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# H.R. 624, H.R. 3640, H.R. 4109, H.R. 4334, H.R. 4484, H.R. 5319, H.R. 5958 AND H.R. 5987

## LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

Thursday, June 28, 2012

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**LEGISLATIVE HEARING ON H.R. 624, TO ESTABLISH THE FIRST STATE NATIONAL PARK IN THE STATE OF DELAWARE, AND FOR OTHER PURPOSES. "FIRST STATE NATIONAL HISTORIC PARK ACT"; H.R. 3640, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE NOT MORE THAN 18 ACRES OF LAND AND INTERESTS IN LAND IN MARIPOSA, CALIFORNIA, AND FOR OTHER PURPOSES; H.R. 4109, TO DESIGNATE ADDITIONAL NATIONAL FOREST SYSTEM LAND IN THE LOS PADRES NATIONAL FOREST IN THE STATE OF CALIFORNIA AS WILDERNESS, TO MAKE CERTAIN WILD AND SCENIC RIVER DESIGNATIONS IN THAT NATIONAL FOREST, TO DESIGNATE THE CONDOR RIDGE SCENIC AREA, TO ADDRESS OFF HIGHWAY VEHICLE USE IN THAT NATIONAL FOREST, TO FACILITATE A LAND EXCHANGE WITH THE UNITED WATER CONSERVATION DISTRICT OF CALIFORNIA, AND FOR OTHER PURPOSES. "LOS PADRES CONSERVATION AND RECREATION ACT OF 2012"; H.R. 4334, TO ESTABLISH A MONUMENT IN DONA ANA COUNTY, NEW MEXICO, AND FOR OTHER PURPOSES. "ORGAN MOUNTAINS NATIONAL MONUMENT ESTABLISHMENT ACT"; H.R. 4484, TO PROVIDE FOR THE CONVEYANCE OF A SMALL PARCEL OF NATIONAL FOREST SYSTEM LAND IN THE UINTA-WASATCH-CACHE NATIONAL FOREST IN UTAH TO BRIGHAM YOUNG UNIVERSITY, AND FOR OTHER PURPOSES. "Y MOUNTAIN ACCESS ENHANCEMENT ACT"; H.R. 5319, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE SEGMENTS OF THE MAINSTEM OF THE NASHUA RIVER AND ITS TRIBUTARIES IN THE COMMONWEALTH OF MASSACHUSETTS FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES. "NASHUA RIVER WILD AND SCENIC RIVER STUDY ACT"; H.R. 5958, TO NAME THE JAMAICA BAY WILDLIFE REFUGE VISITOR CONTACT STATION OF THE JAMAICA BAY WILDLIFE REFUGE UNIT OF GATEWAY NATIONAL RECREATION AREA IN HONOR OF JAMES L. BUCKLEY; AND H.R. 5987, TO ESTABLISH THE MANHATTAN PROJECT NATIONAL HISTORICAL PARK IN OAK RIDGE, TENNESSEE, LOS ALAMOS, NEW MEXICO, AND HANFORD, WASHINGTON, AND FOR OTHER PURPOSES.**

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**Thursday, June 28, 2012 D**

**U.S. House of Representatives**

**Subcommittee on National Parks, Forests and Public Lands**

**Committee on Natural Resources**

**Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 9:10 a.m., in Room 1324, Longworth House Office Building, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Bishop, McClintock, Noem, Hastings (ex-officio); Holt, Tsongas, and Garamendi.

Also present: Representatives Denham, Fleischmann, and Luján.

Mr. HASTINGS. The hearing will come to order. And the Chair notes the presence of a quorum.

First, I ask unanimous consent that two of our colleagues that are not members of this Subcommittee be allowed to sit at the dais: Mr. Denham from California, and Mr. Fleischmann from Tennessee.

[No response.]

Mr. HASTINGS. And without objection, both Members will be able to sit at the hearing.

The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on several bills that fall within our jurisdiction. Although today's hearing will cover several bills that are non-controversial, we will also take up some bills that have some controversy. Because many of the witnesses have asked to testify today, I remind everyone that their time limit is limited to five minutes.

Under the rules, the opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any Member's opening statement at the hearing, if submitted to the clerk by the close of business today.

[No response.]

Mr. HASTINGS. And without objection, so ordered. We have a very busy day today, and I want to thank all the panels—this panel and ensuing panels—for complying with our request to move up the time period. We originally scheduled to start at 10:00. But because there are a few activities going on that I think most of the Nation is focused on, we appreciate your moving this up today, so some schedules could be accommodate later on.

The first bill that we will take up today is H.R. 5987, "To Establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, California, and in my home State—or New Mexico, Los Alamos, New Mexico. I knew better than that, I apologize. There may be a Los Alamos in California, but we are not talking about that one. We are talking about the one in New Mexico. And, of course, in my home State, the Hanford Nuclear Reservation.

I will recognize myself for fiveminutes.

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

Mr. HASTINGS. Today's hearing on this proposed legislation has taken many years and the efforts of a great many dedicated individuals in several communities across the country that were integral to the successful development of the Manhattan Project. It is appropriate that we have a witness representing each of the three communities that would become sites of this historical park, so that they can provide this Committee and the Congress with their unique perspective on how best to preserve and share the story of the Manhattan Project, and the tremendous contributions and achievements of thousands of Americans who made it a success.

As I mentioned, I represent the Tri-Cities in the State of Washington where Hanford is located. I can literally see Hanford site from my backyard. So much of my statement will focus on Hanford, the B Reactor, and their role in the Manhattan Project.

To provide a little background to the Committee, Hanford's nuclear history began in the early 1940s, and played a pivotal role in our Nation's defense for more than 40 years. As part of the Manhattan Project, the secret World War II effort to develop and construct the first atomic bomb and the work done at Hanford was an integral part in ending the Second World War. Later, nuclear weapons production at Hanford helped provide the nuclear deterrents to win the Cold War that led to the demise of the Soviet Union.

The B Reactor, specifically, was a key part of Hanford's nuclear production success. Only months after Enrico Fermi first demonstrated that a controlled nuclear reaction was possible, ground was broken on the B Reactor, which, amazingly, only 13 months later, became the world's first full-scale plutonium production reactor. As part of the Manhattan Project, the B Reactor produced the plutonium for the first-ever nuclear explosion, and later produced the plutonium for the bomb that helped end World War II.

The community has worked hard over the years to protect B Reactor, and to prevent its demolition. In fact, at the end of the Cold War, when B Reactor faced the possibility of closure, the B Reactor Museum Association was formed to preserve the history of that reactor. Local groups, such as the Tri-City Industrial Development Council, or TRIDEC, the Tri-Cities Visitor and Convention Bureau, Hanford communities, and others, lent their support and persuaded leaders across Washington State to support the B Reactor preservation.

Today, Hanford is a Department of Energy clean-up site. Under legally binding clean-up plans, Hanford's historic B Reactor would be destroyed at a cost to taxpayers of tens of millions of dollars. In the case of B Reactor, protecting and preserving history is expected to save money, while at the same time increasing public access.

B Reactor tours currently offered by the Department of Energy routinely fill up within minutes. And when I say that, when they announce that a tour is available, generally within minutes that is filled up for that year. Credit is due to the local DOE leadership, who has worked each year to increase access. Thousands now visit on an annual basis from every state, and from countries around the world.

Today many will correctly point out that each of the three locations included in this legislation have distinct facilities and unique logistical considerations. Some historic Manhattan Project facilities like B Reactor are very accessible today. Others could be made readily accessible, while others it will take time, and possibly a few more years, before regular access is possible.

However, the goal of this bill is to preserve these pieces of history from destruction, and to facilitate and enhance public access. Clearly, the nature and location of these facilities, especially those located on secured Department of Energy sites, presents a challenge. And this legislation aims to address this by ensuring maximum flexibility as steps are taken now and in the future to allow more public access.

As we consider this legislation today it is important to note that similar legislation has been introduced in the Senate. Over the past several months, efforts have been undertaken to bridge the differences in initial drafts by myself and Chairman Senator Bingaman of New Mexico. Very real progress was made, and a consensus reached on the approach of the bills. While some differences remain between the House and Senate bills, there is genuine bipartisan desire in both the House and the Senate to advance this proposal into law. And we will do everything we can to make it happen this year.

I look forward to continuing to work with Senator Bingaman, with Senators Murray and Cantwell from my State, and my fellow

sponsors of this legislation: Mr. Fleischmann from Tennessee, and Mr. Luján from New Mexico.

Now, I would really like to extend a special welcome to those who have traveled today, and specifically from Hanford, Oak Ridge, and Los Alamos, New Mexico—get that right—to appear here. And we will have a formal introduction later on.

[The prepared statement of Mr. Hastings follows:]

**Statement of The Honorable Doc Hastings, Chairman, Committee on Natural Resources, on H.R. 5987**

Today's hearing on this proposed legislation has taken many years and the efforts of a great many dedicated individuals in several communities across the country that were integral to the successful development of the Manhattan Project. It is appropriate that we have a witnesses representing each of the three communities that would become sites of this Historical Park, so that they may provide this Committee and the Congress with their unique perspective on how best to preserve and share the story of the Manhattan Project and the tremendous contributions and achievements of thousands of Americans who made it a success.

In 2003, I introduced legislation directing the National Park Service to study preservation options for Manhattan Project sites. This legislation was signed into law the following year—enabling the Park Service to begin their work. The National Park Service ultimately recommended a Park Unit comprised of facilities at Hanford, Washington, Los Alamos, New Mexico and Oak Ridge, Tennessee to best tell the story of the Manhattan Project, and preserve and protect these national resources and pieces of our nation's history.

Work on preservation efforts, though, started well before 2003. We are at this point today largely because of the continued hard work and dedication of key leaders in each of these local communities.

I represent the Tricities where Hanford is located. I can literally see the Hanford site from my backyard, so much of my statement focuses on B Reactor and the other Hanford facilities in this legislation.

The historical significance of Hanford's B Reactor's has long been recognized by those in the surrounding Tri-Cities community. With local support, B Reactor was declared a Civil Engineering Landmark in 1968 and it was added to the National Register of Historic Places in 1992. In 2008, it was designated as a National Historic Landmark.

The community has worked hard over the years to protect B Reactor, and to prevent its demolition. In fact, at the end of the Cold War, when B Reactor faced the possibility of closure, the B Reactor Museum Association was formed to preserve the history of the reactor. Local groups such as the Tri-City Industrial Development Council, the Tri-Cities Visitor & Convention Bureau, Hanford Communities, and others lent their support and persuaded leaders across Washington state to support B Reactor preservation.

To provide a little background to the Committee, Hanford's nuclear history began in the 1940's and played a pivotal role in our nation's defense for more than 40 years. As part of the Manhattan Project, the secret World War II effort to develop and construct the first atomic bomb, the work done at Hanford was an integral part of ending the War. Later, nuclear weapons production at Hanford helped provide the nuclear deterrence to win the Cold War and end to the Soviet Union.

The B Reactor, specifically, was a key part of Hanford's nuclear production success. Only months after Enrico Fermi first demonstrated that a controlled nuclear reaction was possible, ground was broken on the B Reactor—which, amazingly, only 13 months later, became the world's first full-scale plutonium production reactor. As part of the Manhattan Project, the B Reactor produced the plutonium for the first-ever nuclear explosion and later produced the plutonium for the bomb that helped end World War II.

Today, Hanford is a Department of Energy cleanup site. Under legally binding cleanup plans, Hanford's historic B Reactor would be destroyed at a cost to taxpayers of tens of millions of dollars. In the case of B Reactor, protecting and preserving history is expected to save money, while at the same time increasing public access.

I've had the opportunity to tour B Reactor numerous times and it truly is like stepping back into the 1940's. For those who didn't live through World War II, B Reactor tells the story of the time and of the workforce that contributed to our na-

tion's defense for so many years, serving as an irreplaceable teaching tool for future generations.

The B Reactor tours currently offered by the Department of Energy routinely fill up within minutes. Credit is due to the local DOE leadership who've worked each year to increase access each and every year. Thousands now visit on an annual basis, from every state and from countries far away.

I'm especially pleased that in April the Department of Energy, for the first time, allowed schoolchildren under the age of 18 the opportunity to tour B Reactor. It's encouraging that over 500 children have toured the facility since then, demonstrating a real interest in a hands-on history experience. Again, credit for this achievement is due to the Richland Operations Office for making this happen and I commend their ongoing work on this initiative.

Today, many will correctly point out that each of the three locations included in this legislation have distinct facilities and unique logistical considerations. Some historic Manhattan Project facilities like B Reactor are very accessible today, others could be made readily accessible, while others will take time and care, and possibly a few more years, before regular public access is possible. However, the goal of this bill is to preserve these pieces of history from destruction and to facilitate and enhance public access. Clearly, the nature and location of these facilities, especially those located on secured Department of Energy sites, presents a challenge and this legislation aims to address this by ensuring maximum flexibility as steps are taken now and in the future to allow more public access.

As we consider this legislation today, it's important to note that similar legislation has been introduced in the Senate. Over the past several months, efforts have been undertaken to bridge differences in initial draft bills by myself and Chairman Bingaman. Very real progress was made and consensus reached on the approach of the bills. While some differences remain between the House and Senate bills, there is genuine bipartisan desire in both the House and Senate to advance this proposal into law—and to do everything we can to make that happen this year.

I look forward to continuing to work with Chairman Bingaman, Senators Murray and Cantwell from Washington state and my fellow House sponsors of this legislation, Congressman Fleischmann representing Oak Ridge, and Congressman Luján representing Los Alamos to establish the Park. We will all continue working together with local community advocates and leaders to accomplish our goal of ensuring these remarkable pieces of our history are preserved to tell the story of the Manhattan Project.

Finally, I would like to extend a special welcome to those who have traveled here today from Hanford, Oak Ridge and Los Alamos to either appear as witnesses or join us in the audience. Thank you for coming and thank you for all your hard work and dedication.

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Mr. HASTINGS. With that, I yield back my time and recognize the distinguished gentleman from New Mexico, Mr. Luján.

## STATEMENT OF THE HON. BEN RAY LUJÁN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. LUJÁN. Mr. Chairman, thank you very much, and thank you for your leadership on this effort, and taking so much time with you and the Majority staff to work with Chairman Senator Bingaman on making sure that we were able to proceed in a very productive manner, Mr. Chairman. So, again, thank you very much for your leadership.

Good morning, and thank you to all the witnesses for being here today, especially Heather McClenahan from Los Alamos Historical Society, for being here to testify on H.R. 5987, "To Establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, Hanford in Washington." Los Alamos National Laboratory, which is in my district, has played a large role in the Nation's history, as well as contributed to the country's national security.

In its beginnings, Los Alamos Laboratory, known as Project Y, was conceived during the early part of World War II. The United

States wanted to build an atomic explosive to counter the threat posed by the German nuclear development program. Today Los Alamos is one of the country's premier laboratories and has contributed greatly to modern physics, and has a great potential to be able to produce more engineers, great feats in our future in energy, science, and technology.

We also have an opportunity more than 50 years after the creation of the laboratory to ensure that we tell the story of the Nuclear Age for both the good and the bad, and allow it to reflect on its own history, how it has changed the world and how we can move forward into the future, ensuring peace and prosperity for humanity.

And, Mr. Chairman, there is a great opportunity, as well, as we look at the history of our national labs with the important contributions of the science, the physics, the great minds that were part of this project. But not to forget all of those that provided support in making sure that the building of these amazing complexes, families that have histories and ties to the land where these national labs were built and erected, and where the research took place.

There is a young lady from my district, Mr. Chairman, a young lady that is completing her Ph.D. in her field that attended the same high school as I, that is doing a research project with many of these families, as well, some of which are her own family. And it is incredible to see the passion and the drive and the oral history that has been collected. And, so, we have a great interest in making sure that we preserve that, as well. Because, as we know, it is a story that is truly American. And I look forward to sharing this story with many when we open these areas under the National Park Service arrowhead.

I am especially excited that we have our witnesses again here today, and we are going to be hearing on a wide range of bills, many dealing with designations for parks, rivers, and wilderness. We have a land conveyance for a well-known university icon in the West, the Mighty Y Mountain in Provo, Utah, and we are considering a study to include a once-polluted river to be part of the Wild and Scenic Rivers. Another bill would create a new national park in Delaware. By moving this bill forward we will be including a national park site in every State. And I believe their colonial history is an important part of other history and stories that we will hear today.

So, I look forward to a successful hearing today, Mr. Chairman. Thank you again for your leadership. And I yield back the balance of my time.

[The prepared statement of Mr. Luján follows:]

**Statement of The Honorable Ben Ray Luján, a Representative in Congress from the State of New Mexico**

Mr. Chairman, colleagues, and witnesses, thank you for being here today for our subcommittee hearing.

I am thrilled to be here when we address the bipartisan bill on the Manhattan Project National Historical Park.

Since I am one of the co-sponsors, along with the committee chair and our fellow member from Tennessee, I believe this bill crosses party lines and districts.

It is a story that is truly American and I look forward to sharing this story with many when we open these areas under the National Park Service Arrowhead.

I am especially excited that we have so many witnesses from my home state today. I offer a special welcome to Ms. McClenahan from my district.

Today we are hearing a wide range of bills, many dealing with designations for parks, rivers, and wilderness.

We have a land conveyance for a well-known university icon in the west, the mighty Y Mountain in Provo, Utah.

We are considering a study to include a once-polluted river to be part of the Wild and Scenic Rivers.

Another bill would create a new national park in Delaware. By moving this bill forward, we will be including a national park site in every state. I believe their colonial history is as important as other stories we hear today.

I look forward to a successful hearing today and I yield back the remainder of my time.

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Mr. HASTINGS. I thank the gentleman for his statement. And our first panel is a panel on—Mr. Fleischmann wanted to make the introduction. Is that correct, Mr. Fleischmann, you want to make the introduction of the witness from Oak Ridge, in lieu of an opening statement? Is that correct?

Mr. FLEISCHMANN. Yes, Mr. Chairman.

Mr. HASTINGS. Good. Thank you very much. So our first panel today we have, in addition to the three members of the respective communities, we have Victor Knox, who is Associate Director for Park Planning, Facilities and Lands at the National Park Service. We have Ingrid Kolb, Director of Office of Management of U.S. Department of Energy, Heather McClenahan, Executive Director of the Los Alamos Historical Society, Gary Petersen, from the Tri-City Development Council, or TRIDEC, from my home State, and Mr. Ray Smith, whom I had an opportunity to meet when I was down in Oak Ridge.

So, Mr. Knox, we will begin with you. And let me explain how those lights work. As I mentioned earlier, there is a number of bills, ensuing bills, later on. And again, I want to thank all of you for coming in earlier. But your full statement will appear in the record. But we have—as I mentioned, if you can confine your statements to five minutes, and the way those lights work, when the green light goes on you are doing exceedingly well. But when the yellow light goes on, that means you have one minute left. And when the red light comes on, that—you know, I would ask you to close up your thoughts, if you would.

So, thank you very much. That is the way that works. And, Mr. Knox, we will start with you, and you are recognized for five-minutes.

## STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. KNOX. Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 5987. I would like to submit our full statement for the record, and summarize our—the Department's—position. The Administration supports H.R. 5987 with amendments. This bill would establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

The development of the atomic bomb through the Manhattan Project was one of the most transformative events in our Nation's

history. It ushered in the Atomic Age, changed the role of the United States in the world community, and set the stage for the Cold War.

The park would be established by the Secretary of the Interior within one year, after entering into an agreement with the Secretary of Energy.

We appreciate the language specifically providing for amendments to the agreement and a broad range of authorities for the Secretary of the Interior, as these provisions would give the National Park Service flexibility to shape the park over time, and maximize the promotion of education and interpretation related to the park's purpose. We look forward to implementing this legislation in cooperation with the Department of Energy.

While we support H.R. 5987, there are some areas we would like to recommend amendments. Among our concerns is the bill language regarding the written consent of landowners, land acquisition limitations, and activities outside of the park. We are continuing to review the bill for any technical issues, and we would be happy to work with the Committee to develop the appropriate language, and we will provide our recommendations in the near future.

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

[The prepared statement of Mr. Knox follows:]

**Statement of Victor Knox, Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior, on H.R. 5987, A Bill to Establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for Other Purposes.**

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 5987, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes.

The Administration supports H.R. 5987 with amendments. The development of the atomic bomb through the Manhattan Project was one of the most transformative events in our nation's history: it ushered in the atomic age, changed the role of the United States in the world community, and set the stage for the Cold War. This legislation would enable the National Park Service to work in partnership with the Department of Energy to ensure the preservation of key resources associated with the Manhattan Project and to increase public awareness and understanding of this consequential effort.

H.R. 5987 would require the establishment of the Manhattan Project National Historical Park as a unit of the National Park System within one year of enactment, during which time the Secretary of the Interior and the Secretary of Energy would enter into an agreement on the respective roles of the two departments. The unit would consist of facilities and areas located in Oak Ridge, Los Alamos, or Hanford, as identified in the bill and determined by the Secretary of the Interior in consultation with the Secretary of Energy, except for the B Reactor National Historic Landmark in Hanford, which would be required to be included in the park. The National Historical Park would be established by the Secretary of the Interior by publication of a Federal Register notice within 30 days after the agreement is made between the two secretaries.

The bill would authorize the Secretary of the Interior to acquire the named resources in Oak Ridge, Los Alamos, or Hanford. The bill would provide authority for the Secretary to enter into agreements with other Federal agencies to provide public access to, and management, interpretation, and historic preservation of, historically significant resources associated with the Manhattan Project; to provide technical assistance for Manhattan Project resources not included within the park; and to enter into cooperative agreements and accept donations related to park purposes. It would also allow the Secretary to accept donations or enter into agreements to provide vis-

itor services and administrative facilities within reasonable proximity to the park. The Secretary of Energy would be authorized to accept donations to help preserve and provide access to Manhattan Project resources.

H.R. 5987 is based on the recommendations developed through the special resource study for the Manhattan Project Sites that was authorized by Congress in 2004 and transmitted to Congress in July 2011. The study, which was conducted by the National Park Service in consultation with the Department of Energy, determined that resources at Oak Ridge, Los Alamos, and Hanford, met the National Park Service's criteria of national significance, suitability, feasibility, and the need for Federal management for designation as a unit of the National Park System. H.R. 5987 assigns the respective roles and responsibilities of the National Park Service and the Department of Energy as envisioned in the study: the National Park Service would use its expertise in the areas of interpretation and education to increase public awareness and understanding of the story, while the Department of Energy would maintain full responsibility for operations, maintenance, and preservation of historic Manhattan Project properties already under its jurisdiction, along with full responsibility for any environmental and safety hazards related to the properties.

Because the Department of Energy would maintain and operate the primary facilities associated with the Manhattan Project National Historical Park, the study estimated that the National Park Service's annual operation and maintenance costs for the three sites together would range from $2.45 million to $4 million. It also estimated that completing the General Management Plan for the park would cost an estimated $750,000. Costs of acquiring lands or interests in land, or developing facilities, would be estimated during the development of the General Management Plan. The Department of Energy has not yet assessed fully the operational difficulties in terms of security and public health and safety, applicable statutory and regulatory requirements, and the potential new cost of national park designation at the sensitive national security and cleanup sites.

The Department anticipates that the initial agreement between the two Departments likely would be fairly limited in scope, given the bill's one-year timeframe for executing an agreement that would enable the Secretary of the Interior to establish the Manhattan Project National Historical Park. We appreciate the language specifically providing for amendments to the agreement and a broad range of authorities for the Secretary of the Interior, as these provisions would give the National Park Service the flexibility to shape the park over time and to maximize the promotion of education and interpretation related to the park's purpose.

The flexibility is particularly important because managing a park with such complex resources, in partnership with another Federal agency, at three sites across the country, will likely bring unanticipated challenges. Fortunately, we have already begun a partnership with the Department of Energy regarding the Manhattan Project resources through our coordinated work on the study. If this legislation is enacted, we look forward to building a stronger partnership that will enable us to meet the challenges ahead.

While we support H.R. 5987, there are some areas where we would like to recommend amendments. Among our concerns are the bill language regarding the written consent of owners; land acquisition limitations; and activities outside of the park. We are continuing to review the bill for any technical issues. We would be happy to work with the committee to develop the appropriate language and will provide our recommendations in the near future.

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

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Mr. HASTINGS. I thank you very much. And because you did that in such a short time period, we do give out stars later on, and you will——

[Laughter.]

Mr. HASTINGS. I would now like to recognize Ingrid Kolb, the Director of Office of Management for the U.S. Department of Energy. You are recognized for fiveminutes.

## STATEMENT OF INGRID KOLB, DIRECTOR, OFFICE OF MANAGEMENT, U.S. DEPARTMENT OF ENERGY

Ms. KOLB. Well, thank you very much. I am hoping to earn a star, as well. I was considering just saying, "Ditto," but I will say a little bit more than that.

First of all, Mr. Chairman and Subcommittee members, it is a pleasure to appear before you to discuss the proposal on the table, the Manhattan Project National Historic Park, as represented in H.R. 5987. Just to cut to the chase, I will say that the Department of Energy supports the establishment of this park at the three sites: at Los Alamos, New Mexico and in Hanford, Washington, as well as Oak Ridge, Tennessee. The Department of Energy and the National Park Service have worked to come to this conclusion in partnership, and we look forward to working with the Park Service if this legislation is passed. And we will meet the timelines that are established in the legislation to make sure that the park is established in a timely manner.

I will say that the Department has not yet had the opportunity to fully assess some of the operational challenges, in terms of security and public health and safety and applicable statutory and regulatory requirements, as well as the potential costs that may be associated with the establishment of the park. However, we do feel that the proposed legislation does provide us with the flexibility to meet those challenges. And again, we would work with the National Park Service and with the Subcommittee to make sure that those challenges can be addressed successfully.

So, thank you for your leadership and the leadership of the Subcommittee in proposing this legislation. And that concludes my remarks. And hopefully I will get my star.

[The prepared statement of Ms. Kolb follows:]

### Statement of Ingrid Kolb, Director, Office of Management, U.S. Department of Energy, on H.R. 5987

Mr. Chairman and Members of the Subcommittee, my name is Ingrid Kolb. I serve as the Director, Office of Management at the U.S. Department of Energy. As part of our programmatic responsibilities, the Office of Management coordinates cultural resources and historic preservation activities across the Department and is the lead office coordinating DOE participation in the proposed Manhattan Project National Historical Park. I am pleased to be here today to discuss the proposed park and H.R. 5987, a bill to establish the Manhattan Project National Historical Park.

The Manhattan Project National Park Study Act, Public Law 108–340, directed the Secretary of the Interior, in consultation with the Secretary of Energy, to conduct a special resource study to determine the feasibility of designating one or more Manhattan Project sites as a unit of the National Park Service. A park, the legislation noted, would have to be compatible with "maintaining the security, productivity, and management goals of the Department of Energy," as well as public health and safety. In preparing the study, the Department's Office of Management was an active partner with the National Park Service, and its staff participated fully, providing information, input, and comments.

Following public meetings at the sites, extensive assessments of potential park boundaries and integrity of historical resources, the Department and the National Park Service agreed that a park was feasible, met the suitability requirement for creating a new park, and should be established. In October 2010, National Park Service Director concurred on the study, which contained the recommendation for a three-site park in Oak Ridge Tennessee, Hanford, Washington, and Los Alamos, New Mexico, in partnership with the Department of Energy. The Department of Energy would continue to manage and maintain its properties and control access to them. The National Park Service would provide interpretation, consult with the Department on preservation issues, and establish a visitor center and station rangers

in each of the three communities. In March 2011, the Deputy Secretary of Energy concurred on the findings of the study and provided assurances to the National Park Service that the Department would retain full access control to its properties in accordance with its missions and security requirements. "The Department of Energy is proud of its Manhattan Project heritage and recognizes that this partnership with the National Park Service would bring one of the most significant events in 20th century America to a wider public audience."

The establishment of a National Historical Park will represent a new era for the Department of Energy, particularly in certain areas of our sites that have been largely off-limits to the public to date due to national security concerns and potential impacts to our ongoing missions. The Department has not yet assessed fully the operational difficulties in terms of security and public health and safety, applicable statutory and regulatory requirements, and the potential new cost of national park designation at our sensitive national security and cleanup sites. The proposed legislation, H.R. 5987, would give the Department of Energy and Department of the Interior the flexibility to establish the timeline, boundaries, and a suitable management plan for a National Historical Park that would allow us to ensure the continuance of public safety, national security, and the ongoing missions at our sites. We welcome the leadership of Chairman Hastings and the National Parks, Forests and Public Lands Subcommittee in telling this important story, and we look forward to working with you as this legislation advances.

Again, thank you for this opportunity to testify before the Subcommittee. This completes my prepared statement. I would be happy to answer any questions you may have.

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Mr. HASTINGS. You indeed did. Thank you very much.

Ms. KOLB. You are welcome.

Mr. HASTINGS. I very much appreciate that very much.

We will now go to the witnesses of the respective communities, and we will start with Gary Petersen from my home State of Washington.

And I will note, by way of introduction, he is the Vice President of TRIDEC, which is an industrial—or an economic development organization. But by way of history, he was stationed at then-Camp Hanford on Rattlesnake Mountain, overlooking the site. And the Rattlesnake Mountain is another issue that this Committee has dealt with, from a standpoint of access. So Gary knows that area very well, and he knows the views you can see from the top of Rattlesnake Mountain.

So, with that, Gary, Mr. Petersen, recognize you for five minutes for your statement.

## STATEMENT OF GARY PETERSEN, VICE PRESIDENT, TRI-CITY DEVELOPMENT COUNCIL (TRIDEC)

Mr. PETERSEN. I am hopeful that I get the extra two minutes from each of the previous speakers, because——

[Laughter.]

Mr. HASTINGS. Hope is, you know, is always good, but it does not work that way.

Mr. PETERSEN. Well, thank you, Mr. Chairman. And it is a pleasure to be here, speaking on behalf of this bill. And I want to thank both Congressman Luján and also Congressman Fleischmann for cosponsoring the bill.

I am here today to speak on behalf of the Tri-City Development Council, also the Tri-City Visitor and Convention Bureau, the Hanford Communities, and B Reactor Museum Association. But I want to do something a little bit different, and I want to say I am also here to speak on behalf of the roughly 1,500 people who were

moved off of that site in 1942. And I am also here to speak on behalf of the 50,000 people who showed up on that site to build the buildings on the site.

So, as I speak, we know the names of Enrico Fermi. We know the name of Robert Oppenheimer and Hans Bethe. But I also want to speak about the people who built this thing, including my father-in-law, Herman Francis Toner. When I say this, it becomes emotional, because these people came from all over the United States and the world to build the project. And in order to build that project, they had to start by building dormitories, mess halls, the sewage treatment plant. There had to be people who were stewards, who were bus drivers, who were engineers, who were physicists. And it is an amazing feat, when you consider the dates.

August 13, 1942 was the formation of the Manhattan Project, August 13, 1942. August 14, 1945, the war was over. What happened in between that period and what happened to the families is an astounding piece of work.

I brought with me today two—and I am very pleased that the Chairman is here—I brought a letter from the Brugaman family. I have not opened this envelope, but I am turning it over to Congressman Doc Hastings. It is in support of this bill, but the only remaining structure on the site that was private is the Brugaman Ranch. It is a hand-placed stone building. Doc has been out there to see this hand-placed stone building. The craftsmanship is so well done that when you look at the chimney, the chimney has a face built in to the chimney on all four sides. It is the only remaining structure from the private enterprise. So, Doc, I have a letter for you on that.

As we talk through this, though, remember that they had to build this with no aid of computers. They had slide rules, they had hand-drafted blueprints. And my understanding is that the B Reactor, which was built, start to finish, in 11 months, was done before the last blueprints came off of the drawing board.

So, as you do this bill, I want you to remember the individuals who did this work, and remember that some of them are now—their third generation is still working on the site. And, so, the same is true of my compatriots in these two communities. It is a—we want this bill to pass, we support this bill. We have tremendous support on the part of the communities. We have been working on this effort for more than two-and-a-half years. B Reactor is something that needs to be saved, but so are the other historical properties on site.

With that, Mr. Chairman, I think I conclude my remarks. My written testimony is in. Thank you very much.

[The prepared statement of Mr. Petersen follows:]

**Statement of Gary R. Petersen, Vice President, Tri-City Development Council (TRIDEC), on H.R. 5987, on behalf of Tri-City Development Council (TRIDEC), Tri-Cities Visitor and Convention Bureau, Hanford Communities, B Reactor Museum Association**

Mr. Chairman and Members of the Subcommittee:

I thank you for inviting me to testify on H.R. 5987, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford Washington. I also would like to thank the full-Committee Chairman, Representative Doc Hastings, the sponsor of the legislation, along with Representatives Ben Ray Luján and Chuck Fleischmann for co-sponsoring this bill.

I am Gary Petersen, Vice President of the Tri-City Development. TRIDEC is the lead economic development organization serving a two-county region in southeastern Washington State. The Tri-Cities has a population of 258,400 and includes the communities of Kennewick, Pasco, Richland and West Richland and the counties of Benton and Franklin.

I am here today to speak in favor of H.R. 5987 on behalf of the Tri-Cities Community in Washington State, and in support of community organizations in Oak Ridge, Tennessee and Los Alamos, New Mexico. All three of our communities have passed resolutions supporting the Manhattan Project National Historical Park, and we have been united in our support of this bill.

**Support for H.R. 5987**

It is easy for those of us who live in the communities of Oak Ridge, Los Alamos and the Tri-Cities to say that the Manhattan Project changed the world.

On August 13, 1942 the Manhattan Project was established. Three years and one day later, August 14, 1945, the War was done!

In between those dates, more than 100,000 men and women were brought to these three sites from all over the world. The majority of these young men and women had no idea what they were building.

At Hanford, more than 2,000 residents—mostly farmers—were given just days to weeks to move off their land. This included moving, getting rid of thousands of animals, all the farm equipment and most importantly closing schools and moving families—lock-stock-and barrel!

Once the land was acquired by the government, the workers had to be found—engineers, physicists, chemists, carpenters, electricians, iron workers, cement masons and a multitude of office workers, cooks, guards, and truck drivers. These same individuals first had to build their own town with dormitories, mess halls, water, sewer, roads and railroads. This had to be done BEFORE they could start construction on reactors, nuclear fuel manufacturing and chemical separation facilities. At Hanford, the construction camp quickly became the third largest town in the State of Washington, with 50,000 construction workers.

Hanford construction stretched the imagination. Housing for 50,000 men and women; 386 miles of highway (including Washington State's first four-lane highway); 780,000 yards of concrete, and 158 miles of railroad track.

All of this was done without the aid of computers! These were the days of slide-rules and handcrafted blueprints!

Equipment, electronics and piping could not be bought off-the shelf. For the most part everything had to be fabricated on the Hanford site.

B Reactor itself, the world's first full-scale nuclear reactor, was built in just 11 months start-to finish. The design was based on the success of Enrico Fermi's "Chicago Pile 1;" and a pilot plant, the X–10 graphite reactor located in Oak Ridge, Tennessee. B Reactor was designed to produce 250 million watts, a million times more powerful than Chicago Pile 1, which produced the first ever sustained nuclear fission chain reaction under the bleachers at the University of Chicago's Staff Field in December of 1942.

Most of the workers brought in to these three sites were among the most talented in their respective fields, whether it was physics or pipefitting. While we recognize the names of Enrico Fermi, J. Robert Oppenheimer and Hans Bethe, we also need to give recognition to individual workers, many of whom stayed on the job and in these communities after 1945.

These are engineering feats and accomplishments that must be told to future generations! And, it needs to be told before all of the "old-timers" are gone.

As these three sites in Oak Ridge, Los Alamos and Hanford are being cleaned up, and many buildings are demolished and removed, the history of scientific and engineering achievement at the birth of the Atomic Age must be preserved.

The National Park Service, as it does with all of its sites, interprets the sites, and attempts to address ALL viewpoints to give a full and fair picture. We support such actions. This will not be a park that gives just a nuclear weapons viewpoint. We believe it is more about the thousands of men and women who built buildings, equipment and processes that became a turning point in the history of the United States and the world. The science of the Manhattan Project has transformed contemporary society with significant contributions in fields such as nuclear medicine, industrial isotopes, and nanotechnology. This historic park will tell all sides of the story of what occurred at Oak Ridge, Los Alamos and the Hanford/Tri-Cities area, as was identified in the National Park Service Special Resource Study released last year.

Our three communities have collectively worked toward this legislation for more than three years. In this process, we not only partnered with each other, but we

also worked closely with the Department of Energy, the Department of the Interior, the Atomic Heritage Foundation, the National Parks Conservation Association, State Historical Preservation Officers, the National Trust for Historic Preservation and the Energy Communities Alliance.

There is no question of the importance of creating this new national park, nor of the public interest to view these former "secret" sites and preserve them for future generations.

At Hanford, DOE hosted 8,000 visitors to B Reactor last year. These visitors came from all 50 states, and from 48 foreign countries. These numbers were the result of only ONE announcement by DOE that 8,000 seats to B Reactor would be open to the public last summer. The tours filled in less than 5 hours. This year DOE has increased the number of seats to 10,000. Unlike the National Park Service, DOE (except for the single announcement) does not advertise its tours.

These visitor numbers also clearly demonstrate that designating these three sites as the Manhattan Project National Historical Park will create jobs and provide an economic development benefit for all three communities. Such designation will come at a time when all three communities are seeing downturns in federal employment as these sites are being cleaned up. Cleaning up these sites, and opening them to public viewing is of major importance to three communities that have been supporting national security missions since 1943.

The Manhattan Project National Historical Park at Oak Ridge, Los Alamos and Hanford is critical to the preservation of perhaps the most historic event of the 20th Century.

Our community encourages you to move forward with this legislation this year. We have unanimity of our communities that the Park should be established in the near term in order to honor our Manhattan Project and Cold War veterans.

We urge Congress to pass this National Park legislation. Thank you again for the opportunity to testify, and I look forward to responding to your questions.

**Attachments:**

Community Support Letter, May 8, 2012

May 8,2012

The Honorable Patty Murray
United States Senate
448 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
United States Senate
511 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Norm Dicks
United States House of Representatives
2467 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doc Hastings
United States House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Senators and Representatives:

SUBJECT: **Support of Manhattan Project National Histor' :al Park Legislation**

This letter is to commend you, and to provide you with our community's support for your efforts to establish the Manhattan Project National Historical Park in the States of New Mexico, Tennessee and Washington.

It is easy for those of us who live in the communities of Oak Ridge, Los Alamos and the Tri-Cities, to say that the Manhattan Project changed the world. The Manhattan Project began in great secrecy in 1942, and the original mission was essentially successfully completed by August of 1945 when the Japanese surrendered . The engineering and construction feats of the 100,000 or so men and women who were brought to all three sites from all over the world, including some highly qualified technical individuals (refugees) from other countries, to build and operate first-of-a-kind nuclear plants is an incredible story that needs to be told. On August 13, 1942 the Manhattan Engineer District was established under the command of Colonel Leslie R. Groves. By September of 1942 Groves had selected Oak Ridge, Tennessee as the site for uranium isotope separation. In November 1942 Los Alamos was chosen as the laboratory to build the integral parts to make a bomb under the direction of J. Robert Oppenheimer. And in January of 1943 Hanford was selected for plutonium production. On August 14, 1945 the war with Japan was over – 3 years and 1 day from the start of the Manhattan Project. An incredible achievement!

In today's world, it is mind-boggling to think of what happened in these short three years. First the actual land had to be acquired and existing homes and land-owners had to be moved off of these sites. Then workers had to be located - engineers, physicists, chemists, mathematicians as well as carpenters, electricians, iron workers, cement masons, and a multitude of office workers, cooks, guards, and truck drivers. Then, these same individuals had to first build their own town with dormitories and barracks, mess halls, utilities, roads and railroads, and even shower houses. At Hanford this construction camp quickly became the third largest town in the State of Washington.

Hanford efforts stretched the imagination. Housing for 50,000 individuals; 386 miles of highway (including Washington State's first four-lane highway); 780,000 yards of concrete, and 158 miles of railroad track. All of this was done without the aid of computers, or equipment that

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could be bought "off-the-shelf." The closest large city was Spokane some 150 miles away. And, these men and women were building something that had never been built before, with the majority having no idea of what they were building.

B Reactor itself, the world's first full-scale nuclear reactor, was built in just 11 months start-to-finish. The design was based on the success of Enrico Fermi's "Chicago Pile 1;" and a pilot plant, the X-10 graphite reactor, located in Oak Ridge. B-Reactor was designed to produce 250 million watts, which was a million times more powerful than Chicago Pile 1, which produced the first ever sustained nuclear fission chain reaction under the bleachers at the University of Chicago's Stagg Field in December of 1942.

These are accomplishments that must be told to future generation s.

As these three sites in Oak Ridge, Los Alamos and Hanford are being cleaned up, and many ancillary buildings are demolished and removed; the history of scientific and engineering achievement at the birth of the Atomic Age must be preserved.

Therefore, we the undersigned give our full support to Congressional efforts to establish the Manhattan Project National Historical Park at Oak Ridge, Los Alamos and Hanford. This National Park legislation should be passed by this Congress.

*The signature page is attached and is signed by the following:*

Carl F. Adrian, President/CEO Tri-City Development Council (TRIDEC)
Kris Watkins, President/CEO, Tri-Cities Visitor & Convention Bureau
Robert Thompson, Chair, Hanford Communities
John Fox, Mayor, City of Richland
Steve Young, Mayor, City of Kennewick
Matt Watkins, Mayor, City of Pasco
Donna Noski, Mayor, City of West Richland
Jim Beaver, Chair, Benton County Board of Commissioners
Brad Peck, Chair, Franklin County Board of Commissioners
Scott D. Keller, Executive Director, Port of Benton
Tim Arntzen, Executive Director, Port of Kennewick
James E. Toomey, Executive Director, Port of Pasco

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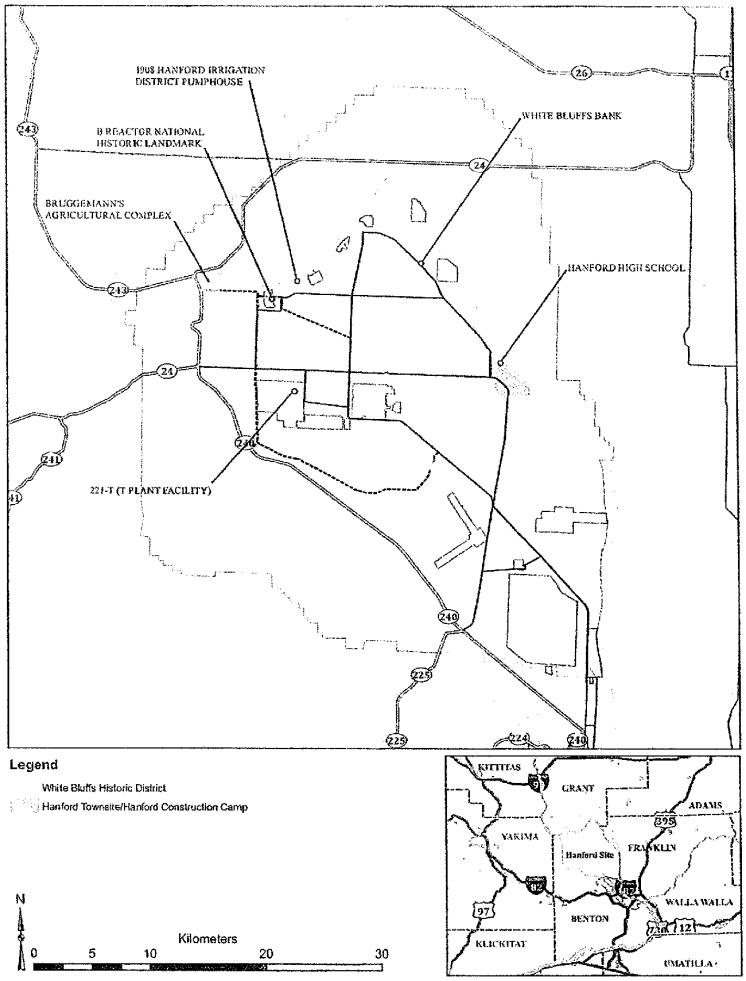
| Carl F. Adrian, President/CEO<br>Tri-City Development Council (TRIDEC) | Kris Watkins, President/CEO<br>Tri-Cities Visitor & Convention Bureau |
| Robert Thompson, Chair<br>Hanford Communities | John Fox, Mayor<br>City of Richland |
| Steve Young, Mayor<br>City of Kennewick | Matt Watkins, Mayor<br>City of Pasco |
| Donna Noski, Mayor<br>City of West Richland | Jim Beaver, Chair<br>Benton County Board of Commissioners |
| Brad Peck, Chair<br>Franklin County Board of Commissioners | Scott D. Keller, Executive Director<br>Port of Benton |
| Tim Arntzen, Executive Director<br>Port of Kennewick | James E. Toomey, Executive Director<br>Port of Pasco |

Cc: Governor Christine Gregoire
Congressman Rick Larsen
Congresswoman Jaime Herrera Beutler
Congresswoman Cathy McMorris Rodgers
Congressman Jim McDermott
Congressman Dave Reichert
Congressman Adam Smith

Shawn Bills, Senator Murray's Office
Amit Ronen, Senator Cantwell's Office
George Behan, Congressman Dicks Office
Jessica Gleason, Congressman Hastings Office
Todd Young, House Interior Committee Office




Mr. HASTINGS. Thank you very much, Gary, I appreciate your testimony. And I know I share the passion with you, because I have been with you out at the site.

Next we will hear from Heather McClenahan, the Executive Director of the Los Alamos Historical Society. You are recognized for fiveminutes.

## STATEMENT OF HEATHER McCLENAHAN, EXECUTIVE DIRECTOR, LOS ALAMOS HISTORICAL SOCIETY

Ms. MCCLENAHAN. Thank you, Mr. Chairman, Congressman Luján, and members of the Committee, for allowing me to testify today. I am Executive Director of the Los Alamos Historical Society, and among our many activities we operate the Los Alamos Historical Museum, and own in a life trust the World War II home of Dr. J. Robert Oppenheimer, scientific director of the Manhattan

Project. Speaking about the history of Los Alamos is a passion of mine.

I am here in support of H.R. 5987, a bill to establish the Manhattan Project National Historical Park. First, let me say how pleased we are that the National Park Service and Congress have recognized the magnitude of the history of the Manhattan Project. Historians have called it the most significant event of the 20th century.

I have three points to make today: one, why this history should be commemorated in a national park; two, why it will have a positive impact on Northern New Mexico; and three, why partnerships are critical to making this park a reality.

In 2007, recognizing the impact of a possible national park to our community, the Los Alamos County Council appointed an ad hoc committee to determine what a park might look like in Los Alamos. I served on that Committee, and the details of our recommendations are in my written testimony. In summary, we envisioned a downtown National Park center where guests would learn about the Manhattan Project and then be sent to existing venues at the laboratory and throughout the community to learn more, a recommendation that the Park Service adopted in its final report to Congress.

Tied together under the auspices of a national park, the Manhattan Project industrial sites at Los Alamos, Oak Ridge, and Hanford, along with the places where the soldiers and scientists lived and formed communities will create a full picture of the history.

Some critics have said that a national park dedicated to the Manhattan Project will glorify the atom bomb or create a theme park for weapons of mass destruction. I disagree. I have never visited a national park that was anything like a Disneyland. In fact, the National Park Service, of all government agencies, is the most trusted for telling complete stories: the good, the bad, the painful, and the poignant. Parks and monuments that commemorate battles or massacres do not celebrate ugly moments in American history. They teach us about them, and they help us, as a Nation, to reflect and learn.

So, in the rich tradition of the National Park system, the Manhattan Project National Historical Park will need to include stories about the devastation in Hiroshima and Nagasaki, the environmental damage, and the fear of atomic annihilation that are its legacies, along with the stories of great technical and scientific achievement, and the decisive ending of World War II. The Nation needs to understand the Manhattan Project from all sides, and the Park Service can do that.

My second point is that the Manhattan Project National Historical Park will provide economic benefits to Northern New Mexico. With, by the Park Service's own estimates, thousands of additional annual visitors, Los Alamos will need workers not only in tourism and service industries, but construction and other related businesses. As our ad hoc committee suggested, the story of the Manhattan Project isn't just about world-class scientists. As Congressman Luján pointed out, the story includes people from the rural communities and pueblos surrounding Los Alamos, mostly Native Americans and Hispanics who provided the backbone of the labor

force that built the laboratories and facilities, cleaned the houses, and drove the trucks.

The Manhattan Project forever changed Northern New Mexico. And, in fact, the Manhattan Project National Historical Park will once again transform these communities, creating an economic driver based on heritage tourism that provides jobs, educational opportunities, and improved futures to traditionally under-served communities.

Third, and finally, we appreciate with enthusiasm the statement in section three of this bill that one purpose of the park is to assist the Department of Energy and other interested parties in efforts to preserve and protect the historically significant resources that remain from the Manhattan Project. It is something we have been working on for 50 years. Partnerships and cooperative agreements between agencies, non-profit groups such as ours, and even private property owners, will make this park happen, bringing together widespread resources for the benefit of our Nation, much like the Manhattan Project did years ago.

In sum, the Los Alamos Historical Society and our community partners fully support the establishment of the Manhattan Project National Historical Park in order to preserve and teach this history. We believe that it will have economic benefits for Northern New Mexico, and we are heartened to see the Department of Energy willing to work with the Department of the Interior and other partners to make this world-changing history accessible.

At its heart, the story of the Manhattan Project is an amazing episode of our great Nation's history. It brought together the brightest scientists, many of them immigrants who came to this country seeking freedom. They faced pressure to end the world's most horrible war by creating something that had only been theory. It is a story about young people with a can-do spirit who brought about great technological and scientific achievement. It is a story of unleashing a mysterious force of nature, and fostering fear and uncertainty about the future of humankind. It is a story about creativity and about destruction. It is a scientific story, a soldier story, a spy story, and a human story.

The story of the Manhattan Project is one that, from the perspectives of all who participated and all who were affected, must be told.

Again, thank you for allowing me to testify, and I will be pleased to entertain questions.

[The prepared statement of Ms. McClenahan follows:]

**Statement of Heather McClenahan, Executive Director, Los Alamos Historical Society, on H.R. 5987, The Manhattan Project National Historical Park**

**Summary:**

Historians have called the Manhattan Project the most significant undertaking of the 20th century. Employing hundreds of thousands at its peak, located in widely scattered, secret communities, the project brought an end to World War II and ushered in the atomic age. As an organization that has preserved Manhattan Project history for nearly fifty years, the Los Almos Historical Society is pleased to support this legislation.

Key points in our testimony include:

- The significance of this history and why it should justify a national historical park

- The broad support and cooperation this park has generated
- The positive economic impact the park will have on northern New Mexico
- The importance of partnerships in making this park a reality

At its heart, the story of the Manhattan Project is an amazing episode of our great nation's history. It brought together the brightest scientists, many of them immigrants who came to this country seeking freedom. They faced pressure to end the world's most horrible war by creating something that had only existed in theory. It is a story about young people with a can-do spirit who brought about a great technological achievement. It is the story of unleashing a mysterious force of nature and of fostering fear and uncertainty about the future of humankind. It is a story about creativity and about destruction. It is a scientific story, a soldier's story, a spy story, and a human story. The story of the Manhattan Project is one that, from the perspectives of all who participated and all who were affected, must be told.

The Los Alamos Historical Society appreciates the Committee on Natural Resources' Chairman Doc Hastings leadership in considering H.R. 5987, the Manhattan Project National Historical Park. We are also grateful for the leadership of Congressman Luján and Congressman Fleischmann.

I am Heather McClenahan, executive director of the Los Alamos Historical Society a non-profit organization whose mission is to preserve, promote, and communicate the remarkable history and inspiring stories of Los Alamos and its people for our community, for the global audience, and for future generations. Among our many activities, we operate the Los Alamos Historical Museum and own, in a life trust, the World War II home of Dr. J. Robert Oppenheimer, scientific director of the Manhattan Project. As the owner of this home in the Los Alamos Historic Distirct, we are property owners within the potential boundary of the park. Additionally, helping to establish the Manhattan Project National Historical Park is one of seven planks in our strategic plan.

My testimony is in support of S. 3300, a bill to establish the Manhattan Project National Historical Park. As long-time keepers of the history of Los Alamos, we fully support this bill's efforts to "enhance the protection and preservation of such resources and provide for comprehensive interpretation and public understanding of this nationally significant story in 20th century American history."

I will make four key points. One, why this history should be commemorated in a national park; two, the broad community support this park enjoys; three, why this will have positive impact on northern New Mexico; and four, why partnerships will be critical to making this park become a reality. In 2007, recognizing the impact of a possible national park on our community, the Los Alamos County Council appointed an ad hoc committee to determine what such a park might look like in Los Alamos. I served on that committee, and the details of our recommendations are included in pages seven through nine of this document. In summary, we envisioned a downtown national park visitor center where guests would learn about the Manhattan Project and then be sent to existing venues to learn more, a recommendation the National Park Service adopted in its final report to Congress.

Tied together under the auspices of a national park, the Manhattan Project industrial sites in Los Alamos, Oak Ridge, and Hanford, along with the places where soldiers and scientists lived and formed communities, will create a full picture of the history.

Some critics have said that a national park dedicated to the Manhattan Project will glorify the atomic bomb or create a theme park for weapons of mass destruction. I disagree. I have never visited a national park that was anything like a Disneyland. In fact, the National Park Service, of all government agencies, is the most trusted for telling complete stories from all sides—the good and bad, the painful and the poignant. Parks and monuments that commemorate battles or massacres do not celebrate ugly moments in American history. They teach about them; they help us, as a nation, to reflect and learn.

So, in the rich tradition of our national park system, the Manhattan Project National Historical Park will need to include stories about the devastation in Hiroshima and Nagasaki, environmental damage, and the fear of atomic annihilation that are its legacies, along with the stories of great technical and scientific achievement and the decisive ending of World War II. The nation needs to understand the Manhattan Project from all sides.

The communities called out in this legislation—Los Alamos, Oak Ridge, and Hanford—fully support this park. In 2008, our ad hoc committee held public meetings in Los Alamos as well as meetings with potential partners, from tour guides to the nearby pueblos. After some initial—and false—concern that the park service might take over the iconic Fuller Lodge in downtown Los Alamos as a park headquarters was resolved, the community came out fully in support of the park. The County Council passed a resolution to that effect in February 2010 (see pages ten and elev-

en of this document), and, most recently, a group of community leaders sent a letter to Senators Bingaman and Udall as well as Congressman Luján in support of this legislation (pages twelve and thirteen of this document). We have had several meetings with our counterparts in Hanford and Oak Ridge to discuss park possibilties. In short, we are excited about this park and are happy to assist the Department of Interior, the Department of Energy, Los Alamos National Laboratory, and others to make it happen. We believe it will be a benefit not only to Los Alamos but to nearby communities, as well.

That leads to my third point, that the Manhattan Project National Historical Park will provide economic benefits to northern New Mexico. With, by the Park Services own estimate, hundreds of thousands of additional annual visitors, the region will need workers not only in tourism and service industries but in construction and other related industries.

As our ad hoc committee suggested, the story of the Manhattan Project isn't just about world-class scientists. The story includes people from the rural communities and pueblos surrounding Los Alamos, mostly Native Americans and Hispanics, who provided the backbone of a labor force that built and maintained the laboratories and facilities, cleaned the houses, and drove the trucks. The Manhattan Project forever changed rustic northern New Mexico. In fact, the Manhattan Project National Historical Park will, once again, transform these communities, creating an economic driver based on heritage tourism that provides jobs, educational opportunities, and improved futures to traditionally under-served communities.

Finally, we appreciate with enthusiasm the statement in Section 3 of this bill that one purpose of the park is "to assist the Department of Energy, Historical Park communities, historical societies, and other interested organizations and individuals in efforts to preserve and protect the historically significant resources associated with the Manhattan Project." Protecting these resources is something the Los Alamos Historical Society has been working on for nearly fifty years. Partnerships and cooperative agreements between agencies, non-profit groups such as ours, and even private property owners will make this park happen, bringing together widespread resources for the benefit of our nation as the Manhattan Project did years ago.

Again, I urge you to view the recommendations from the ad hoc committee, specifically the section about partnerships. Manhattan Project resources, from museums to the laboratory and from tour guides to the famous "gatekeeper" office at 109 E. Palace Avenue in Santa Fe, are dispersed and disorganized when it comes to the theme of Manhattan Project history. The national park will bring these resources together, along with those of Hanford and Oak Ridge, for visitors to understand a bigger picture.

We are also especially pleased to see in the final section of the bill that both the Department of Interior and the Department of Energy will be able to accept monetary or service donations for the park. This is particularly important to restoration work at Los Alamos National Laboratory and will assist the lab in preserving a significant historic site. One individual has been waiting in the wings for years to donate to the site's restoration but has had no mechnism for giving the money. The park will allow this preservation project to take place.

In sum, along with many community partners who have worked on this project, the Los Alamos Historical Society fully supports the establishment of the Manhattan Project National Historical Park in order to preserve and teach this important history. The park has tremendous support in our community. We believe it will have economic benefit to northern New Mexico. We are heartened to see the Department of Energy willing to work with the Department of Interior and other partners to make this world-changing history accessible. The Los Alamos Historical Museum is located in the building where Gen. Leslie Groves stayed when he came to Project Y, and it serves as the focal point of the community's Historic District. We look forward to sharing our stories with the many visitors a national historical park will bring in addition to sharing our resources with the National Park Service to assist in creation of the park. Working with local, state, and national partners to help create the Manhattan Project National Historical Park is a long-term goal in the Los Alamos Historical Society's strategic plan. We look forward to working with you to achieve that goal.

**Recommendations to the Los Alamos County Council from the Manhattan Project National Historical Park (MPNHP) Ad Hoc Committee 04/02/2008**

**I. Purpose**

In 2004, Congress approved and the President signed legislation directing the NPS to conduct a special resource study to determine the national significance, suitability, and feasibility of designating one or more historic sites of the Manhattan Project for potential inclusion in the National Park System. This park could include non-contiguous sites in Los Alamos, Oak Ridge, Hanford, and Dayton. The NPS held meetings in each of the communities during the spring and summer of 2006 to gather public input.

In August 2007, Los Alamos County Council approved the establishment of an ad hoc committee to help determine what the proposed non-contiguous Manhattan Project National Historical Park might look like in Los Alamos. This committee is comprised of representatives involved in historic preservation and tourism from throughout the community, including Los Alamos National Laboratory (LANL). After approval by Council, the committee will present its plan to NPS representatives when they come to Los Alamos for a second round of community meetings in 2008.

**II. Committee Conduct**

The committee began meeting bi-weekly in August 2007 and discussed several ideas, such as what "attractions" might be included in a national park and who locally might participate. These ideas were expanded upon and refined over time. A great deal of Manhattan Project history has already been preserved in our community in places such as the Los Alamos Historical Museum, the Bradbury Science Museum, and the Oppenheimer House. The committee members do not believe that the NPS needs to "reinvent the wheel."

In October, the committee took a special "behind the fence" tour of sites at LANL which may be included in the park, either as part of periodic tours or which may be open to more public access in the future.

On Nov. 6 and 9, the committee held meetings by invitation and word of mouth for potential partners in the park. Approximately fifteen people attended the first meeting and ten attended the second. At both meetings, ad hoc committee members shared their vision for the park site (see III. below) Most of these potential partners were intrigued with the idea of a Manhattan Project National Historical Park within the community and looked forward to getting more information from the NPS.

On November 13, the committee held an advertised public meeting in Fuller Lodge to discuss this vision for the park. Another fifteen people attended and added to the committee's ideas.

Based on input from these meetings, the committee has refined its vision and proposes the following:

**III. Park Vision**

**A. Centralized Park Headquarters:** At a central Visitor Center, which would include information and interpretation, a Park Ranger would greet visitors, tell them about the National Park and then direct them to other sites in the area where they would be able to see tangible historical sites and objects from the Manhattan Project (Ashley Pond, Lamy Train Station) as well as interpretation and information that is already taking place in the community (LA Historical Museum, Bradbury Science Museum).

**B. Tours**

a. Guided and Self-Guided: These would include ranger-guided walking tours through the downtown historic district and other sites; driving and walking audio tours; as well as guided tours that would show visitors accessible areas of LANL, historic downtown, the old Main Gate location, and other sites.

b. LANL: With approval and coordination of LANL and the Department of Energy officials, periodic "Behind the Fence Tours" to V–Site, Gun Site, and other restored Manhattan Project-era buildings, similar to the tours held at Trinity Site.

**C. Partners**

Potential partners in this project are those who own, maintain or have some other association (such as tourist services or items) with tangible historical objects or buildings from the Manhattan Project—something that will enhance visitors' experiences and increase their understanding of this time in history. The lists below are not all-inclusive.

**D. Potential Themes of Interpretation**

1. People/Social History
    a. Scientists and their families
    b. Military
        i. In Los Alamos (SEDs, MPs, etc.)
        ii. In the Pacific, including POWs
    c. Local Pueblo and Hispanic populations whose lives were affected and who were an essential part of the project (stet)
    d. Local historical figures such as Edith Warner, Dorothy McKibbin, Evelyn Frey
    e. Stories of people affected by the bombings, both American and Japanese
    f. Responses to the bomb
2. Science
    a. Bradbury Science Museum
3. Impacts
    a. Science
    b. Northern New Mexico
    c. Military
    d. International Relations
    e. Cold War
    f. Environmental/Health
    g. Government
        i. Civilian control of nuclear resources (AEC, DOE)
        ii. The growth of government-run, multi-disciplinary science labs
4. Growth of the town of Los Alamos
5. What happened to people after the war?

E. Potential Visitor Sites

1. Local
    a. The Los Alamos Historical Museum
    b. The Bradbury Science Museum
    c. Oppenheimer House
    d. Ashley Pond
    e. Ice House Memorial
    f. Fuller Lodge
    g. Historic Walking Tour of Bathtub Row
    h. Periodic "Behind the Fence" Tours to V–Site, Gun Site, and other restored Manhattan-era buildings at LANL
    i. Unitarian Church (former dorm)
    j. Little Theater (former Rec Hall)
    k. Christian Science Church (former dorm)
    l. Hill Diner (WWII-era building)
    m. Main Hill Road/Main Gate area
    n. Last Sundt apartment building in Los Alamos (Dentist office on Trinity)
    o. Crossroads Bible Church (WW II-era Theater)
2. Nearby
    a. Bandelier National Monument
    b. Pajarito Mountain Ski Area
    c. Valles Caldera
    d. Otowi Bridge
    e. Sundt apartments in Espanola on Railroad Avenue
3. Santa Fe
    a. 109 E. Palace Ave.
    b. La Fonda
    c. Lamy Train Station
    d. Delgado Street Bridge and other spy-related sites
4. Albuquerque
    a. Oxnard Air Field (Kirtland AFB)
    b. National Atomic Museum
5. Future considerations
    a. Sculptures, outdoor art, and other monuments to the Manhattan Project era that are currently under consideration Insert graphics 2–5

**INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 10-06**

**A RESOLUTION STATING THE LOS ALAMOS COUNTY COUNCIL'S POSITION ON THE NATIONAL PARK SERVICE STUDY FOR THE MANHATTAN PROJECT NATIONAL HISTORIC STUDY AND THE RECOMMENDATIONS CONCERNING MANHATTAN PROJECT SITES.**

**WHEREAS,** Public Law 108-340 "The Manhattan Project National Historical Park Study Act" directs the Secretary of the Interior, in consultation with the U.S. Department of Energy, to conduct a Special Resource Study (SRS) on the preservation and interpretation of historic sites of the Manhattan Project for potential inclusion in the National Park System; and

**WHEREAS,** the three major sites are the Los Alamos National Laboratory and town site in Los Alamos, New Mexico, the Hanford Site in Hanford, Washington and the Oak Ridge reservation in Oak Ridge, Tennessee; and

**WHEREAS,** the National Park Service released the Draft Special Resource Study/Environmental Assessment of the Manhattan Project Sites in November 2009, which recommends an option named "Alternative E," that provides for the *Manhattan Project National Historical Park* congressional designation be given to a site in Los Alamos, which would be a unit of the National Park Service; and

**WHEREAS,** the "Alternative E" option further recommends that other Manhattan Project sites, including those at Hanford, Oak Ridge, and Dayton, Ohio, could be associated with the park, although they would not formally be part of the national historical park; and

**WHEREAS,** this alternative has been reviewed by the Energy Communities Alliance (ECA) which is a membership organization of the local communities adjacent to and impacted by Department of Energy facilities; and

**WHEREAS,** ECA members have worked in partnership for many years to preserve historic properties, and on heritage tourism initiatives for all of its communities; and

**WHEREAS,** it is vital that the creation of a National Historical Park for this purpose be comprehensive in nature; and

**WHEREAS,** community organizations (LANL, Los Alamos Historical Society, the Los Alamos Chamber of Commerce (through their Main Street and Arts and Cultural District Programs), Bandelier National Monument, Valles Caldera National Preserve, the Oppenheimer Memorial Committee and the County's Board and Commissions (Art in Public Places Board, Lodger's Tax Advisory Board, and the Fuller Lodge Historic Districts Advisory Board) have collaborated for years regarding heritage tourism efforts; and

**WHEREAS,** Los Alamos County has many other attractions which would draw tourists to the park site, including the Los Alamos Historical and Bradbury Science Museums, historic structures such as Fuller Lodge, the Oppenheimer House, Ice House Memorial and Ashley Pond, the historic walking tour of Bathtub Row, and Special "behind the fence" tours to V and Gun Sites; and

**WHEREAS,** the County Council has previously adopted a Vision Statement, Goals and Strategic Measures which support the recommendations made by the National Park Service in Alternative E.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Incorporated County of Los Alamos that:

1. "Alternative E," as recommended by the Draft Special Resource Study/Environmental Assessment of the Manhattan Project Sites, be approved, adding Hanford and Oak Ridge as units of a Manhattan Project National Historical Park, if resources are available.

2. The Department of Energy should continue to be responsible for maintenance, safety, and security of DOE facilities at any historical park sites.

3. The Park Service should be authorized to acquire appropriate properties within or associated with the Park only from willing sellers, lessors, or donors.

4. The Park Service and Los Alamos County should prepare a use agreement for all County properties associated with the Park recognizing the interests of the community and the uses of the properties that have been in place for half a century.

5. A National Park Service superintendent and other Park Service personnel will provide educational materials and overall interpretation, in collaboration with Department of Energy, and local communities.

**PASSED AND ADOPTED** this 2nd day of February, 2010.

**COUNCIL OF THE INCORPORATED**
**COUNTY OF LOS ALAMOS**

Michael E. Wismer

**Michael E. Wismer**
**Council Chair**

**ATTEST:**

Janet Foster

**Janet Foster**
**Los Alamos County Clerk**

INCORPORATED COUNTY OF LOS ALAMOS N.M.
CORPORATE SEAL

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Michael E. Wismer
COUNTY ADMINISTRATOR
Harry Burgess

May 22, 2012

Senator Tom Udall
110 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall,

The Los Alamos County Council, on behalf of the citizens of our community, and in conjunction with the Los Alamos Historical Society, the Los Alamos Chamber of Commerce, the Bradbury Science Museum, Los Alamos National Laboratory, and other community partners, is writing this letter to commend your efforts and to provide you with our support for the establishment of the Manhattan Project National Historical Park in the States of New Mexico, Tennessee, and Washington.

As you know, the Manhattan Project changed the world. It began in great secrecy in 1942, and the original mission was essentially successfully completed by August 1945, when the Japanese surrendered. The engineering and construction feats of the more than 100,000 men and women who were brought to all three sites from all over the world, is an incredible story that needs to be told.

On August 13, 1942 the Manhattan Engineer District was established under the command of General Leslie R. Groves. By September 1942, Groves had selected Oak Ridge as the site for uranium isotope separation. In November 1942, Los Alamos was chosen as the laboratory to build the integral parts of the bomb under the direction of Dr. J. Robert Oppenheimer. In January 1943, Hanford was selected for plutonium production. On August 14, 1945 the war with Japan was over – 3 years and 1 day from the start of the Manhattan Project. An incredible achievement!

In today's world, it is mind-boggling to think of what happened in these short three years. First the land had to be acquired and existing homes and land-owners had to be moved off of these sites. Then workers had to be located – engineers, physicists, chemists, mathematicians as well as carpenters, electricians, iron workers, cement masons, and a multitude of office workers, cooks, guards, and truck drivers. They had to build their towns and then work in the laboratories and other buildings they made to tackle one of the greatest challenges ever seen by science.

Lansing Lamont's book, *Day of Trinity*, describes what the world-traveled physicists met when they came to their task in Los Alamos in early 1943:

"Only the vista from the summit rewarded the scientists who had reached their destination: rising westward, the Jemez Mountains, richly forested with ponderosa pines that swept from sunny upland glades down to lush green basins with melodic names like Valle Grande and Valle Jaramillo; stretching southward from the Los Alamos Mesa to the Rio Grande far below, the huge fan of the Pajarito Plateau, its rim scalloped by splendid canyons sliced in the soft yellow tuff by centuries of rain and melting snow; and beyond, to the east, the glistening peaks of the Sangre de Cristo range."

A sense of place remains strong today for Los Alamos visitors, who can stroll the paths where the giants of 20th

century physics walked. It is still possible to see the vistas that inspired the scientists, the buildings of the Los Alamos Ranch School where they lived, including Oppenheimer's House, and, with agreements from the Department of Energy, some of the widely-scattered technical sites at the laboratory.

The story of the Manhattan Project must be told to future generations.

Therefore, we the undersigned give our full support to Congressional efforts to establish the Manhattan Project National Historical Park at Oak Ridge, Los Alamos and Hanford. This National Park should be established now, by this Congress.

Respectfully submitted,

Sharon Stover, Chair
Los Alamos County Council

Harry Burgess
Los Alamos County Administrator

Jim Hall
State of New Mexico – District 43

David Horpedahl, Board of Directors Chair
Los Alamos Chamber of Commerce

Kevin Holsapple, Executive Director
Los Alamos Commerce & Development Corporation

Suzette Fox, Manager
Los Alamos Main Street

Katy Korkos, Manager
Los Alamos Member & Visitor Bureau

Gerry Strickfaden, Chair
Fuller Lodge/Historic Districts Advisory Board

Heather McClenahan, Executive Director
Los Alamos Historical Society

cc: Seth Kirshenberg, Kutak Rock, LLP
Cynthia C. Kelly, National Trust for Historic Preservation

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Mr. HASTINGS. Thank you very much for your testimony, and again, for your passion.

I would now like to recognize the gentleman from Tennessee—a former member, by the way, of this Committee—for purposes of introduction. Mr. Fleischmann?

Mr. FLEISCHMANN. Thank you, Mr. Chairman. And welcome, everybody. I want to thank you all for participating in this great hearing. My name is Chuck Fleischmann. I proudly represent the great people of the third district of Tennessee, which encompasses all of Oak Ridge. We have OR&L there, Y-12, and a very vibrant clean-up mission, as well.

Mr. Chairman, I want to especially thank you for the privilege of being back with your committee. I also want to thank you, sir, for visiting Oak Ridge recently, and sharing the wonderful history and present that we have at Oak Ridge.

I also want to thank Chairman Hastings and Congressman Luján for cosponsoring this legislation. This is wonderful legislation. It is a privilege to be a cosponsor with you, Mr. Chairman.

Today it is my distinct pleasure to introduce Ray Smith, one of Oak Ridge, Tennessee's most beloved citizens, for his tireless efforts on behalf of so many groups and organizations. Ray writes a weekly newspaper column that highlights the rich history and significance of Oak Ridge, and has helped put together TV and video documentaries.

With almost 42 years of service at the Y-12 nuclear security complex, he now serves as the Y-12 historian. Ray has worked tirelessly to help the Manhattan Project National Park become a reality. And I look forward to working with him and hearing from him today.

Thank you, sir.

Mr. HASTINGS. Mr. Smith, you are recognized for fiveminutes.

**STATEMENT OF RAY SMITH, RESIDENT, OAK RIDGE, TENNESSEE**

Mr. SMITH. Thank you, Mr. Chairman, and members of the Committee. I am really pleased to be here and give this testimony. I also want to thank you and Congressman Fleischmann and Congressman Luján for sponsoring this bill.

I am the historian at the Y-12 National Security Complex. I work for B&W Y-12, and it is a—on contract to the Department of Energy National Nuclear Security Administration. However, my testimony today will not be an official statement of my company, nor does it represent the official statement from the Department of Energy. Ms. Kolb is doing that for us.

I am going to talk from the perspective of the historian. And it is my job to make history come alive. Obviously, I enjoy it. And I want to do that while, as you have mentioned, the text of my statement will be included. And it has details in it about what is happening in Oak Ridge today, what the conditions are pertaining to the involvement of some of the facilities in the park, and those details are there. But I want to take my time today to give you some insights into some of the things we are doing there, and some of the things that are so important about reflecting on the history of the Manhattan Project.

So, first slide, please. And I will be showing you some pictures. I bring you, first, greetings from beautiful East Tennessee. What you see there is the Bear Creek Valley, with Y-12 nestled down in the base of that valley with Pine Ridge on one side, Chestnut Ridge on the other, a very beautiful setting.

Next slide, please. I want you to know that without this man, Ed Westcott, we in Oak Ridge would not have nearly the information, nearly the capability to show our history as we do because of Ed. He was hired as the 27th person in the Manhattan Project. He was the only one with a camera. And he freely took pictures of both the city and of the sites during that time. So we owe a lot to Ed.

Next slide, please. The alpha calutron magnets are in building 9731. It is the first building completed on the site. These are the only alpha calutron magnets in the world. They are there with the express ability to show the people—when you walk into that room

and see those large magnets you understand. They also help to produce nuclear medicine. The first isotopes that were separated to become nuclear isotopes were in that calutron. They also had 67 tons of silver that was there for a number of years. It operated until 1974. So very historical.

Next slide. But what I want to tell you is just two or three stories, very quickly, the first one about a fourth-grade class that I was speaking to, and I talked for 45 minutes. Lunch time came, the young lady said, "Mr. Smith"—and one of the students said, "Mr. Smith, if we go get our lunch and come back, will you keep talking?" And I said, "It is up to your teacher." And of course, she said, "Sure." Well, they did. They went and got their lunch, they came back. And I talked for another 45 minutes. They were interested in and wanting to know about that.

Second, we have completed a documentary called, "A Nuclear Family." It has been very well received. It is 4 30-minute episodes. It was shown on National Public Television. And people are clamoring to get those DVDs. I have run out, I have had to order more. But it is—if well done, that history conveys to the next generation.

And the oral histories, the people are in their nineties. We need to get them now. And the Y-12 History Center is ready at this time to receive visitors, and does so on a routine basis. So we already have some of the things that we need.

Last slide, please. This one is Ed Westcott. If you look closely, Ed is in that second picture, the remake of the shift change. The first picture is one that he made. We remade it as the ending to the nuclear family. We have them walking away from the highly enriched uranium materials facility, where in the other one they were walking out of the plant. And when we asked Ed if he would come back—now, Ed is 90 years old, we celebrated his birthday just a few months ago, but we put him in the picture. He is standing there, and everyone else is walking by him. And Ed was delighted to be a part of that.

Thank you very much for letting me testify to this bill.

[The prepared statement of Mr. Smith follows:]

**Statement of Ray Smith, Y–12 Historian, An employee of B&W Y–12 LLC, the managing and operating contractor for the Department of Energy National Nuclear Security Administration's Y–12 National Security Complex in Oak Ridge, Tennessee, on H.R. 5987**

Mr. Chairman and Members of the Committee, it is my pleasure to have been invited by to testify on H.R. 5987, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico and Hanford, Washington. I also want to thank Congressmen Doc Hastings, Chuck Fleischmann and Ben Luján, sponsors of this bill.

I am Ray Smith, the B&W Y–12 Historian at the Y–12 National Security Complex in Oak Ridge, TN.

My career at Y–12 spans 41 years, much of that time spent managing the maintenance and support of production operations at the nation's Uranium Center of Excellence, the Y–12 National Security Complex. Over time, I have had maintenance responsibility for every building on the site.

For the past six years, I have been the B&W Y–12 Historian and have focused my energies on helping to capture the heritage of Y–12 and present it in ways that Y–12 employees as well as the public can appreciate. The Y–12 History Center, multiple video documentaries, video oral histories and weekly newspaper articles have been among the varied mediums and methods I have used.

My relationship with the concept leading ultimately to this bill began prior to the special resource study on several Manhattan Project sites for possible inclusion in

the National Park System. National park status for Oak Ridge has long been a dream of historians in the East Tennessee area. We understand the value the National Park Service brings to an area's history—they understand how to properly interpret the people stories and the significant cultural influences.

In the midst of Appalachia in East Tennessee, in 1942, General Leslie R. Groves and his Manhattan Project transformed Bear Creek Valley, Bethel Valley, Black Oak Ridge and East Fork Valley into a 60,000 acre military industrial experiment like none other ever conceived in the history of the world. First ever experiments soon were just run of the mill industrial activities and separating Uranium 235, something the rest of the scientific world knew was possible, but did not have the resources to accomplish, was being routinely done on a huge scale, using young women right out of high school!

Those "Calutron Girls" represents but one of the amazing historical stories that exist in the Manhattan Project history. The "Calutron" itself, simply a name taken from "**Cal**ifornia **U**niversity Cyclo**tron**" as it was invented by Ernest Lawrence of the Radiation Laboratory at Berkley CA, can be explained simply and once understood puts the whole process of uranium separation within the grasp of even young children, as I have seen in classrooms with fourth grade students.

The Manhattan Project National Historical Park is about the feats of scientific and engineering accomplishments developed at a unique time in the history of our country. Our back was against the wall, the world was at risk by a war that had grown into a worldwide conflagration. The Manhattan Project National Historical Park will tell all sides of the story of what occurred at Oak Ridge, Los Alamos and Hanford as well as Japan.

At Y–12 there are two buildings that contain Manhattan Project electromagnetic separation equipment and artifacts. If a number of issues surrounding them can be successfully addressed such as cost, feasibility and security related issues, eventually both these buildings may potentially be considered as candidates to be included in the Manhattan Project National Historical Park.

First, Building 9731, the first building completed on the site and used as the Radiation Laboratory's Pilot Plant with two large Alpha (first stage) electromagnetic separators and two Beta (second stage) electromagnetic separators. The building holds two sets of huge magnets that have been designated as Manhattan Project Signature artifacts and has become a symbol of Y–12's heritage.

Second, Building 9204–3, also known as "Beta 3," designated by the Department of Energy as a Manhattan Project Signature Facility, is one of nine large buildings constructed during the Manhattan Project to house the Alpha and Beta Calutrons.

The magnets of four Calutrons in Building 9731 remain, have been recently repainted, and the entire building is being restored to its original condition. A tour route has been created through the building that features both sets of magnets as well as three nuclear weapons trainers and a display glove box allowing docents to bring the history of Y–12's missions alive for the tour participants.

The two Alpha magnets in Building 9731 are the only ones that exist and stand well over 20 feet tall. Standing next the huge magnets can give the visitor an overwhelming feeling of the power contained in the world's largest magnets at the time that once contained 67 tons of silver in the windings because of a shortage of copper during the war.

Both of these buildings are located inside the Y–12 National Security Complex and at present are only accessible with special security arrangements. Both have been visited by the public, with special arrangements, and without exception, the visitors have been amazed at the authentic "1945 atmosphere" of being near the actual equipment inside the actual buildings of one of the sites where the world's most significant technological advancement took place.

Visiting Building 9731, having already been prepared as a tour site that is routinely accessed by Y–12 business related tours, special school groups, area leadership groups, elected officials and official visitors, is like stepping back in time to 1945. It is also open to the public through tours provided by Y–12 as part of Oak Ridge's Secret City Festival on Saturday of the third weekend in June of each year.

This past year, the third year of the building being included in the Y–12 public tour on Saturday of the festival, there were 739 visitors from 22 states. Reaction by the visitors remained highly complimentary for the opportunity to visit an authentic World War II relic facility and one with a Cold War and medical isotope association as well.

Building 9731, Y-12's Pilot Plant

Ray Smith Testimony – H. R. 5987
June 28, 2012

Y-12's Alpha Calutron Magnets

Building 9204–3 (Beta 3) is less accessible at present than is Building 9731, as it is located in a more secure portion of the site. It contains more authentic equipment and larger historic displays including a Calutron simulator as well as examples of actual working control rooms, standby electromagnetic separators, cleaning stations and all necessary support that was used to maintain the World War II equipment in operation until 1998 separating stable isotopes and remaining in standby today. This building is currently not available for public access and may not be available for a number of years because of the complexity of the issues to be resolved, the potential high cost of preparing the facility for park status and other uncertainties. In fact the security access issue may be resolved before other potentially more costly issues can be successfully addressed.

Additionally, Y–12 has the Y–12 History Center in the New Hope Center. This modern history museum and exhibit display area is being remodeled. The facility is being converted from an open space where historic artifacts have been on display for the five years the New Hope Center, Y–12's official Visitor Center and public access area, has been in existence, to a new museum and multipurpose media room.

The major renovation is complete. A request for proposals is being created for the museum exhibits to be designed and installed. A theme that coincides with the recently completed documentary film series, *A Nuclear Family,* is being used to feature the highlights of Y–12's history in interactive video based exhibits.

The new museum contains the *John M. Googin Y–12 History Research Library,* the *Ed Westcott Video Theater* and a large artifact exhibit area. A large timeline mural is being installed in the main entrance lobby and will include the media room and history center in the same theme.

Artifact displays and video stations are also included in the side lobby and atrium making the New Hope Center a central display area for Y–12 history. This public access area including the Y–12 History Center can immediately be included in the Manhattan Project National Historical Park attributes.

Y–12 is important to the Manhattan Project National Historical Park because it is one of a set of Manhattan Project elements located in close proximity in East Tennessee. In addition to Y–12 there are two other major Department of Energy facilities in Oak Ridge, TN.

The X–10 site, or the Oak Ridge National Laboratory and the K–25/East Tennessee Technology Park site exist today. A fourth site (S–50) existed during the Manhattan Project only. The city of Oak Ridge is also an integral part of the history of the Manhattan Project in East Tennessee and all together these sites and the city form the basis of the reason to locate a portion of the Manhattan Project National Historical Park here in East Tennessee.

My primary focus for this testimony is Y–12. However, Y–12's presence in Oak Ridge, along with two other Manhattan Project era facilities that are nearby, enhances its historical value.

The Oak Ridge National Laboratory, known during the Manhattan Project as "X–10," is home to The Graphite Reactor, a National Historic Landmark (designated in 1966) that served to prove the principle of producing plutonium in an industrial size uranium reactor. This reactor also functioned until 1963 to produce many of the nation's medical isotopes and other useful scientific studies and products.

The Graphite Reactor has been designated by the Department of Energy as a Manhattan Project Signature Facility and is a primary candidate to be considered to be included in the Manhattan Project National Historical Park. However, access is limited now and may remain so for some time into the future.

The East Tennessee Technology Park, known during the Manhattan Project as the "K–25 Gaseous Diffusion Plant," served the nation for 40 years. The plant producing highly enriched uranium that even today remains in the nation's inventory as well as lower enriched uranium for nuclear power reactors and research reactors around the world.

The highly enriched uranium needed to win the Cold War was produced by the same K–25 process building that has been designated by the Department of Energy as a Manhattan Project Signature Facility. This historic building, largest building in the world under one roof in 1945 at 44 acres, is being demolished and a small section of the building will be replicated on site for inclusion in the Manhattan Project National Historical Park.

A fourth facility, no longer existing (only a pile of bricks that have been saved from the smoke stacks remain) was the S–50 Thermal Diffusion Plant. It was located at the K–25 site near what was the world's largest steam powered electrical generating plant in 1945. S–50 is credited with shortening World War II by approximately three weeks as it provided slightly enriched uranium feed material to Y–12's electromagnetic separators or Calutrons.

In addition to the three government sites, the city of Oak Ridge has assets that will contribute to the Manhattan Project National Historical Park. The Guest House/Alexander Inn is among the most historic structures in the Manhattan Project. It is in a sad state of disrepair now, but has been included in the latest draft of a memorandum of agreement for historic preservation of the K–25 site at East Tennessee Technology Park as an alternative historic preservation initiative complimentary to the other historic preservation actions.

Other portions of the historic city of Oak Ridge may well serve as integral parts or guided tour portions of the Manhattan Project National Historical Park, such as the Chapel on the Hill (first church), alphabet houses, Midtown Community Center, Jackson Square Town Site, the Children's Museum of Oak Ridge, the Oak Ridge Public Library's Oak Ridge Room and Center for Oak Ridge Oral History and the especially appropriate American Museum of Science and Energy.

The museum has been the mainstay of Oak Ridge Manhattan Project and other related history exhibits since March 19, 1949, when the secret city of Oak Ridge was opened to the public for the first time as the gates to the main roads were removed. That same day, the American Museum of Atomic Energy, as it was known until 1978, opened its doors for the first time and welcomed visitors.

When the museum moved to its present location it also changed its name to the American Museum of Science and Energy and expanded its mission for exhibits and focus to a broader energy related theme. However, it kept its role as a primary source of Oak Ridge history.

Today, the museum is the hub of tourist activity in Oak Ridge, being the first stop for most visitors and a must stop for all visitors. The museum's Oak Ridge Room is THE place where visitors first understand the unique history of the people who were notified first through a phone call from their Senator Kenneth McKellar to the Oliver Springs High School principal telling him to tell the students to go home and tell their parents about the coming changes in their neighborhoods. Lester Fox, still living today, swears that is the way the 3,000 people living in New Hope, Robertsville, Elza, Scarboro and other small communities in this area first learned that 60,000 acres would be used for the Manhattan Project that would become Oak Ridge.

The Manhattan Project National Historical Park, Oak Ridge location, will need a central location for operations. At present the American Museum of Science and Energy has been designated by the Oak Ridge Convention and Visitors Bureau's June 2007 heritage tourism master plan, *Creating the Living Story of "The Secret City,"* as the recommended hub of a "hub and spoke" strategy for the city and government sites heritage tourism.

A more recent recommendation by the city has a combination of a new facility that would tie the Oak Ridge Public Library and the American Museum of Science and Energy into a single comprehensive Manhattan Project National Historical Park Interpretive Center. This concept is being studied and funding sought to realize the full potential of the Manhattan Project National Historical Park's presence in Oak Ridge.

Additional features in Oak Ridge already functioning with history related aspects that would complement the Manhattan Project National Historical Park are the Secret City Commemorative Walk—a self guided walking tour of plaques describing the seven years that Oak Ridge remained a "Secret City," the Children's Museum of Oak Ridge with its Ed Westcott Room of photographs that display the history of early Oak Ridge and the International Friendship Bell.

The Secret City Commemorative Walk is centrally located near the Oak Ridge Public Library and the American Museum of Science and Energy as is the International Friendship Bell and are all in easy walking distance. The Children's Museum of Oak Ridge is located near the center of the city atop Black Oak Ridge at the corner of Highland Avenue and West Outer Drive.

Additionally, the city of Oak Ridge was designated as a Preserve America Community by the National Park Service in 2006. This designation is proudly displayed on signs at key locations within the city. Recently the city and the Oak Ridge Heritage and Preservation Association completed a project that commemorates the "Birth of the City: The History of Oak Ridge, Tennessee" by installing four large historical plaques near the entrance of the city's municipal building that explain the process used to establish the City of Oak Ridge government.

All these attributes are cited to illustrate that Y–12 exists within a much larger context. Oak Ridge has prepared the way for the Manhattan Project National Historical Park and is ready to move to the next level of heritage tourism. The Department of Energy has the responsibility to interpret the history of the sites where they have served the nation's various needs over the years, but the National Park Service has the expertise to do this task well. Therefore the partnership being

formed in the Manhattan Project National Historical Park will demonstrate the value of such partnerships. Additionally, the Park Service is venturing into the Science, Technology, Engineering and Mathematics (STEM) education by directive of a recent study indicating the mission of the 21st Century National Park Service should move in the direction becoming more of a contributor to practical learning and education. The Manhattan Project National Historical Park may well become the cutting edge of this new direction of the park service. We already have a great start at Y–12 and welcome the challenge to be the pacesetter for change toward STEM educational support in practical and tangible methods that involve the actual locations where the world's most significant scientific accomplishment took place, and where much is still taking place today.

The history of Y–12 can be fully utilized by bringing students to the site of the most historic technological achievements in the history of the world to understand STEM education! With the inclusion of the other DOE sites and the cities of Oak Ridge, Los Alamos, and Hanford, this is far beyond the realm of a standard national park and the Manhattan Project National Historical Park may become the national park of the future.

The recently completed congressionally authorized National Park Service study recommended that the best way to preserve and interpret the Manhattan Project and resulting technological advances is for Congress to establish a national historical park at the three sites where much of the critical scientific activity associated with the project and later advances occurred: Oak Ridge, Los Alamos and Hanford.

As Congressman Doc Hastings declared, "There is a sincere and shared desire by Chairman Bingaman, Senators Murray and Cantwell, and our colleagues to establish the Park, and we'll continue working together with local advocates to accomplish our goal of ensuring these remarkable pieces of our history are preserved to tell the story of the Manhattan Project."

This comment represents substantial interest in what may well be the single most significant scientific and industrial event in the entire history of the world. The locations where it occurred are being recognized for their contributions through this legislation to create a Manhattan Project National Historical Park.

Oak Ridge Mayor Tom Beehan, Chairman of the Energy Communities Alliance has included in his statement to the Senate hearing on S–3300, "Among the biggest advocates of the National Historical Park are the people who worked at the three sites during World War II. It is important to remember that no one in our country knew what the workers were building at the sites—they were truly "Secret Cities." Most of the young men and women working in these communities did not even know what the project was. These were among the nation's best and brightest citizens from all walks of life."

Beehan continued, "National Historical Parks are developed to ensure that we protect our country's assets and open them to the public to learn about our nation's history. We should work to open this park while some of the Manhattan Project Veterans are still alive and able to see the recognition of their work recognized by our nation. These people played a valuable role in ending World War II and defending not only the United States but also democracies throughout the world. These true heroes, who dedicated their wartime service to the Manhattan Project, appreciate the legislation developed by your committee."

The National Park Service interprets all historical sites and attempts to address all view-points to give a full and fair picture and we in Oak Ridge support such actions by the National Park Service. We look forward to the FULL STORY of the Manhattan Project and its subsequent technological advances that have impacted our daily lives being interpreted in the most effective manner possible.

Y–12 is an important part of the proposed Manhattan Project National Historical Park, and the legislation could serve as a 21st Century model for the National Park Service, one that is based on federal, state and community partnerships. We in Oak Ridge look forward to working together with all the parties involved in the Manhattan Project National Historical Park.

Sincere appreciation is again extended to Congressman Chuck Fleischmann for his kind invitation to testify before this subcommittee and also for his sponsorship of the Manhattan Project National Historical Park Bill, H.R. 5987.

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Mr. HASTINGS. Thank you very much. I certainly appreciate your testimony, all of you. We will now start the question period, and I will recognize myself for fiveminutes.

And I want to ask this to Mr. Petersen, Ms. McClenahan, and Mr. Smith, specifically. And you all touched on it a little bit in your

testimony. But is it fair to say that there is enthusiasm within your communities on the establishment—what this legislation will establish? And we will start with Mr. Petersen.

Mr. PETERSEN. The answer, Mr. Chairman, is absolutely. I mean the entire community, we have signatures from all four mayors, two county commissioners, the port commissioners, on and on, saying this must happen. I mean we are looking forward to allowing the community to come out.

There is a member of your staff, Tim, who was born and raised in the Tri-Cities. Tim said that he had never been out on the Hanford site until he became a member of your staff.

Mr. HASTINGS. Great.

Mr. PETERSEN. So there are many people in the community who have not had the opportunity. There is many people throughout the United States. We now have visitors from 50 States and 48 foreign countries who have come out to tour B Reactor.

Mr. HASTINGS. Good. Ms. McClenahan.

Ms. MCCLENAHAN. In my written testimony I have included a letter that was sent to Senator Udall and Senator Bingaman. And I believe Congressman Luján also received one from our community about the full support. We have a new creative district, an arts and cultural district in Los Alamos, which is a state designation. And the entire group, which is all the cultural and arts providers and organizations, are fully in support and the county council. So, yes, very much in support of the park.

Mr. HASTINGS. And Mr. Smith?

Mr. SMITH. Yes. As a matter of fact, we have support from all the organizations in the city and on the site. We too have a large number of visitors coming. We have a public tour that we run each day through the summer. And you have to sign up at 9:00 in the morning and the tour leaves at 12:00. And it is a three-hour tour. And we fill that bus almost every day. So there is much interest in what we have there, the Y-12 History Center open to the public, and we are now on tour routes for people who bring tour buses by there and come in to see that history center.

So, yes, sir. Full support.

Mr. HASTINGS. Good. Well, I just wanted to get that on the record. You all alluded to it in your statements.

Mr. Knox and Ms. Kolb, I want to ask you a question. As you know, my preference was to immediately establish a national park. Senate has a little bit different version. There is—it has a one-year time period for that to be established. Can you give me the assurance that we can meet that time frame of one year? And we will start with you, Mr. Knox.

Mr. KNOX. Yes, Mr. Chairman. We feel confident we can complete the agreement with the Department of Energy within one year, and that is what is required to establish the park.

Mr. HASTINGS. Good. And Ms. Kolb?

Ms. KOLB. Yes. You have our commitment that, if the time frame is one year, we will meet that time frame, working in partnership with the Park Service.

Mr. HASTINGS. Listen. I have to tell you I very much appreciate that. Because if all we are trying to do is work out an agreement

within one year, let's keep in mind we built the reactor in less than a year.

[Laughter.]

Mr. HASTINGS. It seems to me we should be able to—this should not be a problem at all, it seems to me.

Ms. KOLB. That is a very good point. We will keep that in mind.

Mr. HASTINGS. Well, again, I simply wanted to get that as part of the record. And I do very much appreciate the enthusiasm.

I might say that Secretary Salazar came out and visited the B Reactor. I think it was last fall, I forget the time frame. But when you sit in the operator's chair—and I can just imagine sitting there—and then pressing the button—"OK, we're going hot"—that had to be an incredible feeling at that time, because you didn't know if it was really going to work. And yet you are right in that site that it happened.

But one of the interesting parts of that tour, somebody made the observations—and I will paraphrase—well, let's show the Secretary the computer. So we walked around the room, and somebody picked up a slide rule. That was the computer that built this reactor. I mean that is how significant this technology is.

And, Ms. McClenahan, you are exactly right. What we are celebrating with this is the technology that allowed us to accomplish another event.

So, thank you all. I will yield back my time and recognize the gentleman from New Mexico, Mr. Luján.

Mr. LUJÁN. Mr. Chairman, thank you very much, as well. And Heather, as—I appreciate it very much in your testimony and that of Mr. Petersen, the importance of the conversations of those that worked on this site that maybe weren't directly involved with the science and the research. Those are compelling stories that need to be told, from the little place that we call home in small communities like Nambe, which is where I live, and Pojoaque and Espanola, the surrounding pueblos where much of the workforce was recruited and where a lot of the land was acquired.

How do you think that we can include those stories in the larger story that needs to be told? And, you know, I mentioned a young lady in my introduction by the name of Mariah Gomez, who is doing an amazing research project, who I have had the honor of speaking with on several occasions, collecting oral histories and doing a lot of the research. So I know that you also have some amazing people that you have worked with, with the historical society, but that are also up at the museum that have a lot of this institutional and historical knowledge. Can you talk a little bit about that?

Ms. MCCLENAHAN. Yes, sir. We actually have been working with the Bradbury Science Museum, which is run by the laboratory and our own organization. We have collected a number of oral histories from folks in the Valley, video and just tape recorded, and have really been trying to capture those stories. You know, the lady who worked for Oppenheimer as his maid, and the people who were building the buildings. And, so, a lot of those stories we are working to capture. A lot of the families are realizing that they are losing those stories. And, so, they are getting them themselves, they

are having people write down their stories, or record them for them.

And so, once we have those stories, I think it will be very important in the park and in our museums to make sure that people can see those, and understand that it is not just the story of the great scientists. Certainly it is. I mean there were great men who did a lot of great work—and women. But there is also this underlying story that they couldn't have done it had they not had these support people. And, so, I think that those stories certainly will be part of the story.

Mr. LUJÁN. Appreciate that.

Mr. PETERSEN. May I add just a short bit? At B Reactor we actually have docents who are people who worked at the site, and who are telling the story. Now, unfortunately, as Ray says, most of them are in their late eighties or early nineties, and they are dying off. And, so, we are capturing those stories, as well.

But currently, they are still telling the story directly to the 8,000 to 10,000 people who come out to the site.

Mr. LUJÁN. That is great. That is great. Mr. Smith? And I have two other questions, so——

Mr. SMITH. This will be very brief. Thank you. We have a gentleman named Martin Skinner who stands by that alpha calutron and talks about how he worked it when we bring people through. We brought nearly 1,000 people through a couple of Saturdays ago. So we also included those oral histories. That is the basis for those documentary films. We have 25 of them online that you can go and listen to.

One very quick story. A lady called me——

Mr. LUJÁN. Well, Mr. Smith, we may have to get to that quick story.

Mr. SMITH. Oh, that is fine.

Mr. LUJÁN. Two important questions that I have. And, Heather, can you tell us the importance of why the legislation should consider the use of Federal funds to acquire properties?

Ms. MCCLENAHAN. That is one of the differences between, I guess, the Senate bill and the House bill. And in Los Alamos, our community is a little bit different in that the original laboratory is mostly gone. But the sites that are left are far away from the downtown, because they were doing explosives work and they didn't want to do that close to where they lived.

The historic downtown, where Oppenheimer and Bethe and those gentlemen lived is mostly in private hands. These are private homes. And it is close to a lot of other activities that go on: our cultural center, Fuller Lodge, those kinds of places. But because they are in private homes, there is a concern in our community that it—you know, if the Park Service wants to have that centralized visitor center that they recommended, that they may need to have the ability to acquire those homes with, you know, monetary purchase.

Mr. LUJÁN. I appreciate that. Mr. Chairman, I know that we are going through some tough economic times. But hopefully, as we move into the future, one, we can get this legislation adopted and passed, and then those are conversations that we can still consider into the future. And I very much appreciate us getting an oppor-

tunity to have this hearing, but to move important legislation like this, to be able to capture these stories.

Mr. HASTINGS. Would the gentleman yield?

Mr. LUJÁN. I would yield, Mr. Chairman.

Mr. HASTINGS. The mere fact that we have three distinct site and three distinct States, obviously, nothing—you know, we learn that one size doesn't fit all many times, and this is just one of those examples. And we certainly are willing to work to get through that. That is what the intent is of, I think, everybody involved. And I thank the gentleman for yielding.

Mr. LUJÁN. Thank you, Chairman. I yield back.

Mr. HASTINGS. Mr. McClintock is recognized, if he wishes.

Mr. MCCLINTOCK. Ms. McClenahan, you just mentioned that the Federal Government needed the ability to acquire private property. Are you talking about seizing it through eminent domain?

Ms. MCCLENAHAN. No, sir. I don't think the Park Service has seized anything since the 1970s, and I think they have absolutely no intention to do that. And I think——

Mr. MCCLINTOCK. Would this legislation give them the authority to do that?

Ms. MCCLENAHAN. I don't believe it does. In fact, I think there is a clause that, in fact, that it cannot be through that. So——

Mr. MCCLINTOCK. Thank you.

Mr. HASTINGS. The gentleman yield back? Yes. Ms. Tsongas? No questions? Mr. Holt?

Dr. HOLT. If I may——

Mr. HASTINGS. Go ahead.

Dr. HOLT [continuing]. Just very briefly to say, as someone who was educated and grew up as a physicist, I think it is really very important that we preserve in a national way all of the efforts that went into this with historic interpretation that will serve as an education in not only how research is done, but why research is done. And, in this particular case, how the research was used. And I think there are important lessons to be drawn from it that are very appropriate to this work.

Mr. HASTINGS. Gentleman yield?

Dr. HOLT. And I would—pleased to yield to the Chair.

Mr. HASTINGS. And that is precisely the idea. When you look at this, you know, we tend to forget that we were involved in a war and we had no idea what Nazi Germany had, but we knew that we had to do something.

And as Ms. McClenahan pointed out in her testimony, this is really a story of the ingenuity of America to respond to a very great threat at that time. And that is what the whole intent of this legislation is, is to put it in a historical context, what, in fact, did happen. And, so, I appreciate the gentleman yielding.

Dr. HOLT. I thank the gentleman. And it is worth pointing out in this context that the phrase—the words "Manhattan Project" have become part of the American language. And it—and in many cases, people use it without an understanding of what the Manhattan Project really was, what it consisted of, its scale, and its importance, and the just enormous advances in science and engineering that took place there.

So, obviously, the details of something like this are tricky with multiple States and private ownership and public participation. I am not quite sure how we work it all out. But the idea is something that I can strongly endorse. Thank you.

Mr. HASTINGS. The gentleman yield back?

Dr. HOLT. I yield back. Thank you.

Mr. HASTINGS. Well, I want to thank the panel very much for your participation. Many times there are questions that come up later on. And if there are those questions and they are sent to you, if you could respond in a timely manner I would very much appreciate.

With that, I will dismiss the first panel. I would like to call the second panel to—and it is a Members panel—to speak on their respective piece of legislation. We have Senator Tom Carper from Delaware and Congressman John Carney from Delaware, Mr. Chaffetz from Utah, Mr. Denham from California, Mr. Gallegly from California, Mr. Pearce from New Mexico, and Ms. Tsongas from Massachusetts, and Mr. Turner from New York.

I recognize that all Members—we all have schedules, and I recognize that. And so—and some of them have imminent schedules, and I have been advised of that. So I am going to start. And I recognize that if you finish your testimony and you leave, you are not being rude, you are simply trying to accommodate the responsibilities that you have.

So, with that, we will start with Mr. Gallegly of California. Recognized for fiveminutes.

**STATEMENT OF THE HON. ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. GALLEGLY. Thank you very much, Mr. Chairman. And I really appreciate the opportunity to be here. And I understand your schedule this morning and I will be leaving quickly, and it will not be out of anything personal to this Committee that I had the honor to serve on for 24 years.

Thank you for holding this hearing today on H.R. 4109, the Los Padres Conservation and Recreation Act. This legislation is the product of over two years of negotiations with various stakeholders and users of the Los Padres National Forest. As a result of this work, I am proud to stand here today and support the legislation coming from wilderness organizations, off-road vehicle organizations, local business and ag groups. This type of broad-based coalition is rarely achieved on this type of legislation.

The groups endorsing H.R. 4109 include the Wilderness Society, California Wilderness Coalition, Pew Campaign for America's Wilderness, Americans for Responsible Recreation Access, American Motorcycle Association, Motorcycle Industry Coalition, Ventura County Coalition of Labor, Agriculture, and Business, United Water Conservation District, Western States Petroleum Association, and the list goes on.

This legislation will designate approximately 63,000 acres as wilderness, none of which will change anyone's access to the forest. There is no off-road activity in any of this acreage, with much of it largely being managed as wilderness already. It will designate approximately 89 miles of waterways of wild, scenic, or recreational

rivers. This includes specific provisions to protect off-road trails that use rivers during the dry season, and protections for the California Department of Transportation to adequately maintain a vital California highway that travels through the middle of the forest.

The bill will create 18,000-acre Condor Ridge Scenic Area, locking all current usage of the area and preventing any future development, allowing for the preservation of pristine viewshed of the California Coast and Pacific Ocean. In addition, this legislation will indefinitely preserve approximately 65,000 acres for off-road vehicle use through the creation of 2 congressionally designated areas. Both of these areas are already in use by the off-road community. I simply—it will simply be preserving these areas from possible closures in the future.

This legislation will also allow for a long-awaited exchange to occur between the Forest Service and United Water Conservation District. This will allow United Water to reduce its operating costs at Lake Piru Reservoir, and pass these savings on to my constituents in the form of cheaper water.

Finally, the legislation will also change the manner in which fires will be managed in the forest. Firefighters will be able to continue all suppressive activities within the entire forest, along with pre-suppression. And the act will allow for mechanized equipment, such as chain saws and bull dozers in the wilderness areas to help prevent and fight any fires from spreading throughout the forest and on to populated areas.

This legislation will enhance the Los Padres National Forest for all users of all kinds of future [sic], and I urge the Committee to mark up this legislation and move it to the Floor as soon as possible.

Mr. Chairman, I would just like to close by adding one other comment, and raise another issue that is facing all of us right now. And, of course, that is the fires in our national forests. As you know, the wildfires are raging through national forest adjoining areas throughout parts of Colorado and your home in—well, in the home of the—of who I thought was going to be chairing the hearing this morning, Mr. Bishop's home State of Utah.

Firefighting systems are available to assist putting out these horrific fires, and have already killed one person, destroyed untold thousands of homes. As you know, one of the fires has caused the evacuation of the Air Force Academy. And I wanted to highlight this issue and request your support in urging the Forest Service to immediately call up all available units.

And with that, Mr. Chairman, I yield back the balance of my time. Thank you for your consideration this morning.

Mr. HASTINGS. Good. Thank you very much for your testimony.

I recognize the gentlelady from Massachusetts, Ms. Tsongas.

**STATEMENT OF THE HON. NIKI TSONGAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS**

Ms. TSONGAS. Thank you, Chairman Hastings. I want to thank you for holding this hearing today, and for providing me the opportunity today to share my remarks on H.R. 5319, the Nashua River Wild and Scenic River Study Act of 2012, which I introduced in April of 2012. And I also want to thank Elizabeth Ainsley Camp-

bell, the Executive Director of the Nashua River Watershed Association, who will be testifying today in support a little later today, and to also thank Congressman Olver for cosponsoring this legislation, since one of the towns along the river is in his district.

The history and development of the towns and cities in the fifth district of Massachusetts has been defined by the many rivers that course through these unique communities. From the mighty Merrimack River that supported the birth of the Industrial Revolution in Lowell, to the Concord River, where a famous shot was heard around the world, our rivers continue to play an important role in connecting our communities.

But time and development have not always been kind to these rivers. Beginning in the 1700s, and continuing to just a few decades ago, paper, shoe, and textile factories were constructed along the Nashua River and many other rivers in the area. The powerful currents of the rivers powered the factories and made their success possible. But at the same time, the factories were releasing industrial waste right back into the river, polluting the very source of their success.

But in the mid-1960s, the Nashua River was one of the most polluted rivers in the Nation. In fact, the river would change color almost daily because of the inks and dyes released into the river by the paper factories.

But in 1965 one fifth-district resident, Marion Stoddart, realized that something had to be done. Ms. Stoddart formed the Nashua River Clean-Up Committee to work toward cleaning up the river and protecting the land along its banks. Thanks to her work, and the continued work of the Nashua River Watershed Association, the Nashua River has come a long way. Pollution from the mills has been cleaned up. New sewage treatment plants now keep sewage out of the river. And more than 8,000 acres of land and 85 miles of greenway along the river banks have been permanently conserved. I can't praise enough Marion and all the dedicated residents, volunteers, and association staff who have spent countless hours working to make sure the Nashua River can once again be an asset to its communities.

But there is much work to be done. And that is why I, working with the Nashua River Watershed Association, introduced a bill we are considering at this moment, a bill that would initiate a three-year study to determine whether roughly 28 miles of the Nashua River and its tributaries can be designated as wild and scenic rivers. This study will allow the national park, the Watershed Association, and local governments and stakeholders to work together to form a plan to protect the river and make sure that it remains a great place for canoeing, fishing, and enjoying the great outdoors.

Every two through which the river passes, in addition to several local environmental organizations, support the adoption of this legislation. And with your permission, Mr. Chairman, I would like to submit their letters for the record.

Mr. HASTINGS. Without objection, it will be part of the record.

[NOTE: The letters submitted for the record by Ms. Tsongas have been retained in the Committee's official files.]

Ms. TSONGAS. So, I urge a proper consideration of this legislation today. And I look forward to addressing any questions we may

have. But I thank you again, Mr. Hastings, for bringing this legislation forward. Thank you.

Mr. HASTINGS. Gentlelady yields back. Thank you for your statement.

I know Mr. Turner has—everybody has a schedule, I understand. Not trying to pick sides, but I know Mr. Turner has a time frame. So I will recognize Mr. Turner for fiveminutes.

**STATEMENT OF THE HON. ROBERT TURNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. TURNER. Thank you, Chairman Hastings. And thank the members of the Committee for the opportunity to testify today regarding H.R. 5958, which would rename the Jamaica Bay Wildlife Refuge Visitor Center of the Gateway National Recreation Area in honor of former New York Senator James L. Buckley.

Senator Buckley not only represented New York in the Senate, he also served our country at the highest levels in all three branches of government, as well as the United States Navy during World War II. The bill recognizes Senator Buckley's service to our country, and his efforts to create the Gateway National Recreational Area in New York and New Jersey, the first urban park space created by the Federal Government.

Along with his fellow New York Senator, Jacob Javits, Senator Buckley had the vision to create a national wildlife refuge in an urban area, accessible to the millions of people in New York City, as well as the millions of other residents in the metropolitan area.

In 1970, during his first days in the Senate, Senator Buckley, along with Senator Javits, introduced legislation to create Gateway, a more than 26,000-acre area spanning 3 boroughs, and stretching all the way to Sandy Hook, New Jersey. Senator Buckley was not satisfied with simply being a cosponsor of the bill, he was passionate and spoke on the Senate Floor on its behalf.

This year, as it celebrates its 40th anniversary, Gateway welcomes more than 8 million visitors annually, from historic aircraft at Hangar B in Floyd Bennett Field, to America's oldest lighthouse that was established in 1767 in Sandy Hook, New Jersey.

Gateway offers a piece of history for visitors, and for ornithologists, a glimpse at over 325 species of birds as they stop over on part of the Atlantic flyway, which stretches from the north of Canada to the Caribbean. Senator Buckley, an ornithologist himself, not only helped provide a rest area for the birds, but a perch for his fellow bird watchers. And I am happily in that company.

Senator Buckley's environmental interests were not limited to New York. He cosponsored the 1972 Clean Water Act, a seminal law governing water pollution and contamination. He also cosponsored the Grand Canyon National Park Enlargement Act, which protected the majesty of one of our Nation's greatest natural habitats.

Senator Buckley was also eloquent by pointing out how progress and the environment can evolve together. He stressed that we should concentrate on developing environmental programs at achievable rates and costs by saying we must learn how modern technology can co-exist with the natural world.

I understand the National Park Service believes there should be a strong association between the park and the person being commemorated, and at least five years should have elapsed since the death of that person. This bill satisfies the first belief. I think Mr. Buckley has demonstrated his involvement and commitment in this. And I am sure that you may agree that Mr. Buckley should not be penalized for his longevity. He is in his 89th year.

So, I hope you will join me in renaming the Jamaica Bay Wildlife Refuge Center after someone who served to protect his State, his country, and the environment. This is a fitting tribute to a man who spent most of his life sharing his intellect and his talent to serve others. Thank you.

Mr. HASTINGS. I thank you very much for your testimony.

And next we will recognize the gentleman from California, Mr. Denham, for his statement.

**STATEMENT OF THE HON. JEFF DENHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. DENHAM. Thank you, Mr. Chairman, for bringing up this bipartisan bill. As you will remember, not only do I represent the great area of Yosemite, but my predecessor, George Radanovich, had an interest in this, as well. This is a bill that I am proud to sponsor.

Very closely aligned with the bill that is under—or that Congressman Radanovich had introduced previously, but basically it takes Yosemite National Park, allows them to purchase 18 acres, which will take out the administrative accounting some of the jobs outside of the park, where you have people that are commuting over an hour drive every day each way. We need to have the park available to those that are working there and need to be in there on a daily basis, and move those that aren't in the day-to-day business outside of the park, which will actually give us an opportunity not only in safety and less cars on the road and in the park, but actually create jobs within Mariposa County.

This land—this bill is supported by all of—many local interests, including Supervisor Cann, who is here to testify today. Some of the supporters are also the Yosemite Conservancy, local elected officials, Mariposa and Madera Counties, park enthusiasts, National Park Service, the Mariposa Tourism Board, and the local Chamber of Commerce.

The bill simply allows Yosemite National Park to acquire this parcel of land already held by the Yosemite Conservancy, a private citizen that is holding the property for the very purpose. The VFW and PG&E all are willing participants in this acquisition. And this bill specifically prevents any governmental taking of land for this purpose.

In my discussions with the Park Service, this land acquisition will be paid for through the proceeds received by the park. The legislation will allow the park to provide better access to more than four million visitors, annually. Through this bill, Yosemite will be better equipped to manage the traffic and the continuing rise in the guest attendance at the park, providing more access, resulting in the park not having to turn people away at the gates, as they often do now.

Thank you again for allowing me to bring this bill up today and have it heard today in the Committee.

Mr. HASTINGS. I thank the gentleman for his statement. Now we have the Delaware Duo. We have two-thirds of the congressional representation here.

And I am going to recognize Mr. Carney to make a determination who goes first, whether it is him or Senator Carper.

**STATEMENT OF THE HON. JOHN CARNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE**

Mr. CARNEY. Thank you, Mr. Chairman. Senator Carper asked me to go first, so I will take the honors. I appreciate——

Mr. HASTINGS. Well, we will ask him if he confirms that when you give him a chance to there.

[Laughter.]

Mr. CARNEY. That is right. As a former Member of the House, a long-serving Member of the House, he has deferred to the lower chamber in this instance.

I am delighted that you are holding the hearing this morning. I thank you for the opportunity to share a few thoughts with you. As the at-large and only congressman for the State of Delaware, it is my pleasure to speak to you on H.R. 624, the First State National Historical Park Act.

Though Delaware was the first State to sign the Constitution and join the Union, she is the only State that does not have a national park. For the better part of the past decade, though, officials at every level of government in our State have worked with community members and activists to craft a proposal and a theme for a national park that is both appropriate for and unique to our State.

In fact, one of the George W. Bush Administration's final acts in January of 2009 was to issue a National Park Service Special Resource Study, which concluded that a national park should be established in Delaware. The Park Service has recommended a "partnership park" celebrating Delaware's early Dutch, Swedish, and English settlements, and the events leading up to the State's role in the founding of our Nation.

In acknowledgment of all the hard work that has gone into this process, I was honored to pick up where my predecessor, Congressman Mike Castle, left off. In February of last year, I reintroduced the House companion to my friend Senator Carper's legislation, S. 323. This iteration addresses questions and concerns raised during a legislative hearing in the Senate Energy and Natural Resources Committee last Congress. H.R. 624 gives clear authority to the Park Service to negotiate site administration rights with site owners. It also designates historically significant sites in all three of Delaware's counties.

The Senate Energy and Natural Resources Parks Subcommittee held a hearing on S. 323 in May of 2011. The full Committee marked it up favorably in November. And with your support I look forward to helping the House companion legislation move forward. Working together with Senator Carper, with Senator Chris Coons, I will continue to strive to bring this project to fruition.

Thank you again for holding this hearing today. I greatly appreciate your help in establishing a park in the State of Delaware.

Mr. HASTINGS. I appreciate the gentleman's testimony, and am very pleased to welcome Senator Carper back to this, the other side of the Rotunda. The gentleman is recognized.

**STATEMENT OF THE HON. TOM CARPER, A UNITED STATES SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks very much, Mr. Chairman. It is great to see you. And I want to say again on behalf of Congressman Carney and myself, thanks for meeting with us to give us an opportunity to hear about the proposed national park, which, as John says, has been endorsed by not one administration, the current Administration, but also by the previous Administration. And we appreciate the great cooperation we had from Dirk Kempthorne, when he was Secretary of the Interior, and from Ken Salazar and his folks today.

But I want to note, as John has, that our bill has been reported in the Senate out of the Senate Energy and Natural Resources Committee, and we hope that this Committee will quickly do the same.

If adopted, this legislation would establish the first national park, as Congressman Carney has said, in the State of Delaware. We are the only State in the Union without a national park. We are the first State to ratify the Constitution. Mr. Chairman, for one whole week, Delaware was the entire United States of America, and we still are the only State without a national park.

Sometimes people ask me what is the big deal about it, why do you want a national park so bad, and I would just say that the Chair of this Subcommittee is—Chairman Bishop, he is not here today. But his State, Utah, received in 2010 something like $617 million worth of economic development activity benefits from their national parks, $617 million. The Ranking Member of this Subcommittee is Congressman Grijalva. And Arizona received over $700 million in economic activities. I think the State of Washington, I believe, was a little over $200 million, about $264 million in 2010. So these are important considerations, as well, for us.

But from Aulavik National Park to the Boston National Historic Park, national parks across 49 States tell an important story of our Nation's history and culture. Every year, millions of Americans and visitors from other countries plan their vacations around their nations' national park system. I was surprised to learn last year that the top tourist destination for people around the world, when they come to America, is to visit our National parks. Just think about that. Number one. And, as a result, these parks provide valuable economic tourism dollars, which I have described already.

The first State, though, to ratify the Constitution, the first State of the Union, the State in which the Swedes, the first Finns came ashore, the first Dutch colonial settlement was established, where William Penn came ashore to establish the colony of Penn, which included, at the time, Delaware, all those things are part of our State's history. And yet we have no national park. We may be small, but our national park was crucial to the birth of our great

Nation. And unfortunately, our State's unique story is not being told.

The First State National Historical Park of 2011 would create a park celebrating early American Dutch, Swedish, and English settlements located throughout Delaware, and Delaware's role in leading—the events leading up to the ratification of our Constitution. This theme, built on an effort ongoing in my state for just about a decade—when it first came to the Senate, I knew Delaware had a rich history, a history that had yet to be told in any of our national parks. However, I was unsure what a national park in Delaware would look like.

That is why, in 2002, I tasked a commission composed of Delaware State citizen leaders, activists, community leaders, State officials, to work together on a draft proposal for a park that could be embraced by the people of Delaware. And that proposal was finalized in 2004. I want to thank everybody that was a part of that effort, and particularly the commission and its late leader, Dr. Jim Soles, who was a mentor to both Congressman Carney and myself.

But in part—thanks, in part, to the work of the commission in 2006, Congress authorized a National Park Service Resources Study to examine the need for a national park in Delaware. The National Park Service used the commission's proposal as the starting point for their own study. In January of 2009, the National Park Service finalized its study and agreed that, at long last, Delaware should have a national park, one of the last acts taken by the Bush Administration, as President George W. Bush left office.

We took a majority of the suggestions by the Park Service, put them together in the legislation that is before you today. And not only will the Delaware national park tell an important story, but it will tell the story at a very low cost to taxpayers. We are told National Park Service has estimated that this park, if approved, will be one of the least expensive national parks in our national park system.

We have also ensured that the Federal footprint of this park will be small, and given owners of the seven listed sites numerous options to be part of the park. Our legislation allows an owner of a site to reject an offer from the Park Service if they cannot come to an agreement with the Park Service that meets their needs.

In closing, let me just add that Delaware may be small, but our little State was crucial to the birth of this great Nation. We believe we deserve the right to tell our story, which is really America's story. I hope in the near future visitors far and wide will come to Delaware to hear our story, to learn our story through our national park. And I hope that the many visitors will end up returning to their own homes with lasting memories of how our small State helped launch the most enduring experiment in democracy the world has ever known, the United States of America.

Thank you, Mr. Chairman and colleagues.

Mr. BISHOP [presiding]. Thank you, Senator. We are happy to have you on the true side of the Capitol here.

We will next turn to Representative Pearce of New Mexico for your bill.

**STATEMENT OF THE HON. STEVE PEARCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. PEARCE. Thank you, Mr. Chairman and Ranking Member Holt. Like Mr. Gallegly, I used to be a member of the Committee until my grade point average fell too low to maintain that membership. But I am trying to get it back up.

Members of the Subcommittee and Chairman and Ranking Member, thank you for holding this hearing, and for inviting me to testify in support of H.R. 4334, the Organ Mountains National Monument Establishment Act.

The Organ Mountains are a true natural treasure in Southern New Mexico, and one of our State's most pristine, recognizable sites. Everyone believes that they must be preserved, and that is the intention of this bill. One of the most important aspects of this legislation is the strong local support for its end goal. It is imperative that any land management declaration have the backing of the local community. Ranchers, conservationists, public officials, and business owners have strong agreement with the aims of this bill.

The Greater Las Cruces Chamber of Commerce is supportive, and I would ask unanimous consent to insert into the record their letter of support.

[No response.]

Mr. PEARCE. OK. Two witnesses you will hear from today, Dr. Jerry Schickedanz and Matt Rush, live and work in the community and have played a key role in garnering support for H.R. 4334. It is a local solution. Unfortunately, we see the ramifications of monument declarations by Presidential edict, and the effect that they have not only on the economic base of a community, such as the ongoing dispute over cattle grazing in the Grand Staircase-Escalante Monument in Utah, but a declaration with little public input causes a strain and cynicism between individuals and the Federal Government to fester.

The U.S. Constitution grants the power to determine land management plans to the legislative branch under Article IV. This constitutional authority lends more credibility to the legislative process as a mechanism for making monument and other determinations. It serves as a check on the Federal Government and keeps it from abusing local authorities. The legislative process is a highly democratic method of making decisions with long-term policy implications.

It is in this spirit that I sponsored H.R. 4334. It protects the Organ Mountains permanently from disposal. The monument will forever be a part of the national landscape conservation system. Mineral exploration will be banned permanently. It allows for motorized vehicles to stay on existing roads and trails designated for their use, allowing the elderly, families with small children, and the disabled to access this pristine area. It also allows for the use of mechanized equipment for standard ranching operations, and to make repairs to earthen dams for the sake of our watersheds.

The agriculture community shows strong support for this legislation, as well. The bill protects current grazing permitees and ensures that future grazing permits will be issued. This injects regulatory stability into an industry that is often times left behind in the Washington game of special interest posturing. Our local

ranchers deserve a regulatory framework that takes their interests into account, along with the need to protect our lands.

Existing water rights are also protected and Federal water rights are not expanded. Private land holders who have property surrounding the monument will have access to their land holdings. The State Government will continue to have jurisdiction over fish and gaming permitting, so that our sportsmen can continue to enjoy the outdoors. In short, the bill creates a framework for responsible recreation and expanded access all at once. It protects our resources, while guaranteeing that our sportsmen and other outdoor recreational activists can enjoy this natural way to the greatest extent possible.

There are currently 12 national monuments in the State of New Mexico. In 11 there are no weapons or hunting allowed. This is—the hunting right must be protected in any management plan.

I would ask unanimous consent to insert the rest of my statement into the record, and I have about a one-minute video that would show you that a competing plan in the Senate does not comply with the underlying language. Senator Bingaman has introduced a wilderness bill, and I would like to show that video at this time.

Mr. BISHOP. Your statements are entered. Let's start the video.

[Video shown.]

Mr. PEARCE. Basically, what is happening, the bill—the bottom area shows you the actual map, and the airplane is flying along roads that exist in the area. The map above is the one that was presented to the Senate Committees, and actually deletes all of the roads that are in there. So technically, we feel like—that the wilderness bill that Senator Bingaman has proposed does not comply with the wilderness itself. It takes an area of 200,000 acres and puts it into wilderness. Our bill is less restrictive, allowing grazers to operate.

And so, again, just the area that we are flying here is different areas in the national park that—or in the area suggested as wilderness in Senator Bingaman's bill. And it just technically doesn't qualify for wilderness designation.

The—with that, I will yield back the balance of my time and thank the Chairman.

[The prepared statement of Mr. Pearce follows:]

**Statement of The Honorable Steve Pearce, a Representative in Congress from the State of New Mexico, on H.R. 4334**

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee, thank you for holding this hearing and for inviting me to testify in support of H.R. 4334, the *Organ Mountains National Monument Establishment Act.* The Organ Mountains are a true natural treasure in Southern New Mexico, and one of our state's most pristine, recognizable sites. Everyone believes they must be preserved. And that is the intention of this bill.

One of the most important aspects of this legislation is the strong local support for its end goal. It is imperative that any land management declaration have the backing of the local community. Ranchers, conservationists, public officials and business owners have strong agreement with the aims of this bill. The Greater Las Cruces Chamber of Commerce is supportive. Two witnesses you will hear from today, Dr. Jerry Schickedanz and Matt Rush, live and work in the community, and have played a key role in garnering support for H.R. 4334. It is a local solution.

Unfortunately, we see the ramifications of monument declarations by presidential edict and the effect they have not only on the economic base of a community, such

as the ongoing dispute over cattle grazing in the Grand Staircase-Escalante Monument in Utah, but a declaration with little public input causes the strain and cynicism between individuals the federal government to fester.

Plus, the US Constitution grants the power to determine land management plans to the legislative branch under Article IV. This constitutional authority lends more credibility to the legislative process as a mechanism for making monument and other determinations. It serves as a check on the federal government, and keeps it from abusing local authorities. The legislative process is a highly democratic method of making decisions with long-term policy implications.

It is in this spirit that I sponsored H.R. 4334. It protects the Organ Mountains permanently from disposal. The Monument will forever be a part of the National Landscape Conservation System. Mineral exploration will be banned permanently. It also allows for motorized vehicles to stay on existing roads and trails designated for their use, allowing the elderly, families with small children and the disabled to access this pristine area. It also allows for the use of mechanized equipment for standard ranching operations and to make repairs to earthen dams for the sake of our watersheds.

The agricultural community shows strong support for this legislation as well. The bill protects current grazing permittees, and ensures that future grazing permits will be issued. This injects regulatory stability into an industry that is oftentimes left behind in the Washington game of special interest posturing. Our local ranchers deserve a regulatory framework that takes their interests into account along with the need to protect our lands.

Existing water rights are also protected, and federal water rights are not expanded. Private landowners who have property surrounded by the monument will have access to their landholdings. The state government will continue to have jurisdiction over fish and game permitting, so that our sportsmen can continue to enjoy the outdoors.

In short, the bill creates a framework for responsible recreation and expanded access all at once. It protects our resources, while guaranteeing that our sportsmen and other outdoor recreational activists can enjoy this natural area to the greatest extent possible. There are currently 12 national monuments in the state of New Mexico. In 11, there are no weapons or hunting allowed. This is a right that must be protected in any management plan.

Another aspect that the federal government must take into account is the need to ensure law enforcement personnel can access federal lands in pursuit of criminals and for other emergency response needs. The close proximity to the Mexican border makes it even more important that we work to keep this area from becoming a drug or human smuggling corridor. We see in the Organ Pipe National Monument on the Arizona-Mexico border that Park Rangers have to carry weapons, and that tours are often limited to the daytime with armed Parks Service personnel guides. Many parts of the Monument are kept off limits from American tourists because of the danger of running into members of a drug cartel or human smugglers. The environmental degradation of these areas caused by gangs leaving trash and human waste behind is disturbing and sad for those of us who want to enjoy our natural heritage. Seeing what has happened Arizona, and wanting to keep it from happening in New Mexico, the Doña Ana County Sheriff, Todd Garrison, has endorsed H.R. 4334.

Several potential amendments to the bill have been suggested by citizens in the county to enhance the hunting and security aspects of it. I welcome those suggestions, and am happy to accommodate. Similarly, it has been suggested that a name change to the Organ Mountains-Cox Family Memorial National Monument be considered. The Cox family is a local ranching pioneer family in Doña Ana County, and has been in the area for more than a century. I would gladly consider such a change, along with strengthening recreation language to ensure the greatest amount of responsible access.

Once again, I would like to thank the Chairman, Ranking Member and the rest of the Committee members for the invitation today, and your willingness to consider the Organ Mountains National Monument Establishment Act. I look forward to your questions.

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Mr. BISHOP. Thank you, Congressman Pearce, I appreciate doing that. You all—first of all, if you would like to stay for questions, you may. If you want to join us on the dais, I have only had one other person in the history of this Committee that has actually taken me up on that offer. I would be pleased to have a second. You have a chance of doing it.

Mr. PEARCE. I am thinking about my future, sir. I guess I will. [Laughter.]

Mr. BISHOP. Mr. Chaffetz, sorry to have you waiting this long for it. You have an issue with Yucca Mountain, I understand?

Mr. CHAFFETZ. No, not today. That is later.

Mr. BISHOP. That is later? OK.

Mr. CHAFFETZ. Yes.

Mr. BISHOP. Would you introduce the Y Mountain bill for us, please?

**STATEMENT OF THE HON. JASON CHAFFETZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CHAFFETZ. Thank you, Chairman. I am here to testify on behalf of H.R. 4484, which is the Y Mountain Access and Enhancement Act. This was introduced in a bipartisan way, and myself, Mr. Faleomavaega, Mr. Flake, and Mr. McKeon introduced this bill, which has good, broad community support. I am joined—I know later will be testifying the Mayor of Provo. Mr. Curtis will be testifying on behalf of this bill.

In short, if you go into Utah Valley, and you were to go to Provo, Provo is the home to Brigham Young University, one of the largest private schools in the State. And on the east side of the city is the beginning of what becomes the Y Mountain access trail. Decades and decades ago they painted a big Y up on the side of the mountain. It has just really become a fixture in our community. Our people like to hike a trail that takes us up to the Y. Some from the University of Utah like to climb that trail and paint it red. We try to keep it white down in Utah County. But nevertheless, people like to hike the trail. They use it year-round.

Decades and decades ago, more than 50 years ago, Brigham Young University actually used to own about an 80-acre parcel that encompassed the Y that is there on the mountain. Now, with this bill, that would allow Brigham Young University to purchase that 80 acres back from the Federal Government.

So, if you were to go to the trail head and start to follow up the trail, the first half of that trip, roughly, you would be on property that is owned by Brigham Young University. What they simply want to do is be able to purchase that second half of the trail, so that there is some continuity. The idea here is that there would be better maintenance, better access. It would be better maintained. We think there are some safety issues, and what not.

The bill requires that Brigham Young University must continue to allow access as there is today. But you can understand why the access issues are such that one-half of the trail owned by one and the other half owned by somebody else, there isn't the continuity or the safety issues that are involved there.

It is a fixture in our community, it is a pride of our community. I think everybody wants to see the continued access. But we do believe that this bill would allow people a better experience. There will be better maintenance, better control of this to make sure that the community of all sorts can enjoy this. The bill legislates or mandates that the BYU pay the fair market value for the land, that Brigham Young University cover administrative and appraisal

costs. And we just think that this is a well-crafted bill. It is—we are talking about 80 acres.

We did introduce it in a bipartisan way, and we would encourage the community to look at this. I would be happy to answer any questions now or in the future about this. But we do encourage the passage of H.R. 4484, and appreciate the consideration.

Mr. BISHOP. Thank you, Congressman Chaffetz. I appreciate you being here. And once again, the same invitation applies to you, if you would like to join us here on the dais as we go through your bill with the other testimony, we would be happy to have you here.

[No response.]

Mr. BISHOP. All right, you don't have to. But we would be happy to have you here, if you would like to.

I am going to turn to the Committee and see if there are any questions or statements for whoever is not here at this stage of the game.

Mr. McClintock, do you have questions?

Mr. MCCLINTOCK. Mr. Chairman, would this be an appropriate time to make a statement on one of the measures before us?

Mr. BISHOP. I will accept that, go ahead.

**STATEMENT OF THE HON. TOM McCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. MCCLINTOCK. Thank you. Mr. Chairman, we have before us today H.R. 3640, that authorizes the Secretary of the Interior to acquire 18 acres in Mariposa, California, as the site of a new Yosemite visitors center and administrative office complex. I had the opportunity to meet with a group of county officials and business leaders earlier this year in Mariposa who were pursuing this project as a gateway to Yosemite.

As Mariposa County Supervisor Kevin Cann will explain to the Subcommittee today, the advantages include moving more than 100 Yosemite employees out of the park, and providing a one-stop center for park visitors to "get a full park ranger orientation, entrance passes, maps, and plan their trip before they enter the park."

The ultimate goal is to remove as many vestiges of human activity from the park as possible, stopping Yosemite-bound travelers in Mariposa, and then bussing them in for day trips.

I am not taking a position on the bill as yet, but I do want to address a number of concerns.

First among them is whether this plan has been fully vetted locally in Mariposa. A few weeks after I met with Supervisor Cann I was invited to a community meeting in Mariposa attended by several hundred Mariposa residents who raised the issue during a question and answer session, and expressed strong opposition to the project. Among their concerns were why 18 acres was necessary for an office complex, what negative impact such a complex would have on the quiet ambience of the town, and how the Federal Government could afford to take on new projects during an unprecedented fiscal crisis. I appreciate the Chairman granting my request to invite one of the organizers of this meeting to testify today.

Of all the unresolved issues surrounding this, it is crystal clear that a consensus has not yet emerged locally. Second, and more importantly, is the impact of this proposal on park visitors and on

surrounding gateway communities. Mariposa is 30 miles from Yosemite. Moving employees and visitor services from the park means that they will not be available to visitors at the park.

And Mariposa County is not the only gateway to Yosemite. It certainly serves visitors coming to the west entrance on Highway 140. But neighboring Tuolumne County serves as a gateway from the north on Highway 120, and Madera County is the gateway to the south entrance from the populous Southern California area on Highway 41. These counties have not taken a position on this legislation, but have expressed some concern.

As Madera County Board of Supervisors Chairman Ronn Dominici wrote to Congressman Denham on April 10th of this year, "As in Mariposa County, Madera County directly benefits from tourists traveling to Yosemite National Park. Eastern Madera County is comprised of many southern gateway communities, such as Oakhurst, who depend almost solely on tourism. The number of tourists that visit the park through the south gate entrance, more than 1.1 million of the 3.6 million total visitors in 2011, surpasses any other gate. Thus, we believe that our county should also be considered for any project that utilizes park fees for visitor services."

I would ask unanimous consent to place that letter in the record.

Mr. BISHOP. So ordered.

[NOTE: The letter entered into the record by Mr. McClintock has been retained in the Committee's official files.]

Mr. MCCLINTOCK. Tuolumne County's government affairs representative voiced a similar concern. By removing visitor services 30 miles to the west, travelers from both the northern and the southern parts of California would be diverted many miles out of their way to obtain services that they could otherwise access in the park, itself. Moreover, every visitor trip that Mariposa may gain by this project is a visitor trip lost to neighboring communities like Sonora and Oakhurst, whose economies are just as depending on Yosemite-generated tourism.

So, I would hope that these issues can be addressed in a consensus bill that takes into account the wishes of park users, local community concerns within Mariposa County, as well as concerns of Mariposa's neighbors that could be devastated, economically, if Congress begins picking winners and losers among Yosemite's gateway communities.

I thank you for the opportunity to address the issue, and yield back the balance of my time.

Mr. BISHOP. Thank you, Congressman. Mr. Holt, do you have any opening comments or questions?

Dr. HOLT. Yes, if I may.

Mr. BISHOP. Please, go ahead.

Dr. HOLT. Just a very brief comment. I noted the testimony of the Senator and Representative from Delaware that for a period of time they were the United State—and I say, for the court reporter, singular—of America. And I think it is appropriate that we find a way for the State to have a national park. And I think a lot of good planning has gone into this one.

I know the Chairman often talks about how much Federal land there is in his State. It may be that the Federal Government would

want to take some land in Utah and cede it to Delaware, increase the size of the State, give them a national park. But one way or another—that was, again, for the court reporter, delivered with a wink—the—I think it is appropriate that we try to find a way for a good national park presence in Delaware. And I yield back my time. Thank you.

Mr. BISHOP. All right. We appreciate that. We will now turn to the next panel who is here, and talk about H.R. 4334, the Organ Mountains National Monument Establishment Area.

If I could have Carl Rountree, who is the Director of the National Landscape Conservation System in BLM come up here, as well as Jerry Schickedanz, who is the Chairman of the People for Preserving our Western Heritage, Matt Rush, the Executive Vice President of the New Mexico Farm and Livestock Bureau, and Bill Garrett, a Commissioner in District 1 in Doña Ana County. I hope I pronounced the county right. Mr. Schickedanz, I hope I pronounced your name correctly. At least that is what you would say in German, anyway. If we had those gentleman come up here, I would appreciate it.

Mr. SCHICKEDANZ. It took my brother to the second grade to learn how to spell it.

Mr. BISHOP. Gentlemen, we are speaking just for this particular bill, the Organ Mountains National Monument Establishment Act. We will start with Mr. Rountree and then just go down the panel.

I would remind you all once again that you have—your written statements are already submitted and included in the record. We will be hearing oral testimony. You have the timer in front of you there. You have five minutes. I would appreciate you keeping to that five-minute limit. The green light means everything is going well. The yellow light means you have a minute left. I would ask you to please conclude when the red light goes on or before, if you want us to be nice to you when we do the questions.

And, Mr. Pearce, happy to have you here. If you actually want to come closer to us, we did bathe this morning. You can sit down there at the end, if you would like to. OK, fine.

Anyway, Mr. Rountree, if you would start, please.

## STATEMENT OF CARL ROUNTREE, DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. ROUNTREE. Thank you, Mr. Chairman, and thank you for inviting the Department of the Interior to testify on H.R. 4334, the Organ Mountains National Monument Establishment Act. I will briefly summarize my written statement.

The Department of the Interior strongly supports the protection and the conservation of the Organ Mountains in Southern New Mexico. This area is a national treasure, deserving the protections that come with designation as a national monument. Last year, the Department testified in support of S. 1024, the Organ Mountains Doña Ana County Conservation and Protection Act, before the Senate Energy and Natural Resources Committee. The Department recommends a number of changes to H.R. 4334, so that we can likewise support this bill in the future.

The Organ Mountains lie to the east of Los Cruces, New Mexico, dominating the landscape as they rise some 9,000 feet in elevation. Running generally north-south for 20 miles, the steep, needle-like spires resemble the pipes of an organ, and are an iconic fixture of life in Southern New Mexico. They are a popular recreation area with multiple hiking trails, a campground, opportunities for hunting, mountain biking, and other dispersed recreation. The mountain harbors more than 800 plant species, some of which occur nowhere else, and hosts hundreds of species of animals. They also contain the traces of ancient people and evidence of the area's more recent past.

H.R. 4334 would designate 58,500 acres of BLM-managed public land in the Organ Mountains National Monument—as the Organ Mountains National Monument. Generally, the purpose of this section of a national monument or a national conservation area designation establishes the conservation goals for the unit. In this bill, the purpose statement of H.R. 4334 includes resources that are undefined and unnecessary for the conservation of the area. And we recommend that they be removed from the purposes section.

While the BLM supports the continuation of grazing within the proposed national monument, grazing and traditional uses should not be listed as monument purposes.

The boundaries established for the Organ Mountains National Monument under H.R. 4334 reflect the boundaries that the BLM administratively established for the Organ Mountains Area of Critical Environmental Concern, ACEC, in 1993. In the nearly 20 years since that ACEC was established, numerous changes on the ground and in the local community have resulted in the BLM's support for a larger national monument boundary with a different configuration. We would be happy to work with the sponsor and the Committee to modify the boundaries.

Finally, section 9 of H.R. 4334 calls for the release of 3 wilderness study areas from WSA status. The BLM opposes this wholesale release, and instead recommends the designation of approximately 19,000-acre wilderness area within the proposed national monument, and the release of about 400 acres from WSA status.

The Organ Mountains are not only a treasure for the State of New Mexico, but one of national significance to be protected and cherished by and for all of the people of the United States. The Department looks forward to working with the sponsor and the Committee to find solutions to the issues we have raised, so that the Organ Mountains get the full protection they so richly deserve.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Rountree follows:]

**Statement of Carl Rountree, Assistant Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 4334, Organ Mountains National Monument Establishment Act**

Thank you for inviting the Department of the Interior to testify on H.R. 4334, the Organ Mountains National Monument Establishment Act. The Department of the Interior strongly supports the protection and conservation of the Organ Mountains in southern New Mexico. This area is a national treasure deserving of the protections that come with designation as a National Monument. Last year, the Department testified in support of S. 1024, the Organ Mountains—Doña Ana County Conservation and Protection Act, before the Senate Energy and Natural Resources Committee. S. 1024 provides for the designation of the Organ Mountains as a National

Conservation Area (NCA) as well as a number of other conservation designations in Doña Ana County, New Mexico. The Department recommends a number of changes to H.R. 4334, so that we can likewise support this bill in the future.

**Background**

The Organ Mountains lie to the east of Las Cruces, New Mexico, dominating the landscape as they rise to over 9,000 feet in elevation. Running generally north-south for 20 miles, the steep, needle-like spires resemble the pipes of an organ and are an iconic fixture of life in southern New Mexico. This Chihuahuan Desert landscape of rocky peaks, narrow canyons, and open woodlands contain a multitude of biological zones, from mixed desert shrubs and grasslands in the lowlands, ascending to Alligator juniper, gray oak, mountain mahogany and sotol, and finally to ponderosa pines at the highest elevations. Consequently, the area is home to a high diversity of plant and animal life, and excellent wildlife viewing opportunities are present in the area. Visitors frequently see golden eagles, red-tailed hawks, peregrine falcons, Gamble's quail, desert mule deer, coyote, cottontail, and collared lizards. Mountain lions and other predators are also present, but less frequently observed.

There are six endemic wildflower species, including the Organ Mountains evening primrose. Seasonal springs and streams occur in the canyon bottoms, with a few perennial springs that support riparian habitats.

The Organ Mountains are a popular recreation area, with multiple hiking trails, a campground, and opportunities for hunting, mountain biking, and other dispersed recreation. There are several developed recreation areas within the Organ Mountains, including the Dripping Springs Natural Area (formerly known as the Cox Ranch) noted for its "weeping walls;" the Aguirre Spring Campground, nestled at the base of the spectacular needle-like spires of the Organ Mountains; the Soledad Canyon Day Use Area; and many miles of hiking, horseback riding, and mountain biking trails.

**H.R. 4334**

H.R. 4334 would designate 58,500 acres of BLM-managed public land as the Organ Mountains National Monument. Each of the National Monuments and NCAs designated by Congress and managed by the Bureau of Land Management is unique. However, these designations have certain critical elements in common, including withdrawal from the public land, mining, and mineral leasing laws; off-highway vehicle use limitations; and language that charges the Secretary of the Interior with allowing only those uses that further the conservation purposes for which the unit is established. Furthermore, these Congressional designations should not diminish the protections that currently apply to the lands.

Most of these standard provisions are included in H.R. 4334; however there are provisions that require amendment before the Department could support the legislation. Generally, the "purposes" section of a National Monument or NCA designation establishes the conservation goals for the unit. In this bill, the purpose statement for H.R. 4334 includes two "resources" that are undefined and unnecessary for the conservation of the area. Specifically, in section 5, both "livestock" and "traditional" are listed as resources to be conserved, protected, and enhanced, along with the more standard "cultural, archaeological, natural, ecological, geological, historical, wildlife, watershed, educational, recreational and scenic resources." The inclusion of grazing and traditional "resources" in the purpose statement could prevent the BLM from adequately managing the area.

Grazing exists on most of the BLM's National Monuments and NCAs, as with most public lands, and is typically consistent with their management. However, grazing is not a stated purpose of any national monuments. Section 6(c) of H.R. 4334 mandates that grazing continue in accordance with the same law and executive orders that apply to grazing on other land under the BLM's administrative jurisdiction, and we do not object to this provision. However, National Monuments and NCAs are intended for the protection, conservation, and restoration of nationally-significant resources, objects, and values of historic or scientific interest. Establishing livestock as a resource to be conserved and protected within this National Monument may, at a minimum, lead to confusion. A more extreme interpretation could create conflicting and inconsistent management standards for the grazing of livestock within the national monument compared to standards for grazing management on other lands managed by the BLM. This would be problematic from both a grazing management perspective, as well as a monument management perspective, and we oppose the addition of livestock as a monument purpose under the bill. Likewise, the term "traditional. . .resources" is an ambiguous term which the bill leaves undefined. The BLM has concerns about the scope of activities that this might include. In summary, while the BLM supports the continuation of grazing

within the proposed national monument, grazing and traditional uses should not be listed as monument purposes.

The boundaries established for the Organ Mountains National Monument under H.R. 4334 reflect the boundaries that the BLM administratively established for the Organ Mountains Area of Critical Environmental Concern (ACEC) in 1993. In the nearly 20 years since that ACEC was established, numerous changes on-the-ground and in the local community have resulted in the BLM's support for a larger national monument boundary with a different configuration.

For example, the BLM has made a number of significant land acquisitions in the area over the past 20 years, including 400 acres on the east side which make up the popular Soledad Canyon Day Use Area. These acquired lands, along with surrounding public lands, should be incorporated into the bill's proposed monument to protect important resources.

Also, the Army's Fort Bliss and White Sands Missile Range borders much of the east side of the existing ACEC. Working with the local BLM, the Army has indicated a strong interest in transferring the Filmore Canyon area to the BLM for conservation and protection as part of a larger designation. Additionally, the Army has advocated for additional conservation lands on the south and east in order to prevent development adjacent to these army bases. In addition, the Army recommends military overflight language (similar to that included in S. 1024) as well as language on the compatibility of current and future military training and testing activities on DoD lands adjacent to the proposed national monument.

On the south side of the existing ACEC, the BLM advocates both expanding the national monument in certain areas to protect important natural and historic resources, and also contracting the boundary in the vicinity of Anthony Gap to provide for an expanded utility and transmission corridor outside of a designated national monument. We would welcome the opportunity to discuss these proposed boundary modifications in more detail with the sponsor and the Committee.

Finally, section 9 of H.R. 4334 calls for the release from wilderness study area (WSA) status of three WSAs totaling over 17,000 acres. The BLM opposes this wholesale release and instead recommends the designation of an approximately 19,000-acre wilderness area within the proposed national monument, and the release of about 800 acres from WSA status. The land currently comprising the Organ Mountains, Organ Needles and Peña Blanca WSAs contains exceptionally high wilderness values. These three WSAs form the heart of the most rugged, isolated, and secluded sections of the Organ Mountains. Granite spires and red rhyolite cliffs are split by ribbons of green trees providing exceptional scenery for the visitor. This is what Congress envisioned when it passed the 1964 Wilderness Act describing areas with "outstanding opportunities for solitude or a primitive and unconfined type of recreation."

**Conclusion**

The Organ Mountains are not only a treasure for the state of New Mexico, but one of national significance to be protected and cherished by and for all the people of the United States. The Department looks forward to working with the sponsor and the Committee to find solutions to the issues we have raised, as well as additional more technical issues, so that the Organ Mountains get the full protection they so richly deserve.

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Mr. BISHOP. Thank you. I appreciate that.

Mr. Schickedanz, please.

## STATEMENT OF JERRY SCHICKEDANZ, CHAIRMAN, PEOPLE FOR PRESERVING OUR WESTERN HERITAGE

Mr. SCHICKEDANZ. My name is Jerry Schickedanz. I am Chairman of People for Preserving our Western Heritage, a coalition of 791 businesses in Southern New Mexico. Our mission is to preserve, promote, and protect the farming, ranching, and rural heritage of our western lands. We support H.R. 4334, Organ Mountains National Monument Establishment Act.

H.R. 4334 is a common-sense approach to permanently protecting the Organ Mountains. The picture-perfect backdrop of the City of Los Cruces, New Mexico has been an item of local discussion for many years. There have been various proposals for wilder-

ness and national conservation areas that include the Organ Mountains and other outlying areas that have not gained full support, but have divided the community.

The land area addressed by H.R. 4334 has been under BLM administrative protection since the early 1990s as an area of critical environmental concern. That includes three wilderness study areas. From the earliest attempts to permanently protect the Organ Mountains, proposals have grown from 58,000 acres within the Organs to over 600,000 acres throughout Doña Ana County, which would designate over one-fourth of the county as a national monument by Presidential proclamation.

H.R. 4334 has brought the vision of permanently protecting the Organ Mountains back into the realm of reality and common sense. This proposed legislation would permanently protect the Organ Mountains, a single proposal with universal support throughout Doña Ana County. This legislation would properly conserve, protect, and enhance the many resources within these mountains that exist today because of the stewardship provided by the W.W. Cox Ranch family for over 124 years. Their love and care of the land is evident, and we have an obligation to preserve and protect the fruits of their labor.

We must understand that the Cox stewardship occurred under the umbrella of a working cattle ranch, and H.R. 4334 is the only pending measure that properly acknowledges that fact. The bill would protect livestock grazing within the Organ Mountain National Monument, and allow ranching to continue for the benefit and enjoyment of generations to come.

Lands west of the 100th meridian were settled through the development of natural water and water for windmills, pumps, and earthen dams. This bill recognizes and protects those water rights which are important to manage the land for livestock, wildlife, and recreation. No new roads would be built, unless they are determined by the Secretary to be necessary for the resource protection or public safety. Use of motorized vehicles will only be approved for the use on designated roads, as determined by the management plan. This will allow authorization for motorized vehicle use in standard ranching practice and construction and maintenance operation or management of flood control, or water conservation systems.

Flood water management is of high importance in the desert southwest, with the lands being prone to flash floods during the monsoon season. Because we have a limited ability to predict the future needs, the bill provides for utility rights of way upgrades, renewal, and authorization if they meet the standards of NEPA and other terms and conditions specified by the Secretary.

The bill also addresses the protection of other resources the community finds important, such as cultural, archeological, historical, and scenic values. I would hope that the merits of this bill will gain bipartisan support, and permanently protect our magnificent Organ Mountains.

I have collected over 870 signatures in the last couple of weeks in support of this bill and opposing the movement to establish a national monument by proclamation. Therefore, we support the pas-

sage of H.R. 4334 to settle once and for all the permanent protection of the Organ Mountains.

We would further recommend that the title be changed to "Organ Mountains Cox Family National Monument," as a lasting tribute to this stalwart pioneering family, and to the legacy of livestock ranching in the Southwest United States.

I also have brought with me to be entered into the hearing's record a letter from the New Mexico Federal Lands Council in support of this bill. Also, a letter and attached resolutions from the Chair of the Doña Ana County Commission and actions that are relative to this bill. Thank you.

[The prepared statement of Mr. Schickedanz follows:]

**Statement of Jerry G. Schickedanz, Chairman, People for Preserving our Western Heritage, on H.R. 4334, Organ Mountains National Monument Establishment Act**

I am Jerry G. Schickedanz, Chairman of People for Preserving Our Western Heritage (PFPOWH), a coalition of 791 businesses and organizations in Doña Ana County, New Mexico. The organization was formed in November of 2006, after a series of meetings among federal lands stakeholders organized by the County of Doña Ana and the City of Las Cruces to establish consensus on proposed wilderness designation for ten local areas.

The mission of PFPOWH is "To preserve, promote and protect the farming, ranching and rural heritage of our western lands."

We support permanent preservation and protection of the Organ Mountains and other special areas in our county.

We further support H.R. 4334, "Organ Mountains National Monument Establishment Act."

**COMMUNITY EXPECTATIONS**

During the stakeholder meetings held in 2006 and 2007, participants agreed on a list of nine community concerns and expectations for management of our public lands. Primary attention was focused on the Organ Mountains.

**1. Retention of open space**

Almost everyone is committed to the preservation of open space.

**2. Provision for planned economic and population growth.**

The population of Doña Ana County is going to grow. That growth will require some federal and state lands to be included within the scope of land use planning.

**3. Unrestricted application of Homeland Security and law enforcement activities.**

No prudent leader should tie the hands of law enforcement on or near the Mexican border.

**4. 2Prevention of unlawful use of off-road vehicles.**

Every group and every stakeholder representative supported the prevention of unlawful off-road vehicular traffic.

**5. Continued access for all segments of the public.**

Most participants were opposed to the closing of existing roads on public lands.

**6. Perpetuation of traditional ranching operations.**

There is a growing understanding that in-tact ranch operations are the best mechanism to maintain the viability of open space in the West.

**7. Access for flood control and water capture projects.**

Dona Ana County is part of a desert ecosystem. Most of our annual rainfall occurs during the months of July, August and September. Sudden flood, causing downpours are common. Our local Elephant Butte Irrigation District has initiated innovative measures to control those flood waters, protecting the populated areas from damaging floods by directing the runoff into the irrigation distribution and drain canal system where it recharges the Rio Grande aquifer and supplements irrigation water under the Rio Grande Compact. These initiatives are at risk under overly restrictive federal lands legislation.

**8. Enhancement of wildlife and rangeland health.**

Scientific study has confirmed the improvements to plant and wildlife communities can result from prudently managed livestock grazing programs. Virtually all of the permanent water sources available to wildlife in Doña Ana County, other than the Rio Grande, are the result of livestock water facilities developed and paid for by livestock operators.

**9. Fidelity of Wilderness.**

Most of the proposed Doña Ana County Wilderness areas do not meet the fidelity standards of wilderness as described in the 1964 Wilderness Act.

**Concerns Generated by other proposals**

While there may have been consensus on community expectations, there has not been consensus on how to protect these lands in Doña Ana County. There have been proposals ranging from designating the 58,000 acre foot print of the Organ Mountains as a National Conservation Area, 240,000 acres of wilderness plus 100,000 acres of national conservation area, to a 600,000 acre proposal of a national monument that would side step the legislative process through a proclamation to be signed by the President under the 1906 Antiquities Act.

It is incredulous to think that there is an active proposal to restrict use on 600,000 acres without the benefit of public hearings or debate. That proposal will impact 59% of the livestock grazing permits and 70% of the range cattle in the county. It would surround 24,000 acres of state trust lands and a large number of private land holdings. There has not been an opportunity for citizens who would be impacted to have any input into the proclamation or any type of explanation of the economic impacts that a land designation of this magnitude would have on the community of either positive or negative impacts. The New Mexico experience of National Monuments have important impacts that should be addressed (Appendix A). H.R. 4334, the Organ Mountains National Monument Establishment, would bring the proposals for protecting the Organ Mountains back into perspective and reasonableness.

**How HR4334 Addresses Concerns**

H.R. 4334, in its simplicity, deals with many of the issues surrounding previous proposals and narrows the scope of the protection to only the Organ Mountains (58,512 acres), instead of a potential 600,000 acres.

**Livestock and Grazing**

The purposes section identifies and names livestock and watershed as resources worthy of protection, conservation and enhancement. These are commonly ignored in other national monument designations. Grazing of livestock has been a recognized resource and use of public lands since the beginning of the recorded history of New Mexico with the first livestock brought to this area in 1598 by Don Juan de Onate. Livestock have been part of the landscape, economy and tradition since that time and are still important in Doña Ana County.

H.R. 4334 would assure the continuation of ranching under the umbrella of this national monument, something not common to national monument designation. Livestock is recognized as a resource on equal footing with other named resources and grazing is specifically noted in Sec 6 (c) for continuation under the jurisdiction of the Bureau of Land Management.

It is worthy to note that one family has continuously owned and operated ranches in the Organ

Mountains since W.W. Cox arrived in 1888 and acquired the San Augustine Ranch, named for the San Augustine Peak located within the original ranch boundaries. Over time, and with the help of sons and daughters, Mr. Cox was able to expand his holdings into the Tularosa Basin. During World War II and at a time when family members were serving the country in foreign combat zones, one who would be lost in battle, the family ceded most of their holdings to the federal government for the establishment of White Sands Missile Range and the expansion of Fort Bliss. W.W. Cox was a prominent Doña Ana Count citizen, serving at one time as County Treasurer. Members of succeeding generations have played prominent roles in community and livestock organizations. We believe it would be most fitting to recognize the contributions of this pioneer family by naming this national monument in their honor.

**Water Rights**

Water has been a precious commodity in the settlement of the arid west. Water has been used for beneficial purposes in New Mexico prior to the settlement by the Spaniards. Coronado's expeditionary record refers to the cultivation of crops such as

cotton and corn by the Pueblo Indians of the middle Rio Grande Valley and the watering of livestock from acequias as early as 1582.

The Treaty of Guadalupe Hidalgo in 1848 and the Gadsden Purchase in 1853 specified protection of landowners and occupiers, under the laws of Spain and Mexico. Appropriation of water for beneficial use was further clarified in the New Mexico State Constitution in 1911.

Section 3 of this bill protects the existing water rights of individuals and the United States government upon enactment of this act.

**Flood Control**

Massive flood events have occurred along the Rio Grande since the beginning of time. Through the years, man has worked to control the flood events and capture the valuable water for beneficial use for crops, livestock, and personal use. Early day treatments were to build massive dams to capture the flood water and then dispense it out for crop use over a longer period of time following the flood event. This method was to block the arroyos and canyons at the mouth. However; this did nothing to prevent the destructive force of flood water and did not address the cause of flooding up stream. Current strategy is to work further up the stream beds and watershed area with smaller flood control and water spreading structures. This requires the ability to have access up stream to construct flood water dams, maintain and repair existing structures and implies the need for vehicle access to accomplish the work.

Section 6 (b) (2) addresses the use of motorized vehicles in the construction, maintenance, operation or management of flood control or water conservation systems.

**Motorized Vehicle Use**

Motorized vehicle use in production agriculture, recreation and travel has become a necessary part of modern society. The ability to compete in production agriculture requires the use of mechanized equipment and not animal drawn implements. Recreation on our federal lands has developed through the use of mechanized vehicles both to recreate and to travel back and forth to a camp or home. Off-road use by these vehicles is contrary to regulation and law.

We are opposed to unauthorized off-road travel. The bill gives authorization for motorized vehicle use for construction and maintenance of range improvements or performing standard ranching operations.

**Roads**

The bill protects the national monument area from any new roads except for public safety or natural resource protection. This will protect the current character of the land that local citizens are concerned about.

**Rights of Way**

If it were to become necessary to consider a new utility rights-of-way in the monument, the bill would not preclude that. The monument would be protected under the National Environmental Policy Act of 1969, which contain restrictive and stringent rules that must be complied with in the event that a right of way needed to be addressed.

We do not have a crystal ball that can predict the future needs in the way of new energy development, and this bill has the foresight to recognize that and allow a solution.

**Land Withdrawal**

Land use is a very current topic in areas of growth and development such as Las Cruces and surrounding Doña Ana County. Protection of the Organ Mountains from commercial development and housing has been a topic of contention from the beginning of the stakeholder meetings.

This bill protects land within the 58,512 acre boundary from disposal, trade, development, sale, mineral exploration, leasing or mining including geo-thermal. This will alleviate the concern of many in Doña Ana County relative to the possible detrimental use and destruction of the view shed of the Organ Mountains.

**Release of Wilderness Study Areas**

Major portions of the Organ Mountains have, since the early 1990's, been under the designation of Wilderness Study Area. The designation protected the area from any use that would impair the wilderness character of the land until action by Congress. The bill will release the land areas in question from being under the jurisdiction of the wilderness study area regulations. These lands will continue to be protected from development and or disposal by inclusion in the proposed national monument.

**Legislative Process for National Monument Designation**

The deliberate and seemingly slow process for something to be enacted into law can be very frustrating in the short term. However, the deliberate process allowing for public input and debate to be put into writing and voted on by both houses of Congress and signed by the President has stood the test of time. There are seldom mistakes in the result of this process because it is transparent and has many opportunities for improvement of the initial concept. We are in total agreement with this tried and true outcome described in the constitution developed by our forefathers. Bills that are passed through this type of scrutiny will generally stand the test of time.

Therefore; we support the passage of HR4334 to settle once and for all the permanent protection of the Organ Mountains.

We do, however, have three recommended changed to the bill:

- Law enforcement should be guaranteed unfettered access to the monument
- Hunting should also be guaranteed in the monument, and
- The title should be changed to "Organ Mountains-Cox Family National Monument" as a lasting tribute to this stalwart pioneering family and to the legacy of livestock ranching in the Southwest United States.

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**Attachment A**

**Current Conditions on the 12 New Mexico National Monuments**
**Organ Mountains Desert Peaks National Monument**

**FACTS**

There are 12 National Monuments in New Mexico; New Mexico is second to Arizona with 18.

10 of the National monuments are managed by National Park Service.

2 of the National monuments are managed by Bureau of Land Management.

HUNTING—No hunting in 11 New Mexico National Monuments, the Trackways Management Plan is being developed. NPS policy is to protect wildlife within their boundaries.

GRAZING—No grazing in 11 New Mexico National Monuments, the Trackways Management Plan is being developed. NPS policy is to phase out commercial grazing whenever possible.

Grazing was prohibited in 1930, Bandelier; 1940's, White Sands; 1997, El Malpais

PETS—In general, NPS policy for pets (except for guide dogs and hearing ear dogs) are prohibited from: entering national monument buildings (including visitor centers); ranger led activities; using trails, and all backcountry areas. In those instances where they are allowed on trails, they must be kept on a leash at all times. Pet regulations are strictly enforced—fines $50–250.00.

RV CAMPING OVERNIGHT—No overnight RV camping at 10 of the 12 National Monuments in New Mexico. El Morro has 9 sites for RVs and Bandelier has 94 sites, but no hookups for water and lights.

BACKPACK CAMPING OVERNIGHT—No overnight backpack camping at 9 of the 12 National Monuments in New Mexico. White Sands has 10 established sites for tents and must have advance reservations. Bandelier has overnight backpack camping with a permit. El Malpais has tent camping

FEES—Fees are charged at 9 of the 12 National Monuments, El Malpais, Prehistoric Trackways and Salinas Pueblo Missions do not charge a fee.

FUEL WOOD GATHERING—Generally fuel wood gathering is prohibited.

MOTERIZED VEHICLE USE—No motorized vehicle use on trails. Baby strollers are prohibited on trails at Capulin Volcano and bicycles are prohibited during regular hours on the road up Capulin. Trackways management plan is being written. NPS policy is to not allow motorized vehicles on trails because they violate the soundscape resource with unnatural sounds.

HORSEBACK RIDING—Bandelier limits riding on trails and limits the number daily to 2 groups of 6 horses.

LAW ENFORCEMENT AND BORDER SECURITY

Currently Law Enforcement and Border Patrol have access in the NMWA proposed Organ Mt.-Desert Peaks National Monument. However if done under a blanket proclamation the law officers could be blocked under National Monument rules that in Arizona have limited law enforcement routine patrols.

National Park Service policy 2006 states"that within the national park system boundaries, the Service will fulfill its law enforcement responsibilities using NPS employees".

Mr. BISHOP. Thank you very much. Make sure our clerk has a copy of those letters, and we will add them into the record.

Mr. Rush, I believe.

**STATEMENT OF MATT RUSH, EXECUTIVE VICE PRESIDENT, NEW MEXICO FARM AND LIVESTOCK BUREAU**

Mr. RUSH. Good morning, Chairman and members of the Committee. What an incredible day. Who would have ever thought that a farm boy from a New Mexico town of 125 people would be testifying before Congress? But I am honored to be here. Even more exciting is to be testifying on something that I am so passionate about. That is our support of H.R. 4334, the establishment of the Organ Mountains as a national monument.

My name is Matt Rush, and I am Executive Vice President of New Mexico Farm and Livestock Bureau. And I represent the majority of the farmers and ranchers in Doña Ana County and in New Mexico. And I speak for them when I thank Congressman Pearce for this bill.

This proposal has been a long-range goal of New Mexicans, dating back to 2005 when then-Senator Pete Domenici proposed protection of the Organ Mountains. That is, until he found out his proposal was too large and negatively impacted the citizens of Doña Ana County.

In 2006, the Wilderness Alliance proposed land for preservation, but this time increased the ante from 217,000 acres to 325,000 acres. Again, community stakeholders refused it because of the size and crippling effect on our way of life.

In 2009, Senate Bill 1689 was introduced, aiming to reserve 260,000 acres. Because of the same reasons as before, this bill died in committee. Then again, in 2011, the bill was introduced as SB 1024, where it remains in committee today.

But then, earlier this year, the New Mexico Wilderness Alliance began pushing a proposal to designate an astounding 600,000 acres as national monument in Doña Ana County. All this being done behind the scenes and out of the public eye, but pushed for approval under the authority of the Antiquities Act.

Although you have been told that there is broad-based support for this large national monument designation, as you can see from the past history, the reality is that the majority of citizens of our area are not in favor of such a large designation that would take away literally 25 percent of our county.

The stark reality is that Doña Ana County, New Mexico, and the surrounding area is already a wash in Federal lands, especially if you combine Fort Bliss to the McGregor Range to White Sands Missile Range to the White Sands National Monument to Holloman Air Force Base to the San Andreas National Wildlife Refuge to the Experiment Station to the existing WSAs. That total will give you 4.7 million acres in protected Federal lands. Add this to another 1.5 million acres that are tied up in conditional access, and you will find a total of 6.2 million acres. Almost 75 percent of the entire county is already under Federal control. Less than 15 percent is privately owned. We don't need to exacerbate the problem by designating vast tracks of land as national monument.

And, furthermore, the other fear that we have is that the people's voice will be lost and their needs swept aside with a simple stroke of the executive pen through that Antiquities Act.

Now, rumor has it that the political climate right now might be a bit, shall we say, divisive or partisan. If that is true, then I would like to be the first to announce that I bear good news. Because the proposal before you today has one thing that everyone agrees on, from Democrats to Republicans to wilderness groups to farmers and ranchers. They all agree on the one thing that is at the heart of every proposal and every piece of legislation introduced, and that is protecting the Organ Mountains.

The reality is no one is getting everything that they want. But isn't that the art of compromise? Are we supposed to meet in the middle, agree to disagree with what we don't agree but then agree on what we agree on and shake hands and walk away friends?

That is why we support this bill, and urge you, the public servants, to do the same. This bill protects the culture and the historical use of the land. It is clearly defying the rights of ranchers to graze their cattle, like the Cox Family, who have been caretakers of these sacred lands for over 100 years, while protecting the hills from future development. In fact, as a testament to the rock solid foundation these mountains provide our county and the way of life they support, we urge you to rename the bill The Organ Mountain Cox Family Monument.

H.R. 4334 does not get rid of water rights, nor expand the Federal water rights. Congressman Pearce definitely allows the use of equipment used for standard caretaking such as repairing windmills and mending fences, yet requires a plan for that caretaking.

At the same time, this bill goes to the very heart of what everyone has wanted. It elevates the iconic feature of our State, the Organ Mountains, to the status they deserve, while protecting our culture, our tradition, and our mountain.

Thank you very much for your time.

[The prepared statement of Mr. Rush follows:]

**Statement of Matt Rush, Executive Vice-President, New Mexico Farm & Livestock Bureau which aimed to reserve 260,000 acres, on H.R. 4334, "Organ Mountains National Monument Establishment Act"**

Chairman Bishop and members of the committee, thank you for this opportunity to voice our support of HR4334, the establishment of the Organ Mountains as a National Monument. My name is Matt Rush and I am the Executive Vice-President of the New Mexico Farm & Livestock Bureau. I represent all of the farmers and ranchers in Doña Ana County and speak for them when I thank Congressman Pearce for his efforts to protect the Organ Mountains.

Preservation of the Organ Mountains has been a long range goal of New Mexicans. In 2005, Senator Pete Domenici supported protection of the Organs—until he found out the proposal negatively impacted the citizens of Doña Ana County.

In 2006, the Wilderness Alliance again proposed land for preservation but this time increased the ante from 217,500 acres to 325,000 acres. However, it was refused by community stakeholders. In 2009 Senator Bingaman introduced Senate Bill 1689 which aimed to reserve 260,000 acres. This bill died in committee. In 2011 the bill was introduced as Senate Bill 1024, this bill is still in committee.

Earlier this year the New Mexico Wilderness Alliance announced a proposal to designate 600,000 acres as a National Monument under the authority of the antiquities act. Although you have been told that there is broad-based support for national monument designation, the reality is that the majority of citizens do not want to designate a full 25% of our county as national monument.

Dona Ana County is awash in federal land as it is. Combined with the surrounding area, there is already 4.7 million acres in protected federal lands. Add to

this another 1.5 million acres tied up in conditional access status. This totals 6.2 million acres when you add:

Fort Bliss,
To McGregor Range,
To White Sands Missile Range,
To White Sands National Monument,
To Holloman Air Force Base,
To the San Andres National Wildlife Refuge,
To the Jornada Experimental Range,
To existing Wilderness Study Areas.

Almost 75% of the entire county is under federal control. Less than 15% of Doña Ana County is privately owned. While that is a common situation across the West, as evidenced in this slide, we don't need to exacerbate the problem by designating even more land as National Monument.

Wilderness designation changes the customs and culture of a region. An integral custom in our state is ranching. Grazing cattle has been a livelihood in our state since the King of Spain awarded land grants in 1598. Ranching is what sustains our rural communities and it is no different in our county. If alternative proposals are approved it would all but eliminate ranching in our county and a vital cowboy culture would be lost. The other fear that we have is that the people's voice will be lost with a simple stroke of the executive pen through the antiquities act. The people's voice needs to be heard.

That's why the majority of our citizens support Congressman Pearce's bill. They understand the economic impact of ranching and how ranchers make other services such as doctors, grocery stores and truck dealers sustainable. And ranching can continue under HR4334. Congressman Pearce has clearly defined the rights of ranchers to graze their cattle and the possibility of new permits being issued in the future. This bill does not get rid of water rights nor does it expand federal water rights. He also definitively allows for the use of mechanized equipment and motorized vehicles for standard ranching operations such as dredging stock tanks, repairing wind mills and checking fences.

This bill makes sense for the residents of Doña Ana County. It protects the Organ Mountains which are an iconic feature of our county, while protecting ranching which is an economic generator in our area. Thank you for your time.

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Mr. BISHOP. Thank you.

Mr. Garrett?

**STATEMENT OF BILLY GARRETT, COMMISSIONER, DISTRICT ONE, DOÑA ANA COUNTY**

Mr. GARRETT. Mr. Chairman, members of the Subcommittee, thank you for the opportunity to comment on H.R. 4334. My name is Billy Garrett. I am a County Commissioner from Doña Ana County, New Mexico.

Dona Ana County contains areas of exceptional beauty and significance. Most of our residents value this heritage and want to see it protected on a permanent basis. The breadth of that support is indicated in part by the legislation introduced by Congressman Pearce. However, H.R. 4334 does not adequately address the express needs and interests of Doña Ana County.

For more than 30 years, county residents have worked to protect public lands that are important to our heritage. Over the past six years, Senators Bingaman and Udall have been particularly instrumental in this process. Countless community meetings, public hearings, and conversations with a diverse range of stakeholders have closely examined which lands should be protected, and how best to address areas of concern, including border security, vehicular access, storm water management, and ranching.

In 2009 and 2011, Senators Bingaman and Udall introduced legislation that would have designated significant parts of our landscape as Federal wilderness and national conservation areas.

Twice, by unanimous vote, the Board of Commissioners of Doña Ana County passed resolution in support of these bills.

Parallel to this legislative process, a number of local historians, business owners, elected officials, archaeologists, and sportsmen have developed a new proposal that would protect not only important natural areas, but also places that are noteworthy for their prehistoric and historic associations. This community-based proposal seeks to protect our heritage by using the 1906 Antiquities Act to establish an Organ Mountains Desert Peaks National Monument by Presidential proclamation.

On May 22, 2012, the Board of Commissioners of Doña Ana County unanimously approved a resolution in support of that proposal. We agree with Congressman Pearce that the Bureau of Land Management is best suited to oversee a new national monument in Doña Ana County. As a multi-use agency, BLM is well equipped to develop management strategies that would conserve resources, maintain ranching interests, and support public uses, including outdoor recreation, hunting, and tourism.

Throughout the history of conservation efforts in Doña Ana County, protection of the iconic Organ Mountains has always been a primary concern. While H.R. 4334 offers limited protection of the Organs, this legislation does not address other noteworthy locations, such as the Potrillos, Aden Lava Flow, Kilburn, and the Doña Ana Robledo and Sierra de las Uvas Mountains. These areas are importantly geologically, and as examples of desert landscape. They also contain thousands of petroglyphs and other archeological sites, as well as historic places as diverse as a Butterfield Stage Coach trail, a World War II bombing range, and a training venue for the Apollo astronauts.

The window for protection of this heritage is closing fast. Doña Ana County is the second-fastest county in New Mexico, and could reach a population of 300,000 residents within the next 25 years. Our regional plan calls for strong economic growth, supported by planning and growth management strategies that—and I quote—"recognize the value of our mountains, desert environment, rivers, agriculture, and private property rights, and the need to live within the limitations of this unique land and its natural resources."

To provide the facilities, infrastructure, and services that are going to be required, we need to know where development might best be encouraged. A comprehensive national monument could help in this effort by setting aside some of our Federal lands for conservation-related uses on a permanent basis. Doña Ana County does not have a land shortage. An establishment of a larger monument would not adversely affect economic development. In fact, a more comprehensive monument would protect the visual qualities that are important in our real estate market, and expand business opportunities associated with tourism, hunting, and outdoor recreation.

In conclusion, while H.R. 4334 is a step in the right direction, it falls far short of local interests, in terms of the areas covered and protection of resource values. With that, Mr. Chairman and members of the Subcommittee, I thank you for your time, and would be happy to answer any questions.

[The prepared statement of Mr. Garrett follows:]

**Statement of Billy G. Garrett, Commissioner, District 1, Doña Ana County, New Mexico, on H.R. 4334, "Organ Mountains National Monument Establishment Act"**

Mr. Chairman, Members of the Committee, thank you for the opportunity to comment on H.R. 4334.

Doña Ana County, New Mexico, contains a number of areas of exceptional beauty and significance associated with the Chihuahuan Desert, Southwestern pre-history, life on the American frontier, and emergence of the United States as an international power.

I think it is fair to say that most of our residents value this heritage and want to see it protected on a permanent basis.

The breadth of this support is indicated, in part, by the legislation introduced by Congressman Pearce. Unfortunately, H.R. 4334 does not adequately meet the needs of Doña Ana County. Compared with other proposals that have had extensive public input, this bill fails to protect almost 90% of the lands that our community believes should be protected, and seeks to remove the interim wilderness protection for 19,667 acres of land within the Organ Mountains.

For more than thirty years, residents of Doña Ana County have worked to protect public lands that are important to our heritage. Over the past six years strong support has emerged for a number of conservation proposals. Senators Bingaman and Udall have been particularly instrumental in this process—especially with respect to natural resources. Countless hours of community meetings, public hearings, and conversations with a diverse range of stakeholders have closely examined which lands should be protected, and how best to address issues of concern such as border security, vehicular access, storm water management, and ranching.

These issues were substantially resolved through the diligence of our senators and in 2009 they introduced legislation that would have designated significant aspects of our landscape as federal wilderness and national conservation areas. Unfortunately that bill, along with many other pieces of bi-partisan conservation legislation, was not brought up for a final vote. In 2011, Senators Bingaman and Udall reintroduced their legislation and it is in the Senate today waiting for action as S. 1024.

Twice, by unanimous vote, the Board of Commissioners of Doña Ana County passed resolutions in support of these bills.

Parallel to this legislative process, a number local historians, archeologists, business owners, elected officials, and sportsmen developed a new proposal that offers an opportunity to protect not only important natural areas, but also places that are noteworthy for their pre-historic and historic associations. This community-based proposal would use Presidential authorities granted in the 1906 Antiquities Act to establish an "Organ Mountains-Desert Peaks National Monument" and would entrust oversight of this new monument to the Bureau of Land Management.

On May 22, 2012, the Board of Commissioners of Doña Ana County unanimously approved a resolution in support of this proposal, which is significantly larger and more complex than the area covered by H.R. 4334. My comments today are based on that resolution.

A number of individuals who support a larger national monument are with me today. They include: Oscar Vasquez Butler, former Chair of the Doña Ana County Commission; Fernando Clemente, a local businessman; Roberta Salazar-Henry, retired Deputy Director of the New Mexico Game and Fish Department, Ben Gabriel, an outdoor guide; and John Cornell of the New Mexico Wildlife Federation.

We agree with Congressman Pearce that the Bureau of Land Management would be the best federal agency to oversee a new national monument in Doña Ana County. As a multi-use agency, BLM has a long tradition of community involvement and is well equipped to develop management approaches that would conserve resources, maintain traditional ranching interests, and support public uses including outdoor recreation, hunting, and tourism.

Let me underscore that point. Any national monument in Doña Ana County should be managed in a way that facilitates research, conserves resources, respects existing ranching interests, and provides for a wide range of uses such as outdoor recreation, hunting, and tourism.

Throughout the history of conservation efforts in southern New Mexico, protection of the Organ Mountains has always been a primary concern. The Organs provide a backdrop for the entire Mesilla Valley and contain important natural resources that are currently protected through designation as National Wilderness Study Areas.

While H.R. 4334 offers some protection for the Organs, the area covered in this bill is 30% smaller than the area outlined in the proposed Organ Mountains-Desert

Peaks National Monument and would reduce protection over the most pristine wild areas.

Unfortunately, H.R. 4334 also fails to address other special places in our county that deserve preservation. They include: the Potrillo Volcanic Field and West Potrillo Mountains, Aden Lava Flow, Kilborne Hole National Historic Landmark, Broad Canyon, and the Doña Ana, Robledo, and Sierra de las Uvas Mountains.

These areas are important geologically and as exceptional examples of Chihuahuan Desert landscape. They also contain thousands of petroglyphs and other archeological sites, as well as historical sites as diverse as the route used by the Butterfield Stage, a WW–II bombing range, and a training venue for the Apollo astronauts.

All of these areas offer exceptional opportunities for students to learn about our desert environment, families to connect with their cultural traditions, and just about anyone to have a great outdoors experience. All of these places would be protected under the proposed Organ-Mountains-Desert Peaks National Monument. None are included in H.R. 4334.

The window of time available for protection of this heritage is small and closing fast. Doña Ana County is the second fastest growing county in New Mexico and currently is home to more than 200,000 people. Between 2000 and 2010 our population increased by almost 20% and most sources project an additional increase to more than 300,000 residents within the next 25 years.

Our regional plan, "One Valley, One Vision 2040", calls for strong economic growth supported by planning and growth management strategies. With respect to our heritage, the plan states, "As we map out our future we recognize the value of our mountains, desert environment, rivers, agriculture, and private-property rights and (the need to) live within the limitations of this unique land and (its) natural resources."

In order to provide for all the roads, schools, utilities, and public services—including fire and police protection—that are going to be required, elected officials need to know where development might best be encouraged. A new comprehensive national monument could help this process by clearly identifying some of the federal lands that should be left undeveloped on a permanent basis. H.R. 4334 misses the opportunity to provide this guidance simply because it is limited to the Organ Mountains.

The area that would be protected by H.R. 4334 is simply too small when considered in the context of our county as a whole. By contrast, the monument proposal that has been endorsed by our Board of Commissioners would encompass an area of approximately 600,000 acres or 935 square miles. Roughly 83% of this area is currently under BLM management. Of the remainder, most are state-owned lands that could be exchanged for other federally owned property.

Let me put the size of the proposed larger monument in perspective. Doña Ana County encompasses 3,804 square miles. That's almost the size of Delaware and Rhode Island combined. About 12% of Doña Ana County is privately owned, another 12% is state land, and the rest is federal. Setting aside 587,220 acres of public land for heritage conservation values would affect less than one-third of all federal lands in Doña Ana County and leave about 600,000 acres of current BLM lands open for other uses.

Doña Ana County does not have a land shortage and establishment of a larger, more comprehensive monument would in no way adversely affect economic development. On the contrary, a larger monument would protect the visual qualities that are important to our real estate market, and expand business opportunities for tourism, hunting, and outdoor recreation. Personally, I would hope that a larger monument might also offer existing ranching families new opportunities for economic diversification, while respecting their core business activity.

In conclusion, while H.R. 4334 is a step in the right direction, it falls far short of local interests and expectations in terms of geographic coverage and protection of wilderness areas such as those afforded in S 1024.

With that Mr. Chairman and Members of the Committee, I thank you for your time and would be happy to answer any questions you may have.

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Mr. BISHOP. Thank you. I will now turn to the Committee for questions. Mr. McClintock, do you have any questions for this panel? You don't. Mr. Pearce, would you like to ask questions of this panel?

Mr. PEARCE. Thank you, Mr. Chairman. I would. And I would also like to submit—Mr. Garrett had suggested in his testimony

about the unanimous vote on the resolution. And subsequent to that, two of the commissioners began to receive more communications and then express concern. So I would like to ask unanimous consent to submit this letter from—signed by Karen Perez and Dolores Saldana-Caviness, both commissioners on the Doña Ana County Board of Commissioners, which—they now are questioning that vote that was unanimous.

Mr. BISHOP. Without objection, it is going to be in.

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

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**Joe Martinez**
Congressman Steve Pearce
**Stan Rounds**
Las Cruces Public Schools
**Sarah Stegall**
Surefire Promotions

Legal Counsel:
**John Darden**

ACCREDITED

June 26, 2012

U.S. House of Representatives
Committee of Natural Resources
The Honorable Rob Bishop
Chairman
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Bishop:

I am writing in support of H.R. 4334 *Organ Mountains National Monument Establishment Act* currently being introduced by Congressman Steve Pearce (NM-02). This bill is in line with our current position regarding the protection of the Organ Mountains. The Organ Mountains are one of the most widely visible landmarks in the state of New Mexico. H.R. 4334 helps protect and preserve these mountains by establishing them as a National Monument. While there are other proposals in New Mexico that would protect these mountains, H.R. 4334 is the most appropriate way of preserving our heritage for the following reasons:

- It does not compromise our nation's border security
- It preserves the ecological integrity, livestock, watershed and educational resources in the monument area
- It ensures the greatest amount of public recreational access while guaranteeing access to emergency personnel with motorized vehicles
- It allows for continued grazing and the issuance of future grazing permits
- It protects water rights and watersheds
- It promotes economic growth that is vital to our nation's prosperity

It is imperative that we protect our natural treasures from degradation, and that we do so in a democratic process with the greatest amount of public input. As has been our practice, we will continue to listen and vet all perspectives on this issue. We greatly appreciate your support in helping this important legislation take effect soon.

Sincerely,

Richard Haas
Chair of the Board

cc: Committee of Natural Resources
The Honorable Raul M. Grijalva
Ranking Member

Las Cruces District office of Congressman Steve Pearce (NM-02)
Peter Ibarbo
Outreach Director

P.O. Drawer 519 • Las Cruces, NM USA 88004-0519
575-524-1968 • Fax 575-527-5546
www.lascruces.org

Mr. PEARCE. Mr. Rountree, you mentioned that grazing exists on most of BLM's land, but it is not a stated purpose of any national monument. You express concern with the fact that we authorize grazing in this bill. Yet your BLM website says that "grazing is allowed and managed because it creates multiple environmental benefits that result from healthy watersheds." So why is it that you are expressing concern over this grazing in this bill?

Mr. ROUNTREE. We are not expressing concern over grazing in the monument itself, Congressman. We fully support grazing within the monument and the continuation of grazing. We fully support section 6 of the proposed legislation. The only objection we have is the inclusion of grazing in the purposes portion of the bill.

Mr. PEARCE. I guess that that is a little bit too fine a distinction for me. It sounds like you are objecting to grazing. I mean when you object to grazing and then you say you don't, I don't care what section of the bill it is in. It sounds like you object to the grazing, and I just wonder why.

Mr. ROUNTREE. No, sir——

Mr. PEARCE. Because the NEPA process has—doesn't the NEPA process state that custom and culture is a very important thing? And if you understand the custom and culture of the West, it is about cows and grazing, and it is about ranching. It is about making your living off the land. And this, the Cox Family who used to own this land, can't even get in and run a chainsaw. They can't do anything in their ranch to continue the ranching operations. And that is the reason that we declare that, because we would like to protect it. We don't want to see the development, but we want to protect this ranching family who the land used to belong to, and yet you are objecting to it.

Mr. ROUNTREE. No, sir. I am not objecting in the least. Again, we strongly support the continuation of grazing in the monument.

If you look at any of the legislation creating any national monument or national conservation area—there are something like 18 bills that were passed for those designations—none of them include uses like grazing or traditional uses within the purpose section of the legislation.

Mr. PEARCE. Maybe you should reconsider the other bills, instead of this one.

The—also, you take objection to section nine, I think it is, in your testimony. Isn't BLM supposed to have already concluded a study about wilderness study areas? When was that study supposed to be finished?

Mr. ROUNTREE. Those studies were finished decades ago. The recommendation on at least one of those WSAs was forwarded to Congress, I believe, in 1980. Two of the other wilderness study areas——

Mr. PEARCE. Now, did they all get unanimous approval?

Mr. ROUNTREE. No, sir. They are still waiting for Congress's action.

Mr. PEARCE. No. I mean, did the BLM think that they qualified for wilderness?

Mr. ROUNTREE. They thought that the one that was recommended to Congress as suitable had extraordinary——

Mr. PEARCE. Which one was that?

Mr. ROUNTREE. That would have been the Organ Mountains.

Mr. PEARCE. The Organ Mountains. And yet your testimony seems to—I mean you saw the videos up here. There are ranches, there are roads, there are signs of human habitation that is simply not allowed in wilderness areas. And yet you can't declare those to be non-wilderness compliant?

I just think that that is something that I think people are tired of. Either yes, it qualifies, or no, it doesn't. And we tried to show—we have an hour-long video showing the entire redrawing of the lines in there. So it just seems curious that the agency can't find the evidence that maybe these don't qualify for the definition under wilderness, which is one of the problems we have with the Senator's bill. It takes 200,000 acres, rather than the 58,000-acre footprint that we have.

So, what would it take for you all to say that something is not compliant with the wilderness—underlying wilderness legislation?

Mr. ROUNTREE. Well, let me respond to one portion of your question. The wilderness study areas that we are talking about are within the Organ Mountains and the footprint of the area of critical environmental concern. I am not prepared to talk about any of the wilderness study areas outside of the area under study of your legislation, but would certainly be willing to take a look at it.

Mr. PEARCE. I think we should sit down and talk. And I yield back, Mr. Chairman. We will sit down and talk more about that, because I think it is a very important distinction that we are making here.

Mr. ROUNTREE. Certainly.

Mr. BISHOP. OK. We may have another round of questioning later on. Let me ask a couple, if I could. Mr. Rountree, if I could start with you, is the BLM or the Administration considering moving forward with any national monument designation, especially a massive national monument designation, as put forth by the New Mexico Wilderness Alliance, that would designate more than 600,000 acres, or 25 percent of this county, as a national monument?

Mr. ROUNTREE. No, I am not aware of any, sir.

Mr. BISHOP. Earlier this week—talking about grazing—Juan Palma, who was the BLM director for Utah said that he wrote a letter to Senator Hatch saying the monument staff would retain authority but would hire a third party to conduct a study. Can you provide us with a list of those third parties that do range health or grazing studies for grazing plans either in New Mexico—in New Mexico, but also especially in Utah?

Mr. ROUNTREE. No, sir, I cannot.

Mr. BISHOP. Do you know who those third parties would be?

Mr. ROUNTREE. We will be happy to provide the Chair and the Committee that information at a later date, if we could, please, sir.

Mr. BISHOP. I would appreciate it. The last request I had is now three years in waiting. I hope you can do it in a little bit timelier fashion than three years.

Mr. ROUNTREE. Yes, sir.

Mr. BISHOP. Thank you very much. Let me go on to another couple.

In your testimony, Mr. Rountree, you did say that you discussed New Mexico's shared border with Mexico, and that this proximity makes it even more important that we work to keep the area from becoming a drug or human smuggling corridor, as has happened in other parts of the country. I recently published an op ed on this same subject and would be interested to know if New Mexico is already experiencing vandalism of lands by traffickers like that that takes place especially in Organ Pipe National Monument on the Arizona-Mexico border.

Mr. ROUNTREE. I don't have that information with me, sir, but we would be happy to work with New Mexico's State office in providing you that information.

Mr. BISHOP. OK. I would appreciate that, as well.

Mr. Garrett, have you been in conversation at all with the county commissioners in Garfield as to their experience with the Grand Staircase-Escalante Monument?

Mr. GARRETT. No, sir. I have not.

Mr. BISHOP. I would once again suggest you do that to see what the common experience has been in a Presidentially created national monument. That impacts things like ranching and livelihoods there, as well.

In the 1906 Antiquities Act that you mentioned there are 3 specific criteria that must be used before a president can nominate those. Can you tell me what those three criterias are for this area? Let me go through them very quickly. What is the specific archeological or historical significant area that needs to be protected?

Mr. GARRETT. We have a study that was recently completed that identifies those sites. There is extensive evidence of prehistoric use of the area. And beyond that, I would have to go and get more specific information for you to respond to that.

Mr. BISHOP. OK. The second criteria is it has to be in eminent peril. What is the peril that is imminent?

Mr. GARRETT. As I mentioned, we are a very fast-growing area. And I believe that it is fair to say that as soon as this recession is lifted, that we are going to be faced with a great deal of pressure on development throughout the county. We already have——

Mr. BISHOP. Are you telling me these areas are not within wilderness study areas or protected areas right now?

Mr. GARRETT. Those are unresolved. Those are still study areas.

Mr. BISHOP. They are study areas. So what is the eminent peril.

Mr. GARRETT. The——

Mr. BISHOP. Study areas is managed as if it actually was, in fact, that way. So what is the imminent peril?

Mr. GARRETT. There are areas that are not included in those study areas that are part of the proposed monument.

Mr. BISHOP. Do you have a list? Are they not in part of the WSAs, as well?

Mr. GARRETT. They are beyond that.

Mr. BISHOP. They are not in the WSA?

Mr. GARRETT. They are—yes, sir. They are beyond that.

Mr. BISHOP. OK. Do you have a list of what those are?

Mr. GARRETT. I can get that for you.

Mr. BISHOP. I need that. The third of the criteria is it has to be in the smallest area possible. When it was discussed in Congress

they were talking about 100 to 200 acres as the area. What is the smallest area possible that you are talking about doing as far as a designation, if you did the Antiquities Act?

Mr. GARRETT. The area that is encompassed within the boundary as proposed is 587,220 acres.

Mr. BISHOP. OK. That is a nice proposal. What is the smallest area possible? Are you telling me that is the smallest area possible?

Mr. GARRETT. I believe so.

Mr. BISHOP. And what is the biggest area possible?

Mr. GARRETT. I believe that that is the right size.

Mr. BISHOP. No, that is not what the law says. You have to have some ranges in there.

Mr. GARRETT. Mr. Chair, the—what I would say is that this is a proposal from citizens. It would be up to the Administration to work through how they want to vet this, in terms of putting it into proclamation. But that is our best proposal, in terms of submitting it to the Administration for that action.

Mr. BISHOP. Sir, I would like you to give us, for the record, some specifics as to what these archeological areas are, where they are that are out of a protected zone right now, what is indeed the eminent danger, and what is the smallest area. The last time a president tried to go along using the 1906 Act and create something without specificity, we did create a national monument that was bigger than the State of Delaware. I don't really want to do that again unless there is something that is specific. And we need that specificity. So does the President or the Interior Department, if they are actually going to go forward. And I appreciate, Mr. Rountree, you saying you are not moving forward in that particular direction.

Mr. Pearce, do you have any other questions?

Mr. PEARCE. Yes, I do, Mr. Chairman. Mr. Rountree, the—you heard my testimony that in 11 of the 12 monuments in New Mexico they don't allow hunting. What is the BLM's stance? Do—would you support hunting in this particular area?

Mr. ROUNTREE. Absolutely. And on every unit of the National Landscape Conservation System hunting is allowed.

Mr. PEARCE. OK. Mr. Garrett, do you support hunting in the area described in this bill?

Mr. GARRETT. Yes, sir.

Mr. PEARCE. OK. But you realize that it is not—it is obviously not allowed in every area? And the tendency is going to be not to allow it. And, so, that is one of the great concerns I have.

Mr. Chairman, I don't know if you can realize what is going on here, but this Committee has been—is now in the middle of a dispute that is going on in New Mexico inside the county. Everybody agrees on the Organ Mountains. But the Senator Bingaman, and before him Senator Domenici, had suggested a very large wilderness area, and that is the proposed legislation they have, that is 200,000 acres.

And, so, then—and the New Mexico Wilderness Alliance suggested a bill of 600,000 acres to be—that is 938 square miles, by the way, that they would recommend be used to put into a Presidential designation for a monument. And, so, then we put our bill in that said let's take the smallest footprint possible, let's protect

the Organs. That is what everybody agrees on, and let's not choose these other areas. People began to be alarmed that we weren't going to be able to have—in a quarter of a county we are not going to have grazing and those activities by which we get much of our rural economy built on.

And so, it is—that is kind of why we are getting these different suggestions here. Again, I don't think that many of the areas that are described in the wilderness bill actually—Senator Bingaman—actually comply with the underlying requirements of wilderness in the enabling act. So we tried to find a pathway forward. Obviously, we don't agree with taking 25 percent of the county, 938 square miles and sticking it into Presidential monument area where I don't believe, long term, we would be able to graze or hunt or do many of the things.

As the Chairman has adequately pointed out in the past, education suffers when we—the greater the restrictions on public land, the more education suffers. And, so, this chart—we have taken off of his webpage, but it is very well done and shows us one of the underlying principles that we have to fight against. It harms our education system, the more restrictive that the Federal lands get.

Mr. Garrett, that Trackways National Monument, isn't that a local guy that discovered that? Is that MacDonald? Is that his name?

Mr. GARRETT. I don't think that is his name, but it is a local——

Mr. PEARCE. Yes, it is a local guy. He wrote a book about it.

Mr. GARRETT. MacDonald?

Mr. PEARCE. Yes, he wrote—about 30 years ago. I think he has written a book about discovering the Trackways. And that is one of the areas with prehistoric sites.

Now, you had talked about wanting to stop the plundering. And yet, in his book he has got him carrying out samples of those prehistoric whatever they are, fossils, and he backpacks them out. He ties them to his back. And he has got pictures of him doing that. Has the County Commission taken a position on him having taken those things out?

In other words, you have a strong position about plundering. Is it OK for him to have done that? Have you all taken a position, I guess, on that?

Mr. GARRETT. No, sir——

Mr. PEARCE. Is it possible——

Mr. GARRETT [continuing]. Not in my term.

Mr. PEARCE. If I provide you the book and the copies of his description of what he did, would you all take that up as a consideration for the county?

Mr. GARRETT. I think what we would have to do is look at the legal aspects of it, since——

Mr. PEARCE. I will take a look, because I think plundering is plundering. And, so, I would like to submit that to you.

Mr. GARRETT. Congressman, one of the reasons that I think that we are concerned with protection of the areas on the west side of the county have to do with exactly that kind of thing. If you don't have designation, if you don't have some way in particular of communicating to the public at large that this is a special place where

conservation of the resources is important, it is very hard for people, I think in some cases, know what they can and cannot do.

It is an issue. And it is one of the primary reasons, actually, that we are very much concerned with the larger area.

Mr. PEARCE. You bet. OK, Mr. Chairman, I yield back, and thanks again.

Mr. BISHOP. Mr. McClintock, I skipped you on this round. Did—OK.

Let me ask the last two questions then for Mr. Schickedanz and Mr. Rush, who haven't had a chance to answer.

As I hear the testimony so far, I understand that the proposal that Mr. Pearce has has unanimous consent, or at least consensus of everyone, as far as going through. The other proposals are contentious. Is that correct? Have I misstated that?

Mr. SCHICKEDANZ. As far—excuse me. You are correct. There is, I would guess, unanimous consent in the community for protection of the Organ Mountains. And there is not full consent for a larger area.

Mr. BISHOP. OK. Mr. Rush?

Mr. RUSH. I would say the exact same thing. I mean if you look at the track history of what is going on dating back to 2009, you can see that there has been an attempt to do this. But every time the bill grew and grew and grew. But at the heart of every proposal, every piece of legislation was protecting the Organ Mountains, which, from the agricultural standpoint, that is one of the reasons that we are so in support of 4334, because it does exactly what has been at the heart of every bill that has been proposed or introduced since this process started.

Mr. BISHOP. Then I am assuming you would be very supportive of making it crystal clear that grazing has to be protected in this area.

Mr. RUSH. And, you know, and that goes to—yes, to answer specifically, and in the political—you know, since the clock is still ticking we got to keep talking, right?

The answer is it goes to the culture of the county. I mean we talk about preserving these areas. But what about preserving the culture of an area? I mean grazing has been a piece of the West since the King of Spain gave lands away. And, so, when do we stand up and say, "Hey, you know what? We need to protect this part of our culture, because it has been here forever. It was here before the petroglyphs were here."

Mr. BISHOP. Thank you. I appreciate that. I have no other questions. Is there any other for these witnesses?

[No response.]

Mr. BISHOP. OK. If not, we appreciate you for being here and testifying to this particular bill. Thank you very much for traveling all the way back here to find an area just as hot as New Mexico but with a heck of a lot more humidity to make life miserable.

Mr. RUSH. If you could ban that humidity thing we would like it a whole lot better.

Mr. BISHOP. Yes. We had two percent in Utah over the weekend. I know the difference. Great to have you here.

I would like next to deal with Mr. Denham's bill. We would ask Victor Knox, who is the Associate Director for Parks—Park Plan-

ning and Facilities with the Park Service, Kevin Cann, who is the Supervisor of Mariposa County, and Ronika Johnson—I am doing this without glasses—who is a resident of Mariposa County—I hope I pronounced that county name properly—if I could have you three come up to the dais, and we will go through that bill next.

Appreciate you all. If you could take the conversations out of the room, and we can get going on the next bill. We are going to do this bill by bill. I am trying to do it as quickly as possible. So Mr. Knox, Mr. Cann, Ms. Johnson, I hope.

Same rules apply on this particular one as with the last panel. I appreciate you being here. Your written testimony is in the record. This will be an oral testimony. The last panel was very good in keeping everything under five minutes. I hope you replicate that action.

Mr. Knox, you are first up. And I would ask you only to deal with the Denham bill, if possible.

Mr. KNOX. Thank you, Mr. Chairman, for the opportunity to present the Department of the Interior's views on H.R. 3640. I am going to submit our full statement for the record and summarize our position here very briefly.

The Department supports H.R. 3640. The bill would authorize the acquisition of 18 acres of land in Mariposa, California. Acquired lands would be administered as part of Yosemite National Park, and would be used for development of a visitor contact station and administrative offices. There are no adequate facilities currently available in Mariposa to meet the park's current and future needs. And expansion of our facilities at El Portal Administrative Site is infeasible.

Permanent visitor transportation and administrative facilities in Mariposa would provide critical support for Yosemite National Park and address other long-term goals and needs.

Thank you, Mr. Chairman. This concludes my statement, and I would be pleased to answer any questions.

[The prepared statement of Mr. Knox follows:]

**Statement of Victor Knox, Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior, on H.R. 3640, To Authorize the Secretary of the Interior to Acquire Not More Than 18 Acres of Land and Interests in Land in Mariposa, California, and for Other Purposes.**

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 3640, a bill to authorize the Secretary of the Interior to acquire not more than 18 acres of land and interests in land in Mariposa, California, and for other purposes.

The Department supports H.R. 3640.

H.R. 3640 would authorize acquisition of land in Mariposa, California. It would also authorize the Secretary to partner with Mariposa County for land use planning related to acquired land and interests. The use of eminent domain would be prohibited. Acquired lands would be administered as part of Yosemite National Park.

Consistent with Yosemite National Park's planning documents, including the park's General Management Plan, the National Park Service has been interested in providing visitor and administrative facilities in gateway communities that border Yosemite National Park, and reduce the need to provide government-owned housing and offices inside the park, for more than 30 years. Acquiring land as described in this bill would greatly help the bureau meet these objectives. Providing visitor and administrative facilities at this location in Mariposa would enhance the visitor's experience by providing orientation and pre-visit services at a satellite visitor contact station. It will also promote stewardship of resources through educational and interpretive services prior to park entry. Visitor services in this location would encourage

regional economic development and transportation partnerships, which are important benefits for the National Park Service. Permanent visitor, transportation, and support facilities in Mariposa would also provide critical support for Yosemite National Park and address other long-term needs and goals.

Options to expand the park's El Portal Administrative Site are infeasible, and the site cannot accommodate future growth. Therefore, Yosemite National Park rents office space in Mariposa, California, to accommodate certain key administrative functions. Park facilities located in gateway communities have been identified in a number of planning documents, including the park's General Management Plan, as an effective way to reduce the need for office space and to realize operational savings in Yosemite Valley. Relocating these positions and functions to a gateway community also helps to reduce traffic congestion and improve the quality of life for employees, some of whom had previously commuted over two hours a day for positions that can be performed remotely. Now, staff in over forty positions and functions work from Mariposa, and this transition has allowed the park to eliminate rented office trailers, while helping it to recruit and retain employees. Ideally, the park would like to provide work-space for 100–150 employees in Mariposa and this cannot be done with existing facilities.

Administrative offices located in Mariposa support a continuity of services during emergencies such as rockfalls, major snow storms, and wildland fires. These types of events have previously disrupted core park functions because employees could not safely travel to their offices inside Yosemite. Finally, establishing facilities in Mariposa reduces the demand on administrative space in Yosemite Valley and at the El Portal Administrative Site, where building and accommodating employees comes at a high operational cost to the National Park Service. The park has explored leasing additional space; however, no adequate facilities are currently available in Mariposa to meet the park's current and future needs.

The Yosemite Conservancy, a fundraising group for Yosemite National Park, has purchased 11 acres for potential acquisition by the National Park Service. This land could be donated or purchased, with the passage of this bill, to support visitor information facilities, an administrative worksite, museum storage, and other possible purposes, that would benefit visitors, staff, and the partnership of Yosemite National Park, Mariposa County, and the State of California. In our view, this legislation would help to strengthen the relationship between the National Park Service and the gateway community of Mariposa, and could help to spur regional economic Development.

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

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Mr. BISHOP. Thank you, sir.

Mr. Cann?

## STATEMENT OF KEVIN CANN, SUPERVISOR, MARIPOSA COUNTY, CALIFORNIA

Mr. CANN. Thank you, Mr. Chairman. My name is Kevin Cann, I am a Mariposa County, California Supervisor. Many times we are known as commissioners. Just recently elected to my second four-year term. I obviously speak today in support of 3640, the Yosemite lands bill. I have previously submitted background and support statements for the record, but particularly from the Board of Supervisors, the tourism bureau, the Chamber of Commerce, and the Economic Development Corporation. But for today I just want to highlight a few additional important facts.

The intent of—well, Mariposa County and Yosemite National Park have a long, mutually beneficial relationship. Over 70 percent of Yosemite's visitors don't overnight in the park. Most stay in one of the gateway communities located proximate to each of the park's four main entrances. The Mariposa entrance, called the all-weather highway, is kept open at all costs during inclement weather, which regularly closes the other three entrances.

While the population of the town of Mariposa is only 2,000 in a very rural county of 18,500, over a million visitors a year enter the park driving right through town. A 2000 Sierra Business Council study estimated that as many as 88 percent of the paychecks generated in Mariposa County come first, second, or third-hand from the tourists visiting Yosemite.

Expanded services in Mariposa will take tremendous pressure off the National Park Service to build more and more infrastructure for better access in Yosemite, as well as additional employee residences, work spaces, and work space in the crowded Yosemite Valley.

The intent of Congressman Denham's bill is simply to authorize the Secretary of the Interior to acquire up to 18 acres in Mariposa to create a more efficient, accessible, and safer Yosemite National Park. The legislation will undoubtedly improve park traffic and visitor access, and allow visitors to purchase entrance passes, receive orientation benefits before they enter the park. Additionally, administrative offices in Mariposa will greatly enhance recruitment retention, housing, and performance for over 100 employees who currently drive over an hour each way today—and this is a change from 20 years ago—to sit at a computer all day. There are over 700 permanent NPS employees in Yosemite, and about 1,200 peak employment in the middle of summer. Importantly, non-essential administrative facilities in the park would be available for the much more important use.

Since 1980, National Park Service plans have called for moving facilities out of the spectacular Yosemite Valley—and again, these are not visitor-serving facilities, just administrative facilities—and into the gateways to get them out of Yosemite Valley. Mariposa County, the Yosemite Conservancy, and Yosemite National Park have been planning and working toward establishing joint administrative and visitor service facilities outside the park for a decade. In 2004, importantly, President Bush signed legislation, H.R. 620, specifically authorizing park facilities to be located outside of Yosemite National Park and in the gateways for this exact purpose, visitor and administrative services. This bill, H.R. 3640, simply authorizes the required land acquisition to allow this to happen.

With advances in technology, visitors who normally arrive in the gateway town the afternoon before their visit—and again, over 70 percent of the visitors are not overnighting in the park, but are overnighting in a gateway—they will be able to get their full park orientation, entrance passes, maps, and plan their trip before they enter the park. This process should practically eliminate entrance station back-ups, which now reach two hours on busy weekends and severely limit access to this crown jewel national park. Actually, those back-ups last year were measured at over an hour on 67 of the 100 busiest days.

Please note no services that are currently provided in the park would be eliminated. And Congressman McClintock's comments really note the challenges that we have in trying to fully communicate the exact intent and what the bill authorizes and what it doesn't.

In conclusion, many partners, both public and private, stand ready to provide facilities, the cost of which traditionally fall 100

percent on the National Park Service. H.R. 3640 specifically promotes public-private partnerships which will have a dramatic, measurable, and positive impact on park visitors and employees, as well as the economy of Mariposa County.

Thank you much for your consideration on this.

[The prepared statement of Mr. Cann follows:]

**Statement of Kevin Cann, Supervisor, Mariposa County, California**

Mr. Chairman, Ranking Member and Members of the Committee:

My name is Kevin Cann. I am a Mariposa County, CA Supervisor recently elected to my second four-year term. I speak today in support of H.R. 3640 the Yosemite Lands Bill. I have submitted significant background and support statements for the record but wanted to highlight a few additional important facts.

The intent of Congressman Denham's bill is to simply authorize the Secretary of Interior to acquire up to 18 acres in Mariposa, California, to create a more efficient, accessible, and safer Yosemite National Park. The legislation will undoubtedly improve park traffic and visitor access and safety, and allow visitors to purchase entrance passes and receive orientation benefits before they enter the park. Additionally, administrative offices in Mariposa will greatly enhance recruitment, retention, housing and performance for over 100 employees. Importantly, non essential administrative facilities in the park would be available for more appropriate use or removal.

Mariposa County and Yosemite National Park have a long, mutually beneficial relationship. Over 70% of Yosemite's visitors do not overnight in the park. Most stay in one of the gateway communities located proximate to each of the park's four main entrances. The Mariposa entrance, called the "All Weather Highway" is kept open at all costs during inclement weather which regularly closes the other three entrances. While the population of the town of Mariposa is only 2000, in a very rural county of 18,500, over one million visitors a year enter the park directly through town. A 2000 Sierra Business Council study estimates that as many as 88% of the paychecks generated in Mariposa County come 1st, 2nd or 3rd hand from the tourists visiting Yosemite. Expanded services in Mariposa will take tremendous pressure off the National Park Service to build more and more infrastructure to better access Yosemite as well as additional employee residences and workspace in crowded Yosemite Valley.

Since 1980, National Park Service plans have called for moving facilities out of the spectacular Yosemite Valley and into the gateways to better serve the public. Mariposa County, the Yosemite Conservancy and Yosemite National Park have been planning and working toward establishing joint administrative and visitor service facilities outside the park for a decade. In 2004, President George Bush signed legislation (H.R. 620) specifically authorizing park facilities to be located outside of Yosemite National Park "for visitor and administrative services." H.R. 3640 authorizes the required land acquisition.

With advances in technology, visitors who normally arrive in the gateway town the afternoon before their Yosemite visit, will be able to get a full Park Ranger orientation, entrance passes, maps and plan their trip BEFORE they enter the park. This process should practically eliminate entrance station backups which now reach two hours on busy weekends and severely limit access to this Crown Jewell National Park.

In conclusion, many partners both public and private, stand ready to provide facilities, the costs of which traditionally fall 100% on the National Park Service. H.R. 3640 specifically promotes public/private partnerships which will have dramatic, measurable positive impacts on park visitors and employees, as well as the economy of Mariposa County.

Thank you for your time and consideration of the Yosemite Lands Act.

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Mr. BISHOP. Thank you very much.

Ms. Johnson?

## STATEMENT OF RONIKA JOHNSON, RESIDENT, MARIPOSA, CALIFORNIA

Ms. JOHNSON. Thank you, Mr. Chairman. My name is Ronika Johnson. I am a Mariposa resident. And it is an honor to be here

and represent the residents of Mariposa. The town of Mariposa is located approximately 30 miles from the western gate of Yosemite National Park. Our community, as most outlying communities are, dependent on our tourism. When the park suffers we suffer. Last year, during the debt ceiling crisis and under the threat of budget cuts, twice we faced park closure. This was a threatening time for us, as so many of our businesses who employ our residents would be affected. Our tourist season is dormant between the months of September and May, so a summer shut-down was especially frightening. We could very well face this possibility again in the future, as California is also in a financial crisis in facing more budget cuts.

We are told that this may be the last year our county fair will take place, as the State can no longer afford to contribute. Mariposa is dramatically affected by the activity of the park and the tourists it attracts. Our largest business base is motels and restaurants to cater to the tourists who come through. I have worked in this industry for over 20 years in Mariposa, and I have managed restaurants and a hotel located in Mariposa and El Portal, which borders the park, so I am very familiar with the needs of our community and our park.

While many of us recognize the need to accommodate our tourism industry, we are in opposition of the Federal Government purchasing more land in our county. They currently own 50 percent, and are now asking for 18 acres located right in the heart of our historic town. If you look at the projection map, you will see that the proposed Federal building, which includes a visitor center and parking lot, and possibly a discovery center, is three parcels which sit on approximately seven acres. Yet the bill asks for 18. Across the street is the remaining 11 acres, where they plan a walkway leading to private property whose owner is a developer proposing to build a convention center and a large hotel, a hotel which will likely provide a restaurant which both will dramatically affect and threaten our small businesses as a competition.

This purchase of 11 acres is not necessary to accommodate the visitor center goal of providing service outside the park to make it easier for tourists to pay their entrance fees. I also question the need to relocate 100 employees to a building located 30 miles away from the park. I have to question why do we have 100 employees working 30 miles from the area they are supposed to be serving. And are they necessary? I would also like to add that this relocation will not create any more jobs for Mariposa.

The proposed visitor center is located at the cross intersection of Highway 140 and 49. Both are two-lane roads which currently cannot manage the traffic impact that this proposal will affect. We have no street lights in Mariposa, and this particular intersection is only a four-way stop sign in town. This proposal will dramatically congest the intersection and roads going through our town. Next will be a proposed traffic light that the county has long fought against having.

The residents of Mariposa oppose this bill, mostly due to the fact that they have not been given any details of the plan or an opportunity to voice their opinions. There has been no public forum or hearing. Most residents have not heard of the plan and question, again, the impact. Most of all, we have to question the spending

at this time. Neither the Federal Government, the county, nor the State are managing our money wisely. While we recognize need, we must also recognize the means.

This bill does not offer any resources or limits as to how much money will be spent, or how it will be used. There are other issues that will dramatically affect our county, such as the road impact and the loss of a tax-base revenue from the land. There are other alternatives to development. However, those have not been addressed, as we have had no hearing or public input. The residents of Mariposa County deserve a voice. And I am here today to lend that voice to you and ask that this bill be stopped.

Our hope is that this bill will not proceed further through the process until it is thoroughly researched. This includes public hearings, detailed proposed drawings, including roadways and transportation issues, the impact on local hotels and restaurants. We are not opposed to thoughtful growth and additional amenities to Mariposa County, but feel it has to be done in a fashion that indicates the best possible solution for those of us who call Mariposa our home.

We thank you for your consideration, and ask that you oppose H.R. 3640. Thank you.

[The prepared statement of Ms. Johnson follows:]

**Statement of Ronika Johnson, Mariposa, California, on H.R. 3640**

Mr. Chairman, thank you for allowing me the opportunity to address HR3640 before you and your committee. My name is Ronika Johnson, I am a resident of Mariposa, California and I am here to represent not only my view, but those of many residents who live in Mariposa County.

To understand the sentiment of many of our town's residents, it's important to know a little bit about our history. Mariposa has a rich history and we are very proud of it. Once populated by Native Americans Mariposa came into existence almost overnight via the deluge of immigrants seeking their fortunes during the Gold Rush. The Gold Rush at one time created a population greater then what resides in Mariposa today. The result was the greatest migration for the search of riches that has ever occurred in the history of the world. Within the short five years after the discovery, more than 300,000 men, and at first it was mostly men, crowded into the wilderness of the Sierra Nevada, searching for the pot at the end of the rainbow.

On February 18, 1850 Mariposa became the largest county of the original 27 California counties, and is known as the "Mother of All Counties." Later the county was split up and now occupies 1,455 square miles of California's rich Mother Lode country. Mariposa is the Spanish name for butterfly, and aptly named by Lieutenant Gabriel Moraga of the Mexican Army in 1806 for the swarms of butterflies he saw along Mariposa Creek. John C. Fremont, an early explorer, is responsible for founding the town whose many streets are named after his family members. In 1854 the famous courthouse was built on land donated by Fremont. Today, it is the oldest operating courthouse in California.

In 1907 construction was started on the Yosemite Valley Railroad. The railroad employed as many as 1,500 men during the early years. The railroad ran from 1907 until 1945 hauling logs, limestone and other mineral. In later years as Yosemite grew in popularity the railroad shuttled tourists to the new wonder. The railroad parallels the north bank of the Merced. A significant change occurred to the railroad in the early twenties by the construction of a large dam on the Merced River at Exchequer east of Merced Falls. That project required the relocation of 17 miles of track and the construction of 5 large bridges and 4 concrete-lined tunnels.

Passenger business on the railroad peaked in the mid-twenties, dropping thereafter due to the increase in private automobile use, accelerated by the completion of the new All-Year Highway (now State Route 140) in 1926. The loss of the logging/lumber freight business in 1942 and then the limestone/cement business in 1944 eventually resulted in a request to abandon the railroad. The last scheduled run came on August 24, 1945; scrapping operations commenced shortly thereafter.

Mariposa is known as the Gateway to Yosemite. Our businesses thrive on the tourism industry and the local economy feels it, especially now. We have many lo-

cally owned restaurants & hotels mostly in our downtown area. Our small town is very historic and preserved to stay as such. To preserve our historic look, ordinances have been put in place, such as limiting the height of business signs to not obstruct views, and encourage natural or historic appeal. Business volume is very seasonal, traffic & tourism is heaviest May thru September. The off season is very detrimental to all businesses and layoffs are unavoidable for most small business owners, which is the general makeup of our businesses, those owned by the private sector.

My main concern regarding HR3640 is that there has been no public hearing or input on the matter. Residents feel there is a lack of transparency and that it is being 'slipped' in with special interests. While it benefit's the Park Service and their employees, it poses several implications and impacts to the community itself that have not been addressed. Most residents don't even know about it.

Currently the Federal Government owns 50% of Mariposa County. The proposed development is requesting 18 acres of land in the heart of Mariposa. Even this amount of acreage seems too much for the proposal of a Federal building, parking lot & possibly a museum. How much more does the Federal government need to take from Mariposa County before we are just an extension of Yosemite? Yosemite is approximately 30 miles from Mariposa. While we all realize the need to accommodate tourism, there are other alternatives and ways to meet these needs. However they have not been addressed. This is viewed as a Federal overreach and local government wants to promote a public/private partnership without a detailed plan offered to the public. What about the private business sector? Why not move this project into El Portal, where the land is already owned by Park service? Why spend at a time such as this? Our residents should have a say in how their community is developed, especially with tax payer funds. Mariposa's Tax base revenue will be lost, traffic will be impacted and local businesses will be negatively effected with the expansion of a 4 Star Hotel and Conference Center. While broad vision, smart growth and planning is encouraged, the residents of Mariposa have not had the opportunity to engage these ideas nor have they been revealed in a public forum.

The bill itself, HR3640 is vague and open ended, which leaves doubt and confusion as to the intent and direction of the bill. The prohibition of eminent domain remarked in the bill indicates that if it does not meet the requirement, then we question the intent and necessity. Mariposa residents oppose HR3640 and encourage the committee to deeply consider the impacts of this bill to the residents & town of Mariposa.

Our hope is that this bill will NOT proceed further through the process until it is more thoroughly researched. This includes public hearings, detailed "proposed" drawings including roadways and other transportation issues, the impact (if any) on local hotels and restaurants.

We are not opposed to thoughtful growth and additional amenities to Mariposa County, but I feel it has to be done in a fashion that indicates the best possible solution for those of us who call Mariposa our home.

Thank you for your consideration to our historic town and the residents who care so deeply for it.

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Mr. BISHOP. Thank you very much. All right. Questions for this panel. Mr. McClintock, we will start with you.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. Supervisor Cann, you mentioned the challenges in communicating your intent. And I think the challenges—because we seem to be hearing two very different stories. One is that this is just to move administrative employees out of the park into a separate office. They sit in the front of the computer all day and they don't have any interaction with park visitors.

Yet, on the other hand, it raises the question. Why is it, then, that we are seeking 18 acres of land for this administrative office? It also begs the question that was raised in a public meeting that I attended recently. When there are so many vacant office spaces in Mariposa that are going unleased, why is it we would have the Federal Government building yet another office facility?

The other question that it raises is if this is just to move administrative officials that have no interaction with guests, then how does that comport with your statement that this is going to get a—

that this will enable park visitors to get a full park ranger orientation, entrance passes, maps, and plan their trip before they enter the park? Your words. Seems to me that is very much involved with visitor interaction, and that that would best be in the park itself, where people can access it, regardless of which gateway they are coming from.

So, I am just—that may be the source of your problem in communicating intent is we are getting all sorts of very different communications, as far as the intent of this. And then I look back at the legislative history of this issue and find that, years ago, Congress was being asked to invest in a—was it an IMAX theater on the same parcel?

Mr. CANN. Can I answer?

Mr. MCCLINTOCK. Yes, please. I——

Mr. CANN. I have no idea about an IMAX. And certainly that the—I can't imagine the National Park Service building an IMAX.

But let me go to your other questions. This bill has always, and the concept has always been for visitor services and for administrative purposes. The bill signed in 2004 specified both of those issues. There actually are no—there was one building in Mariposa that was able to be rented by the Park Service. And they, in fact, did that and have administrative offices. They moved payroll, budgeting—again, facilities and services that don't have any visitor interactions. And that is the only ones that would ever be moved into—out into the gateway community.

It is actually very common around crown jewel-type national parks, to try to do those things that don't need to be done in the park in a gateway community. It is so much easier to provide those services, everything from——

Mr. MCCLINTOCK. Right, which raises the next issue. And that is, if we are moving visitor services out of the park and 30 miles west to Mariposa, what are the visitors supposed to do who are coming through Oakhurst or Sonora, for example? Are they—did—these are obviously visitor-related services that are being moved out of the park, and therefore will not be accessible to visitors entering the park through any other gateway, except Mariposa, which is the concern that has been raised by both Tuolumne County and Madera County.

Mr. CANN. Actually, I believe that this model will absolutely become a model not necessarily needing Federal development, it just—the facilities don't exist in Mariposa—but will quickly be copied in other gateway communities.

Last year, as I said, 67 of the 100 busiest days had over an hour back-up. Many of those days had two-hour back-ups. People are turning around. You know, they are being excluded from our national park.

Mr. MCCLINTOCK. I agree that is a problem. But maybe that is an argument in favor of enlarging the entrance and services there in the park, and not moving them 30 miles outside of the park, outside of the range of visitors coming through Madera County, from Southern California, or coming through Tuolumne County, from Northern California.

Mr. CANN. So the concept here is that since 70—more than 70 percent are not overnighting in the park, they can get all of their

orientation that they normally get in line to get with that park ranger at the entrance station, and they want to question—you know, they have just driven from Kansas, or——

Mr. MCCLINTOCK. Right, but I think you are missing the point——

Mr. CANN. I am sorry.

Mr. MCCLINTOCK [continuing]. That both Madera and Tuolumne are raising, and that is, well, what about the folks that had been going though their communities?

Mr. CANN. And the exact same type process is available. The Park Service——

Mr. MCCLINTOCK. But this is not a comprehensive plan that involves all the gateway communities. This is a plan that picks one winner out of many losers. And that is the concern that is being raised.

Mr. BISHOP. Let me—I am going to have to interrupt here. Mr. McClintock, if you would take the Chair for a second, we will go to Mr. Garamendi for questions, and then we will go to another round after that.

Mr. CANN. Thank you.

Mr. BISHOP. Mr. Garamendi, you have questions of this panel?

Mr. GARAMENDI. First of all, the issue of the impact of visitors on the park, including the impact of administrative personnel and other services in the Valley has been muchly discussed for more than 40 years. And efforts have been underway for all that time to try to find a way to move as many services as possible out of the Valley, not to eliminate the visitor services, but rather to augment them outside the Valley.

The plan, as I understand it, and as has been discussed for these many years, is to move the administrative services out of the Valley. There is no need for them to be in the Valley. There are certain things that will have to remain, certain policing services, some medical services, but not the normal administrative services.

Second, there is no plan to eliminate in the Valley visitor services. They will remain. The point of this entire exercise is to take out of the Valley as much as possible, so that the Valley can remain as unencumbered by the thousands or tens of thousands of visitors that are there during the normal course of a day.

Now, I understand the local community's concerns about whether this is the right place, the right—and the rest. But something has to be done. There is no way that the Valley can continue in its present form.

Just a couple of questions, Mr. Cann, and I appreciate your testimony. And I think you may have answered this, but the engagement of the public outside the Valley—and I want to make it clear—let me ask this of the Park Service. Do you intend to have visitor services continue in the Valley?

Mr. KNOX. Yes.

Mr. GARAMENDI. So there will be visitor services under this plan at the major gateway—that is Mariposa—as well as in the Valley. Is that correct?

Mr. KNOX. Yes, Congressman. And the primary purpose, as you just stated, is to provide administrative support facilities in

Mariposa with an ancillary purpose of providing visitor contact at that same facility.

Mr. GARAMENDI. Second, is it not the case that visitor services outside other parks is common?

Mr. KNOX. Correct. And visitor services outside—yes. We provide visitor services outside parks all over the country in different situations.

Mr. GARAMENDI. So this is nothing new. Is that correct?

Mr. KNOX. That is correct. And we also have administrative offices outside of many parks. Grand Canyon is a good example.

Mr. GARAMENDI. I think you get on a train some 40 miles or 30 miles outside. And before you get on the train there is a visitor service. Is that correct?

Mr. KNOX. That is correct.

Mr. GARAMENDI. OK. So this is not new. It is an effort to try to reduce the pressure on the site. That is, the park itself. And that is commendable.

So, back to Mr. Cann. And thank you for being here and testifying. There is some concern that this would subtract from the community's economic strength. Could you address that?

Mr. CANN. Oh, happily. As I stated, the Chamber of Commerce, the Tourism Bureau, the Economic Development Corporation have all submitted letters in support, in addition to the Board of Supervisors, that they think just the opposite, that this would dramatically improve our ability to serve those visitors. Again, 88 percent of the paychecks in Mariposa County—I think we both stipulate to this situation—come first, second, or third-hand from the tourists on their way to Yosemite.

With regard to the local community knowledge and input, there have been two newspaper stories about this. We have a weekly newspaper that is read by just about everyone. We had so many folks come to meet with Congressman Denham to—when this was the highlighted presentation—and, in fact, the only presentation—that we had to rent the fairgrounds building. This was in June of 2011, before the Congressman introduced the bill.

So, I would offer that we have really tried to beat the bushes in letting people know about this. And, as with all of us, we are constantly challenged of finding the ones that we haven't. I was very happy to meet with Ms. Johnson on Monday to go over this exact whole process, and it was very beneficial.

Mr. GARAMENDI. OK. Thank you. Just to wrap up my time, first of all, this is not new. This has been discussed, I know, for at least the last 20 years, because I was involved in the discussions 20 years ago on this. And this is a plan that has been out there for at least two decades, including the visitor center. Certainly the administrative offices have been out there.

And finally, the other communities will be able—people accessing the park from other communities will be able to access the visitor services in the park itself on the Valley floor.

With that, I yield. Thank you.

Mr. MCCLINTOCK [presiding]. Thank you. Ms. Johnson, if this is about just moving administrative services, as Congressman Garamendi has just suggested, why is it that we need 18 acres to do so?

Ms. JOHNSON. Well, that is our concern. I don't believe we need 18 acres. The parcels that are in question for the development of the visitor center is approximately seven acres. The remaining 11 are across the street, about half a block away, that lead to private property where they plan to develop the convention center and the hotel. I am not arguing that there is a need for this, we just are opposed to the development, the ownership of more Federal land in our community. They already own 50 percent.

And the fact that these extra 11 acres aren't necessary is a concern. We are already losing a tax base off the seven parcels. And there is also the fact that our intersections and our roads are going to be majorly impacted. And the community, you know, it may be beneficial, but who is it really benefitting? The traffic that is backed up in Yosemite is now going to be backed up in town. We don't even have traffic lights there. This is located at a four-way stop sign.

There is issues that have not been addressed, and that is the major concern with the residents of Mariposa. This may have been a plan for 20 years, but we have only heard about it twice, through a newspaper ad. There has been no public forum, there has been no discussion allowing the public to have an input or opinions. I believe there is other alternatives to development. And more Federal ownership of our land is not always the solution.

Mr. MCCLINTOCK. So, basically, this will simply move the congestion from the west entrance to the center of town.

Ms. JOHNSON. Correct.

Mr. MCCLINTOCK. What do the residents that you talk to think about that?

Ms. JOHNSON. They are not happy about it, because they haven't had a voice in it. It has not been addressed. There has been no proposals. We don't know how this is going to happen. There is really not a lot of area for development on the roadways. And, as I mentioned, you know, there is no traffic lights, there is—it is a four-way stop sign. And the fact that more land is being asked for raises a question on the intent of this bill and what is really in the future.

Mr. MCCLINTOCK. Now, if this is just about moving administrative offices, as Congressman Garamendi has suggested, is there unleased office space in Mariposa?

Ms. JOHNSON. Several. The county just left open, I believe, six different buildings. The leases remain open until 2015, is my understanding. The county just built a Federal—or, excuse me, our State human resources office on a stimulus grant just a couple of years ago without any public input, as well, and they left abandoned six or seven buildings. And it is just recently the National Park Service moved into one of those buildings, and they are paying over 12,500 a month for a leased building that is subleased through our county.

Mr. MCCLINTOCK. Why would administrative offices housing 100 desk-bound employees require a adjoining conference and convention center?

Ms. JOHNSON. They would not. That would just be beneficial, I believe, to the developer. I believe it would also harm our other businesses, which are made up mostly of restaurants, hotels that provide services for the tourists, and are very dependent on that.

We are not arguing that, you know—yes, the park there is congested as well, and there are needs. But to what extreme do we—you know, how much land does the Federal Government need in our county?

Mr. MCCLINTOCK. So it appears, despite the stated intent, that there is an intent to draw a great deal of additional visitor traffic through Mariposa that would come at the expense of existing communities like Sonora and Oakhurst, which, as we heard from the letter that I quoted from the Chairman of the Board of Supervisors in Madera, is almost entirely dependent upon that traffic.

And again, I understand it is going to increase traffic—visitors to Mariposa. But that will be—come at the expense of traffic that would otherwise have been going through those other communities. And——

Ms. JOHNSON. Mariposa welcomes the tourist. And we need the business. We are hurting that way. I won't argue that at all. I am just saying that there are other alternatives that have not been addressed, because the people haven't had a voice to do that.

I would also raise the question as why, you know, another developer can't come in and build this visitor center, keep the land in Mariposa County and not in the hands of the Federal Government.

Mr. MCCLINTOCK. Thank you.

Ms. JOHNSON. They could easily lease——

Mr. MCCLINTOCK. My time is expired. I just want to say I think that I like the overall objective, but I think it has to be done comprehensively. And the issues that are dividing the local community need to be resolved before it is brought to Congress.

Congressman Garamendi?

Mr. GARAMENDI. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. Oh, I am sorry. Congressman Tsongas—OK, Congressman Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman. A couple of things. First of all, the bill does not mandate 18 acres be purchased. It says up to. The actual language is "not more than 18 acres."

Now, the other thing is this simply authorizes it. There is this little process which still is the law, although this Committee seems to want it kind of modified or eliminated. It is called NEPA. Nothing is going to get built until that process is completed. There has to be an environmental study.

So, the issues of traffic, the issues of parking, the issues of traffic lights all have to be dealt with in that process. That is just the way it is going to be. So many of the concerns that have been expressed here will be thoroughly vetted in the NEPA process. That is what it is for. Not just the environmental issues, which will be dealt with, but also the community issues. And one of the great debates that rages in this Committee is the issue of do we keep NEPA in place.

Now, the concerns that have been expressed here by the community, or at least the representative of the community, have to be addressed in that NEPA process. Whether it is 18 acres or 17.37 acres or 7.3 acres, that is what the NEPA process is all about. It will have to be laid out.

This bill simply says that the National Park Service has the authority to purchase up to 18 acres. Things are going to get worked

out here. Without a bill like this, the problems in the Valley will continue. And they are very, very serious problems of congestion within the Valley, both for Sonora, for Oakhurst, and for Mariposa.

So, we are putting in place a step toward a process that will lay out and thoroughly vet the concerns that have been raised here about the community and traffic lights and so on and so forth. So, I think we are on the right track here. And I must tell you this has been debated ad nauseam. We have to move. The Valley is suffering as a result of the continuing debate back and forth about what to do. What to do, what to do? And nothing gets done, and the Valley suffers. The visitor experience in the Valley is degraded by the impact of administrative offices, by the impact of visitors trying to get into the visitor center within the Valley, since there is none outside. So we are moving forward here.

And so, with that, if any of you would like to comment, let's start with the Supervisor, and go from there.

Mr. CANN. Thank you very much, Congressman. There is no real evidence that suggests that this will have any impact on the number of visitors that go through this corridor. It won't—shouldn't take a single visitor from any of the other corridors. You know, each corridor gets almost the same amount of visitors over the course of a full year. What this will do is it should dramatically reduce the entrance station back-ups. And once those folks hit Yosemite, they can go right where they want to go. They don't have to go get any more orientation, unless they choose to. There will be—all the facilities and services that exist in Yosemite Valley will exist. Again, the Park Service is—already has been funding putting seasonal interpreters in each of the gateway communities, because this concept is so needed.

I will respond that in 1958 Congress bought 1,200 acres in the community of El Portal, mentioned earlier, that was designated for this type of a development to move things out of Yosemite Valley. Unfortunately, as laws got overlayed on that—and particularly of late, the Wild and Scenic River Act—that became non-available for these facilities.

Now, there is a wastewater treatment plant and a maintenance operation there, and there is no more space to build. But the need—I mean in 1958 the park probably had 20 percent of the employees that it has now. The need is exponentially greater.

I would just last say that twice this issue came before the Board of Supervisors in published—pre-published public meetings to have this open discussion. There has been virtually no objection voiced in the community in these public meetings with the Chambers of Commerce, the people that we might think would be most impacted by this. So I do agree, as I said earlier, there—communication is never sufficient. And as we talked earlier, the—I made myself available to go anywhere anyone wants to talk about what the bill is and what it isn't. Thank you.

Mr. BISHOP [presiding]. Thank you. I appreciate that. Is there any other questions for this panel?

[No response.]

Mr. BISHOP. If not, I thank you——

Mr. CANN. Thank you.

Mr. BISHOP [continuing]. For being here. Next, Mr. Knox, we have a couple of other bills I think you are testifying——

Mr. KNOX. Yes, sir.

Mr. BISHOP [continuing]. Will be testifying. So why don't you stay there? Mr. Cann, Ms. Johnson, thank you for taking the time and effort to come all the way back here and testify to us. I appreciate that.

Let me ask Mr. Jim Peña, who is the Associate Deputy Chief of the National Forest Service if he will join us at the panel. Also, Mayor John Curtis, the Mayor of Provo, if he will come up, and we will deal with H.R. 4484 next.

Let me have—actually, so we have room, Mr. Slavin and Ms. Campbell, let's wait. And as soon as these two are done with their testimony we will bring you up and then you can have full shot at the panel here. So just Mr. Peña and Mayor Curtis here.

Mr. Peña, can I have you actually address two bills in this particular one? I don't think there is anyone else to talk about 4109, Representative Gallegly's bill. If you will talk about that, as well as 4484, which is Y Mountain, if you will do those two, and then we will turn to Mayor Curtis on those two and see if there are questions for those. Thank you.

Mr. PEÑA. OK. Would you like me to do them in any order, or——

Mr. BISHOP. Why don't you do—why don't you get 4109 out of the way first, and then turn to Y Mountain?

Mr. PEÑA. OK.

**STATEMENT OF JIM PEÑA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, UNITED STATES FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. PEÑA. Good morning, Chairman Bishop and—it would have been members of the Committee. My name is Jim Peña. I am Associate Deputy Chief of the National Forest System, U.S. Forest Service. Thank you for inviting me here today to testify regarding H.R. 4109, the Los Padres Conservation and Recreation Act of 2012.

We do not oppose the legislation designating these additional wilderness areas on the Los Padres National Forest. Each area is unique and would be a valuable addition to the National Wilderness Preservation System. However, we are concerned with changing the delegation of authority for deciding when wilderness can be entered with mechanized equipment during fire suppression activities.

I know from firsthand experience that the current system works to quickly respond to a request, and provides a fair and balanced way of weighing the potential firefighting benefits with the potential impacts to wilderness. The Forest Service uses a minimum resource decision guide, or minimum tool analysis, to guide the appropriate response for addressing emergency situations. This process can and has authorized use of motorized equipment in wilderness on a case-by-case basis.

We do not oppose the proposed additions to the National Wild and Scenic River Act—or Wild and Scenic River System in this bill, either. But there are some new segments which are inconsistent

with the classification findings in the eligibility and suitability studies. In addition, we would like to work with the Subcommittee to make the designation of Upper Sespe Creek more consistent with the Wild and Scenic Rivers Act. We find that it is important to maintain the integrity of the act, and that there are other options such as boundary adjustment available to meet the California Department of Transportation's concerns on being able to maintain Highway 33.

The Department does not support a legislative land exchange with United Water Conservation District of California, because Congress has provided the authority to conduct the land exchange administratively. We note that a public interest determination and an appropriate environmental review would provide for a fair exchange for both the United Water Conservation District and the American public.

In addition, we would like to work with the Committee to develop a more detailed land exchange map that clearly identifies the parcels and their locations to be included in the legislation.

One concern we have with legislated exchange is water rights. In the proposed exchange, the United States would convey water rights with the Federal property to be exchanged. Properties which would be—which would come to the Federal estate would do so without water rights. This does not appear to be an equitable exchange for the public.

Last, I would like to discuss off-highway vehicle, or OHV, use. OHV use is a popular activity on the national forests, in particular on the Los Padres. And the Department supports the provision of diverse OHV opportunities for recreational users. However, designating new OHV areas and trails and opening existing trails to new uses without first conducting environmental analysis to determine potential resource effects, including threatened and endangered species, is a serious concern.

If this legislation moves forward, the Department requests the Subcommittee require new designations to the—be subject to the Environmental Policy Act NEPA analysis, as well as funding availability to conduct the analysis. The mitigation measures identified in the NEPA process would provide appropriate enforcement plans and closures to ensure protection of the resources, including threatened and endangered species.

Thank you for the opportunity to testify today. And my full remarks have been submitted for the Committee.

I would be happy to take any questions you have.

[The prepared statement of Mr. Peña follows:]

**Statement of James M. Peña, Associate Deputy Chief, National Forest System, Forest Service, United States Department of Agriculture, on H.R. 4109, the "Los Padres Conservation and Recreation Act of 2012"**

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, my name is Jim Peña. I serve as the Associate Deputy Chief for the National Forest System. Thank you for inviting me here today to testify regarding H.R. 4109 the "Los Padres Conservation and Recreation Act of 2012". H.R. 4109 is a large and complex bill that involves designation and specific management direction related to nearly 63,600 acres of new wilderness, designation of approximately 88.6 miles of new wild and scenic rivers, creation of about 18,500 acres of a new special management area, designation of two new OHV areas comprising close to 65,800 acres, and

execution of a land exchange with the United Water Conversation District of California.

The Department does not oppose H.R. 4109, but would like to work with the bill sponsor and the Committee to address several concerns.

**TITLE I—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM**

Consistent with the Wilderness Act and National Forest Management Act, the Department supports wilderness designation for areas that are dominated by the forces of nature, and that offer outstanding opportunities for solitude or primitive and unconfined recreation. The majority of the land parcels proposed for Wilderness designation were recommended through the Land and Resource Management Plan for the Los Padres National Forest. These lands encompass expansive grasslands, chaparral covered slopes, rolling badlands, high elevation mountains, and deep, winding river canyons. Endangered Condors make their home here and unique plants like the Santa Ynez false-lupine exist here and nowhere else on earth. However, there are several key issues the Department would like to work on with the Subcommittee and Bill sponsor.

The Department shares the concerns about wildfire suppression and pre-suppression with the community, the Subcommittee and the bill sponsor. However, the Department cannot support the prescriptive wildland fire language included in section 102(e)(2) that changes the Forest Service delegation of authority. Under the current policy for suppressing and managing wilderness fires the Forest Supervisor is the responsible federal official who makes a verbal request to the Regional Forester for approval to use motorized equipment for suppressing the wildfire. This time-tested policy outlines the delegation of authority for use of motorized and mechanized equipment and allows the Agency to implement a wide range of activities in both administrative and emergency situations. Consistent with the National Incident Command System, the incident commander operates under a delegation of authority from the hosting agency for the purpose of managing the incident. The incident commander exercises the delegated authority of the agency during the incident. The Department would recommend that the current system of requests and approvals be continued for the Wilderness designated under this bill.

Under existing authorities the Forest Service has successfully implemented a wide range of emergency and administrative activities in support of fire suppression and pre-suppression. The Forest Service has the capability under existing approval procedures to respond in a timely manner when authorizing motorized equipment and mechanical transport in wilderness areas.

In addition, in section 102(e)(3), the bill refers to "post-wildfire hazards on the land". This term is unclear and the Department would like to work with the Subcommittee and the bill sponsor to clarify its meaning. The Forest Service uses a Minimum Resource Decision Guide (MRDG), or "minimum tool analysis" to guide the appropriate response for addressing emergency conditions within wilderness. Based on a case-by-case analysis, the "minimum tool" can authorize the use of motorized equipment with in wilderness consistent with section 4(c) of the Wilderness Act of 1964.

In section 102(f), the bill refers to "expedited emergency lifeline repair projects." If the road is outside of the wilderness boundary and the boundary is sufficiently set back to allow for anticipated maintenance-associated features such as culverts and retaining walls, then this language is unnecessary. The Department suggests that section 102 (j) should be changed to read that that the allowed right of way shall run with the land, rather than the lawful owner of such property shall be allowed right of way to their property. The Department would like to work with the Subcommittee and bill sponsor to further clarify our concerns.

**TITLE II—ADDITIONS TO NATIONAL WILD AND SCENIC RIVER SYSTEM**

The Department generally supports the designation of additional rivers to the National Wild and Scenic River System. However, several of the new segment classifications are inconsistent with the classification findings in the eligibility and suitability studies for the proposed Wild and Scenic Rivers. There is also a discrepancy in the total mileage listed for Piru Creek and the sum of the mileages of the individual segments. The Department would like the opportunity to work with the Subcommittee and bill sponsor to change the segment classifications to be consistent with the eligibility and suitability findings and to clear up the Piru Creek mileage discrepancies.

The Department would like to work with the Committee and the bill sponsor to identify an approach that is more consistent with the Wild and Scenic Rivers Act for the designation of Upper Sespe Creek. Subparagraph (B) of that designation ex-

empts the effects of maintenance, repair or improvements of California Highway 33 by the California Department of Transportation. As written, subparagraph (B) could reduce the Agency's ability to ensure that activities in the wild and scenic river corridor are consistent with protecting river values, free flow and water quality present at the date of designation. The Department requests the opportunity to work with the Subcommittee on the concerns regarding Highway 33, while remaining consistent with the Wild and Scenic Rivers Act.

**TITLE III—CONDOR RIDGE SCENIC AREA**

H.R. 4109 provides additional protections for 18,520 acres along the crest of the bucolic Gaviota Coast. The Land and Resource Management Plan for the Los Padres National Forest recommended Condor Ridge for Wilderness designation; however, the Department supports the creation of the Condor Ridge Scenic Area. In addition, the Department requests the Committee provide more time than three years to develop the comprehensive management plan.

**TITLE IV—OFF HIGHWAY VEHICLE USE**

Off Highway Vehicle (OHV) use is a popular activity on the National Forests, and the Department supports the provision of diverse OHV opportunities for recreational users. However, designating new OHV areas and trails and opening existing trails to new uses without first conducting environmental analysis to determine potential resource effects, including threatened and endangered species, is a serious concern.

If this legislation moves forward, the Department requests that the Subcommittee expressly clarify the new designations are subject to National Environmental Policy Act (NEPA). The mitigation measures identified in the NEPA process would provide the appropriate enforcement plans and closures to ensure the protection of the resources, including threatened and endangered species in the area.

**TITLE V—LAND EXCHANGE**

The land exchange outlined in this bill directs an exchange with the United Water Conservation District (UWCD) of California. The United States would acquire 350 acres (more or less) near Lake Piru on the southeastern edge of the Los Padres National Forest near the Ventura/Los Angeles county line, in exchange for the conveyance of 440 acres (more or less) of federal lands, including the Blue Point Campground along Piru Creek, a one-mile stretch of Piru Creek, several parcels of land along the lake's shoreline, and all of the remaining federally-owned portions of the access road around the lake's perimeter.

The Department does not oppose a land exchange with the UWCD, but cannot support this land exchange as written. The Department prefers to allow the Forest Service to conduct this exchange administratively in order to ensure an equal value exchange, a public interest determination, and appropriate environmental review occurs. The Department would like the opportunity to work with the Subcommittee and bill sponsor to ensure that this exchange is in the public's best interest.

Section 502(a) requires the Secretary to enter into an exchange with the UWCD, while allowing "de minimis" changes to the parcels based upon public input from the NEPA process. In addition, section 502(d)(1) states that the lands to be exchanged are depicted on the overview map. However, the detail present on the overview map is not sufficient to inform either the Subcommittee or the Secretary of the parcels involved in the land exchange. The Department would suggest that a separate and discrete land exchange map, clearly identifying the parcels and their locations be included with the legislation as it moves through Committee.

Section 502(g) excludes water rights, which presumably means the UWCD will continue to be able to use National Forest System lands for its water uses. By UWCD retaining water rights, the United States will not be in a position to determine the management activities on NFS lands, including managing resources and activities that require water. The Department respectfully requests that the Subcommittee amend this provision to ensure that the United States acquire all rights, title and interest in the lands, including water rights.

In addition, the Department does not know if there are title issues related to the UWCD lands included in the exchange. The fact that it remains included in the legislation as a specific cost that the UWCD will not be responsible for concerns the Department that there may be title issues. Further, curing defects to title are the responsibility of the current landowner to resolve prior to conveyance to the United States. Since the Department of Justice Title Standards 2001 apply (502(d)(5)) which limit the ability of the United States to acquire land with defective title, it remains unclear why the United States would expend funds to clear potential title defects on property it does not yet own.

In previous iterations of the land exchange, the UWCD was to pay for the construction of a parking lot allowing for public access to the Potholes Trail on National

Forest System lands. The current bill requires the UWCD to construct this parking lot, but section 502(d)(4) exempts the UWCD from paying for the costs of construction. The Department would like to work with the Committee, the bill sponsor and the UWCD to address this provision in a mutually satisfactory manner that addresses the need for public access and parking for the Potholes Trail. The bill also requires the proceeds from the equalization payment shall be deposited in the general fund of the Treasury. Utilizing Public Law 90–171, commonly known as the "Sisk Act" (16. U.S.C. 484a), would allow for the deposit of proceeds received for a conveyance into the fund established under the Sisk Act for the acquisition of land or interests in land within the State of California.

**Map Concerns**

The Department has concerns regarding the overview map that is referenced in the bill. The Forest Service provided mapping services to the bill Sponsor, creating six detailed legislative maps of the proposed new wilderness areas/expansions, as well as the two proposed new OHV areas. Citing the more general overview map only, instead of the specific legislative maps, would likely open the door to future boundary disputes. Technically correct maps are vitally important to our on-the-ground management and implementation of Congress's direction. The Department would like to work with the Subcommittee and bill sponsor to ensure the detailed legislative maps dated February 27, 2012, are included in the bill text.

**Summary**

In summary, the Department supports the intent of H.R. 4109 that would add additional outstanding landscapes to the National Wilderness Preservation System, additional miles of protected rivers to the National Wild and Scenic River System, and provide additional OHV opportunities. However, my testimony outlined several critical concerns to the Committee with H.R. 4109 in its current form. The Department would like to work with the Committee and the bill sponsor to address our concerns. Furthermore, we understand that the Department of Justice may have concerns with the bill that it would like to with the Committee.

This concludes my statement and I am happy to answer any questions you might have.

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Mr. BISHOP. Thank you. And did you get 4484 in that, as well?

Mr. PEÑA. 4484, I can do that right now.

Mr. BISHOP. Go.

Mr. PEÑA. I am still Jim Peña. And I appreciate the opportunity to testify regarding H.R. 4484, the Y Mountain Access Enhancement Act.

Over 100 years ago, the rivalry between the junior and senior class of Brigham Young University High School led to the creation of Y on Y Mountain. Since that time, the tradition of whitewashing the Y has been an important tradition at Brigham Young University. The trail to the Y is a popular hike in Utah Valley. BYU, the Forest Service, Provo City, and Utah County have worked together to manage this important site over the years.

Mr. Chairman, I checked with sources and opinion-shapers in Utah and have found the one demographic that opposes this sale, possibly graduates of the University of Utah. So, with your indulgence, I suggest as a condition of the sale the Y on Y Mountain be illuminated crimson red during the University of Utah's homecoming week. That might be something that could be considered.

On a more serious note, though, the Department does not object to the conveyance of the two parcels to BYU. We would like to enhance the legislation by ensuring that the public has legal access to the trail and the trail head on the BYU campus. The Department request the Committee consider an amendment to allow the Secretary to obtain an easement from BYU for the trail head parking and for the trail on the portion that traverses BYU property. This access is beyond the Y, other trails on the national forest. This

would allow roles to be clarified in the areas such as maintenance, liability, and safety.

This concludes my testimony, and I would be happy to take any questions on this bill, as well.

[The prepared statement of Mr. Peña follows:]

**Statement of James M. Peña, Associate Deputy Chief, National Forest System, Forest Service, United States Department of Agriculture, on H.R. 4484 the "Y" Mountain Access Enhancement Act**

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, my name is Jim Peña. I serve as the Associate Deputy Chief for the National Forest System. Thank you for inviting me here today to testify regarding H.R 4484, the "Y" Mountain Access Enhancement Act.

H.R. 4484, the "Y" Mountain Access Enhancement Act, would direct the Secretary to convey to Brigham Young University (BYU) all right, title, and interest of the United States to two parcels comprising approximately 80.99 acres of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah, as shown on the accompanying map. The southern parcel is a split estate, so the United States would only convey what it owns (the surface estate). The United States does not own the underlying mineral estate.

The Department does not object to the conveyance of the two parcels, but would like to work with the Subcommittee and the sponsor to address public access at the trailhead. The parcels are adjacent to land currently owned by the University. The trailhead and beginning portion of the "Y Mountain Trail" are located on land already owned by the University. Historically, the public has been permitted access to the trailhead and trail. Section 2(c) of the bill seeks to provide the same reasonable public access for the trail that historically has been allowed. To accomplish this objective, the Department recommends that section 2(c) be revised to provide for the reservation by the Secretary of an easement for public access for the portion of Forest Service Trail #2062 that would be conveyed to the University. Currently no legal public access to the trail exists at the trailhead and across BYU owned property. To ensure legal public access, the Department suggests the Committee consider an amendment to allow the Secretary to obtain an easement from BYU for the trailhead parking lot and the portion of trail that traverses across BYU property.

As a technical matter, the legal description in Section 2(a) should be amended to correctly describe Lot 4. The legal description for this conveyance should be: SE¼SE ¼ of Section 32, T. 6 S., R. 3 E., and Lot 4 of Section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian.

The bill provides for the conveyance of this land for consideration in the amount equal to the fair market value of the land. The bill also requires the proceeds from the sale shall be deposited in the general fund of the Treasury to reduce the Federal debt. Utilizing Public Law 90–171, commonly known as the "Sisk Act" (16. U.S.C. 484a), would allow for the deposit of proceeds received for a conveyance into the fund established under the Sisk Act for the acquisition of land or interests in land within the State of Utah.

This concludes our testimony and I would be happy to answer any questions that you may have.

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Mr. BISHOP. Thank you. And as the University of Utah graduate here in the room, we will take your comments seriously.

Mayor Curtis to the Y Mountain bill, please.

## STATEMENT OF JOHN CURTIS, MAYOR, CITY OF PROVO

Mayor CURTIS. Thank you, Mr. Chairman. Greetings from the Great State of Utah and our two percent humidity. And it is a pleasure to be with you today and I appreciate your time on this important issue. I must tell you in all my wildest imaginations I never thought I would be in Washington, D.C. defending the BYU-Utah rivalry, and with the suggestion that we turn that Y into a U. I am not sure I could return home unless I adamantly opposed that suggestion.

But that being said, I appreciate the opportunity to be here today. Let me also thank the U.S. Forest Service. If you will notice at the television screen up there to my left, you will see that we share a border with U.S. Forest Service through a high percentage of our city. And it has been a terrific relationship. We often find ourselves working with them in forest fires and rescues and land issues. And I believe it has been a terrific relationship.

Well, Provo City has long been associated with a high quality of life. I like to brag that the Gallup Organization consistently recognizes the Provo Metro Area in the top two or three cities in the country for well-being. And at the heart of this is, in many cases, the priorities set by this community. And those priorities, in many ways, disseminate from Brigham Young University. Yesterday there was a fun announcement that I would like to share with you by Forbes Magazine, who ranked Provo City, the Provo Metro Area, the number one area in the entire United States for business and careers. And if I could just quote off their website, they say, "Topping our 14th annual list of the best places for business and careers is Provo, Utah. The $16 billion economy is thriving largely on the back of Brigham Young University." And I found that very interesting, particularly given that—the relevant discussion today.

BYU is a large part of our community. The Y on the mountain is very symbolic to the residents of the county. They find themselves feeling at home when they see that Y. It is symbolic of many things that we stand for. It has also become a large recreational use for our residents.

Mr. Peña referred to the rivalry that started in 1906. The Y has been on that mountain since 1906. And many residents are surprised to find out that Brigham Young University doesn't own the entire property. And, in fact, they did at one point. And if you, here again, look up on the screen, you will see the BYU campus in the forefront. The green part of the mountain is currently owned by BYU, and managed by BYU. The two blue squares above are the 80 acres in question, and once were owned by BYU, and through a series of events became—the ownership fell under the U.S. Forest Service. So, we are actually talking about something that would return to Brigham Young University something that they once owned.

In addition, Brigham Young University has maintained a trail head and a trail that travels up through their property and across the U.S. Forest Service. And they have maintained that trail, and it is an incredibly popular destination for many people. And you can see, if you are an aggressive hiker, you can hike right up the mountain over the top of that to some other beautiful hikes throughout the area.

And perhaps the largest reason for doing this is to actually ensure the long-term viability of that trial, and the access to that wilderness area for our residents. I believe that this is important, and I support this for several reasons. I mentioned the recreational access, the long-term sustained record of good stewardship by Brigham Young University, not only on this, but in many assets throughout the city.

And I think it is a terrific opportunity to—and it is actually quite symbolic, I think, to the residents of Utah County who find them-

selves quite conservative, that we are actually asking Congress to do something that relieves a burden from the U.S. Government and puts it on the private sector. And, in addition, puts funds to the—to reducing the deficit. And I think that is something that would also greatly please the residents.

So, thank you for your time, and I look forward to exploring this with the U.S. Forest Service and their team, as well.

[The prepared statement of Mr. Curtis follows:]

**Statement of The Honorable John Curtis, Provo City Mayor, on Y Mountain Access Enhancement Act (H.R. 4484)**

Provo City has long been directly associated with its high quality of life and is consistently recognized as one of the most favorable places in the country to raise a family. This is largely due to the priorities we set as a community. At the very heart of those priorities is Brigham Young University—a world-renowned institution whose reputation is that of a responsible, creditable steward of resources.

Recently, it has come to my attention that an option is available to transfer ownership of what Provo residents have referred to for years as "Y Mountain" from the Forest Service into the hands of Brigham Young University.

The background to this story is both appropriate and necessary as you go through your decision-making process.

Our Y is a signal on our eastern mountain to many people. In an interesting way it represents home. It identifies us and tells people that they have arrived to the site of something very unique and special.

In 1906 Brigham Young University was a mere three year old institution still searching for its identity. On a spring day, a feud between the classes of 1906 and 1907 would surprisingly lead to the creation of an enduring symbol of unity and identity.

The members of the class of 1907 decided that they wanted to do something to stake their claim. They marched up the mountain due east of campus and carved the numbers 07 in the side of the mountain as a symbol of their class superiority. This irritated the senior class members who decided to take down the 7 and replace it with the 6 of their class. Physical altercations pursued which had to be broken up by then-President Brimhall.

President Brimhall proclaimed that, instead of fighting, they would work together to construct one symbol both classes of students could rally around. He declared that they would replace the numbers on the mountain with the letters BYU which would stand for all students.

On an April morning in 1906, students from both classes set out to construct the first letter—a 380 foot tall monumental Y. They formed a line and transported bags of a lime and sand mixture from the bottom of the hill to the top where students would dump the contents into the outline previously defined by drafting students. This process took significantly longer than anticipated. It took so long that many students questioned the benefit of completing their objective. While leaving the project one third complete—Y Mountain was born.

This once BYU-owned 80 acre parcel, including most of the trail, is now under ownership of the United States Forest Service although Brigham Young University has managed the Forest Service's portion of the trail for the past 50 years.

The University has purchased the western most property and turned it into a well-maintained trailhead that marries perfectly with the upgrades, including signs and seating, it completed on the trail itself. From the perspective of the everyday observer, BYU owns and operates each interest of the mountain.

Allowing Brigham Young to purchase this property would help preserve the trail for the short and long terms. It would provide a private owner with an impeccable record of sound stewardship of environmental resources to manage and maintain the trail. A BYU-owned trail offers a consistent and predictable ownership whose mission won't change and whose vision for Y Mountain and access to the trail will not be disrupted.

I, along with the residents of Provo City, support the Y Mountain Access Management Act and appreciate the language in the legislation which mandates BYU pay a fair market value for the property, covers administrative and appraisal costs, and uses the dollars to decrease our federal budget deficit.

I look forward to working with Brigham Young University, the Forest Service, and their team members in continuing to make Provo City the best kept secret in the west.

Mr. BISHOP. Thank you. I appreciate your testimony. Mayor Curtis, thank you for being here, for taking the time. Obviously, I think we all look forward to seeing BYU control the entire route up to Y Mountain. And I suppose, you know, when they find a conference, maybe there will be a rivalry again some time. But that is beside the point.

And I also appreciate the Forest Service support of this particular project. I hope that we can move this one quickly. This is just a logical thing to do. And obviously, as someone who has been in that area a lot, I appreciate the approach in which we are going with that particular issue. Hopefully we can get that one done in this Congress. So thank you for being here, thank you on that.

Mr. Peña, I do have one question that deals with 4109, in a way. You stated in your written testimony the Forest Service has the capability under existing approval to respond in a timely manner to wildlife in wilderness areas with motorized equipment and mechanical transport. The problem we have is—or the question I had is that in the Los Angeles Times back in the beginning of June—I think June 3rd was the date—there was an article about the fire in New Mexico, the Whitewater-Baldy Fire there, in which an individual simply said that 70 percent of the fire is in wilderness area, and it is very tough to hike crews in. So we will see a point when containment slows down.

If you already have the authority to respond in a timely manner, why was this gentleman indicating that wilderness designation slows the suppression efforts?

Mr. PEÑA. I don't know why he would say that. It is not my experience. I have worked for the agency for over 34 years. Most of that time I have had either direct fire line experience or line officer experience overseeing large fire complexes. I have been—probably half of that fire experience has been in wilderness areas.

When we look at what is needed to complete the suppression activity, to do it safely and do it effectively, we approve the minimum tool that is necessary. Generally, I have seen approval of helicopter use, water drops, chain saws, pumps, at a routine level, at the forest supervisor level. So there is very minimal time taken to do that. When you put a dozer on the ground in the wilderness, it requires that the regional forester approve that. In my experience as a deputy regional forester in California during the fire seasons of 2008, 2009, and 2010, I responded to many requests for dozer activity, and we approved those in an operational time that allowed them to be successfully executed with the fire overhead team.

Mr. BISHOP. You don't know if perhaps in New Mexico there was a delay in that approval or not?

Mr. PEÑA. I have not heard of any delay.

Mr. BISHOP. OK. I do have—I appreciate that. I appreciate your explanation of that. I think I read the book "The Big Burn" that talked about the huge fire up in Montana a long time ago that precipitated part of the expansion of the Forest Service. And it was—indeed, one of the problems that they faced in that fire was their inability of having road access in that area to get in there to actually fight the fire, or to have an escape route once they found their efforts were—and the more roads we have along BLM land as well

as Forest lands will create access to fight those fires, as well as natural fire breaks in the process of being there.

So, the more we have that, it would seem it would only be logical it would improve our efforts to try and combat what has become a devastating fire season in the West this time around. So I thank you.

I appreciate you being here for both bills. Mayor, thank you once again for being here, and for taking the time to testify on this bill. We will see if we can move forward.

Mr. Knox, if you would, stay there. And now we can invite Timothy Slavin—Slavin, I don't know which way it is pronounced—who is the Delaware division historical—the Director of the Delaware Division of Historical and Cultural Affairs, and also Elizabeth Campbell, who is the Executive Director of the Nashua River Watershed Association to testify on two bills.

Mr. BISHOP. Mr. Knox, if we can go back to you, if you would deal with both H.R. 624 and I think H.R. 5319, I think those are the last two we have yet to talk about in this Committee. H.R. 624 is, I think, the Delaware park bill. And H.R. 5319 is the Wild and Scenic River in Massachusetts, right?

Mr. KNOX. Correct.

Mr. BISHOP. If—oh, I am sorry. And there is also H.R. 5958, by Mr. Turner, to rename that park. If you would handle all three of those in your summation, I—in your next presentation, I would be appreciative. The Turner bill, the Tsongas bill, and the Delaware bill.

Mr. KNOX. Yes, Mr. Chairman. Thanks for the opportunity to present the Department of the Interior testimony on those three bills. I would like to submit our full statement for the record, and summarize our position quickly on each of these bills.

The Department does not support H.R. 5958. This bill would rename the Jamaica Bay Wildlife Refuge Visitor Contact Station at Gateway National Recreation Area in honor of former Senator James L. Buckley. The National Park Service believes there should be a strong association between the park and the person being commemorated, and we don't support commemoration until five years after that person's passing.

This basic principle is reflected in our National Park Service management policies. And we do not believe there is sufficient association between former Senator Buckley and the Jamaica Bay Wildlife Refuge to merit renaming the visitor center for him. And Senator Buckley is also currently living.

The Department supports the enactment of H.R. 5319. This bill would authorize a wild and scenic river study of a segment of the Nashua River in Massachusetts, along with its tributaries. The river segment and tributary areas proposed for study exhibit the types of qualities and resource values that would make it a worthy and important candidate for a potential addition to the National Wild and Scenic Rivers System.

The Department strongly supports the establishment of a unit of the National Park System in Delaware, as proposed by H.R. 624. In 2008, the National Park Service completed a special resource study of the coastal area of Delaware, and identified a number of resources of national significance that were determined suitable

and feasible to administer as a unit of the National Park System. These resources, which are associated with the early Dutch, Swedish, and English settlement, and others associated with Delaware's role as the Nation's first State, would be eligible for inclusion in the park unit that would be established by the Secretary upon acquiring a sufficient amount of these resources to constitute a manageable park unit.

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

**Statement of Victor Knox, Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior, on H.R. 624, a Bill to Establish the First State National Historical Park in the State of Delaware, and for Other Purposes.**

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 624, a bill to establish the First State National Historical Park in the State of Delaware.

The Department strongly supports the establishment of a unit of the national park system in Delaware as proposed by H.R. 624. The Department testified in support of a similar bill, S. 323, on May 11, 2011.

In 2008, pursuant to Public Law 109–338, the National Park Service completed a Special Resource Study of the coastal area of Delaware and identified a number of resources of national significance that were determined suitable and feasible to administer as a unit of the national park system. These included historic resources that were instrumental in early Swedish, Dutch, and English settlement in the United States, and others associated with Delaware's role as the nation's first state. Although the bill provides the Secretary of the Interior the discretion to determine which sites in the State would be included within the boundary of the historical park, we anticipate that only resources that met the Special Resource Study criteria for establishment as a national park unit would be considered for inclusion.

In 1638, Peter Minuet led Swedish colonists to present day Wilmington, Delaware, and established New Sweden at a point known as "the rocks" on the Christina River. The settlers constructed Fort Christina at this location and this site is now a National Historic Landmark. In 1698, Swedish settlers established Holy Trinity ("Old Swedes") Church near the fort, the oldest church building standing as originally built in the United States and also a National Historic Landmark.

In 1651, Peter Stuyvesant led Dutch settlers from New Amsterdam and constructed Fort Casimir at a place he named "New Amstel," in present day New Castle, Delaware. Conflicts between the Swedish and Dutch colonists resulted in changing occupations of the fort with the Dutch regaining control in 1655. In 1665, the English arrived at New Amstel and seized control of the settlement, renaming it "New Castle." William Penn landed in New Castle in 1682 and took possession of the city. In 1704, Penn established Delaware's Assembly and New Castle remained the colonial capital of Delaware until 1776. The New Castle Historic District, which contains multiple resources from the time of earliest settlement through the Federal era, including the Old New Castle Courthouse, is a National Historic Landmark.

Delaware's representatives to the Continental Congress and the Constitutional Convention played important parts in the adoption of the Declaration of Independence and crafting of the United States Constitution. On June 15, 1776, the Delaware Assembly, meeting in New Castle, voted to sever its ties with the English Crown, three weeks prior to the signing of the Declaration in Philadelphia on July 4th. National Historic Landmarks associated with these early revolutionary leaders include the homes of John Dickinson (the "Penman of the Revolution"), Gunning Bedford, Jr., and George Read. The Dover Green witnessed Delaware's vote to become the first state to ratify the nation's new Constitution.

H.R. 624 would authorize the Secretary of the Interior to establish the First State National Historical Park consisting of any resources listed in Section 3(b) of the bill that the Secretary acquires. The staff of the new park would be authorized to interpret related resources outside of the boundary, within the state of Delaware. The Special Resource Study estimated annual operating costs for the park at $450,000 to $550,000 and costs associated with a general management plan at $600,000. All funding would be subject to NPS priorities and the availability of appropriations. A study of additional resources related to the purpose of the park is also authorized to assess their potential eligibility for National Historic Landmark designation and options for maintaining the historic integrity of such resources.

H.R. 624 also proposes to allow including within the park boundary the Ryves Holt House—a part of the historic district in Lewes, Delaware. This district and the Ryves Holt House are listed on the National Register of Historic Places at the local level of significance and the National Register nomination for the district indicates that today its significance is based primarily on its fine examples of Victorian architecture. Although the bill provides the Secretary with the discretion to decide which properties may be included within the boundary of the park, the Department questions allowing the Ryves Holt House to be eligible for addition to the park boundary, since it is not a National Historic Landmark, does not meet the required national significance criterion for unit designation, and is inconsistent with the park's purpose as outlined in Section 3(a) of H.R. 624.

However, we note that Section 4(c) of H.R. 624 permits interpretation of resources related to the purposes of the park but located outside of its boundary. Any extant resources in Lewes, either within or outside of the historic district, which relate to early Dutch, Swedish, and English settlement or to Delaware's role as the first state, would thus be eligible for interpretation without including this district in the park boundary. Such resources would also be candidates for further analysis as to their National Historic Landmark potential under the bill's study provisions in Section 5.

Mr. Chairman, that concludes my testimony. I would be happy to respond to any questions that you or other members of the committee may have.

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**Statement of Victor Knox, Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior, on H.R. 5319, To Amend the Wild and Scenic Rivers Act to Designate a Segment of the Nashua River and Tributaries in the Commonwealth of Massachusetts for Study for Potential Addition to the National Wild and Scenic Rivers System, and for Other Purposes.**

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 5319, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Nashua River and its tributaries in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The Department supports enactment of H.R. 5319. The river segments and tributary areas proposed for study exhibit the types of qualities and resource values that would make it a worthy and important candidate for potential addition to the National Wild and Scenic Rivers System. However, we feel that priority should be given to the 36 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been transmitted to Congress.

H.R. 5319 directs the Secretary of the Interior to study a 19-mile segment of the mainstem of the Nashua River, except a 4.8-mile segment that is currently the subject of a Federal Energy Regulatory Commission licensing proceeding for an existing hydroelectric facility (Pepperell Hydro Company, P–12721). It is the Department's understanding that this excepted segment would appropriately allow the FERC to complete the ongoing licensing proceeding without the delay that a Wild and Scenic River Study would otherwise impose. As specified in the bill, the study would include unnamed tributaries of the Nashua River along the segment designated for study, in addition to the two named tributaries, the Squannacook and Nissitissit Rivers. The bill requires the study to be completed and transmitted to Congress within three years after funding is made available for it.

The Nashua River, once severely polluted, played an important role in the nation's river conservation history by inspiring support for both the state and federal Clean Water Acts. The transformation of the Nashua from a neglected and polluted waterway to one which now boasts the Oxbow National Wildlife Refuge, regionally significant paddling and fishing opportunities, a remarkable protected greenway system, and other important natural and cultural values, is a remarkable success story. The Squannacook and Nissitissit Rivers are two of eastern Massachusetts' most significant remaining cold-water trout fisheries.

If enacted, the National Park Service intends to undertake the study in close cooperation with the affected communities, the relevant agencies of the Commonwealth of Massachusetts, the US Fish and Wildlife Service, and interest groups such as the Nashua River Watershed Association through a partnership-based study approach. The partnership-based approach is recognized in Section 10(e) of the Wild and Scenic Rivers Act as a means of encouraging state and local governmental par-

ticipation in the administration of a component of the National Wild and Scenic Rivers System. The partnership-based approach also allows for development of a proposed river management plan as part of the study, which helps landowners and local jurisdictions understand their potential future roles in river management should Congress decide to designate part or all of the rivers being studied.

Although the Wild and Scenic Rivers Act requires the development of a comprehensive river management plan within three years of the date of designation, it has become the practice of the National Park Service to prepare this plan as part of a study of potential wild and scenic rivers when much of the river runs through private lands. This allows the National Park Service to consult widely with local landowners, federal and state land management agencies, local governments, river authorities, and other groups that have interests related to the river prior to determining if the river is suitable for designation. Early preparation of the plan also assures input from these entities as well as users of the river on the management strategies that would be needed to protect the river's resources.

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

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**Statement of Victor Knox, Associate Director, Park Planning, Facilities and Lands, National Park Service, U.S. Department of the Interior, on H.R. 5958, A Bill to Name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge Unit of Gateway National Recreation Area in Honor of James L. Buckley.**

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 5958, a bill To name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley.

The National Park Service believes there should be a strong association between the park and the person being commemorated, and that at least five years should have elapsed since the death of the person. This basic principle has been in place at least since 1988, as reflected in our National Park Service Management Policies. Therefore, the Department cannot support H.R. 5958.

In 1938 New York City Parks Commissioner Robert Moses proposed protecting Jamaica Bay's waters and wildlife, and developing water-based recreation. In 1948, the Bay was transferred to the management of NYC Department of Parks. With the creation of Gateway National Recreation Area in 1972, the Jamaica Bay Wildlife Refuge became the only wildlife refuge in the National Park System. The Jamaica Bay Wildlife Refuge Contact Station is eligible for LEED certification, the first in the National Park Service's Northeast Region. The Visitor Contact Station was completed in 2007 and incorporated portions of an older contact station into the new building.

James Lane Buckley, a former United States Senator from New York was born in New York City, March 9, 1923. He went to school in Millbrook, New York, and graduated from Yale University in 1943; he received his law degree from Yale in 1949. He enlisted in the United States Navy in 1942 and was discharged with the rank of lieutenant in 1946. He was elected to the United States Senate in 1970 and served from January 3, 1971, to January 3, 1977. Buckley introduced landmark legislation enacted by Congress to protect student records, the Family Education Rights and Privacy Act and the Protection of Pupil Rights Act, which requires parental consent prior to administration of student surveys on any of eight sensitive topics.

Senator Buckley served as the under secretary for Security, Science, and Technology, United States Department of State from 1981–1982. Other high points of his career include president, Radio Free Europe/Radio Liberty, Inc. 1982–1985; and federal judge, United States Court of Appeals, District of Columbia Circuit 1985–1996. These varied roles render him perhaps the only living American to have held high office in all three branches of the federal government. Senator Buckley is currently a resident of Sharon, Connecticut.

*National Park Service Management Policies 2006* state that the National Park Service will discourage and curtail commemorative works, especially commemorative naming, except when Congress specifically authorizes them or there is a compelling justification for the recognition, and the commemorative work is the best way to express the association between the park and the person, group, event, or other subject being commemorated. While Senator Buckley was a co-sponsor of the bill to create the Gateway National Recreation Area, and spoke in support of the

resources of the refuge, we do not believe there is sufficient association between him and the Jamaica Bay Wildlife Refuge Visitor Center to merit renaming the Visitor Center at this time.

Mr. Chairman this concludes my statement and I will be happy to answer any questions that members of the committee may have.

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Mr. BISHOP. Thank you very much. Ms. Campbell, if you would like to speak about the Wild and Scenic River, and then we will ask Mr.—is it Slavin or Slavin?

Mr. SLAVIN. Slavin.

Mr. BISHOP. Slavin, Mr. Slavin. If you would, talk about the Delaware park proposal.

Ms. Campbell, please.

**STATEMENT OF ELIZABETH CAMPBELL, EXECUTIVE DIRECTOR, NASHUA RIVER WATERSHED ASSOCIATION**

Ms. CAMPBELL. Thank you. Mr. Chairman and members of the Committee, I thank you for the opportunity to offer testimony in favor of H.R. 5319, which would amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers in Massachusetts for study for potential addition to the National Wild and Scenic Rivers System. The legislation would initiate a three-year study to establish whether these rivers meet the criteria for being designated as partnership wild and scenic rivers.

I am Elizabeth Ainsley Campbell, I am Executive Director of the Nashua River Watershed Association. We were founded in 1969. We are an environmental non-profit that covers 530 square miles and serves 32 communities.

In the 1960s the Nashua River was one of the Nation's 10 most polluted rivers, with raw sewage and industrial discharge going directly into the waterway. We have a slide to put up. And I think you have already heard from Congresswoman Tsongas that it was Marion Stoddart who led local citizens to come together to advocate for a revitalized river corridor, and to also encourage the passage of the State and Federal Clean Water Acts. Recognizing that a long-term effort to fully restore the Nashua River was needed, and also to establish protected greenways along its banks, they formed the Nashua River Watershed Association.

Today, a sparkling blue river runs through the watershed. The inspiring story of restoration and citizen engagement has been told in a documentary film titled, "Marion Stoddart, Work of 1000," in a National Geographic Magazine special edition on water, where these photographs you see on the TV screen first appeared, and in the children's book, "A River Ran Wild."

These vastly improved waters give rise to very special fish and wildlife habitat that has been recognized both on the State and Federal levels. On the State level, the Nissitissit and Squannacook Rivers are designated outstanding resource waters, and are cold-water fish resources that support native trout. Additionally, the Massachusetts Natural Heritage and endangered species program has delineated the rivers as part of living waters and Biomap 2 core habitat areas.

Further, the Nashua River runs through three connecting state-designated areas of critical and environmental concern, ACECs.

The Nashua River, with an extensive permanently protected greenway buffer is a natural wildlife corridor, and it is critical to preserving thriving rare species populations in Central Massachusetts. There are over two dozen State-listed rare species in these ACECs.

The Federal level has also recognized the significance of the Nashua River. The 1,600-acre Oxbow National Wildlife Refuge, nearly 8 miles of the Nashua River corridor. The wetlands of the Nashua River and the tributaries have been identified as priority wetlands by both the North American Water Foul Management Plan and the Emergency Wetlands Resources Act. That is due to their importance in supporting water foul of the Atlantic flyway.

So, overall, the stunning recovery of the Nashua River has sparked tremendous recreational use of the Nashua River and its tributaries and conservation lands that abut the rivers. Recreation often involves, as you can imagine, birding and hiking along the rivers. There is a very popular 11-mile Nashua River trail that runs through 4 towns in the study area. And a four-mile trail is planned for along the Squannacook River.

We have a slide showing that there are many canoe and boat access sites along the rivers. These rivers provide some of the best fly fishing within reach of Metro Boston anglers. There are several popular bass fishing tournaments, as well. Families are out on the river, as well as the fishermen. They are enabled in part by organizations such as the National Paddlers, which is a successful local family owned business.

The river has also enabled important education programs. And every year thousands of students interact with the Nashua and Squannacook Rivers through our on-water classroom program. You see that up there in the bottom slide, students just thrilled to see a river otter or an American Bald Eagle.

As a final point I want to mention that in addition to the other things, Freedom's Way National Heritage Area, which is affiliated with the National Park Service, includes each of these communities.

We are looking forward to partnering with the National Park Service, the U.S. Fish and Wildlife Service, relevant Massachusetts agencies, affected communities, a myriad of stakeholders, and a coordinated effort to undertake a study and development of a comprehensive river management plan. All these factors—outstanding fisheries, wildlife, spectacular recreational value, rich history—make these rivers a strong candidate. I have submitted some detailed testimony.

I want to thank Congresswoman Tsongas for her leadership, and the opportunity today. Thank you.

[The prepared statement of Ms. Campbell follows:]

**Statement of Elizabeth Ainsley Campbell, Executive Director, Nashua River Watershed Association (NRWA), on H.R. 5319: "Nashua River Wild and Scenic River Study Act"**

Mr. Chairman and Members of the Committee, on behalf of the Nashua River Watershed Association, I thank you for the opportunity to offer testimony on H.R. 5319, which would amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System. This legislation would initiate a three year study to establish whether these river reaches meet the criteria for being designated as Partnership Wild &

Scenic Rivers. We appreciate this opportunity to speak in favor of H.R. 5319 and to affirm the outstanding resource values of these special rivers. This legislation, which has strong local and state support, will help advance the protection of the entire river system as the Squannacook and Nissitissit are two of the main stem Nashua River's most important and cleanest tributaries.

The Nashua River Watershed Association is an environmental non-profit that serves as an educator, advocate, and steward for the 32 watershed communities covering over 530 square miles in north central Massachusetts and southern New Hampshire. Our professional staff works from our River Resource Center headquarters in Groton, Massachusetts. Founded in 1969, our mission is to work for a healthy ecosystem with clean water and open spaces for human and wildlife communities, where people work together to sustain mutual economic and environmental well-being in the Nashua River watershed. Our main goals include restoring and protecting water quality and quantity for people, fish, and wildlife. For over forty years we have worked with our many partners from the grassroots level to local, state and federal agencies on river conservation projects. In providing testimony today I'm going to touch on 1) the remarkable history of the restoration of the Nashua River; 2) the current status of water quality; 3) the special fish and wildlife habitat of the river reaches and river corridor; 4) the recreational and educational opportunities; 5) the rich tapestry of culturally significant sites along the rivers; and 6) partnerships as an essential approach to a comprehensive River Management Plan.

**1) History—a Legacy of Cultural and Historical Importance**

In the 1960s the Nashua River was one of the nation's ten most polluted rivers, with raw sewage and industrial discharge going directly into the waterway, and was classified as "U"—unfit to carry more raw sewage. The Nashua River's recovery seemed an impossible task as the river was all but dead and one could smell the stench of the river from more than a mile away. The heavy concentration of paper mills and the use of dyes resulted in pollution that notoriously turned the river various colors downstream from the factories. Despite the deplorable state of the river, local citizens came together to see what could be done. They dared to envision the unthinkable: sparkling blue water with a ribbon of green along its banks. They formed the Nashua River Cleanup Committee in 1965 and advocated for a revitalized river corridor safe for people and wildlife alike. Led by Marion Stoddart, they galvanized the attention of towns, government agencies, businesses, and other residents. Together they worked to encourage the passage of the state and federal Clean Water Acts. As you know, these Acts made it illegal to pollute rivers and provided funding to build waste water treatment facilities to improve water quality. Recognizing that to clean up the rivers and protect the land along their banks would be a long-term effort, the Nashua River Clean-up Committee formed the Nashua River Watershed Association in 1969. Today, a sparkling blue Nashua River runs from central Massachusetts to southern New Hampshire, hosting some of the Commonwealth's best fishing tournaments. Flora and fauna thrive in it, canoeists revel in it, and swimmers splash in it.

This inspiring story of restoration has been retold in "A River Ran Wild: An Environmental History" by Lynne Cherry, a children's non-fiction book published in 1992 that is still frequently used in school curriculums throughout the country. In 1993 National Geographic Magazine spotlighted the Nashua's recovery in an article "The Promise of Restoration: New Ideas, New Understanding, New Hope " in its Special Edition: "The Power, Promise, and Turmoil of North America's Fresh Water" in which were published the dramatic 'before' and 'after' images of the Nashua River. The story of the Nashua River continues to be inspirational and informative. In 2010 National Geographic published a collection of essays, "Written in Water: Messages of Hope for Earth's Most Precious Resource," which included an essay by Marion Stoddart on "Cleaning Up the Nashua."

Most recently, the story of Marion Stoddart and the Nashua River was made into an independent, critically acclaimed, documentary film by ExtraMile Design—"Marion Stoddart: The Work of 1000." The film speaks to a model for effective leadership and coalition building to achieve one's vision and achieve positive change.

It is especially gratifying and exciting that sections of the Nashua River, with its dramatic history of restoration, whose story is heard so widely & whose watershed approach has become a model, has become such a strong candidate for inclusion in Wild and Scenic Rivers System along with its tributaries the Squannacook and Nissitissit Rivers.

**2) Current Water Quality—the Basis for Healthy Aquatic Life**

The Nashua River Watershed Association's water monitoring program, currently in its 20th consecutive year, has data showing that the Squannacook and Nissitissit

rivers have excellent to good water quality meeting state bacteria standards for swimming and boating almost all of the time. The Nashua River segment proposed for Wild and Scenic designation meets boating standards most of the time and swimming standards many times.

Therese Beaudoin, MassDEP Watershed Coordinator, states "The Massachusetts Department of Environmental Protection has studied water quality in the Nashua Watershed since the late 1960s. The Squannacook River has provided an ideal location for establishing least impacted conditions for both water quality and flow, and has served as a reference river for decades. A long term monitoring station was established here in 1998, with sampling conducted every two months; available data show that water quality and aesthetics in the Squannacook River have been consistently among the cleanest in Central Massachusetts."

In contrast, although vastly improved since the 1960s, the Nashua River currently is on the 303(d) "impaired waters" list and has had Total Daily Maximum Loads (TMDLs) developed for bacteria and phosphorus. The phosphorus TMDL noted that the primary cause of the impairment from phosphorous was attributed to discharges from the wastewater treatment plants. Treatment plants along the Nashua River are correspondingly improving their infrastructure to improve water quality. Bacteria impairment is being addressed upstream of the designated reaches in the City of Fitchburg, whose City Council just voted to expend over $70 million to separate sewers and upgrade its treatment plant. In addition, the Nashua River Watershed Association's education and outreach efforts to citizens regarding what they can do to keep water clean will also result in long term water quality improvements. We believe that if H.R. 5319 were to be enacted, the resultant study and possible designation would play an important role in continuing to move toward healthier waters in the Nashua.

**3) Fish & Wildlife Habitat—Special Characteristics to Protect**

The 1975 Squannacook-Nissitissit Sanctuary Act (MGL 132A:17) prohibited new discharges of pollutants to the waterways and recognized the high value of these aquatic riverine ecosystems. The Nissitissit and Squannacook Rivers are state-designated Outstanding Resource Waters and are cold water fish resources. They are well-managed streams that support native trout, including brown, brook and rainbow trout reproduction. Brook trout spawn in the tributaries and travel to the Nashua River for part of each year. These rivers in their entirety within Massachusetts were designated "Living Water Core Areas" by the MA Natural Heritage and Endangered Species Program (NHESP). The NHESP has also delineated the entire length of the Nashua, Nissitissit. and Squannacook Rivers within Massachusetts as "BioMap2 Core Habitat". The Living Waters area (with a focus on freshwater aquatic) and the BioMap2 area (with a focus on terrestrial) are roughly equivalent designations intended to guide strategic biodiversity conservation in the state over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. The areas are also designed to include the habitats and species of conservation concern identified in the State's Wildlife Action Plan.

As we understand it, a goal the US Fish and Wildlife Service is pursuing for the Nashua River is to reintroduce Alewife and American shad to the Nashua River in the next ten years. The US Fish and Wildlife Service has stocked Alewife and American shad in an impounded pond on the Nashua River in New Hampshire. American eel exist in the Nashua and Squannacook Rivers, and upstream eel passage has been installed at Ice House Dam on the Nashua River.

The Pepperell Dam creates an impoundment on the Nashua River from the dam to approximately four miles upstream of the dam. This river reach has been excluded from this proposed Wild and Scenic Study Act. Pepperell Hydro Company LLC is the owner of the Pepperell Dam and hydro facilities, which provides 8 Gwh per year of electrical power. PHC purchased the facility in 2004 and has been operating as a grandfathered facility since that time, as the dam and hydro facilities were constructed prior to the Federal Energy Regulatory Commission's existence. As we understand it, PHC is in the process of applying for a FERC license; exclusion of this river reach would allow FERC licensing to proceed. Up and downstream fish passage will likely be required by US Fish and Wildlife Service as a prerequisite to the FERC license.

The Nashua River runs within three Areas of Critical Environmental Concern (ACEC's) in Massachusetts. This is quite remarkable as there are only 30 state-designated ACECs in total in the state. The three that include the Nashua River are: the Central Nashua River Valley ACEC, the Squannassit ACEC; and the Petapawag ACEC. ACEC designation is a special recognition because of the quality, uniqueness,

and significance of its natural and cultural resources; it is also a real achievement stemming from years of research, outreach and community meetings with an emphasis on extensive public input and discussion and largely driven by volunteers.

The Nashua River forms the 'heart and backbone' of these connecting ACEC's and is adjacent to an extensive network of publicly and privately owned open space. The MA Natural Heritage and Endangered Species Program describes the Nashua River as a natural wildlife corridor and focal point for wildlife concentrations in central Massachusetts. An excerpt from the Executive Summary pertaining to the Central Nashua River Valley ACEC designation says, "The river valley provides significant linkages between important wildlife areas. The relatively undeveloped nature of this area is critical to preserving thriving rare species populations."

There are at least 19 state-listed rare species in the Central Nashua River Valley ACEC, 16 in the Petapawag and 23 in the Squannassit ACEC. A few years ago the Stewardship Committee of the Petapawag and Squannassit ACECs encouraged the Nashua River Watershed Association to undertaker a multi-year biological control program to reduce non-native invasive purple loosestrife. The project benefits several high priority species of wetland-dependent wildlife including, but not limited to, the American Black Duck, Mallard, Wood Duck, American Woodcock, Eastern Kingbird, and Blandings Turtle.

The Oxbow National Wildlife Refuge, which consists of some 1,600 acres of southern New England flood-plain forest and wetland communities, abuts nearly 8 miles of the Nashua River corridor. The wetlands of the Nashua River and tributaries have been identified as priority wetlands by both the North American Waterfowl Management Plan and the Emergency Wetlands Resources Act of 1986, due to their critical importance in supporting waterfowl of the Atlantic Flyway, and are also listed in the Environmental Protection Agency's Priority Wetlands of New England. A Visitor Contact Station is currently being completed on the refuge along the banks of the Nashua River in Devens.

The Nashua River Watershed Association has worked in partnership with others for over four decades to establish a permanently protected greenway (naturally vegetated buffer area) along the Nashua River and its tributaries. While much more remains to be done to complete the vision, a very significant amount of the corridor has been protected. The width of the undisturbed river corridor is in some cases a few hundred feet, and in other cases a few miles wide. The result is a mostly intact wild river of great beauty, supporting a range of wildlife, contributing to better water quality, outstanding habitat and remarkable recreational opportunities.

**4) Recreation & Education—A Robust Result of River Recovery**

"Recovery" has sparked recreational use of the Nashua River and its tributaries at places like the Oxbow National Wildlife Refuge; Bolton Flats; the Squannacook River and the Nissitissit River State Wildlife Management Areas; the J. Harry Rich State Forest; the Townsend State Forest; and the Groton & Shirley Town Forests, to name but some of the conserved lands abutting the rivers and protecting the shorelines of the river segments included in H.R. 5319. Recreation often involves birding and hiking along the rivers. The very popular 11 mile Nashua River Rail Trail runs alongside the river through four Massachusetts towns in the study area, and a 4 mile soft-surface rail trail is shortly anticipated to be created along the Squannacook River.

For decades these rivers have provided focal points for the local Squanatissit Chapter of Trout Unlimited projects such as: constructing a universal access facility on the Squannacook River, adopting the Nissitissit River under Massachusetts Adopt-A–Stream program, as well as assisting the MassWildlife staff when they conduct electro-shocking and fish sampling on these rivers. These rivers provide some of the best fly-fishing within reach of metro-Boston anglers. There are many formal canoe and boat access sites along the rivers, and there are several annual popular bass fishing tournaments hosted on the Nashua River by such groups as Yankee Bassmasters and Freedom Bass. In addition to recreation focused on fishing, others use the river for a variety of sports. For example, the Jack London Trail Race group holds and annual canoe race on the Nashua River.

Families are out on the rivers enabled in part by Nashoba Paddlers LLC, a successful local family-owned business based in West Groton, offering canoe rentals, tours, and a Summer River Camp. Free boating is provided at two annual events: the River Festivals in Groton and Lancaster, Massachusetts. Such events are typical of the collaborative efforts already in place; for example the Groton Greenway Committee which sponsors the Groton River Festival is "charged with protecting river and stream frontage in Groton, particularly along the Nashua and Squannacook Rivers and educating townspeople of the environmental and financial importance of protecting riverfront lands." We note the inclusion of "financial" importance, for

when the river's rank odor could be smelled at a distance and its fumes pealed off paint, riparian real estate was worthless. Times have changed for the better on the rivers, and we believe that a "Wild & Scenic" designation would significantly increase the value of adjacent lands boosting local tax roles.

The rivers also enable important environmental education programs. Every year thousands of students from throughout the region interact with the Nashua and Squannacook River segments through the NRWA's environmental education programs, notably during our on-water River Classroom programs, on-shore ecological inventories, and our Summer Eco-Adventures programs. Students are thrilled to see a river otter or catch a glimpse of an American Bald Eagle soaring over the Nashua River.

**5) Another View of Culture & History—A Rich Tapestry**

The Freedom's Way National Heritage Area includes each of the communities affected by H.R. 5319, and goes beyond them. The Freedom's Way National Heritage Area describes itself as including "communities in Massachusetts and New Hampshire that share unique historical, natural, and cultural resources. The region is home to a series of historic events that influenced democratic forms of governance and intellectual traditions that underpin concepts of American freedom, democracy, conservation, and social justice. These 45 cities and towns share common themes that have contributed toward this special landscape of American History." Freedom's Way National Heritage Area is a member of the Alliance of National Heritage Areas and is one of 49 Heritage Areas affiliated with the National Park Service.

By way of example, three significant cultural & historical sites in the study are are: 1) Fruitlands Museum, which abuts the Oxbow National Wildlife Refuge, is a Massachusetts and National Historic Landmark on the former site of a Transcendentalist utopian community; 2) a Shaker Village existed along the Nashua River in Shirley Massachusetts from the late 1700s to the early 1900s; and 3) two historic districts abut the Squannacook River in Townsend. Landmarks and historical sites abound along the rivers throughout the study area.

**6) Partnerships—An Essential Approach to a River Management Plan**

Since its founding in 1969, the Nashua River Watershed has always worked in partnership with local, state, and federal entities to achieve progress. For example, the Nissitissit and Squannacook Rivers sub-basins were the service area for a 2004–2009 "Protecting Today's Water for Tomorrow" partnership project funded by a U.S. Environmental Protection Agency Targeted Watershed Initiative grant. The project helped protect valuable drinking water resources and surface water quality and promoted proactive land stewardship. The NRWA worked closely with a broad coalition of stakeholders, including property owners, to instill conservation approaches into management plans for privately held lands that helped protect water resources. The NRWA was the lead partner on this multi-year project, and actively involved over three dozen local, state, and federal entities in providing matching services toward the goals of the project.

Although the Nashua, Squannacook and Nissitissit Rivers greatly contribute to the overall rural character of the towns through which they flow, at the same time, given their relative proximity to the metropolitan areas of Nashua, New Hampshire and Boston & Worcester, Massachusetts, these spectacular natural resources are also under the pressure of development associated with rapid growth and urban/suburban sprawl. Our area is characterized by the recent Mass Audubon report "Losing Ground II" as being on the "sprawl frontier". The NRWA encourages "smart growth" techniques to enable communities to meet their development goals and simultaneously protect their most important natural resources.

The NRWA took a lead role in bringing the possibility of a Study pertaining to potential Wild & Scenic designation to the attention of the affected communities. Letters of support from these communities have been included with Congresswoman Tsongas's testimony. We would welcome with great enthusiasm the opportunity to partner with the National Park Service, the U.S. Fish and Wildlife Service, the relevant Massachusetts agencies, the affected communities, and a myriad of involved stakeholders in a coordinated effort to undertake a Study and development of a comprehensive river management plan as part of determining if the river is suitable for designation.

In conclusion, all these factors—outstanding fisheries, rare wildlife, recreational value, a rich history—make the Nashua, Squannacook and Nissitissit Rivers in Massachusetts a strong candidate for inclusion in the Wild and Scenic Rivers System. I appreciate the opportunity to submit testimony on behalf of the Nashua River Watershed Association to the Subcommittee today. Thank you.

Mr. BISHOP. Thank you for your testimony.
Mr. Slavin?

**STATEMENT OF TIMOTHY SLAVIN, DIRECTOR, DELAWARE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS**

Mr. SLAVIN. Thank you, Chairman Bishop and members of the Subcommittee, for allowing me to submit this brief testimony on behalf of H.R. 624, which would establish the First State National Historical Park in the State of Delaware. My name is Tim Slavin, and I currently serve as the Director of the Division of Historical and Cultural Affairs for the State of Delaware. In this capacity I oversee the management and stewardship of 41 historic properties, comprising 119 structures and more than 650 acres of cultural landscapes. In addition, I also serve as the State historic preservation officer, and oversee Cultural Resources' review of all Federal projects undertaken in the State.

I strongly support passage of H.R. 624. This bill is the result of untold number of hours of public consultations, meetings with State and private agencies, and conversations with our local residents. This has been a deliberate, arduous, and productive task, and the outcome could not have been more beneficial or useful.

The concept of a multi-site historical-based national park is something which is valid for Delaware, and should be implemented by the National Park Service with the passage of this bill. The theme that has been selected of early settlement through birth of a Nation in Delaware is considered by many historians to be pivotal in conveying and understanding of Delaware's unique role in American history.

The National Park Service cited in its special resource study stating that Delaware provides an important lens on the subject of how early colonial leaders struggled with the notion of breaking free from England, and that Delaware exemplifies the character of an entirely new Nation as a result of that quest for freedom and independence.

The multi-site design for the park, likewise, reflects that history. Delaware's waves of settlement included the Swedish, Dutch, and English, all in different venues across a beautiful and sweeping coastal area. Under the proposed design, the hub of the park would be situated in New Castle, which includes one of the richest historic districts on the East Coast, as well as a community of preservation-minded residents and property owners who, in my opinion, are unparalleled in Delaware. The spokes of the park would then reach out and allow for the important stories that contribute to an understanding of the early settlement and birth of a Nation to be told in places such as Dover and Lewes, as well.

Public acceptance of this proposed project and the amount of public input and enthusiasm for this bill should not go unnoticed. There has been a wellspring of sentiment and support from across Delaware, with citizens participating in hearings and discussions, and offering many of the ideas that we see outlined in the bill. The City of New Castle has not only accepted its new role as the site for the park's hub, but has embraced that new role. As someone who manages historic properties and museums in New Castle, I can tell you that the specter of a national park in New Castle has

brought with it a whole new level of public support for history and historic preservation in New Castle. If the park is implemented as designed—and I do hope that it is—you will find a very conscientious and welcoming community in New Castle.

Finally, there is a need for this park that deserves to be met. Delaware's history is our Nation's history. And we need to tell that story in ways that all Americans can access it. The fact that we currently do not have a national park in Delaware would, in my opinion, not be reason enough to simply create one. The fact that we have historical resources which the citizens of our Nation need to see and experience in order to understand and appreciate our Nation's great history is something which we can no longer ignore. The need for this park is based on a need to tell our American history thoroughly and completely, and to include Delaware in that enterprise.

I am a big fan of the National Park Service. My agency works hand-in-glove with the Park Service on an almost-daily basis through our work in carrying out the provisions of the National Historic Preservation Act. And through our joint efforts, we have raised the quality of life for all Delawarians. We consider the National Park Service to be an exemplary steward of our Nation's heritage, and we are unblinking in saying that we are—they are partners that we are proud to do business with.

But my admiration for the National Park Service is, at its roots, personal. My 17-year-old daughter was raised in Boulder, Colorado. And on my many monthly visits out to her over the course of 13 years we claimed Rocky Mountain National Park as our own place. It is a place that we visited regularly, returning to some of the same footprints we left on previous trips. These visits have not only resulted in the two of us visiting other national parks, but more importantly, have shown my daughter the value of conscientious stewardship, and the role that each person can play in preserving our Nation's heritage. We need to show the children of Delaware the importance of these values. And the passage of H.R. 624 gives us that opportunity.

In closing, I strongly support this bill and encourage its passage and implementation, and stand ready to assist the National Park Service in any manner possible. Thank you very much.

[The prepared statement of Mr. Slavin follows:]

**Statement of Timothy A. Slain, Director and State Historic Preservation Officer, State of Delaware, Division of Historical & Cultural Affairs, on H.R. 624, "First State National Historical Park Act"**

Chairman Bishop and members of the Subcommittee on National Parks, Forests, and Public Lands, thank you for allowing me to submit this brief testimony on H.R. 624, which would establish the First State National Historical Park in the State of Delaware.

My name is Timothy A. Slavin, and I currently serve as the Director of the Division of Historical and Cultural Affairs for the State of Delaware. In this capacity, I oversee the management and stewardship of a state-wide campus of forty-one historic properties, comprising 119 structures and more than 650 acres of cultural landscapes. In addition, I also serve as the State Historic Preservation Officer and oversee the cultural resources review of all federal projects undertaken in our state, as well as other preservation related activities.

I strongly support the passage of H.R. 624. This bill is the result of untold number of hours of public consultations, meetings with state and private agencies, and

conversations with local residents. This has been a deliberate, arduous, and productive task, and the outcome could not have been more beneficial or useful.

The concept of a multi-site historical-based national park is something which is valid for Delaware and should be implemented by the National Park Service (with passage of this bill). The theme of "early settlement" through "birth of a nation" in Delaware is considered by many historians to be pivotal in conveying an understanding of Delaware's unique role in American history. The National Park Service cited this in its special resource study, stating that Delaware "provides an important lens on the subject of how early colonial leaders struggled with the notion of breaking free from England" and that "Delaware exemplifies the character of an entirely new nation as the result of that quest for freedom and independence." (National Park Service, Delaware National Coastal Special Resource Study and Environmental Assessment, November 2008.)

The multi-site design for the park, likewise, reflects that history. Delaware's waves of settlement included the Swedish, Dutch and English, all in different venues across a beautiful and sweeping coastal area. Under the proposed design, the "hub" of the park would be situated in New Castle, which includes one of the richest historical districts on the east coast, as well as a community of preservation-minded residents and property owners who are unparalleled in Delaware. The "spokes" of the park would allow for the important stories that contribute to an understanding of the early settlement and birth of a nation theme to be told in Dover and Lewes, as well.

The public acceptance of this proposed project and the amount of public input and enthusiasm for this bill should not go unnoticed. There has been a well-spring of sentiment and support from across Delaware, with citizens participating in hearings and discussions, and offering many of the ideas that we see outlined in the bill. The City of New Castle has not only accepted its new role as the site for the park's hub, but has embraced that new role. As someone who manages historical properties and museums in New Castle, I can tell you that the specter of a national park in New Castle has brought with it a whole new level of public support for history and historic preservation in New Castle. If the park is implemented as designed—and I hope that it is—you will find a conscientious and welcoming community in New Castle.

Finally, there is a need for this park that deserves to be met. Delaware's history is our nation's history, and we need to tell that story in ways that all Americans can access it. The fact that we currently do not have a national park in Delaware would, in my opinion, not be reason enough to simply create one. The fact that we have historical resources which the citizens of our nation need to see and experience in order to understand and appreciate our nation's great history is something which we can no longer ignore. The need for this park is based on a need to tell our American history thoroughly and completely, and to include Delaware in that enterprise.

I am a big fan of the National Park Service. My agency works hand-in-glove with the NPS on an almost-daily basis through our work in carrying out the provisions of the National Historic Preservation Act, and through their joint efforts, we have raised the quality-of-life for all Delawareans. We consider the NPS to be an exemplary steward of our nation's heritage, and we are unblinking in saying that they are partners that we are proud to do business with.

But my admiration for the National Park Service is, at its roots, personal. My 16-year-old daughter was raised in Boulder, Colorado, and on my many monthly visits to her over the course of thirteen years, we claimed Rocky Mountain National Park in Estes Park as our own place. It's a place that we visited regularly, returning to some of the same footprints we left on previous trips. These visits have not only resulted in the two of us visiting other national parks, but, more importantly, have shown her the value of conscientious stewardship and the role that each person can play in preserving our nation's heritage.

We need to show the children of Delaware the importance of these values, and the passage of H.R. 624 gives us that opportunity.

In closing, I strongly support this bill and encourage its passage and implementation and stand ready to assist the National Park Service in any manner possible.

Thank you.

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Mr. BISHOP. Thank you, I appreciate that. Do we have questions? Ms. Tsongas, do you have questions for either of—any of these witnesses?

Ms. TSONGAS. A brief one for Executive Director Campbell. Thank you so much for coming to Washington to testify on behalf

of a piece of legislation that I know you have worked so hard to make possible, as have the many volunteers who are deeply affected by the Nashua River, and who saw an opportunity to improve it, and have worked tirelessly to do so. So this is just the next step.

It was quite a photo in which the river—showed how the river—the color of the water would change with the dyes that were let into it as a result of all the manufacturing that was taking place on its banks. So much progress has been made. And we hope that this study will protect that progress and encourage further progress.

But I do have one question. And that is that, you know, we do often hear that one of the concerns that people sometimes have when we go about giving something an environmental designation is that opportunities for recreation will be limited. And you have spoken—be made more limited. And you have spoken about the tremendous recreational activities that have been taking place as this river has been cleaned up.

But do you see a potential designation as a Wild and Scenic River impacting those activities in any way? Constraining future activities? I would love to get your thoughts.

Ms. CAMPBELL. I certainly do not see the designation as constraining the activities. I am unaware of any way in which that might be the possible outcome of the study and potential designation.

But on the other hand—and I am glad you asked this—I see a tremendous increase in recreational opportunities. I think as people have an opportunity to come together we are going to be putting some communities together who don't always work together with Ducks Unlimited, the Squannassit Chapter of Trout Unlimited, many different sporting and recreation interests coming together. We are going to see increased exposure to the possibilities of the river, not only the use of the opportunities that are there already, but I would think some increased opportunities.

And the whole process, which is quite exhaustive to get to the process—the town is voting on their interest in the potential designation. Wonderful publicity. And were it to be designated, tremendous publicity thereafter. I think people who are living right by the river don't know it is there, those few people. And many others will come out and have more recreation.

Ms. TSONGAS. Well, I commend the way in which many stakeholders have worked together. And I know that the study process will involve all stakeholders looking to the future. And I do think that as we focus on the environmental impacts and recreational impacts, you can never lose sight of the economic impacts of the river that runs throughout the many communities that abut it, the opportunities it presents to engage the river in the life of the community in a way that you would turn your back on when the river was as dirty as it once was.

So, thank you for being here today.

Ms. CAMPBELL. And thank you.

Mr. BISHOP. That is it? OK. OK, I want to thank the witnesses for coming here today. You didn't travel quite as far as those from

California, New Mexico, and Utah did, but you can go back on a train system that is subsidized, so it is OK.

We appreciate you being here for your testimony. For the witnesses, obviously, all the witnesses—those who are still here, and those who have been—we want you to potentially be available to respond in writing to any questions that may be submitted by Members to the Subcommittee.

I further ask that written testimony submitted by Herbert Stump or Stoop be entered into the record.

[No response.]

Mr. BISHOP. And, without objection, so ordered. And if there is no further business, with our gratitude to the witnesses who have been here on these last three bills, as well as the other bills that have been before us, I thank you very much and we will stand adjourned.

[Whereupon, at 12:24 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement submitted for the record by The Honorable Martin Heinrich, a Representative in Congress from the State of New Mexico**

The Organ Mountains are one of the most iconic vistas in my home state of New Mexico, and I thank the committee for taking the time to consider the best way to provide them and other important natural and cultural resources in Doña Ana County permanent protection.

I stand in strong support of the Organ Mountains-Desert Peaks National Monument proposal offered by citizens of Doña Ana County. This is an exciting proposal that reflects years of community discussions and has already received the endorsement of the Town of Mesilla and the Doña Ana County Commission as well as support from a diverse group of stakeholders ranging from sportsmen to veterans. This proposal reflects the best of southern New Mexico's unique Chihuahuan Desert ecosystems as well as nationally significant American and Pre-American history. The Organ Mountains-Desert Peaks National Monument would protect hunting, ranching and other valid and existing uses, while ensuring that future generations can enjoy this iconic American landscape as we do today. As the committee continues to consider the best way to protect the natural, cultural, and historical resources of Doña Ana County, I hope that this proposal will receive serious consideration.

While I greatly appreciate Representative Pearce's support for a national monument in Doña Ana County, I have several significant concerns regarding H.R. 4334. Currently there are eight wilderness study areas in Doña Ana County totaling more than 220,000 acres. There is broad community consensus to not only protect these areas but also to protect adjacent regions known for their diverse landscapes and important history. Unfortunately, H.R. 4334 falls short of a solution to protect these lands. It would reduce the amount of land to be protected in the Organ Mountains by over 30 percent as compared to other proposals that have been endorsed by numerous local elected bodies, including the Doña Ana County Commission. Furthermore, and most problematic, H.R. 4334 would take a big step backward by eliminating the three Wilderness Study Areas within the Organ Mountains, thereby removing protections that have been in place for decades.

**Permitted Uses**

Some have incorrectly argued that the Organ Mountains-Desert Peaks National Monument would negatively impact ranching and shut out important users like sportsmen. Both of these claims are false. Ranching continues to exist in all but one National Monument managed by the Bureau of Land Management created since 1982 in 13 western continental U.S. states over 10,000 acres in size. Consistent with this trend and as has been repeatedly stated by supporters of the Monument proposal, the Organ Mountain-Desert Peaks National Monument would protect ranchers' existing use of the designated area.

In addition, hunting and motorized vehicle access continues today in all of the aforementioned National Monuments managed by the Bureau of Land Management. The Organ Mountain-Desert Peaks National Monument proposal would protect this access. In fact, numerous sportsman groups and individuals have endorsed the pro-

posal specifically because of these protections as well as the protection of key regional habitat. The mountain ranges in the proposed monument include some of the most important wild game habitat in New Mexico. Mule deer, mountain lion, dove, quail, and many other species call the Sierra de las Uvas home. The Potrillo Mountains are especially significant with their ecological links to northern Mexico, and the Organ Mountains provide critical water resources to local wildlife. As proposed, the Organ Mountains–Desert Peaks National Monument would make access by sportsmen a central part of the area's management and protection in perpetuity. That would ensure that when my sons are my age, they will be able to enjoy hunting for mule deer in the Las Uvas, or quail in the Robledos.

Currently, the Bureau of Land Management manages the federal lands proposed for protection within the Organ Mountain-Desert Peaks National Monument, and it is the clear intent of local communities, supporters, and citizens to have the BLM continue to manage these public lands should they become a national monument. Claims that the Monument would no longer be managed by the BLM are false, and comparisons to the management of national monuments under the jurisdiction of the National Park Service can be very misleading.

**Size of the Monument**

The Organ Mountains-Desert Peaks National Monument proposal's goal is to permanently protect the region's culturally rich public lands that have helped shape New Mexico's diverse heritage and help tell America's story. In order to protect this rich history and heritage and in accordance with the Antiquities Act of 1906, the Organ Mountains-Desert Peaks National Monument proposal reflects the smallest size practicable. The boundaries have been carefully drafted to protect the region's nationally significant historical and cultural objects, including:

- Over 20 Miles of the historic Butterfield Stagecoach Trail, currently in consideration by Congress to be designated as a National Historic Trail
- Over 5000 petroglyph and other rare archeological sites
- World War II Aerial Targets
- Apollo Mission Astronaut Training Sites
- Geronimo's Cave
- Billy the Kid's Outlaw Rock
- The Gadsden Purchase International Boundary

Additionally, the Organ Mountains-Desert Peaks National Monument would protect truly iconic and diverse Chihuahuan Desert public lands that have little protection and representation within America's wilderness and national monument preservation systems. These public lands are nationally and internationally known and have helped shaped New Mexicans' way of life for countless generations. These areas include:

- Organ Mountains
- Potrillo Volcanic Field
- Kilbourne Hole (National Historic Landmark)
- Robledo Mountains (also home to the Prehistoric Trackways National Monument)
- Broad Canyon

I look forward to working with the citizens of Doña Ana County, Congress and the president to permanently protect the nationally significant lands, heritage, and history within the proposed Organ Mountains-Desert Peaks National Monument.

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**Statement of The Honorable Dale Kildee, a Representative in Congress from the State of Michigan**

Mr. Chairman, colleagues, and witnesses, thank you for being here today for our subcommittee hearing.

Today we see a wide range of bills, many dealing with designations for parks, rivers, and wilderness.

We have a couple land exchanges, one for a well-known university icon in the west.

Most of these bills are easy for me to support, but one or two make me question the reasoning for the bill.

I want to welcome our witnesses today. I appreciate you coming here to present on these issues which speak to you.

I look forward to a successful hearing today and I yield back the remainder of my time.

[The documents listed below have been retained in the Committee's official files.]

- Atomic Heritage Foundation, Press release for the Record, H.R. 5987
- Atomic Heritage Foundation, Statement for the Record, H.R. 5987
- Atomic Heritage Foundation, Letter for the Record, H.R. 5987
- Cooper, Tom and Carol, Letter for the Record, H.R. 4334
- County of Madera Board of Supervisors Comments for the Record on H.R. 3640
- Delk, Byron, Mesilla Valley Sportsmen's Alliance, Letter for the Record in support of H.R. 4334
- Dice, Jenn, International Mountain Bicycling Association, Statement for the Record, H.R. 4109
- Dona Ana County Sheriff's Department, Letter for the Record in support of H.R. 4334
- Dona Ana Soil and Water Conservation District, Statement for the Record, H.R. 4334
- Donham, B.J., Letter for the Record, H.R. 4334
- Dowless, Linda, Letter for the Record, H.R. 4334
- Energy Communities Alliance, Statement for the Record, H.R. 5987
- Greater Las Cruces Chamber of Commerce, Letter for the Record in support of H.R. 4334
- Hartan, Cheryl, Letter for the Record in support of H.R. 4334
- Huff, Fred, Letter for the Record in support of H.R. 4334
- Jeska, Robert, Letter for the Record in support of H.R. 4334
- Los Padres Forest Watch, Comments for the Record on H.R. 4109
- Massachusetts Audubon, Statement for the Record, H.R. 5319
- Massachusetts, Towns of Dunstable, Groton, Harvard, Lancaster, Pepperell, Shirley, Townsend, and Ayer, Letters for the Record, H.R. 5319
- Mattiace, William, Letter for the Record, H.R. 4334
- Mesilla Valley Sportsmen's Alliance, Letter for the Record, H.R. 4334
- National Parks Conservation Association, Statement for the Record, H.R. 5987
- National Trust for Historic Preservation, Letter in support of H.R. 5987
- Richards, Ralph, Letter for the Record, H.R. 4334
- Richardson, Carol, Letter for the Record, H.R. 4334
- Rio Grande Soaring Association, Letter for the Record, H.R. 4334
- Sanchez, John, State of New Mexico, Letter for the Record in support of H.R. 4334
- Stupp, Herbert, Statement for the Record, H.R. 5958
- Westmont College, Letter for the Record concerning H.R. 4109
- Wilderness Society, Letter for the Record on H.R. 4109 and H.R. 4334

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