

NATIONAL PARKS BILLS

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

S. 227	S. 1117
S. 625	S. 1168
S. 853	H.R. 714
S. 1053	H.R. 1694

JULY 15, 2009



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NATIONAL PARKS BILLS

WEDNESDAY, JULY 15, 2009

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

The committee met, pursuant to notice, at 2:32 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Mark Udall presiding.

OPENING STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO

Senator UDALL. The Subcommittee on National Parks will come to order. We want to welcome Senator Cardin. I'm going to share a brief opening statement, we'll turn to Ranking Member Burr, and then Senator Cardin. We look forward to hearing your remarks.

This afternoon we will begin reviewing several bills that have been referred to the Subcommittee on National Parks. In an effort to address the many hearing requests that we received, we will hold a second subcommittee hearing covering another group of bills next week.

Today's hearing will consider the following bills.

S. 227, which will establish two new national park units. The Harriet Tubman National Historical Park in Auburn, New York and the Harriet Tubman Underground Railroad National Historical Park in Maryland.

S. 625, to establish the Waco Mammoth National Monument in the State of Texas.

S. 853, to designate additional segments and tributaries of White Clay Creek in the States of Delaware and Pennsylvania as a component of the National Wild and Scenic River System.

S. 1053, to amend the National Law Enforcement Museum Act to extend the time period to begin construction of the museum.

S. 1117, to authorize the Secretary of Interior to provide assistance in implementing the cultural heritage, conservation, and recreational activities in the Connecticut River.

S. 1168 and H.R. 1694, which would amend the American Battlefield Protection Act to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812.

H.R. 714, to authorize the Secretary of the Interior to enter into a lease in the Virgin Islands National Park.

I believe most of these bills, if not all of them are non-controversial. I understand that the administration has identified concerns with a few of the bills. We can discuss those issues with the Na-

tional Park Service witness in a few minutes and then hear from our public panel.

I'd like to turn to the ranking member, Senator Burr.

[The prepared statements of Senator Kaufman and Representative Chet Edwards follow:]

PREPARED STATEMENT OF HON. EDWARD E. KAUFMAN, U.S. SENATOR
FROM DELAWARE

Mr. Chairman, Mr. Ranking Member, Subcommittee members, thank you for your consideration of S. 853, legislation that would designate additional segments and tributaries of White Clay Creek in the States of Delaware and Pennsylvania as a component of the National Wild and Scenic Rivers System. I introduced this legislation back in April of this year along with my colleagues Senator Carper and Senator Casey.

The White Clay Creek Watershed was originally designated a National Wild and Scenic River in 2000. At that time, almost 191 river miles of the watershed were included in the designation. It was the first river in Delaware to be classified as wild and scenic and the first in the country to be designated on a watershed basis. Today it remains Delaware's only National Wild and Scenic River.

The watershed covers approximately 107 square miles and drains over 69,000 acres in New Castle County, Delaware and Chester County, Pennsylvania. Of those 69,000 acres, 5,000 acres are public lands owned by state and local governments and the rest of them are privately owned and maintained.

It boasts a rich and diverse variety of plant and animal life, a bi-state preserve and state park, and a number of prehistoric archeological sites. There are 27 species of reptiles and amphibians and approximately 21 species of fish found in the watershed. The Bog Turtle, a threatened species as identified by the U.S. Fish and Wildlife Service, is among them. The White Clay Creek is also Delaware's premier trout-fishing stream, stocked annually by both Delaware and Pennsylvania. Almost 100,000 people live within the watershed and it's a major source of drinking water for the area.

My legislation adds nine river miles to the designation by incorporating the Lam-born Run in Delaware and the East Branch and Egypt Run in New Garden Township in Pennsylvania. The incorporation of these nine miles has the unanimous support of all the communities and local governments located in the watershed.

The White Clay Creek Watershed is truly a remarkable region in Delaware and Pennsylvania. Expanding its National Wild and Scenic River designation will not only allow us to further preserve this unique area, but also will allow us to continue to enjoy it for years to come.

PREPARED STATEMENT OF HON. CHET EDWARDS, U.S. REPRESENTATIVE FROM TEXAS

Thank you, Chairman Udall, Ranking Member Burr, and Members of the Senate Subcommittee on National Parks for the opportunity to provide testimony for your Subcommittee regarding the Waco Mammoth National Monument Establishment Act of 2009 which I introduced to the House of Representatives on March 6, 2009. I would also like to thank Senator Cornyn and Hutchison for their support and efforts to advance this bill in the Senate.

The Waco Mammoth National Monument Establishment Act of 2009 will establish in Texas the Waco Mammoth National Monument as a unit within the National Park System; authorize the construction of administration and visitor use facilities on the site; and instruct the Secretary of the Interior to prepare a management plan for the monument in consultation with Baylor University and the City of Waco.

First discovered in 1978 in my hometown of Waco, the Waco Mammoth Site is the largest known concentration in the world of prehistoric mammoths dying from the same event (some 68,000 years ago). It is a unique find of national and international importance.

To date, twenty-four Columbian mammoths including articulated skeletons, a giant tortoise and a camel have been discovered and the potential for future mammoth discoveries is high with research activities ongoing at the 109 acre site. It has become an area of significant study within the archaeological community, and, as living history, has the capacity to serve as an educational resource for people of all ages for generations to come.

For nearly a decade, I have been proud to join with and support the efforts of the City of Waco, Baylor University and the Waco Mammoth Foundation to fulfill our

dream of having the Waco Mammoth Site become a national monument and join the ranks of American National Monuments such as the Statue of Liberty. This project has received four hundred thousand dollars in grant funding, as well as robust private fundraising that brings the monetary support this project has received to over \$3.5 million. Construction of a permanent protective structure has already begun. This great effort and initiative should serve as a testament to the dedication and importance that Waco feels for this site.

I plan to continue my strong support for this project in every possible way, and it will be one of my top priorities in next year's appropriation cycle.

Directed by legislation I authored in 2002, the National Park Service completed last year a Special Resource Study of the Waco Mammoth Site. The National Park Service and Department of Interior found that the site met all criteria and reported favorably regarding establishing the site as a national monument, with management led by the National Park Service in partnership with Baylor University and the city of Waco.

The Special Resource Study found that the site is nationally significant. The site possesses a unique combination of skeletal remains still located in their original position along with specimens that have been excavated from the site that have proven to be the nation's first and only recorded discovery of a nursery herd of Pleistocene mammoths. The study also found that the Waco Mammoth Site possesses excellent opportunities for visitor enjoyment, scientific study and education.

The Special Resource Study found that the Waco Mammoth Site not only meets suitability and feasibility criteria for consideration as a new unit of the national park system but would serve to expand and enhance the diversity of the paleontological resources already represented by other parks in the system.

Having judged that the Waco Mammoth Site meets the criteria of national significance, suitability and feasibility, the National Park Service and Department of Interior evaluated several management alternatives for the Waco Mammoth site.

They found that the most effective and efficient approach for ensuring the long-term protection of the site and maximizing opportunities for public enjoyment and education would be for the National Park Service to lead a partnership with the City of Waco and Baylor University.

Under this arrangement, the National Park Service would take the lead responsibility for the protection, scientific study and visitor enjoyment of the site while the enlisting the partners in this effort. The partners would take the responsibility for initiating additional recreational and educational opportunities at the site.

The local community has committed over \$3.5 million dollars toward this effort.

The Waco Mammoth Site is truly an American treasure and one that deserves to be preserved and protected for the education and enjoyment of families and children throughout Texas and the nation.

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

Senator BURR. Thank you, Mr. Chairman. Good afternoon. I want to thank you for convening this subcommittee hearing.

This is our first legislative park subcommittee hearing of the year. I look forward to working with you and other members on what I think will be a very productive year. We do have seven bills on the agenda today. Most are fairly straight forward and involve additional designations establishing park units or adjusting deadlines.

All of these bills are important, but one particularly caught my attention as I prepared for the hearing. H.R. 714, would authorize the Secretary of the Interior to enter into a lease with the CBI Acquisitions Inc., the proprietors of the Caneel Bay Resort in the Virgin Islands National Park.

Similar bills have previously come before the subcommittee and I continue to have reservations regarding the appearance of a sole source contract. But I do recognize the unique set of circumstances surrounding this situation. I'm very interested in hearing more about the logic behind the Park Service position as it relates to this proposal.

I would like to thank our witnesses for being here today. I apologize to them up front that at the conclusion of Senator Cardin's remarks I'm going to sneak out for an Intelligence Committee markup, but I assure the witnesses that I will cover the contents of this hearing thoroughly.

I thank you, Mr. Chairman.

Senator UDALL. I thank the ranking member. I want to turn now to Senator Cardin for his remarks. We thank you for taking the time to come to the subcommittee hearing today.

Senator Cardin.

**STATEMENT OF HON. BEN CARDIN, U.S. SENATOR
FROM MARYLAND**

Senator CARDIN. Senator Udall and Senator Burr, I thank you very much for the opportunity of testifying in support of S. 227, the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act. I'm joined by my colleagues Senator Mikulski, Senator Schumer, and Senator Gillibrand in this legislation. We have the support of the National Park Service.

I would ask that if we could put into the record a letter from Governor O'Malley, the Governor of Maryland.*

Senator UDALL. Without objection.

Senator CARDIN. The woman who was known as Harriet Tubman was born Araminta "Minty" Ross in approximately 1822 in Dorchester County, Maryland. She spent nearly 30 years of her life as a slave on Maryland's Eastern shores. As a young adult she took the first name, Harriet. When she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night navigating the maze of tidal streams and wetlands that are the hallmark of Maryland's Eastern shore. She did so alone demonstrating courage, strength, and fortitude that became her hallmark.

Harriet Tubman returned repeatedly for more than 10 years to the place of her enslavement in Dorchester and Caroline Counties where under the most adverse conditions she led many family members and other slaves to their freedom. Tubman became known as the "Moses of African Americans and White Abolitionists." She was perhaps the most famous and most important conductor in the network resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout, and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading hundreds of slaves from those slave States to freedom during those years.

Following the Civil War, Tubman settled in Auburn, New York. There she was active in the Women's Suffrage movement. She also established one of the first incorporated homes for the aged African Americans.

Harriet Tubman died in Auburn in 1913. She is buried there at Fort Hill Cemetery. Slaves were forced to live in primitive build-

* See Appendix II.

ings even though many were skilled tradesman who constructed substantial homes for their owners.

Not surprisingly very few of the structures associated with early Tubman life still stand. The landscape on the Eastern shore of Maryland, however, remains true to the time that Tubman lived there. Farm fields and forests dot the landscape which is also notable for its extensive network of tidal rivers and wetlands.

In particular a number of properties, including the homestead of Ben Ross, her father, Stewarts Canal, where he worked, Brodess Farms, where she worked as a slave, and others are preserved even if their buildings are not. Where she lived—were she alive today, Tubman would recognize much of the landscape that we knew as she secretly led black men, women, and children to their freedom.

In New York on the other hand, many of the buildings associated with Tubman's life remain intact. Her personal home as well as the Tubman Home for the Aged, the church and rectory with a Thompson memorial AME Zion Episcopal Church and the Fort Hills Cemetery all still stand. At Congress' direction the National Park Service conducted a special resource study to determine the appropriateness of establishing a unit in the National Park Service to honor Harriet Tubman.

The Park Service recommended that a park that would include two geographically separate units would be appropriate. The New York unit would include the tightly clustered Tubman buildings in Auburn. The Maryland portion would include large sections of landscape that are consistent of Tubman's time and historically relevant. The bill before you incorporates the recommendations of the National Park Service.

Harriet Tubman was a true American patriot. She was someone from whom liberty and freedom was not just concepts. She lived those principles and shared that freedom with hundreds of others.

In doing so she has earned our Nation's respect and honor. That is why I am so proud to ask you to support this legislation establishing the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park. This is part of the heritage of our Nation. This park will allow young people and everyone to know more about this remarkable woman.

Senator UDALL. Thank you, Senator Cardin. This is a compelling idea. I look forward to working with you as I know the chairman of the full committee does as well.

I turn to the ranking member if he had any questions or comments on this particular legislation?

Senator Shaheen, do you have any questions or comments?

Thank you for taking the time to join us today.

Senator CARDIN. Thank you.

Senator UDALL. Thank you. Before I call—actually let me call the witness Katherine H. Stevenson, who is the Acting Deputy Director of Support Services, National Park Service to the witness table. As you're getting comfortable I want to see if Senator Shaheen has any opening remarks. I'd be happy to yield to her.

Senator SHAHEEN. Not at this time.

Senator UDALL. Thank you, Senator Shaheen.

Ms. Stevenson, we look forward to hearing your comments.

**STATEMENT OF KATHERINE H. STEVENSON, ACTING DEPUTY
DIRECTOR, SUPPORT SERVICES, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR**

Ms. STEVENSON. Thank you, sir. Thank you for the opportunity to appear before you to offer the views of the Department of the Interior on the seven bills before you today. For the sake of time I will abbreviate my testimony and I request that the full text be entered in the record.

The Department supports the enactment of S. 227, which would establish two new units of the National Park Service to honor and commemorate the life and work of Harriet Tubman in Maryland and in Auburn, New York. These units, to be managed cooperatively with the present owners, will preserve the structures and the historic landscapes associated with Harriet Tubman's remarkable and esteemed contributions to freedom.

The Department also supports S. 625, the Waco Mammoth National Monument designation. This bill would establish a new unit of the National Park Service near the city of Waco, Texas. The site would preserve and interpret the remains of the Nation's largest concentration of mammoths dying in the same event. The national monument would be managed as a partnership with the city of Waco and Baylor University.

The Department supports enactment of the bill, S. 853, to authorize additional segments of White Clay Creek as a National Wild and Scenic River. In the year 2000, the White Clay Creek and its tributaries were designated as a unit of the National Wild and Scenic River system. In that bill several eligible and suitable segments were removed from consideration because the Delaware River Basin Commission was looking at these areas as possible locations for reservoirs and because there was not demonstrated municipal support.

These issues are now resolved, and the Department supports the addition of the nine miles to the National Wild and Scenic Rivers system.

The Department has no objection to S. 1053, which would extend the authorization of the National Law Enforcement Museum to 2013.

The Department, however, cannot support, S. 1117, the Connecticut River Watershed Assistance Act as we believe that there are existing funding mechanisms within the National Park Service, within the U.S. Fish and Wildlife Service and other Federal agencies to foster the partnership efforts described in the bill. This has been demonstrated through various recognition, technical assistance and funding efforts by NPS and others in the past.

The Department supports S. 1168 and H.R. 1694, the Revolutionary War and War of 1812 Battlefield Protection Act with an amendment that would include the funds authorized by the House and would contain authority for acquisition grants. This bill authorizes a matching grant program for Revolutionary War and War of 1812 sites. The grants will leverage local preservation efforts to preserve sites with a minimum of Federal assistance.

Finally, the Department supports H.R. 714, which would allow the Secretary of the Interior to enter into a lease in lieu of the retained use estate at Caneel Bay Resort. The retained use estate ex-

pires in 2023, but lease would be to the economic and administrative advantage of the National Park Service and to the lease. In order to execute a non-competitive lease, the National Park Service would need this authority.

Ordinarily, the National Park Service would oppose such a non-competitive lease or non-competitive concession. But the circumstances in this situation make this arrangement necessary and desirable.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any additional questions you may have.

[The prepared statement of Ms. Stevenson follows:]

PREPARED STATEMENT OF KATHERINE H. STEVENSON, ACTING DEPUTY DIRECTOR,
SUPPORT SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

H.R. 714

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on H.R. 714, a bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Department supports H.R. 714, with some minor amendments.

This legislation would allow the Secretary of the Interior to enter into a lease with the current holder of a retained use estate for property at Caneel Bay within Virgin Islands National Park after the termination of the retained use estate and donation of all improvements to the National Park Service (NPS). The Caneel Bay resort is one of two large resorts on the island of St. John. Located on a 150-acre peninsula on the northwest side of the island, this luxury resort has approximately 425 to 450 employees and serves as one of the primary economic engines for the U.S. Virgin Islands. A large number of employees travel daily to St. John from their residences on neighboring St. Thomas. The resort is also an Economic Development Center beneficiary and, as such, receives various tax exemptions from the Government of the Virgin Islands.

Lawrence Rockefeller established the Caneel Bay resort in 1956. In 1983, Jackson Hole Preserve, a Rockefeller corporation, donated the land at Caneel Bay to the United States Government for inclusion within Virgin Islands National Park and reserved to itself the right to continue its operations for 40 years under a retained use estate. Jackson Hole Preserve did not convey the improvements on the land to the United States at that time. The retained use estate will expire on September 30, 2023. The warranty deed stipulates that when the retained use estate terminates, the owner of the retained use estate must donate the buildings and other improvements to the NPS.

Enactment of H.R. 714 would allow the current holder of the retained use estate to negotiate a long-term lease, up to 40 years, with the NPS that could extend the Caneel Bay Resort operation well beyond the year 2023. Such an extension could allow the leaseholder to secure financing to undertake capital improvements that would most likely not be possible financially under the remaining term of the current retained use estate.

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

Legislation is necessary because the NPS does not have the authority to enter into a noncompetitive lease under existing regulations (36 CFR §18, Leasing of Properties in Park Areas). The only exceptions to competitive leasing under the regulations are for leases to nonprofit organizations or units of government, and for leases of duration of 60 days or less.

We would like to stress that we are supporting this legislation because the Caneel Bay resort is an exceptional case. In general, where leasing has been determined to be appropriate in a national park unit, we support leasing through the usual competitive process, consistent with existing law and regulations.

H.R. 714 requires that the operations and maintenance of the resort be conducted in a manner consistent with the preservation and conservation of the resources and values of the park. Additionally, the lease authorized by the bill would address the

continued protection, preservation, and restoration of the property's structures, many of which are more than 50 years old, and may be eligible for the National Register of Historic Places. The lease also would address the fair market value rent of the property, constraints on development of property during the term of the lease, and the ability to transfer the lease in the future.

The legislation also provides for the rental proceeds to be retained by the Virgin Islands National Park and used for visitor services and resource protection. It would require congressional notification at least 60 days prior to the effective date of the lease, similar to the requirement for large concession contracts. And, it would require the property's conversion to a concession operation after the lease expires if the Secretary determines continuation of commercial services at the resort to be appropriate. When the current retained use estate was created, there were three small properties that are integral to the operation of the Caneel Bay resort that were not included. These properties could be acquired by the NPS and included under the terms of the lease that would be authorized by H.R. 714.

We appreciate the many changes that have been made to this legislation since it was first introduced in the 110th Congress to help assure that the interests of Virgin Islands National Park, and the general public, would be protected if the Caneel Bay resort property is leased on a noncompetitive basis. We would like to work with the subcommittee on a few minor changes that would further clarify the bill language.

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

S. 227

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 227, a bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester and Talbot Counties in Maryland.

The Department supports enactment of S. 227.

Harriet Tubman is truly an iconic American. Born circa 1822 as an enslaved person in Dorchester County, Maryland, she courageously escaped her bondage in 1849, returned on many occasions to Dorchester and Caroline Counties to free others including members of her family and remains known, popularly and appropriately, as "The Moses of her People." She was a leading "conductor" along the Underground Railroad guiding the enslaved to freedom at great risk to her own life. Her accomplishments were admired and extolled by her contemporaries including the abolitionist leader and former slave Frederick Douglass. In 1868 Douglass wrote to Tubman:

Most that I have done and suffered in the service of our cause has been in public, and I have received much encouragement at every step of the way. You, on the other hand, have labored in a private way. I have wrought in the day-you in the night. The midnight sky and the silent stars have been the witnesses of your devotion to freedom and of your heroism.

Harriet Tubman served honorably during this nation's Civil War as a cook, nurse, scout and spy for Union forces in Virginia, South Carolina and Florida, always at personal risk and always advancing the quest for freedom by providing assistance to other enslaved people. In June 1863 she guided Union troops in South Carolina for an assault along the Combahee River resulting in the emancipation of hundreds of the enslaved.

At the invitation of then U.S. Senator and later Secretary of State William H. Seward, Harriet Tubman purchased land from him in Auburn, New York where she lived and cared for members of her family and other former slaves seeking safe haven in the North. In later life, she became active in progressive causes including efforts for women's suffrage. Working closely with activists such as Susan B. Anthony and Emily Howland, she traveled from Auburn to cities in the East advocating voting rights for women. Harriet Tubman gave the keynote speech at the first meeting of the National Federation of Afro-American Women upon its founding in 1896.

Harriet Tubman was an intensely spiritual person and active in the African Methodist Episcopal Zion Church. In 1903 she donated land to the Church in Auburn for the establishment of a home "for aged and indigent colored people." She died on March 10, 1913 at this home for the aged and was buried with full military honors at Fort Hill Cemetery in Auburn. Booker T. Washington, also born into slavery, journeyed from Alabama a year later to speak at the installation of a commemorative plaque for her at Auburn City Hall.

Harriet Tubman is an American figure of lore and legend. Today, she is an enduring inspiration to those who cherish individual freedom and strive for human rights throughout the world.

On January 12, 2009, the Department transmitted the Harriet Tubman Special Resource Study to Congress. The study, authorized by Public Law 106-516, the Harriet Tubman Special Resource Study Act, concluded that the resources associated with Harriet Tubman in Auburn, New York and Caroline, Dorchester and Talbot Counties, Maryland met the national significance, suitability, feasibility and need for National Park Service management criteria for potential units of the National Park System. After an intensive and lengthy public involvement process, the study found that there is extensive public support, including support by affected private property owners within the boundaries proposed by S. 227 in New York and Maryland, for the establishment of the two units. Locally elected officials in both states have also expressed their support.

S. 227 would authorize the Secretary of the Interior to establish a unit of the National Park System, the Harriet Tubman National Historical Park in Auburn, New York, upon the execution of an easement with the A.M.E. Zion Church, the owners of the property. The park would be comprised of the Harriet Tubman Home, the Home for the Aged, the Thompson Memorial A.M.E. Zion Church, which is no longer used for religious services, and its parsonage. The Secretary would be authorized to enter into cooperative agreements and provide technical and matching financial assistance to the A.M.E. Zion Church and others for historic preservation, rehabilitation, research, maintenance and interpretation of the park and related Harriet Tubman resources in Auburn, New York. The Secretary would be further authorized to provide uniformed National Park Service staff to operate the park in partnership with the Church and to conduct interpretation and tours.

In Maryland, the Harriet Tubman Underground Railroad National Historical Park would be established and comprised of nationally significant historic landscapes associated with Harriet Tubman in Caroline, Dorchester and Talbot Counties. This agricultural, forest and riverine mosaic largely retains historic integrity from the time that Tubman was born enslaved, worked in the fields and forests, emancipated herself, and helped others there to escape to freedom.

The Secretary of the Interior would be authorized to provide matching grants to the state of Maryland, local governments and nonprofit organizations for the purchase of lands and easements within the boundary of the park and matching grants to the state of Maryland for the construction of a visitor services facility to be jointly operated by the state and uniformed staff of the National Park Service. The Secretary would be further authorized to enter into cooperative agreements with various organizations and property owners, and provide grants for the restoration, rehabilitation, public use, and interpretation of sites and resources related to Harriet Tubman, as well as research including archeology. Because a number of closely related Harriet Tubman resources exist on lands adjacent to the proposed park managed by the U.S. Fish and Wildlife Service at Blackwater National Wildlife Refuge, or on lands scheduled for future refuge acquisition, the bill provides for an inter-agency agreement between the U.S. Fish and Wildlife Service and the National Park Service to promote compatible stewardship and interpretation of these resources.

The cost estimates for the annual operations and maintenance for each unit would be approximately \$500,000 to \$650,000. The cost estimates for the federal share of capital improvements are approximately \$7.5 million at the Harriet Tubman National Historical Park in Auburn, New York. The federal share of the Harriet Tubman Underground Railroad visitor center and grants for land protection at the Harriet Tubman Underground Railroad National Historical Park in Maryland are estimated at up to \$11 million. The cost estimates for the completion of the general management plan for each unit would be approximately \$600,000 to \$700,000. All funds are subject to NPS priorities and the availability of appropriations.

Mr. Chairman, it is not a usual occasion when the Department comes before the committee to testify on a bill to establish two units of the National Park System to honor an enslaved woman who rose from the most difficult and humble beginnings imaginable to indelibly influence the causes of human justice and equality in our society, and to have such a significant impact on our national story. We do so with full understanding of the life and contributions of Harriet Tubman and suggest that nearly 100 years after her death the time for this abundantly deserved honor has finally arrived.

That concludes my testimony Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 625, a bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas.

The Department supports S. 625, with an amendment to provide the map reference in the bill. The Department testified in support of H.R. 1376, a similar bill, on April 23, 2009, before the House Subcommittee on National Parks, Forests and Public Lands.

S. 625 would establish a new unit of the National Park System, the Waco Mammoth National Monument (monument), near the city of Waco, Texas. The bill directs the Secretary of the Interior (Secretary) to administer the monument in accordance with the laws applicable to the National Park System and to enter into cooperative agreements with Baylor University and the City of Waco to manage the monument. The bill also authorizes the Secretary to acquire land for the monument from willing sellers with donated or appropriated funds, transfer from another federal agency, or exchange. Lands owned by the State of Texas, or its political subdivisions, may only be acquired by donation or exchange. Finally, the Secretary is authorized to construct facilities on non-federal land within the boundaries of the monument and to complete a General Management Plan for the monument within three years after funds are made available.

The National Park Service (NPS) was directed to complete a Special Resource Study (SRS) of the Waco Mammoth site by Public Law 107-341. This study evaluated a 109-acre site owned by the City of Waco and Baylor University and found that the site meets all the criteria for designation as a unit of the National Park System.

The Waco Mammoth Site area is located approximately 4.5 miles north of the center of Waco, near the confluence of the Brazos and the Bosque rivers. Baylor University has been investigating the site since 1978 after hearing about bones emerging from eroding creek banks that led to the uncovering of portions of five mammoths. Since then several additional mammoth remains have been uncovered - making this the largest known concentration of mammoths dying from the same event.

The discoveries have received international attention and many of the remains have been excavated and are in storage or still being researched. The SRS determined that the combination of both in situ articulated skeletal remains and the excavated specimens from the site represents the nation's first and only recorded nursery herd of Pleistocene mammoths. The resource possesses exceptional interpretive value and superlative opportunities for visitor enjoyment and scientific study.

From the time the site was discovered until the present, the University and the City have managed the site responsibly. The SRS examined a range of proposed options for the NPS involvement at the site. We believe that NPS joining in partnership with the city of Waco, Baylor University, and others would offer the most effective and cost-efficient management of this unique resource.

If established based upon the management alternative recommended in the SRS, we estimate that the costs to create the monument would include \$8.1 million from the identified partners to develop the facilities at the monument with the NPS providing an additional \$600,000 for enhanced interpretive media. Total operational costs are estimated to be \$645,000 with the NPS contributing approximately \$345,000 for NPS staffing of four full-time equivalent positions and associated supplies, materials, and equipment. All funds are subject to NPS priorities and the availability of appropriations.

We recommend that Section 3 of S. 625 be amended to include the map reference for the monument. The map title is "Proposed Boundary Waco-Mammoth National Monument", the map number is "T21/80,000", and the date is "April 2009".

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or other members of the Subcommittee may have.

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on S. 853, a bill to amend the Wild and Scenic Rivers Act by designating additional segments and tributaries of the White Clay Creek in Delaware and Pennsylvania as components of the National Wild and Scenic Rivers System.

The Department supports enactment of this legislation with one technical amendment.

S. 853 would designate nine additional miles of segments and tributaries of the White Clay Creek as part of the National Wild and Scenic Rivers System, to be ad-

ministered by the Secretary of the Interior (Secretary). The additional tributaries will be managed in accordance with the "White Clay Creek and Its Tributaries Watershed Management Plan" (amended Summer 2001) with the Secretary coordinating the White Clay Creek Watershed Management Committee.

In December 1991, Congress directed the National Park Service to undertake a study of the headwaters of the White Clay Creek in the Commonwealth of Pennsylvania to its confluence with the Christina River in the State of Delaware. The study was also to include the East, West, and Middle Branches, Middle Run, Pike Creek, Mill Creek and other tributaries of the White Clay, as identified by the Secretary, to determine their eligibility for inclusion in the National Wild and Scenic Rivers System. The study was to be done in cooperation and consultation with various federal, state, regional, and local governments and affected landowners. In addition, a river management plan was to be prepared that would provide recommendations as to the protection and management of the White Clay Creek and its tributaries. The plan was to outline roles for the state and local governments and affected landowners to play in the management of the White Clay Creek as a designated component of the National Wild and Scenic Rivers System.

In 1998, a watershed management plan was prepared that contained six goals for management of the White Clay Creek and its tributaries. These goals include improving and conserving water quality and quantity, and conserving open space, woodlands, wetlands, and geologic features. The plan was done cooperatively and calls for a management framework for the White Clay Creek and its tributaries that relies heavily on local land use decisions.

In 1999, the National Park Service issued the "White Clay Creek and Its Tributaries National Wild and Scenic River Study Draft Report." In the report, the National Park Service found that the majority of the river segments identified in the study met the eligibility requirements of the Wild and Scenic Rivers Act by virtue of their free-flowing condition and presence of one or more outstandingly remarkable resource values. For example, the watershed includes open space and recreational opportunities for hiking, jogging, canoeing and fishing; in fact, the White Clay Creek is the most heavily stocked and heavily used put-and-take trout stream in the State of Delaware. In 2000, Public Law 106-357 designated 190 miles of the White Clay Creek and its tributaries as components of the National Wild and Scenic River System.

The study report also identified additional segments and tributaries, which are the subject of S. 853, that would be eligible and suitable for designation. These segments are eligible and suitable because they are free-flowing streams with outstandingly remarkable values including the Cockeysville marble geologic formation that supports a high-yielding aquifer, a major source of drinking water, and threatened and endangered species including the Muhlenberg's (bog) turtle and cerulean warbler. However, these segments were removed from consideration because the Delaware River Basin Commission was looking at these areas as possible locations for reservoirs under their comprehensive plan. In addition, there was not demonstrated municipal support for such a designation, a requirement under the Wild and Scenic Rivers Act.

In 2007, these segments and tributaries were removed from the comprehensive plan of the Delaware River Basin Commission. In addition, the New Garden Township in Pennsylvania, the only affected municipality, passed a resolution in support of the designation. With these two issues resolved, the Department now supports these segments, totaling nine miles, be added to the National Wild and Scenic River System.

The Department would like to work with the committee to make a technical correction to a map reference in Section 3 of the bill.

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

S. 1053

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1053, a bill to amend the National Law Enforcement Museum Act to extend the termination date.

The Department has no objection to this legislation. S. 1053 would amend section 4(f) of Public Law 106-492 to authorize construction of the Museum to begin up to 13 years after the date of enactment of that law. If amended, the authority to construct the Museum would terminate on November 9, 2013.

Public Law 106-492 authorizes the National Law Enforcement Officers Memorial Fund (the Fund) to design, plan, construct and maintain a National Law Enforce-

ment Museum on land within U.S. Reservation 7 in the District of Columbia, south of the National Law Enforcement Officers Memorial. Reservation 7 is one of the original public reservations of the City of Washington. With the exception of the Memorial, Reservation 7 has been under the jurisdiction of the District of Columbia since 1970. Reservation 7 is also listed in the National Register of Historic Places as a significant element of the L'Enfant Plan.

The Act for the new museum requires that the design be approved by the Secretary of the Interior, the National Capital Planning Commission (NCPC), and the U.S. Commission of Fine Arts (CFA). Over the past few years, the Fund has coordinated extensively with the National Park Service (NPS), on behalf of the Secretary of the Interior, as well as the courts, the NCPC, CFA, the D.C. State Historic Preservation Officer (DC SHPO), and the District of Columbia government. When the Department appeared before this Committee to testify on S. 1438, a bill to establish a National Law Enforcement Museum on Federal land in the District of Columbia, on April 27, 2000, we were concerned, from an historic preservation standpoint, about the impact of locating a new building within this complex of six historic public buildings dating from 1820 to 1939. However, the careful design and placement of the museum has resolved these concerns, as evidenced by the execution of a Memorandum of Agreement on June 23, 2008, by the DC SHPO, the Fund, the NPS, and NCPC, fulfilling the requirement of Section 106 of the National Historic Preservation Act. Site and building plans for the museum were approved by the CFA on May 24, 2008, the NCPC on August 28, 2008. The plans were prepared according to the requirements of the National Law Enforcement Museum Act and are the result of agreements on perimeter security, shared access to the loading facility, the design of the shared plaza, and a pavilion design that is compatible with the Courts' historic buildings at Judiciary Square.

The Act prohibits the Fund from beginning construction of the museum unless the Secretary of the Interior "determines that sufficient amounts are available to complete construction of the Museum." The Secretary currently cannot make this determination. On February 11, 2009, the Fund announced a new time line and budget for the project which was approved by its Board of Directors during the week of February 2, 2009. The announcement proposed a new start date in the fall of 2010, with an anticipated completion of mid-2013. Cost savings measures will reduce the construction budget from \$80 million to \$51 million, with a corresponding reduction in size from 100,000 square feet to 55,000 square feet and a reduction in the number of floors from four to three. The Fund has advised that these changes will not impact the above-ground features of the museum but will require the re-design of the underground spaces. The reduced footprint will eliminate the need to relocate a number of utilities and will thereby diminish the potential impact to the adjacent Law Enforcement Officers Memorial.

The Fund has also advised that the changes will not diminish the design or the visitors' experience; however, the revised plans have not yet been submitted for review. Though the NPS will not own, operate, or maintain the museum, we look forward to reviewing the revised design as required by the National Law Enforcement Museum Act.

Mr. Chairman, this concludes my prepared testimony on S. 1053, and I would be happy to answer any questions you may have.

S. 1117

Mr. Chairman, thank you for the opportunity to appear before you today to discuss the views of the Department of the Interior on S. 1117, the Upper Connecticut River Partnership Act, which would authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont.

The Department appreciates the efforts of the Connecticut River Joint Commissions and their exemplary work in the upper Connecticut River watershed. Many local, state, regional and federal organizations have worked in partnership with the Commissions for many years to support numerous efforts to improve water quality, promote sustainable tourism, protect unique natural and rural resources, and improve recreational opportunities.

While we support activities that conserve and enhance the cultural, environmental and recreational resources of the upper Connecticut River watershed, the Department cannot support S. 1117. There are existing funding mechanisms within the National Park Service, U.S. Fish and Wildlife Service, and possibly other federal agencies that can foster the type of partnership efforts envisioned in this bill. For example, technical assistance is available through the National Park Service's Riv-

ers, Trails, and Conservation Assistance Program, while grants are available through the U.S. Fish and Wildlife Service's North American Wetlands Conservation Act Grants Program.

The upper Connecticut River watershed encompasses 41 percent of the state of Vermont's total area and 33 percent of the state of New Hampshire's. It has been the subject of many past studies, including National Park Service (NPS) studies, which document its natural and cultural resources. The upper Connecticut River watershed was recognized by Congress in 1991 as part of the Silvio O. Conte National Fish and Wildlife Refuge; the refuge manages the Nulhegan Basin unit and sponsors education centers at the Montshire Museum in Norwich, Vermont as well as in Colebrook, New Hampshire and Turner's Falls, Massachusetts. The watershed also contains units of the National Park System including Marsh-Billings-Rockefeller National Historical Park, Saint Gaudens National Historic Site, and sections of the Appalachian Trail. The NPS Rivers, Trails and Conservation Assistance Program field office in Woodstock, Vermont has projects in the watershed, and the Hydropower Relicensing and Wild & Scenic River programs serve the region from the Northeast Region's office. The Connecticut River was designated an American Heritage River in 1998, and is home to the Connecticut River Scenic Byway, designated by the States of Vermont and New Hampshire in 1999. In 2005, it was also designated as a National Scenic Byway.

The Connecticut River Joint Commissions was formed in 1989, uniting separate commissions that had been formed by the States of Vermont and New Hampshire previously. In 1997, working with 5 bi-state local subcommittees, they produced the Connecticut River Corridor Management Plan. From 1992 to 1999 the NPS provided \$1.325 million to the Connecticut River Joint Commissions, as well as technical assistance, for work in the upper Connecticut River watershed. The NPS will continue to support and work with the Joint Commissions.

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

H.R. 1694 AND S. 1168

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1168 and H.R. 1694, to amend Sec. 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

The Department supports S. 1168 and H.R. 1694 with an amendment to include language that passed the House on April 21, 2009.

In March 2008, the National Park Service transmitted the Report to Congress on the Historic Preservation of Revolutionary War and the War of 1812 Sites in the United States, which identified and determined the relative significance of sites related to the Revolutionary War and the War of 1812. The study assessed the short and long-term threats to the sites. Following the success of the 1993 Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields, this study similarly provides alternatives for the preservation and interpretation of the sites by Federal, State, and local governments or other public or private entities.

The direction from Congress for the study was the same as for a Civil War sites study of the early 1990s. As authorized by Congress for this study, the National Park Service looked at sites and structures that are thematically tied with the nationally significant events that occurred during the Revolutionary War and the War of 1812. The result was a more thorough survey that represents twice the field effort undertaken for the Civil War study.

Building upon this recent study, S. 1168 and H.R. 1694 would create a matching grant program for Revolutionary War and the War of 1812 sites that closely mirrors a very successful matching grant program for Civil War sites. The Civil War acquisition grant program was first authorized by Congress in the Civil War Battlefield Protection Act of 2002 (Public Law 107-359), and was recently reauthorized by the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

That grant fund has been tremendously successful in allowing local preservation efforts to permanently preserve Civil War battlefield land with a minimum of Federal assistance. Grants of \$26.3 million from the National Park Service have leveraged a total of \$55.3 million in nonfederal funding. To date, the grant program has assisted in the permanent protection of 13,906 acres at 54 Civil War battlefields. In FY 2009, \$4 million was appropriated for this program. The President's FY 2010 Budget also includes a request for \$4 million.

With the release of the Report to Congress on the Historic Preservation of Revolutionary War and the War of 1812 Sites in the United States, communities interested in preserving their Revolutionary War and the War of 1812 sites can take the first steps similar to what the Civil War advocates did 15 years ago. If established, this new grant program can complement the existing grant program for Civil War battlefields and, in doing so, become a benefit to the American people by providing for the preservation and protection of a greater number of sites from the Revolutionary War and War 1812. All funds are subject to NPS priorities and the availability of appropriations.

The Department recommends an amendment to S. 1168 and H.R. 1694 to include language that passed the House on April 21, 2009. In the introduced version of H.R. 1694, there was a \$10 million annual authorization for the Revolutionary War and War of 1812 acquisition grant program. This funding level was separate and in addition to the \$10 million annual authorization for the existing Civil War acquisition grant program. On April 21, 2009, the House-passed version of H.R. 1694 included language that provided a combined funding of \$20 million for both acquisition grant programs in each of fiscal years 2010 through 2014. However, we understand that this language was inadvertently dropped by the House legislative clerk when the bill was engrossed and sent to the Senate.

When the bill was introduced in the Senate as S. 1168, it also did not contain the authorization language for the acquisition grant program and we understand this was an inadvertent error on the sponsor's part. We recommend adding the House-passed funding language. We also support the increased authorization level as there are two separate constituencies for these programs. The language of the amendment is attached.

Mr. Chairman, this concludes my testimony. I would be pleased to respond to any questions from you and members of the committee.

Proposed amendment to H.R. 1694 and S. 1168: H.R. 1694, as engrossed by the House: On page 3, after line 16, add the following: "(8) In paragraph (8) (as so redesignated), by striking '\$10,000,000 for each of fiscal years 2009 through 2013' and inserting '20,000,000 for each of fiscal years 2010 through 2014'."

S. 1168, as introduced: On page 3, after line 14, add the following: "(8) In paragraph (8) (as so redesignated), by striking '\$10,000,000 for each of fiscal years 2009 through 2013' and inserting '20,000,000 for each of fiscal years 2010 through 2014'."

Senator UDALL. Thank you, Ms. Stevenson. I would like to direct some questions your way. Then I'll turn to Senator Shaheen if she has questions.

Let me start with the last piece of legislation that you just summarized. You talk about the unique circumstances surrounding the lease proposal, the maximum lease term of 40 years which is twice as long as the maximum term for a National Park concession contract. If 20 years is long enough to allow park concessioners to obtain sufficient financing for what are in many cases much larger financial obligations than those required at Caneel Bay. Why is this 40-year lease term necessary?

Ms. STEVENSON. The lessee or the potential lessee, has been consulting with financing institutions. It's our understanding that financing in the Virgin Islands is a very different kettle of fish than it is other places, particularly because of the risk factors associated with extreme weather. So while we would negotiate down from 40 years, we anticipate that it will be pretty close to a 40-year lease, that it is necessary in order for them to secure their financing.

Senator UDALL. When you say extreme weather are you speaking of hurricanes?

Ms. STEVENSON. Yes, sir.

Senator UDALL. Any other weather events or hurricanes the main concern?

Ms. STEVENSON. That's the main one.

Senator UDALL. Main concern. Thank you for that clarification. Let me turn to the Connecticut River Watershed since I think that's the bill on the list with which you have the most concerns.

Your testimony indicates that the DOI supports the activities to protect the Connecticut River Watershed that are authorized in the bill. But you don't support the bill itself because there are other funding authorizations available. Can you help me clarify the Department's concerns with the bill?

Is this a question of the watershed resources not meriting Federal funding or rather that there are already appropriate authorities to provide Federal assistance?

Ms. STEVENSON. It's the latter, Mr. Chairman.

Senator UDALL. It's the latter, alright.

Ms. STEVENSON. We have provided assistance, a small amount since the year 1992 through 1999 in about an average of \$100,000 a year. The resources are very significant. However, we realize that there are other kinds of technical assistance available to this area.

We've been giving them technical assistance. Fish and Wildlife, NOAA, EPA and other agencies have resources available. This would establish a unique grant program just for the Connecticut River Watershed that would stand on its own. We just don't think that's an appropriate situation.

Senator UDALL. Let me direct a follow up question. Then you may have responded in your previous answer. But many of the bills that we're considering today could be addressed using other funding authorizations. For example, the Harriet Tubman bill authorizes grants to the State of Maryland for land acquisition through that could also be funded through the LWCF.

Why do you support those provisions, but oppose this authority?

Ms. STEVENSON. The other areas that we're talking about today in particular are being designated as units of the National Park System. So that makes the situation quite different than a generalized area of a river valley without any specific designation.

Senator UDALL. I'd be interested in what Senator Shaheen has to say when I turn to her since the Connecticut River plays an important part in her State as well. But let me go to the Revolutionary War and War of 1812 Battlefield sites, if I might. My understanding is the existing American Battlefield Protection Program works closely with the Civil War Preservation Trust with respect to protecting Civil War Battlefields.

Is there a similar organization that you anticipate working with for the Revolutionary War and the War of 1812 Battlefields?

Ms. STEVENSON. We're not aware of any organizations that exist that are exactly like the one for the Civil War. Different people have expressed—different groups have expressed some interest. But they haven't been coalesced into a single group.

But we're pretty sure that with funds available that we'll see groups come together and want to match the Federal funds to be able to preserve the land.

Senator UDALL. I think Senator Burr's family has a connection to the Revolutionary War. I'm going to speak with him at some other point and ask him about his interests there.

On the National Law Enforcement Museum extension authority, do you have any opinion on the likelihood that sufficient funding will be achieved in the three additional years so that additional extensions wouldn't be necessary?

Ms. STEVENSON. The fund has expressed confidence that they will have the money and that they will not need any further extensions.

Senator UDALL. So you—

Ms. STEVENSON. So we're relying on their word.

Senator UDALL. On their—Finally let me turn to Waco Mammoth National Historical Park. I understand that public access is restricted at this time. If it's designated as a unit of the National Park System, do you anticipate greater access for the public or do you think that that access with still need to be limited?

Ms. STEVENSON. The access is limited now in order to protect the remains. We anticipate with technical assistance and some construction and protection that we'll be able to open it up for much more access for the visitor.

Senator UDALL. Ok. Thank you for that clarification. I turn to Senator Shaheen.

Ms. STEVENSON. Thank you.

Senator SHAHEEN. Thank you, Mr. Chairman. Thank you for being here. I appreciate the good work that the National Park Service does.

I have to say I do disagree with you, however, with respect to S. 1117 which would address the Connecticut River Watershed, as you've indicated. You pointed out that there are programs available that would provide funding for some of the critical work that needs to be done in the watershed. But I think it's important to point out that while these programs, you know, the Fish and Wildlife Service's, North American Wetlands Conservation Act Program is one of those. The National Park Service's Rivers, Trails and Conservation Assistance Program is one of those.

While they are available to communities, unfortunately over the last two decades they funded very few projects. There is so much more work that needs to be done. There has been a lot of effort that we will hear about in a few minutes on both the Vermont and New Hampshire side of the Connecticut River to involve the communities and to address the work that needs to be done there.

Unfortunately the local efforts and the State involvement has not been able to deal with the long term needs that exist. So it's my hope that once we hear from the next panel that they will, very clearly, show why it's so important that we get this legislation done. Again, I appreciate the work that you all do, but this is one where I think the merits of the project does require a different outcome.

Thank you, Senator.

Senator UDALL. Thank you, Senator Shaheen. I have no more questions. I would ask that we keep the record open and if we have additional questions we'll direct them to you, Ms. Stevenson and the Department of the Interior.

Senator UDALL. Thank you for taking the time to come up the hill today.

Ms. STEVENSON. Thank you, Mr. Chairman.

Senator UDALL. Thank you. If the next panel would take their seats we'll proceed to hear your testimony.

Good afternoon. Thank you for joining us. I'm going to introduce Ms. Farrell briefly. I'm going to turn to Senator Shaheen to intro-

duce Ms. Francis. Then, Ms. Farrell, we'll come back to you for your testimony.

So I want to welcome you. You're Mara Farrell. You are the co-founder of the Fishkill Historical Focus from Fishkill, New York. Welcome.

Ms. FARRELL. Thank you.

Senator UDALL. We look forward to your testimony. I'll turn to Senator Shaheen to introduce Ms. Francis.

Ms. FARRELL. Thank you. Thank you very much.

**STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM
NEW HAMPSHIRE**

Senator SHAHEEN. Thank you very much, Mr. Chairman. I'm especially pleased to have a fellow Granite Stater, Sharon Francis, here as part of this panel. I'm pleased not just to have someone from New Hampshire, but to have someone who has Sharon's extensive and very impressive background working on environmental issues in New Hampshire.

Sharon serves as the Executive Director of the Connecticut River Joint Commissions and is here to testify in support of the Upper Connecticut River Partnership Act. She has been with the Commissions since its founding in 1989 and is a tireless advocate for the protection of New England's largest river. Her service and dedication to the protection of this important economic, environmental and cultural natural resource is a real inspiration for us all.

Mr. Chairman, I have worked with Sharon during my years as Governor. Have long supported the protection of the Connecticut River. I'm proud to be an original co-sponsor of the Upper Connecticut River Partnership Act along with Senator Leahy, Senator Gregg and Senator Sanders.

As Governor I worked with then Governor of Vermont, Howard Dean, environmental organizations and community groups along the upper reaches of the Connecticut River on a settlement agreement with New England Power Company to protect this important natural resource. The agreement that Governor Dean and I worked on led to the creation of a mitigation fund to restore, protect, and enhance the Connecticut River ecosystem affected by the Fifteen Miles Falls, hydroelectric project. Since 1997, some \$5 million in projects have been funded and 12,000 acres of land have been protected in permanent conservation under this program.

However, despite all of this progress more needs to be done to protect this important resource. The Upper Connecticut River Partnership Act establishes a grant and technical assistance program to carry out conservation, restoration, as well as historic and cultural preservation efforts in the Upper Connecticut River Watershed. Projects funded through this cooperative program will protect water quality, fish and wildlife habitat, promote education and support historical preservation efforts.

I believe this legislation can serve as a very important model because it would have not only the States and the communities along the river working in partnership. But it would have the Federal Government joining with them in an effort at all levels to protect this wonderful resource. So I want to again, welcome Sharon to the committee.

I look forward to your testimony and to doing everything I can to help your efforts to preserve the historic and amazing Connecticut River. Thank you.

Senator UDALL. Ms. Francis, with that introduction I'm inclined to offer you the opportunity to share your testimony now, if you're ready. I'm sure Ms. Farrell would not object.

**STATEMENT OF SHARON F. FRANCIS, EXECUTIVE DIRECTOR,
CONNECTICUT RIVER JOINT COMMISSIONS, CHARLESTOWN,
NH**

Ms. FRANCIS. Thank you very much, Senator Shaheen, Senator Udall. This moment is really a summit among many in my 50 year professional career. I used to try to hide how long I'd been doing it. I've decided well, let's put it out front, 50 years professional career of safeguarding the environment of our country.

I want to share with you the outline of a unique organization which is the Connecticut River Joint Commissions. We have been very, very successful. We have the right model, I believe. I want to give you an opportunity to see what that model is and make your own judgment about it.

We are twin watershed advisory commissions on the part of the State of New Hampshire and the State of Vermont, set up by the legislatures of the two States. In response to public in the river valley saying we an institutional home. The legislatures gave the Connecticut River, not a great big department in agencies, but a very modest pair of commissions.

We have a small government philosophy up in Northern New England. It seems to work pretty well because it draws out so much help, inspiration, energy on the part of the public itself. The two commissions formed a non-profit organization which is The Connecticut River Joint Commissions.

Each State Governors, legislatures, appoint 15 river commissioners. Behind those 15 river commissioners are local sub-committee members appointed by the select boards or city councils of their communities. Everything we do is based on plans developed by these grassroots people. So it is very much bottoms up. It very much is high caliber, well informed planning.

I want to mention a moment. Senator Udall, I think you will appreciate this, a moment of history that I share with the National Park Service. That goes back to 1966 when Senator Abraham Ribicoff, before the predecessors of this committee, proposed a national recreation area study of the whole length of the Connecticut River.

Indeed he authored the legislation. It was duly adopted. The study was conducted.

My boss at the time, Stewart Udall, thought it was wonderful because of instead of one or two nice, Federal national recreation areas. It was a string of pearls, some national recreation areas, some scenic waterways, tour ways, roadways on both sides of the river, some Federal recreation areas. It was just very imaginative, creative, forward thinking.

I worked with the Secretary on his remarks at the time it came out. He called it a new era, a new model. It was from the perspective of Washington.

From the perspective of Northern Vermont and New Hampshire it was bad. It looked like some great, big, green Federal monster that was going to swallow up people's land. It did not go over. They shot it down. If you don't learn the lessons of history, of course, you're condemned to repeat them.

I did not forget that lesson because it seemed to me, something was being said there. So in 1991 when the Silvio O. Conte Fish and Wildlife Refuge came to the Connecticut River Valley we now existed, the Connecticut River Joint Commissions existed. We were rooted very, very, well in the local leadership of that watershed. We said to the Fish and Wildlife Service, let us chair your meetings. Let us be your front and facilitate this discussion of what habitat should be preserved, where and why.

Don't think there aren't very knowledgeable wildlife and fisheries persons up in very small towns of New Hampshire and Vermont, because there are. They know those places on a day to day basis. So indeed, by being able to provide that bridge for the Conte Refuge we were able to help them come up with a very good plan. The opposition just melted away. It no longer had teeth.

We've done other things with Federal programs. We were successful in getting the Connecticut River designated as an American Heritage River in the Clinton administration, one of 14 nationally, no small feat. We have gotten it designated a National Scenic Byway. A lot of the tourism related, heritage tourism work that we're doing is funded through the National Scenic Byway program.

What I want to emphasize is that people in our part of the country really like to emphasize a local approach to resource stewardship. They're reluctant to sign on to a large Federal program. But they're willing to engage and welcome support and help from Federal agencies, as long as they feel that their views are going to be able to guide what happens.

Senator Shaheen mentioned how some of the programs touted by the National Park Service really have had historically very limited application in our area. Yes, we can have one or two projects assisted by the Rivers and Trails Conservation Assistance Program. They're good folks and they do a good job and they have helped us.

We don't want one or two good projects. We want hundreds and hundreds of good projects. We don't necessarily need the National Park Service to create good projects because there is the talent, the knowledge, the commitment right in our local communities to do that.

We've worked a lot with NOAA. But the funding for their community based restoration programs is now going elsewhere. It isn't available to us.

So I think that we've talked with congressional staff about what might be an appropriate home for us. We've certainly considered NOAA. We work a lot with EPA. Both of the State's environmental agencies treat us as someone they fund every year for EPA related work.

But we really feel that the National Park Service has the elasticity in its overall authorities and mandates. It's grown over the years to do a variety of things. National recreation areas were a big revolution at one time. Now, of course, they're Wild and Scenic

Rivers and there are Heritage Corridors and so many other designations.

We feel our 20-year track record—I couldn't have necessarily stood before you 20 years ago and made this proposal because I wouldn't have been able to show you that we can do it. But I can show you that we can do it. We have done it. We are doing it.

The local units of the National Park Service, St. Gaudens National Historic Site and Marsh-Billings Rockefeller National Park, like us very much. We work very much with them. I think the Federal National Park Service people would like to have us as colleagues too.

When you think about what the Park Service said here today, they said almost the same thing in 2005 when a hearing was held on this legislation, almost the same thing. Yet the Senate passed that legislation for the Connecticut River Partnership Act. It did not however pass in the House. There just wasn't any leadership to bring it forward.

So in essence we're coming back to the Senate. I'm very glad we're coming back to your committee because your knowledge and commitment is enormous. I think you can understand the kinds of things I'm talking about.

Senator UDALL. Ms. Francis? If you might, and I thank you for those kind words.

Ms. FRANCIS. Yes.

Senator UDALL. If you might, can you finish up and then we're going to come back to you for some questions. So I want to have a chance to turn to Ms. Farrell—

Ms. FRANCIS. Yes, absolutely.

Senator UDALL [continuing]. For her testimony.

Ms. FRANCIS. Very much so. I would only say that my prepared testimony talks a lot about the partnership program. How we've operated. What we funded with it.

So if you want some of the details about it, it's in the testimony. [The prepared statement of Ms. Francis follows:]

PREPARED STATEMENT OF SHARON F. FRANCIS, EXECUTIVE DIRECTOR, CONNECTICUT RIVER JOINT COMMISSIONS, CHARLESTOWN, NH

Senator Udall and Members of the Subcommittee, this day is a summit moment in my 50 year professional career of safeguarding the environment. It gives me opportunity to share with you the outline of a unique organization that is notably successful in fostering widespread conservation achievements throughout our bi-state 7,000 square mile watershed.

ROLE OF THE CONNECTICUT RIVER JOINT COMMISSIONS

The Connecticut River Joint Commissions, twin watershed advisory commissions established by the Legislatures of New Hampshire and Vermont, have guided growth and development in the upper watershed of New England's largest river for the last 20 years. Essential to their extraordinary success has been their focus on local stewardship and citizen empowerment.

Robert Frost in his poem "New Hampshire," described New Hampshire and Vermont as a pair of states united by a river, and he gave verse to the complementary happenstance of two political jurisdictions sharing the same geographic feature. The Connecticut River unites New Hampshire and Vermont for 275 miles. Twenty years ago the people of the watershed called upon the two state legislatures to create an institutional home for the bi-state River.

The result was two state commissions, an approach that fits with the small government preference in northern New England. The commissions share a single mandate to preserve and protect the resources of the Connecticut River Valley, guide

growth and development, and cooperate with the other states in doing so. Governors or legislators appoint the fifteen river commissioners from each state. The commissions formed a nonprofit organization, the Connecticut River Joint Commissions in 1989, so they could share office, staff, fund raising, and program administration.

CRJC has its roots in the river communities, since behind the thirty active volunteer commissioners, stand local subcommittee representatives of the 52 riverfront towns who are appointed by their select boards and city councils and who have worked together, across the river and across gaps in self-interest, to reach consensus on plans for wise river management.

The upper Connecticut River watershed encompasses 41 percent of the state of Vermont's total area and 33 percent of the state of New Hampshire's. It has been the subject of many past studies, including National Park Service studies, which document its natural and cultural resources. The Connecticut River watershed was recognized by Congress in 1991 as the Silvio O. Conte National Fish and Wildlife Refuge, and as an American Heritage River in 1998.

HISTORY OF THE NATIONAL PARK SERVICE AND OTHER FEDERAL AGENCIES IN THE CONNECTICUT RIVER VALLEY

The Department of the Interior's National Park Service has a long history in the Connecticut River Valley that goes back to 1966 when Senator Abraham Ribicoff of Connecticut testified before the predecessor to this Committee, and authored legislation calling for a national recreation area study the length of the River. When the study was completed, my boss, Secretary of the Interior, Stewart Udall, was especially pleased that it called for a "string of pearls," some sites to be protected by the National Park Service as national recreation areas, others as scenic rivers, a scenic tourway bordering the river, and other sites under stewardship of the states. This was forward-thinking cooperative conservation, and I worked with the Secretary on his remarks, welcoming a new era, a new model.

From our perspective in Washington at the time, the Connecticut River National Recreation Area Study offered an admirable interplay of federal and state roles. From the perspective of landowners in northern Vermont and New Hampshire, however, the proposal looked only like a Green Federal Monster intent upon devouring their lands. They wanted no part of it, and they effectively shot it down.

Not many years later, after the popular Massachusetts Congressman (and fisherman) Silvio O. Conte passed on, Congress established in 1991 a national fish and wildlife refuge in his name in the Connecticut River watershed. The exact areas to be protected were to be established by study. The people up north were pretty sure the idea again was a bad one.

The new ingredient this time was the Connecticut River Joint Commissions. We were accepted and respected locally, and we convinced U.S. Fish & Wildlife Service staff to let us chair meetings and obtain local expertise and recommendations. Apprehension about the federal government's faded. Ultimately, the Conte Refuge was not demonized, and over the years the Connecticut River Joint Commissions have been a bridge between the federal refuge and local landowners, fishermen, bird watchers, land trusts, and others who implement the refuge purposes. Currently, the U.S. Fish and Wildlife Service is drafting a new Comprehensive Conservation Plan for the Refuge, and CRJC has played a major role in stimulating public participation in that effort.

CRJC led the upper watershed effort toward successful designation of the Connecticut River as one of 14 American Heritage Rivers in 1998. Most recently, CRJC sponsored successful designation of the Connecticut River Byway as a National Scenic Byway in 2005. CRJC has worked in partnership with many local, state, regional and federal organizations to support these agencies' efforts to protect the cultural heritage of this large watershed, improve its water quality, promote sustainable tourism, protect unique natural and rural resources, and improve recreational opportunities.

We promote visitation through the Connecticut River Byway, to the National Park Service's installations at Marsh-Billings-Rockefeller National Historical Park in Vermont, Saint Gaudens National Historic Site in New Hampshire, and sections of the Appalachian Trail in both states. CRJC is promoting interest in the 75 National Register Historic Districts in the region by carrying the historic data about each on our website and promoting this heritage to residents and visitors through a series of history itineraries we are developing for the Byway.

All of these experiences have taught CRJC that northern New England prefers a local approach to resource stewardship. Northern New England residents have demonstrated their reluctance to sign on to large federal programs time and time again, but are willing to engage with a more trusted, home-grown organization.

Thus CRJC is better qualified to deliver a broader range of assistance with more impact than the federal programs that may be aimed in similar directions.

For example, while technical assistance is available through the National Park Service's Rivers, Trails, and Conservation Assistance Program, this program has conducted only a small handful of projects in the Connecticut River valley during the 20 years CRJC has been active. While grants are available through the North American Wetlands Conservation Act Grants Program, they are well out of reach of nearly all the watershed's communities and only two such grants have been made in the region in the last 20 years. While CRJC's Byway has been able to put the Department of Transportation's surface transportation program to good use to promote heritage tourism, CRJC involvement has been essential for execution. Funding for the National Oceanic and Atmospheric Administration's (NOAA) community-based restoration programs has been directed elsewhere, despite years of effective support from CRJC, and is no longer available to achieve river goals.

CRJC's approach, rather than promote large government participation in a few projects, has been to ensure grassroots action on a broad scale, making scarce federal dollars accessible to a wider constituency and leveraging them with the energy of local inspiration and volunteerism. The end result is an inspired citizenry better equipped to address real issues and opportunities at home.

THE CONNECTICUT RIVER PARTNERSHIP PROGRAM

Shortly after establishment of the Connecticut River Joint Commissions, our commissioners and knowledgeable staff from the Congressional delegation began exploring how to fund a grant program that could address the pent-up agenda of projects that could benefit the river and the region. The Rivers and Trails Conservation Assistance Program of the National Park Service welcomed our initiative and worked with us for several years, though ultimately we parted company, as they preferred projects carried out by their own staff members and we were committed to supporting local expertise.

For each of the fourteen years we have carried out the Partnership Program, a committee of our commissioners has developed criteria to determine applicant and project eligibility. The organizing principle has been to implement recommendations of the Connecticut River Corridor Management Plan, developed through consensus at hundreds of meetings by valley citizens, and to advance the effectiveness of the Connecticut River Byway as an economic development and heritage protection tool.

Eligible applicants include municipal boards and committees, non-profit tax-exempt organizations, schools, and regional organizations such as regional planning commissions or county conservation districts. Informal citizen groups, state and federal agencies, and private businesses can apply through one of the above organizations. The program invites local projects addressing issues laid out in the river and byway plans, including

- water quality
- fisheries and wildlife habitat
- recreation
- agriculture and forestry
- land use guidance
- river-related education
- preservation of scenic and historic features
- visitor education for the Connecticut River Byway.

Criteria for grant selection included:

- how the project addresses implementation of the Connecticut River Corridor Management Plan or the Connecticut River Byway Corridor Plan
- The tangible results and lasting benefits to the community and/or the watershed
- Demonstration of cooperation within the community, establishment of partnerships with public, private, and community resources, or encouragement of cross-river efforts between NH & VT
- Ability to leverage additional funds, obtain commitments of technical assistance, materials, or support from other sources
- Likelihood of success given the project scope, requested support, and organizational commitment
- A plan for publicity and community outreach about the project and its benefits.

Selection process: Each year, CRJC assembled a Selection Committee of commissioners and Byway Council representatives to evaluate and select winning applications. CRJC staff reviewed the applications for completeness and included both less

experienced grant applicants, such as a local scout troop or historical society, who might propose a compelling project with strong local need, with organizations with professional staff such as The Nature Conservancy.

Selection committee members reviewed and ranked the applications according to a consistent scoring system. Staff then assembled scores and presented the combined rankings to the committee at a day-long meeting, during which the committee made final award selections. The committee strived to balance awards in each of the topic areas, and also to achieve a geographic balance. The result is that, over the 14 years of the program, nearly every single community of the 214 towns in the Upper Connecticut River watershed has experienced the benefits of the program, and much progress has been made in implementing the Connecticut River Management Plan and Connecticut River Byway Corridor Plan.

Matching dollars were not required in the first 14 years of the program, although higher ranking was given to applications if match was offered.. CRJC has found that the Partnership Program has been especially instrumental in providing the required local cash match for New Hampshire's Land and Community Heritage Investment Program, and has been one of the only sources of such match for small communities of modest means who are facing challenges such as the loss of a beloved local landmark or key parcel of prime farmland.

CRJC made awards of \$500-\$5000, with an occasional award up to \$8,000 if the results and public benefit are outstanding and clearly demonstrate a need for additional funding. Awards were distributed at an awards ceremony that brought together winning applicants from all over the river valley. This event provided an inspiring venue for further energy and creativity on behalf of the watershed, as the stories of other projects prompted many applicants to envision similar efforts in their own communities.

In the first 14 years of the program, CRJC provided 75% of the grant award up front, reserving 25% pending receipt of a report detailing project completion. Given the need to stretch grant dollars further in current economic times, it seems appropriate to require a 25% match and provide 50% of project funding at the onset, and provide the final 25% on completion.

EXAMPLES OF PARTNERSHIP PROJECTS

The Connecticut River Partnership Program has dovetailed well with state-sponsored programs on both sides of the river. The Partnership Program has funded 57 projects that support Vermont's Clean and Clear Action Program, established by Governor Jim Douglas. These include projects such as a stream geomorphic assessment of the Wells River Watershed, a project to reconstruct a highly eroded river access trail next to the historic Dummerston covered bridge to reduce sediment-laden storm water runoff into the West River, and a citizen-scientist-based program for monitoring and wildlife activities at Herrick's Cove in Rockingham, home to 300 species of birds and a major stopover for migrating waterfowl, to guide future management of the property.

Support for projects in the 40% of Vermont's land area that falls within the Connecticut River watershed has been extremely important, since the state's water quality protection dollars are largely targeted toward the Lake Champlain basin on the far side of the state.

On the New Hampshire side, Partnership Program funds have provided the essential local cash match for the state's Land and Community Heritage Investment Program, allowing, for example, conservation of key river frontage, habitat, and floodplains and the rescue of historic properties of strong state and local significance. Many communities in the Connecticut River Valley would not be able to take advantage of this state program without the support of the Partnership. In both states, the Partnership Program has also offered a needed source of project support in the third of the upper watershed that is not eligible for grants from the Upper Connecticut River Mitigation and Enhancement Fund. This fund was established by New England Power Company as a condition of a renewed FERC license for its hydro dams in the Fifteen Mile Falls region of the Connecticut River. Funds are available only through this program only for projects north of the White River confluence in the Hartford/Lebanon area. Beneficiaries of Partnership grants include:

- Watershed groups
- Historical societies
- Local conservation commissions
- Scout troops
- Land trusts
- Regional planning commissions
- Youth conservation programs

- Main Street programs
- Museums
- Cooperative Extension Service
- Farm organizations
- School groups - from elementary to graduate school level
- Local and statewide historic preservation organizations

Over the 14 years of the Partnership Program's activity, in 1992-2006, CRJC has provided funds for 400 projects, dispersing \$1,288,500.

While CRJC take prides in all of the projects sponsored by the Partnership Program, several stand out as achievements worthy of your attention. Partnership grants have assisted the Upper Valley Land Trust, a local land trust with a well-deserved national reputation, in protecting floodplains in the key natural valley flood storage areas identified by the US Army Corps of Engineers in 1994 as essential to flood protection for all four watershed states. The Corps was unable to proceed with acquisition of these flood storage areas as recommended by the study, and it fell to local land trusts, assisted by CRJC, to carry this important flood protection initiative forward. Partnership funds assisted UVLT with surveying, appraisal, and other costs that the farm landowners could not meet. In the course of conserving these floodplain areas, UVLT and the farmers also protected agricultural soils of national significance, fragile riverbanks and riparian habitat, public recreational access, and broad scenic views of rural farmscapes from the nationally designated Connecticut River Byway. Such projects, aimed at keeping the valley an attractive place to visit, live, and work, also helped protect a vanishing way of life in northern New England.

Similarly, the Partnership Program has invested significantly in projects to raise awareness and protect federally listed rare, threatened, and endangered species in the Connecticut River Valley. Among them are a beautifully illustrated and engaging book, *Freshwater Mussels of the Connecticut River Watershed*. Written and illustrated by Ethan Nedeau, a notable scientist as well as artist, the book focuses on identification and protection of imperiled mussel populations by providing scientifically sound information to citizens, conservation groups, municipalities, planning boards, businesses, regulatory agencies and educators.

Partnership grants have also helped fund a Migratory Fisheries Restoration Initiative, a comprehensive approach to reconnecting river habitat by removing barriers such as derelict dams on tributaries in both states in order to restore migratory and resident fish populations.

Partnership grants have helped restore church steeples, wooden covered bridges, historic windows, and stage curtains. They have protected local cultural treasures for the benefit of residents and visitors alike. They have built trails, repaired trails, made signs for trails, and built canoe campsites along the river.

OTHER HIGHLIGHTS OF CRJC'S WORK

In addition to awards to partner organizations and communities, the Connecticut River Joint Commissions have also developed strong programs in river science and river education that demonstrate the quality of our work.

River Science - One of the most pervasive problems along the Connecticut River is riverbank erosion. Our efforts to understand why some riverbanks erode and others do not led us several years ago to the science of fluvial geomorphology whose practitioners are able to assess how a river moves through the bedrock, soils, and slope of its landscape, where and why it floods, changes course, or eats the land. Since 2004, we have conducted several fluvial geomorphic assessments on the northern Connecticut River and its tributaries, and shared our findings with landowners and local officials. In their behalf, we have developed riverbank restoration projects that include removing the source of the river instability, even when the cause is located on a tributary some distance upstream.

This summer we will be carrying out a riverbank restoration in Colebrook New Hampshire that will feature placement of six engineered log jams - a technique used in the Pacific Northwest, but not yet in the Northeast - as well as redirecting an upstream tributary into its natural alluvial fan instead of the straight ditch created by the Corps of Engineers in the 1960s. Local school children will help us plant a riparian buffer once the log jams are installed, and New Hampshire's Governor John Lynch and Vermont's Governor Jim Douglas plan to visit the site in October.

River Education - CRJC and its partner, Dartmouth College, unveiled a new educational resource last month, an atlas entitled *Where the Great River Rises*, an Atlas of the Connecticut River Watershed in Vermont and New Hampshire. The abundantly illustrated atlas has forty four authors, all experts in their fields that range across both natural history and human history. It is published by the Univer-

sity Press of New England, and is available on amazon.com as well as through bookstores in the Connecticut River watershed. We have sent complimentary copies to town libraries and schools in order to expand and enrich popular understanding of the watershed and the many ways in which people and nature influence each other.

WHY SHOULD THE CONNECTICUT RIVER PARTNERSHIP PROGRAM BE LOCATED IN THE
NATIONAL PARK SERVICE?

In 2005, the United States Senate passed the Upper Connecticut River Partnership Act; however the measure died due to lack of action in the House. At that time, the Senate believed the National Park Service was the appropriate home for this bi-state initiative from Northern New England.

We at the Connecticut River Joint Commissions have thought long and hard about this question. We have considered locating the Partnership at EPA or NOAA or the U.S. Fish and Wildlife Service. Fine as those agencies are, each has a more constrained mission and authority, and would force us to drop too much of what is needed in our region.

Of all federal agencies, the National Park Service is the one that has had the elasticity to embrace national recreation areas in addition to national parks, to embrace wild and scenic rivers, national heritage areas, places like Chesapeake Bay Gateways. We admire the National Park Service, and believe that at the national level they will find us worthy colleagues, even as do Park Service personnel at the New Hampshire and Vermont park sites.

Thank you for consideration of these comments.

Senator UDALL. Thank you very much. We look forward to asking you some questions.

Ms. Farrell, we're looking forward to hearing from you.

**STATEMENT OF MARA FARRELL, CO-FOUNDER, FISHKILL
HISTORICAL FOCUS, FISHKILL, NY**

Ms. FARRELL. Thank you. Thank you, chairman. Thank you for this opportunity to speak on behalf of the Fishkill Supply Depot Encampment, an important Revolutionary War site in New York and the American Battlefield Protection Act.

Over this recent July 4th weekend the Associated Press released a story titled, "Saving New York's Valley Forge, Revolutionary patriots graves besieged by development." This piece was a front page story in newspapers across the country and carried by news sources abroad. Indeed there is a vital and compelling story to report here.

At the endangered national register Fishkill Supply Depot recent archeological surveys revealed a large Continental Army cemetery complex and additional features associated with the Depot. Hundreds of graves have been sited on one portion of undeveloped acres within this historic district. What we have here could well be the largest Revolutionary War burial complex ever identified in United States history and one of the first United States military cemeteries.

So I'm here today to speak for the hundreds of veterans and founding fathers buried here in unmarked graves facing East within the boundaries of this great American Heritage site. I come with a hope that critical funding and protection will become available through the American Battlefield Protection Program. I respectfully ask where is there more urgent preservation priority in the United States?

Indeed the Fishkill Supply Depot was an impressive military facility. Funded by the Continental Congress it matured into the central and most extensive Northern logistical center for ammunitions and distributions serving simultaneously as a medical complex,

prison facility and residence for military officers and soldiers during the Revolutionary War. Best visualized as a compact military city, it is unique in its continuous military occupation during the Revolution.

We hear much about the rigors of the winter at Valley Forge, however what the soldiers endured in Fishkill was far worse. Conditions were harsh. We've recently learned through onsite archeological studies conducted in 2008, excuse me, that starving soldiers may have been forced to eat their beloved horses in order to remain alive.

So we now know that hundreds, if not thousands who sacrificed their lives are buried at the Depot complex in what has long been termed an unknown location. The archeologists onsite the night the first graves were discovered described the experience as deeply emotional and heart wrenching. As Senator Schumer said on June 1st when visiting the Depot, "The sacrifices of patriotic Americans should never be forgotten nor should their graves be paved over."

As a result of the recent publicity we are beginning to receive previously unknown information from Americans whose ancestors were known to have served in Fishkill. The preservation of the Fishkill Supply Depot will help to create a sacred place of national memory and allow us to come to better understand the brilliant record that this historic site has yet to fully reveal. Excuse me. As you know the American Battlefield Protection Program currently provides funding to help protect important sites associated with the Civil War, but sites associated with the American Revolution and the War of 1812 are not eligible for this funding.

In its current form the Act has been very effective in helping to preserve important sites associated with the war that nearly tore this Nation apart. But it does nothing to help preserve sites associated with the Nation's birth. The currently proposed changes to the act would provide support to preserving those sites that help to define the very heart and soul of America, sites like the Fishkill Supply Depot, a site that provided for those very first American warriors as they fought to create this Nation.

So we ask that you support this bill that you recognize that it is not—that it is just as important to help preserve places associated with the initial founding of this great Union of individual colonies into a single Nation as it is to preserve places associated with the fight to preserve that Union. So I speak to you on behalf of the Fishkill Supply Depot and its newly discovered Continental army cemetery complex as well as other Revolutionary War sites. Today we have an extraordinary opportunity to recover from past mistakes and honor New York's Valley Forge.

Thank you for your leadership.

[The prepared statement of Ms. Farrell follows:]

PREPARED STATEMENT OF MARA FARRELL, CO-FOUNDER, FISHKILL HISTORICAL FOCUS, FISHKILL, NY

Thank you, Chairman Udall and members of the Committee. I am Mara Farrell, Co-Founder of the citizens' group, Fishkill Historical Focus. Thank you for this opportunity to speak on behalf of the Fishkill Supply Depot and Encampment, an important Revolutionary War Site in New York, which despite being listed on the National Register of Historic Places since the 1970's has been severely damaged in the past. Currently, the last remaining intact sections of this site, which played an important role in the creation of the United States are endangered by proposed devel-

opment. I would also like to take this opportunity to extend heartfelt thanks to Senator Schumer for his outstanding support of the Fishkill Supply Depot. With your leadership, its story and its open space have an unparalleled opportunity to achieve the legacy they so richly deserve.

Over this recent July 4th weekend, the Associated Press released a story titled, "Saving NY's Valley Forge: Revolutionary War patriots' graves besieged by development". This piece was a front-page story in newspapers across the country and carried by news sources abroad. And indeed there is a vital and compelling story to report. At the endangered National Register Fishkill Supply Depot, recent archaeological surveys have revealed a large Continental Army Cemetery Complex and the remains of additional features associated with the depot. Hundreds of graves have been sited on one portion of the undeveloped acres within this historic district - a portion currently on the market and threatened with strip mall development.

What we have here could well be the largest Revolutionary War burial complex ever identified in United States history and one of the first United States Military Cemeteries. Properly preserving the Continental Army's burial ground should go without saying. These are soldiers buried by soldiers in a remarkable military facility that sustained the Revolutionary War effort through very lean years. Great American history is at risk here. We underscore our concern: the twenty undeveloped acres left as open space in this historic district remain in danger. Even with this great discovery of the Continental Army Cemetery Complex, commercial site plans could potentially move forward.

And so I come here today to speak for the hundreds of veterans and founding fathers buried here, in unmarked graves facing east, within the boundaries of this great American heritage site - and I come with the hope that critical funding and protection will become available through the American Battlefield Protection Program. I respectfully ask: Where is there a more urgent preservation priority in the United States? A Continental Army Cemetery Complex is at imminent risk, as well as vital land and features directly contributing to the success of the American Revolution.

The Hudson River Valley of New York State is lauded for its natural beauty and history. In the town of Fishkill, several miles from the river and surrounded by the Hudson Highlands, lies the physical space that once defined the Fishkill Supply Depot. Established by General George Washington and serving at varying times as a headquarters and nexus point for General Israel Putnam, General Alexander McDougall, General Horatio Gates, Alexander Hamilton and General Lafayette, it played an essential role in the Continental Army's victory over British forces. In spite of its great historical significance, in the latter half of the twentieth century, rapid suburbanization obscured its stories and preservation. In 1974, the best efforts of local conservation groups failed. A substantial portion of the famous Revolutionary War site was sacrificed to build the now defunct Dutchess Mall.

Following this fateful decision, the great legacy of the Fishkill Supply Depot was largely forgotten. Aside from the Van Wyck Homestead, which served as an officers' headquarters, it seemed hardly a trace of the depot remained. However, prior archaeological and scholarly research revealed otherwise.

And indeed, The Fishkill Supply Depot and Encampment was an impressive military facility. Funded by the Continental Congress, it matured into the central and most extensive Northern logistical center for munitions and distribution, serving simultaneously as a medical complex, prison facility and residence for military officers and soldiers during the Revolutionary War. The activity level at this military installation was intense and constant. Ultimately, the Fishkill Supply Depot prevented the colonies from being divided by the British, which would have caused the collapse of the entire American Revolution.

The Fishkill Depot Complex, best visualized as a compact military city, is unique in its continuous military occupation during the Revolution - thousands of Continental troops and Militia units resided at the Depot Complex from October of 1776 through April of 1783 - close to the entire duration of the war. Soldiers at the encampment suffered through numerous bitter winters. We hear much about the rigors of the winter at Valley Forge; however, what the soldiers endured in Fishkill was far worse, over the course of every difficult winter of the war. Conditions were harsh, winter weather - brutal, and food scarce. We have recently learned through on-site archaeological studies conducted in 2008, that starving soldiers may have been forced to eat their beloved horses in order to remain alive.

Historians believe that hundreds, if not thousands, of Continental Army soldiers who sacrificed their lives and died from war wounds, hypothermia, dysentery, small pox and other diseases are buried at the Depot Complex, in what has long been termed an "unknown" location. Today, of course, the big news is that finally this location is no longer "unknown". Through rigorous archaeological testing and remote

sensing, the location of the Continental Army Cemetery Complex, which again I state could well be the largest ever identified in United States history, has been confirmed. And it is located at the precise site where new construction was to begin for a strip mall. The archaeologists on-site the night the first graves were discovered, describe the experience as deeply emotional and heart-wrenching.

Successful towns across America have understood the importance of cherishing their historic spaces, and have recognized that progress and development can come not at the expense of historic preservation, but hand in hand with it. Real estate carries history, but history is more than real estate - history is a force that enriches our land. Once "lost history" of this magnitude is recovered, heritage tourism and economic opportunity follows.

As Senator Schumer said on June 1, "No matter how pro-development we are, covering up great historical landmarks like this with a shopping mall doesn't seem like the way we should be honoring our past and honoring who we are. The bottom line is very simple," Senator Schumer said, "The sacrifices of patriotic Americans should never be forgotten nor should their graves be paved over."

As a result of the recent publicity, we are beginning to receive previously unknown information from Americans whose ancestors were known to have served in Fishkill. So protection of the remaining portions of the site is a deeply patriotic objective. Its preservation will help to create a sacred place of national memory, and allow us to come to better understand the brilliant record that the Fishkill Supply Depot and Encampment has yet to fully reveal.

As you know, the American Battlefield Protection Program currently provides funding to help protect important sites associated with the Civil War, but sites associated with the American Revolution and the War of 1812 are not eligible for this funding. In its current form, the act has been very effective in helping to preserve important sites associated with the war that nearly tore this nation apart, but it does nothing to help preserve sites associated with the nation's birth. The currently proposed changes to the act would provide support to preserving those sites that helped to define the very heart and soul of America, sites like the Fishkill Supply Depot, a site that provided for those very first American warriors as they fought to create this nation. We ask that you support this bill, that you recognize that it is just as important to help preserve places associated with the initial founding of this great Union of individual colonies into a single nation, as it is to preserve places associated with the fight to preserve that Union. I speak to you on behalf of the Fishkill Supply Depot and its newly discovered cemetery complex, as well as other Revolutionary War sites. Today we have an extraordinary opportunity to recover from past mistakes and honor New York's Valley Forge.

Thank you for your leadership. I look forward to your questions.

Senator UDALL. Thank you, Ms. Farrell for that fine testimony. We will now turn to a round of questions. We've been joined also by Senator Sanders who I know will be directing some questions at the panel.

But let me start. Ms. Farrell, I'll direct my questions to you. Do you have an estimate of how many Revolutionary War and War of 1812 battlefield sites might be eligible to receive funding if the bill were enacted?

Ms. FARRELL. I know when the report was prepared—there is an extensive list of sites.

Senator UDALL. We'll keep the record open and if you have an exact number or at least an approximate number certainly we'd appreciate that for the record.

Assuming the bill is enacted and money is appropriated, how do you see the program working? Let me ask a follow on question. I think it's related.

Since there's no guarantee whether your organization or any other would benefit from the funding do you anticipate submitting grant requests directly to the Park Service or would there be a separate organization coordinating the grant requests?

Ms. FARRELL. We need to work closely with the State Office of Historic Preservation. We need to establish stewardship of this

site. So right now it's—definitely more decisions need to take place on that level to see how it would be put together.

We're, of course, concerned about these 20 acres that have been proposed for commercial development. The national registered site, itself, is 70 acres. Much of it has been impacted by development in the past starting in 1974, which makes it all the more critical to preserve what is remaining.

As I said, you know, we have, of course, the cemetery complex which is, of course, vulnerable, as well as other really intriguing features related to the workings of the Fishkill Supply Depot.

Senator UDALL. Thank you. As you generate more information and more planning takes place again we would be eager to receive that information.

Ms. FARRELL. Thank you. Thank you.

Senator UDALL. Let me recognize Senator Sanders who has joined us. I know he has a very busy schedule. I know Senator Shaheen is willing to yield to him.

STATEMENT OF HON. BERNARD SANDERS, U.S. SENATOR FROM VERMONT

Senator SANDERS. Let me thank you and let me thank Senator Shaheen for her indulgence here. Welcome to our two guests. I'll be very brief. Then I'm going to run out of here.

But Mr. Chairman, thanks very much for holding what is a very important and interesting hearing and for including S. 1117, the Upper Connecticut River Partnership Act in this discussion. I'm a co-sponsor of this bipartisan legislation which was introduced by Senator Leahy and co-sponsored by our colleagues from New Hampshire, Senators Gregg and Shaheen. We have come together to support this legislation which would provide grants and technical assistance for activities within the Upper Connecticut River Watershed.

The legislation introduced would provide grants to non-profits, State and local governments and private sector entities to carry out conservation and restoration projects. In addition grants could support interpretation of cultural, recreational and natural resources in the watershed. The total authorization for this bill would be \$1 million a year. A similar bill passed in the Senate in 2004, but no action was taken in the House.

The Upper Connecticut River Watershed comprises 41 percent of the land area in Vermont and 33 percent of the land area in New Hampshire. The Connecticut River itself is home to a wide variety of wildlife including 250 species of birds, 59 species of mammals, 22 species of reptiles, et cetera, et cetera. In addition the river and its watershed are home to thousands of different kinds of plants and trees. The river and its watershed also provide numerous opportunities for recreation such as boating and fishing. The watershed also has significant cultural and historical assets including covered bridges, heritage trails and historic homes and falls.

Today I just want to welcome and thank Sharon Francis, the Executive Director with the Connecticut River Joint Commissions. The Joint Commissions came about in 1989 after separate commissions in Vermont and New Hampshire merged. See, occasionally the States can get together. Very rarely, but they can occasionally.

This unique two State partnership has fostered cooperation amongst farmers, conservationist and others interested in preserving the Connecticut River and its watershed while promoting economic development opportunities in the region. I thank you, Sharon, for taking the time to join us today for this hearing, for the good work you've done. Bottom line is this is an important piece of legislation and I look forward to working with Senator Shaheen and making sure that we pass it. So thank you.

Mr. Chairman, thank you very much.

Senator UDALL. Thank you, Senator Sanders. I might before I turn to Senator Shaheen speak to Ms. Francis and ask if it's alright with you when I talk to my Uncle Stewart that I mention you to him. I chaired a hearing yesterday on hard rock mining reform, another area in which he's been very interested for many years. It's only an 1872 law that has—

Ms. FRANCIS. Right.

Senator UDALL [continuing]. Never seen adjustments and reforms. There's a growing consensus that we need to reform that law. But I'd like to send him your good wishes. He's approaching 90.

Ms. FRANCIS. I know.

Senator UDALL. He's still in very good condition. I would add that the idea was appropriate and powerful. The execution of how to make that idea a reality obviously had to go through a variety of iterations. In the West we share a similar outlook that often local control and local initiatives are the best way to accomplish important land conservation and land preservation efforts.

I also would note that I described New Hampshire as the near West in a recent hearing. Senator Shaheen took some offense to that. So I'm still trying to make it up to her.

But I do know my geography to the extent that the Connecticut River divides the great States of Vermont and New Hampshire, at least in the lower reaches. I do know that—

Ms. FRANCIS. It joins them.

Senator UDALL. It joins them. That's a better—that's a much more appropriate and effective way to think of it.

Ms. FRANCIS. Right.

Senator UDALL. I do note that the Connecticut River headwaters are in the fourth Connecticut Lake.

Ms. FRANCIS. Yes.

Senator UDALL. So I hope that Connecticut appropriately thanks you for lending it the word Connecticut with which it describes its own State. But this is an important effort. As chairman of this subcommittee, I look forward to working with you. I now recognize Senator Shaheen.

Senator SHAHEEN. Thank you very much, Mr. Chairman. You can see why Sharon is so good at what she does. Pointing out that the river joins the States of New Hampshire and Vermont, which in effect, it does. Senator Sanders pointed out that this an area where the two States have worked very closely together to preserve our sections of the Connecticut River.

Ms. Stevenson talked a little bit about existing programs within the National Park Service that were already available to help address some of the concerns that are raised by this legislation. I

wonder if you could talk a little bit about what your experience has been with those. Why you think it's been so challenging to get support from those programs for the work that you've been doing along the Connecticut River.

Ms. FRANCIS. I'll mention two. The Rivers and Trails Conservation Assistance Program of the Park Service through which a Park Service specialist will go and help a group build a trail, plan a trail, develop a river conservation plan. For a fee, this isn't a free service.

Now there have been maybe half a dozen, in 20 years of those accomplishments in our river valley. That's not a lot on 275 miles of river and many hundreds more of major tributaries. In the 1990s, late 1990s, the Park Service conducted a heritage corridor study for the Connecticut River. The question for them was does this valley rise to national significance.

I don't recall what their criteria of national significance were, but the fact that Rudyard Kipling lived there for a while was not sufficient of itself. Great architects, great builders, great clock makers, distinguished colonial architecture, that didn't quite make it of national significance. There is a machine tool industry, some of which is still alive.

Much of which has marvelous old, long, brick buildings, five stories tall with windows and there is quite a story to be told about the machine tool industry. Windsor, Vermont, Springfield, Vermont, some of Claremont, New Hampshire and then some of the sites down in Massachusetts and Connecticut. The Park Service was—they thought maybe that would be of national significance. But the trouble was none of us wanted to take on sponsorship of a machine tool heritage corridor because we feel the heritage is so much richer, more extensive, has so many more components that to focus it down on that one theme it just didn't work in any of the four States.

The National Park Service Director of Marsh-Billings Rockefeller National Historic Site has been assigned, in addition to his other duties working to develop a Lake Champlain Heritage Corridor. If he had another staff person who could do it full time for him it might work. He is way overworked and overstressed trying to take on that responsibility in addition to operating the area he has.

So I want to come back to what I said a little bit earlier. We're working on a multitude of preservation activities. Historic preservation, habitat preservation, river access, canoe camp sites, trails, maintenance of trails, just such a—we've gotten into Fluvial Geomorphology and are doing some really, very significant river bank restoration projects including one up in Holbrook that you will come and see some day.

Just to do two or three or half a dozen things a year doesn't seem to address the range of opportunities and needs. Again I come back to the extraordinary talent and good sense and really inspired energy on behalf of people in our local communities. They don't need someone from the Park Service coming in and telling them how to build a trail. They know.

Senator SHAHEEN. Thank you. Mr. Chairman, can I ask another question? I know that in your testimony you point out some of the really important projects that the partnership has done along the

Connecticut River. I wonder if you could just give us a couple of examples now.

Ms. FRANCIS. Yes.

Senator SHAHEEN. That you feel have been critical.

Ms. FRANCIS. Yes. One is that over several years we have been able to help the Upper Valley Land Trust which is a regional bi-State land trust of very high caliber, protect farm land and flood plains along the river in the Haverhill, Bath area of the Connecticut River. Wonderful, wonderful flood plain farm land. The core of engineers studied us some time back and with the idea of having a natural valley storage area there.

Their benefit cost ratio formula didn't quite work. But the need for flood plain protection is huge for all the reasons we understand. So the Upper Valley Land Trust has been going in, getting easements from farmers. It helps the farmers financially. It also helps the farmers be able to set back a riparian buffer so the land isn't cropped right out to the river's edge. That, of course, improves water quality and soil stability.

So that is one very good example. As I was going through the list last night of projects we've funded, sort of in the 10 or more category. Repairing church steeples, repairing stained glass windows in churches, sage curtains.

There was a period a couple hundred years ago when every little town did a play or several plays during the year and their town hall would have a beautiful painted stage curtain. These things have had moths in them. They've gotten cracked and been up in the attic. Now there's a whole movement of restoration of those curtains. So we've been able to give \$500 here and \$800 there that have helped the conservancy effort of those artifacts.

I think that another one I would want to emphasize is the two schools on opposite sides of the Connecticut River in Vermont and New Hampshire decided they wanted to build a cross river trail. They've worked on that for a number of years. But our funding, our small grants to that effort have bought the equipment for that trail building work and even to the gloves that kids have worn as they're handling stones.

It's not a lot of money, but that cross river trail is very, very nice. It's some 30 some miles long.

Senator SHAHEEN. Thank you very much. I think you very eloquently described the importance of this river that is not just not environmental, but it really is about the history and cultural heritage of both New Hampshire and Vermont. Again——

Ms. FRANCIS. It's part of New England.

Senator SHAHEEN. It is.

Ms. FRANCIS. Priceless.

Senator SHAHEEN. Thank you very much for all of the work that you've done.

Ms. FRANCIS. Thank you.

Senator UDALL. Thank you, Senator Shaheen. Let me thank again our panelists, Ms. Farrell, Ms. Francis, you've been very helpful to the subcommittee. We will keep the hearing record open for 2 weeks for additional statements and questions.

Senator UDALL. We're now going to adjourn the hearing.

[Whereupon, at 3:26 p.m. the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSE OF MARA FARRELL TO QUESTION FROM SENATOR MURKOWSKI

S. 1168 REVOLUTIONARY WAR AND THE WAR OF 1812 BATTLEFIELD PROTECTION PROGRAM

Question 1a. Is there a list of battlefields that are being considered through this potential program? What percentage of the battlefields are located on private property?

Answer. Battlefields and Associated Historic Properties, like the National Register Fishkill Supply Depot, being considered for this potential program are those listed in the Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States, prepared by the National Park Service, and dated September 2007. Of the sites in this report, approximately 62% are primarily privately owned.

Question 1b. What steps will be taken to insure that land is not taken from private landowners who do not wish to sell their property?

Answer. S.1168 amends an existing Civil War battlefield program established in Public Law 104-333, 16 USC 469k. The stated purpose of the program as currently written in the law is to preserve and protect nationally significant battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers. S.1168 further stipulates that land shall only be acquired from willing sellers.

RESPONSES OF SHARON F. FRANCIS TO QUESTIONS FROM SENATOR BURR

UPPER CONNECTICUT RIVER PARTNERSHIP (S. 1117)

Question 1. Why is the Connecticut River Grants and Technical Assistance Program needed to provide grants in the upper Connecticut River watershed?

Answer. Because of two decades of active watershed planning and citizen recruitment by the Connecticut River Joint Commissions, people in this watershed are poised and ready to act upon the recommendations they have made.

The communities and citizens of the Upper Connecticut River Watershed have been actively researching and planning for improvements in the watershed since 1992, and now have assembled a long list of recommendations to move forward. These are articulated in the *Connecticut River Water Resources Plan*, the *Connecticut River Recreation Management Plan* (both recognized by the Federal Energy Regulatory Commission as comprehensive plans for the river), the *Connecticut River Scenic Byway Corridor Management Plan*, and their predecessor, the Connecticut River Corridor Management Plan.

This extensive agenda was stimulated and coordinated by the Connecticut River Joint Commissions, working with their five local river subcommittees of citizens appointed by the 53 riverfront towns in New Hampshire and Vermont. These plans are also the blueprint for action by the recreation, tourism, and environmental quality agencies of the States of New Hampshire and Vermont.

In 1992, recognizing the high level of civic commitment and talent in watershed communities, the Connecticut River Joint Commissions initiated a partnership program of small grants. Senator Patrick Leahy and Senator Judd Gregg were instrumental in securing this support which came from the National Park Service and

from the National Oceanic and Atmospheric Administration. The last earmark for the upper Connecticut River Partnership was in 2006.

The Connecticut River Joint Commissions is a unique entity—a pair of commissions established by two state legislatures for their shared river. Our accomplishments are many, including achieving American Heritage River designation for the Connecticut River in 1998, gaining national scenic byway status for the 500 miles of roadway bordering the Connecticut River in 2005, and in 2009 publishing a 260-page *Atlas of the Connecticut River Watershed in Vermont and New Hampshire*.

The Connecticut River Joint Commissions seeks authorization for this program through S. 1117 knowing we will be a worthy partner for the National Park Service and offer the Service a way to stimulate local conservation accomplishments of a high standard in a region with numerous heritage and resource attributes.

UPPER CONNECTICUT RIVER PARTNERSHIP (S. 1117)

Question 2. Previously, the Administration has testified in opposition to the bill because it would create a new grant program focused exclusively on one specific watershed, do you believe that there should be a grant program for each watershed in the United States?

Answer. Like the Chesapeake Bay watershed, which also has an authorized program home within the National Park Service, and the Lake Champlain Basin Program, which has an authorized program home at EPA, the Upper Connecticut River watershed is well-organized and prepared to make the most of the opportunity offered by a program home within NPS. Most watersheds are not prepared to proceed since they do not have the benefit of such extensive planning, nor do they boast the level of citizen and community engagement of the Upper Connecticut River.

RESPONSES OF KATHERINE H. STEVENSON TO QUESTIONS FROM SENATOR BURR

S. 853 WHITE CLAY CREEK WILD AND SCENIC RIVER ADDITIONS

Question 1a. How much of the additions to the White Clay Creek Wild and Scenic River flow through public land? How much of the additions flow through private land?

Answer. Approximately 15% of the additions flow through public lands. Approximately 85% of the additions flow through private lands.

Question 1b. How would the designation as a wild and scenic river affect current or proposed uses of the river, the water, and the surrounding land?

Answer. Wild and Scenic River designation would affect only those uses that curtail the free flowing nature of the river or that have direct or adverse impacts to identified outstandingly remarkable resources.

Question 1c. What specific benefits does the 9.9 mile addition to the White Clay Creek Wild and Scenic River provide to the local area?

Answer. The 9.9 mile additions had previously been proposed as water supply reservoirs. Local elected officials, the Delaware River Basin Commission and residents of the affected river areas recently abandoned plans for water supply reservoirs and now support wild and scenic river designation. The additions will ensure that the free flowing nature of these river areas will be maintained. Designation would result in protection for fish and wildlife habitat including that of the federally listed Bog Turtle, continued maintenance of river water quality, and recreational benefits for the region.

S. 1168 REVOLUTIONARY WAR AND THE WAR OF 1812 BATTLEFIELD PROTECTION PROGRAM

Question 2. Does the National Park Service have any specific battlefields that it hopes to acquire through this program? Of those battlefields being considered by the National Park Service how many of them are located on private property?

Answer. The National Park Service has no plans, intent, or ability to acquire any specific battlefield through this proposed program. The bill authorizes a matching grant program to assist States and local communities in acquiring Revolutionary War and the War of 1812 properties for protective ownership at the State or local level. Such State and local acquisitions must be from willing sellers. NPS will administer that grant program and will evaluate grant proposals on their merit, but NPS cannot use the program to acquire lands for itself.

VIRGIN ISLANDS NATIONAL PARK CANEEL BAY LEASE

Question 3a. Does the National Park Service foresee any potential negatives to having the management and operation of Caneel Bay Resort convert to a long-term lease arrangement rather than by continuing the current retained use estate? What benefits does the National Park Service foresee by converting the current arrangement to a long-term lease?

Answer. The National Park Service views a long-term lease as the appropriate arrangement for long-term management of the Caneel Bay resort, given the unique circumstances of that property. We have not identified any specific potential negatives associated with a long-term lease at that site. Leasing property within a national park to a private entity always carries some risk that the terms of the lease will not be met, but we do not believe that there is any greater risk in this case than anywhere else.

There would be several benefits to Virgin Islands National Park of converting the current arrangement to a long-term lease:

- The park would have the ability to ensure that the grounds and buildings are maintained in a manner that is consistent with national park preservation values, that the size and use of the property is defined, and that the resort is operated appropriately for its location in a national park;
- The park would receive fair market value rental proceeds, which could be used for visitor services and resource protection at the park; and
- The park would likely have as a tenant a resort operator with sufficient financing for the business, including the financial assistance of local tax incentives.

Question 3b. H.R. 714 proposes the establishment of a long-term lease for a period not to exceed 40 years. Why is there no competitive process for this long-term lease?

Answer. The authorization of a lease solely for the current operator of the resort would require the operator, as condition of receiving of receiving the lease, to terminate the retained use estate. If other entities were able to compete for the lease, the operator would not have the incentive to terminate the existing retained use estate which expires by its terms in 2023.

As mentioned in our testimony, the Caneel Bay resort is an exceptional case. In general, where leasing has been determined to be appropriate in a national park unit, we support leasing through the usual competitive process, consistent with existing law and regulations.

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF HON. MARTIN O'MALLEY, GOVERNOR, STATE OF MARYLAND,
ANNAPOLIS, MD, ON S. 227

Members of the Subcommittee, Maryland wholeheartedly supports the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act under consideration by the subcommittee today.

Harriet Tubman is a true American hero whose dedication and courage will continue to inspire children and their families to stand up for what they believe. The facilities in Maryland and New York and the protected lands surrounding them will connect community members and visitors to the rich legacy of Tubman's life, her selfless leadership of the Underground Railroad, and her humanitarian efforts.

Upon completion, the Harriet Tubman Discovery Center planned in Maryland will serve as a national model and destination for sustainable and environmentally responsible building, and will provide a multi-sensory experience for an estimated 50,000 to 75,000 annual visitors. As a welcome and orientation point along the Harriet Tubman Underground Railroad Byway and national heritage site associated with the life and times of Harriett Tubman, it will also connect visitors with the vast outdoor opportunities of the surrounding Blackwater National Wildlife Refuge.

The Discovery Center will also provide administrative headquarters for the federally proposed Harriet Tubman Underground Railroad National Historic Park. The center will be located on Harriet Tubman Underground Railroad State Park - the first State Park in Dorchester County. The State Park was created in 2007 on the 17.3-acre Linthicum tract, which was acquired through a swap with the U.S. Fish and Wildlife Service. Approximately 192 construction jobs and several additional permanent and auxiliary jobs will be created as a result of the construction and operation of the Discovery Center and Park sites throughout Dorchester, Caroline, and Talbot Counties.

The Harriet Tubman Underground Railroad National Historical Park will play a critical role in developing an authentic and sustainable tourism experience in Dorchester, Caroline and Talbot counties in Maryland. The center will memorialize the struggles and triumphs of a truly remarkable woman, while the protected landscapes will allow visitors to travel in the footsteps of her journey and hear history interpreted through volunteers, and professionals from the National and Maryland Park Services.

When open in 2012, the park and its facilities will be the principal point of welcome and orientation for the Harriet Tubman Underground Railroad Byway, a heritage corridor that incorporates the seven key Maryland sites named in the National Park Service's Harriet Tubman Special Resource Study. A great deal of work has been done to identify the landscapes and places where Harriet Tubman traveled, and a land conservation plan has been developed in anticipation of this Act's passage, so that we can protect the remaining natural, historical and cultural resources associated with her life's work.

The Harriet Tubman Underground Railroad State Park will serve as a trailhead and major orientation and interpretation point along the Harriet Tubman Underground Railroad Byway. The state park will recognize and honor the Underground Railroad's foremost conductor and Maryland native through interpretive exhibits and a memorial garden. When completed, the new facility will fill a critical void in recognizing her life, legacy, and her significant impact on national history, as described in the National Park Service Harriet Tubman Special Resource Study.

Funding for various project components is being sought from different sources. This is truly a partnership between Federal, State and local organizations. The State has already secured \$2.2 million for the Tubman Discovery Center design which is under way. Maryland has approved \$4.4 million toward construction of the facility and will ask for approval in the next budget cycle for an additional \$3.6 mil-

lion toward construction. The State of Maryland also expended \$258,000 on acquiring the land for the Discovery Center and will also use Program Open Space dollars to help conserve land identified in the conservation plan. The entire project is estimated to cost \$21.4 million when completed. The project has had a great deal of opportunity for public comment and input. The State convened a working group comprised of local citizens and representatives of state, local and federal agencies. This group continues to guide and shape the project until completion.

This project is nationally significant because it will provide the best overall opportunity for residents and visitors to learn about Harriet Tubman and her homeland as she grew from infant to woman, enslaved to free, ordinary to extraordinary. The recent Special Resource Study, commissioned by Congress in 2000 and completed by NPS in 2008, determined that "the resources related to Harriet Tubman in Dorchester, Caroline, and Talbot counties, Maryland, are nationally significant because they have been found to meet National Historic Landmark criteria." Furthermore, "these resources have also been found to meet the four criteria necessary for national significance for potential new areas of the National Park System" warranting the establishment of the Harriet Tubman Underground Railroad National Historical Park in these three counties.

As a new unit of the Maryland and National Park Services, the Park will support significant socioeconomic benefits to citizens through the economic impact from heritage tourism and local employment. Additionally, it offers superlative opportunities for enjoyment and education, and opportunities for 75,000 annual domestic and international visitors to understand the impact and meaning of slavery in our nation and of one person who overcame the obstacles of this pervasive and oppressive institution.

Maryland is pleased to have been in contact with our counterparts in Auburn, New York to share our plans and to mutually support their efforts for National Park Service designation as the Special Resource Study recommended. We believe the story is best told if it includes the beginning of Harriet Tubman's life in Maryland and where her journey ultimately ended in New York.

Harriet Tubman is truly an American hero, and we sincerely appreciate your support for this important Act which appropriately prescribes actions to honor her remarkable life in both Maryland and New York.

STATEMENT OF CRAIG FLOYD, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND, ON S. 1053

Thank you for the opportunity to present this statement in support of S.1053, a bill to amend the National Law Enforcement Museum Act to extend the termination date.

The National Law Enforcement Officers Memorial Fund is celebrating its 25th year of working to increase public support for law enforcement by honoring the men and women who wear the badge. For the past 18 years, we have carried out that mission primarily through the operation and maintenance of the National Law Enforcement Officers Memorial, located in Judiciary Square in Washington, DC. It is our nation's monument to law enforcement officers who have made the ultimate sacrifice in service to our communities and our nation.

Engraved on the Memorial's walls are the names of 18,661 heroic men and women who, throughout our nation's history, risked their lives for the safety and protection of others. Unlike many other memorials here in our nation's capital, our monument is not static. Each May during National Police Week, we have the somber responsibility of adding more names of fallen heroes to our Memorial.

More recently, our organization has embarked on a new, and equally ambitious, endeavor—to create the first-ever National Law Enforcement Museum here in Washington, DC. The mission of the Museum is to tell the rich and fascinating story of law enforcement in America and its role in our free and democratic society.

In the year 2000, Congress passed, and President Clinton signed, Public Law 106-492 authorizing the Memorial Fund to build the Museum on Federal land in Judiciary Square, directly across E Street, NW, from the National Law Enforcement Officers Memorial. The legislation mandated that construction commence by November 9, 2010.

In the ensuing years, we have worked diligently to put in place all of the necessary pieces, as well as to satisfy all of the statutory mandates, to make the vision of this museum a reality.

To date, our organization has expended more than \$13 Million to design the building and exhibits, as well as to obtain all of the statutorily mandated Federal approvals. The design of the building was completed, and both construction and financial

documents were submitted to the Department of Interior for approval, as mandated by the legislation. Both the U.S. Commission of Fine Arts and the National Capital Planning Commission have approved the final design of the project, also mandated by the legislation; and Clark Construction was selected as the general contractor. Design drawings to relocate utilities under E Street were completed and approved by the National Park Service, with Congress appropriating \$1.25 million in funding toward this work.

On the financial side of the project, we have also made great progress. To date, almost \$40 Million in private funds has been raised toward our capital campaign goal of \$80 Million. This money has been contributed by individual, corporate, foundation, and law enforcement donors. The District of Columbia Government approved the issuance of \$80 Million in Industrial Revenue Bonds, and Merrill Lynch issued a commitment to underwrite these bonds. More recently, the DC Council passed legislation providing the project with a sales and use tax credit of \$10 Million during the first 20 years of operation.

Design of the exhibits has been completed and a fabricator selected to construct them. We have collected more than 8,000 artifacts thus far, and have executed loan agreements for artifacts with many Federal agencies, including the FBI, ATF and Secret Service. In addition, the Society of Former Special Agents of the FBI has named our Museum as its official repository of its oral history project.

The various, sometimes complex elements of the project were coming together nicely. The Memorial Fund was prepared to begin construction in the fall of 2009, more than one year before the statutory authorization expired. Then, the worst financial crisis in decades hit our nation. As with other nonprofit organizations, our fundraising slowed in the current economic environment. However, even more significantly, Merrill Lynch's commitment to underwrite our bonds was no longer operative, and bond market funding has been, and continues to be, essentially frozen.

The National Law Enforcement Officers Memorial Fund has satisfied, or was in a very strong position to satisfy, every statutory mandate associated with the Museum project, and we were prepared to commence construction in a timely fashion. However, because of external factors beyond our control—most notably, the extremely tight credit market for bonds—we may not be able to meet the statutory deadline of November 10, 2010, to begin construction.

We continue to work diligently and energetically in an effort to get shovels in the ground in advance of that date. But at the same time, we have to be realistic about the bond market and how long it may take for credit to become more accessible and affordable for this project. Adjusting the statutory deadline for commencing construction would give us the flexibility to keep the project moving forward in a manner that is prudent to our donors and supporters.

It is well past the time for our nation to have a Congressionally authorized, world-class museum dedicated to telling the story of law enforcement in America. The National Law Enforcement Museum will be just such a facility - one that will fascinate, educate and inspire our citizens, in particular our young people. By helping the public better understand and appreciate the work of law enforcement, the Museum will serve to build the bridges of trust and cooperation that are so essential to the safety of our communities and the long-term strength of our democracy. This Museum needs to be built.

Therefore, we respectfully urge that you support S.1053 and give us the flexibility to complete this important Congressionally authorized project as a fitting monument to our nation's law enforcement heroes.

Thank you for your continued support of the National Law Enforcement Officers Memorial Fund and, especially, the 900,000 dedicated men and women of American law enforcement who put their lives on the line every day for the safety and protection of all of us and our families. It is for these heroes that the Memorial Fund has worked so hard over the past quarter century to create the National Law Enforcement Officers Memorial and, now, to build the National Law Enforcement Museum.

NATIONAL PARKS CONSERVATION ASSOCIATION,
NATIONAL HEADQUARTERS,
Washington, DC, June 3, 2009.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of our 340,000 members, I'm writing to express our strong support for the passage of S. 227, a bill establishing the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Coun-

ties in Maryland. Harriet Tubman is one of the most widely recognized icons in America history, but myth and misinformation have obscured the true significance of her contributions to this country. The sites created by S. 227 would provide the public with a much clearer understanding of two critical but poorly understood periods in Mrs. Tubman's life and place the responsibility for preserving and interpreting that history in the hands of the National Park Service, the one Federal agency with the expertise, partnership framework, and commitment to reestablish Harriet Tubman's relevance to current generations.

Harriet Tubman once said "Slavery is the next thing to hell." Having experienced firsthand the violence and degradation that was the lot of the enslaved, she devoted her life to freeing family members, friends, and strangers, service that she rendered at great personal risk. Naturally, history has focused on her role as a conductor on the Underground Railroad. Harriet Tubman's life, however, encompassed so much more than a fearless resistance to slavery and injustice.

Harriet Tubman was a sister, a wife, and a mother. She capably served the Union Army during the Civil War as a both nurse and spy. As an elder in Auburn, New York, Mrs. Tubman suffered through great personal hardships, aided the less fortunate, and fought for gender and racial equality and justice under the law. During a time when the leadership of women was questioned or dismissed, Mrs. Tubman led. During a period when the new birth of freedom for four million enslaved African Americans was dashed on the failure of Reconstruction, Mrs. Tubman inspired others with her faith and perseverance. The resurrection of such a powerful story is in the vested interest of all Americans.

We urge due consideration and timely passage of S. 227 and pledge to provide whatever assistance may be required to pass this bill.

Sincerely,

ALAN SPEARS,
Legislative Representative.

CIVIL WAR PRESERVATION TRUST,
July 13, 2009.

Hon. MARK UDALL,
U.S. Senate, 317 Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN UDALL: I am writing on behalf of the Civil War Preservation Trust (CWPT), a national nonprofit battlefield preservation organization, to express our concerns regarding the Revolutionary War and War of 1812 Battlefield Protection Act (S. 1168 in the Senate, H.R. 1694 in the House).

I would first like to express that we unequivocally support the creation of a program to preserve battlefield lands associated with the Revolutionary War and War of 1812. In fact, our organization has worked in support of legislation to create such a program and we applaud Senator Charles Schumer and Congressman Rush Holt for their leadership in introducing these bills. Such a program is long overdue.

That being said, we have serious concerns regarding the way the bills have been written, specifically the clause to amend the Omnibus Public Land Management Act (P.L. 111-11) to add the Revolutionary War and War of 1812 grant program under the same \$10 million authorization as the Civil War Battlefield Preservation Program.

Including both programs under the same authorization will jeopardize the success of both programs. The Civil War Battlefield Preservation Program, while authorized at \$10 million, has received on average an appropriation of \$3.4 million per year since the program's authorization in 2002. To have both programs, covering three significant conflicts in American history, competing for this same relatively small amount of money is a disservice to these programs.

The high cost of raw land means many acquisitions reach into the hundred of thousands—often millions—of dollars. As a result, if both programs are competing for the same small pot of money—with land prices remaining incredibly high even in these economic times, especially in the Northeast where most Revolutionary War battles were fought—fewer sites will be able to be preserved from any of the three wars. This will mean that instead of having the entire or a majority of a battlefield preserved as outdoor classrooms for visitors, only small portions of battlefields will be preserved. This makes the task of interpreting a battle and making it accessible to the public that much harder. A visitor's contemplative, educational experience at a battlefield is contingent on the preservation of a large portion of the battlefield and a relatively unobstructed view of the land, thus giving the visitor a sense of how the landscape would have looked during the battle.

We are in a race against time to preserve these battlefield lands. Most battlefields—Civil War, Revolutionary War and War of 1812 included—are located in areas where development is quickly encroaching and raw land prices are continuing to rise, or at least hold steady at high prices. We estimate that by the National Park Service Centennial in 2016, most Civil War battlefield lands will either be preserved or paved over. Estimates regarding the loss of Revolutionary War and War of 1812 battlefield lands make clear that they are disappearing rapidly as well.

We believe the best resolution to this issue is for the individual programs to have separate \$10 million authorizations, but keeping both grant programs administered by ABET. Separate authorizations will allow the programs to have their own line items within the budget and not compete for the same pot of money. This was the original intent when legislation was first introduced by Congressman Holt creating a Revolutionary War and War of 1812 grant program. If for some reason this is not considered a viable solution, and both programs are to remain under the same authorization, the authorized amount for the programs should be increased to \$20 million with their annual appropriations at least doubled over current levels. Anything short of this will jeopardize the successful record of the Civil War Battlefield Preservation Program, and severely hinder the progress of a new Revolutionary War/War of 1812 Preservation Program.

I want to reiterate that we believe that the best solution is for the two programs to have separate authorizations.

Thank you for your consideration. We look forward to working with the National Parks Subcommittee, Senator Schumer and Congressman Holt to resolve this issue and ensure the continued success of the Civil War Battlefield Preservation Program as well as a successful start to the creation of a Revolutionary War and War of 1812 Battlefield Protection Program. Please let me know if you or your staff has any questions.

Sincerely,

O. JAMES LIGHTHIZER,
President.

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