and the Old Dad Mine mining claims will withstand a "validity" examination. Accordingly, absent approval of our proposal we would have to consider filing applications for patent which will in the long run frustrate the **Wilderness**/Park objectives and purposes as well as ours.

THE HOUSE MEASURE DOES NOT INCLUDE A SIMILAR CHERRYSTEM. IN MY OPINION, THIS IS A SEVERE SHORTCOMING. HAVING BEEN HEAVILY INVOLVED WITH THE DEVELOPMENT OF COLORADO'S RECENT **WILDERNESS** LEGISLATION, I AM QUITE FAMILIAR WITH THE PROBLEMS ASSOCIATED WITH NOT TAKING INTO ACCOUNT THE REAL DIFFICULTIES CREATED BY **WILDERNESS** INHOLDINGS. NOT INCORPORATING ACCESS TO THE LUCKY MINE AND SIMILAR PROPERTY INHOLDINGS WILL LEAD TO AN ENDLESS GRIND OF PAPERWORK, LITIGATION, AND PUBLIC RELATIONS NIGHTMARES FOR THE NATIONAL PARK SERVICE EMPLOYEES TASKED WITH MANAGING THE AREA.

THIS IS NOT AN IDLE SPECULATION ON MY PART. ONE NEED LOOK NO FURTHER THAN MY STATE OF COLORADO FOR EXAMPLES OF THE ADDITIONAL COSTS INVOLVED WITH NOT ENSURING ACCESS. ON NUMEROUS OCCASIONS, INHOLDERS HAVE THREATENED DEVELOPMENT OF THEIR PROPERTIES, EVEN USING HELICOPTERS TO FERRY IN BUILDING MATERIALS. SUCH BEHAVIOR IS MUCH MORE DISTRESSING TO THE COMMUNITY THAN IF THE INHOLDING WERE RECOGNIZED AT THE FRONT END OF THE PROCESS AND ACCESS INCORPORATED INTO THE LEGISLATIVE PACKAGE.

I AM HOPEFUL THAT MY CALIFORNIA COLLEAGUES WILL TAKE A LESSON FROM OUR PAST EXPERIENCE IN COLORADO. IN THIS SPECIFIC CASE, IT MEANS THE SIMPLE ADDITION OF A CHERRYSTEM ON A MAP TO [*H4383] ENSURE CONTINUED ACCESS TO THE LUCKY MINE. IF THIS STEP IS NOT TAKEN NOW, WITH A MINIMUM OF EFFORT, THE COST OF ENSURING THIS LEGAL ACCESS MAY TAKE ITS TOLL ON BOTH THE MINE OWNERS AND THE FEDERAL GOVERNMENT.

A POOR RESULT CAN BE EASILY AVOIDED AT THIS POINT. AS THE CALIFORNIA DESERT PROTECTION ACT MOVES TO A CONFERENCE COMMITTEE, I URGE MY COLLEAGUES TO KEEP THIS IN MIND.

MR. DE LUGO. MR. CHAIRMAN, I RISE IN SUPPORT OF H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT AND IN OPPOSITION TO ANY AMENDMENTS THAT WOULD WEAKEN IT. I WANT TO ALSO COMMEND MY COLLEAGUES ON THE NATURAL RESOURCES COMMITTEE, IN PARTICULAR THE CHAIRMAN OF THE COMMITTEE, MR. MILLER, AS WELL AS THE CHAIRMAN OF THE PARKS AND PUBLIC LANDS, MR. VENTO, AND THE CHIEF SPONSOR OF H.R. 518, MR. LEHMAN, FOR THEIR TIRELESS EFFORTS AND LEADERSHIP IN BRINGING THIS IMPORTANT BILL TO THE FLOOR TODAY.

MR. CHAIRMAN, H.R. 518 WAS REPORTED OUT OF THE NATURAL RESOURCES COMMITTEE, ON WHICH I SERVE, ON MAY 4. IT IS SIMILAR TO BILLS WHICH HAVE BEEN UNDER CONSIDERATION BY THE CONGRESS SINCE 1985. DURING THE 101ST CONGRESS, THE NATURAL RESOURCES COMMITTEE HELD NUMEROUS PUBLIC HEARINGS ON THIS ISSUE, INCLUDING THREE FIELD HEARINGS IN CALIFORNIA, WHERE WE HEARD FROM NO LESS THAN

600 WITNESSES. ON THE BILL BEFORE US TODAY, OUR COMMITTEE HELD SIX HEARINGS.

IF ENACTED, H.R. 518 WOULD FORMALLY PROTECT NEARLY 8 MILLION ACRES OF DESERT **WILDERNESS** IN THE SOUTHEASTERN QUARTER OF CALIFORNIA. THE BILL DESIGNATES 71 **WILDERNESS** AREAS ON BUREAU OF LAND MANAGEMENT (BLM) LANDS, ESTABLISHES THREE NEW NATIONAL PARKS, AND DESIGNATES **WILDERNESS** AREAS WITHIN THESE PARKS. OVER 6 MILLION ACRES OF BLM LANDS IN THE CALIFORNIA DESERT ARE ALREADY BEING MANAGED AS **WILDERNESS** STUDY PENDING FORMAL AUTHORIZATION BY THE CONGRESS.

THE CALIFORNIA DESERT AREA, MR. CHAIRMAN, SPANS SOME 25 MILLION ACRES. IT IS A HOME TO SOME 760 DIVERSE SPECIES OF WILDLIFE INCLUDING THE ENDANGERED DESERT TORTOISE AND THE BIGHORN SHEEP. IT ALSO BOASTS THE OLDEST KNOWN LIVING ORGANISM, AS WELL AS THE WORLD'S LARGEST JOSHUA TREE FOREST AND OVER 700 SPECIES OF FLOWERING PLANTS.

DURING THE LAST CONGRESS, OUR COMMITTEE REPORTED SIMILAR LEGISLATION WHICH WOULD HAVE DESIGNATED OVER 8 MILLION ACRES OF **WILDERNESS** IN THE CALIFORNIA DESERT. THAT BILL PASSED THE HOUSE BY AN OVERWHELMING MARGIN, BUT UNFORTUNATELY, DID NOT BECOME LAW. THIS YEAR, FOR THE FIRST TIME, THE SENATE THROUGH THE EFFORTS OF SENATOR FEINSTEIN, APPROVED LEGISLATION TO PROTECT THE CALIFORNIA DESERT.

I URGE MY COLLEAGUES NOT TO LET THIS OPPORTUNITY, TO FINALLY ACHIEVE PROTECTION OF THIS SENSITIVE AND MAGNIFICENT AREA, PASS US BY. H.R. 518 REPRESENTS A VERY BALANCED COMPROMISE BETWEEN PRESERVATION OF THE CALIFORNIA DESERT AND CONTINUED PRIVATE USE. IT IS A GOOD BILL AND WORTHY OF OUR SUPPORT. I ASK MY FELLOW MEMBERS TO JOIN ME IN SUPPORTING ITS PASSAGE AND TO REJECT ANY AMENDMENTS THAT WOULD SEEK TO WEAKEN IT.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. Unsoeld) having assumed the chair, Mr. Peterson of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as **wilderness**, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.