

**H.R. 2802, COMMEMORATIVE WORK
TO HONOR FORMER PRESIDENT
JOHN ADAMS; H.R. 2806, ADJUST
BOUNDARY OF THE STEPHEN
MATHER WILDERNESS AND NORTH
CASCADES NATIONAL PARK; AND
H.R. 3113, UPPER ELK RIVER WILD
AND SCENIC STUDY ACT.**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

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LEGISLATIVE HEARING ON H.R. 2802, TO PROVIDE FOR AN EXTENSION OF THE LEGISLATIVE AUTHORITY OF THE ADAMS MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN HONOR OF FORMER PRESIDENT JOHN ADAMS AND HIS LEGACY; H.R. 2806, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ADJUST THE BOUNDARY OF THE STEPHEN MATHER WILDERNESS AND THE NORTH CASCADES NATIONAL PARK IN ORDER TO ALLOW THE REBUILDING OF A ROAD OUTSIDE OF THE FLOODPLAIN WHILE ENSURING THAT THERE IS NO NET LOSS OF ACREAGE TO THE PARK OR THE WILDERNESS; AND H.R. 3113, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SEGMENT OF THE ELK RIVER IN THE STATE OF WEST VIRGINIA FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM. UPPER ELK RIVER WILD AND SCENIC STUDY ACT.

**Thursday, July 30, 2009
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.**

The Subcommittee met, pursuant to call, at 10:02 a.m., in Room 1324, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Napolitano, Rahall, Duncan, Lummis, Hastings and McMorris Rodgers.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. The Subcommittee on National Parks, Forests and Public Lands will come to order. Today we will be conducting a hearing on three pieces of legislation: H.R. 2802 by Congressman Delahunt; H.R. 2806 by the Ranking Member of the full

Committee, Mr. Hastings; and H.R. 3113 by the Chairman of the full Committee, Mr. Rahall.

To save some time, let me request that all witnesses keep your comments to five minutes. Your full written testimony and any extraneous material you might want to submit will be included in the record. With that, let me turn to the Ranking Member, Mr. Bishop, for any opening comments he may have.

Mr. BISHOP. To move this forward, I will waive my opening comments.

Mr. GRIJALVA. Let me ask the full Committee Chairman. Mr. Chairman, any comments?

Mr. RAHALL. No, Mr. Chairman. Thank you for having this hearing today.

Mr. GRIJALVA. Thank you. Mr. Hastings, any comments specific to the legislation that you have before us, sir?

STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. HASTINGS. Yes, Mr. Chairman. Thank you, and let me, once again, thank you for your courtesy because, as you know, this was scheduled earlier, and you postponed it until this date to accommodate so that we could have witnesses here, so I thank you for that courtesy, and we do have two witnesses from home.

So I appreciate the opportunity to hear my bill, H.R. 2806, which allows for continued public access to the North Cascades National Park from the community of Stehekin, Washington.

I am pleased to welcome State Senator Linda Evans Parlette, who will be testifying later. She has long family ties to the Stehekin community and has been tireless in her efforts to ensure access to the National Park.

I am also pleased to welcome newly elected Chelan County Commissioner Doug England, who also will testify later on, and he was elected just last November to the county government.

For those of you who have not had an opportunity to visit Stehekin, the gateway to the North Cascades National Park, this community is located at the western end of Lake Chelan, and listen to this: It is accessible only by boat, float-tank plane, or a multi-day hike. In other words, it is relatively isolated.

From the Town of Stehekin, the Stehekin Valley Road has long allowed residents and visitors access to some of the most beautiful scenery in the North Cascades. Recognizing this value to local residents and tourists, the road was specifically protected when the park and wilderness areas were created. The Stehekin Road has, for many years, been maintained and run by park officials, but following extreme flooding and subsequent changes in the course of the river, much of the road now is underwater. Because the road occupies a narrow corridor within the borders of the Stephen Mather Wilderness Area, congressional approval is required to modify the corridor prior to the Park Service rebuilding the road.

During legislative consideration of the park's creation in 1988, Congress determined that the Stehekin Road would remain exempt from the restrictions of other wilderness areas; otherwise, no cars, mountain bikes, or other mechanized vehicles would have been al-

lowed to transport area residents or park visitors to the wilderness areas north of the community of Stehekin.

Former U.S. Senator and Washington State Governor Dan Evans, the author of the 1988 Act creating the park, has written to emphasize that it was Congress' intent to allow for continued road access to the park and, Mr. Chairman, I ask unanimous consent that his letter be made part of the record.

Mr. GRIJALVA. Without objection.

[The Evans letter submitted for the record by Mr. Hastings follows:]

Daniel J. Evans
5215 North East 45th
Seattle, WA 98105

July 7, 2009

The Honorable Raúl M. Grijalva
Chairman
Subcommittee on National Parks, Forests and Public Land
Committee on Natural Resources 1440 Longworth HOB
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to write in favor of H.R. 2806 sponsored by Representative Doc Hastings of the state of Washington. I believe his proposal for reconstruction of the Upper Stehekin road is both desirable and vital for appropriate access to portions of the North Cascade National Park.

Before speaking on the particulars of the road reconstruction let me establish my credentials for testifying on this measure. I served as United States Senator for the state of Washington from 1983 to 1989. During that time I served as a member of the Energy and Natural Resources Committee of the Senate, which has jurisdiction over our National Park system. While on the committee I initiated and became prime sponsor of a bill to create wilderness areas within the three national parks of Washington state, Olympic, Rainier, and North Cascades. It was my intent to ensure that unpue development would not occur within those national parks. I also recognized that access to trails and vistas within those parks was vital and carefully excluded those road rights-of-way from wilderness boundaries. Normally, road reconstruction and minor relocation would be accommodated within these 100 foot right of ways but on rare occasions natural catastrophes could require modification of wilderness boundaries to allow road relocations.

For almost 70 years I have hiked and climbed in the National Parks of Washington state and have a strong and continuing desire to maintain their integrity. I am very familiar with the area in question and have ridden the road from Stehekin to trailheads where I have embarked on extensive hiking and climbing trips. If this road is not rebuilt, access to extraordinary wilderness experiences will be substantially more difficult. Almost a full days hike will be necessary to reach what once were trailheads giving mountain access.

I believe very strongly that continued protection of our wilderness National Parks depends on the active support of visitors, hikers, and climbers who act as champions for our National Parks. If we make access substantially more difficult we reduce the number of visitors and ultimately the numbers of citizens and taxpayers who know enough about these parks to want to protect them.

It was my intent when I sponsored the Park Wilderness Bill of 1988 to protect the unique features of these splendid Parks but not to make access more difficult for those seeking the unusual experience of a wilderness Park. I believe that in this instance an alternative route along the Old Wagon Road would maintain the appropriate access and that portions of the current road could revert to wilderness category with no net loss of wilderness area. I strongly urge the passage of H.R. 2806 and believe it is compatible with the original bill I sponsored in 1988.

I thank you for your attention to this matter and hope that it can be resolved promptly and successfully.

Sincerely

Daniel J. Evans
U.S. Senator 1983-1989

Mr. HASTINGS. Failure to fix the road will keep many visitors from entering the park and will reduce the number of visitors to the region and to this tourism-dependent community.

My bill would authorize the National Park Service to adjust the wilderness boundary for the sole purpose of rebuilding the closed section of the roadway from the Stehekin River, provided that there is no net loss of wilderness acreage. All Federal environmental laws, including the National Environmental Policy Act and the Endangered Species Act, would have to be complied with for the road to be moved.

Now, at this point, Mr. Chairman, I would like to point out what we are going to hear, as far as testimony, from other witnesses.

Three weeks ago, this Committee approved a bill, H.R. 1061, that was authored by my good friend from Washington, Mr. Dicks, which gave away 36 acres of the Olympic National Park, without compensation, for the purpose of building a road.

In a July 9th letter to Mr. Bishop, the Ranking Member of this Subcommittee, Mr. Wenk and the Park Service endorsed the road and land giveaway in H.R. 1061, so they endorsed the giveaway of this land just three weeks ago, but, today, the Park Service opposes a road that will result in no net loss of wilderness area for the residents of Stehekin.

So I look forward to hearing an explanation from Mr. Wenk on this obvious double standard.

I also understand that the Park Service will oppose this bill, citing "higher priorities." If keeping our nation's promises to local residents affected by Federal policies is not a high priority, and if ensuring the public's access to their National Parks and other Federal lands is not a high priority, then I would like to know what the priorities are of the National Park Service.

Once again, Mr. Chairman, I am pleased that the Subcommittee will have this opportunity to hear from the two representatives from home, Senator Parlette and Commissioner England, on the importance of these issues to this local community and to all visitors that visit the wilderness areas in the northern part of Washington.

With that, thank you again for your courtesy, and I yield back my time.

Mr. GRIJALVA. As I invite the first panel to come forward, let me extend the courtesy to any Member that has an opening comment on any of the legislation.

Mr. BISHOP. Mr. Chairman?

Mr. GRIJALVA. Yes.

Mr. BISHOP. Could I ask unanimous consent to have the statement on H.R. 2806 added into the record?

Mr. GRIJALVA. Without objection.

[The prepared statement of Mr. Bishop follows:]

**Statement of The Honorable Rob Bishop, a Representative in Congress
from the State of Utah**

To ensure that a wilderness designation would not block public access to historic recreations sites, the 1988 law that established the Stephen Mather Wilderness areas in the North Cascades National Park provided for a 100 foot-wide non-wilderness corridor to the upper Stehekin Valley.

Unfortunately, in 1995 the naturally meandering Stehekin River washed away parts of the road and it remains impassable today.

Doc Hastings's bill, H.R. 2806, restores the intent of Congress by allowing relocation of the road to a less flood prone site.

This bill does not reduce the amount of wilderness in the park. It is strongly supported by local officials and by former Senator Dan Evans who sponsored the 1988 law. When the National Park Service solicited public comments on alternatives for management of the area, over 90% of the comments favored keeping the road open.

I want to thank the witnesses for travelling across the country to testify and I 109k forward to hearing what have to say.

Mr. GRIJALVA. Thank you very much, gentlemen. Let me begin with Mr. Daniel Wenk, Acting Director, National Park Service, who will speak to H.R. 2802 and H.R. 2806. Sir?

STATEMENT OF DANIEL WENK, ACTING DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. WENK. Thank you, Mr. Chairman, for the opportunity to appear before this Subcommittee to present the Department of the Interior's views on two of the bills on today's agenda. I would like to submit our full statements for each of these subjects for the record and summarize the Department's positions on these bills.

H.R. 2802 would amend Public Law 107-62 to extend by seven years the authorization for establishing a memorial in the District of Columbia or its environs to honor President John Adams and his legacy. The Department supports and extension of the authority to construct a memorial to President John Adams but recommends that the bill be amended to extend the authority for a period of four years in order to create a greater sense of urgency on the part of the memorial sponsors.

Based upon the foundation's relatively slow progress to date, even with the additional year afforded them to the approval of the Area One designation by Public Law 107-62, we are reluctant to extend the authority for a full seven additional years.

H.R. 2806 would authorize the Secretary of the Interior to adjust the boundary of the Stephen P. Mather Wilderness within the North Cascades National Park complex to allow the rebuilding of a road outside of the floodplain.

The Department opposes enactment of H.R. 2806 because of our concerns about potential impacts to the park's natural resources, inconsistency with the intention of the Wilderness Act, and our position of not rebuilding roads in parks after natural disasters where no visitor facilities are found along or at the end of the road.

In addition, with limited financial resources, the planning, design, construction, and maintenance of a new road are a lower priority than other needs of the National Park Service.

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

[The prepared statements of Mr. Wenk on H.R. 2802 and H.R. 2806 follow:]

**Statement of Daniel N. Wenk, Acting Director, National Park Service,
U.S. Department of the Interior, on H.R. 2802**

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 H.R. 2802, a bill to provide for an extension of the legislative authority of the

Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

While the Department supports an extension of the authority to construct a memorial to President John Adams, we recommend that H.R. 2802 be amended as discussed later in this statement.

H.R. 2802 would amend Public Law 107-62 to extend by seven years the authorization for establishing a memorial in the District of Columbia or its environs to honor President John Adams and his Legacy. In addition to providing an extension of authority, H.R. 2802 also contains technical amendments to the original authorizing legislation, Public Law 107-62, enacted in 2001, which contains outdated references to the Commemorative Works Act (CWA). The references currently cited in Public Law 107-62 refer to the CWA as codified under 40 U.S.C. 1001 et seq. The CWA, however, was recodified under 40 U.S.C. 8901 et. seq. on August 21, 2002 (Public Law 107-217). The proposed amendments in H.R. 2802 would update and correct the references to the CWA.

The authority to establish the John Adams memorial was originally approved by Congress on November 5, 2001. The Adams Memorial Foundation (Foundation) requested that the subject of the commemoration be determined to be of preeminent and lasting significance to the Nation so that the proposed memorial could be placed in Area I, a request that was considered favorably by the National Capital Memorial Advisory Commission in 2002 and recommended to Congress. P.L. 107-62, enacted on December 2, 2002, granted the Foundation that additional authority to seek a site for their memorial within Area I. Authorizations under the CWA have a seven-year sunset period which extends from the date on which the Area I authority was granted to allow for time to obtain a building permit and begin construction of a memorial. As the Foundation has not yet been able to select a site, design the memorial, receive the requisite approvals, or raise sufficient funds for the construction of the memorial, a permit could not be granted. Therefore, the authority to establish a memorial to President John Adams will expire on December 2, 2009.

Congress appropriated \$1,000,000 to the National Park Service in 2002 for planning and design of the memorial in cooperation with the non-Federal partnering Adams Memorial Foundation. Of that amount, \$479,811 remains available. The Foundation has spent an extensive amount of time in organizing a board during the past seven years but has not yet concluded the first major step of the process which is evaluating sites for the memorial.

Based upon the Foundation's relatively slow progress to date, even with the additional year afforded them through the approval of Area I designation by P.L. 107-62, we are reluctant to extend authority for a full seven additional years. Rather, the Department recommends that H.R. 2802 be amended to extend the authority for a period of four years in order to create a greater sense of urgency on the part of the memorial sponsors. The Department has generally supported congressionally proposed extensions to memorial sponsors for periods of two to three years in the past.

With an additional four years of legislative authority, the Foundation should be in a viable position to achieve site and design approvals as well as to raise the minimum 75 percent of the funds sufficient to build the memorial. Should they meet these thresholds, the Secretary of the Interior may exercise his authority under the CWA to grant an additional three-year administrative extension to allow the Foundation to finalize construction documents and raise the balance of necessary funding.

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 may have.

**Statement of Daniel N. Wenk, Acting Director, National Park Service,
U.S. Department of the Interior, on H.R. 2806**

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to offer testimony on H.R. 2806, a bill authorizing the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the park and wilderness, and for other purposes.

The Department opposes H.R. 2806, because of our concerns about potential impacts to the environment, inconsistency with the intention of the Wilderness Act, and our position of not rebuilding roads in parks in the Cascades after natural disasters where no visitor facilities are found along or at the end of the road. In addi-

tion, with limited financial resources, the planning, design, construction and maintenance of a new road are lower in priority than other needs of the National Park Service (NPS).

Stehekin, Washington is a small community within the Lake Chelan National Recreation Area, which is part of the North Cascades National Park Complex. The Stehekin Valley is only accessible by boat, float plane or hiking. Visitors arrive to Stehekin by means of one of these conveyances and do not typically bring cars. Cars generally are limited to those who live in or own property in Stehekin. There are approximately 85-95 year-round residents and about one-third are NPS employees or their dependents.

The Stehekin Valley Road had run from the Stehekin Landing, the location of the ferry and public docks, twenty-three miles north and had ended at Cottonwood Camp in North Cascades National Park. The first eleven miles traveled through the Lake Chelan NRA, and in addition to providing access to NPS trailheads, campgrounds and administrative facilities, also provided access to private property and businesses. However, the next twelve miles traveled through North Cascades National Park and only accessed NPS trails and campgrounds and were maintained at a more primitive level. No private property was accessed by this road. In addition, this section of road was in a narrow corridor between the Stephen Mather Wilderness. The majority of visitors to the Upper Stehekin Valley used an NPS shuttle. The average ridership of the shuttle to the Upper Valley was 2,500 people per year. In addition, the NPS estimates that an additional 500 to 800 individuals would use private vehicles to drive the road to the Upper Valley, for an estimated total visitation of approximately 3,000 to 3,300 people per year.

The Washington Park Wilderness Act of 1998 designated the Stephen Mather Wilderness within the North Cascades National Park Complex as part of the National Wilderness Preservation System. The Upper Stehekin Valley Road, identified as a narrow corridor, fifty feet to each side of the center line of the Upper Stehekin Valley Road, was excluded from the boundary of this wilderness area.

In 1995, the first of several major floods occurred in the Stehekin Valley, with many sections of the entire Stehekin Valley Road being damaged or destroyed. While much of the road was repaired or rebuilt, the damage to the last 2 1/2 miles of the Upper Stehekin Valley Road was too great and a new terminus was established. In 2003, another flood destroyed substantial portions of the entire Stehekin Valley Road. Over \$1 million was spent to repair or rebuild the Lower Stehekin Valley Road to keep it open to the park boundary and to access private property. This road remains open today.

The Upper Stehekin Road was obliterated at Mile 12.9, a place known as Car Wash Falls, and substantial portions of the road were damaged or destroyed further up the valley, leaving the remaining eight miles of road unusable to vehicles. The NPS undertook an extensive public review process to analyze alternatives for continuing the public access to the Upper Stehekin Valley. Those alternatives included rebuilding the road within the existing 100-foot non-wilderness corridor, relocating the road through a wilderness area on the present alignment of the Pacific Crest National Scenic Trail, or taking no action on the road and relying on the existing trails to provide access to the upper valley.

The analysis found that rebuilding the road along the existing corridor was an infeasible and unsustainable option given the impacts to the Stehekin River and other natural resources, the difficulty of crossing at least one large continually rapidly eroding slope, and the likelihood the road would again be destroyed by flooding or slope failure in the near future. The analysis also found that relocating and constructing the road in the Stephen Mather Wilderness could have significant impacts on active Northern Spotted Owl habitat, old-growth forests and wetlands. In addition, road construction is prohibited within wilderness areas. Both the rebuilding and the relocation alternatives also raised concerns about obtaining the funding needed to maintain the road in such a demanding environment. As a result of these findings, the NPS made the decision to formally close the road and rely on access by trail to the Upper Stehekin Valley.

If H.R. 2806 passes, the NPS would be required to complete an EIS for the wilderness boundary change and the road construction. This process would take between three and five years and cost more than \$500,000. Funding would be needed to construct the road reroute and the estimated cost in 2004 dollars was \$1.3 million. Additional funds would be needed to restore the remaining road bed to service, since it has been maintained as a trail for the last five years. No estimate exists for this work.

We remain concerned about maintaining access along the road in the Lower Stehekin Valley. Over the last fifteen years, sections of the road in the Lower Stehekin Valley have been damaged and destroyed by repeated floods and several

emergency reroutes have had to be constructed. Maintaining this road access is a priority for the NPS and as a result we are in the process of doing an EIS to evaluate alternative solutions, which according to the Federal Highway Administration, range in cost from \$6 million to almost \$9 million.

We know our decision involving the Upper Stehekin Valley Road is controversial to those that have fond memories of visiting the Upper Valley. We want people to visit the park and Stehekin. To this end we have worked with a local business to provide stock-supported tent-to-tent camping in the Upper Stehekin Valley. This allows those who cannot or choose not to carry a backpack to camp in the Upper Valley. We have completed over \$1.2 million worth of repairs from storm damage to roads and trails in the Stehekin Valley and have made over \$2.5 million in improvements to the concession in Stehekin, which is also operated by local residents. We are evaluating alternatives that would result in an additional \$6 million to \$9 million to create a sustainable road in the Lower Stehekin Valley. And we will continue to make other improvements to visitor facilities to ensure people are welcome to the park and the Stehekin Valley.

Mr. Chairman, thank you for your time and this concludes my testimony. I will be pleased to answer questions.

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEMS, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. HOLTROP. Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to appear before you today on the Upper Elk River Wild and Scenic River Study.

H.R. 3113 amends the National Wild and Scenic Rivers Act to study the suitability of the Upper Elk River in West Virginia for an addition to the Wild and Scenic River System. The bill provides that the study determine if the river is qualified for designation and, if so determined, evaluate the potential benefits and consequences of its designation.

Of the land contained within a quarter mile of each side of the river segment, two-thirds is in Federal ownership. This section of the Elk River flows through a small canyon with a parallel, non-operational railroad, the only sign of human activity. The overall appearance of the river corridor from the stream is one of hardwood forests and large boulders with occasional views of the railroad. The stream is popular with anglers and supports populations of brown and rainbow trout, along with brook trout in the tributaries.

The Department supports this legislation, as it provides an opportunity to work with interested parties, including state and local governments and landowners, to identify river values and how these values should be protected. The study would also provide the public with an opportunity to look at landscape conservation across all ownerships and government jurisdictions with a holistic management approach.

This concludes my prepared statement, and I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Holtrop follows:]

Statement of Joel Holtrop, Deputy Chief for National Forest Systems, Forest Service, U.S. Department of Agriculture, on H.R. 3113

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 3113.

This bill amends section 5(a) of the Wild and Scenic Rivers Act, Public Law 90-542 (16 U.S.C. 1271—1287) to designate a segment of Elk River in Pocahontas County, West Virginia, for study as a potential addition to the National Wild and

Scenic Rivers System. The segment that would be authorized for study lies entirely within the Monongahela National Forest, and is an approximate five-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.

The bill provides that the study determine if the river is qualified for designation and, if so determined, evaluate the potential benefits and consequences of its designation, including an assessment of whether its addition to the National Wild and Scenic Rivers System is the best method to protect river values.

This section of the Elk River flows through a small canyon with a parallel, non-operational railroad the only sign of human activity. The overall appearance of the river corridor from the stream is one of hardwood forests and large boulders with occasional views of the railroad. The river is dominated by many pools, separated by stretches of riffles. The stream is popular with anglers and supports populations of wild brown and rainbow trout; populations of native brook trout occur in the tributaries within one-quarter mile of the main channel. Karst limestone outcrops along the river bed create the conditions that cause the river to "sink", or go underground, during low flows.

Of the land contained within a quarter mile of each side of the river segment, two-thirds is in federal ownership, with the remaining acreage in private ownership for a total of approximately 1500 acres. The bill provides that the study address both Federal and non-Federal lands.

The Department supports this legislation as it provides an opportunity to work with interested parties including state and local governments and landowners to identify river values and thoughtfully evaluate whether and, if desirable, how these values should be protected.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

Mr. GRIJALVA. Thank you very much. Mr. Wenk, let me use the opportunity here to ask you some questions.

First, on the issue of buffer zones that my good friend, Mr. Bishop, brought up at our markup, the assumption of the fact—that is why I am asking you the question—that the National Park Service can establish, and seeks to establish, a buffer zone outside the boundary of park units and then, with that, having the ability to exert control over land use decisions in that buffer zone.

The suggestion is that we need at least language in every piece of legislation prohibiting a buffer zone, and that should be a standard. Just for the record, to your knowledge, does the National Park Service have the legal authority to control land use on land outside the boundaries of a National Park?

Mr. WENK. Mr. Chairman, we have no legal authority, except as provided by law, outside of a park boundary.

Mr. GRIJALVA. And the point about seeking to establish a buffer zone outside these parks.

Mr. WENK. I am not aware of anyplace where the National Park Service is seeking to establish a buffer zone around a National Park.

Mr. GRIJALVA. And here is the other part of it: Do NPS employees have the right, or perhaps even the duty, to develop opinions regarding land uses that might impact park resources, number one; and, two, do those employees have the right, or even the duty, to express those opinions publicly and work as neighboring land managers to prevent an activity that might be harmful to that resource?

Mr. WENK. Mr. Chairman, the Organic Act of the National Park Service holds us responsible to ensure that the resources of our National Parks are protected unimpaired. When a manager of a National Park unit, whether as part of a cooperating agency with an-

other Federal agency or working with state organizations that may adjoin National Park areas, or working with local communities, I believe we absolutely have a responsibility, as part of the public, or as a cooperating agency, to comment on any activities outside of park boundaries that may affect the resources of a National Park area.

We do that as part of public process, we do that as an adjacent landowner, and we do it in a very transparent and open manner.

Mr. GRIJALVA. OK. Thank you. If Congress were to pass a law, or part of any legislation, prohibiting buffer zones, how would you interpret that prohibition, number one, the Department; and would that prohibition prevent, my last part of the question, an employee from expressing their professional opinions regarding outside activities outside the park boundaries, and what impact would that have on resources at all?

Mr. WENK. To answer your last question first, I do not know the impact on resources because these are looked at on an individual basis as proposals for development may occur outside of park boundaries. If there was a prohibition on establishing buffer zones, I think that would have little impact because we are not pursuing established buffer zones.

I would say that a buffer zone would seem to me to still have the same requirement, if one was created by some act or some other purpose. If there was a prohibition against buffer zones, I think the responsibility of the National Park Service and its employees to review and look at development outside of National Park areas to see if that development has potential impacts, or may cause impairment, to park resources is still inherent in our mission, and we would, I believe, have a responsibility to comment on development that would impair park resources outside of park boundaries.

Mr. GRIJALVA. So, short of a gag rule, the opinion would continue to be expressed.

Mr. WENK. I believe we have an absolute responsibility, under their Organic Act, to protect park resources from impairment, and as part of any public process, we would desire to express that opinion and view that would be considered in the public process.

Mr. GRIJALVA. Thank you. Mr. Bishop?

Mr. BISHOP. Thank you. Mr. Wenk, I will give you one guess on what I am going to ask you.

Mr. WENK. Do you want me to guess?

Mr. BISHOP. Sure.

Mr. WENK. I was going to guess that you were going to ask when your latest request will be responded to.

Mr. BISHOP. A little bit more than that this time, Mr. Wenk. I appreciate the last few times we have talked, as well as your phone call. I do appreciate you calling me back that day.

I am asking specifically—write this down, and we will give it to you in writing—for all public lands-related threat assessments for Fiscal Years 2003 through 2005 developed by the Department, a complete accounting for how the Department is planning to use, or has used, the \$50 million it received from the January 15th memorandum of agreement with the Department of Homeland Security.

I will give this to you. All memoranda of understanding between the Department and DHS from 2006 to the present also included all environmental assessments associated with these memoranda of understanding; a list of the mitigation funds transferred from DHS to DOI from 2006 to the present; and all communications and materials, such as notes, e-mails, or appointments related to the placement of DHS equipment and infrastructure on Department lands from 2006 to the present between the superintendent of Big Bend National Park and the superintendent of Oregon Pipe National Monument and their respective regional directors; and also all documents and communications related to issues of DHS access onto Department lands from 2006 to the present between the superintendent of Big Bend National Park and the superintendent of Oregon Pipe National Monument and their respective regional directors.

Those are the essential elements that we need to know to move forward. I appreciate that. I recognize—I had a birthday a few weeks ago, I know your office would have sent a birthday greeting, but it was held up by OMB.

Let me do a couple of other questions I simply have. First of all, specifically to the Hastings bill, has the National Park Service conducted any inventory of public comments dealing with the management of this particular area?

Mr. WENK. Mr. Bishop, I guess I cannot tell you the specific timeframe, but I believe that the decision not to reopen this was part of a plan. I will have to find that out specifically for you. I am sorry. I do not know the specifics.

Mr. BISHOP. The information I have received is that public comments were taken, and I think I will allow Mr. Hastings to refresh me or correct me, and over 90 percent of the public comments were not in favor of keeping this road open.

Do you happen to know who built the original road that was washed out?

Mr. WENK. I do not know who constructed it.

Mr. BISHOP. Did the pioneers who went to that area, being smarter than the CCC during the New Deal era who built the road that was washed out, did they have an alternative route in that particular area that was replaced by the CCC when they rebuilt that stupid road that was washed out?

Mr. WENK. Mr. Bishop, I cannot answer that question specifically.

Mr. BISHOP. I will allow Mr. Hastings to correct me if I am wrong, but I understand that there was a pioneer path that was the road before the CCC rebuilt the road in the wrong place and that his proposal is to take the original pioneer route to replace that particular road.

Will there be a loss of wilderness area if you do what the pioneers did and make the route to allow access into this area in the place it was originally designed?

Mr. WENK. Not according to the bill, as introduced. There would be no net loss.

Mr. BISHOP. I appreciate that, and I would assume that you would say that if a road was grandfathered in by an act of Congress, that was the intent of Congress to do so.

Mr. WENK. Yes.

Mr. BISHOP. I like that. Did Superintendent Steve Martin represent establishing a buffer zone around the Grand Canyon National Park at any point during this year?

Mr. WENK. Not to my knowledge.

Mr. BISHOP. Then we will refresh you on that one, too, at a later date as well.

What is the policy toward viewsheds and viewscapes?

Mr. WENK. The policy is that if there is a development outside of a National Park Service area that would affect the viewshed or viewscapes from within the National Park area, we would consult with the individual, or if it is before a planning commission, with a community, with a state, or with another Federal agency to assess the impact of that development and ask for their consideration.

Mr. BISHOP. In the terminology of Washington, do you consider that different than a buffer zone?

Mr. WENK. I consider it vastly different from a buffer zone.

Mr. BISHOP. That may be one of the terminology differences we have.

The Chairman from Arizona suggested that maybe a gag order could potentially be used, and I would suggest, Secretary Gates and the Department of Defense has established that kind of precedent for you. You might consider what he did as what you can do as well.

With that, Mr. Wenk, I will present once again the questions that I had and would ask you once again also to review the road concept because what you are trying to do, what Representative Hastings and the people in Washington are trying to do, is reestablish the road the pioneers had instead of the road that the New Deal era created and put it back there so access is available to all citizens, and that is a worthy cause.

As to the other two bills, I like them.

Mr. GRIJALVA. On that note, Chairman Rahall.

Mr. BISHOP. Do I yield back?

Mr. RAHALL. I propose to put a gag order on the gentleman from Utah.

[Laughter.]

Mr. RAHALL. And remind me the next time your birthday comes up. I will send you a birthday card.

[Laughter.]

Mr. BISHOP. By a vote of three-to-five, but yes.

Mr. RAHALL. I have no questions, Mr. Chairman, except to thank, of course, the Forest Service for supporting our study on the Elk River. I appreciate it, and I also appreciate the work that both of you gentlemen do in the Department of the Interior. You are responsible stewards of our public lands, and you do a very valuable public service for our people. We thank you.

Mr. WENK. Thank you.

Mr. GRIJALVA. Mr. Hastings, please. Thank you.

Mr. HASTINGS. Thank you, Mr. Chairman.

Mr. Wenk, why did, three weeks ago, you sent a letter to Mr. Bishop saying that you are in favor of a land exchange, not even a land exchange, just giving up 36 acres of land where the reason

why that happened is because Mother Nature, i.e., a river, washed out the road, and then you are opposed to this one where Mother Nature has washed out a road, and there's no net losses, Mr. Bishop just asked you?

Mr. WENK. The proposed conveyance, Mr. Hastings, to the Hoh Tribe involved, we believe, a different set of circumstances. We would support the legislation to convey that 37 acres to the Hoh Tribe to help them address their life-health-safety concerns arising from the current——

Mr. HASTINGS. OK. Let me hear, so you are doing this because you are worried about the people and, in this specific case, the whole tribe. I supported that bill. I thought it was good.

Mr. WENK. Thank you.

Mr. HASTINGS. What about the citizens of Stehekin, who depend on tourism and trade and getting people to go up in the North Cascade Wilderness Areas, and they have to get up there by going through this road? Aren't the reasons that you just suggested exactly the same for the citizens that live in Stehekin?

Mr. WENK. The access is the same issue in both cases, yes, Mr. Hastings. The difference, I would tell you, is the fact that we would still be providing access, however, not motorized or mechanized access on that section of the road.

Mr. HASTINGS. If the intent, however, as Senator Evans said, and he was the author of the bill, was to allow as much access to these areas, including motorized, because that was the way it was at the time the bill passed, what has changed other than Mother Nature washing out the road? The intention was exactly the same: access to wilderness areas.

Mr. WENK. The changes, that Mother Nature has washed out the road, the difficulty of keeping the road built——

Mr. HASTINGS. OK. What was the intent of Congress, though?

Mr. WENK. I believe the intent of Congress was to provide automobile access on that road.

Mr. HASTINGS. OK. So under what authority, then, has your position changed?

Mr. WENK. We are providing testimony with our opinion. If Congress chooses to pass this bill, we will, in fact, do——

Mr. HASTINGS. In other words, you do not have an opinion, based on statutory law or based on the intent of Congress.

Mr. WENK. Mr. Hastings, our intent is to follow the intent of Congress whenever we can.

Mr. HASTINGS. In that case, then you should be supporting the bill, pretty simple.

You have a phrase in here on why you oppose H.R. 2806, and I would like you to elaborate on that. It is in your second paragraph, and it says: "I oppose H.R. 2806," and you have a few other reasons, then it says, "and our position of not rebuilding roads in parks in the Cascades after natural disasters where no visitor facilities are found along or at the end of the road."

So that policy is specifically for the Cascades. Is that correct?

Mr. WENK. Mr. Hastings, I saw that. When I reviewed the testimony again yesterday, I saw that statement. I believe it to say "in Cascades" was an inappropriate and incorrect statement.

Mr. HASTINGS. OK. Let us take the Cascades out. Tell us where the other authority comes from where it is because there are not any facilities beyond or on the road. Where does that come from?

Mr. WENK. That would be not an authority; it would be a policy of the National Park Service.

Mr. HASTINGS. Where is that policy found? Where is it written down?

Mr. WENK. I would have to get to the specific cite.

Mr. HASTINGS. It would seem to me that, OK, if somebody writes this statement, and they inadvertently put in "Cascades," then you at least know where the original statement comes from. Now you are telling me that you do not know exactly where that policy comes from.

Mr. WENK. Mr. Hastings, I would say it comes from the National Park Service management policies. The specific cite, I would have to get you.

Mr. HASTINGS. When could you get that for us?

Mr. WENK. I will get it to you by the end of this week.

Mr. HASTINGS. OK. I appreciate that. Mr. Bishop advised me that he would like to have his by the end of the week, too. That would satisfy both of us. So we would look forward to that as we go on our August district work period.

OK, Mr. Wenk. I have to say I am not satisfied with the distinction that you are saying between what happened three weeks ago and now because the arguments that you used were the same. You acknowledged that the intention of Congress, when they passed the North Cascade Wilderness, was to have access, however it was. So I am disappointed that your agency has taken this position. Thank you for being here.

Mr. WENK. Mr. Hastings, I appreciate your comment and understand your comment.

There is one other distinction just to bring to your attention, and that is that the Olympic National Park Area, I am told, is not an area that was wilderness designation.

Mr. HASTINGS. No, but the point is, you are administered by the Park Service in both cases. By the way, the distinction is access to a wilderness area in this case.

Mr. WENK. OK.

Mr. HASTINGS. Thank you.

Mr. GRIJALVA. Mrs. Napolitano?

Mrs. NAPOLITANO. Thank you, Mr. Chair.

For Mr. Wenk, did the Park Service conclude that the new area of the new road would protect from any future and destruction? Has there been an assessment, and what is the road plan to prevent any flooding from damaging the road?

Mr. WENK. The environmental work has not yet been done on the new section, as it would be allowed by the bill. The environmental assessments would need to be done, as well as specific designs would need to be done, if this is enacted.

Mrs. NAPOLITANO. Now, this is a road that is only utilized by vehicles, by foot traffic, by visitors.

Mr. WENK. Currently, because it has been washed out and not rebuilt, it is only by nonmechanized travel. It could be horse. It

could be foot traffic. If rebuilt, it would be open to vehicle traffic as well.

Mrs. NAPOLITANO. Now, the flooding; how often does that occur? Is it only seasonal?

Mr. WENK. How often it occurs? There were significant floods that closed the first portion in 1995, and that closed the last three miles of the trail. In the past few years, we have had flooding up to the area of Car Wash Falls that have actually closed about 12 miles of the road. It is a seasonal, periodic basis just based on the weather and the snowfall, et cetera, at any given time. It is unpredictable.

Mrs. NAPOLITANO. So knowing that, the assessment would then provide you with information to build some kind of protection for that future road.

Mr. WENK. I think the intent is to relocate the road in areas that would not be susceptible to flooding and to washout and to do it in, I would say, as an environmentally sustainable manner as possible in a new location on a new route.

Mrs. NAPOLITANO. I am sorry. Go ahead.

Mr. WENK. I was done. I am sorry.

Mrs. NAPOLITANO. Is there currently signage to warn pedestrians or visitors of the dangers of flooding?

Mr. WENK. I cannot speak specifically to what signs exist. My belief would be that these would not be unanticipated circumstances, that it would not be from a sudden rainstorm that would cause this kind of damage. It would be sustained flooding based on snowpack and rainfall in the spring.

Mrs. NAPOLITANO. But during those minor events, it is not something that would endanger a human being or a horse.

Mr. WENK. I do not believe that is the case, no.

Mrs. NAPOLITANO. OK. What does it cost to reroute that new, 100-foot corridor in that North Cascades Park outside of the wilderness and flooding areas?

Mr. WENK. In the estimate that was done in 2004, the cost was approximately between 1.3 and \$1.5 million. That is a cost estimate that is not based on the environmental work that would need to be done, which we would estimate at about another half-million dollars and would take approximately three years.

Mrs. NAPOLITANO. And that is 2005 figures.

Mr. WENK. Those were 2004 figures.

Mrs. NAPOLITANO. 2004, five years.

Mr. WENK. Yes.

Mrs. NAPOLITANO. What would be the guesstimate?

Mr. WENK. My guess would be it would be between two and two and a half million in today's costs.

Mrs. NAPOLITANO. Does that new, 100-foot corridor include any of the upper section of the road in the upper valley, or would the entire area be environmentally damaged if it was built upon that area?

Mr. WENK. The new section of road that I just discussed was just the upper valley. We are looking at improvements to the lower valley road, which is an additional approximately \$6 million of improvements to that road.

Mrs. NAPOLITANO. So that is not included, then, in your estimate of that 100-foot corridor.

Mr. WENK. No, it is not.

Mrs. NAPOLITANO. What plans are being made to assure that this is addressed in the future, or if any?

Mr. WENK. Absent this legislation, the National Park Service would maintain and operate that corridor as a pedestrian or horse access only on that upper section. So if and when this legislation is enacted, we would immediately begin the environmental review and the planning and then the construction of the road.

Mrs. NAPOLITANO. How much does this mean to that area economically?

Mr. WENK. I do not have that figure. Obviously, it is, if you will, a longstanding use that had occurred within the Stehekin area of the park, and I think others may be able to better answer your question in terms of what the economic and social impact of not having that is.

Mrs. NAPOLITANO. And, of course, the impact to the environment, the ecology.

Mr. WENK. Yes. Well, our concern was being able to sustain the road and that the environmental impact is something that will continue for years, if and when we would ever have to relocate the road again.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Mr. GRIJALVA. Before I ask Mr. Hastings, Mr. Wenk, let me just follow up a little bit on the precedent question that Mr. Hastings brought up and others have brought up. When we did Mr. Dicks's bill, about three weeks ago, the conveyance to the whole nation of those 37 acres; how is the situation we are talking about today different from that situation? That issue was health and safety, to a great extent, but is there a precedent, and I think that is the point that Mr. Hastings has repeated over and over again?

Mr. WENK. The legislation that you marked up three weeks ago would allow the tribe to manage the connection between their existing land and land they are acquiring, not from the National Park Service but from other private sources, on higher ground as they relocate their community.

Two other important points: The land being conveyed would be protected from new development in the Hoh area, and there would be no cost involved to the National Park Service. The Department's support for the conveyance to the Hoh Tribe; we do not believe it should be viewed as a precedent for moving land from a protected status in order to facilitate the building of a road. One was wilderness; one was not. Development of two areas for the Hoh, I think, are the precedents that we are citing.

Mr. HASTINGS. Real briefly, and I appreciate my friend from California's line of questioning and, again, the courtesy that the Subcommittee has given us to get our witnesses to perhaps answer those questions as to the economic consequences of not having that road. So your line of questioning, I hope, will be answered more directly by Commissioner England and Senator Parlette in the next panel.

So I appreciate your line of questioning on that because this is an important part. Tourism, in fact, is what drives the economy in Stehekin. I yield back, Mr. Chairman.

Mr. GRIJALVA. Let me thank the gentlemen. I know, Mr. Holtrop, you are exhausted from having to answer all of those questions, but thank you, gentlemen, and let me invite the next panel up.

Mr. WENK. Thank you, Mr. Chairman.

Mrs. NAPOLITANO. Mr. Chair, I would just like to mention that the Forest Service does an excellent job. I have met some of the men and women at the different parks, and I salute them and their service.

Mr. HOLTROP. Thank you very much.

Mr. GRIJALVA. As the next panel comes up, let me ask the Chairman of the full Committee, Mr. Rahall, for any introductions of the panel, as they are here to speak to H.R. 3113.

Mr. RAHALL. Thank you, Mr. Chairman, and I do want to especially welcome today, as they take their place at the table, first, the Pocahontas County Commission president, Marty Saffer. He is approaching the table now. I want to thank Gil Willis, who, I understand, is not here yet but still in traffic trying to get here; and Tom Shipley for traveling today to our nation's capital to present testimony on this bill.

Commissioner Saffer is part of what I view as the new breed of politicians in his home county, Pocahontas County. He understands that the economic well-being of the residents and the conservation of the area's most significant natural resources are intertwined. He also understands that, as more and more people discover Pocahontas County, there will be increased demands on these resources.

Gil Willis, who is not here yet, owns and operates the Elk River Touring Center, including the Elk River Inn and Restaurant. I have been there, I have seen the services he provides, and I would recommend it to anyone who is visiting the area. The menu is currently featuring a Pendleton County-raised, West Virginia rainbow trout, seasoned in bacon. The gentlelady from California would know what the cooking is like—filleted at the tableside, accompanied by a risotto cake and rosemary-sweetened succotash. Well, why don't we just adjourn right now and move the Subcommittee out to have our hearing in Pocahontas County?

Tom Shipley, who is approaching the witness table now, owns Sharp's Country Store near Slatyfork. Tom's great-grandfather, L.D. Sharp, first opened the store in 1884, and his great-great-grandfather was taken prisoner of war in a log cabin that still stands behind the country store. I want to make it very clear that the initiative behind H.R. 3113 came from these gentlemen and the many other residents of the county. It is their initiative and their determination on this matter that shows, once again, that the grassroots are still very much alive and well in this country.

I also want to welcome, in the audience is Clyde Thompson, the supervisor of the Mon. National Forest and Kate Goodrich-Arling, who is also with the Mon. National Forest staff. So I recognize them for their attendance, as well as Marty's wife, Sheila, who, I understand, is in the audience as well. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, Chairman. Let me begin with Mr. Benjamin Adams, President, Adams Memorial Foundation, H.R. 2802, sir.

**STATEMENT OF BENJAMIN C. ADAMS, PRESIDENT,
ADAMS MEMORIAL FOUNDATION, NEW YORK, NEW YORK**

Mr. ADAMS. Good morning and thank you, Mr. Chairman, for inviting me to speak on behalf of the Adams Memorial Foundation. I am here to testify in support of H.R. 2802, which would extend the authority of the Adams Memorial Foundation to establish a memorial to John Adams and his legacy in Washington, D.C.

You have my formal testimony, so I am going to hit on a couple of high points here and then reserve my time primarily for questions.

Just to give you an overview, quickly, of H.R. 2802, a couple of points, I think, are worth noting. While memorials have been established in Washington for Presidents George Washington, Thomas Jefferson, Abraham Lincoln, John Adams and his legacy are notably underrepresented in our nation's capital.

In 2001, Congress authorized the formation of the Adams Memorial Foundation to address this oversight. Since that time, the foundation has made some very significant progress in the process of creating a memorial, including establishing a board of trustees, hiring outside legal experts, urban planning and environmental experts, conducting a preliminary site assessment of over 20 sites, developing a conceptual design for the project, and otherwise moving forward relatively quickly.

We are poised to enter, at this point, into the formal site-selection and environmental-assessment process that will take place over the next 12 to 18 months. This will be followed by a design competition, a capital campaign and, ultimately, construction of the memorial.

We anticipate that it will take seven years for us to complete this and that, hopefully, at the end of seven years, we will have a first-class memorial that is open and available to the American public.

The conceptual design that we are working on right now is a library and a garden, and we have a working title of "The Adams Library of American Letters." It will be located in Area One outside of the reserve within Washington, D.C.

However, under the Commemorative Works Act, the foundation's authority to build the memorial is set to expire on December 2nd of this year. H.R. 2802 will extend our legislation for another seven years, which, we think, is coincident with the timeline we talked about just a second ago and, with Congress' help, in seven years we will have a memorial that is up and running and open to the public.

So, in conclusion, on behalf of the Adams Memorial Foundation, I formally request your support for H.R. 2802, to extend the foundation's legislative authority to establish a well-deserved memorial to honor the Adams legacy. Much of the ground work has been completed. Now is the time to start making the real strides to bring the foundation and the memorial to fruition.

So thank you for the opportunity to testify here in front of the Committee on the important work of our foundation and to express

our support for H.R. 2802. I look forward to answering any questions that you may have.

[The prepared statement of Mr. Adams follows:]

**Statement of Benjamin C. Adams, President,
Adams Memorial Foundation, Inc., on H.R. 2802**

Good morning. Thank you Chairman Grijalva, Ranking Member Bishop and Members of the Committee for inviting me to speak today on behalf of the Adams Memorial Foundation. I am here to testify in support of H.R. 2802 which would extend the authority of the Adams Memorial Foundation to establish a memorial to John Adams and his legacy in Washington, DC.

On November 5, 2001, Congress passed legislation authorizing the Adams Memorial Foundation, a subsequently formed 501(c)(3) non-profit corporation, to establish a memorial commemorating the Adams family in Public Law 107-62. On December 2, 2002, Congress further authorized the Foundation to place the memorial in Area I of Washington, D.C. outside of the Reserve in Public Law 107-315. Since that time, the Foundation has made significant progress towards this goal and has, among other activities, (i) established a board of trustees and supporting committees consisting of notable historians, business leaders and fine arts professionals; (ii) developed an initial design concept for the memorial; (iii) researched and conducted a preliminary review of more than twenty potential site locations; (iv) engaged a leading provider of commemorative planning and design services to complete both an alternate site study and environmental assessment study of potential sites; and (v) coordinated with the U.S. Congress, National Park Service and other important stakeholders.

However, under the terms of the Commemorative Works Act, the authority of the Adams Memorial Foundation is scheduled to expire on December 2, 2009. H.R. 2802 would create a seven-year reauthorization of the Adams Memorial Foundation. This extension would provide the Foundation with necessary time to complete a formal alternative site study and an environmental assessment of potential sites. Once a site has been secured, the Foundation will then hold a design competition to select a final design for the memorial. Following site and design approval, ground breaking and construction will begin. The Foundation intends to complete the Adams memorial within the next seven years and open its doors to the public to allow the U.S. and the world to learn more about the important contributions of the Adams family.

History of the Adams Family

It is important to keep in mind the extraordinary legacy of service by generations of Adamses and their impact on the establishment of our country.

John Adams was one of the most influential Founding Fathers of the United States. Born in 1735 in Braintree, later known as Quincy, Massachusetts, John Adams was educated at Harvard and spent his early career as a lawyer. As a lawyer, he is best remembered for his successful defense of the British soldiers accused of the Boston Massacre, a role that did not sit well with his fellow countrymen, but reflected a stubbornly principled personality and a passionate belief that all men deserved equal protection under the law.

As a leader of the American Revolution, John Adams served as a delegate to both the First and Second Continental Congresses, and was regarded as the leading voice championing independence from Great Britain. John Adams not only helped draft the Declaration of Independence, but also authored the Constitution of the Commonwealth of Massachusetts, which is the oldest written constitution still in force today.

During the Revolutionary War, John Adams served as a U.S. representative to France and the Netherlands, both assisting to finance the war and bring it to a close with the Treaty of Paris. He subsequently served as our first Minister to the Court of St. James's before returning to the United States to become our first Vice President under President George Washington. In 1796, John Adams was elected the second President of the United States, and in 1800 became the first occupant of the newly constructed White House.

Abigail Smith Adams, wife of John Adams and mother of John Quincy Adams, was an early advocate for women's rights. She was a notable abolitionist and fought for liberty through her writing. John Adams and Abigail Adams were prolific writers and many of their letters have been preserved and were highlighted in David McCullough's book and recent HBO mini-series on the Adams family.

Like his father, John Quincy Adams was a distinguished lawyer and legislator. Before becoming the sixth President of the United States, he served as U.S. Senator and Secretary of State under President James Monroe. John Quincy Adams, conversant in seven languages, also served as Minister to the Netherlands, Prussia,

Russia, and Great Britain. In addition, John Quincy Adams was the chief negotiator of the Treaty of Ghent, which ended the War of 1812. John Quincy Adams also authored the famous Monroe Doctrine. Unlike any President before or since, John Quincy Adams returned to public service after his presidency as a member of the House of Representatives where he served until his death. There, he fought tirelessly against slavery, successfully defended the Mendi people in the U.S. Supreme Court in the Amistad Affair recently popularized in a movie by Steven Spielberg, and became known as “Old Man Eloquent.”

Louisa Catherine Adams was the wife of President John Quincy Adams. Louisa Catherine Adams was the only First Lady to be born outside of the United States. She was an educated and distinguished woman who wrote on behalf of women’s rights and in opposition to slavery. So respected for her role as a diplomatic wife and First Lady that upon her death both the U.S. Senate and the House of Representatives adjourned in her honor.

Charles Francis Adams, the son of John Quincy and Louisa Catherine Adams, served six years in the Massachusetts legislature before receiving the Free Soil Party’s vice-presidential nomination in 1848. Known as a staunch abolitionist, Charles Francis Adams was elected to his father’s seat in the House of Representatives in 1856. Like his father and grandfather before him, Charles Francis Adams served as Minister to Great Britain, and worked to prevent the British Government from recognizing the confederacy’s independence during the Civil War.

Henry Adams, the son of Charles Francis Adams, was also an avid writer, scholar and historian, penning such important works as Democracy, The Education of Henry Adams, and the nine-volume History of the United States during the Administrations of Jefferson and Madison.

While commemorative works have been established for former Presidents George Washington, Thomas Jefferson and Abraham Lincoln in Washington, DC, John Adams and his legacy are notably unrepresented in our nation’s capital. Congress acted in 2001 to remedy this oversight and the Adams Memorial Foundation intends to ensure that an appropriate memorial is established to honor legacy of the Adams family.

The Adams Memorial Foundation

The Foundation, along with the financial support of private donors, has been diligently working to plan and construct a memorial to recognize John Adams and his legacy. Since the creation of the Foundation, we have assembled an impressive board of trustees, advisors and experts that will help facilitate the creation of an appropriate memorial.

The Foundation’s Board includes: Donald B. Myer, FAIA, Former Assistant Secretary of the U.S. Commission of Fine Arts; John A. Morgan, Chairman, Morgan, Joseph & Co.; Mark E. Denneen, Chief Executive Officer, Denneen & Co.; E. Franklin Harris, Managing Director of the Lincoln International LLC; and Peter F. O’Connell, President of the Marina Bay Corporation. The Hon. Timothy J. Roemer, former Representative of Indiana’s Third Congressional District and co-sponsor of our original enabling legislation, stepped down from our board just last week to assume the post of U.S. Ambassador to India.

The Honorary Committee includes: David G. McCullough, Author and Historian; Dennis A. Fiori, Director of Massachusetts Historical Society; Daniel P. Jordan, President of the Thomas Jefferson Foundation; Cokie Roberts, Journalist and Author; Richard H. Driehaus, Chairman of Driehaus Capital Management; and Edward J. Keohane, President of the Quincy Partnership.

The Architectural Committee includes: Harold L. Adams, FAIA, RIBA, JIA, Chairman Emeritus of RTKL Associates Inc.; John Belle, FAIA, RIBA, Beyer Blinder Belle Architects and Planners, LLP; Heather Wilson Cass, FAIA, Cass & Associates Architects, PC; Edward Dunson, AIA, Howard University College of Engineering, Architecture, & Computer Science; Gregory K. Hunt, FAIA, Leo Daly Architects; and F. Douglas Adams, AIA, F. Douglas Adams and Associates Architects, Inc.

The Foundation also relies on its independent Audit Committee Chairman, Steven Elek of PriceWaterhouseCoopers, and on Special Advisor Rodney M. Cook, President of the National Monuments Foundation.

Conceptual Design of the Adams Memorial

Among John Adams’s heroes was Cicero, the great Roman philosopher and politician, whose idea of heaven was represented by a library in a garden. Visitors today to the Adams National Historical Park in Quincy, Massachusetts will find just that: a handsome stone library constructed by Charles Francis Adams in 1873, nestled in an nineteenth century garden where Abigail Adams’s roses still bloom. The Adams Memorial Foundation’s vision for a memorial in Washington, D.C. is to

create something similar, the Adams Library of American Letters, a library of eighteenth century design and scale, set in a peaceful garden in the heart of our nation's capital. Drawing upon the extensive writings of four generations of Adams politicians and scholars, the Adams Library will provide a gateway for generations of Americans to explore our nation's history through the lens of a great American family. From the colonial era to the Revolutionary War and the early days of American independence, and from the early abolitionist movement through the civil war and the emancipation of the slaves, the writings of multiple generations of Adamses provide a critical narrative thread to understanding the history of the United States.

Next Steps to Establish the Adams Memorial

Over the next seven years, the Foundation will: (i) conduct a site selection and environmental assessment (approximately 12-18 months); (ii) hold a design competition (approximately 9-12 months); (iii) secure final design approval and raise significant private capital to fund the construction of the memorial (approximately 2-3 years); and (iv) break ground and construct the memorial (approximately 2 years). To this end, the Foundation has engaged engineering and legal experts to assist in the process. The Foundation plans a significant capital campaign as required by the original authorization, which states that the memorial must be built with private funds. The Foundation has been closely coordinating its activities with the National Park Service.

However, unless Congress acts, the authority of the Adams Memorial Foundation will expire under the terms of the Commemorative Works Act (40 USC §8903) on December 2, 2009. In order for the next phase to commence, we request that Congress enact H.R. 2802. This legislation would extend the authority of the Adams Memorial Foundation for another seven years. This extension would provide the Foundation with the necessary time to complete all the required steps to create a presidential memorial.

On behalf of the Adams Memorial Foundation, I formally request your support for H.R. 2802 to extend the Foundation's legislative authority to establish a well deserved memorial to honor the Adams legacy. Much of the groundwork has been completed, and now is the time to start making strides to bring Adams memorial to fruition.

Thank you for the opportunity to testify before this Committee on the important work of the Adams Memorial Foundation and to express our ultimate support for H.R. 2802. I look forward to answering any questions you may have.

Mr. GRIJALVA. Thank you, Mr. Adams.

Linda Evans Parlette, Washington State Senator, 12th District.
Madam Senator?

**STATEMENT OF THE HON. LINDA EVANS PARLETTE,
WASHINGTON STATE SENATOR, 12TH LEGISLATIVE DISTRICT**

Ms. PARLETTE. Thank you, Chairman Grijalva and Congressman Bishop and Members of the Committee, for hearing the bill which I am supporting, H.R. 2806.

For the record, my name is Linda Evans Parlette. I am the Washington State Senator for the 12th Legislative District in North Central Washington. My district includes the community of Stehekin, the Lake Chelan Recreation Area, and the North Cascades National Park. I have submitted 12 pages of detailed written testimony for the record. On page 3 of that written testimony, you will learn about the visitors' centers that are in the North Cascades National Park.

Let me quickly define the issue. Part of an historic, primitive road which provided the only vehicular access into the North Cascades National Park from Stehekin, a road that is approximately 12 miles long, washed out due to an historic flood in 2003.

This road, Mr. Chair, was there prior to the North Cascades National Park being created in 1968. This road was there before the 1988 Washington Parks Wilderness Act. As a matter of fact, this

road was there in 1899, when my grandfather, Ray O'Neal, worked on one of the original small ferries that traveled from Chelan to Stehekin.

Bottom line: This road to Cottonwood Camp, also known as the "Upper Stehekin Valley Road," has existed since the 19th century.

As a result of the 2003 flood, the National Park Service did an environmental assessment on the Upper Stehekin Valley Road in 2006. Ninety percent of those who gave comments supported the road to Cottonwood Camp staying open.

The most viable option was Alternative D. Alternative D would move the small portion of the 12-mile road that continually washes out to where the pioneers built the road in the 19th century, away from the meandering Stehekin River, a common-sense solution to move that section to the "old wagon road."

The National Park Service, however, concluded that they did not have the authority to move the section of the road, as proposed in Alternative D of the 2006 environmental assessment, due to the constraints of the Washington Parks Wilderness Act.

With all due respect to the National Park Service, Mr. Chair, I am shocked and quite disappointed at the National Park Service's testimony against this bill. As recent as August 8, 2008, the Olympic National Park General Management Plan was approved by a record of decision signed by Regional Director John Jarvis and subsequently published in the Federal Register on November 12, 2008.

My written testimony states the exact language used for Olympic National Park and, due to the previous comments, I will read it: "If the road relocation away from the river meander areas is feasible, wilderness boundary modifications would be sought as necessary with no net loss of total Olympic National Park wilderness acreage."

I ask you, Mr. Chair, and Members of the Committee, why, when wilderness areas, by law, were added from Mount Rainier, Olympic, and the North Cascades Parks all at the same time, are different management standards allowed? This is nothing short of disparate treatment and unequal application of the law.

I support H.R. 2806 because it would restore access to rustic park facilities and scenic wilderness areas within the North Cascades National Park. A visitor to Stehekin could once again access the wilderness trails in a weekend.

I support H.R. 2806 because it enables the intent of the original co-sponsors of the bill, former three-term Washington State Governor and United States Senator Daniel J. Evans and the late U.S. Senator Brock Adams; that is to say, it was their intent to maintain a recreational-access corridor in the designated wilderness area within the North Cascades National Park. Former Senator Dan Evans has provided written testimony.

I also support H.R. 2806 because it would allow the National Park Service to remain in compliance with the 1995 general management plan for the Lake Chelan National Recreation Area, which calls for the road to Cottonwood Camp to remain open.

I also would be supportive of a narrower version of H.R. 2806, which could clearly state that, notwithstanding any other provision of the law, the National Park Service shall build the road con-

sistent with Alternative D of the Upper Stehekin Valley Road environmental assessment of 2006.

To conclude, Mr. Chair, Senator Evans stated, when he introduced the legislation in 1988, and I quote, “What the bill would not do is keep the park visitors shut out of the park. All of the existing transportation and development corridors would be excluded from wilderness designation.”

“Stehekin” means “the way through.” It is time to reopen the way through. Congress should recognize this historic, grandfathered access to the Upper Stehekin Valley, just as Senator Evans envisioned, so that we can maintain, and even increase, the number of citizens and taxpayers who will appreciate and protect this magnificent park. Thank you, Mr. Chairman. I welcome questions.

[The prepared statement of Senator Parlette follows:]

**Statement of The Honorable Linda Evans Parlette,
Washington State Senator, 12th Legislative District, on H.R. 2806**

Mr. Chairman and members of the committee: thank you for the opportunity to appear before you today to offer testimony on H.R. 2806, a bill authorizing the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and North Cascades National Park in order to allow the rebuilding of a road outside of the Stehekin River floodplain. This adjustment would ensure that there would be no net loss of acreage to the park and wilderness.

For the record, my name is Linda Evans Parlette. I am the Washington State Senator for the 12th Legislative District in North Central Washington. I represent all of Chelan and Douglas counties, as well as a portion of both Grant and Okanogan counties. My district includes the community of Stehekin, the Lake Chelan Recreation Area and the North Cascade National Park. My legislative district is part of the 4th and 5th Washington State Congressional Districts.

Stehekin is a tiny community located at the West end of Lake Chelan, a glacier fed natural lake—the largest in Washington state, and the 7th largest in the United States. The Stehekin landing can be reached only by boat, float plane, or spending two or three days hiking in.

My grandfather, Ray O’Neal’s first job when he came to Chelan in 1899 was working on the small ferry from Chelan to Stehekin. My family still has the small, original rustic cabin my grandfather built in Stehekin beyond Company Creek; we have long enjoyed our unique Stehekin heritage.

The primitive road to Cottonwood Camp existed prior to the creation of the North Cascades National Park in 1968 and the Washington Parks Wilderness Act of 1988(PL 100-668). The Cottonwood Camp Road was built over 100 years ago in the late 1800s.

I support H.R. 2806 because it would restore access to rustic park facilities and scenic wilderness areas within the North Cascade National Park. It would also provide legislative clarity to the intent of the Washington Parks Wilderness Act of 1988 (PL 100-668); and assure the National Park Service (NPS) is consistent in their road management practices within the wilderness areas in the Olympic, Mount Rainer, and North Cascade National Parks.

I am also supportive of H.R. 2806 because it enables the intent of the original co-sponsors, former U.S. Senator Daniel J. Evans and the late U.S. Senator of the 1988 Washington Parks Wilderness Act that designated wilderness within this magnificent National Park. That is to say, it was their intent to maintain a recreational access corridor in the designated wilderness area within the North Cascades National Park. H.R. 2806 would also allow the National Park Service (NPS) to remain in compliance with the 1995 General Management Plan for the Lake Chelan National Recreation Area, which calls for the road to Cottonwood Camp to remain open.

I would also be supportive of a narrower version of H.R. 2806 which could clearly state that notwithstanding any other provision of law; the National Park Service shall build the road consistent with Alternative D of the Upper Stehekin Valley Road Environmental Assessment of 2006. I will elaborate on this possibility later in this testimony.

Restoring Access to Park Facilities and Wilderness Areas:

In the 1995 General Management Plan for the Lake Chelan Recreation Area, the National Park Service (NPS) "Proposed Action" calls for maintaining vehicular access to Cottonwood Camp. Shortly after adoption of this plan in 1995, the Stehekin River flooded causing a half mile section of the road to washout between Glory and Cottonwood Camp.

1995 Flood

Since the Stehekin River is glacial fed, the main channel meanders from one side of the canyon to the other, and then back again, over time. In 1995, the river was literally flowing right down the road for about a half mile. The NPS could not repair it within the "Non Wilderness Corridor", but knew that, over time, the river would eventually move out of the corridor once again. The NPS made the commitment to have their geomorphologist monitor the river at this location every year and, as soon as it showed signs of moving away from the "Non Wilderness Corridor" re-establish the road again.

The NPS felt this decision was appropriate in that: 1) the NPS committed to rebuild the road within the "Non Wilderness Corridor" when it was physically possible; 2) the NPS only shortened the road by 2.5 miles; 3) this "shortening" only added about two hours to what had been a day hike from Cottonwood Camp or one hour to a trip over Cascade Pass; and 4) vehicular traffic to the Bridge Creek/Flat Creek Trailheads were still viable.

2003 Flood

In 2003 a five hundred year flooding event struck the Stehekin River. This resulted in extensive damage to private property within the community of Stehekin, severe damage to roads and other National Park Service infrastructure within Lake Chelan National Recreation Area, and unprecedented damage to the Upper Stehekin Valley Road within the North Cascades National Park.

The Stehekin community, with the assistance from Chelan County, the Army Corps of Engineers, and the National Parks Service repaired virtually all damage to infrastructure within the Lake Chelan National Recreation Area and the Lower Stehekin Road; however, the Upper Stehekin Valley Road remained impassable above Car Wash Falls.

The Cottonwood Camp Road, also referred to as the Upper Stehekin Valley Road, runs approximately 12.8 Miles from the National Park-National Recreation Area boundary at High Bridge to the Cottonwood Camp. The road remains impassable above Car Wash Falls; which is located approximately 12.9 miles from the Stehekin Landing and just 1.7 miles above High Bridge.

The Washington Parks Wilderness Act of 1988 (PL 100-668), which establishes the Stephen Mather Wilderness Area, provides for a 100 foot wide (50 feet from either side of the centerline of the Road as it existed at the time of the Act) non-wilderness corridor to accommodate this Cottonwood Camp Road. This was done in recognition of the traditional and vital role that this road plays in providing access to exceptional day hikes and fishing opportunities in the Upper Stehekin Valley.

The Wilderness area overlays 93 % of the North Cascades National Park complex. The Park complex is comprised of three park units: the North Cascade National Park, the Ross Lake National Recreation Area and the Lake Chelan National Recreation Area. The Road falls within the North Cascade National Park unit.

The Act also created non-wilderness enclaves designated around the facilities at Bridge Creek and Cottonwood Camp. These enclaves were designated in recognition of the existing development and the potential for future expanded primitive development in these areas.

To facilitate visitor access to the Upper Valley, the National Park Service developed a shuttle system utilizing the primitive road corridor in the Lake Chelan National Recreation Area and the North Cascade National Park to allow more day hikes, rather than overnight stays, into areas like Horseshoe Basin, Trapper Lake, Flat Creek, Goode Ridge and many others. The shuttle use in the Upper Stehekin Valley (above High Bridge) was approximately 2,500 people per year, based upon National Park Service ridership figures. This ridership included day visitors, people that used the campgrounds along the road, and hikers going and coming from trailheads. It is estimated that an addition 500 to 800 people also utilized private vehicles on this road to access facilities in the park. Without vehicular access, it now takes three to four days to access trailheads in the Upper Stehekin Valley. This, of course, excludes access by those who are not physically capable of such long treks or do not have that much time.

As a result of the 2003 flood, the National Park Service undertook an Environmental Assessment on the Upper Stehekin Valley Road. As required by the National

Environmental Policy Act, the NPS looked at all “reasonable alternatives” to mitigate the damage caused to the road. They came up with four alternatives: Alternative A—No Action; Alternative B—Permanently close Stehekin Valley Road Above Car Wash Falls; Alternative C—Reconstruct the Stehekin Valley Road from Car Wash Falls to Glory and, Alternative D—Reroute the Stehekin Valley Road from Car Wash Falls to Bridge Creek and from Glory to Cottonwood Camp.

The National Park Service solicited public comment on all proposed “reasonable alternatives” for the Upper Stehekin Valley road and out of the 251 people who provided input: 37 supported Alternative D, and 178 supported a “new” alternative—a variation of Alternative C of rebuilding the road within the non-wilderness corridor not considered in the EA. Here is the point: Nearly ninety percent of those commenting wanted the road to Cottonwood Camp to remain open.

The closure of the Upper Valley Stehekin Road has had a negative effect on the economic viability of the Stehekin Community by limiting access to trailheads and rustic park facilities. It has also created a safety concern for valley residents and visitors.

With an impassible road above Car Wash Falls, vehicular access to multiple trailheads for recreational purposes, as well as fire and safety purposes, is impossible. In addition to trail access being diminished, there are a significant number of visitor facilities at Bridge Creek that used to be accessible by vehicle. These facilities include: a campground, corral, Ranger Patrol Cabin, National Register listed historic public shelter, pit toilets, and an emergency cabin maintained by Chelan County Public Utility District. There is also a six site campground and pit toilets at Cottonwood Camp that use to be accessible by vehicle.

Although Alternative “D” was considered a reasonable alternative and received a great deal of support, it was not selected as the “preferred” alternative due to the interpretation of the Washington Park Wilderness Act of 1988. If adopted, it would have relocated the current road corridor in two locations and utilize what is called the old “Wagon Road”. This is the location that the pioneers created in the first place as it is on higher and safer ground, away from the meandering Stehekin River. This “Old Wagon Road” should enjoy grandfathered status. The “Old Wagon Road” is located from MP 12.7 to MP 15.3 (0.6 miles south of Bridge Creek) and from MP 20.8 to MP 22.8.

Ultimately, the NPS chose Alternative B: permanently close Stehekin Valley Road above Car Wash Falls, as their “preferred” alternative stating, “the constraints of the Washington Parks Wilderness Act (Public Law 100-668) compound the problem of retaining motorized access.”

Clarification of Legislative Intent and Authority:

The Washington Parks Wilderness Act of 1988 (PL 100-668) did not include any additional provisions about maintaining roads in the event of a severe flood or natural catastrophe. Therefore, the NPS stated it believed there is nothing in the law that would indicate Congress intended for the NPS to maintain the Upper Stehekin Road when confronted with substantial damages caused by flood.

I am privileged to know one of the original co-sponsors of the Washington Parks Wilderness Act of 1988 (PL 100-668), former United States Senator and three-term Washington State Governor, Daniel J. Evans. We have spoken often about the “Road to Cottonwood” issue and the intent of this legislation.

When introducing the Washington Parks Wilderness Act of 1988 (PL 100-668), former Senator Daniel J. Evans stated in the Congressional record, “What the bill would not do is to keep the park visitors shut out of the park. All of the existing transportation and development corridors would be excluded from wilderness designation.” The legislative history of the Wilderness Act speaks specifically to maintaining the essential recreational corridors (the roads) when designating wilderness in Mount Rainer, Olympic and the North Cascades National Park.

In his July 8th, 2009 written testimony to you, Senator Evans reiterates the importance of these transportation corridors and the need to clarify the intent of the Washington Park Wilderness Act of 1988 (PL 100-668) to keep these corridors open to vehicle transportation as a means to insure access to recreational areas in our wilderness National Parks. He states:

“I believe very strongly that continued protection of our wilderness National Parks depends on the active support of visitors, hikers, and climbers who act as champions of our National Parks. If we make access substantially more difficult we reduce the number of visitors and ultimately the number of citizens and taxpayers who know enough about these parks to want to protect them.”

I believe direction is needed to provide consistent management standards to the National Park Service for the recreational corridors that provide access to facilities

and pristine wilderness areas. H.R. 2806 is a reasonable step in this process. This is especially true since the NPS road management policies are inconsistent in their application to wilderness created under the Washington Park Wilderness Act of 1988 (PL 100-668).

Road Management Practices:

As recently as August 8th, 2008, the Olympic National Park General Management Plan was approved through a Record of Decision (ROD) signed by Regional Director Jon Jarvis and subsequently published in the federal register on November 12, 2008. With respect to roads, the ROD states: "Road access will be maintained to existing front county areas for resource protection, river restoration, and/or maintain vehicular access. Wilderness boundaries may be adjusted along roads to allow continued road access into the park; however, there will be no net loss of wilderness acreage."

This Record of Decision implies the National Park Service has already made a commitment to pursue options within wilderness designated under the Washington Parks Wilderness Act of 1988 (PL 100-668) to maintain road corridors with a no net loss of wilderness approach! The current NPS opposition to H.R. 2806 is inconsistent and arbitrary when compared to the General Management Plan for the Olympic National Park that calls for adjusting wilderness boundaries to allow continued road access within the Park.

Additionally, their choice of wording in the reference to "front country areas" is confusing as, in many cases, these roads, run as a corridor through wilderness before reaching a trailhead facility and/or camping area, such as the Hoh road in the Olympic National Park and the Upper Stehekin Road in the North Cascade National Park.

The Record of Decision for Olympic National Park and its suggested "no net loss of wilderness" approach to the adjustment of wilderness boundaries along roads that provide access to facilities and trailheads creates a philosophical and management conflict with respect to these essential recreational corridors when compared to the current NPS position on the Stehekin Valley Road.

Specifically this conflict is highlighted by the following language found in the Olympic National Park General Management Plan:

"If road relocation away from river meander areas is feasible, wilderness boundary modifications would be sought as necessary, with no net loss of total Olympic National Park wilderness acreage."

Mr. Chairman, I ask this simple question: how can the National Park Service adopt a Record of Decision supporting boundary adjustments along roads which wash out due to river meandering in the Olympic National Park yet so strongly oppose adoption of the identical approach with respect to the Stehekin Valley Road within the North Cascades National Park?

This inconsistency is amplified when one considers The General Management Plan for Lake Chelan National Recreation Area, produced by the National Park Service in 1995, which reconfirmed the importance of maintaining road access to Cottonwood Camp. After several years of dialogue, debate, and threatened law suits, the General Management Plan (GMP) "Proposed Action" specifically called for maintaining vehicular access to Cottonwood Camp:

"The Stehekin Valley road between the Landing and Harlequin Bridge would remain a two-lane paved road; from Harlequin Bridge to 9-Mile, it would become a single-lane, paved road with pullouts; from 9-Mile to High Bridge, a single-lane, gravel road; and from High Bridge to Cottonwood, a heavy-duty, high-clearance shuttle vehicle road.

Unconstrained private vehicle use would end at High Bridge. Private vehicle use from High Bridge to Bridge Creek would be allowed, but traffic flow would be regulated by season of year and/or hour of day. Public shuttle service would be provided from the Landing to Cottonwood. Only the public shuttle service, hikers, horses, and bicycles would be allowed to use the road from Bridge Creek to Cottonwood. The National Park Service would seek a concessioner to replace the NPS-operated public shuttle service. Frequency of shuttle service would increase over the current rate. Fare structure would provide discounts for frequent and local public shuttle users."

Given the reasonable, no net loss of wilderness, approach used in H.R. 2806, I simply cannot understand why the National Park Service opposes legislation that would allow it to conform to the lengthy and expensive planning process they undertook in 2006.

The standard for wilderness management within National Parks should be the same. Allowing for different interpretations is a travesty with respect to maintaining access corridors in wilderness areas within National Parks which invites ridicule

of the National Park Service and fosters disrespect for government. After all, citizens are entitled to “equal protection” under the law.

The language in the 2006 Upper Stehekin Valley Road Environmental Impact Statement itself more accurately describes that the National Park Service would seek legislative authority to move the wilderness boundaries consistent with a “no net loss” approach. Bottom line, the NPS should have clear Congressional direction on how damage to recreational corridors within designated wilderness should be mitigated when caused by natural disaster. This will assure the same standards are applied to all designated wilderness.

Conclusion:

Congress should clarify the Washington Parks Wilderness Act of 1988 (PL 100-668) to provide the National Park Service with clear direction as to their authority when faced with the need to repair recreational corridors or roads which are altered by natural disasters. I believe H.R. 2806 is a reasonable approach to providing the clarity needed for the Upper Stehekin Valley Road. I would also be supportive of a policy that would provide clarification for all wilderness dedicated under the Washington Parks Wilderness Act of 1988 (PL 100-668), which calls for a no net loss acreage to the parks and wilderness.

Alternative Approach

I would also be supportive of a narrower version of H.R. 2806, which could clearly state that notwithstanding any other provision of law; the National Park Service shall build the road consistent with Alternative D of the Upper Stehekin Valley Road Environmental Assessment.

You are not being asked to “guess” at the costs or the environmental impacts of adopting H.R. 2806. The work has been done.

If Congress were to direct the National Park Service to implement Alternative “D”, the estimated implementation costs have been laid out in the Findings of No Significant Impact for the Upper Stehekin Valley Road Car Wash Falls (MP 12.9) to Cottonwood Camp (MP 22.8) North Cascades NPS Complex:

“This alternative [Alternative D] would take two to three years to implement, and the estimated cost of implementation is \$1,339,075. Under this alternative, the estimated cost of routine, annual road and trail maintenance is \$13,968.”

The NPS hired the Wenatchee National Forest Road Engineering Department to flag the new road route to complete this estimate and provide the exact location of the re-route. The Environmental Assessment was done in a manner to allow direct implementation of Alternative “D”, should Congress provide the legislative authority without further study.

There are two advantages in directing the National Park Service to reopen the road to Cottonwood Camp in a manner congruent to Alternative “D.” First of all, the road between Car Wash Falls and Bridge Creek would actually be approximately 0.2 miles shorter than the segment it would replace (2.2 vs. 2.4 miles; 3.2 vs. 3.5 acres), which would result in a gain in wilderness.

The second advantage is that by moving this portion of the road back to its original location, it would eliminate the potential for future damage and associated repair costs. It is ironic that the 19th Century Pioneers were truly wiser when they built the historic “Mine-to Market Road” on higher ground to avoid conflicts with floods, a road that also allowed visitors of the Field’s Hotel to access the majestic cirque of cascading waterfalls at Horseshoe Basin. This road needs to return to being the “gateway to wilderness” in the North Cascades National Park.

Mr. Chairman, at the beginning of my testimony I mentioned my grandfather. I am so lucky to have parents who will celebrate 65 years of marriage on September 3rd. My Dad, an 86-year-old World War II Marine, continues to fish in the Stehekin River with my Sons every summer. He no longer can access the fishing holes in the Upper Stehekin Valley as walking that many miles in a day is no longer possible. He hopes to live long enough to see the road reopened.

The word Stehekin means “the way through.” It is time—To Reopen “The Way Through.” Congress should recognize this historic, grandfathered access to the Upper Stehekin Valley just as Senator Evans envisioned, so that we can maintain and even increase the number of citizens and taxpayers who will appreciate and protect this magnificent park.

Mr. Chairman, thank you for your time and this concludes my testimony. I will be pleased to answer questions.

Appendix

Figure A1. Project Area-Upper Stehekin Valley Road FONSI 8/17/2006

Figure A2. Upper Stehekin Valley Road EA Pg. 204, A1—Slide Damage at Car Wash Falls
 Figure A3. Upper Stehekin Valley Road EA Pg. 205, A2—Landslide at MP 15 in 2003
 Figure A4. Upper Stehekin Valley Road EA Pg. 206, A3—Road Reroute (Alternative D)
 Figure A5. Upper Stehekin Valley Road EA Pg. 207, A4—Road Reroute (Alternative D)
 Figure A6. National Park Service Shuttle Bus on the Stehekin Valley Road, Stehekin School Children Hiking in North Cascades National Park
 Figure A7. Horseshoe Basin, North Cascades National Park
 [NOTE: Attachments have been retained in the Committee's official files.]

Mr. GRIJALVA. Commissioner Doug England, Chelan County Commissioner, on H.R. 2806. Mr. Commissioner.

**STATEMENT OF DOUG ENGLAND, CHELAN COUNTY
 COMMISSIONER, WENATCHEE, WASHINGTON**

Mr. ENGLAND. Mr. Chairman and Members of the Subcommittee, my name is Doug England, Commissioner, Chelan County, Washington. Thank you for making this hearing possible and to Congressman Hastings for introducing this important legislation for the people of our county.

Fully 80 percent of our county is owned and controlled by the Federal government. With a population of just over 70,000 the county's residents are joined by visitors from all over the world to ensure that it is unique and see its unique beauty. Historically, one of the most special places of all is the Stehekin Valley in the North Cascades National Park.

Since it became known that this Committee would hold this hearing, I have received a surge of calls reflecting frustration that no one is listening to our plea for common sense. Thank you, Congressman Hastings, for listening.

The comments that I hear are all strikingly similar. Please allow my children and those not blessed with the time or the ability to share my experience of this beautiful valley.

Let me draw heavily upon an editorial in the Yakima Herald Republic written by Scott Sandberry to tell their story. It tells of a huge photograph of Horseshoe Basin that hung for years in the Stehekin Valley. Visitors marveled at the picture and then would ask for directions to see for themselves the area once described in a 1960 Sierra Club documentary film as a "crown jewel of America's scenic grandeur."

They do not ask that now. The photograph has been taken down. Locals got tired of having to tell visitors that unless they could don a backpack for a 30-mile round trip, they could no longer get to Horseshoe Basin or, for that matter, to a myriad of other back-country destinations.

In the language of the native Indians, "Stehekin" meant "the way through," but, in October of 2003, a 500-year flood washed out the Stehekin Valley Road, which, a century earlier, had gone nearly to Horseshoe Basin, "dead-ending," to quote that same 1960 film, "in paradise." Now, it ends at a rather nondescript stop sign just 13 miles up the river.

Now, the National Park Service has opted to abandon the road upriver from that point, less than two miles into the park and the

Stephen Mather Wilderness. Without that road, this doorway to heaven is already experiencing a dramatic drop in visitors using local transportation and the few struggling businesses that have found a home here. The firefighting crews have also lost access to fight the catastrophic wildfire they fear will be given birth within the park and roar into their world as a full-grown monster.

Maintaining the way through requires only common sense. Parallel to the washed-out section runs the road's original route, safely up slope from the river. Called the "old wagon road," it became part of the Pacific Crest Trail when the Civilian Conservation Corps replaced it with the road along the river.

The solution is obvious: For those two and a half miles, simply reroute the main corridor to the old wagon trail and trade the Pacific Crest Trail back to the river, where a trail would be far easier to maintain.

Mr. Chairman, what is the National Park's response to our plea? It is a flat-out no. The Stehekin Valley Road is bounded on both sides by the Mather Wilderness that, according to the National Park, cannot, and will not, be moved.

Again, the answer is simple: Change the law. There would be no net loss of wilderness, the Pacific Crest Trail users get a more beautiful route, and the 100-year-old, one-lane, primitive, summer-only road that starts and stops in Stehekin would be open. It is just common sense.

Most environmental experts agree that the old wagon trail is where the corridor should have been in the first place. It has been said that, throughout the world, there may be no place else quite like Stehekin, but who will know? As one resident puts it, "It is like going to Disneyland and only getting to ride the cup and saucer."

Representative Hastings's bill reflects the common-sense desire of the people of Washington State. It provides for replacement of the washed-out road and nothing more. It does not take away from the wilderness experience; it only enhances it.

Mr. Chairman, as you listen to environmental groups asking you to oppose this bill because replacing the Stehekin Road "breaks precedent," ask yourself whether opposition to common-sense solutions is not denying the next generation of our children the same blessings that we enjoyed? They, too, will be asked to defend the wilderness that today's environmental groups claim to love, but if they never experience that same wilderness, how can they be expected to defend it?

It should be noted that this wilderness was named after the first director of the National Park Service, who, and I quote, "encouraged visitation to normally remote units of the system to thereby create a base of public support with those who had seen and gained a personal appreciation for them." It has been proposed that this wilderness be enlarged. How can your Committee ask for our support after this insult to Stehekin?

Mr. Chairman, as the people of my county ask for this legislation to be passed, please remember the goodwill that such an obvious, common-sense solution will provide to future wilderness defenders. Thank you and thank you again, Congressman Hastings and

Members of the Subcommittee, for your willingness to listen to our please for reason.

[The prepared statement of Mr. England follows:]

Statement of Doug England, Chelan County, Washington, on H.R. 2806

Mr. Chairman and members of the Subcommittee, my name is Doug England, Chelan County, Washington Commissioner. Thank you for making this hearing possible and to Congressman Hastings for introducing important legislation for the people of our county. By way of background, Chelan County is nearly 3,000 sq. miles in size and includes 126,140 acres of National Park, 1,284,374 million acres of National Forest, and 20,891 acres of BLM lands. Fully 80% of our county is owned and controlled by the federal government. After adding other State and other Public Lands, only 13% of our land is privately owned. Economically, Chelan County is largely dependent on agriculture and tourism, providing the nation and world with over \$2.6 Billion worth of apples, pears, cherries and other tree fruit annually. With a population of just over 70,000, the county's residents share vacation destinations with a dramatic influx of our state's residents who live west of the Cascade Mountains, joined by visitors from all over the world to experience its unique culture and see its beauty. Historically, one of the most special places of all is the Stehekin Valley, in the North Cascades National Park.

Since it became known that this committee would hold this hearing, I have received a surge of calls reflecting frustration about a "deaf-ear" to local resident's pleas for action. Thank you, Congressman Hastings, for listening. The comments my county and I hear are all strikingly similar; "...please restore my memories of the Upper Stehekin Valley, and please allow my children and those not blessed with the time or ability, to share my experience of this beautiful valley..."

Let me draw heavily upon an editorial from the Yakima Herald Republic, written by Scott Sandberry, to tell their story. It tells of a huge photograph of Horseshoe Basin, a breath taking amphitheater of North Cascade peaks, that hung for years in Stehekin. Visitors marveled at the picture then would ask for directions to see for themselves the area once described in a 1960 Sierra Club documentary film as "a crown jewel of America's scenic grandeur."

They don't ask that now. The photograph has been taken down. Locals got tired of having to tell visitors that, unless they were willing to don a backpack for a 30 mile round trip, they could no longer get to Horseshoe Basin. Or, for that matter, to a myriad of other back country destinations, that Stehekin, itself—accessible only by plane, foot or a 51 mile boat ride—had long been a portal.

In the language of the native Indians, Stehekin meant "the way through." But in October 2003, a 500-year flood washed out the Stehekin Valley Road, which a century earlier had gone nearly to Horseshoe Basin, dead-ending to quote that 1960 film, "in paradise." Now it ends at a rather non-descript stop sign just 13 miles up river at Car Wash Falls.

Now the National Park Service has opted to abandon the road up river from that point, less than 2 miles into the Park and the Steven Mather Wilderness. Without that road, this doorway to heaven is already experiencing a dramatic drop in visitors using local transportation and the few struggling businesses that have found a home here. The firefighting crews have also lost access to fight the catastrophic wildfire they fear will be given birth within the park and roar into their world as a full grown monster.

Maintaining "the way through" requires only common sense. Parallel to the washed out sections, runs the road's original route, safely upslope from the river. Called the "old wagon road", it became part of the Pacific Crest Trail when the Civilian Conservation Corp crews replaced it with the road along the river.

The solution is obvious. For those 2 1/2 miles, simply reroute the main corridor to the "old wagon trail" and trade the Pacific Crest Trail back to the river, where a trail would be far easier to maintain.

Mr. Chairman, What is the National Park's response to our plea? It is a flat out—"No." The Stehekin Valley Road, essentially a 100 foot right of way, is bounded on both sides by the Mather Wilderness, that, according to the National Park, cannot be moved.

Again, the answer is simple—change the law. There would be no net loss of Wilderness, the Pacific Crest Trail users get a more beautiful route; and the one-lane, primitive, summer road is open. It's just common sense. Other National Parks have similar issues and were formed with far less restrictive language. Most environmental protection experts agree that the "old wagon trail" was where the corridor should have been in the first place.

As one 83-year-old gentleman put it, "the old road encouraged and enabled visiting and hiking, even by people limited by time or without well-honed physical abilities. It permitted one day access even by the elderly and families. Being there has touched my soul deeply. I yearn for the day when I can access it again."

It has been said that throughout the world there may be no place else quite like Stehekin, but who will know? As one resident put it, "It's like going to Disneyland and only getting to ride the cup and saucer." Stehekin deserves better than that."

Representative Hastings' bill reflects the common sense desires of the people of Washington State. It provides for replacement of the washed-out road and nothing more. It does not take away from the Wilderness experience, it enhances it for thousands who otherwise will never see these lands.

Mr. Chairman, as you listen to environmental groups asking you to oppose this bill because replacing the Stehekin road "breaks precedent", ask yourself whether bull-headed opposition to common sense solutions isn't denying the next generation of our children and grand children the same blessings we enjoyed. They too will be asked to defend the Wilderness and wilderness values that today's environmental groups claim to love. But if they never experience that same wilderness, how can they be expected to defend it.

It should be noted that this wilderness was named after the first Director of the National Park Service, who, and I quote, "encouraged visitation to normally remote units of the system and thereby create a base of public support...with those who had seen...and gained a personal appreciation for them." It has been proposed that this wilderness be enlarged. How can your committee ask for our support after this insult to Stehekin?

Mr. Chairman, as the people of my county ask for this legislation to be passed, please remember the good-will that such an obvious common sense solution will provide to future would-be wilderness defenders.

Thank you and thank you again Congressman Hastings and members of the Subcommittee for your willingness to listen to our plea for reason.

Mr. GRIJALVA. Thank you, Mr. Commissioner.

Martin Saffer, President, Pocahontas County Commission, on H.R. 3113. Mr. Commissioner?

STATEMENT OF MARTIN V. SAFFER, PRESIDENT, POCAHONTAS COUNTY COMMISSION, MARLINTON, WEST VIRGINIA

Mr. SAFFER. Thank you, Chairman Grijalva and Members of the Subcommittee, for this opportunity to testify in support of H.R. 3113, a bill to study a portion of the Elk River in Pocahontas County, West Virginia, for potential inclusion in the National Wild and Scenic Rivers System.

At the outset, I want to recognize the important leadership of Congressman Rahall in sponsoring this and many other environmental measures which will have lasting value, enriching and protecting the quality of American life and that of West Virginians for decades to come.

As president of the Pocahontas County Commission, I am in a unique position to speak to the importance of this legislation. Our beautiful, rural county has been discovered and, as other parts of this great United States, we are at a crossroads of decision in arriving at a balanced use of our natural resources which will best serve us into the future.

My first observation to you is that this portion of the Elk River, having its birth in our yet-pristine county, is truly a unique environmental resource. Its waters are cold and pure. It is a trout fisherman's dream. Its banks are free of development, and its waters lap a shoreline where beaver and wilderness yet thrive. The Elk is an important part of our beautiful landscape which draws many

visitors and tourists who walk in rich forests and wilderness and canoe and fish unsullied streams and rivers.

Our county has developed a strong tourist industry which weaves together many unparalleled elements unique to Pocahontas County. The Cranberry Wilderness, together with recent additions of Spice Run Wilderness, the Greenbrier River, spectacular and tranquil state parks and forests, rolling farms, serve as a panoramic backdrop to the National Radio Astronomy Observatory, the Cass Railroad, and the Snowshoe Ski Resort. This wealth of resources promises us a healthy and growing economy into the future. However, the one caveat I see is that, as a county, we must be true stewards to this abundant gift.

This leading legislation by Chairman Rahall recognizes the importance of stewardship of unique natural resources to ensure a prosperous future. Frank Jezioro, the director of the West Virginia Department of Natural Resources, has expressed his support of a detailed study of the Upper Elk River. He hopes that such a study will answer often-raised questions and concerns about how any change in designation would impact present landowners and the use of their land, as well as the State of West Virginia, to manage, control, and regulate fish and wildlife.

As Mr. Jezioro rightly pointed out to me in our recent conversation concerning this bill, "There is no way to put a value on good, clean water," which, as he further stated, "is a resource central to sustain life."

I believe that, as time goes on and as our world and country and state become more crowded and congested, water will become more valuable than oil.

Additionally, I want to express the support of the Pocahontas County Convention and Visitors Bureau for this legislation. Our county has over one million visitors a year, an extraordinary economic stream for a county of just 9,000 residents. Tourism is a lasting and powerful economic engine, and unique resources like the Elk River must not be taken for granted. Our CVB president, Abbey Withrow, has said in a letter of support to this legislation, "With most of our attractions being natural resources, it is imperative that we work to protect them." The CVB sees this study as a "step toward protecting what is so important in our area."

The simple truth in life is that one cannot have his cake and eat it too. There are choices to be made, and the best choices result from careful study of the facts before action is taken. On behalf of Pocahontas County Commission, I urge this Committee to confirm this wise legislative initiative of Chairman Rahall and hope that the U.S. Congress enacts this legislation which will begin the needed study of this unique national and state resource.

For a healthy and strong America, there are certain basic elements which must be preserved into the future. No civilization can withstand the destruction of its forests or pollution of its rivers and still survive intact. The Elk River is a small but significant link in a chain of strength of America. I urge this study of the Elk River, and I thank you for allowing me to be here today, Mr. Chairman.

[The prepared statement of Mr. Saffer follows:]

**Statement of Martin V. Saffer, President,
Pocahontas County Commission, on H.R. 3113**

Thank you, Chairman Grijalva and Members of the Subcommittee, for this opportunity to testify in support of H.R. 3113, a Bill to study a portion of the Elk River in Pocahontas County, West Virginia for potential inclusion in the National Wild and Scenic Rivers System.

At the outset, I want to recognize the important leadership of Congressman Rahall in sponsoring this and many other environmental measures which will have lasting value enriching and protecting the quality of American life and that of West Virginians for decades to come.

As President of the Pocahontas County Commission, I am in a unique position to speak to the importance of this legislation. Our beautiful rural County has been discovered and we are at a cross roads of decision, as other parts of this great United States also find themselves, in arriving at a balanced use of our natural resources which will best serve us into the future.

My first observation to you is that this portion of the Elk River, having its birth in our yet pristine County, is truly a unique environmental resource. Its waters are cold and pure and it is a trout-fisherman's dream. Its banks are free of development and its waters lap a shoreline where beaver and wildlife yet thrive. The Elk is an important part of our beautiful landscape which draws many visitors and tourists who walk in rich forests and wilderness, and canoe and fish unsullied streams and rivers.

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The simple truth in life is that one cannot have his cake and eat it too. There are choices to be made and the best choices result from careful study of the facts before action is taken. On behalf of the Pocahontas County Commission, I urge this Committee to confirm this wise legislative initiative of Chairman Rahall and hope that the United States Congress enacts this legislation which will begin the needed study of this unique national and state resource.

For a healthy and strong America, there are certain basic elements which must be preserved into the future. No civilization can withstand the destruction of its forests or pollution of its rivers and survive intact. The Elk River is a small but significant link in a chain of strength for America. I urge this study of the Elk. Thank you.

Mr. GRIJALVA. Thank you, Commissioner.
Mr. Thomas Shipley, the Sharp Farm. Sir?

**STATEMENT OF THOMAS S. SHIPLEY, THE SHARP FARM,
SLATYFORK, WEST VIRGINIA**

Mr. SHIPLEY. Yes, thank you. Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to share with you the deep-rooted connection of our family with the Upper Elk River. Her waters played a significant role in shaping our pioneer past. They sustain us still in this present day and are the foundation of our hopes and dreams for the future.

I am here to represent the descendants of the 1700's pioneer settler, William Sharp. I am the eighth generation to reside in Pocahontas County. My forefathers owned much of the land on and around the proposed study area. Our holdings, over time, have been reduced to somewhere around 1,800 acres, all in the proximity of the Upper Elk River.

Our early log home was constructed along the bank at the river's birth. The confluence of the spring-fed rapids of Old Field Fork and Big Spring Fork forms a dramatic gateway that is well described as "a gift from God."

A later log home was situated upstream near one of West Virginia's largest cold-water springs. This 1800's structure still stands. It was the host to Robert E. Lee on two occasions during the Civil War. His first campaign as general of the Confederate Army was through our valley.

My great, great-grandfather, Silas Sharp, was arrested in this home as a spy by the Confederate Army. His little brother, Luther, was killed in that skirmish. Silas spent two years in a prison camp in Salisbury, North Carolina. A prisoner exchange freed him. He walked home and appeared at the doorstep of his fiancée, who did not recognize him.

Silas recovered, married, and had a family. His son, my great-grandfather, L.D. Sharp, established Sharp's Country Store in 1884. I own and operate the store today, a 125-year example of living history.

The introduction of timbering in the early 1900's resulted in the establishment of a small village, Slatyfork. The village is mostly gone, but many folks still reside nearby and tell intriguing stories of life on the river. Timbering remains a tradition.

In 1926, the old Seneca Indian Trail was paved, and the Seneca Highway brought many new people to the area. My great-grandfather found that folks traveling had no place to stay. He constructed numerous tourist cabins along the river. We have family letters from the early 1900's documenting the fact that, even in that day, folks were out touring the countryside in appreciation of the natural beauty in those newfangled contraptions called "automobiles."

Eco-tourism remains a strong and growing factor in the Upper Elk River watershed. A well-kept secret, the Upper Elk is known worldwide by a select group of anglers. From as far away as Scotland, they make an annual pilgrimage to fish her waters. The Upper Elk carries the unfortunate, but crucially important, designation as one of the last places on the East Coast with all three naturally reproducing [nonstocked] species of trout; native brook, our state fish; rainbow, and brown.

The unique karst geology of fissured limestone acts as a stage for a remarkable, dynamic system of springs and caves that play an important role in the enjoyment of anglers, spelunkers, and naturalists from all over the world. Our pioneer family discovered many of these wonders, including Sharp's Cave, a four-mile, two-story spectacle that hosts the underground passage of the Big Spring Fork, including a magnificent, underground waterfall.

Many of these natural gifts remain largely unexplored; in the proposed study area, for example, an extraordinary cascade of water from the surface of the Upper Elk River falling into an abyss. This cave, which pirates away a portion of the above-ground flow, is as dangerous as it is beautiful; thus, unexplored as to its configuration and contribution to the natural world.

A "new" species of crayfish was discovered on our farm. It is one of only two crayfish known to be endemic to West Virginia. It is not a burrower. It seeks shelter and breeds in between the river rock. The *Cambarus elkensis* depends upon the free flow of clean, cold water for its existence.

The river is largely now as it was. We thank Representative Rahall for the introduction of this important legislation, as it represents the will of the people of Pocahontas County to preserve the river and the historic uses of her immediate surroundings. Doing so will ensure its viability for the benefit and enjoyment of present and future generations.

We offer our support and look forward to participating in the creation of an Upper Elk River Management Plan that will allow us to see designation of the Upper Elk River as "wild and scenic" through to fruition. Thank you.

[The prepared statement of Mr. Shipley follows:]

**Statement of Thomas A. Shipley, Sharp Farm,
Slatyfork, West Virginia, on H.R. 3113**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to share with you the deep-rooted connection of our family with the Upper Elk River. Her waters played a significant role in shaping our pioneer past. They sustain us still in this present day and are the foundation of our hopes and dreams for the future.

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A later log home was situated, upstream, near one of West Virginia's largest cold-water springs. This 1800's structure still stands. It was the host to Robert E. Lee on two occasions during the Civil War. His first campaign as general of the Confederate Army was through our valley. My great, great grandfather, Silas Sharp, was arrested in this home, as a spy, by the Confederate Army. His little brother, Luther, was killed in that skirmish. Silas spent 2 years in a prison camp in Salisbury, North Carolina. A prisoner exchange freed him. He walked home and appeared at the doorstep of his fiancé, who did not recognize him.

Silas recovered, married and had a family. His son, (my great grandfather) L.D. Sharp, established Sharp's Country Store in 1884. I own and operate this store today, a 125-year example of Living History.

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In 1926, the old Seneca Indian trail was paved and the Seneca Highway brought many new people to the area. My great grandfather found that folks traveling had no place to stay. He constructed numerous tourist cabins along the river. We have family letters from the early 1900's documenting the fact that, even in that day, folks were out touring the countryside in appreciation of the natural beauty in those newfangled contraptions called automobiles.

Eco-tourism remains a strong and growing factor in the Upper Elk River watershed. A well-kept secret, the Upper Elk is known worldwide by a select group of anglers. From as far away as Scotland they make an annual pilgrimage to fish her waters. The Upper Elk carries the unfortunate, but crucially important designation as one of the last places on the East Coast with all three naturally reproducing (non-stocked) species of trout; Native Brook (our state fish), Rainbow and Brown.

The unique karst geology (fissured limestone) acts as a stage for a remarkable, dynamic system of springs and caves that play an important role in the enjoyment of anglers, spelunkers and naturalists from around the world. Our pioneer family discovered many of these wonders, including Sharp's Cave—a four mile, two-story spectacle that hosts the underground passage of Big Spring Fork, including a magnificent underground waterfall. Many of these natural gifts remain largely unexplored. In the proposed study area, for example, an extraordinary cascade of water from the surface of the Upper Elk River falling into an abyss. This cave, which pirates away a portion of the aboveground flow, is as dangerous as it is beautiful; thus, unexplored as to its configuration and contribution to the natural world.

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The river is largely, now, as it was. We thank Representative Rahall for the introduction of this important legislation as it represents the will of the people of Pocahontas County to preserve the river and the historic uses of her immediate surroundings. Doing so will ensure its viability for the benefit and enjoyment of present and future generations.

We offer our support and look forward to participating in the creation of an Upper Elk River Management Plan that will allow us to see designation of the Upper Elk River as "Wild & Scenic" through to fruition.

Mr. GRIJALVA. Thank you, sir.

Mr. Gil Willis, H.R. 3113, welcome, sir. Your comments?

STATEMENT OF GIL WILLIS, SLATYFORK, WEST VIRGINIA

Mr. WILLIS. Thank you. Good morning. My name is Gil Willis, and I am a business owner in Pocahontas County, West Virginia. I would like to thank Congressman Rahall and the Subcommittee Members for considering this study and providing the time to hear our comments.

My wife and I have been in business in rural West Virginia for 29 years. We currently provide 15 full- and part-time jobs related to the outdoor-hospitality industry. In the winter, this number doubles. This business is located on a 150-acre family farm on the headwaters of the Elk River in Slatyfork. My home and business is directly above the proposed study area. Several of the springs that feed the upper section of the river resurface in our yard and flow into the proposed study area.

I am here to express my support for the wild and scenic study on the five miles of the upper section of the Elk River, commonly referred to in today's hearing as the "Slatyfork section of the Elk."

The Elk River is over 75 miles in length. It begins in our remote mountain valley, then flows eventually into the Kanawha River in Charleston, our state capital. Many small towns, farms, and individual property owners rely on its clean water for everyday use, not

to mention the thousands of recreation users who fish, hunt, camp, swim, hike, and float in the river and along its banks.

This is only one of eight rivers which begins in Pocahontas County, West Virginia. This region receives large amounts of rain and snow which provides a large amount of pure drinking water for this section of the Mid-Atlantic Region. Our upper headwaters begin in thick, red spruce forests, reaching almost 5,000 feet. These waters then start a journey that takes them into some of the most prized hardwood forests, home to hard cherry, red oak, sugar maple, and many other species.

As the waters get closer to the valley floor, they become small feeder streams which still provide a safe haven for native brook trout. The valley floor is limestone. Over the last several thousand years, it has carved large caves which the river and its springs use to travel the upper reaches of the watershed. This process, over time, has graced us with some of the cleanest drinking water in the eastern U.S.

I like to think of this whole headwaters as a huge system, both underground and on the surface. This system is connected by surface water runoff and our unique underground springs and caves. The water levels ebb and flow, depending on rainfall amounts, snow, and the time of year.

Pocahontas County is over 65 percent Federal and state owned and managed. These state and Federal lands include wilderness, national forests, and state parks. Hopefully, a wild and scenic study then designation in the future will provide long-term, high-quality, outdoor experiences for our state and county residents. It will also keep West Virginia competitive with other outstanding natural areas in the country while preserving our valuable resources. Thank you.

[The prepared statement of Mr. Willis follows:]

Statement of Gil Willis, Elk River Touring Center, Slatyfork, West Virginia

Good Morning my name is Gil Willis I'm a business owner in Pocahontas County West Virginia. I would like to thank Congressman Rahall & the sub committee members for considering this study and providing the time to hear our comments. My wife and I have been in business 29 years. We currently provide 15 full and part time jobs related to the outdoor hospitality industry. In the winter this number doubles. This business is located on a 150 acre family farm on the headwaters of the Elk River in Slatyfork. My home and business is directly above the proposed study area. Several of the springs that feed the upper section of the river resurface in our yard and flow into the proposed study area. I am here to express my support for the a wild & scenic study on 5 miles of the upper section of the Elk River commonly referred to in today's hearing as the Slatyfork section of the Elk.

The Elk River is over 75 miles in length. It begins in our remote mountain valley then flows eventually into the Kanawha River in Charleston our state capital. Many small towns, farms and individual property owners rely on it clean water for everyday use. Not to mention the thousands of recreation users who fish, hunt, camp, swim, hike and float in the river and along its banks. This is only one of eight rivers which begins in Pocahontas County West Virginia. This region receives large amounts of rain and snow which provides a large amount of pure drinking water for this section of the mid Atlantic region. Our upper headwaters begin in thick red spruce forests reaching almost 5000ft. These waters then start a journey that takes them into some of the most prized hardwood forests home to hard cherry, red oak, sugar maple and many more species. As these waters get closer to the valley floor they become small feeder streams which still provide a safe haven for native brook trout. The valley floor is limestone. Over the last several thousand years it has carved large caves which the river and its spring use to travel the upper reaches

of the watershed. This process over time has graced us with some of the cleanest drinking water in the eastern US.

I like to think of this whole headwaters area as a huge system both underground and on the surface. This system is connected by surface water runoff and our unique underground springs and caves. The water levels ebb and flows depending on rainfall amounts, snow and the time of year.

Pocahontas County is over 65 percent federal and state managed. These state and federal lands include Wilderness, National Forest and State parks. Hopefully a Wild & Scenic study then designation in the future will provide long term high quality outdoor experiences for our state and county residents. It will also keep West Virginia competitive with other outstanding natural areas in the country while preserving our valuable resources.

Thank You,

Mr. GRIJALVA. Thank you, sir.

It is a curious situation. Here, you have Mr. Hastings, the Ranking Member of the full Committee, and he has H.R. 2806, and then, of course, the Chairman of the full Committee, Mr. Rahall, has H.R. 3113, and if there is anything you learn in Congress, it is discretion being the better part of sometimes, so let me ask Mr. Adams some questions, if I may.

The National Park Service said that there had not been enough progress going on with the foundation and, therefore, your request for seven; they wanted to modify that to four. Your reaction to that.

Mr. ADAMS. Sure. I think a couple of things first. We are an entirely volunteer organization, started several years ago. We had our original cooperative agreement signed by the National Park Service in 2004, in April of 2004, which really began our efforts as part of this process, and we subsequently went through a lot of building out of board, looking at different sites, hiring outside consultants, lawyers, urban planners, et cetera. So we actually feel we have made reasonably good progress.

In fact, we are now in the process of beginning our formal, alternate-site study and our environmental assessment, which will basically put us in a position to have a site in the 18-to-24-months timeframe, which is functionally equivalent to where other memorial projects have been in recent years. That is Point No. 1.

Point No. 2: I think, as we look forward from here, it will probably take us seven years to get it done. As I said before, it will be 18 to 24 months to run through some of the site studies, get a site, a couple of years for a capital campaign, and then construction on the back end as well.

So I think that the number seven we have put out there is because we think we can get it done in that period of time. Certainly, a four-year process, we can get a good start, but, frankly, we would probably come back to you looking for additional legislation, at that point, to extend us out to seven.

Mr. GRIJALVA. And significant challenges that you might have faced during this effort that, in the legislation, Congress could address some of those challenges in order to make sure we are heading toward that so we can see it through to completion because I agree with your comments that this is something very significant that needs to be acknowledged nationally. So if there are other challenges that you see that the legislation could help expedite, if you have any comments now or later.

Mr. ADAMS. Well, thank you very much, first of all. I think we are in a good position right now with the processes that we are on, as I mentioned before, the alternate site study and the environmental assessment. That will carry us through for the next 24 months, but we will go back and reflect upon that, and if there are other things that we think are worthwhile to be incorporated into the legislation, other comments, we will make sure to work with the Committee and get them to you.

Mr. GRIJALVA. Mr. Hastings? Mr. Chairman. Excuse me, sir.

Mr. RAHALL. Thank you. Let me thank the three gentlemen that came from Pocahontas County, Marty, Tom and Gil. You did a superb job, and I think you helped demonstrate what I said in the beginning, that this legislation came from the grassroots because your testimony today was, each of you, just superb. It was written by you, not by my staff, the words and the descriptions.

Tom, I have shared with the Committee your pictorial about everything you said in your testimony and, Gil, before you came in, while you were out fighting the traffic on I-66, I discussed your place of business, your menu, and everybody is just holding their breath until they can get there.

Mr. SHIPLEY. Thank you.

Mr. GRIJALVA. It is great testimony that you all presented.

As you mentioned, Gil and all of you know, and certainly, Marty, you, as a county commissioner in a county of which 65 percent of the land is Federally and state owned, which is similar to many western states, of course, as we have heard and as we know, what is your view of the local residents' position on this? Do they view this land-ownership situation as a benefit or as a liability?

Mr. SAFFER. I think, Congressman Rahall, that many of the county residents view it as a benefit. There is just a residue from times past that perhaps they see it was something that they do not like, but I would say with great confidence that the majority of people in Pocahontas County are thankful that we have such a vast reserve of asset in our county to sustain us into the future because tourism has become the guiding industry of tomorrow for us, and it will last indefinitely if we are good stewards of it, and if we all work together to understand its value.

It has not been the case in the past. In the past, we had lumbering and that kind of thing, and farming, of course, we still have farming and timber, but now we have tourism, and that gets us to look afresh and anew at the wonderful forests that we have and to place a renewed value and emphasis on that great asset.

Mr. RAHALL. So they are following what you have so professionally led them to believe, that you can have the economic development, and you can preserve our natural resources, and they are both intertwined.

Mr. SAFFER. Yes. I believe that the county is, because of my election, an indication of the new perspective that people are taking to this valuable industry. It is not only a valuable industry, Congressman, but it is also a refreshing oasis for the rest of the United States to come and understand our connection to the natural world and to renew our spirit and to renew the vigor of America to go forward into the future. So it is that as well as an economic engine.

Mr. GRIJALVA. Tom or Gil, do either of you wish to comment?

Mr. SHIPLEY. I would just reiterate Commissioner Saffer's remarks. The statement that he made that he represents the new will of the people is absolutely correct. The people of our county are very aware of the Elk River, and they have joined with many to become involved with the Upper Elk watershed, and our community is forming a comprehensive watershed plan because of certain instances that occurred in the last few years in our county, and there has been just a swell of support for this river, not just from some new people coming into the county who come because of our natural beauty, but from the old-timers who knew my great-grandfather because they cared about this river before there was even a word coined called "tourism."

The people understand. They have an innate knowledge of this river, and the support of our community is quite overwhelming.

Mr. GRIJALVA. Thank you. Gil?

Mr. WILLIS. I would like to add to that as time progresses, we, as a county, are in a very unique situation there because we are so largely managed and owned by Federal and state forests, wilderness, parks. There are eight rivers that start in Pocahontas County, so this one has a lot of limestone and fluent springs, and a lot of this water goes underground, and we really do not know where it ends up.

So we think that we are providing a percentage of the clean water for the Mid-Atlantic. Most of our rivers flow to the west, which is toward the western part of West Virginia and on into Ohio, Kentucky, and points further downstream.

You know, 100 years ago, you did not think of yourself as, or even 50 years ago, what you did in a headwaters county affecting somebody that lives 30 or 50 or 100 miles downstream. So I feel like because there are so many more people now and West Virginia has grown up, and there is a lot of industry there, we need to watch what we do for our neighbors downstream because we are kind of in the nest of where all of this water begins. So I think this study will help us understand better what we have to work with on the Elk because the water quality is very high there.

Mr. RAHALL. Excellent. Thank you, gentlemen. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. Mr. Hastings?

Mr. HASTINGS. Thank you, Mr. Chairman. That last discussion on tourism in West Virginia was a good segue, I think, into asking my constituents how important, because it was alluded to several times by me and by Mrs. Napolitano from California, how important to both of you is tourism to the economy in Chelan County and probably, specifically, today, to Stehekin? I will ask either Commissioner England or Senator Parlette or both.

Mr. ENGLAND. Tourism is the only economy in Stehekin. It is a small community. It is the gateway to the National Park System. Without access to that road, they have no economy. There has been a dramatic drop in visitors, both using the amenities that are there and the amenities that were there before that happened.

Chelan County itself is undergoing the same stresses that the rest of the Nation is undergoing. It is part of a three-legged stool, and tourism is one of the most important ones and the only one that is holding its own now and, as we struggle to do that, if we

do things that inhibit that source of income, it will have an even more critical effect on the county itself.

Mr. HASTINGS. Senator Parlette?

Ms. PARLETTE. Yes. I would elaborate the same thing. The visitors who now go to Stehekin, perhaps if they stay in the area one night, and then they are backpackers and go out of the valley, that is a different type of a visitor than what we have had before. We have so little time these days to recreate. The advantage of having the road reopened is, in a weekend, you could go to Stehekin and then get up to the end of the road and access the wilderness, come back out, and get back home to work on Monday morning. That is a really important thing to remember.

I would also like to clarify for people, the road that starts at Stehekin that goes up at High Bridge—that is about 12 miles—that is the Lake Chelan National Recreational Area.

The road that we are talking about, the remainder 12 miles, is into the North Cascades National Park. It is only a 12-mile road with just a small section of it being washed out.

I would like to add, as far as the tourism part, as the commissioner said, that is the economic backbone, along with the agricultural base, that is really changing in Chelan County. So this is a really important piece of legislation.

Mr. HASTINGS. If I may, Mr. Chairman, this is one of the ironies that come up. These are the unintended consequences of developing something to preserve for the future, which is exactly why the North Cascades were formed back in the sixties and the wilderness area in 1988, the late eighties, was for people to go up there and enjoy the public lands.

So here we have a situation. These are the unintended consequences that I know you hear me talk about a lot of times. We want to have that, we want to preserve it for people to enjoy, on the one hand, which is positive. On the other hand, then, you have the same people that are administering the land saying, “No, we cannot,” for a reason that does not make sense because it is contrary to what the intent of Congress was, as pointed out in Senator Evans’s letter.

Let me pursue, Senator Parlette, what you were alluding to, as far as the timeframe here. Now, the issue really is getting up to other camps above, like Cottonwood camp above. How much longer, and you may have touched on this in your previous remarks, but how much longer is that, if we do not repair that road, and the consequences, from a time standpoint, of getting into the wilderness area?

Ms. PARLETTE. Well, the road through the North Cascades National Park starts at High Bridge, so from High Bridge to Cottonwood is about 12 miles. If you go to Cottonwood, that is the access point for multiple, multiple trails into the wilderness, not into the Lake Chelan Recreational Area, but into the wilderness.

My husband and I, several times, have hiked from Cottonwood up to the North Cascade Highway and back in one day. That is 18 miles. You can do that, but you cannot start at High Bridge, hike 12 miles, and then do an additional 18 miles in one day.

My parents, this year, will celebrate 65 years of marriage. They live in Lake Chelan. My father is an 86-year-old, World War II Ma-

rine. He still goes to Stehekin every summer with my sons to fish. He no longer can access the area that he grew up fishing in because of his age. I mean, it just does not make sense.

Mr. HASTINGS. Well, again, the idea was to have access to the area which would promote tourism, but because of, at least in this case, testimony we are hearing from the Park Service, they do not want to do it, for a variety of reasons that, frankly, I do not comprehend.

Let me ask one thing. You talk about the old road. This legislation does not specify which road, simply to do a study and to come up with a solution to have a permanent road up there. So I think you touched on this, Senator Parlette, but how long has that road, just to refresh my memory, been going through the Stehekin Valley?

Ms. PARLETTE. Since the 19th century, way back in the 1800's.

Mr. HASTINGS. Let me think. That was before there was a National Park. Is that correct?

Ms. PARLETTE. Yes. It became a National Park in 1968. The Wilderness Act passed in 1988. As I told you before, my grandfather, in 1899, came to Chelan, and his first job was working on the original ferry that went from Chelan to Stehekin. That road was there before my grandfather got there in 1899.

As far as the work to be done, sir, if you read, on my written testimony, page 6, it talks about an alternative approach. The study has already been done. It is not very often that somebody comes to you, "I am not asking for any money for a study. It has been done."

Alternative D, which is the option that proposes moving the road; it is all laid out. The Park Service hired the National Forest Service in Wenatchee to flag it. All of the work has been done, and the \$1.3 million to get this all done is 2006 figures. In this day and age, when we have a recession, we are finding our bids, when we go out to bid in state and county projects, turn out to be less.

Mr. HASTINGS. Thank you very much, both of you, for coming back here and, again, for the courtesy of the Committee to allow that time period so we could get witnesses' talk.

I just want to end my remarks by contrasting two different bills in two different parts of the country and the unintended consequences that come when you do not have that local control that you would like to have, and that is the issue really here with the Stehekin Road, so thank you very much, Mr. Chairman.

Mr. RAHALL [presiding]. Thank you, Mr. Hastings. You have made such a compelling case, as well as your constituents and my constituents. We will mark up both of these bills on September 10th. Is that agreeable with the Ranking Member?

Mr. HASTINGS. Well, I would rather do it tomorrow, but September 10th will be fine.

Mr. RAHALL. The gentlelady from Wyoming.

Mrs. LUMMIS. Thank you, Mr. Chairman. There is no way that a Member from Wyoming can do justice in her questions to the issues that the gentleman from West Virginia and the gentleman from Washington have with regard to their constituency, but I might ask the folks from West Virginia, are the private property owners aware, and the local residents aware, of the potential des-

ignation? What steps have been taken to inform them of the potential designation?

Mr. SAFFER. I will speak briefly to that. The local people who are in the area are very largely in favor of the study and, as a county commissioner, I welcome the concept of the study because, in our county, we need to have a dialogue and to build a strong consensus for the future of our county, and the study will enable us to speak to all of these issues.

Some concerns, I believe, exist because people do not know enough, at this beginning point, exactly what the study will entail, and so, as we move forward in the process, if the Congress will enact this legislation, I believe it will be very helpful for us to frame the issues and to deal intelligently with this wonderful resource.

Mrs. LUMMIS. Well, thank you kindly, and I would just hope that, during the course of your study, that you will consider taking some wild horses from Wyoming into your West Virginia watershed and, with that in mind, Mr. Chairman, I thank you kindly. I yield back.

Mr. RAHALL. Doc, did you have any more questions? No?

Ladies and gentlemen, we thank you so much for taking the time and traveling the long distances you have to be with us and, again, we thank all of you for your testimony and the really deep insight you have given us into your respective areas. We appreciate it and, with that, the Subcommittee will stand adjourned.

[Whereupon, at 11:28 a.m., the Subcommittee was adjourned.]

