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TITLE: NEVADA WILDERNESS PROTECTION ACT OF 1989

SPEAKER: Mr. BILBRAY; Mr. CRAIG; Mr. DARDEN; Mr. de la GARZA; Mr. HANSEN; Mr. KOSTMAYER; Mr. LEWIS of California; Mr. ROBERT F. (BOB) SMITH; Mr. SHUMWAY; Mr. THOMAS of California; Mr. THOMAS of Wyoming; Mr. VENTO; Mrs. VUCANOVICH; Mr. WILLIAMS; Mr. YOUNG of Alaska

TEXT: Text that appears in UPPER CASE identifies statements or insertions which are not spoken by a Member of the House on the floor.

[*H8835] The SPEAKER pro tempore. Pursuant to House Resolution 289 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the Senate bill, S. 974.

The Chair designates the gentleman from South Carolina [Mr. Derrick] as Chairman of the Committee of the Whole, and requests the gentleman from Mississippi [Mr. Montgomery] to assume the Chair temporarily.

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 consideration of the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, with Mr. Montgomery (Chairman pro tempore) in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the Senate bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. Vento] will be recognized for 15 minutes; the gentlewoman from Nevada [Mrs. Vucanovich] will be recognized for 15 minutes; the gentleman from Missouri [Mr. Volkmer] will be recognized for 15 minutes; and the gentleman from Oregon [Mr. Robert F. (Bob) Smith] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure, S. 974, the Nevada Wilderness Protection Act of 1989, designates about 733,000 acres of wilderness in 14 areas on the national forest lands of Nevada. At the same time, it would release approximately 2.4 million acres of roadless lands to nonwilderness uses. That means that out of the 5.2 million acres of the national forest in Nevada, about 733,000 acres, about 15 percent would be designated as wilderness.

This is the first wilderness enacted in Nevada for some 25 years, Mr. Chairman.

These wilderness lands, of course, contain many outstanding features. I think many of us think of Nevada as being an arid desert, but frankly there are 100 different fault block mountains that run north and south in that State. It is a magnificent area, almost each one having unique qualities and characteristics.

While the House has acted twice in the past, during the 99th Congress and the 100th Congress on wilderness bills, the Senate has blocked action on these bills. The Members I think should recognize the fact that this year in the 101st Congress the Senate has finally acted on a Nevada wilderness bill for the first time. So we have an opportunity, Mr. Chairman, to move forward with this. This would be I think one of the outstanding acts of this first half of the 101st Congress, one of the most significant conservation policy issues that we can deliver to the desk of the President.

So I hope that my colleagues will look to this measure and think carefully. As I said, we have debated for 5 or 6 years. We have had hearings in Washington, hearings in the field. There have been two field visits by the subcommittee. In fact, almost every corner of Nevada has had their say.

It comes to my colleagues I am sure as no surprise that there is not unanimity of opinion. But the fact is the Governor favors this measure and the two U.S. Senators, of course, favor this measure, and the gentleman from Nevada [Mr. Bilbray] favors this measure,

Mr. Chairman, and I think this Congress, this House of Representatives ought to overwhelmingly endorse and favor this measure. MR. CHAIRMAN, S. 974, THE NEVADA WILDERNESS PROTECTION ACT OF 1989, WOULD DESIGNATE APPROXIMATELY 733,000 ACRES OF WILDERNESS IN 14 AREAS ON THE NATIONAL FOREST LANDS OF NEVADA. AT THE SAME TIME, IT WOULD RELEASE APPROXIMATELY 2.4 MILLION ACRES OF ROADLESS LANDS TO NONWILDERNESS USES.

THE NEW WILDERNESS LANDS CONTAIN MANY OUTSTANDING WILDERNESS CHARACTERISTICS. THESE INCLUDE ALPINE LAKES, MEADOWS, ASPEN FORESTS, ANCIENT BRISTLECONE PINES, PRISTINE

GRASSLANDS THAT HAVE NEVER BEEN GRAZED AND WILDLIFE POPULATIONS OF DEER, ELK, ENDEMIC BIGHORN SHEEP AND THE THREATENED LAHONTON CUTTHROAT TROUT.

FOR THREE CONGRESSES, THIS SUBCOMMITTEE HAS WRESTLED WITH THE NEVADA WILDERNESS ISSUE. THE SUBCOMMITTEE HAS HELD THREE HEARINGS HERE IN WASHINGTON AND HAS VISITED NEVADA TWICE ON FIELD INSPECTION TRIPS. FURTHERMORE, THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE HELD FIELD HEARINGS IN FIVE CITIES THROUGHOUT THE STATE AND HEARD TESTIMONY FROM 500 WITNESSES. ALL POINTS OF VIEW HAVE BEEN EXPRESSED AND ALL INTEREST GROUPS HAVE HAD A CHANCE TO BE HEARD. IT IS TIME WE SETTLE THIS CONTROVERSY AND MOVE ON. THE NATIONAL FOREST SERVICE HAS HELD HEARING AND COMMENT SESSIONS ON THE NATIONAL FOREST MANAGEMENT PLAN IN EVERY CORNER ON NEVADA AFFECTING THE SAME AREA STUDIES UNDER RARE II.

THIS YEAR WE HAVE A UNIQUE OPPORTUNITY TO PUT THE NEVADA WILDERNESS BEHIND US. FOR THE FIRST TIME, THE SENATE ACTUALLY HAS PASSED A BILL AND SENT IT TO US FOR CONSIDERATION. IN PREVIOUS CONGRESSES, THE HOUSE HAS PASSED NEVADA WILDERNESS BILLS ONLY TO HAVE THEM FAIL IN THE SENATE. I URGE MY COLLEAGUES TO PASS THE BILL WHICH WILL RESOLVE A CONTROVERSY THAT HAS DIVIDED NEVADANS FOR MANY YEARS.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Nevada wilderness protection bill before today. There are many reasons for this opposition, not the least of which is that all 14 proposed wilderness areas in this bill lie within my district. It is my constituents, and my constituents only, who will feel the direct impact of removal of these lands from multiple-use management. Despite this fact, the majority has not listened to my request for moderation. We have this year a bill that makes the Nevada wilderness bills from the 99th and 100th Congresses look benign. Although the acreage involved is similar to those earlier bills, several provisions have been left out of this year's version. For example, Mr. Chairman, the Mount Rose area is proposed for wilderness rather than national recreation area status. Many recreationists in Reno will be foreclosed from snowmobiling several months of the year by this bill. An amendment to restore the National Recreation Area status failed in committee on a party line vote. Another amendment to simply remove a 100-foot [*H8836] corridor from the proposed wilderness was likewise defeated. Portions of the Grant Range and Quinn Canyon are highly prospective oil and gas terrain that was extended in 1987. However, this year those areas are back in. This makes no sense whatsoever given our concerns about tanker spills.

I have a letter from Secretary Yeutter that states that he will recommend that President Bush veto this bill if we pass it in its current form. Furthermore, I have just spoken with Secretary Yeutter and he strongly reiterated a veto threat. Mr. Chairman, S. 974 contains 733,000 acres of proposed wilderness. The Forest Service plans recommend only 412,400 acres. At the proper time I will offer an amendment to delete those areas in the bill in excess of the Agriculture Secretary's recommendation. These areas to be deleted all contain resource values that dictate the areas should not be placed into the wilderness system. They have already been impacted by man. They are valuable for elk habitat that is managed through mechanical means. They are valuable for oil and gas and base and precious minerals. They included parcels of private lands as inholdings that would be inconsistent with wilderness. While these are indeed major concerns of mine as well as that of the administration, there is another issue of major concern to me, and that is reserved water rights.

The minority is unanimously opposed to the reserved water rights language in section 8 of S. 974. The preemption of State water law that would be created by this section is a totally unwarranted incursion by the Federal Government into Nevada's sovereign jurisdiction. While we admit the Constitution grants the Congress the right to make such preemption on public lands we see absolutely no reason whatsoever to do so in this bill. Let us examine why.

The proposed wildernesses are all within national forests. As such, the courts have decided that Congress impliedly reserved water rights sufficient for the purposes for which the forests were reserved from the public domain. This Winters doctrine reserved right has been sufficient for 81 years to satisfy the Federal agencies charged with administering the various withdrawals to which it applies; for example, Indian reservations, and national parks and monuments, as well as the Forest Services. The proposed wildernesses encompass headwaters regions only. The Wilderness Act of 1964 proscribes manmade improvements, including water diversion -- except where the President determines that a national need exists, a very unlikely event. Thus, there can be no upstream or within-boundary reductions of instream flows within these areas, making a reservation an additional water rights above and beyond the acknowledged Winters rights completely gratuitous.

The State engineer has testified that for all practicable purposes the waters of the State have already been fully allocated. While this is a rather cavalier statement, we do not argue with it here. He further stated that because the date of the right to be established by section 8 is the date of enactment the bill does no harm to the State's system of water adjudication.

Furthermore, he acknowledged that the State of Nevada recognizes instream flows for fish and wildlife as beneficial uses qualifying for an appropriation under State law. We strongly believe that these statements are all the more reason not to preempt State sovereignty. There simply has been no demonstration by the supporters of this language of an overriding national need that cannot be satisfied under current law.

The attorney general of Nevada has testified that despite the State engineer's endorsement of the bill, there is in fact danger in the view that the reservation would have no impact. In fact there could well be instances where surface waters in these areas are hydrologically connected through geologic formations to areas outside the proposed wildernesses. As happened in the Cappaaert case, pumping of ground water down gradient from the reserved area could be halted if it diminished levels in seeps and pools in the wilderness. This is an entirely plausible scenario given the many mines in Nevada that need to pump their pits or underground workings in order to operate.

More importantly, in our view, is the pernicious precedent that this language could establish with respect to downstream areas managed by the Bureau of Land Management, and Fish and Wildlife Service, when these units are added to the National Wilderness Preservation System in the not-too-distant future. We are not confident that when that day comes that the headwaters versus downstream debate will be fully remembered.

Another aspect of concern is the language of section 8(a) reserving "a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this act." Unlike Winters rights which are the minimum necessary for the purposes of the reservation, no such qualifier exists in this bill. Paragraph (c) directs the Secretary to file a claim for the quantification of the rights granted in paragraph (a). We foresee a rush to the courthouse by those who oppose the Federal Government filing for anything less than the entire flow. In the Sierra Club versus Block case the Forest Service has argued strenuously that it has the regulatory tools to protect wilderness values, including instream flows, without having to file for an appropriation of water at all. We believe that such is the case on national forest wilderness in Nevada as well.

In summary, the minority strongly believes that these lands have sufficient protection of the watersheds for maintenance of instream flows for wilderness purposes without reserving an additional increment of water rights to the Federal Government. If enacted this bill would become the first to create a reserved water right for wilderness purposes on national forest lands. The need for preemption of the State of Nevada's sovereignty with respect to the appropriation of water is wholly unnecessary and would establish a dangerous precedent.

Mr. Chairman, I have an amendment that I will offer at the proper time to substitute express water rights language stating that no such reservation is hereby being created.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, this bill was also sent to the Agriculture Committee, so I rise today to speak with respect to the bill, especially with regard to agriculture, and of course that means the problem that we all see in the West with this bill regarding water and water rights.

One of the most valuable and fundamental rights that we have in the West is water and the access to water. The shortage of water in our country means the difference between life and death.

We have a system that has stood the test of time. Since 1866 Congress has repeatedly referred to this system, deferred to this system and States rights as the ones to implement our water rights.

But today through this precedent we are throwing away the historical objective of water rights for our States. For what purpose? I suggest for nothing.

I submit to you that this bill's water rights language serves absolutely no environmental purpose. It is simply gratuitous.

I submit to you that the real purpose of this language is to set a precedent for other controversial wilderness bills that will come before this Congress in the near future and in the next few years.

In certain circumstances the Federal Government has reserved a water right to itself. This was established in 1980 with what my colleague from Nevada correctly called the Winters Act, the Winters versus United States case, which then became the Winters doctrine.

The Winters doctrine provided that indeed there would be water reserved by the Federal Government for Indian reservations, for national parks and for national forests, never for wilderness areas, never.

Recently the Congress assumed that wilderness is a line management decision and therefore we have established [*H8837] or are beginning to establish a water right for wilderness areas.

There has never been an implied Federal water right for wilderness areas.

Within the past 4 years this has been further confused because of the Kane decision in Colorado, which held that indeed there was an implied water right held for wilderness areas.

On the other side of that question, in a case in New Mexico, the Molybdenum case versus New Mexico, here a Federal court held indeed there was no implied water right for wilderness areas. There is no question that it is a confusing issue, and there is no question in many of our minds that the issue finally will be discussed by the Supreme Court of the United States to finally determine which is which.

It is a confusing situation. My point simply is this: If we do not accept the gentlewoman's amendment, the gentlewoman from Nevada, the Congress will indeed be speaking on one side of this issue.

We will indeed be now saying, yes, through our wilderness bill, the Congress has said wilderness will have a water right and precedent will be to usurp States' water rights across the myriad of bills that will be coming before us soon.

I do not see any objectives to be achieved by this bill. If wilderness people want water rights, why do they not go to the various States and ask for them, like everybody else does? Why do they not ask for their water right if they so choose and make their case before the States?

That is the way it has been done for 100 years and that is the way it ought to continue to be done. By 1991, Mr. Chairman, there will be many, many wilderness bills coming out of the West for Bureau of Land Management wilderness. These wilderness areas are not high on the mountains, there wilderness areas are in the valleys and in lower parts.

What happens then to upstream and downstream water rights? What I would suggest would happen, if that is not changed, is that you will strangle forever agricultural potential in the West, you have absorbed all the water for wilderness areas downstream and you have essentially destroyed the possibility of the future for the West with respect to the fair use of water. I submit this language will be used as a model for other wilderness areas, the language that is used in this bill, if it is not corrected.

I would ask my colleagues to defer to those people in the West who understand the issue, who know the threat and who understand that if action is not taken in support of the Vucanovich amendment, we will indeed be setting a precedent and eliminating a precedent for the past 100 years.

So I ask you when the time comes to support the lady's amendment. This is an important question. Water is essential to the West.

I want Members to be careful when we vote to know exactly what we are doing. This is a precedent-setting venture we are on, and it engages the possibility in the future of the West.

Mr. Chairman, I reserve the balance of my time.

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to address the House regarding

S. 974, as amended, the Nevada Wilderness Protection Act of 1989. S. 974 was reported by the Senate Committee on Energy and Natural Resources on August 30, 1989, and passed the Senate on September 20, 1989. The bill was sent to the House on October 2 and jointly referred to the Committee on Agriculture and the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs considered S. 974 and reported it with amendments on November 9, 1989. In the interest of expediting consideration of the measure by the House, and in particular to respond to requests received from Senator Harry Reid of Nevada and the chairman of the Committee on Interior and Insular Affairs, the Committee on Agriculture agreed to waive consideration of the bill. However, we do remain interested in this measure and in the general subject of wilderness designation on national forest system lands, and will continue to exercise our jurisdiction in this regard in the future.

Mr. Chairman, we do not oppose passage of S. 974, as amended. The bill is essentially similar to one which passed the House last year.

In this year of the 25th anniversary of the Wilderness Act, it seems fitting that this measure should come before the House today. Nevada is one of only three Western States that has failed to complete action on a statewide wilderness act to add lands to the national wilderness preservation system. S. 974, as amended, would add approximately 733,000 acres in 14 areas to the National Wilderness Preservation System.

I am particularly pleased that S. 974, as amended, includes language to provide for the release of some 2.4 million acres of national forest lands not designated by the act for inclusion in the wilderness system, to be managed for multiple use purposes. Our experience has been that failure to resolve wilderness issues in a comprehensive manner and to provide for release of remaining lands only leads to continued confrontation between supporters and opponents of wilderness -- to the detriment of the individuals and communities who depend on these forests for their livelihoods, and, ultimately, to the detriment of the environment we all seek to protect.

The release and sufficiency language in S. 974, as amended, is similar to that which has been incorporated into other statewide wilderness bills. Its inclusion is critical to permitting the Forest Service to go ahead with its job of protecting wildland resources while also ensuring a sustained flow of the goods and services needed to permit businesses and communities to plan for the future.

Mr. Chairman, as always, the Committee on Agriculture remains committed to working with the Committee on Interior and Insular Affairs on matters such as these -- matters which are important for assuring the conservation and protection of the Nation's public lands. As we look down the road to possibly dealing with wilderness issues in the two States which have yet to resolve this statewide wilderness debate, I pledge our continued cooperation.

Mr. LEWIS of California. Mr. Chairman, before the gentleman from Texas [Mr. de la Garza] does that, I wonder if the gentleman would be willing to yield to me? I would like to ask the chairman a couple of questions if I might.

Mr. de la GARZA. Mr. Chairman, I am happy to yield to the gentleman from California [Mr. Lewis].

Mr. LEWIS of California. Mr. Chairman, as the gentleman knows, there are a number of Members in the West who are concerned about wilderness issues. Some of them are handled under the gentleman's committee, when the Forest Service is involved, and some are handled under the Committee on Interior and Insular Affairs. We have been working on this a long period of time as it relates to California.

The reason I address the gentleman from Texas, although Nevada is not in my territory, with the Committee on the Interior and Insular Affairs, they are being dealt with the gentleman's committee through the Forestry Service. I am concerned that the Forest Service, operating with the gentleman's committee, has made specific recommendations regarding acres that would be a part of wilderness. That agency's recommendations are being ignored in this bill, in the sense that a sizable number of acres has been increased that will be in wilderness, in spite of the recommendations of the Forestry Service.

Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the distinguished chairman for yielding to me.

Of course, the Committee on Agriculture, as the gentleman pointed out, has a special role here in terms of dealing with what we call the release language, and with some of the administrative responsibilities. However, the boundaries with regard to wilderness are solely or principally in the responsibility [*H8838] of the Committee on Interior and Insular Affairs.

Of course, the question that the gentleman raises, the gentleman is correct that the recommendations to Forest Service are in excess of 400,000 acres plus in special management areas, and other that were submitted to Members and studied over a period of some three sessions of Congress for the past 5 or 6 years.

There is reason for that, and I believe that I and others will be able to explain, and to explain the process that has gone on here in this particular instance.

Mr. LEWIS of California. If the gentleman will continue to yield, it is my understanding further that in the discussions that have taken place about wilderness in Nevada, there were elements of the originally proposed wilderness and specifically expressed concerns about vital resources that might be locked up permanently if one arbitrarily drew lines beyond that recommended by the Department.

I do understand that there are some very important resources that are currently under the lines drawn here, the Department did not recommend, and Mr. Chairman, frankly that is very disconcerting to me if a precedent like this takes place in a relatively small State like Nevada and becomes a precedent for actions that might affect a larger circumstance in my own territory and the rest of California.

Mr. de la GARZA. Mr. Chairman, I will tell my distinguished colleague that I do not intend this, and hope that it is not taken as a precedent that we would go bill by bill and issue by issue.

This certainly, as I stated in my original statement that we insist on maintaining our jurisdiction, and we would look at every piece of legislation that falls into the category where they have either a joint or sequential referral that we would like specifically at that particular bill. In this situation we felt that, by the request of the Senator from Nevada, and working with the subcommittee in the Interior, that the issues had been addressed and that there was nonunanimity. That is unfortunate.

However, we were satisfied that the issues were addressed, but in no way do we yield on our responsibility on oversight and jurisdiction for any future event.

Mr. LEWIS of California. If the gentleman will continue to yield, I appreciate that.

The fundamental point I want to make is that I am personally convinced that the very fine personnel that make up, and I do not mean just to use your time, but I am raising serious questions here.

Mr. Chairman, I believe that the personnel of both the Bureau of Land Management and the Forest Service are very fine people, dedicated professionally at doing their job. When the Forest Service makes recommendations relative to what is appropriate wilderness and arbitrarily the committee expands those numbers of acres very sizably, and in doing that, cuts off permanently resources that could be very concerned about that.

Indeed, I know of the gentleman's deep respect to the personnel of the Forest Service. They are not just schlocks. They are schlocks doing a job out of their hip pockets. They made the recommendations seriously. I hope we will discuss this. I know we will discuss this more intensely when the amendments come before Members, but I hope we focus on the questions I raise here.

Mr. de la GARZA. Mr. Chairman, I thank the gentleman, and I assure him and all of my colleagues from the West that would yet be impacted with this issue that we would be very happy to work with him and cooperate with him in a responsible way.

Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Minnesota [Mr. Vento].

The CHAIRMAN pro tempore (Mr. Montgomery). Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota [Mr. Vento] has 18 minutes remaining, the gentlewoman from Nevada [Mrs. Vucanovich] has 6 minutes

remaining, and the gentleman from Oregon [Mr. Robert F. (Bob) Smith] has 9 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Nevada [Mr. Bilbray].

Mr. BILBRAY. Mr. Chairman, I would like to thank the gentleman from Minnesota [Mr. Vento], and his staff for the fine work they have done over the years on the issue of Nevada wilderness. I am sure that they are as happy as I to see this bill near completion.

Mr. Chairman, around the turn of the century President Teddy Roosevelt foreshadowed the need for our Nation to protect the beauty of its natural resources:

The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.

It is in the spirit of President Roosevelt's words that we consider today S. 974, the Nevada Wilderness Protection Act of 1989.

If there is one theme that I might stress today, it is that wilderness designation in the State of Nevada is long overdue. Nevada remains the only State in the country in which no wilderness has been designated since passage of the Wilderness Act of 1964.

Currently, Nevada has only the 64,000-acre Jarbidge Wilderness located in the Humboldt National Forest. For a State with a land mass of approximately 71 million acres, 87 percent of which is federally owned, it is almost embarrassing that only 64,000 acres, or one-tenth of 1 percent of the State, is protected as wilderness.

If Members will see the map of Nevada here, the black areas show the proposed wilderness areas. It is a very minimal amount. These numbers pale in comparison with those of Nevada's neighboring States: in Utah, 1.5 percent; Arizona, 2.8 percent; Oregon, 3.4 percent; California, 5.9 percent; and in Idaho, 7.6 percent of the State is protected as wilderness.

In response to Nevada's need for wilderness designation, I introduced H.R. 2320 and Senators Harry Reid and Richard Bryan of Nevada introduced S. 974, the Nevada Wilderness Protection Act of 1989. S. 974 would designate 14 Forest Service wilderness areas totaling 733,400 acres. In addition, over 2.4 million acres of studied land would be released for other multiple use purposes. The bill also recognizes existing grazing permits and valid existing mining rights; and permits hunting, fishing, handicapped access, and horseback riding. This bill is nearly identical to legislation that I sponsored in the 100th Congress which passed the House by voice vote.

The history of Nevada wilderness before this body can best be described as exhaustive. There have been a total of 11 formal hearings on Nevada wilderness before both the House and Senate, and this does not include the numerous informal meetings that took

place on the Nevada wilderness tour in 1985. With the exception of Alaska wilderness, I think that it is safe to say that the hearing record on Nevada wilderness is one of the largest and most extensive records ever accumulated on a wilderness issue.

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

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

Mr. LEWIS of California. When the gentleman mentioned the existing grazing rights, I am concerned about a problem once again in California. Are those rights permanently available, or do they end when the current agreement expires, the current leasing agreement expires?

Mr. BILBRAY. Mr. Chairman, I will defer to the gentleman from Minnesota [Mr. Vento] from the Committee on Interior and Insular Affairs.

Mr. VENTO. Mr. Chairman, if the gentleman would yield.

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

Mr. VENTO. Mr. Chairman, the existing grazing permittees would be able to fulfill their rights. There is a specific provision in the bill.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield further?

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

[*H8839] Mr. LEWIS of California. Mr. Chairman, do they terminate at the end of the existing contracts?

Mr. VENTO. If the gentleman would continue to yield to me, in other words, they would function in the same way they functioned under existing law.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEWIS of California. I am not sure the gentleman answered the question. I am sure he does not choose to avoid the answer.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I only have a limited amount of time.

Nevada wilderness is not a new issue to most Members of this body. Legislation very similar to S. 974 passed the House in both 1986 and 1987, but subsequently died in the Senate each year. This year, however, marks the first time in history that a Nevada wilderness bill has passed the Senate. Enacting a responsible Nevada wilderness bill has

been the number one legislative priority for myself and Senators Reid and Bryan in the first session of the 101st Congress.

The Interior Committee acted on two important issues during the markup of S. 974: First, the committee accepted the Senate-passed water rights language included in section 8 of the bill. The language makes explicit Congress' intent to provide sufficient water to fulfill the statutory purposes for which the areas are being set aside by expressly reserving water rights for the Nevada wilderness areas. This language is necessary in light of the July 1988 opinion of the Solicitor of the Department of the Interior denying a wilderness water right in the absence of express language; second, the committee deleted Senate-passed language which would have allowed the construction of military overflight installations in four wilderness areas. As it was originally written, this language would have severely breached the integrity of the Wilderness Act. The committee acted very responsibly in modifying this language so that it now reflects a balance between the needs of the military and the concerns of wilderness supporters.

Mr. Chairman, S. 974 best represents the desires and concerns of all Nevadans; it is essentially a compromise piece of legislation. One only has to look at the other Nevada wilderness proposals before this body to recognize that S. 974 represents the concerns of all segments of Nevada's population. My good friend and colleague from Georgia, Congressman Darden, has introduced legislation which would set aside some 1.4 million acres as wilderness in the State of Nevada. My Republican colleague from the State of Nevada, Congresswoman Vucanovich, has a bill which would designate approximately 132,000 acres as wilderness. S. 974 represents a compromise between these two bills and of the conflicting views surrounding wilderness designation in the State of Nevada.

Mr. Chairman, the time for further debate on the issue of Nevada wilderness is over, and the time for passing a Nevada wilderness bill is now. S. 974, the Nevada Wilderness Protection Act, is a thoughtful, responsive piece of legislation that is the result of many years of hard work, diligence, and compromise. I urge your support for S. 974 without amendment so that Nevada may protect some of its most beautiful and pristine forest lands for ourselves and for our children.

The CHAIRMAN pro tempore (Mr. Montgomery). The gentlewoman from Nevada [Mrs. Vucanovich] has 6 minutes remaining, and the gentleman from Oregon [Mr. Robert F. (Bob) Smith] has 9 minutes remaining.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. Craig].

Mr. CRAIG. Mr. Chairman, I thank the gentlewoman from Nevada [Mrs. Vucanovich] for yielding.

I stand in opposition to S. 974, the Nevada wilderness legislation that is before us, for a variety of critical reasons that I think remain extremely important in Western States and to the whole of our Nation.

Members have heard my colleague from Oregon speak of the water rights issue. I will not address that, but I do want to be associated with those remarks. I find them fundamentally important to Western States, large public land States, and the importance of water in those arid Western States.

Mr. Chairman, let me speak briefly tonight of another issue I find most critical and important, the mineral resources of our country.

As the ranking member on the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs, this year we have been in Nevada, been across the State of Nevada, looking at a unique and unusual situation, at least in the modern day sense.

There is a mineral rush, a gold rush, if you will, going on in the State of Nevada. As a result of that, where we were once importing well over 50 percent of our gold needs in this country, today we are nearly even, and in the near future we will be in surplus and might even be exporting gold, largely because of what is going on now in the State of Nevada.

Thousands and thousands of new jobs have been created in that State, which in large part can be called a gold rush State. There is a boom underway.

The reason I bring this to the attention of Members is 20 years ago if one had asked any mineral expert, if one had asked the Bureau of Mines of this country, if there was any known valuable metals within the areas that are being mined today that should be preserved, the answer would have been no.

If the recommendation for those areas had been wilderness and the U.S. Geological Survey had been asked can they be locked up, are there no known valuable resources, the answer would have been yes, lock them up, we see no valuable resources.

That is the issue here today, Mr. Chairman, and why we must not lock up willy-nilly the thousands and thousands of acres of land where we know not the resources.

It is valuable to our national well-being, it is clearly valuable to the employment and the economy and the State of Nevada, and I certainly support the gentlewoman from Nevada [Mrs. Vucanovich] in her effort to amend this important legislation to reduce those acreages.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. Skeen].

(Mr. SKEEN asked and was given permission to revise and extend his remarks.)

Mr. SKEEN Mr. Chairman, what we are dealing with here is summed up in the word "precedent." It has always been a little entertaining to me around this place when Members say we ought to rely on experts to give us information unless we choose not to accept it.

In this case we are going to ignore a lot of expertise, from the Forestry Service, from the BLM on land management, some of the best land management people we have.

In this case we are doing something that is being done in the West, west of the 30-inch Rainfall Belt, that I think is very significant, and maybe a lot of other Members from other parts of the United States do not understand.

We are going to set a precedent, first of all, of cramming as much land as we possibly can into wilderness areas. I think that is an admirable purpose, but we are losing sight of what has happened to the definition of what is wilderness area land.

In this bill, one which I cannot support without the amendments that the gentlewoman from Nevada [Mrs. Vucanovich] is going to offer, we are going to go almost half-again in asking for land that is not recommended to be put into the wilderness areas.

I come from a State that has more wilderness area than probably any other State in the United States. We are happy that that is dedicated to it.

Mr. Chairman, we also have a plan to extend that to almost three times what we have now, and add to this the precedent of adding more land that is not recommended by the Forest Service or by the Bureau of Land Management, and put on top of it the precedent of taking an implied water right makes this an almost intolerable situation because the water rights we have in the State of New Mexico and in [*H8840] other Western States that have to, I think, nurture every drop of water, preserve every drop of water, within our boundaries, gives us some of the best water laws in the State, and when we override them and roll over these folks in putting an implied water right, then we are setting this thing up for the whole wilderness plan that encompasses most of the western part of the United States.

So, Mr. Chairman, I am here to say:

Let's use some real reason in this thing. Sure there are places in this country that we need to make wilderness areas. Yes, we're dedicated to it, we've been dedicated to it, but don't make it a wholesale land grab, and then on top of it roll over States in water rights. If they need water rights for a specific need in a wilderness area, let them go to the authorities within that State and under the established laws because those laws are better than the United States has, and, if you want to protect the water resources of those States, let these lands, or land in these western lands and these western States, preserve the kind of water rights that have given us the supply that we have today, and conserve what we have.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. Darden].

(Mr. DARDEN asked and was given permission to revise and extend his remarks.)

Mr. DARDEN. Mr. Chairman, as the author of one of the three Nevada wilderness bills introduced in the House this year, I am pleased to support the bill now being considered by the full house.

While there have been significant differences of opinion about the proper amount of wilderness designation in Nevada, the bill before us now has been approved both by the Senate and by the House Interior Committee. Thanks to both Chairman Vento and the bill's principal sponsor, Senator Reid, I believe we have developed legislation which ensures that the people of Nevada and the entire nation have a substantial portion of the pristine land in this State protected for future generations.

As a Georgian, I am always impressed with the beauty and vast openness of the public lands in the western United States. I have had the pleasure of visiting Nevada with several of my House colleagues, and I have seen first-hand many of the areas included in this wilderness bill. While I would have preferred my own proposal, which would add 1.4 million acres of wilderness instead of only the 733,000 included in this bill, I believe we can no longer delay enactment of legislation to expand wilderness areas in Nevada.

The importance of protecting wilderness areas and preserving public lands cannot be overstated. I urge my colleagues to join me in supporting S. 974.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. Thomas].

(Mr. THOMAS of California asked and was given permission to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Chairman, although there are not many of us in the Chamber, I think the matters being discussed here are significant, and I would very much like to get the attention of the gentleman from Minnesota [Mr. Vento], the subcommittee chairman, to ask him a question. Is some of the expensive staff we have on the floor would allow the subcommittee chairman to respond to a question, I would appreciate it.

Mr. Chairman, I have heard that there have been a number of hearings on the Nevada wilderness bills, and I guess my question is: How many subcommittee hearings have there been in Nevada on the bill which contained the water rights question?

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

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

Mr. VENTO. Mr. Chairman, there have been two field visits to Nevada. They have been visited, and they have been here talking about water rights here in Washington in all three of the last Congresses, but not in Nevada. There have not been hearings as such, just there have been field visits, but we have heard from the State, the water engineer of the State who has a principal responsibility for this, who agrees with the water language in the bill, and the attorney general, who does not agree with the water language in the bill.

Mr. THOMAS of California. Mr. Chairman, I appreciate the answer of the gentleman from Minnesota [Mr. Vento].

Mr. Chairman, the answer was: There have been no hearings in the district on legislation that will involve significant, radical, new changes in water rights.

I noticed the gentleman from Nevada [Mr. Bilbray] had a map of Nevada and pointed out how puny and small the wilderness areas were in the entire State of Nevada.

Mr. Chairman, I would direct a question to the gentleman from Nevada [Mr. Bilbray]. How many of the acres of proposed wilderness in Nevada are in the gentleman's district?

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

Mr. THOMAS of California. I yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, there are none in my district.

Mr. THOMAS of California. Mr. Chairman, I appreciate the response of the gentleman from Nevada [Mr. Bilbray].

Mr. Chairman, I think my colleagues have pretty well got the picture, and one of the reasons I wanted to take the floor is that this is not an unusual circumstance when dealing with wilderness. I have a significant portion of my district which shares a border with the State of Nevada, and what has occurred time and time again -- --

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield 15 seconds?

Mr. THOMAS of California. Mr. Chairman, I do not have very much time.

The SPEAKER pro tempore (Mr. Montgomery). The gentleman from California [Mr. Thomas] has the time. He does not have to yield.

Mr. THOMAS of California. Mr. Chairman, ever since the revolutionary change in reapportionment where the Supreme Court said, rightly so, in the area of representation said, "Trees don't vote, cows don't vote, fences don't vote; the only thing that votes are people, so you have to divide up the House of Representatives on the basis of people," and I agree with that in terms of voting, but what is occurring here today, and what will occur with other wilderness bills, are people in urban areas who have none of the

wilderness in their district, they are being asked to vote on wilderness legislation which contains measures which have never been heard in the areas which are going to be directly affected by the legislation passed.

Mr. Chairman, I would ask the people of the House of Representatives to listen to the gentlewoman from Nevada [Mrs. Vucanovich] who has all of the wilderness in her area and who is trying to represent the people who are going to be directly affect by this legislation. It is true a majority of people are going to be represented by more people than the gentlewoman from Nevada [Mrs. Vucanovich], but it is also true that every person directly affected by this wilderness legislation are her constituents.

Mr. Chairman, I think it is about time that people who live in urban areas and want to dictate to the people who represent rural areas at least hold hearings on these questions in the areas that are going to be affected.

Now it has been said hearings have been held. Hearings have not been held directly affecting the economic future of people who live in the area of this wilderness bill on the question of water rights. It simply has not been done, and although we can quarrel about the number of acres being locked up, not because we are against wilderness, but because we believe it is overreaching; it is overreaching in this bill and in a number of other bills, it is simply a desire to quantify acres, not in terms of how to have access to it, not in terms of how we establish a quality wilderness experience. It is piling up acreage.

Mr. Chairman, the fundamental point in this bill is a precedent for all other bills, so please listen to the people who represent those who have to make their living and who actually live adjacent to the wilderness areas. The water amendments of the gentlewoman from Nevada (Mrs. Vucanovich) are reasonable. They are appropriate [*H8841] in my opinion, and it is absolutely essential to get the signature of the President of the United States. If it takes the President vetoing this legislation to give those who represent the urban areas, who seem to want to do everything in the wilderness areas, to realize that the people who actually represent the area ought to have a hand in the shaping of the legislation, then so be it.

I would hope that is not necessary and that the amendments of the gentlewoman from Nevada will be accepted.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Kostmayer].

Mr. KOSTMAYER. Mr. Chairman, I just want to commend the gentlewoman from Nevada who has fought very hard and very fairly on this bill, and remind my good friend, the gentleman from California, that it is my understanding that both of the U.S. Senators from Nevada support the legislation which is before us today, and so does the Governor of the State of Nevada.

Let me speak very briefly, and frankly with not a great deal of expertise on the issue of water rights. It is my understanding that the Secretary of Agriculture will make a judgment as to how much water is needed in the wilderness area, and then he must go to the State court, and operating in the State court under State law a judgment will be reached whether the Secretary of Agriculture is correct or incorrect.

Let me if I could just for an additional second read to you very briefly the testimony of a man called Peter G. Morros, who is the State engineer in Nevada, who spoke very specifically to this issue of water rights and said:

Reserved water rights for wilderness purposes with this priority could not have any adverse effect on existing water right holders in the State of Nevada.

The State engineer of Nevada goes on to say:

The act also provides for the filing of claims for the quantification of water rights in an appropriate stream adjudication would be conducted under procedures set forth in the Nevada State water law.

Finally, it is my opinion and conclusion that provisions, criteria and conditions set forth under section 8 of S. 974 adequately protect the continuing authority and jurisdiction of the State of Nevada. Existing rights established through the use of water arising on or flowing from areas proposed for wilderness designation are also adequately protected.

This is a State official, who points out that these questions will be determined under the auspices of State law in a State court. This is not, nor should it be construed to be a usurpation of State law by the Federal Government.

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

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

Mr. VENTO. This is not just a State official. It is the State water engineer of Nevada, and in that same statement he points out that he would not be for this if in any way he felt that the language that was specific in the bill would usurp State rights.

I think it is abundantly clear that this issue is an important issue and its solution is one that is unique to Nevada, and that this is not a precedent in this particular instance.

The fact is that the committees of Congress have passed separate water language on the Amalpai legislation, on the two park measures, just off the top of my head.

The fact that the wilderness legislation for Montana that was passed, and unfortunately did not receive the signature of the President in the last Congress, we also had language respecting the water rights matter; so this is no precedent.

Section 8 of S. 974 deals with Federal reserved water rights for wilderness. This language only applies to wilderness areas in Nevada and does not apply to any other State and it is not our intent that it set a precedent for wilderness legislation for any other State. Furthermore, the majority of elected officials in Nevada worked together to develop this language. It is supported by Congressman Bilbray, both Senators, the Governor and the State water engineer.

Section 8 simply states that there is reserved to wilderness such water as may be needed to carry out the purposes of the wilderness. Pursuant to the McCarran amendment, the Forest Service will have to work with the State of Nevada in the State water court to determine how much water that may require. Section 8 is not intended to be a statement by Congress that this is the only method for reserving water for future reservation or for interpreting water language included in past designations.

The existence of a Federal reserved water right does not exclude the rights of the States to manage their waters, as some fear. In fact, and in practice, Federal reserve rights are important supplements to State law in that Federal purposes can be and often are recognized and protected under the procedures of State water laws.

By enacting this bill, Congress intends that the relationship that now exists between Federal and State water law, be continued. This relationship includes the opportunity for State courts to quantify Federal reserve water rights in general stream adjudications. Once adjudicated, the Federal water right is on par with all water rights adjudicated in the State system with the same reservation date.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. Hansen].

Mr. HANSEN. Mr. Chairman, I appreciate my colleague yielding me this time.

I would hope the folks from the East would take into consideration that there is a lot of public ground out in the West area.

Also, in the 1964 wilderness bill, for the first time they came up with a legal definition of what constitutes wilderness. I carried that around with me for a lot of years and tried to explain to people what it really is, but it seems that around here we kind of violate that principle.

What constitutes wilderness says this, "Untrammelled by man, as if man was never there."

It goes on in the addicta to point out that there are no roads, so we refer to it as a roadless area.

We talk about no water riponds, no fences, no anything that is in that particular area.

So now as we look at what is being proposed in this particular Nevada wilderness protection plan, this 733 acres, we are finding roads and we are finding areas that do not fit a wilderness bill. You know, after this bill was passed we insisted that the Agency spend millions of dollars to determine what they will look at. In this particular area, when they looked at over 2 million acres, what is the recommendation they finally came up with? Four hundred and twelve thousand acres, substantially less than what is being suggested in this particular bill.

Please keep in mind, my friends from the East, that those of us out in the West who have these big land States, we really would like to keep it within the definition. We would really like to do what the gentlewoman suggests. We would like to have the people who live there, who actually are on the spot, who make their living there, keep up with this recommendation, and also to follow the definition. If we followed the definition as it was given to us in 1964, I do not think we would mind having you folks come and tell us what to do, but we do not see that really happening.

So I would suggest that we take this in mind, think about it a little bit as if it were your own State, Pennsylvania, Minnesota, or wherever it may be, and realize that we have people trying to earn a living, trying to herd cows, trying to do some clearcutting, trying to do some mining and come back with a definition where we can come up with a reasonable amount of acreage.

I would suggest and urge my colleagues to follow the gentlewoman's recommendation when it come to substantially reducing the amount of wilderness.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. Williams], a member of the committee.

[*H8842] Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

I encourage my colleagues on both sides of the aisle who are listening tonight to take heed to the words of those who say, "Look, pay attention to the West on this," because these water rights and these issues of public land are very critical out our way.

I represent the western half of the western portion of Montana here in the House, so I pay great heed to those words and I hope my colleagues will, too. When you do on this legislation wonder how westerners are coming down on it, I ask you to remember that every western Senator signed off on this very legislation as it passed the Senate. They signed off on the water language, the western Senators did. The bill passed the Senate about a month and a half ago.

Gov. Bob Miller is the Governor of Nevada. He likes this bill. He likes the water language that is in this bill and has written to Speaker Foley saying that he likes this language.

The Representative of Nevada who is on the floor and joining in this debate today is supportive of this legislation and the water language that has passed both the Senate and the House Interior Committees, on which westerners sit.

So yes, I encourage my colleagues to be very careful in giving to us westerners some leeway in determining how our States can best protect water, how we can best manage the public lands.

What I am sensing, though, is that because many westerners have risen today in opposition to this bill, it is beginning to appear as though every westerner and everyone from Nevada is against the bill, and I simply wanted to point out as a westerner myself that that is just not so.

Mr. ROBERT F. (BOB) SMITH. Mr. Chirman, I yield such time as he may consume to the gentleman from Alaska [Mr. Young].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to this legislation and strongly support the amendments to be offered by the good gentlewoman from Nevada tomorrow.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. Shumway].

(Mr. SHUMWAY asked and was given permission to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman from Oregon for yielding this time to me.

Mr. Chairman, having been hit by this steamroller in California a few years ago, expecting to be hit again next year, I understand very much the frustration that the gentlewoman from Nevada feels. I fully intend to support her amendments and others that may be offered tomorrow.

I speak as one who enjoys wilderness. I spent a lot of summer vacations backpacking and enjoying the out-of-doors in my own State of California. I can see that it is good to have wilderness; but I think the question is, how much do we need? Where do we draw the line? Are there any limits at all?

Every time we approach one of these bills we first have a study made and we have recommendations prepared, and those things come back to us. Every time they come back, as I have seen it, we have always exceeded those recommendations by what we finally get here on the floor to vote on.

I think in the process we lose sight of the fact that this property that we are dealing with belongs to all Americans, and by putting it into wilderness status we are limiting the entry to it to some people. We are outlining certain kinds of improvements to it. We are outlawing any productive use to be made of it. We are outlawing many of the traditional recreational purposes to which it has been put. We are setting it aside as a special enclave for a few people. I think we should do that very slowly, very carefully, very deliberately, and I hope that we will consider the amendments tomorrow and adopt them.

Mrs. VUCANOVICH. Mr. Chairman, I would like to point out to both the gentleman from Pennsylvania and the gentleman from Montana who have said that our Governor and the two Senators from Nevada are all supportive of the bill that all of them come from an area that is not where any of the wilderness is being considered, including my other colleague, the gentleman from Nevada [Mr. Bilbray]. They all come from the southern part of the State.

Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. Thomas].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to rise in support of the amendment she will offer tomorrow and am concerned, and express my concern, about the water language that exists.

I might tell the Members that next year my State will celebrate its 100th anniversary, and we came into the Union, and one of the things that has been most important to us is the retention of the ability to administer and to adjudicate the water that rises within the State of Wyoming. We are very concerned about it.

The uniqueness of our State and the Western States, we have some 50 percent that belongs to the Federal Government. Some States have more.

The other is that we have had and seek to control the water within our State. We are most concerned as we move from designating forest areas to designating BLM areas as wilderness that they will not be at the highest water and that it will restrict the use of the lands above the water.

I support very strongly my colleague's amendment on water.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I, of course, have risen to support the bill. It is a very good bill. I think the point that has been made here that somehow the Senators that represent the State do not represent or do not come from the area, they represent the State. They have stated their views.

The gentleman from Montana is exactly right, when the water language was written it was a bipartisan effort in the Senate. It was brought home to me that the Senate had passed and insisted upon water language that recognizes the right of the States to adjudicate such water for wilderness areas. That is precisely what this language does.

During the amendment process, I think we will have an opportunity to debate that, but I think the fact is that three out of four Members that represent Nevada in the Congress are strongly supportive of this.

Mr. Chairman, I am concerned when I hear the expression about the amount of wilderness. Nevada has 5.2 million acres of forest lands. About half of that, a little better than half of that, was roadless. There are some very pristine and very special areas in the State of Nevada, and that was studied and, of course, with the enactment of the possibility this would only be about 15 percent of the Forest Service areas that would remain roadless if this bill were to be enacted in its present form. That is well below the average amount of wilderness in most other national forests.

In fact, this is well below what has occurred, for instance, just in the bill that we passed on suspension here with the support of the gentleman from California [Mr. Lagomarsino], who supported that, and about 45 percent of the Los Padres National Forest in the wilderness.

The fact is that this is really a modest effort. The gentleman from Georgia [Mr. Darden] and others had introduced bills that had in excess of 1 million acres of wilderness in them. This House has passed bills in the 99th Congress with about 750,000 acres of wilderness. In the last Congress we passed a bill that had 825,000 acres of wilderness recommended.

The fact is that we have, indeed, acted in those bills. I might add that in last Congress it was passed on suspension.

Clearly there are differences that occur from year to year in some of these bills. We have made an effort here to structure a bill that avoids the major mineral areas in the State, that avoids the major oil and gas resources of the State. Frankly, we have listened to those that have come to us that have had the legitimate information [*H8843] and shared that information with us in the committee. We have used all the information available to us.

There is a good hearing record both from the Senate and the House side that this legislation is based upon. It has been the subject of extensive hearings. The fact is we have taken part of these areas and made them into national parks.

Very often Congress does not always follow exactly what land management agencies have requested. We need the special information and expertise they have, and we have reserved for the U.S. Congress to make decisions as to the classification and designation of wilderness lands. We think it is that important, how we classify and use our public lands.

Mr. Chairman, that is what we are about today. We are doing, in a responsible and deliberate manner, in consideration of the types of concerns and the economy of the great State of Nevada and the other States that we respond to in term of classification, and as long as I serve as chairman of the committee and have this responsibility of the subcommittee, I will try to do that.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I might point out to the chairman of the subcommittee that as far as people in the West are concerned, more is not necessarily better.

Mr. Chairman, I would like to reiterate the administration's position on this bill. The Secretary of Agriculture strongly opposes this bill unless it is amended to reflect the recommendations of the Forest Service planning process.

I will offer such an amendment, but let me make it clear to my colleagues that I intend to go to the White House with my Interior Committee minority colleagues behind me and urge the President to make good on this veto consideration.

I urge my colleagues to support the President on the acreage recommendations and to support me on the water-rights amendment.

The CHAIRMAN pro tempore (Mr. Montgomery). All time has expired.

Pursuant to the rule, the bill is considered under the 5-minute rule by sections and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

The CHAIRMAN pro tempore. Are there amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

- (1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map entitled "Alta Toquima Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";
- (2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness -- Proposed", dated May, 1989 and which shall be known as the "Arc Dome Wilderness";
- (3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness";
- (4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness" -- Proposed", dated May, 1989, and which shall be known as the "Current Mountain Wilderness";
- (5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled "East Humboldts Wilderness -- Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";
- (6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition -- Proposed", dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));
- (7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Mt. Rose Wilderness";
- (8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";
- (9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness -- Proposed", dated September, 1989, and which shall be known as the "Ruby Mountains Wilderness";
- (10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness -- Proposed", dated May, 1989, and which shall be known as the "Mike O'Callaghan Paradise Peak Wilderness".

COMMITTEE AMENDMENTS

The CHAIRMAN pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 11, strike "May 1989" and insert "October, 1989".

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 23, strike "'Mike O'Callaghan-Paradise Peak Wilderness'" and insert "'Santa Rosa-Paradise Peak Wilderness'".

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 2?

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Vucanovich: Page 1, beginning on line 6:

Strike section 2 and insert the following:

"SEC. 2. DESIGNATION OF WILDERNESS AREAS. "

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System: "

(1) certain lands in the Toiyabe National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled 'Alta Toquima Wilderness -- Proposed', dated November 1989, and which shall be known as the 'Alta Toquima Wilderness'; "

(2) certain lands in the Toiyabe National Forest, which comprise approximately 94,000 acres, as generally depicted on a map entitled 'Arc Dome Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Arc Dome Wilderness'; "

(3) certain lands in the Inyo National Forest, which comprise approximately 8,900 acres, as generally depicted on a map entitled 'Boundary Peak Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Boundary Peak Wilderness'; "

(4) certain lands in the Humboldt National Forest, which comprise approximately 18,500 acres, as generally depicted on a map entitled 'East Humboldts Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'East Humboldts Wilderness'; "

(5) certain lands in the Humboldt National Forest, which comprise approximately 26,400 acres, as generally depicted on a map entitled 'Jarbidge Wilderness Addition -- Proposed', dated May, 1989, and which [*H8844] are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132 (a)); "

(6) certain lands in the Toiyabe National Forest, which comprise approximately 16,100 acres, as generally depicted on a map entitled 'Mt. Rose Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Mt Rose Wilderness'; "

(7) certain lands in the Humboldt National Forest, which comprise approximately 67,600 acres, as generally depicted on a map entitled 'Ruby Mountains Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Ruby Mountains Wilderness'; "

(8) certain lands in the Toiyabe National Forest, which comprise approximately 42,500 acres, as generally depicted on a map entitled 'Mt. Charleston Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Mt Charleston Wilderness'; "

(9) certain lands in the Humboldt National Forest, which comprise approximately 43,100 acres, as generally depicted on a map entitled 'Grant Range Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Grant Range Wilderness'; "

(10) certain lands in the Humboldt National Forest, which comprise approximately 60,700 acres, as generally depicted on a map entitled 'Mt. Moriah Wilderness -- Proposed', dated May, 1989, and which shall be known as the 'Mt. Moriah Wilderness';

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

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

There was no objection.

Mr. VENTO. Mr. Chairman, is this the amendment that we have received earlier this evening?

Mrs. VUCANOVICH. Mr. Chairman, that is correct.

Mr. VENTO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Kostmayer] having assumed the chair, Mr. Montgomery, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, had come to no resolution thereon.