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**CURRENT NATIONAL PARKS LEGISLATION**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED TENTH CONGRESS  
SECOND SESSION  
ON

<b>S. 1774</b>	<b>S. 3017</b>
<b>S. 2255</b>	<b>S. 3045</b>
<b>S. 2359</b>	<b>S. 3096</b>
<b>S. 2943</b>	<b>H.R. 1143</b>
<b>S. 3010</b>	<b>H.R. 3022</b>

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JUNE 17, 2008



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# CONTENTS

## STATEMENTS

	Page
Akaka, Hon. Daniel K., U.S. Senator From Hawaii .....	1
Boxer, Hon. Barbara, U.S. Senator From California .....	8
Burr, Hon. Richard, U.S. Senator From North Carolina .....	2
Christensen, Hon. Donna M., Delegate to Congress, U.S. Virgin Islands .....	4
Knechtel, Jon, Director of Trail Management/Acting Executive Director, Pacific Northwest Trail Association, Sedro-Woolley, WA .....	24
Martinez, Hon. Mel, U.S. Senator From Florida .....	10
Murkowski, Hon. Lisa, U.S. Senator From Alaska .....	3
Rey, Mark, Under Secretary, Natural Resources and Environment, Department of Agriculture .....	6
Taylor-Goodrich, Karen, Associate Director, Visitor and Resource Protection, National Park Service, Department of the Interior .....	12
Veni, George, Ph.D., Executive Director, National Cave and Karst Research Institute .....	37

## APPENDIX

Responses to additional questions .....	39
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## CURRENT NATIONAL PARKS LEGISLATION

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TUESDAY, JUNE 17, 2008

U.S. SENATE,  
SUBCOMMITTEE ON NATIONAL PARKS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:30 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

### OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. Good afternoon everyone. The Subcommittee on National Parks will come to order.

Despite holding hearings on almost 20 park and historic preservation bills in April and reporting most of those from the full committee in May, we still have many requests to consider new bills. Like the previous hearings, this hearing will cover a wide range of subjects including two national park wilderness proposals, new national trail designations, the first proposed national heritage area in the Forest Service, a historical commemorative commission, and a proposal to lease high value, national park lands to allow for continued operation of a resort.

At this point I'd like to list the specific bills that we will be hearing today. They include:

S. 1774 and H.R. 3022, which would designate certain lands as wilderness in the Sequoia-Kings Canyon National Park in California;

S. 2255, to authorize studies of the Chisholm Trail and the Great Western Trail for potential addition to the National Trails System;

S. 2539, to establish a commission to commemorate the 450th anniversary of the founding of St. Augustine, Florida;

S. 2493, to designate the Pacific Northwest National Scenic Trail;

S. 3010, to reauthorize the Route 66 Corridor Preservation Program;

S. 3017, to designate the Beaver Basin Wilderness in Pictured Rocks National Lakeshore in Michigan;

S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in Alaska;

S. 3096, to authorize appropriations for the National Cave and Karst Research Institute; and

H.R. 1143, to authorize the Secretary of the Interior to lease the Caneel Bay property in Virgin Islands National Park.

While many of the bills on today's agenda are supported by the Park Service and are not controversial, others raise important policy issues. I hope to use this afternoon's hearing to better understand some of the issues of concern. At this time I'd like to recognize Senator Burr, our ranking member of the subcommittee for his opening statement.

Senator Burr.

[The prepared statement of Senator Cantwell follows:]

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

Thank you Mr. Chairman for holding today's hearing on several important public lands bills and for including a bill I introduced with Senator Murray to designate the Pacific Northwest Trail a National Scenic Trail.

I'd also like to specifically welcome Jon Knechtel (Kuh-necktel) from Washington state, the Director of Trail Management and Acting Executive Director of the Pacific Northwest Trail Association.

Mr. Knechtel has worked tirelessly over the years, together with volunteers, partners, and students to promote, share, and bring greater recognition to the Pacific Northwest Trail.

My home state of Washington, and the Pacific Northwest in general, is home some of the most pristine nature and breathtaking scenery this country has to offer.

The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end it passes through three states, crosses three National Parks, and winds through seven National Forests.

Designating the Pacific Northwest Trail a National Scenic Trail will give it the proper recognition, bring benefits to countless neighboring communities, and promote its protection, development, and maintenance.

In 1980, the National Park Service and the Forest Service completed a feasibility study of the proposed Pacific Northwest Trail.

The study concluded that the Pacific Northwest Trail has the scenic and recreational qualities needed for designation as a National Scenic Trail.

Today, approximately 950 miles of the Pacific Northwest Trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States.

Three segments of the Trail have already been designated as national recreation trails.

Adding the Pacific Northwest Trail to the National Trail—System has gained the support of Commissioners in Clallam, Jefferson, Island, Skagit, Whatcom, Okanogan, Ferry, Stevens, and Pend Oreille Counties in Washington and Boundary County in Idaho.

Many County Commissioners and Mayors in numerous cities along the trail support the national scenic designation and the economic impact the trail has had on their communities.

National Scenic Trails provide recreation, conservation, and enjoyment of significant scenic, historic, natural, or cultural qualities. The Pacific Northwest Trail is a national prize and should be recognized as such.

I look forward to working with this committee to properly recognize one of the truly most scenic trails in our nation's land.

**STATEMENT OF HON. RICHARD BURR, U.S. SENATOR FROM  
NORTH CAROLINA**

Senator BURR. Thank you, Mr. Chairman. Good afternoon. Thank you for convening this very important meeting.

Now we do have a full agenda as usual. All of these bills are important. But two have caught my attention as I prepared for this hearing.

First is S. 3045 which would establish the Kenai Mountain National Heritage Area in the State of Alaska. Senator Murkowski can be assured that I'm not questioning the merits of this area for

national designation. But we need to take a close look at how it's been structured.

Of 40 National Heritage Areas that currently exist, all of them are placed under the jurisdiction of the Department of the Interior. S. 3045 would make the Department of Agriculture responsible for the Kenai Mountains Heritage Area. Why is it necessary to place it within agriculture? Is it the right thing to do? I'd like to discuss that with our witnesses today after receiving their testimony.

The second item of concern is H.R. 1143 a bill to authorize the National Park Service to arrange a long term lease with the proprietors of Caneel Bay Resort in the Virgin Islands National Park. At first glance this looks like we're authorizing a sole source contract and a sweet deal for a profit making company. I understand that the National Park Service views it as a beneficial arrangement for the U.S. Government and supports the legislation. I'm very interested in hearing the logic behind the Park Service's position this morning.

I'd like to thank the witnesses for being here today. I look forward to hearing their testimonies. At this time, Mr. Chairman, I would yield back.

Senator AKAKA. Thank you very much, Senator Burr. Now I'd like to call on Senator Murkowski for her statement.

Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR  
FROM ALASKA**

Senator MURKOWSKI. Thank you, Chairman. You know between the McCaskill, Mikulski and Murkowski, all three women. The fact that you got close was just fine.

Chairman, I want to thank you for adding S. 3045, which will establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area. This is in my State. I appreciate it being on the agenda today.

We have a very rich history in the State. But in spite of nearly a decade of effort, Alaska hosts not one single National Heritage Area. This would be the first for Alaska. I do believe it's about time.

The proposed Heritage Area designation has been endorsed by the municipality of Anchorage, the Kenai Peninsula Burrow and the Cities of Seward and Whittier as well as numerous conservation and historic preservation groups. This proposed Heritage Area would encompass some of Alaska's most beautiful and most accessible and most heavily visited places including the communities of Girdwood, Cooper Landing, Hope, Seward and Whittier. This area in the State draws many, many visitors, tens of thousands of visitors each year from every part of our Nation and around the world. Yet few of our visitors know much more about the area than that it offers some of the most picturesque scenery that our Nation has to offer.

The Kenai-Turnagain Arm Corridor Communities Association was created back in 2000 to promote the historic and cultural significance of this area. In 2000 the Senate passed legislation designating a heritage area under the auspices of the National Park Services National Heritage Area program. This legislation wasn't

enacted into law, but the Corridor Communities Association didn't give up. They worked over the past several years to refine their proposal.

The current proposal that we see in the legislation would establish our Nation's first National Heritage Area under the auspices of the Forest Service. This is the product of several years of conversations between the Chugach National Forest and National Park Service in the Alaska region. I'm told that the proposal fits within the strategic direction of the Chugach National Forest.

It is an outside the box, innovative approach to the Heritage Area concept. It was custom designed to address the capabilities, the limitations of the communities involved. It steers clear of some of the criticisms about National Heritage Areas that are often advanced here in the Senate. It's been described as a low budget approach which would leverage partnerships and existing facilities to tell the stories of these unique communities to the visitors that are drawn to the region.

This afternoon we'll hear from the Department of Agriculture and the National Park Service on S. 3045. The Corridor Communities Association has submitted testimony for the record along with supporting resolutions. I would ask that they would also be included in the record, and further ask that the endorsing letter of the National Park's Conservation Association be included in the record.

I'm pleased that we have the witnesses with us today and look forward to the testimony on this bill and the other matters on the agenda. Thank you.

Senator AKAKA. Thank you very much, Senator Murkowski. Now I'd like to call on Congresswoman Donna Christensen for your statement on H.R. 1143.

**STATEMENT OF HON. DONNA M. CHRISTENSEN, DELEGATE TO CONGRESS, U.S. VIRGIN ISLANDS**

Ms. CHRISTENSEN. Yes. Good afternoon. Good afternoon, Chairman Akaka, Ranking Member Burr, Senator Murkowski. It's good to be back here again.

Senator AKAKA. We're pleased to welcome you back to the subcommittee.

Ms. CHRISTENSEN. Yes, thank you and thanks for once again allowing me to make a brief statement in support of legislation that I sponsored, H.R. 1143 which would authorize the Secretary of the Interior to enter into a lease with the owners of Caneel Bay Resort in my Congressional District. I want to thank you for such a timely scheduling of this hearing on the bill.

Mr. Chairman and ranking member, members of the subcommittee, Caneel Bay traces its roots to Lawrence Rockefeller's coming to the Island of St. John in 1952. He purchased a then existing resort facilities and also acquired more than 5,000 surrounding acres to protect the area. In 1956 he donated the additional land to create the Virgin Islands National Park. At the same time he created Caneel Bay Resort comprising of 170 acres which complements and is environmentally consistent with the natural beauty of the park setting and that remains the case today.



Mr. Rockefeller subsequently decided to transfer the land underlying Caneel Bay to the National Park Service while retaining the improvements and continuing the Caneel Bay operations. He accomplished this through the execution of a series of unique agreements generally known as a retained use estate or RUE. H.R. 1143 became necessary because the RUE is slated to expire in 2023 and its current owners require more than its remaining 15 years to provide the capital and long term financing necessary to reverse some of the decline that's happening at the facilities at the resort and to make sure that we return it and keep it at the grandeur and stature that it deserves.

Mr. Chairman, other than the Virgin Islands National Park, Caneel Bay Resort is perhaps the single most important entity to the tourism based economy of St. John and the Virgin Islands in general. It is not an exaggeration to say that Caneel Bay helped to establish the U.S. Virgin Islands. The Island of St. John, in particular is a major tourist destination point playing a prominent role in the Islands economic renaissance.

Since its founding in October 1956 it has been and remains the paradise of choice for generations of families, many of whom return every year. It is the largest employer on St. John, employing approximately 475 workers. Many of whom spend their entire careers spanning two or three decades, some even more, as employees of Caneel.

The National Park Service testified in support of the bill when it was considered in the House. I hope that they will do so again today. We also worked with the executors of Lawrence S. Rockefeller's estate and the trustees of his family's conservation, non-profit, Jackson Hole Preserve to secure their support of the legislation which would provide the National Park Service leasing authority with certain conditions which we all believe can be addressed in the negotiations between the two parties.

In conclusion let me thank you once again, Mr. Chairman for holding this hearing on H.R. 1143 today. I look forward to working with you and your colleagues to move the bill to the floor of the full Senate and on to the White House for the President's signature.

Senator AKAKA. Thank you very much for your statement. Now I'd like to call the witnesses. Before we do that, are there any questions for our Congressman Christensen?

Thank you very much, Congresswoman Christensen. We normally have a separate panel for Administration witnesses. So we'll call on them. I want to thank you for being here and welcome your statement.

I would like to invite all three of our witnesses to come to the table at this time. In our next panel are the Honorable Mark Rey, Under Secretary for Natural Resources and Environment, Department of Agriculture;

Karen Taylor-Goodrich, Associate Director, Visitor and Resource Protection, National Park Service;

Jon Knechtel, Acting Executive Director, Pacific Northwest Trail Association.

Now I'd like to call on Honorable Mark Rey to begin with your statement.

**STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE**

Mr. REY. Thank you, Mr. Chairman. Thank Senator Murkowski, Senator Burr. Thank you for the opportunity to testify here today on S. 3045 which would establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in South Central Alaska.

In previous testimony before this subcommittee on similar legislation the Administration has recommended that the committee defer action on proposed individual heritage area designations until national program legislation is enacted that establishes guidelines and a process for the designation of the National Heritage Areas. We still support that position. As other specific designations have programmatic authorizations like the National Wilderness Act, the National Wild and Scenic Rivers Act, the National Trails Act, designations that the Heritage Areas lack.

Notwithstanding that view, the Administration appreciates the strong community advocacy for designation of the Kenai Mountains-Turnagain Arm National Forest Heritage Area. If feasible this designation would recognize the nationally significant history of the Kenai Peninsula by providing for the interpretation of the history and culture of the area. This designation upon a determination of the feasibility would also facilitate public enjoyment of these resources and would foster cooperative planning and partnerships among communities and State and Federal Government.

S. 3045 would designate one million, two hundred and 17 thousand and 600 acres on the Kenai Peninsula as a National Forest Heritage Area. Modeled after other National Forest National Heritage Areas administered by the National Park Service this would be, as already indicated, the first to be administered by the Forest Service. 89 percent of the lands within the proposed boundaries are part of the Chugach National Forest. The proposed Heritage Area is also surrounded by the remainder of the more than 5.3 million acres of the Chugach National Forest.

Like the National Park Service, the Forest Service values heritage resources and considers it part of the agency's mission to preserve and interpret them for the public. Indeed, this year, the Forest Service was given a Preserve America award for agency action in the heritage preservation arena by the First Lady.

The Administration believes that the rich history, spectacular natural resource values and community support merits the completion of a Heritage Area feasibility study will offer the evaluation of the area prior to designation. Completion of the study for this heritage area would assure the alignment with the management goal of the Chugach National Forest and provide a strong framework for collaborative management under which the significant historical resources of the area would strive, thrive and grow. Information covering many of the criteria for a National Heritage Area feasibility studies has already been gathered in previous studies for the Iditarod National Heritage Area—National Heritage Trail and the Seward Highway National Scenic Byway.

We recommend that a final feasibility analysis which could be conducted relatively quickly, be prepared that would consolidate all of this information into one document, make any Federal boundary

adjustments that may be necessary or identify any further unknowns. We would be more than willing to work with the committee on this scope of such an analysis.

Finally Section Eight of the bill would provide that all laws applicable to the Federal, tribal, State, local and private lands in the designated area would continue to apply. As part of the extensive public involvement in developing the revised management plan for the Chugach National Forest, the Forest Service worked directly with the proponents of the Heritage Area to incorporate goals and objectives into the forest plan that express the mutual interest in protecting and interpreting the cultural resources of the Kenai Peninsula. The local coordinating entity has worked tirelessly to bring the concept of a heritage area for this part of Alaska to reality. The Administration supports its energy and enthusiasm as it dovetails with Forest Service support for local communities on the Kenai Peninsula.

With that, Mr. Chairman, I would be happy to submit the entire statement to the record and respond to any questions that you've got.

[The prepared statement of Mr. Rey follows:]

PREPARED STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE, ON S. 3045

Mr. Chairman and members of the Subcommittee: Thank you for the opportunity to testify here today on S. 3045 which would establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska.

In previous testimony before this Subcommittee on similar legislation, the Administration has consistently recommended that the Committee defer action on proposed heritage area designations until national program legislation is enacted that establishes guidelines and a process for the designation of national heritages areas. We still support that position and recommend that the Committee defer action on S. 3045. The Administration appreciates the strong community advocacy for designation of the Kenai Mountains-Turnagain Arm National Forest Heritage Area. If feasible, this designation would recognize the nationally significant history of the Kenai Peninsula by providing for the interpretation of the history and culture of the area. This designation upon a determination of feasibility would also facilitate public enjoyment of these resources, and would foster cooperative planning and partnerships among communities, and State and Federal governments.

S. 3045 would designate 1,217,600 acres on the Kenai Peninsula as a National Forest Heritage Area. Modeled after other National Heritage Areas administered by the National Park Service, this would be the first to be administered by the Forest Service. Eighty-nine percent of the lands within the proposed boundaries are within the Chugach National Forest. The proposed heritage area is also surrounded by the remainder of the Chugach's more than 5.3 million acres.

Like the National Park Service, the Forest Service values heritage resources and considers it part of the agency's mission to preserve and interpret them for the public. The Administration believes that the rich history, spectacular natural resource values, and community support merits the completion of a heritage area feasibility study that would allow for evaluation of the area prior to designation. Completion of a feasibility study for this heritage area would assure alignment with the management goals of the Chugach National Forest and provide a strong framework for collaborative management under which the significant historical resources of the area would thrive and grow. Information covering many of the criteria for national heritage area feasibility studies has been gathered in previous studies for the Iditarod National Heritage Trail and the Seward Highway National Scenic Byway. We recommend that a final feasibility analysis be prepared that would consolidate all this information into one document, make any final boundary adjustments that may be necessary, or identify any unknowns. We would be willing to work with the Committee on the scope of the analysis.

Section 5 of the bill would designate a local non-profit coordinating entity to develop and implement a management plan for the heritage area. Section 6 would require the entity to submit the management plan to the Secretary of Agriculture for

approval or disapproval. The management plan would be consistent with the applicable Federal, State, borough, and local plans.

Section 7(a) would direct the Secretary of Agriculture to enter into a memorandum of understanding with the Secretary of the Interior to establish a general framework for cooperation and consultation in the review and implementation of the management plan. The Forest Service and the National Park Service will work cooperatively to support this community-based effort.

Section 7(c) would require the Secretary of the Interior to include the heritage area in nationwide releases, listings, and maps developed by the National Park Service about national heritage areas. The Administration recognizes the advantages and efficiencies to be gained by this requirement.

Section 8 of the bill would provide that all laws applicable to the Federal, Tribal, State, local, or private lands in the designated area would continue to apply. As part of the extensive public involvement in developing the revised Land Management Plan for the Chugach National Forest, the Forest Service worked directly with proponents of the heritage area to incorporate goals and objectives into the plan that express the mutual interest in protecting and interpreting the cultural resources of the Kenai Peninsula. The local coordinating entity has worked tirelessly to bring the concept of a heritage area for this part of Alaska into reality. The Administration supports its energy and enthusiasm, as it dovetails with Forest Service support for local communities on the Kenai Peninsula.

In conclusion Mr. Chairman, should S. 3045 be enacted to include a feasibility study that meets applicable standards for other heritage areas and provides Congress with the necessary information and assessment upon which to base its decision regarding designation in the future, the Forest Service looks forward to working with you, the local coordinating entity, and the National Park Service to carry out the intent of the amended bill. I would be happy to answer any questions you may have. Thank you.

Senator AKAKA. Thank you very much Mr. Rey for your statement and your full statement will be included in the record.

At this point I'd like to call on Senator Boxer and ask you for your statement.

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR  
FROM CALIFORNIA**

Senator BOXER. Chairman Akaka, Ranking Member Burr and members of the subcommittee, thank you so much for considering S. 1774, the Sequoia-Kings Canyon National Park Wilderness Act and for giving me the opportunity, which I greatly treasure, to testify in front of you today. Co-sponsored by Senator Feinstein this bipartisan, bicameral effort will protect almost 115,000 acres of spectacular high Sierra lands within Sequoia and Kings Canyon National Parks, including majestic, granite peaks, deep canyons, extensive caverns and awe inspiring Sequoia groves.

This bill is sponsored in the House by Representatives Jim Costa and Devin Nunes, a democrat and a republican. I'm so proud to have worked in close partnership with these Members of Congress over the last year and a half to get this bill negotiated, drafted and moved. Indeed just last Monday, this bill passed the House of Representatives by a voice vote. As you know in these contentious times it's—and that doesn't happen very often.

Specifically the bill would create one new wilderness area. We want to name it the John Krebs Wilderness, named after a former Congressman who is really an unsung conservationist and a man of extraordinary political courage and will expand one other, the Sequoia-Kings Canyon Wilderness. These areas, much loved by Californians and Americans from all over the country will remain open to the public for recreational activities, such as camping and

hiking and horseback riding, so future generations can enjoy them just as we have.

My testimony is brief. I have about another 2 minutes. I'd like to just show you what we're talking about in these magnificent photographs.

Senators, I think if you look at these photographs you'll see why this has no opposition. This is Mineral King Valley, the spectacular valley in the heart of this bill. We'll show you Mineral King in winter and about 7,000 of those are the John Krebs Wilderness Area. There. That's it.

Naming the new wilderness area, again created by this proposal after former Congressman Krebs, who's 82 now, is an overdue and fitting tribute to a great conservationist. He deserves our gratitude for preserving the pristine natural beauty of the park that we enjoy today.

I want to show you Redwood Mountain at sunrise. Redwood Mountain. The bill includes a designation for the Redwood Mountain Grove, the park's largest grove of the world's largest trees, sequoias.

The area also includes California's longest cave, Lilburn Cave with over 17 miles of surveyed caverns, the historic, old Hockett Trail, one of the cross Sierra routes in the Southern Sierra Nevada Range. This is Hockett meadow. This is so beautiful.

The tremendous diversity of the elevations and geology of these areas yield an equally diverse array of terrestrial, aquatic and subterranean ecosystems. Here's a chart of Chimney Rock. This image of Chimney Rock helps to demonstrate the vast array of geologic diversity here.

In turn the lands provide much needed habitat for wildlife including the Golden Eagle, Bighorn Sheep, the Spotted Owl and the Mountain Yellow Leg Frog. We need to preserve these species here. So we develop elsewhere, they have a place to go.

The last thing I'm going to show you here is Big Baldy Mountain. Finally, this picture shows the magnificent high Sierra that Americans recognize as, I'd say, quintessentially Western. My legislation, our legislation will ensure that these beautiful areas will be sustained and preserved as part of America's identity and rich, natural heritage.

In closing I want to note that this legislation was developed in close consultation with local communities, elected officials, recreation organizations, businesses, Federal and State agencies and local property owners. I look forward to working with each and every one of you as well as Chairman Bingaman and Ranking Member Domenici to move this bill forward before the end of the session. I think by any measure that you could choose, bipartisan support, business support, community support, home owner support, the beauty of the area. It passes the test with flying colors.

I thank you so much, members, for this opportunity.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Chairman Akaka, Ranking Member Burr, and members of the Subcommittee, thank you for considering S. 1774, the Sequoia-Kings Canyon National Park Wilderness Act, and for giving me the opportunity to testify in support of my legislation.

Cosponsored by Senator Feinstein, this bipartisan, bicameral effort will protect almost 115,000 acres of spectacular High Sierra lands within Sequoia and Kings Canyon National Parks, including majestic granite peaks, deep canyons, extensive caverns and awe-inspiring Sequoia groves.

This bill is sponsored in the House by Representatives Jim Costa and Devin Nunes—a Democrat and a Republican. I am so proud to have worked in close partnership with these members of Congress over the last year and a half to get this bill negotiated, drafted and moved.

Indeed, just last Monday, this bill passed the House of Representatives by a voice vote.

Specifically, this bill would create one new wilderness area, the John Krebs Wilderness—named after the former Congressman, an unsung conservationist hero and a man of extraordinary political courage—and expand one other, the Sequoia-Kings Canyon Wilderness.

These areas, much loved by Californians and Americans from all over the country, will remain open to the public for recreational activities such as camping, hiking, and horseback riding so future generations can enjoy them just as we have.

Let me take a few minutes now and show you why this public land is so special and why it deserves Wilderness protection.

First, is the spectacular Mineral King Valley, the heart of this bill.

Our bill designates the John Krebs Wilderness—almost 70,000 acres, including the 15,000 acre Mineral King Valley.

As many of you may recall, John Krebs, the former Fresno County Supervisor and U.S. Congressman tirelessly and successfully fought to keep Mineral King Valley undeveloped in the 1970's by transferring the land into the Park.

Naming the new wilderness area created by this proposal after former Congressman Krebs, now 82 years old, is an overdue and fitting tribute to a great conservationist and legislator. John deserves our gratitude for preserving the pristine natural beauty of the Park that we enjoy today.

Next, is Redwood Mountain. The bill includes a designation for the Redwood Mountain Grove, the Park's largest grove of the world's largest trees—Sequoias.

The areas also include California's longest cave, Lilburn Cave, with over 17 miles of surveyed caverns, and the historic Old Hockett Trail, one of the first cross-Sierra routes in the southern Sierra Nevada range.

This chart shows a picture of Hockett Meadow, along this route.

Additionally, the tremendous diversity of elevations and geology of these areas yield an equally diverse array of terrestrial, aquatic and subterranean ecosystems.

This image of Chimney Rock helps to demonstrate the vast array of geologic diversity.

In turn, these lands provide much needed habitat for wildlife, including the California Spotted Owl, Golden Eagle, bighorn sheep, and mountain yellow-legged frog.

Finally, this picture on top of Big Baldy Mountain shows the magnificent High Sierra that Americans recognize as quintessentially California.

My legislation will ensure that these beautiful areas will be sustained and preserved as part of California's identity and rich, natural heritage.

I would also like to note that this legislation was developed in close consultation with local communities, elected officials, recreation organizations, businesses, federal and state agencies and local property owners.

In closing, thank you again for this opportunity to testify in support of this important legislation to protect California's Sierra Nevada range and honor former Congressman John Krebs.

I look forward to working with each of you, as well as Chairman Bingaman and Ranking Member Domenici, to move this bill forward before the end of this session.

Senator AKAKA. Thank you very much, Senator Boxer. Thank you for your statement. Are there any questions to her? Otherwise, let me ask—thank you very much, Senator Boxer.

Senator Martinez, do you have any statement?

**STATEMENT OF HON. MEL MARTINEZ, U.S. SENATOR  
FROM FLORIDA**

Senator MARTINEZ. Mr. Chairman, I do indeed. Thank you for calling on me and for holding this hearing. Mr. Chairman, I wanted to speak on behalf of Senate bill 2359, is the St. Augustine 450th Commemorative Commission Act.

Today marks another important step for the people of St. Augustine, Florida to honor the incredible history and the significance of its founding as the first permanent European colony in 1565. So I wanted to take this opportunity to recognize Mayor Joe Boyles of St. Augustine and all of the State and local stakeholders that have come together to begin the preparation for this exciting event. I also would like to ask that a letter from Mayor Boyles to the Energy and Natural Resources Committee be submitted for the record.

St. Augustine has been at the very center of our Nation's founding. Its old and complex history mirrors much of the American experience. This city was the birthplace of Christianity in the New World. It was truly our first blending pot of cultures that included peoples of Spanish, English, French, Native American and African decent.

Many do not know that St. Augustine is the location of the first parish mass in the United States. It was the location of the first free black settlement in North America.

Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed off the coast of St. Augustine. He was looking for the fabled Fountain of Youth. But instead he founded a colony known as La Florida.

He discovered very favorable currents that would later be known as the Gulf Stream which would serve as straight routes for European explorers to discover other parts of the New World. Because of St. Augustine's location along the strategic trade routes, Spain constructed the Castillo de San Marcos in 1762 to protect the capital of La Florida from French and British interest. The Castillo de San Marcos is built on the ruin of the original fort that was burned to the ground by famous British sailor and explorer, Sir Francis Drake. The fort still stands today and has had six different flags fly above its ramparts. It's the oldest surviving European fortification in the United States.

The legislation before the committee today is modeled largely along the lines of the Commission authorized by Congress for the founding of Jamestown in Virginia. The St. Augustine Commission, Mr. Chairman, is necessary to help organize a tremendous amount of historical and cultural events that will take place in Florida's first coast. In addition the Commission will provide the necessary framework to navigate the significant logistical challenges that the city of St. Augustine, the State of Florida and the National Park Service will face in coordinating efforts for an event of this magnitude.

The Commission will encompass a broad array of members from Federal, State, local and academic backgrounds to ensure they have the diverse make up of professionals to assist the city of St. Augustine in celebrating its founding. This legislation is bipartisan and is co-sponsored by my good friend and colleague, Senator Bill Nelson, as well as St. Augustine's Congressman, John Mica. So I urge the committee to quickly take up and pass this important legislation and help write a new chapter in the history of our Nation's founding. Thank you very much, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Martinez. Now I'd like to return to the panel and ask Karen Taylor-Goodrich for your statement.

**STATEMENT OF KAREN TAYLOR-GOODRICH, ASSOCIATE DIRECTOR, VISITOR AND RESOURCE PROTECTION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Ms. TAYLOR-GOODRICH. Thank you, Mr. Chairman. Good afternoon, Senator Burr, Senator Martinez. I appreciate the opportunity to appear before you on behalf of the Department of the Interior and to speak on today's bills.

We have nine bills that I would like to submit my testimony in full for the record. But I'd like to do a quick summary of each of these bills, if you may permit me.

S. 1774 and H.R. 3022 would both designate additional wilderness areas in Sequoia National Park and Kings Canyon National Park and would name one of the new wilderness areas after Mr. John Krebs, a former Member of Congress. The Department supports these bills if they are amended in accordance with our testimony.

S. 2255 would amend Section 5C of the National Trails System Act directing the Secretary of the Interior to conduct studies of the Chisholm Trail and the Great Western Trail in order to consider both trails for inclusion in the National Trails System. The Department supports S. 2255 with an amendment. However we do feel that priority should be given to the 38 previously authorized studies that have not yet been transmitted to Congress.

S. 2359 would establish the St. Augustine 450th Commemoration Commission that Senator Martinez spoke of. The Department has no objection to the concept of an advisory commission. But we would like to work with the committee to address a few of our suggested amendments and our concerns as noted in our full testimony.

S. 2943 would designate the Pacific Northwest National Scenic Trail, an approximately 1,200 mile route from the Pacific Ocean and Olympic National Park in Washington to the East Side of the Continental Divide in Glacier National Park in Montana. The Department does not object to this bill if amended to authorize an update to our 30-year-old Pacific Northwest Scenic Trail feasibility study. We do feel that's outdated and would need to be updated. We believe priority should be given, however, to the 38 previously authorized studies that have not yet been transmitted to Congress.

S. 3010 would reauthorize the Route 66 Corridor Preservation Program for 10 years from 2009 to 2019. We do not have an objection to this bill.

S. 3017 would designate 11,740 acres, or 16 percent, of Pictured Rocks National Lakeshore on Lake Superior in the upper peninsula of Michigan as a federally protected wilderness area called the Beaver Basin Wilderness Area. The Department strongly supports this bill.

S. 3045 would establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in Alaska. Based on our experience over the past 24 years working with our National Heritage Area System, we've learned that a critical component for this, in order



to be successful, would be completion of a feasibility study that would evaluate the proposed area against the interim criteria before designation.

We defer to the Department of Agriculture for the official position on this legislation. The completion of the Heritage Area feasibility study based on that interim criteria would allow for an evaluation of the area prior to designation.

S. 3096 would amend the National Cave and Karst Research Institute Act of 1998. The bill would strike a portion of the Act that would allow the Secretary of the Interior to spend only Federal funds that are matched by an equal amount of funds from non-Federal sources. The Department supports this bill if amended to retain a requirement that any annual appropriations to the Research Institute under this Act would still be subject to a non-Federal matching requirement.

H.R. 1143 would allow the Secretary of the Interior to enter into lease with the current holder of the retained use estate at Virgin Islands National Park the Caneel Bay property, currently operated as a luxury resort, after the termination of a retained use estate and donation of all improvements to the National Park Service. The Department supports the general intent of H.R. 1143 and what it seeks to accomplish.

However, we would like to suggest a few amendments. We did have some success in amending the bill after testifying before the House. However, we'd like to work with the committee to clarify additional terms and conditions of this proposed lease.

Mr. Chairman and members, that concludes my statement. I would be glad to answer any questions you may have.

[The prepared statements of Ms. Taylor-Goodrich follow:]

PREPARED STATEMENT OF KAREN TAYLOR-GOODRICH, ASSOCIATE DIRECTOR, VISITOR AND RESOURCE PROTECTION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

H.R. 1143

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on H.R. 1143, a bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Department previously testified in support of the intent of H.R. 1143 before the House Subcommittee on National Parks, Forests and Public Lands, on October 30, 2007. After that hearing, H.R. 1143 was amended, addressing several of the concerns that the Department raised. The Department supports the general intent of H.R. 1143 and what it seeks to accomplish. However, we would like the opportunity to work with the Subcommittee to clarify some additional terms and conditions of the lease.

H.R. 1143 would allow the Secretary of the Interior to enter into a lease with the current holder of a retained use estate at Virgin Islands National Park for the Caneel Bay property, which is currently operated as a luxury resort, after the termination of the retained use estate and donation of all improvements to the National Park Service (NPS).

Without H.R. 1143 the NPS does not have the authority to enter into a lease, in accordance with 36 CFR §18, Leasing of Properties in Park Areas, without issuing a Request for Bids or a Request for Proposals. A noncompetitive lease could only be issued under two circumstances—by issuing the lease to a nonprofit organization or unit of government, or by entering into a short-term, 60-day or less lease, neither of which would apply in this case.

Caneel Bay Resort is one of two large resorts on the island of St. John. The resort is located on a 150-acre peninsula on the northwest side of the island of St. John and caters to an upscale clientele that stays an average of 6 nights and 7 days. The resort has approximately 425 to 450 employees and serves as one of the primary

economic engines for the U.S. Virgin Islands. A large number of employees travel daily to St. John from their residences on neighboring St. Thomas. The resort is also an Economic Development Center beneficiary and, as such, receives various tax exemptions from the Government of the Virgin Islands.

The resort was established in 1956 by Laurance S. Rockefeller and the Jackson Hole Preserve. In 1983, Jackson Hole Preserve donated the land at Caneel Bay to the United States Government for inclusion within Virgin Islands National Park and reserved the right to continue its operations under a retained use estate. Jackson Hole Preserve did not convey the improvements on the land to the United States at that time. The reserved use estate is scheduled to expire on September 30, 2023. The warranty deed stipulates that when the retained use estate terminates, the owner of the retained use estate must donate the buildings and other improvements to the NPS.

Enactment of H.R. 1143 would allow the current holder of the retained use estate to negotiate a long-term lease with the NPS that could extend the Caneel Bay Resort operation well beyond the year 2023. Such an extension could allow the leaseholder to secure financing and undertake other long-term operational measures that might not be possible under the provisions of the current retained use estate.

The NPS has evaluated various options for the future use and management of the Caneel Bay property. Based upon a value analysis, we believe that the continued future operation of Caneel Bay as a resort under a lease would provide the greatest advantage to the NPS and the U.S. Virgin Islands. A lease could provide economic and administrative benefits to the NPS and the lessee that are not available or not as viable as under a retained use estate or a concession contract, two of the other options that were examined.

H.R. 1143 was amended by the House and requires that the operations and maintenance of the resort be conducted in a manner consistent with the preservation and conservation of the resources and values of the park. Additionally, the lease proposed by the bill would address the continued protection, preservation, and restoration of the property's structures, many of which are more than 50 years old, and may be National Register eligible. Any work conducted on the structures would have to be conducted in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The lease also would address the fair market value rent of the property, constraints on development of property during the term of the lease, and the ability to transfer the lease in the future.

When the current retained use estate was created there were three small properties that are integral to the operation of the Caneel Bay resort that were not included. We would like to include these properties under the terms of the lease. Finally, H.R. 1143 may need to be amended to clarify the intent of the bill regarding when the current retained use estate would expire and when the new lease would begin, the terms and conditions of the lease, and whether or how often the property's fair market value rent would be re-assessed. We will be happy to work with the Subcommittee to develop these amendments.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members might have.

S. 1774 AND H.R. 3022

Mr. Chairman, thank you for the opportunity to appear before you to present the views of the Department of the Interior on S. 1774 and H.R. 3022, bills to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

The Department supports H.R. 3022 and S. 1774 if amended in accordance with this statement. Both S. 1774 and H.R. 3022 would designate additional wilderness areas in Sequoia National Park and Kings Canyon National Park, and would name one of the new wilderness areas after John Krebs, a former Member of Congress. While we believe these designations are appropriate, we would like to work with the committee on amendments that would address concerns raised by some of the specific provisions in the bills. H.R. 3022, as passed by the House of Representatives, addresses many, but not all of our concerns.

Sequoia National Park, established in 1890, and Kings Canyon National Park, established in 1940, have been administered jointly since 1943. The California Wilderness Act of 1984 designated about 723,000 acres in the two parks, or 84 percent of the land base, as the Sequoia-Kings Canyon Wilderness. Both bills would designate as wilderness virtually all the remaining land in the two parks that is appropriate for that designation, adding about 114,488 acres. With this legislation, about 97 percent of the land base of the two parks would be designated as wilderness.

The area that the bills propose as the John Krebs Wilderness consists of the Hockett Plateau and Mineral King areas of Sequoia National Park, and totals about 69,500 acres. The other area, which would add about 45,145 acres to the existing Sequoia-Kings Canyon Wilderness, consists of lands in and around the North Fork of the Kaweah River in Sequoia National Park and the Redwood Canyon/Chimney Rock area of Kings Canyon National Park. The lands other than Mineral King and Chimney Rock underwent formal wilderness studies in the early 1970's and are recommended by the National Park Service for wilderness designation. The Mineral King and Chimney Rock areas underwent wilderness eligibility assessments in 2003 and both were found to have characteristics which support their designation as wilderness.

The Hockett Plateau protects vast rolling forests of lodgepole pine surrounding spectacular sub-alpine meadows, and is a favorite destination for equestrians, backpackers, and anglers. This area, which has been part of Sequoia National Park since the park was established in 1890, includes the route of the old Hockett trail that was one of the first trans-mountain routes in the southern Sierra Nevada and is popular with hikers, fishermen, equestrians and backpackers. The Mineral King portion includes much of Mineral King Valley, a striking and spectacular example of sub-alpine and alpine environments unlike any other in the Sierra Nevada.

The North Fork Kaweah area includes extensive lower-and mid-elevation vegetation communities that are rarely represented in Sierra Nevada wilderness areas. The area contains foothill oak woodland, chaparral, and low-elevation hardwood and conifer forest types. The river is an exemplary foothill river with beautiful pools, riparian borders, and is rich in wildlife including western pond turtle, bear, and mountain lion. The Redwood Canyon area includes all or part of eight Giant Sequoia groves including the Redwood Mountain Grove, the largest Giant Sequoia grove inside Sequoia and Kings Canyon National Parks.

We believe it is appropriate to name the Hockett Plateau and Mineral King area as the John Krebs Wilderness. The National Park Service considers it a high honor to be permanently commemorated in a national park and seeks to reserve this honor for cases where there is a compelling justification for such recognition, as there is here. Mr. John H. Krebs, who immigrated to the United States in 1946 and obtained his citizenship in 1954, served on the planning commission and the board of supervisors for Fresno County through the 1960's and 1970's and in the U.S. House of Representatives from 1975-1979. In 1978, he secured passage of legislation that transferred management of the beautiful Mineral King Valley to the National Park Service. The Valley at that time was slated for development as a downhill ski area, and he led a hard-fought battle to assure the long-term protection of this very special place as a natural area. Mr. Krebs currently resides in Fresno.

We recommend changes to S. 1774 to mirror H.R. 3022, plus several additional changes to ensure that the National Park Service is able to manage the lands the bills would designate as wilderness consistent with the Wilderness Act of 1964 and the California Wilderness Act of 1984, as explained below.

First, we recommend that the bills be amended to provide for the treatment of roads and development in wilderness that conforms to the standard practice used in other wilderness legislation. That would require revising the bills' referenced maps in their depiction of the wilderness boundary delineated for Mineral King Road and cabins along the road. The maps for both H.R. 3022 and S. 1774 show a "cherry-stem" of Mineral King Road, a relatively quiet, 1½ lane-wide road, with a boundary at up to one-half mile (2,640 ft.) from center line of road and from one-quarter to one-half of a mile from cabin developments. The National Park Service and other wilderness land management agencies primarily use a road corridor exclusion area of 100 feet off both sides of the center line of a road for major roads, and from 100 to 200 feet away from existing developments. The standard road corridor exclusion is recognizable on the ground and provides for consistent, effective management. It is also the boundary delineation guidance that Congress provided in committee report language (House Report 98-40) for the Generals Highway, a busy, two-lane-wide paved road, when the Sequoia-Kings Canyon Wilderness was established as part of the California Wilderness Act of 1984.

Second, S. 1774 excludes from wilderness designation four check dams located in the Hockett Plateau/Mineral King. We prefer that the dams be designated as potential wilderness additions, as they are under H.R. 3022, rather than be set aside as exclusions. Designation as potential wilderness additions would allow Southern California Edison, the operator, to continue its hydroelectric power operation as long as it wants. However, in the event that the operator of the dams ceases to operate them in the future, the National Park Service would have the option to convert the area to wilderness through administrative action. The designation of "potential wil-

derness addition” has been used in the existing Sequoia-Kings Canyon Wilderness and in other wilderness areas in similar cases of non-conforming uses.

Third, Section 4(c)(1) of S. 1774 states that if nonmotorized access is not available or time is of the essence, nothing in the Act prevents limited motorized access to hydrologic, meteorologic, or climatological devices or facilities. The existing Sequoia-Kings Canyon Wilderness addresses maintenance and access to these types of devices consistent with House Report 98-40. This committee report language states that, “Modifications, relocations, adjustments and maintenance of these devices are therefore acceptable, but it should remain an objective to minimize any adverse impact of these devices upon wilderness resources where possible, especially as improved technology (e.g. miniaturization) and other factors permit.” We prefer the language in H.R. 3022, which directs the National Park Service to continue managing maintenance and access to these devices and facilities consistent with the House Report 98-40, allowing current practice to continue throughout both the previously designated wilderness areas and the new wilderness areas designated by this bill.

Fourth, Section 4(c)(2) of S. 1774 and Section 3(d) of H.R. 3022 address the use of helicopters for the operation and inspection of utility facilities. We recommend that these sections be struck, as they are unnecessary. The use of helicopters in the vicinity of designated wilderness is permitted currently, when conditions warrant, as a means of access for inspection and maintenance of hydrometeorological facilities, pursuant to the minimum requirement provision of the Wilderness Act and also as provided in House Report 98-40.

Fifth, Sections 4(d)(2) of both S. 1774 and H.R. 3022 address nonwilderness activities outside of designated wilderness. We are concerned that these sections could affect the National Park Service’s ability to protect the designated wilderness. Exempting activities outside wilderness could affect the National Park Service’s ability to address noise, pollutants, or other undesirable effects on wilderness that come from outside the parks. While we prefer the narrower language in H.R. 3022, which focuses on authorized activities by cabin owners in the Mineral King Valley area, or the property owners or lessees in the Silver City private inholding, to the broader language in S. 1774, we recommend that these sections be removed from the bills.

Sixth, Section 4(e) of both bills states that nothing in the Act precludes horseback riding in, or the entry of recreational commercial saddle or pack stock into an area that would be designated as wilderness under this bill. The intent of this language is unclear and has been interpreted several different ways. It appears to limit the ability of the National Park Service to manage these operations consistent with the park’s enabling act as well as the Wilderness Act. By not clarifying this language, it could lead to management conflict by setting different standards for the previously designated wilderness areas and for the new wilderness areas that would be designated by these bills. The parks have long recognized and documented that the use of pack and saddle stock is an appropriate and historically accepted recreational activity in wilderness. The acceptance of this use has been reaffirmed in the parks’ 2006 General Management Plan. However, we strongly believe the National Park Service should retain the ability to determine the impacts of these operations on park resources and to take actions necessary to regulate their use when resources are being adversely affected. The language of Section 4(e) is ambiguous about the Secretary’s authority and we, therefore, recommend that it be deleted.

Finally, as technical matters, we note that H.R. 3022 correctly refers to the “Sequoia-Kings Canyon Wilderness,” the name of the existing wilderness area given by that act, and that the maps referenced by H.R. 3022 include map numbers in addition to titles and dates as is standard practice for legislative maps. We would be happy to work with the committee on similar revisions to S. 1774.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have.

S. 2255

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior’s views on S. 2255, a bill to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes.

The Department supports S. 2255 with an amendment. However, we feel that priority should be given to the 38 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System

that have not yet been transmitted to the Congress. We estimate the cost of this study to be approximately \$250,000 to \$300,000.

S. 2255 would amend Section 5(c) of the National Trails System Act by directing the Secretary of the Interior (Secretary) to conduct studies of the Chisholm Trail and the Great Western Trail for consideration of both trails for inclusion in the National Trails System. As a part of the study, the Secretary shall identify the point at which both the Chisholm and Great Western Trails originated south of San Antonio Texas. The bill also states that land for the trails may not be acquired outside the boundaries of any federally administered area without the consent of the owner.

A network of scenic and historic trails has been created since the enactment of the National Trails System Act in 1968. These trails provide for outdoor recreation needs and the enjoyment and appreciation of historic resources, which in turn, promotes good health and well-being. They traverse resources that connect us to history and provide an important opportunity for local communities to become involved in a national effort by encouraging public access and citizen involvement. The importance of trails to Americans is evident, as was witnessed in the recent celebration of National Trails Day.

During the cattle drive era, in the decades following the Civil War, it is estimated that approximately ten million Longhorn cattle were driven out of Texas to railheads in Missouri and Kansas. Two of the largest trails that were used were the Chisholm Trail and the Great Western Trail.

The route of earlier trails that went from Texas to Missouri was found to be undesirable due to heavily forested territory that the trails passed through and the presence of bandits, mob violence, and lawlessness.

In 1867, Joseph McCoy convinced railroad executives to extend the rail line to the eastern prairies of Kansas. Stockyards were completed at what was then a small town called Abilene. The trail with its feeder trails that led to Abilene became known as the Chisholm Trail and in 1871 more than 1.4 million cattle had been herded along this trail.

As the railroads continued to press on across Kansas, the terminus of the cattle trails also moved west. Due to the panic of 1873, construction stopped for three years at Dodge City, Kansas. In 1876, a new cattle trail was blazed to Dodge City that became known as the Great Western Trail. This trail was twenty to thirty days shorter than the Chisholm Trail and contained ample water and grass. While the two trails were in use, four million cattle were driven from Texas to Abilene along the Chisholm Trail and five million to Dodge City along the Great Western Trail.

In 1975, the Bureau of Outdoor Recreation completed a study entitled "Old Cattle Trails of the Southwest, a National Scenic Trail Study." In that study, several trails were examined, including the Chisholm and Great Western Trails. The study determined that the two trails did not meet the criteria for establishment as National Scenic Trails. However, the study recommended that the trails should be reassessed as possible National Historic Trails.

The Department recommends that Section 3 of the bill be deleted. Since this legislation only authorizes a study of the potential national historic trails, there is no possibility of land acquisition while the study is being completed.

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

S. 2359

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 2359, a bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes. The Department has no objection to the concept of an Advisory Commission but we would like to work with the Committee to address a few suggested amendments and concerns with this bill as noted in the testimony.

St. Augustine, Florida is the oldest European city in the United States. The area was first visited by Ponce de Leon in 1513, but it was Pedro Menéndez de Avilés, who on September 8, 1565, established the first settlement. This came 21 years before the English settlement at Roanoke Island in Virginia Colony, and 42 years before the successful settlements of Santa Fe, New Mexico, and Jamestown, Virginia. In 1586, St. Augustine was attacked and burned by Sir Francis Drake. In 1668, it was plundered by pirates and most of the inhabitants were killed. In 1702 and 1740, it was unsuccessfully attacked by British forces from their new colonies in the Carolinas and Georgia. The most serious of these came in the latter year, when James Oglethorpe of Georgia allied himself with the Alachua band of the Seminole tribe and conducted the Siege of St. Augustine during the War of Jenkin's Ear. Although initially repulsed at St. Augustine, the forces under Oglethorpe defeated the Span-

ish counter-attack at the Battle of Bloody Marsh on St. Simons Island, one of the Sea Islands of Georgia.

The British ultimately gained control of St. Augustine in 1763 and it remained loyal to Britain during the Revolutionary war. It was briefly returned to the Spanish in 1784 because of a provision of the Treaty of Paris. The Spanish who had left during British control came back and tried to return the city to its former appearance but were thwarted by the decline of Spanish fortunes everywhere.

The Spanish sold Florida to the United States of America in 1821. St. Augustine prospered during the Seminole war of the 1830s due to its military involvement in the war. The city eventually developed good road systems and the population grew. In 1883, oil tycoon and Florida railroad pioneer Henry Flagler visited the city. He was so impressed that he invested in St. Augustine's restoration and development of the city as a winter resort. Flagler contributed some of the city's grandest architecture, such as the Alcazar hotel (now the Lightner Museum), and the Ponce de Leon Hotel (now Flagler College). Today, the heart of St. Augustine retains the distinctive plan of a 16th century Spanish Colonial walled town, much of which has been preserved or restored. The numerous remaining colonial buildings in the historic district present an impressive array of architecture from 1703 to 1898.

The National Park Service preserves, maintains, and interprets the Castillo de San Marcos National Monument, an imposing star-shaped citadel that dominates the landscape in the center of the historic area of St. Augustine. The Service also preserves the related coquina watchtower known as Fort Matanzas National Monument near the Matanzas Inlet approximately 14 miles south of the Castillo. The State of Florida, the city of St. Augustine, and the University of Florida collectively own and operate additional significant resources related to the history of St. Augustine.

S. 2359 and an identical bill in the House of Representatives, H.R. 4258, would establish a 16-member commission to include one employee of the National Park Service having experience relevant to the historic resources relating to the city of St. Augustine and its commemoration, the Mayor of St. Augustine or the Mayor's designee, one employee of the State University System of Florida, and five non-residents of the State of Florida who have an interest in, support for, and expertise appropriate to the commemoration. The commission members would be appointed by the Secretary of the Interior based, in part, on recommendations of the St. Augustine City Commission, the Governor of Florida, and the Congress.

The duties of the Commission would include:

- 1) the planning, development, and execution of programs and activities appropriate to commemorate the 450th anniversary of the founding of St. Augustine, Florida;
- (2) the general facilitation of St. Augustine commemoration-related activities throughout the United States;
- (3) the encouragement of civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;
- (4) coordination and facilitation of scholarly research on, publication about, and interpretation of, St. Augustine for the education of the public; and
- (5) the assurance that the 450th anniversary of St. Augustine provides a lasting legacy and long-term public benefit for the United States by assisting in the development of appropriate programs and facilities to accommodate those programs.

The Department does have four suggested amendments for S. 2359.

First, we suggest that Section 2(b)(4) (Purpose) be revised to include a specific reference to the experiences of Native Americans as follows: "(4) assist in ensuring that the St. Augustine 450th anniversary observances are inclusive and appropriately recognize the experiences of all peoples in St. Augustine's history, including indigenous peoples who inhabited the area prior to the Spanish arrival and certain western tribes who were incarcerated at the Castillo (then known as Fort Marion) during America's westward expansion in the late 19th century".

Second, we recommend amending section 6 to include two additional members, after the Secretary receives recommendations from the leadership of the Seminole and Miccosukee tribes of Florida.

Third, we are concerned that the designation of some specific members of the commission may not be in conformance with the Appointments Clause of the Constitution. We would like to work with the committee to revise the language to address this concern.

Fourth, we recommend that the duties of the Commission be limited to serving in an advisory capacity and leaving the execution of programs and activities to Federal agencies under existing authorities.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or any members of the Subcommittee may have.

S. 2943

Mr. Chairman, thank you for the opportunity to appear before the committee today to present the views of the Department of the Interior on S. 2943, a bill to amend the National Trails System Act by designating the Pacific Northwest National Scenic Trail as a component of the National Trails System.

The Department does not object to S. 2943 if amended to authorize an update to the nearly 30-year-old Pacific Northwest Scenic Trail feasibility study. However, we believe that priority should be given to the 38 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

S. 2943 designate an approximately 1200-mile trail route from the Pacific Ocean in Olympic National Park, Washington, to the east side of the Continental Divide in Glacier National Park, Montana as the Pacific Northwest National Scenic Trail. S. 2943 assigns responsibility for administering the trail to the Secretary of the Interior.

In 1977, Congress authorized a study to determine the feasibility and desirability of constructing the Pacific Northwest National Scenic Trail (Public Law 94-527). The study was initiated in 1978 and completed in 1980, and conducted jointly by the National Park Service and the U.S. Forest Service. The study evaluated four alternatives and three potential trail corridors, and concluded that a Pacific Northwest Trail would have the scenic and recreational qualities needed for designation as a National Scenic Trail, noting that the trail "would cross some of America's most breathtaking and varied landscapes." However, the study concluded that its construction was neither feasible nor desirable. This conclusion was based on concerns with the cost of land acquisition and construction, a perception that there were already adequate trails available in the area, and concerns about the trail's potential impact on grizzly bear habitat and fragile high-elevation areas.

In spite of the study's conclusions, trail supporters moved forward with the creation of the Pacific Northwest Trail and established a private volunteer organization, the Pacific Northwest Trail Association (Association), to build, maintain, and promote the trail. The Association informs us that trail construction has been completed on approximately 950 miles of the proposed 1,200 mile route. According to the Association, an estimated 59% of the proposed Pacific Northwest National Scenic Trail is on National Forest land in seven National Forests, 20% in on National Park Service land in three National Parks, 10% is on state-owned land, 6% on city and county-owned land, and 5% on privately owned land. Much of the trail route on federal land is in Congressionally designated wilderness. The segments of the Pacific Northwest Trail in Olympic National Park, North Cascades National Park, and Glacier National Park have been designated as National Recreation Trails under the National Trails System Act.

We recommend that S. 2943 be amended to authorize an update to the 1980 feasibility study and that this update be conducted jointly by the U.S. Forest Service and the National Park Service. This update is necessary because so much has changed since the 1980 feasibility study that the study's conclusions merit revisiting. A route for the trail has been selected and much of the trail has been constructed. The route that S. 2943 would designate as the Pacific Northwest National Scenic Trail was not studied in the 1980 study, although it is similar to one of the routes studied. An updated feasibility study would allow the agencies to consult the public as well as the states, counties, municipalities and private landowners who own portions of the underlying route, and complete an analysis under the National Environmental Policy Act. An updated feasibility study would also allow the agencies to revise cost estimates, evaluate management strategies and responsibilities, and evaluate how trail designation might impact wilderness values through Congressionally designated wilderness areas.

We anticipate that an updated feasibility study would cost approximately \$250,000-\$500,000 and would be completed 3 years after funds are made available.

Section 5 (b)(7) of the National Trails System Act (16 U.S.C. 1244) states that feasibility studies should identify the proposed Federal administering agency, "which in the case of a national scenic or national historic trail wholly or substantially within a national forest, shall be the Department of Agriculture." For this reason

we recommend that if the committee moves forward with designation, the bill should be amended to assign trail administration to the Secretary of Agriculture.

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

S. 3010

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3010, a bill to reauthorize the Route 66 Corridor Preservation Program.

The Department has no objection to S. 3010, which would amend Public Law 106-45 to extend the time period for the expenditure of authorized appropriations for ten years from 2009 to 2019.

Route 66 charts a nationally significant path of 20th-century American history. The promise of free land and economic opportunity drew thousands of Americans westward on the Oregon, California and Santa Fe trails during the 19th-century. A century later, those rutted corridors yielded to smoother, faster highways. Foremost among those early ribbons of asphalt was U.S. Highway 66, popularly known as Route 66.

It is ironic that Route 66's success led to its own demise. As Americans of the Baby Boom era became increasingly mobile, this two-lane road could not handle the booming rise in car and truck traffic. The interstate highway system, with its wide and divided pavement, became the new and improved way to cross the continent by land. However, Route 66 remains embedded in the scenic landscape and in the minds of so many Americans who traveled it or came to know it through its iconic depictions in American popular culture.

Public Law 106-45 directs the National Park Service (NPS) to develop guidelines, provide technical assistance and matching grants for State, local and private preservation efforts, serve as a clearinghouse for communication, and help states determine ways to continue the program after federal support ends. This led to the Route 66 Corridor Preservation Program, administered by the NPS, to help local, State, Tribal and federal agencies, nonprofits, and individuals set preservation priorities. Partners now include individuals, business owners, State Historic Preservation offices, Scenic Byway and Main Street programs, Route 66 groups, departments of transportation, tribal agencies, environmental protection agencies, The National Trust for Historic Preservation, and others.

Matching grants, technical assistance and clearinghouse services help with historic preservation, research, oral history, interpretation, and educational outreach. In addition, collaboration and partnerships help stimulate business and economic growth and community revitalization across the eight states and 36 congressional districts through which Route 66 passes. Grants are awarded in an annual competitive cycle. Special projects also are undertaken according to need and available resources. Public Law 106-45 authorized up to \$10 million over 10 years for program work. In FY08, about \$300,000 was appropriated.

In 2007, Route 66 was put on most-endangered-places lists by the World Monuments Fund, the National Trust for Historic Preservation, and at least two state preservation organizations. Momentum continues to grow at grassroots and governmental levels, boosting awareness of Route 66's significance and the need to save it as a part of 20th-century American history.

The partners of the Route 66 Preservation Program have expressed gratitude for the Federal government's support, which has triggered interest from other local governments, nonprofits, and individuals to supplement and boost those funds, thus increasing preservation efforts in the Route 66 corridor.

The partners and individuals who share interest in the Route 66 historic corridor believe reauthorization of Federal support is vital to preserving the historic roadway. The Administration has no objection to reauthorization of continued federal funding, subject to NPS priorities and the availability of appropriations.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any questions you or any other members of the subcommittee may have.

S. 3017

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3017, a bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan. The Department strongly supports enactment of S. 3017. The Administration transmitted a similar proposal to Congress on May 8, 2008.



S. 3017 would designate 11,740 acres, or 16 percent of Pictured Rocks National Lakeshore in Michigan's Upper Peninsula as federally protected wilderness. It defines the boundary of the wilderness area as the line of demarcation or the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach. Management of the wilderness area would be in accordance with the 1964 Wilderness Act (16 U.S.C. 1131 et seq.).

Pictured Rocks National Lakeshore was authorized in October, 1966 as America's first National Lakeshore "to preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features."

The park extends over 40 miles along the southern shore of Lake Superior, the largest and cleanest of our Great lakes. It is the largest freshwater lake in the world and contains approximately 10 percent of the planet's surface supply of fresh water. The National Lakeshore protects and preserves superlative scenic and recreational resources including fifteen miles of spectacular multi-colored sandstone cliffs that rise over 200 feet above Lake Superior; miles of beautiful white sand beaches and numerous backcountry lakes, streams and waterfalls; five square miles of perched sand dunes that rise as high as 300 feet; important wetlands, and a upland beech-maple Northern Hardwood Forest. This landscape is home to timber wolf, moose, black bear, deer, fisher and marten, raptors and many species of songbirds. Federally threatened and endangered species include the Piping Plover and Pitcher's Thistle as well as several state listed species.

The park includes historic U.S. Life Saving, Lighthouse Service, and Coast Guard facilities. Many of these facilities including the Au Sable Light Station, a majestic lighthouse and keeper's quarters that dates to 1874, remain open for public enjoyment. There are also remnants and active interpretation of historic mining activity, white pine and hardwood logging, and commercial fishing.

The park operates three drive-in campgrounds, over 100 miles of backcountry trails, and 14 backcountry camping areas. It receives over 425,000 visitors each year who enjoy commercial boat cruises to view the Pictured Rocks cliffs and underwater shipwrecks, hiking, camping, backpacking, hunting, fishing, bird watching, kayaking, cross-country skiing, snowshoeing, snowmobiling, ice climbing and more. The National Park Service (NPS) estimates that the presence of the National Lakeshore brings nearly \$20 million of economic benefit to the local community each year. Native American use of the area extends some 4,000 years into the past and is represented today by the Sault Ste. Marie Tribe of Chippewa Indians, the nation's second largest tribe. Nothing in S. 3017 would modify, alter, or affect any treaty rights.

The park encompasses a total of 73,235 acres, managed in two zones: (1) the Shoreline Zone, 33,929 acres owned in fee simple by the NPS, and (2) the Inland Buffer Zone, 39,306 acres of mixed ownership, where sustained yield timber harvests and other residential and commercial activities are permitted by the park's enabling legislation. Pictured Rocks is the only unit of the National Park System with a legislated buffer zone.

The Beaver Basin portion of the park, including the entire proposed 11,740-acre wilderness area, has been managed as a backcountry/wilderness area, or a "Primitive Management Prescription", since the first comprehensive General Management Plan (GMP) was published in 1981. Since that time, motor vehicles have been prohibited in this portion of the park. Also, for over 25 years, this area has provided outstanding recreational opportunities for hikers, backpackers, anglers, boaters and hunters (allowed in accordance with State regulations). A network of hiking trails and designated campsites will continue to be maintained in this portion of the park, even with wilderness designation. Since formal wilderness designation would not change the way in which visitor use is currently managed in this portion of the park, there is no reason to believe it would have any detrimental impact on visitation or the local economy.

The proposed wilderness area does not include Little Beaver Lake, Little Beaver Lake Campground, the campground access road corridor, and the access road to the Beaver Basin Overlook. Although the National Lakeshore boundary extends one-quarter mile out into Lake Superior, none of the waters of Lake Superior are proposed as wilderness. S. 3017 would authorize the use of boats powered by electric motors on Little Beaver and Big Beaver Lakes as well as the use of motors on the surface water of Lake Superior adjacent to the wilderness and beaching of those boats at the line of demarcation, subject to applicable laws. This is to ensure continued access by boaters to the shoreline beach adjacent to the wilderness area. This has been an area of significant public concern.

Designation of the Beaver Basin Wilderness Area will not limit public access to this area or change the way this portion of the park is currently being managed

for public use and enjoyment. County Road H-58, the dirt and gravel primary access road to and through the National Lakeshore, is scheduled to be reconstructed and paved within the next two years. While the NPS supports this upgrade and improved access, we anticipate it will lead to increases in both overall park visitation and development outside the park as well as impacts to front and backcountry resources. Permanent wilderness designation in the Beaver Basin area will ensure protection of significant ecological resources and wilderness values along with solitude, quiet, and unconfined recreation for this and future generations in this portion of the National Lakeshore.

Between 1999 and 2004, the NPS developed an updated GMP for the park. In compliance with law and NPS policy, a formal Wilderness Study was conducted as part of this comprehensive planning effort. During the Wilderness Study, 18,063 acres within the Lakeshore were identified as being potentially eligible for wilderness designation (12,843 acres in Beaver Basin and 5,220 acres in the Chapel Basin area of the park). All of the lands and waters in the study area are in fee-simple Federal ownership within the Shoreline Zone of the park. After extensive public involvement, review, and comment, including overwhelming public support for this wilderness designation, the preferred alternative in the final GMP/Wilderness Study was approved by the Midwest Regional Director on November 23, 2004. The final GMP/Wilderness Study does not propose wilderness in the Chapel Basin area of the Lakeshore. Also, the removal of the one-quarter mile strip of surface water from the proposed wilderness resulted in the reduction of proposed acres from 12,483 to 11,740 in the Beaver Basin area.

Passage of S. 3017 would support the overarching concept in the new GMP for Pictured Rocks National Lakeshore, which is to provide additional and more convenient access to significant lakeshore features on the east and west ends of the park and to preserve the central portion of the national lakeshore in a primitive, relatively undisturbed state.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

S. 3045

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3045, a bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska.

Similar legislation has passed the Senate in earlier Congresses and a small, grassroots organization in Alaska has continued to be an articulate advocate for this proposal. In these earlier bills, the National Park Service (NPS) and the Secretary of the Interior were the principal federal government partners; in S. 3045, the U.S. Forest Service and the Secretary of Agriculture would be given that role.

Based on our experience over the past 24 years working with National Heritage Areas, the NPS has learned that a critical component for success is the completion of a feasibility study that evaluates a proposed area against interim criteria before designation. A study should be prepared that demonstrates evidence of place-based resources that tell a nationally important story, that has the support and involvement of the local community, and that evaluates the commitment and financial capability of the local coordinating entity and partners to carry out the approved management plan for the heritage area. Studies that were done for the designation of the Iditarod National Historic Trail and the Seward Highway National Scenic Byway have confirmed the national importance of the region; however, they were undertaken before generally accepted criteria for designating heritage areas had been established, and were directed at a smaller region than the area encompassed by this bill. While we defer to the Department of Agriculture for the official position on this legislation, the completion of a heritage area feasibility study, based on interim criteria used for similar studies, would allow for evaluation of the area prior to designation. The Department of the Interior is willing to provide advice or assistance to the Department of Agriculture in the completion of a study that meets applicable standards for other heritage areas and provides Congress with the necessary information and assessment upon which to base its decision regarding designation in the future.

With 40 National Heritage Areas designated across 28 states, and more heritage area legislative proposals forthcoming, the Administration believes it is critical for Congress to enact National Heritage Area program legislation. This legislation would provide a much-needed framework for evaluating proposed National Heritage Areas, offering guidelines for successful planning and management, clarifying the

roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation would also clarify the expectation that Heritage Areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that goal.

We would note that the majority of the acreage in the proposed Kenai Mountains-Turnagain Arm National Forest Heritage Area is under U.S. Forest Service management. The park contributes to the themes noted in the Section 1 of the legislation, particularly with regard to recreational resources, history, natural landscapes, and climate change.

If the Committee chooses to move forward with this bill, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary of Agriculture, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the Forest Service should have with respect to the heritage area. We would recommend also that the Subcommittee make the appropriations language in Section 9 consistent with other recent National Heritage Area bills.

Should S. 3045 be enacted, the NPS looks forward to working with both the U.S. Forest Service and the local coordinating entity as a management plan and other provisions are carried out. We would be happy to share what may be applicable lessons learned from working with the other 37 heritage areas in 27 states that Congress designated prior to this year.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any questions that you or other members of the subcommittee may have.

S. 3096

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3096, a bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

The Department supports S. 3096 if amended to retain a requirement that any annual appropriations to the National Cave and Karst Research Institute under this Act would still be subject to a non-federal matching requirement. S. 3096 would amend The National Cave and Karst Research Institute Act of 1998, Public Law 105-325, by striking the portion of the Act that allows the Secretary of the Interior (Secretary) to spend only those federal funds that are matched by an equal amount of funds from non-federal sources.

Public Law 105-325 directed the Secretary to establish the National Cave and Karst Institute near Carlsbad, New Mexico. The National Park Service (NPS) was directed to administer the Institute with one or more partners. The purposes of the Institute are to further the science of speleology, to encourage and provide public education, and to promote environmentally sound cave and karst management. An interim Director was first named in 2000 and the Institute now has a permanent Director and facilities.

Since the Institute was established, it has suffered from a provision in Public Law 105-325 that specifies that in operating the Institute, the Secretary may spend only an amount of federal funds that are matched by funds from non-federal sources. Federal funds have been interpreted to mean not only funds that are appropriated to the NPS, but also funds appropriated to other federal agencies and quasi-federal agencies.

This provision has had a chilling affect on the ability of the Institute to partner and collaborate on mutually beneficial projects and initiatives with federal agencies. Because of the matching fund language, the Institute has not submitted grant proposals to partner on cave and karst projects with the National Science Foundation, the National Aeronautics and Space Administration, the National Institute of Health, or the Department of Energy. The Institute has been advised that if it were successful in obtaining a grant from one of these agencies, it would need to find matching, non-federal monies before being able to accept and spend the federal funds.

The matching funds provision also appears to present a disincentive for federal agencies to partner with the Institute because of federal fiscal year spending limitations coupled with the additional time and lack of predictability associated with the Institute's ability to secure non-federal matching funds. As a result, opportunities

to engage in mutually beneficial projects have been passed up to the detriment of the Institute and the federal agencies.

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

Senator AKAKA. Thank you very much for your statement. Now we will hear from Mr. Jon Knechtel, the Acting Executive Director.

**STATEMENT OF JON KNECHTEL, DIRECTOR OF TRAIL MANAGEMENT/ACTING EXECUTIVE DIRECTOR, PACIFIC NORTHWEST TRAIL ASSOCIATION, SEDRO-WOOLLEY, WA**

Mr. KNECHTEL. Mr. Chairman and members of the subcommittee it's truly an honor to appear before you today. My name is Jon Knechtel. I am the Director of Trail Management and the Acting Executive Director of the Pacific Northwest Trail Association. I am here today as a designee of all of our members, volunteers, partners and students who have kept alive the vision of the trail, the Pacific Northwest Trail.

To testify before a Senate committee is a rare opportunity for any citizen. I'm extremely grateful to Chairman Akaka for the invitation to be here today. When President Lyndon Johnson signed the National Trails Act legislation in 1968 and the Appalachian and Pacific Crest Trails became our first two National Scenic Trails. Those people who were avid through hikers and explorers of new territories envision a network of trails crisscrossing the United States.

One such visionary was a young college student from Georgetown University named Ron Strickland. In 1971 and on through the early 1970s he and some of his friends would spend their winter months pouring over available maps of the Pacific Northwest. Summers were then spent hiking segments of what was to become the PMT.

By 1977 segments have been put together. Ron and his hiking friends have hiked these segments. The trail was born along with the non-profit organization that bears its name.

A feasibility study was completed in 1980 on the PMT. Though it met all the criteria that a National Scenic Trail needs, the cost of implementing the trail was astronomical, around 95 million dollars. Much of this cost was intended to acquire a wide right-of-way for the Trail.

Since that time much of the route of the Trail on lands that were not in public ownership have been acquired by cities and counties that the Trail passes through. Also at that time the feasibility study was done commercial use of our National Forest was in full swing. The opportunity cost of removing these lands from the timber base was high.

Since the early 1980s commercial forest use has dwindled. Numerous new wilderness areas have been designated along with the course of the trail or the route of the trail. Today the majority of the trail is protected by its very location.

Sections of the trail in the lower elevation areas often employ the use of old rail corridors. Many of these corridors have been acquired over the last two decades by local municipalities and converted to trail. There are still areas where the trail crosses the State or private land where commercial use still takes place. The

PMT has worked very diligently over the years to work with and not impede the various guidelines under which these lands are managed.

The PMT has a conglomerate of trail types under the recreational opportunity spectrum. There are rural-urban trails, front country trails, back country trails and wilderness trails. There are sections of the trail that only receive 50 to 100 hikers a year. While others sections like Deception Pass State Park in Washington receive over three million. Almost all of who have set foot on the PMT.

There are sections of trail where use may be restricted to protect threatened and endangered animal species such as the Grizzly bear or Woodland Caribou. Maximum group size is restricted in Federal wilderness areas and limited entry permits are required in some sections. Illegal use by off highway vehicles is still a problem on some sections of the trail. The PMT is and always should be a hiker, equestrian and where permitted bicycle trail.

You know the Department of Interior under the National Trail System Act has designated the PMT segments through North Cascades National Park, Olympic National Park and Glacier National Park as National Recreation Trail, a total of 254 miles. Under the Clinton Administration the entire PMT was named a millennium trail. These are all great accolades. However, the vision of those who have been involved with PMT is to someday see it become a National Scenic Trail. Over the last 30 years since the PMTA was founded more than 131,000 hours of labor on the trail have taken place for the benefit of to our agency partners of over one and a half million dollars.

That's the extent of my testimony. Thank you, chairman.  
[The prepared statement of Mr. Knechtel follows:]

PREPARED STATEMENT OF JON KNECHTEL, DIRECTOR OF TRAIL MANAGEMENT/ACTING EXECUTIVE DIRECTOR, PACIFIC NORTHWEST TRAIL ASSOCIATION, SEDRO-WOOLLEY, WA

Mr. Chairman and members of the subcommittee, it is truly an honor to appear before you today. My name is Jon Knechtel and I am the Director of Trail Management and Acting Executive Director of the Pacific Northwest Trail Association (PNTA). I am here today as the designee of all of our members, volunteers, partners, and students who have kept alive the dream of the Pacific Northwest Trail (PNT). To testify before a Senate committee is a rare opportunity for any citizen, and I am extremely grateful to Chairman Akaka for the invitation to be here today.

When President Johnson signed the National Trails System legislation in 1968, and the Appalachian and Pacific Crest Trails became our first two National Scenic Trails, those people who were avid through-hikers and explorers of new territory envisioned a network of trails crisscrossing the United States. One such visionary was a young college student from Georgetown University named Ron Strickland. In 1971, and on through the early 1970's, he and some of his friends would spend their winter months pouring over available maps of the Pacific Northwest, summers were then spent hiking segments of what was to become the PNT. By 1977 segments had been put together, Ron and his hiking friends had hiked these segments and the trail was born, along with the association that bears its name.

A feasibility study was completed in 1980 on the PNT, and though it met all the criteria that a National Scenic Trail needs the cost of implementing the trail was astronomical, around \$95 million dollars. Much of this cost was intended to acquire a wide right-of-way for the Trail. Since that time much of the route of the Trail on lands that were not in public ownership has been acquired by the cities and counties that the Trail passes through. Also, at the time the Feasibility Study was done, commercial use of our national forests was in full swing and the opportunity cost of removing these lands from the timber base was high. Since the early eighties, commercial forest use has dwindled, and many new wilderness areas have been des-

ignated along the route of the Trail. Today the majority of the trail is protected by its very location. Sections of the Trail, in the lower elevation areas, often employ the use of old rail corridors. Many of these corridors have been acquired over the last two decades by local municipalities and converted to trail. There are still areas where the trail crosses state or private land where commercial use still takes place. The PNTA has worked very diligently over the years to work with and not impede the various guidelines under which these lands are managed. Adopt-a-Trail agreements are in place with the Washington State Department of Natural Resources (as well as a Land-use Agreement) and the Washington State Parks, through which the trail goes. Land-use Agreements are in place with some of the private landowners and these continue to be obtained as needed. Help and support by the Pacific Northwest Trail Association for land purchases and exchanges for the trail and trailheads have been negotiated with cities and counties along the trail, as well as with federal land managers.

The PNT is a conglomerate of trail types under the Recreational Opportunity Spectrum (ROS). There are rural-urban trails, front country trails, back country trails, and wilderness trails. There are sections of the trail that only receive 50-100 hikers per year, while other sections (like Deception Pass State Park) receive over 3 million visitors per year, most of whom set foot on the PNT. There are sections of the trail where use may be restricted to protect Threatened or Endangered animal species such as the Grizzly Bear or Woodland Caribou. Maximum group size is restricted in federal wilderness areas and limited entry permits are required in some sections. Illegal use by Off Highway Vehicles (ORVs) is a problem on some sections of the Trail. The PNT is, and should always be a hiker, equestrian, and where permitted, bicycle trail. Existing trail management objectives set forth by the governing agencies or land owners will govern the maintenance and use of the PNT. Trails will not be upgraded to meet a minimum PNT "standard", as is the case for the Pacific Crest National Scenic Trail. Changes in management direction would be done on a case by case basis, based on other recreational management objectives, with the caveat that the trail use remains non-motorized.

When I first became an employee of the PNTA in late 2003 (having been a board member for three years prior to my retirement from Weyerhaeuser Corporation), my first job was to travel the trail, meet with all my partners and the agencies through which the trail traverses. There were many issues that were brought forth by the 1980 study that I personally wanted to rectify if at all possible without jeopardizing the scenic beauty and wild places through which the trail passed. Starting in Glacier National Park, the Flathead, Kootenai, Idaho Panhandle, Colville, Okanogan National Forests, North Cascades National Park, the Mt. Baker-Snoqualmie, the Olympic National Forests, and the Olympic National Park, I met with the recreational staff from each park, forest, or district and asked the same questions. What are the concerns? Because there are hikers hiking the trail, whether you recognize it or not, where would you like to see them hike? I talked with local groups who used trails in their areas and relied on their expertise to determine the most feasible routes for the Trail. By doing these things, all but one bushwhack has been removed from the trail. The Trail route has been relocated in numerous spots to locate it on system trails and/or abandoned logging roads. The PNT, with agency support, will probably, like the other National Scenic Trails, continue to evolve.

Although the PNT was not originally recommended for National Scenic Trail Status, the members and volunteers would not let the vision of a Pacific Northwest National Scenic Trail die. In the mid 1980's the PNTA formed a partnership with the British Army. The Army crew worked for three summers building new sections of the trail on Blanchard Mountain, in Skagit and Whatcom Counties, in the State of Washington. Our volunteers worked to keep the trail in Skagit and Whatcom Counties maintained along with some new trail construction in Island County during the late 1990's.

In 2000 we developed our Service-Knowledge-Youth (SKY) Education Program and Curriculum thanks to funding from the Ford Motor Company and Tully's Coffee Company. This program was instituted in 2001 with help from the Sedro-Woolley and Mt. Baker School Districts by putting at-risk youth out to work on trails in the Mt. Baker/Snoqualmie National Forest. Thanks to Title II monies from the Secure Rural Schools Act we were able to provide a stipend to the students for their efforts, while they earned additional school credits. In 2001, when falling budgets on the Olympic National Forest threatened to eliminate an innovative youth work experience program known as the Quilcene Ranger Corps, the PNTA stepped in to manage it through a partnership with the Forest Service and Washington State University 4-H.

In 2002, again thanks to Title II and Title III funds, we were able to expand our youth programs to Jefferson and Clallam Counties on the Olympic Peninsula. This

enabled us to help our agency partners, performing trail work for which they had neither the manpower nor funding to accomplish. We also developed, through private donations, a Native Plant Nursery in Mt. Vernon, WA. This had a three-fold purpose; (1) to give youth an opportunity to learn about native plants and their effect on the environment, (2) to supply native plants to local communities and private developers for mitigation/restoration projects, and (3) to replant native vegetation along impacted areas along the PNT.

From 2003-2007 we were able to expand the programs to the Okanogan, Colville, and Idaho Panhandle National Forests under Title II and Grants from the National Forest Foundation. Through other funding avenues work took place in the Olympic and North Cascades National Parks. These programs will continue through 2008 unimpeded, however with the Secure Rural Schools Act not being renewed, some of the programs may be in jeopardy after this year.

Also, in 2003 we developed a partnership with Cascade Job Corps in Sedro-Woolley, WA wherein we provide work-based training to young people prior to their going out in the workforce. This has proven to be a wonderful year-round program where we can provide more services to our agency partners. These students do a myriad of different projects where they are needed. They have worked in Mt. Rainier National Park, Idaho, Eastern Washington, the Olympic Peninsula, and the entirety of the Mt. Baker/Snoqualmie National Forest. The crews have built new trail bridges and removed damaged ones, built and maintained trails while obliterating user made trails. They have removed toilet buildings from campgrounds and trailheads in preparation for the installation of new ones, done stream restoration for the protection of the Bull Trout, installed new trailhead sign kiosks at trailheads, removed hazard trees from trails and campgrounds and saved our agency partners large amounts of money. In the winter they work on mitigation projects for local municipalities and agencies, and have provided labor sandbagging during flooding in western Washington.

With these programs, we've been able to get a tremendous amount of work done for our partners, not only on the PNT but also on other trails on federal lands. Over 950 youth have participated in our programs over the last 7 years, the graduation rate at the schools where the programs have been implemented has increased, juvenile delinquency rates have dropped, at-risk youth who have never had the opportunity are getting out and learning to be stewards of the environment, and the agencies have benefited by getting projects accomplished.

The Department of Interior, under the National Trails System Act has designated the PNT segments through North Cascades National Park (2002), Olympic National Park (2003), and Glacier National Park (2005) as National Recreation Trails, a total of 254 miles. Under the Clinton Administration the entire PNT was named a Millennium Trail. These are all great accolades; however the vision of all who have been involved with the PNT is to someday see it become a National Scenic Trail. The hikers who through-hike the PNT are astounded by the beauty, the elevation changes, the variety of wildlife and flora, and the serenity as they head for their final destination at Cape Alava on the Pacific Ocean.

Creating a Pacific Northwest National Scenic Trail makes sense! From East Glacier National Park the PNT is a direct connector; tying the already designated Continental Divide Trail and the Pacific Crest Trails to one another, with the possibility of someday tying the PNT to the North Country Trail and creating a Sea-to-Sea Trail. This was all part of the vision in 1968 of a National Trail System tying the country together, north-to-south, and east-to-west.

Over the last 30 years, since the PNTA was founded, more than 131,000 hours of labor on the Trail have taken place with a benefit to our agency partners of over 1.5 million dollars. A breakdown on land along the Trail where these hours were spent is as follows:

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National Park Service .....	13,376
US Forest Service .....	79,337
Bureau of Land Management .....	272
Bureau of Indian Affairs .....	966
WA Department of Natural Resources .....	26,931
WA State Parks .....	4,337
County Lands .....	3,120
City Lands .....	305
Private Lands .....	2,698
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Total .....	131,342

The PNT is broadly supported by many groups such as the Backcountry Horseman of Washington, Washington Trails Association, the Mountaineers, Jefferson Trails Coalition, Quimper Trail Association, Peninsula Trails Coalition, Colville Trails Coalition, Volunteers for Outdoor Washington, Washington States Trails Coalition, and Tobacco Valley Highcountry Horseman in Eureka, MT.

County Commissioners in Clallam, Jefferson, Island, Whatcom, Okanogan, Ferry, and Pend Oreille counties support a Pacific Northwest National Scenic Trail. The mayors of Eureka, MT, Metaline Falls, WA, Forks, WA, have sent their support for the Trail.

Numerous through-hikers, members, students, volunteers, and corporations have voiced their support either by sending letters, signing petitions, voting and/or commenting on the Washington Watch website.

Senator AKAKA. Thank you very much. I want you to know that each of your full statements will be included in the official hearing record. Now we'd like to begin with the questions to each of you.

Ms. Taylor-Goodrich, before turning to questions on the bills you testified on, I have a question relating to two national park advisory boards. I understand that the authority for both the National Park System Advisory Board and the National Park Service Concessions Management Advisory Board will expire at the end of this year. Have these Advisory Boards been helpful in providing useful advice and recommendations to the Park Service?

Ms. TAYLOR-GOODRICH. Yes, sir. They have been very helpful in providing recommendations on a variety of issues.

Senator AKAKA. I thought it would be useful to get that response on the record in case the committee decides to extend the authorization for either or both of the commissions through legislation.

My next question is on S. 3096 relating to the Cave and Karst Institute. The 1998 law that established the Institute states that it will be jointly administered by the National Park Service. If the Park Service is a partner in this, why should there be any requirement for matching funds?

Ms. TAYLOR-GOODRICH. What we found is the requirement for the Federal match to the non-Federal dollars has kept the Institute from doing business and taking advantage of grant opportunities available from other Federal entities. Removing the matching provision will allow the Institute to take advantage of a number of opportunities to support itself.

Senator AKAKA. I have a couple of questions on H.R. 1143 which authorizes the lease of property in Virgin Islands National Park. As you know the Park Service concession law provides for a standard contract of 10 years with a maximum of 20 years if the Park



Service determines that a longer term is needed for construction of capital improvements.

If 20 years is adequate for other lodging operations in National Park units, why should Caneel Bay be given a 40-year term?

Ms. TAYLOR-GOODRICH. The current operator is CBI acquisition. They have expressed the need to have additional time in order to make improvements to the property and remain profitable and competitive in the local hotel market in the Virgin Islands.

Senator AKAKA. Last year the Inspector General issued a report that criticized the Park Service for allowing private use of public lands. In her response to the IG, Director Bomar ensured that Park management would move quickly to open these areas to the public. I understand that the Caneel Bay property that would be leased in H.R. 1143 is reserved for use of the resort guests, and not open to the general public. If the Park Service entered into a long term lease, would the public be allowed to access the property, consistent with Director Bomar's statement?

Ms. TAYLOR-GOODRICH. Mr. Chairman, I am familiar with the report from the Office of Inspector General, but it is more specific to private clubs and having established private clubs on National Park Service managed property and controlling access to public lands. In the case of this lease, in particular, the public would be allowed to use the property as a guest of the resort similar to how other operations and the public areas of the resort, grounds, food, beverage and other facilities would be open to the public.

Senator AKAKA. Your testimony indicates the Park Service would be willing to work with the subcommittee to develop your recommended amendments. Will you please provide us with a written draft of your proposed amendments?

Ms. TAYLOR-GOODRICH. We'd be happy to provide that for you.

Senator AKAKA. Thank you. You mentioned that based on a value analysis, the Park Service has determined that a lease would provide the greatest advantage to the park. Would you please provide the subcommittee with a copy of that analysis?

Ms. TAYLOR-GOODRICH. Yes, we'd be glad to provide a copy.

Senator AKAKA. Thank you. Mr. Rey, I understand that Congress previously authorized a heritage area in Iowa to be administered by the Department of Agriculture. Eventually, the law was amended to transfer the area to the Interior Department, because the Heritage Area was not receiving any attention in the Department of Agriculture. The Park Service already administers a large number of heritage areas. Why does it make sense to duplicate this program in the Forest Service?

Mr. REY. The Heritage Area that you were referring to was the Silos and Smokestacks Heritage Area in the Midwest. That unfortunately did not have a logical home within the Department of Agriculture. There was no land management involved with Agriculture Department lands in the Heritage Area proper.

This, we think, is a different circumstance for three general reasons. First, 89 percent of the land involved in this Heritage Area is already managed by the United States Forest Service. So that any project that's associated with this Heritage Area would have to be approved by the Forest Service.

The process would be much more streamlined if the Forest Service would have direct participation as the management entity and with the local cooperator. So I think from a practical standpoint the first reason is that we own almost all of the land involved. Therefore it could expedite meeting.

Second, unlike the balance of the Department of Agriculture, the Forest Service has a very active Heritage Program, both archeological and historical resources. We have many sites registered on the National Register of Historic Sites. We are representing the Department on the Advisory Council, the National Historic Preservation. As I indicated earlier we did receive the First Lady's Preserve America award this year for our Heritage Programs.

Finally, although it's not apropos, but I think we know which six flags flew over St. Augustine. The third general reason is that in all of the other special land use designations, save this one, the Forest Service, the Park Service and to some extent the Fish and Wildlife Service and the Bureau of Land Management all manage areas under those programs. They all have National Wilderness Areas, elements of the National Wilderness System.

We just celebrated the designation of Big Sky Wilderness at Index, Washington a few weeks ago. Congratulations. We have National Scenic or rather National Trails that are the National Trail Program. We have National Wild Scenic Rivers. We have National Recreation Areas. The Forest Service even has a National Seashore in Oregon at Oregon Dunes.

So this Heritage Area System is an exception to a general rule where the Forest Service, the Park Service, the Fish and Wildlife Service and the Bureau of Land Management, to one degree or another, have all managed units of these systems. So this isn't that extraordinary an exception to what has generally become the rule.

Senator AKAKA. Thank you very much.

Senator BURR.

Senator BURR. Thank you, Mr. Chairman. Mr. Rey, or excuse me, Ms. Goodrich. Of the 40 National Heritage Areas that currently exist do you know how many of those contain National Forest Land within the Heritage boundaries?

Ms. TAYLOR-GOODRICH. I don't have that information. But we can provide it to you.

Senator BURR. Do you know if the Association with National Forest Service land has created any unique challenges?

Ms. TAYLOR-GOODRICH. Not to my knowledge.

Senator BURR. Ok. Thank you. Mr. Rey, does the Department of Agriculture have a mechanism for funding Kenai Mountains Heritage Area if this legislation were enacted?

Mr. REY. If this legislation were enacted we would fund it as part of the budget request for the Forest Service's State and Private Forestry Program and the Chugach National Forest Budget in the years after enactment.

To your first question, I'm aware of only one National Heritage Area where the significant amount of Forest Service ownership. That's the Northern Rio Grande National Heritage Area which is in all honesty, having some problems getting enacted because of a disconnect or getting implemented because of the disconnect between the ownership and the heritage activities.

Senator BURR. We'll certainly look at that. Would the Department of Agriculture raise any opposition if S. 3045 is amended to place the Kenai National Heritage Area under the jurisdiction of the Department of the Interior?

Mr. REY. Our working relationship with the Department of the Interior is such that, you know, our primary objective would be to support the designation. We'll work out the operational details later. But as, you know, we indicated, and we can submit for the record, there will be some logistical complications associated with using another heritage area administrator over top of the management of the National Forest lands involved.

Senator BURR. Ms. Goodrich, let me come back to you if I could. In relation to the Caneel Bay Resort lease, I'll say to the subcommittee and to the chairman, I've got some real questions on this that will take me more time to dig into than we've got today. I would ask unanimous consent that I be allowed to send additional questions to be answered.

Has the Rockefeller estate taken a position on the proposed lease arrangement? Have they conveyed their position in written form to the National Park Service?

Ms. TAYLOR-GOODRICH. If you would allow me, Mr. Chairman and Ranking Member Burr, I have with me today our Chief of Concessions Management for the National Park Service, who has a more in depth understanding of the Rockefeller's relationships with Caneel Bay. Would you mind if I ask her to address that question?

Senator BURR. Be happy to do that, but if she could also, if you can't, do we have a written conveyance on their part that they're ok with this?

Ms. PENDRY. Yes, sir. My name is Jo Pendry. I'm the Chief of the National Park Service Concession Program. We do have something in writing from the representative of the Rockefeller's stating that they do support. They do have certain caveats that they would like to see which I believe are already incorporated into the draft legislation. We can provide a copy of that letter for you.

Senator BURR. Ok. To either one of you that can answer it. What was the purchase price CBI paid for the lease in 2004?

Ms. PENDRY. I can't remember the exact price, we could get that for you for the record.

Senator BURR. Would you provide that for the record?

Was CBI acquisition LLC fully aware of the lease expiration date when they purchased this property?

Ms. PENDRY. It's my understanding that they were aware that the RUE was up in 2023.

Senator BURR. So that's not a question on their part?

Ms. PENDRY. I don't believe so.

Senator BURR. Did the National Park Service inquire from CBI if they were interested in selling back the remainder of their lease? I guess some 15 years?

Ms. PENDRY. Yes, we have had those discussions.

Senator BURR. What was their reaction to that?

Ms. PENDRY. I don't think they were interested in doing that at this time. I don't think the Park Service would be aware of all of the implications of doing that until we are able to complete a fair

market value assessment of the property. So they did not indicate opposition or support of that.

Senator BURR. Caneel Bay is a very sought after piece of property. It somewhat surprises me that the National Park Service would come in as enthusiastic as they are about a sole source contract extension of a lease. Not knowing what the marketplace might bid the price to, if in fact you had the ability to open it to others to bid on.

The only way that you could do that is if you had explored the buyout of the current lease which has 15 years left on it by CBI. The fact that they showed little if no interest in allowing the National Park Service to buy back those 15 years might suggest that what they see as most attractive is the ability not to compete with anybody for that property. I don't have too great of a confidence in any entity of the Federal Government in determining what the value of an asset is. I think I can only share this with you that there will have to be a great deal more, I believe, addressed in this before I'm going to be supportive of moving forward.

I'm not exactly sure what those questions will be, but I will assure you over the next 10 days I'll get those to the Department. I think we have rushed this before we were ready to fully think it through. I would ask the chair to pay particular attention to this as we think about any type of mark up on legislation. I thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Burr. Let me ask Senator Cantwell for any statement you may have.

Senator CANTWELL. Thank you, Mr. Chairman. I would like to enter a statement into the record about what we were trying to do in the Northwest.

Welcome Mr. Knechtel for being here today. We appreciate you being here very much. Sorry to hear about the loss in your family. We appreciate you coming to testify about this important legislation.

Obviously the Pacific Northwest Trail which really goes a great distance across a large part of the Northwest is something that we think should be designated even more as a national treasure. But Mr. Knechtel, because the trail connects three major National Parks from the Olympic coast all the way to Montana, I really have a question for you about the who should manage this area if such designation is given.

The Park Service does currently manage, I think, five of the eight National Scenic Trails. Three of which are over 1,000 miles long. So I don't know if you have any thoughts that you want to share on that particular question.

Mr. KNECHTEL. Thank you, Senator. When I first started working with Tom Gilbert, who is an employee of the Park Service last year, we had the Department of Agriculture as the administering agency for the trail. After quite a bit of thought and when it got to your office it was decided that it made more sense that the Department of Interior over administer the trail because of the North Country Trail being a National Park Service administered trail, their Board having looked into the possibility of adopting that section in North Dakota and Montana that would connect the Pacific

Northwest Trail to the North Country Trail at the Continental Divide which would make it a sea to sea trail.

When I was talking with Mr. Merkel in your office, we changed that language in the legislation to Department of Interior and that was the main reason. The Pacific Northwest Trail is a vital link connecting the Continental Divide Trail and the Pacific Crest Trail which are both Forest Service Trails along the Northern tier of the United States and then continuing on to the Pacific Ocean. I work with both agencies.

Over the last 7 years we've done 70 some thousand hours worth of work for the Forest Service, 15,000 for the Park Service. It's been a little easier through the Secure Rural Schools Act to get money to work on Forest Service land than it has been through NRTP to do work on Park Service land. So that's what brings about the discrepancy in the amount of volunteer hours that have been put out there by not only by our sky education programs but our volunteers and everything.

It makes no difference to me in the long run whether it be the Department of Agriculture, Forest Service or Department of Interior Park Service who administers the trail.

Senator CANTWELL. Ok.

Mr. KNECHTEL. I would just like to see the trail designated.

Senator CANTWELL. Thank you. Thank you. I see that there is a great deal of support from the Commissioners from most of those counties, Cowlitz, Jefferson Islands, Skaqit. Why do you think it's getting such support from all those counties?

Mr. KNECHTEL. We have, with our youth education programs and over the last 7 years, we developed the sky program which is service, knowledge and youth, and that has been done under the Secure Rural Schools Act, has put this curriculum into schools. We've employed over 950 youth, ages 13 to 21 over the last 7 years. They have done numerous jobs.

The counties in the State of Washington have been very impressed with the inclined rate of graduation from the schools where the program is plus the decline in juvenile delinquency. It's been an extremely beneficial program, especially to the Forest Service, who has benefited most by it.

Senator CANTWELL. Thank you. Thank you, Mr. Chairman. If I could, as I said, put a longer statement in the record. Thank you.

Senator AKAKA. Thank you very much, Senator Cantwell. You know that the Park Service has no objection to that and also was asking that we authorize the feasibility study for that. Thank you. Thank you very much.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. Thank you to the folks who have testified today. Mr. Rey, a couple questions for you about the Kenai Mountains-Turnagain Arm Corridor.

Before I begin those I wanted to just note for the record, Senator Burr you had mentioned, you asked about the cost. In my opening statement I kind of referred to this as the low budget option. We're trying to figure out a way that it isn't a burden to the taxpayer, something that will work. I think that the folks that were working to put this proposal together were looking for just that.

They have indicated that, in so far as, we know the moneys ultimately come from the appropriations process. The Corridor Communities Association will have to come up with 25 percent match on the Federal grants. The Association strongly believes that they can make this concept work even if there's little or no new Federal money made available. They believe they can do so by leveraging partnership in the existing resources. There won't be any Federal grants to support the heritage area that would come from the National Park Service accounts. It's my understanding.

I want to explore a little bit the suggestion that both you, Mr. Rey and Ms. Taylor-Goodrich have suggested that we need to move forward with this feasibility study. This idea that the Kenai Mountains-Turnagain Arm Corridor area become a Heritage area has been around for about a decade. It's passed the Senate before.

The historic, the cultural attributes of the area are very well documented. What do you think we gain from the feasibility study that we don't already have?

Mr. REY. What we have is much of the underlying information that would go into a single feasibility study spread across a couple of different documents. Some of it's in the Chugach Land and Resource Management Plan. Some of it's in the Iditarod Trail proposal. Some of it's in the Seward Highway proposal, not proposal, project.

So I think what we're seeking is to collect all of that information in one location so that it does have a totality to it. Do one more evaluation to see if there's anything else that we're overlooking. There are a few boundary adjustments that may need to be made, things like that.

Senator MURKOWSKI. But I—

Mr. REY. I don't look at it as a major project, a fairly quick action.

Senator MURKOWSKI. Ok. Because the concern, of course, that we have in going back to Senator Burr's point which is absolutely legitimate. We don't want to spend money unnecessarily doing things that we've already done before gathering more information. So you feel that we could do something that kind of wraps it all together. Do so in a manner that is fiscally responsible or frugal without necessarily reinventing the work that is already out there.

Mr. REY. I think we're talking about bringing that work together and combining it with a multi year action plan at a cost of probably somewhere around 100,000 dollars total.

Senator MURKOWSKI. You think that you can do that in a timely manner?

Mr. REY. Yes.

Senator MURKOWSKI. Ms. Taylor-Goodrich, do you concur?

Ms. TAYLOR-GOODRICH. We concur. We'd be glad to provide any advice and assistance needed to Mr. Rey.

Senator MURKOWSKI. In response to Chairman Akaka's question about, you know, why the Forest Service as opposed to the Park Service. I think your outline of why the Kenai Mountains-Turnagain Arm Corridor is a little bit different, the fact that 89 percent of the lands are managed currently by the Forest Service, primarily there in the Chugach. Can you perhaps elaborate for the committee some of the other things that the Chugach National For-

est is doing that would be complemented by a National Heritage designation?

Mr. REY. Sure. The management of the Iditarod National Heritage Trail which would be in this Heritage Area in part, the management of the Seward Highway Heritage Corridor, the Alaska Railroad Whistle Stop Tour which we've constructed and interpreted as a recreational and heritage resource. I believe we've got some sites on the Chugach that would be within this Heritage Area that are probably eligible for the National Register of Historic Sites. There is an active archeological program on the Chugach National Forest that interprets a number of archeological and historic sites, both Native American as well as early settlement.

The area is a corridor that essentially opened up the interior of Alaska to settlement by, you know, the Russians and then subsequently, America. So it's rich in historic resources and rich in archeological resources since the Alaska native population used some of those travel corridors before the post Columbian population did.

Senator MURKOWSKI. I appreciate your comments. I think it is important to identify how this particular corridor or area might be appropriate for oversight by the Forest Service as opposed to the National Park Service because I think we need to be sensitive to duplication of efforts within agencies. But I think when you have agencies that recognizes that because of all the other things that are going on under that oversight currently that really in order to gain as many efficiencies as possible the best thing to do is to mirror the program that is happened or taking place in another agency and yet have that oversight be done by the Forest Service as we're proposing here. You gain the best of all worlds.

Mr. REY. Yes. I think the objective here is to try to avoid duplication. You know we have many jointly managed areas.

So what we always try to do with the Park Service and with the Bureau of Land Management is to try to manage them jointly on the basis of what the greatest level of efficiency we can achieve. Through that effort would be where we've got the preponderance of the underlying resource, we take the lead. When they've got the preponderance of the underlying resource, they take the lead.

In the case that we were just describing which is the Pacific Northwest Trail, it's about, you know, an even bet. There are three National Parks and seven National Forests. I think we've got about 60 percent of the trail corridor. You've probably got about 38 percent of the trail corridor. So, again, you all decide who you want and we'll figure out the operational details.

But you can make it easier for us by reflecting what's really there on the ground. The fact that this is the first Forest Service Heritage Area is, you know, an anomaly that isn't necessarily dispositive as opposed to how we could best manage the heritage resources in this area.

Senator MURKOWSKI. I appreciate those comments. Mr. Chairman, I would hope that we could work with Mr. Rey and Ms. Taylor-Goodrich and others to make this a reality in this incredibly historic and scenic part of the State of Alaska. So thank you.

Senator AKAKA. Thank you very much, Senator Murkowski. Let me follow up by asking a question of Mr. Rey. I understand that

you are asking that the area feasibility study be completed, I think you had asked that. What does it require to complete it?

Mr. REY. I think what would be required here is to take the information that currently exists in four separate studies, consolidate them into one, make sure we've answered all the remaining questions. We still are adjusting boundaries a little bit. Then use that study as the conclusion for proceeding.

Senator AKAKA. Thank you. I have a question for Mr. Knechtel. The study for the Pacific Northwest Trail is now almost 30 years old. That study did not recommend, as you know, including the trail in the National Trail System.

Mr. KNECHTEL. Right.

Senator AKAKA. As you have heard today, the Park Service is recommending that the bill be amended to require an update of the study. I think you have the proper knowledge here to answer my question. My question to you is, what are your thoughts on their proposal?

Mr. KNECHTEL. I think, you know, I've read the 1980 feasibility study numerous times. Most of the people who were against recommending the trail in 1980 have now come around and are supporting it, such as the Department of Interior. You know the Mountaineers in the State of Washington were very much against the trail. They're very much in favor now.

Most of the trail has been, in the 1980s wasn't on trail. A lot of the trail was bushwhacked, which, you know, cross country, which is a no-no with the Forest Service. Those have almost all been taken out. There's one left in Northern Idaho.

I've been working with the Idaho State Forest and also the U.S. Forest Service on trying to get a trail, either do the NEPA and build a trail. The State Forest Service has said that they would support that. I haven't got that commitment from the Forest Service yet, but it would be about a mile of new trail on Forest Service land.

I guess where I'm coming from, Senator Akaka, is I don't feel that there is a true need to do a complete feasibility study review. I'd rather see that \$250,000 or half a million dollars be put into the trail. As far as building or finishing it, there is a couple of sections where NEPA would have to be done to get the trail off of some roads in Stevens County in Washington.

You know I'm not going to fight the government if they do want to update the feasibility study. You know I'm going to work with my partners and with the agencies. That's my firm belief.

You don't get anywhere by fighting the system. You work with the system. You support them. Hopefully in return, they'll support you.

I just, you know, the trail is all on trail. People hike it every year. There are some sections that need to be moved off of major roads. I'd rather see that money for the feasibility study be spent there.

Senator AKAKA. I'm really taken with what you said. The way it came to me was, the connection made will be from sea to shining sea.

Mr. KNECHTEL. Right.

Senator AKAKA. Across the country.



Mr. KNECHTEL. This, Senator is a vision of a lot of people is to see this sea to sea route from Cape—from, you know, Massachusetts clear across to the Pacific Ocean. Andy Škurka hiked this particular trail 3 years ago. It took him 11 months. But he did make the hike using the Long Trail, the New England Trail, the North Country and our trail to accomplish it.

Senator AKAKA. Thank you very much for that. Senator, do you have any?

Mr. KNECHTEL. Thank you.

Senator AKAKA. I want to thank you. This has been a good hearing. I want to thank each of you for testifying this afternoon.

Without question, your statements and testimony will be very helpful to us. We look forward to working with you, even with your recommendations here to us on each of these bills.

Now before we close today I want to let you know that some members of the committee who were not able to attend this afternoon may want to submit additional questions in writing. If they do, we will forward them to you and ask you to respond to the questions.

I look forward to moving some of these bills. Thank you again. This hearing is adjourned.

[Whereupon, at 3:47 p.m. the hearing was adjourned.]

[The following statement was received for the record.]

NATIONAL CAVE AND KARST RESEARCH INSTITUTE,  
Carlsbad, NM, June 10, 2008.

*Committee on Energy & Natural Resources, 312 Hart Senate Office Building, U.S. Senate, Washington, DC.*

S. 3096—Proposed legislation to amend Section 5(a) of the National Cave and Karst Research Institute Act of 1998

Caves and karst are a hidden, little known, yet vital underground resource that directly impact over 25% of the United States. The National Cave and Karst Research Institute (NCKRI) was created by the U.S. Congress in 1998 to support and conduct research, education, and sound management of these areas directly and through partnerships with other entities. One group of crucial partners are federal agencies and federally-funded organizations which hold properties that contain many of the country's and world's most significant caves and karst areas. Unfortunately, the legislation that created NCKRI had the unexpected effect of severely limiting NCKRI's ability to establish those crucial partnerships. As Executive Director of NCKRI, this letter is submitted to strongly support passage of S.3096 so NCKRI can more effectively fulfill its mandates.

Section 5(a) of the National Cave and Karst Research Institute Act of 1998 requires NCKRI to receive matching non-federal funds for the federal funding it is allocated. While the intent of this requirement seems clear, the reality is that NCKRI is either unable to work with federal or federally-funded agencies, or can do so under conditions that can seldom be achieved. The two fundamental problems are that in many cases:

- 1) Non-federal matches may not exist for the specific needs, or cannot be effectively located without disproportionate expenditure of NCKRI resources;
- 2) There is often insufficient time to locate non-federal funds.

In the case of grants, such as from the National Science Foundation, potential non-federal sponsors do not want to commit funds for protracted grant review periods without a clear end date (since many grants are not accepted in the first round of review but years later in future rounds) or reasonable degree of certainty that the federal funds will be approved.

During the past year, I have met with staff from the Bureau of Land Management, Department of Defense, and the U.S. Fish and Wildlife Service, Forest Service, and Geological Survey. They were all supportive of NCKRI and interested in partnering, but put-off by the matching funds requirement. For example, in May 2008, the Klamath Network of national parks contacted NCKRI to develop a pro-

gram for inventorying and monitoring caves. Instead, the funds for that program may likely go to a private consulting firm, which would provide no match. Within the last week, the Bureau of Land Management released a request for proposals for cave management and research needs in New Mexico, with an estimated total 5-year budget that nearly matches NCKRI's current combined federal and non-federal annual budget. Given the constraints of time and personnel, NCKRI hopes for affiliation with whichever organization receives this project, but will not benefit from the funds, growth, and prestige that receiving this project would provide.

Should S.3096 be approved, there may be concern that the matching funds currently provided by the State of New Mexico, through the New Mexico Institute of Mining and Technology (NMT), may diminish or cease. That will not occur. I have been assured by the NMT President and Vice-President and Associate Vice-President of Research and Economic Development that NCKRI has NMT's full support regardless of federal funding, and have seen their words supported by actions. Additionally, it is in NMT's and the State of New Mexico's best interest for NCKRI to succeed and bring in additional funding, both of which would be greatly facilitated by approval of S.3096.

In 1998, Congress took an unprecedented step in recognizing the importance of cave and karst resources by creating NCKRI. Approval of S.3096 will remove a well-intentioned but flawed clause that severely limits NCKRI's ability to effectively fulfill the purposes Congress intended.

Sincerely,

GEORGE VENI, PH.D.,  
*Executive Director.*

## APPENDIX

### RESPONSES TO ADDITIONAL QUESTIONS

#### RESPONSES OF JON KNECHTEL TO QUESTIONS FROM SENATOR BURR

*Question 1.* Northwest National Scenic Trail Designation (S. 2943): How much of the Pacific Northwest Trail is currently established, who manages it, and how is it funded?

Answer. The majority of the Pacific Northwest Trail (PNT) is on the ground and people hike it on a yearly basis. 900 miles of the trail are actual trail; the balance is on minimal-use roads (263 miles), minimal-use paved roads (30 miles), city or county roads (130 miles), state highways (30 miles), and US Highways (4 miles).

The National Park Service (NPS) maintains those sections of the PNT within their boundaries. If the PNTA obtains grant money, we have been able to put our youth crews within the parks to help with the maintenance.

Very few districts of the United States forest Service (USFS) have trail crews so the PNTA, as a non-profit, applies for and receives substantial grant monies each year to place our Service-Knowledge-Youth (SKY) Crews on USFS land to not only maintain the PNT, but help the USFS maintain other trails, trailheads, and campgrounds. A lot of maintenance on USFS land is also done by our volunteers.

Many sections of the trail (such as state, county, city, or private lands) are maintained by volunteers from the Pacific Northwest Trail Association and our SKY Youth programs. The PNTA has also implemented, and supplied tools to, many Trail Maintenance Organizations (TMO's) over the years such as the Quimper Trail Association (Port Townsend, WA), the Skagit TMO (Mt. Vernon, WA), Glacier Trail Club (Bellingham, WA), the Oroville TMO (Oroville, WA), and the 49th Parallel Mountain Cursors (Eureka, MT). The PNTA has also formed partnerships with many Trail Coalitions (TC's) such as the Peninsula TC (Port Angeles, WA), Whidbey Island TC (Oak Harbor, WA), Skagit TC (Mt. Vernon, WA), Okanogan TC (Okanogan, WA), and Colville TC (Colville, WA). The PNTA has also developed partnerships with the Backcountry Horsemen of Washington, Idaho, and Montana, Tobacco Valley High Country Horsemen (Eureka, MT), Washington Trails Association, Washington, Idaho, and Montana Conservation Corps, Cascade (Sedro-Woolley, WA) and Curlew Job Corps Centers (Curlew, WA).

The PNTA has developed numerous youth programs which have been funded by the Secure Rural Schools Act, NRTP Grants, and grants from the National Forest Foundation. Private funding has been available, over the years, from companies such as Weyerhaeuser, Microsoft, Williams Corporation, Ford Motor Company, Tully's Coffee, the Spring Family Trust, Skagit Community Foundation and many others.

*Question 2.* Northwest National Scenic Trail Designation (S. 2943): How many private property owners have land that is part of the Pacific Northwest Trail corridor?

Answer. There are some private timber companies where Land Use Agreements are in place, and the WA Department of Natural Resources and State Parks where agreements are in place. The trail uses rural-urban trails which are owned and protected by cities and counties. There are some small landowners along the trail, where if permission has been given the trail goes through their property; otherwise it traverses the property on county roads.

*Question 3.* Northwest National Scenic Trail Designation (S. 2943): Will any land need to be purchased to complete the Pacific Northwest Trail, what is the estimated cost, and is the Federal government expected to purchase it if the legislation is enacted?

Answer. To complete the trail on federal lands, there are a few areas where new trail would have to be built to get it off roads. These would require NEPAs to be done, however the trail would most likely be built by volunteer labor.

There are some sections along the trail, through private land, that could possibly be purchased. Most of these lands have had the merchantable timber removed in

the last 15-years and won't be harvested for another 25-40 years, if then. I don't know what the costs would be as we've never negotiated that.

State Lands in Washington, through which the trail passes, would not be available for purchase under the RCW Codes of the State. There is no language in the RCW Codes allowing the sale of, or 30-year easements, through State Trust Land, however a permanent license to use these lands is available under the RCW Codes.

If NST Status is granted for all the federal lands the trail passes through, then purchases could be made of private lands as they come available through yearly appropriation requests, private donations, land swaps, or through the Land Conservation Acts.

If granted NST Status by the Federal Government, the Pacific Northwest National Scenic Trail (PNNST) would be in a better position to garner private funds and different types of available grant monies, than now exist to a strictly non-profit organization. More community involvement along the trail would take place because of the economic impact of having a National Scenic Trail in their backyard. I also feel because of the diversity of trail types, under the Recreational Opportunity Spectrum, the PNNST would allow more users to partake in the outdoor experience. With the rail-trails along the PNT, handicapped persons and mothers with baby strollers can join the ranks of trail users.

Those of us who have spent many years working on the PNT, putting these agreements together, building new sections of trail, getting youth into the great outdoors, to learn about the environment and help maintain, not only the PNT, but trails that our agency partners don't have the funding to maintain feel that we have one of the most scenic trails in the country.

Yes, there are issues to be faced and worked through, however these issues are no different than those undertaken by all the other trails. The PNTA has spent the last 30-plus years getting to this point without the benefits provided the other NST and NHT Trails. We feel the PNT should be a part of the National Trail System because it not only is an extremely scenic and diverse trail, it provides a vital link to our National Trail System connecting the Pacific Crest and Continental Divide National Scenic Trails to the Pacific Ocean.

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#### RESPONSES OF MARK REY TO QUESTIONS FROM SENATOR BURR

*Question 1.* The Secretary of Agriculture was previously given responsibility for the Silos and Smokestacks National Heritage Area. The arrangement was not successful and the bill was amended to give oversight authority to the Secretary of the Interior. What were the circumstances that resulted in the transfer of oversight from Agriculture to Interior and how has that been resolved for the proposed Kenai Mountains Heritage Area?

Answer. The Secretary of Agriculture was originally designated in 1996, as the lead in assisting with the development of the Heritage Area called "America's Agricultural Heritage Partnership: Silos & Smokestacks." However, the management entity later worked to change this designation. The Silos & Smokestacks website provides the following explanation for the change:

We have asked the Iowa Congressional and Senate delegation to amend the original legislation and place us under the Department of Interior where all other Heritage Areas are established. AAHP was originally placed under the Department of Agriculture because it was thought that our story fit their mission. While the USDA will continue to assist Silos & Smokestacks, from the standpoint of funding and technical assistance, we have determined that our best "home" is with the National Park Service, which is behind the development of heritage areas.

In 2000, an omnibus parks bill was enacted that transferred the responsibility for the Heritage Area from the Department of Agriculture to the Department of the Interior.

In the twelve years since Silos & Smokestacks was established, it has not received any Federal financial assistance through USDA because Congress never appropriated funds despite the authorization for up to \$1 million annually, not to exceed \$10 million by 2012. In contrast, the National Park Service presented Silos & Smokestacks with a check for \$248,000 on May 5, 2000. The scenario described above did not involve the Forest Service. The Forest Service has a rich and vibrant heritage program established in 1980. In fact, in February 2008, the Forest Service received the Advisory Council on Historic Preservation's award for Federal Preserve America Accomplishment.

S. 3045, which would establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area, would give the Department of Agriculture responsibility because:

- There is a long-standing and proven relationship between the Forest Service and the management entity that has successfully accomplished several heritage related projects.
- The management entity has requested that the Forest Service be the lead Federal agency.
- The goals and objectives of the proposed heritage area are very compatible with the land management plan for the National Forest System (NFS) lands included within the boundary.
- The Alaska Regional Office of the National Park Service has been supportive and has agreed to collaborate fully with the Forest Service.

*Question 2.* S. 3045 authorizes certain appropriations for use by the Kenai Mountains National Heritage Area. Does Department of Agriculture have a mechanism for funding Kenai Mountains Heritage Area if this legislation is enacted?

Answer. S. 3045 authorizes appropriations to be made available to the management entity for the development and implementation of the management plan for the Heritage Area.

The Forest Service would have a mechanism for making that funding available to the management entity if the legislation is enacted and funds are appropriated as authorized. The Forest Service already has resource staff in place throughout the Area, including archaeologists, recreation/tourism planners, landscape architects, and engineers. Within existing authorities and budgets, we can provide a limited amount of technical assistance to local communities, and are now doing so. Because the Forest Service manages most of the land within the proposed Area, we have the resource information, visitor information, and technical tools needed to support the goals of the proposed Heritage Area, as well as working relationships already established with local communities. In the past, we have provided financial assistance to local communities through the Economic Recovery Program, but due to national budget priorities, this program has not received funding in the past few years.

Mechanisms are already in place to grant monies to other entities through State and Private Forestry (S&PF) programs and more recently, through the National Forest System programs if funding is made available. There are at least four grant authorities that could be applied to this type of activity:

- National and Community Service Act of 1990 (provides broadest authority for National Forest System activities).
- National Forest Dependent Rural Communities Economic Diversification Act of 1990 (provides broadest authority for State and Private Forestry program activities).
- Cooperative Forestry Assistance Act of 1978.
- National Trails System Act and Wild and Scenic Rivers Act.

To provide the same level of technical and financial assistance that the National Park Service generally provides to Heritage Areas, the Forest Service will need to have comparable level of funds appropriated for this purpose. For a Heritage Area managed by the Forest Service, funding appropriated to implement the legislation would need to be within BLIs that are appropriate to the types of activities being undertaken. Maintaining the existing level of funding for the Chugach National Forest and S&PF programs is essential to managing existing facilities and programs on National Forest System lands and state and private lands in Alaska.

*Question 3.* Are we setting a precedent for other states or local interest groups to request National Heritage Areas associated with the Department of Agriculture if S. 3045 is enacted as introduced?

Answer. Since many lands administered by the Forest Service have significant heritage resources and good working relationships with local communities, it is possible that other local interest groups could request similar legislation.

*Question 4.* Are you aware of any other National Heritage Areas that are proposed for association with the Department of Agriculture?

Answer. We are not aware of any proposed heritage areas that would be administered by the Department of Agriculture. But, of the bills introduced in the 110th Congress that would designate 12 new heritage areas and revise 4 existing heritage areas, we are aware of 5 proposals that include NFS lands. Those 5 are Northern Plains National Heritage Area (S. 2098), the Sangre de Cristo National Heritage Area, Colorado (S. 443), the Cache La Poudre River National Heritage Area, Colorado (S. 128), the South Park National Heritage Area, Colorado (S. 444), and the Land Between the Rivers Heritage Area, Illinois (S. 956). In fact, the proposed Land

Between the Rivers Heritage Area would encompass the entire Shawnee National Forest.

*Question 5.* Would the Department of Agriculture raise any opposition if S. 3045 is amended to place the Kenai Mountains National Heritage Area under the jurisdiction of the Department of the Interior as is the case for all other National Heritage Areas?

*Answer.* The Alaska Region Forest Service has been working for many years with the local management entity to articulate and accomplish goals related to the proposed Heritage Area. Our mission is very compatible with the proposed goals. We feel that this historically significant area deserves recognition as a National Heritage Area, and would support designation under whichever Department the members of Congress see fit; however, we believe that designating the Department of Agriculture as the lead would avoid unnecessary layers of bureaucracy and duplication of efforts.

*Question 6.* Of the 40 National Heritage Areas that currently exist, how many of those contain National Forest Service land within their boundaries? Has the association with the National Forest Service land created any unique challenges?

*Answer.* NFS lands are included within 12 of the 40 currently existing National Heritage Areas (30 percent). The NFS land involved ranges from 1 percent to about 50 percent of lands within individual heritage area boundaries. Forest Service units work cooperatively with the National Park Service on heritage tourism opportunities related to the heritage areas. The amount of involvement by the Forest Service varies greatly from one heritage area to the next due to differences in the management plans for the heritage areas and the varying amounts of NFS lands involved. We are not aware of any unique challenges with current heritage areas.

[Responses to the following questions were not received at the time the hearing went to press:]

#### QUESTIONS FOR KAREN TAYLOR-GOODRICH FROM SENATOR BINGAMAN

##### H.R. 1143—CANEEL BAY LEASE IN VIRGIN ISLANDS NATIONAL PARK

*Question 1.* H.R. 1143 provides for a lease for a term not to exceed 40 years. Has the National Park Service conducted any analysis to determine what the appropriate length of the lease should be?

*Question 2.* It's my understanding that a concession contract may not exceed a term of 20 years. Have companies providing lodging services in national park system units under concession contracts been able to obtain financing for capital improvements?

*Question 3.* H.R. 1143 requires the Secretary of the Interior to require appraisals to determine the property's fair market value rent, as determined by appraisals. Given the unique nature and location of the Caneel Bay property, what do you expect to use as comparable properties?

*Question 4.* Section 2(b) of H.R. 1143 requires any lease to include "the property covered by the RUE and any associated property owned by CBI donated to the National Park Service." What associated property is CBI planning to donate to the Park Service? Does this paragraph cover different associated property than that described in paragraph 3(e), which requires the lease to take into account the value of any associated property transferred by CBI to the National Park Service?

*Question 5.* Section 3 of H.R. 1143 provides that "as a condition of the lease, CBI shall relinquish to the Secretary all rights under the RUE and transfer, without compensation, ownership of improvements covered by the RUE to the United States." Section 2(c) requires the lease to require payment to the United States of the property's fair market value rent, taking into account the value of any associated property transferred by CBI . . ."

*Question 5a.* Does the National Park Service interpret these provisions to require that CBI will receive no compensation for any property or improvements covered by the RUE, but will receive compensation for any associated property conveyed to the National Park Service?

*Question 5b.* Under the terms of the RUE, is CBI entitled to any compensation for any structures or improvements covered by the RUE?

*Question 6.* Please provide a list of the specific properties owned by CBI that would be conveyed to the National Park Service as "associated property".

*Question 7.* Please provide a copy of the retained use estate referenced in H.R. 1143.

*Question 8.* If Caneel Bay operates under the lease authorized under H.R. 1143, will the resort grounds and beaches be limited to use by guests of the resort, or will they be available for use by park visitors in general? If the general public (other than resort guests) will not be allowed use of the Caneel Bay grounds and beaches, please explain how that restriction is in the public interest.

*Question 9.* Does the National Park Service allow any concession operators of hotels or lodging establishments at any other park to preclude public access (other than guests of the lodge) to large areas of public parkland?

QUESTIONS FOR KAREN TAYLOR-GOODRICH FROM SENATOR BURR

SEQUOIA-KINGS CANYON WILDERNESS DESIGNATION (S. 1774)

*Question 10a.* Approximately how many property owners have in-holdings within the boundaries of the land designated as wilderness by S. 1774? Are property owners currently allowed to use motorized vehicles to access their property and will this change as a result of designation?

*Question 10b.* Has the existing general management plan for Sequoia-Kings Canyon treated the land as wilderness for management purposes or will this designation constitute a major change in land use?

*Question 10c.* What types of activities will be allowed in the proposed area that deviates from standard policy within wilderness areas?

CHISHOLM TRAIL AND GREAT WESTERN TRAIL STUDY (S. 2255)

*Question 11a.* What is the length of each trail and how many states are involved?

*Question 11b.* Will each private property owner with land containing portions of the trail be notified of the study and given an opportunity to provide comments?

*Question 11c.* Is this envisioned as a historic trail for designation on a map or will it be a trail that can be used for recreation in the form of hiking, bicycling, or horseback riding?

ST. AUGUSTINE COMMEMORATION COMMISSION (S. 2359)

*Question 12a.* What is the typical role of the Secretary of the Interior and the National Park Service in a commemoration commission and does S. 2359 establish any new role?

*Question 12b.* S. 2359 gives the commemoration commission the authority to award grants up to \$10,000 for projects associated with the 450th anniversary of St. Augustine. Do other commissions have grant authority and is this any different?

*Question 12c.* Does the National Park Service have any units in St. Augustine, FL, that are planning activities associated with the 450th anniversary?

*Question 12d.* Does the bill give the Secretary of the Interior sufficient discretion to choose commission members that represent a diversity of the culture of Florida and St. Augustine?

PACIFIC NORTHWEST NATIONAL SCENIC TRAIL DESIGNATION (S. 2943)

*Question 13a.* What role does the National Park Service currently have in managing, interpreting, and maintaining the Pacific Northwest Trail?

*Question 13b.* Through which National Parks does the Pacific Northwest Trail traverse and is the trail an integral part of the history and culture of the area?

ROUTE 66 CORRIDOR REAUTHORIZATION (S. 3010)

*Question 14a.* When was the Route 66 Corridor Preservation Program established and how much funding has it received since inception?

*Question 14b.* What is the goal of the Route 66 Corridor Preservation Program and what is its highest priority project?

BEAVER BASIN WILDERNESS DESIGNATION AT PICTURE ROCKS NATIONAL LAKESHORE (S. 3017)

*Question 15a.* How many private land owners have in-holdings within the area designated as wilderness by S. 3017?

*Question 15b.* S. 3017 allows for continued use of electric motors to power boats within the wilderness area. How unusual is it to allow motorized transportation within a wilderness area and is this a compatible use within Beaver Basin?

*Question 15c.* Does S. 3017 affect any existing activities within Beaver Basin and how will the General Management Plan for Picture Rocks National Lakeshore be changed as a result of the designation?

## KENAI MOUNTAINS NATIONAL HERITAGE AREA (S. 3045)

*Question 16a.* Has there been any previous attempt to place a National Heritage Area under the jurisdiction of anyone other than the Secretary of the Interior? If so, how did that work and who does that national heritage area currently report to?

*Question 16b.* Of the 40 National Heritage Areas that currently exist, how many of those contain National Forest Service land within their boundaries? Has the association with National Forest Service land created any unique challenges?

*Question 16c.* Is it possible for a feasibility study of the proposed heritage area to be completed by a local entity and submitted to the Administration for approval thereby avoiding the need for legislation to authorize a study?

*Question 16d.* What advice or comments would you give to the Department of Agriculture regarding oversight of National Heritage Areas?

## CAVE AND KARST RESEARCH INSTITUTE AMENDMENT (S. 3096)

*Question 17a.* Since inception, the Cave and Karst Research Institute has been required to match Federal funds 1 to 1 with a nonfederal source. What is the total dollar amount they have obtained from nonfederal sources during that time?

*Question 17b.* What is the estimated annual funding needs for the Cave and Karst Research Institute without the nonfederal matching requirement?

## CANEEL BAY RESORT LEASE AGREEMENT (H.R. 1143)

*Question 18a.* Does the National Park Service see any drawbacks to having the management and operation of Caneel Bay Resort converted to a long-term lease arrangement?

*Question 18b.* The proposed legislation establishes a long-term lease with a for-profit firm on a sole source basis. Should we be looking at amending the bill to authorize a long-term lease through a competitive process rather than a sole source arrangement? Would that cause any problems for the National Park Service?

*Question 18c.* How many buildings are part of the Caneel Bay Resort, when were they constructed, what is their condition, and what is the estimated cost to bring them up to standards for long-term use as a resort?

*Question 18d.* Prior to supporting the legislation, what steps did the National Park Service take to determine the fair market value of the Caneel Bay Resort, approximate lease rate if the legislation is enacted and estimated income to the Federal government during a 40-year lease? If so, what were the findings?

*Question 18e.* What are the benefits to the National Park Service of converting the current arrangement to a long-term lease?

*Question 18f.* Has the Rockefeller estate taken a position on the proposed lease arrangement and have they conveyed their position in written form that can be sent to us? If so, please provide a copy of the opinion with your response to this question.

*Question 18g.* From whom did CBI purchase the retained use estate in 2003 and how much did they pay for it?

*Question 18h.* Was CBI aware of the retained use estate expiring in 2023 when they purchased the property and did they attempt to extend the expiration date as a condition of purchase?

*Question 18i.* What is the estimated value of the retained use estate if purchased by the Federal government in 2008?

*Question 18j.* Has the National Park Service proposed purchasing the remainder of the retained use estate followed by solicitations for a lease through a competitive process? If so, when did such discussion occur and what was the conclusion? If not, why not?

*Question 18k.* What is the estimated income to the Federal government if the proposed legislation is enacted and a 40-year lease is signed?