

## PENDING LEGISLATION

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

<b>S. 2395</b>	<b>S. 3533</b>	<b>H.R. 3607</b>
<b>S. 2895/H.R. 5613</b>	<b>S. 3534</b>	<b>H.R. 3961</b>
<b>S. 3291</b>	<b>S. 3571/H.R. 5420</b>	<b>H.R. 5005</b>
<b>S. 3439/H.R. 5532</b>	<b>S. 3646</b>	<b>H.R. 5706</b>
<b>S. 3468</b>	<b>S. 3609/H.R. 801</b>	<b>H.R. 6077</b>
<b>S. 3505</b>	<b>S. 3659</b>	<b>H.R. 6599</b>
<b>S. 3527/H.R. 5585</b>	<b>H.R. 1220</b>	<b>H.R. 6687</b>

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DECEMBER 12, 2018

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# CONTENTS

## OPENING STATEMENTS

	Page
Daines, Hon. Steve, Subcommittee Chairman and a U.S. Senator from Montana .....	1
King, Jr., Hon. Angus S., Subcommittee Ranking Member and a U.S. Senator from Maine .....	5
Capito, Hon. Shelley Moore, a U.S. Senator from West Virginia .....	5

## WITNESS

Smith, Mr. P. Daniel, Deputy Director, National Park Service, U.S. Department of the Interior .....	42
---	----

## ALPHABETICAL LISTING AND APPENDIX MATERIAL SUBMITTED

Agenda .....	3
Akers, Randy L.: Letter for the Record .....	94
Capito, Hon. Shelley Moore: Opening Statement .....	5
City of Hinton (WV): Resolution for the Record .....	7
City of Summersville (WV): Resolution for the Record .....	9
Coda, James: Letter for the Record .....	95
Daines, Hon. Steve: Opening Statement .....	1
Hearing Announcement and Agenda .....	3
Fayette County (WV) Chamber of Commerce: Resolution for the Record .....	11
Fayette County (WV) Commission: Letter and Resolution for the Record .....	13
Giles County (VA) Board of Supervisors: Resolution for the Record .....	15
Graham, Hon. Lindsey O.: Statement for the Record .....	101
Article by Gregory P. Downs and Kate Masur published in The New York Times dated November 16, 2018, entitled "How to Remember Reconstruction" .....	104
Keyserling, Hon. Billy, et al.: Letter for the Record .....	108
King, Jr., Hon. Angus S.: Opening Statement .....	5
Markey, Hon. Edward J.: Letter for the Record .....	115
Mercer County (WV) Commission: Resolution for the Record .....	18
National Parks Conservation Association: Letter for the Record .....	20
New River Gorge Convention & Visitors Bureau: Resolution for the Record .....	24
New River Gorge Regional Development Authority: Resolution for the Record .....	26

#### IV

	Page
New River Travel Council d/b/a Visit Southern West Virginia:	
Resolution for the Record .....	28
Raleigh County (WV) Commission:	
Resolution for the Record .....	30
River Expeditions:	
Letter for the Record .....	34
Roberts, Hon. Pat:	
Statement for the Record .....	116
Smith, P. Daniel:	
Opening Statement .....	42
Written Testimony .....	45
Responses to Questions for the Record .....	92
Summers County (WV) Commission:	
Resolution for the Record .....	35
West Virginia Association of Convention & Visitors Bureaus:	
Resolution for the Record .....	38
West Virginia Hospitality & Travel Association:	
Resolution for the Record .....	40
Yoder, Hon. Kevin:	
Statement for the Record .....	117

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The text for each of the bills which were addressed in this hearing can be found on the committee's website at: <https://www.energy.senate.gov/public/index.cfm/2018/12/subcommittee-on-national-parks-legislative-hearing>

## **PENDING LEGISLATION**

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**WEDNESDAY, DECEMBER 12, 2018**

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

The Subcommittee met, pursuant to notice, at 10:00 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Steve Daines, presiding.

### **OPENING STATEMENT OF HON. STEVE DAINES, U.S. SENATOR FROM MONTANA**

Senator DAINES [presiding]. The Subcommittee will come to order.

This morning the National Parks Subcommittee is meeting to discuss 26 bills that cover a wide range of priorities for members, both on and off the Committee, all of which pertain to lands or programs administered by the National Park Service. As we move closer to the end of the year, I would like to note that we have reported out well over 100 bills through the full Committee with a large number of those coming from this Subcommittee. We do a lot of great work in the Subcommittee with items that, at times, may be impactful to the entire nation, like Senate bill 3172, the Restore Our Parks Act. Senate bill 3172, which I was a co-sponsor on, would work to resolve the deferred maintenance backlog in our National Parks. As the Ranking Member here has so well said, “deferred maintenance is debt.” I attribute that quote to the Senator from Maine.

Other bills are more parochial in nature and may deal with either adjusting a park unit boundary, redesignating a park unit or simply authorizing a study. No matter how big or small, all of these pieces of legislation are important, and I am happy we can continue to build upon that body of work here today.

There are a number of interesting pieces of legislation on the agenda today, including one that would designate the Route 66 National Historic Trail. Now Route 66 does not go through my home State of Montana, but the road symbolizes a shared American experience and, in many ways, the spirit of adventure and the thrill of the road trip that is so unique to us as Americans.

We will also be looking at H.R. 3607, a bill that would allow the National Park Service to retain the fees it collects from medical services provided in park units. Given the remote nature of many parks, like Glacier or Yellowstone in my home State of Montana, a number of these parks provide regular medical services to visi-

tors. When visitors or their insurers reimburse the park for services incurred by park staff, those monies are deposited in the general treasury and are not given back to the individual park unit. Thus, the individual park units have to pay for these expenses out of their annual operating budgets which can place quite a strain on staff and assets on the ground. Working to resolve this issue seems like a commonsense solution we can all get behind.

We have a packed schedule today, so I am going to try to keep things moving quickly if that is okay with everybody here.

The purpose of this hearing is to consider the Administration's views on pending legislation and allow Committee members an opportunity to ask questions. We will also include written statements that have been sent to the Subcommittee in the official hearing record.

Because of the large number of bills on today's agenda, I will not read through the list. Rather, we will include the complete agenda in the hearing record, without objection.

[List of the bills on the agenda follows:]

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

### SUBCOMMITTEE ON NATIONAL PARKS

#### HEARING ANNOUNCEMENT AND AGENDA

This notice is to advise you of a legislative hearing before the Committee on Energy and Natural Resources' Subcommittee on National Parks. The hearing will be held on Wednesday, December 12, 2018, at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following bills:

- **S. 2395**, to amend title 54, United States Code, to authorize the provision of technical assistance under the Preserve America Program and to direct the Secretary of the Interior to enter into partnerships with communities adjacent to units of the National Park System to leverage local cultural heritage tourism assets (Schatz)
- **S. 2895/H.R. 5613**, to designate the Quindaro Townsite in Kansas City, Kansas, as a National Commemorative Site (Roberts/Yoder)
- **S. 3291**, to reauthorize the New Jersey Coastal Heritage Trail Route, and for other purposes (Menendez)
- **S. 3439/H.R. 5532**, to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes (Graham/Clyburn)
- **S. 3468**, to amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers as components of the Wild and Scenic Rivers System, and for other purposes (Markey)
- **S. 3505**, to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes (Isakson)
- **S. 3527/H.R. 5585**, to extend the authorization for the Cape Cod National Seashore Advisory Commission (Markey/Keating)
- **S. 3533**, to amend the Wild and Scenic Rivers Act to designate certain river segments within the Wood-Pawcatuck watershed as components of the National Wild and Scenic Rivers System, and for other purposes (Reed)
- **S. 3534**, to redesignate the New River Gorge National River in the State of West Virginia as the 'New River Gorge National Park' (Capito)

- **S. 3571/H.R. 5420**, to authorize the acquisition of land for addition to the Home of Franklin D. Roosevelt National Historic Site in the State of New York, and for other purposes (Gillibrand/Faso)
- **S. 3646**, a bill to authorize the Secretary of the Interior to accept certain properties in the State of Missouri (Blunt)
- **S. 3609/H.R. 801**, to amend the National Trails System Act to designate the Route 66 National Historic Trail, and for other purposes (Udall/LaHood)
- **S. 3659**, to authorize the Secretary of the Interior to annually designate at least one city in the United States as an “American World War II Heritage City”, and for other purposes (Tillis)
- **H.R. 1220**, to establish the Adams Memorial Commission to carry out the provisions of Public Law 107–62, and for other purposes (Lynch)
- **H.R. 3607**, to authorize the Secretary of the Interior to establish fees for medical services provided in units of the National Park System, and for other purposes (McClintock)
- **H.R. 3961**, to amend the Wild and Scenic Rivers Act to designate segments of the Kissimmee River and its tributaries in the State of Florida for the study of potential addition to the National Wild and Scenic Rivers System, and for other purposes (Soto)
- **H.R. 5005**, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of establishing the birthplace of James Weldon Johnson in Jacksonville, Florida, as a unit of the National Park System (Lawson)
- **H.R. 5706**, to establish the Pearl Harbor National Memorial in the State of Hawai‘i and the Honouliuli National Historic Site in the State of Hawai‘i, and for other purposes (Hanabusa)
- **H.R. 6077**, recognizing the National Comedy Center in Jamestown, New York (Reed)
- **H.R. 6599**, to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes (Knight)
- **H.R. 6687**, to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress’ long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore’s unique historic, cultural, scenic and natural values, and for other purposes (Huffman)



Senator DAINES. We have one witness here today. He has been here before, Mr. P. Daniel Smith, Deputy Director of the National Park Service, U.S. Department of the Interior. It is very good to see you here again, Mr. Smith.

First, let me turn to the Ranking Member, Senator King, for his opening remarks.

**STATEMENT OF HON. ANGUS S. KING, JR.,  
U.S. SENATOR FROM MAINE**

Senator KING. I don't want to use too much of the Committee's time. I just want to welcome Dan Smith. Mr. Chairman, I can attest that anything he says will be both wise and true. I know that because he is from the State of Maine.

We are delighted to have you with us this morning. These bills are indicative of the confidence that people have in the Park Service because they want you to do a little bit of everything, and I think that is a tribute to the quality of the Park Service and the services they deliver to the American people. So I look forward to the hearing, look forward to considering these bills and I thank the Chair.

Senator DAINES. Thank you, Senator King.

I understand Senator Capito would like to give a short opening statement regarding Senate bill 3534.

Senator Capito.

**STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Thank you, Chairman Daines, and thank you, Ranking Member King, for letting me discuss my bill, the New River Gorge National Park Designation Act, that is before the Subcommittee today. I want to thank your staffs as well for including S. 3534, the New River Gorge National Park Designation Act, in today's proceedings and I want to thank you, Deputy Director Smith—we have your statement—for coming to share your views on this.

The New River Gorge serves as a great source of pride for my State of West Virginia and is a driver for our state's tourism industry. It was established in 1978 as a national river and hundreds of thousands of tourists, many from the DC area and—I see former Congressman Rahall in the audience today, he was very active in this—visitors from all over the world come annually to take in the breathtaking views and outdoor recreation opportunities that the New River Gorge has to offer.

In addition to incredible scenery, the Gorge plays host to thrill seekers of all ages from watching base jumpers leap or catapult—they were catapulting last time I saw them—on the New River Gorge Bridge Day to hiking the countless trails.

Over the years the idea to redesignate the New River Gorge National River as a national park has been floated but no policy steps have been taken until this point. This year I heard from a growing chorus of the constituents, local government officials and other West Virginia organizations and businesses who support redesignation which prompted my introduction of S. 3534.

With unanimous consent, I would like to submit letters of support I have from the counties of Raleigh County, Fayette County, Summers County, Mercer County, City of Hinton and City of Summersville, the local leaders. If I could submit those letters and other letters without objection.

Senator DAINES. Without objection.

[Letters in support of S. 3534 follow:]

**Joseph M. Blankenship**  
Mayor



**Cris C. Meadows**  
City Manager

**Resolution of the City of Hinton**  
**in Support of**  
**National Park Designation for the New River Gorge National River**

**WHEREAS**, the Greenbrier and New Rivers flow through our great city promising adventure and relaxation to all who live and visit here, and

**WHEREAS**, the City of Hinton and its residents wish to share our city's beauty and the plethora of recreational opportunities such as camping, fishing, hunting, trapping, hiking, climbing, biking, kayaking, canoeing, rafting, horse backing riding, and sight-seeing to national park enthusiasts from across the country, and

**WHEREAS**, the New River Gorge is an ancient river with beautiful scenery, white water and home to many animals and plants significant to our area and our great mountain state, and

**WHEREAS**, the City of Hinton believes rebranding of the New River Gorge National River as New River Gorge National Park will create employment opportunities and great economic growth and opportunity to not only Hinton and Summers County but the entire New River Gorge Region as well as the State of West Virginia. Now therefore, be it

**RESOLVED**, that the City of Hinton strongly urges the West Virginia Congressional delegation to pursue with great determination legislation to designate the New River Gorge National River as the New River Gorge National Park, and, be it

**FURTHER RESOLVED**, that said legislation

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

This Resolution was duly discussed and adopted at a regular meeting of the Hinton City Council on the 21<sup>st</sup> day of August, 2018.



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Joseph Blankenship, Mayor

**Resolution of the City of Summersville in Support of National Park Designation  
for New River Gorge National River**

Whereas, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs; and

Whereas, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

Whereas, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

Whereas, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

Whereas, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

Whereas, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

Whereas, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

Whereas, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

Whereas, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

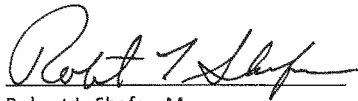
Therefore, be it resolved that the City of Summersville urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;

- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

Now therefore, be it resolved, that the City of Summersville is in support of the National Park Designation for the New River Gorge National River.

Approved this 27th day of August 2018.

A handwritten signature in black ink, appearing to read "Robert L. Shafer", written over a horizontal line.

Robert L. Shafer, Mayor  
City of Summersville

**Resolution of the Fayette County Chamber of Commerce in Support of National  
Park Designation for New River Gorge National River**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs ; and

**Whereas**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

**Whereas**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**Whereas**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**Whereas**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

**Whereas**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**Whereas**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

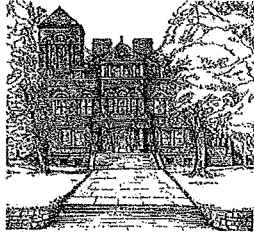
**Whereas**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

**Whereas**, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**Therefore**, be it resolved that the Fayette County Chamber of Commerce urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- continues to specifically authorize Bridge Day and associated base-jumping activities from the New River Gorge Bridge as currently permitted as granted in WV S.B. 441 in 1990 and enacted by the Legislature of West Virginia;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.





**FAYETTE COUNTY COMMISSION**

FAYETTEVILLE, WV 25840-0307  
TELEPHONE (304) 574-4290  
FAX (304) 574-4255

JOHN G. BRENNEMEN  
SCARBRO, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

DENISE A. SCALPH  
FAYETTEVILLE, WV  
COMMISSIONER

DEBORAH A. BERRY  
ADMINISTRATOR

August 17, 2018

The Honorable Shelley Moore Capito  
172 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Capito:

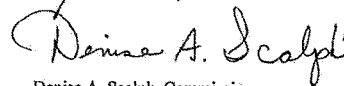
The Fayette County Commission wholeheartedly supports federal legislation of a land bill to create a National Park in the heart of West Virginia.

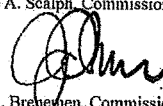
Attached please find a resolution of the Fayette County Commission approved on August 17, 2018 urging the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park.

Thank you in advance for your consideration of this worthy request.

Sincerely yours,

  
Matthew D. Wender, President

  
Denise A. Scalp, Commissioner

  
John G. Brennen, Commissioner

CC: Senator Joe Manchin  
Congressman Evan Jenkins

**Resolution of the Fayette County Commission  
in Support of National Park Designation for New River Gorge National River**

**WHEREAS**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs; and

**WHEREAS**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make the New River Gorge unique among National Park Service units; and

**WHEREAS**, the National Park Service has endorsed special regulations to allow the development of world-class mountain bike trails in the New River Gorge which should be authorized and funded as promulgated; and

**WHEREAS**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized; and

**WHEREAS**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helping Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

**WHEREAS**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation in the New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy; and

**WHEREAS**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit; and

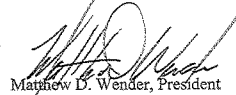
**WHEREAS**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years; and

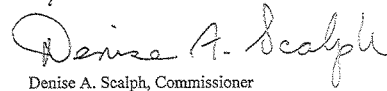
**WHEREAS**, establishment of a National Park designation for the New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Fayette County Commission this 17<sup>th</sup> day of August, 2018 urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner which:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create the New River Gorge National River to the extent that those provisions are still applicable and appropriate.

Fayette County Commission

  
Matthew D. Wender, President

  
Denise A. Scalp, Commissioner

  
John G. Brenemen, Commissioner

Jeffrey Morris  
Central District Supervisor

Larry "Jay" Williams  
Eastern District Supervisor

John Lawson  
Western District Supervisor

## County of Giles



### Board of Supervisors

315 NORTH MAIN STREET  
PEARISBURG, VIRGINIA 24134

Paul "Chappy" Baker  
At-Large Supervisor

Richard McCoy  
At-Large Supervisor

#### **Resolution in Support of National Park Designation for New River Gorge National River**

**WHEREAS**, the flowing waters of this ancient river provide solace to all those who seek her calming presence amongst the woods of West Virginia, and

**WHEREAS**, New River Gorge National River conserves over 70,000 acres of land along 53 miles of New River between the towns of Hinton and Fayetteville, and

**WHEREAS**, the park and surrounding area encompass a rugged, white water river, flowing northward through deep canyons, and

**WHEREAS**, the New River is among the oldest rivers on the continent and the park is rich in cultural and natural history that offer an abundance of scenic and recreational opportunities, and

**WHEREAS**, the New River Gorge National Rivers southern gateway lies in Summers County near the City of Hinton just north of the confluence of the New, Bluestone and Greenbrier River valleys, and

**WHEREAS**, Giles County and its regional partners within the aforesaid river valleys in West Virginia and Virginia are actively engaged in developing water and land based multi-use trails that as Mary Draper Ingles did follow the river into the New River Gorge, and

**WHEREAS**, the New River Gorge National River is a world-class destination for those seeking outdoor recreational activities in a four-season paradise, and

**WHEREAS**, outdoor enthusiast may engage in a plethora of actives including; picnicking, camping, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, canoeing, rafting, equestrian and other existing authorized traditional uses that also provide important recreational benefits that make New River Gorge unique among National Park Service units, and

**WHEREAS**, New River Gorge National River lies at the core of a globally significant forest containing the most diverse flora of any river gorge in central and southern Appalachia and provides essential habitat for endangered mammals and rare birds and amphibians, and

**WHEREAS**, New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park providing visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community, and

**WHEREAS**, the Bluestone National Scenic River; Gauley River National Recreation Area, Booker T. Washington National Monument, John Henry Historical Park and The Summit Bechtel Reserve National Scouting center are within the New River Gorge Region, and

**WHEREAS**, the rebranding of the New River Gorge National River creating the New River Gorge National Park will provide new economic and employment opportunities within Summers County, the City of Hinton as well as the greater New River Gorge Region, and

**WHEREAS**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years, and

**WHEREAS**, establishment of a National Park designation for New River Gorge National River in a manner that retains and further promotes these remarkable attributes and uses will not only create additional economic benefits to the New River Gorge Region and the State of West Virginia, it will also strengthen the National Park Service's efforts to manage and develop the resources of the newly designated New River Gorge National Park.


**NOW THEREFORE, BE IT RESOLVED**, that the Giles County Board of Supervisors urges the West Virginia Congressional delegation to pursue with great effort and determination legislation that designates the New River Gorge National River as our nation's newest National Park; and

**BE IT FURTHER RESOLVED**, that said legislation

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;

- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

The foregoing Resolution in Support was adopted by the Giles County Board of Supervisors at its regular meeting held on September 5, 2018, in Giles County, Virginia.

  
Jeffrey Morris, Chairman  
Giles County Board of Supervisors

## ***Mercer County Commission***

1501 West Main, Suite 210  
Princeton, West Virginia 24740

Phone: (304) 487-8306  
Fax: (304) 487-8370

Email:  
mercercocommission@frontiernet.net

VICKY REED  
County Administrator



BILL ARCHER  
1322 Woodrow Avenue  
BLUEFIELD, WV 24701

GENE BUCKNER  
118 Martingale Place  
BLUEFIELD, WV 24701

GREG PUCKETT  
334 Pine Acres Way  
PRINCETON, WV 24739

### **Resolution in Support of Summers County's National Park Designation for New River Gorge National River**

**Whereas**, southern West Virginia has been blessed with abundant natural resources and for nearly two centuries, those resources – timber, coal, oil and natural gas – have supplied the materials and fuel to transform the United States from an agrarian nation into a global super power; and

**Whereas**, while timber is a renewable resource, the coal, oil and natural gas resources are gone following extraction. When those reserves are depleted, the region's economy suffers. However, southern West Virginia's mountainous terrain as well as the region's rivers, streams and history constitute a precious resource that remains mostly undeveloped; and

**Whereas**, whitewater rafting and off-road trail riding are having a positive impact on the region, but people are also seeking out opportunities in what has become a growing regional trend of non-motorized range of outdoor activities that include hiking, mountain biking, kayaking, tubing and equestrian pursuits; and

**Whereas**, Mercer County is working with our neighbor in West Virginia, Summers County, as well as two neighboring Virginia counties – Tazewell and Giles counties – to promote regional river and stream-based tourism initiatives; and

**Whereas**, while Mercer County has only been blessed with three miles of the majestic New River within its boundaries, the New River flows through the heart of Summers County. This Commission thinks that Summers County's efforts to seek National Park designation for the entire New River is a worthwhile endeavor; and

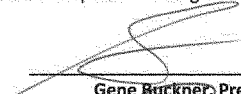
**Now, Therefore, Be It Resolved** that the Mercer County Commission joins Summers County in urging the West Virginia Congressional delegation to pursue with great effort and determination, legislation that designates the New River Gorge National River as our nation's newest National Park; and


**Be It Further Resolved, That Said Legislation**

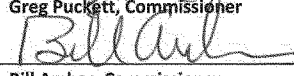
- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

This Resolution was duly discussed and adopted at a special meeting of the Mercer County Commission on the 11<sup>th</sup> day of September, 2018.

**Mercer County Commission:**

  
Gene Buckner, President

  
Greg Puckett, Commissioner

  
Bill Archer, Commissioner



September 24, 2018

**To:** Adam Tomlinson, Legislative Director, Travis Cone, Legislative Assistant, Baxter Carr,  
Legislative Aide, Office of U.S. Senator Shelley Moore Capito  
**From:** Joy Oakes, NPCA, Senior Director, Mid-Atlantic Region  
**Re:** New River Gorge re-designation proposal

Thank you for engaging in a dialogue with the National Parks Conservation Association (NPCA) about the recent proposal to re-designate New River Gorge National River as a national park. Below is information in response to your specific questions, as well as some relevant history on the issue of designation changes.

#### **History of National Preserve Designation**

In 1974 Congress designated the first two “*national preserves*” - Big Thicket and Big Cypress - a new designation intended to be for sites just like national parks, except that these units were to allow hunting and trapping. Also, just in these two cases, this designation recognized that the subsurface was not publicly owned and could be privately developed for oil and gas extraction.

In 1980 with enactment of the Alaska National Interest Lands Conservation Act (ANILCA), Congress designated six “national park and preserve” units and one “national monument and preserve” unit, sites that combined a national park/monument with adjacent lands designated as national preserve to allow hunting and trapping to continue. The ANILCA national preserves do not allow oil and gas development. ANILCA also designated three stand-alone national preserves, Noatak, Bering Land Bridge, and Yukon Charley Rivers, all to allow hunting and trapping in otherwise preserved large natural areas.<sup>1</sup>

With this precedent set, Congress has maintained the policy and practice that if sport hunting is to be allowed, Congress will not use the *national park* designation for a large natural area, but will rely on the *national preserve* designation to accomplish that.

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<sup>1</sup> Hot Spring Reservation, designated by Congress in 1832, was the first federal preservation set aside of land for its special qualities. President Jefferson’s 1804 Louisiana Purchase was followed by several exploratory expeditions of the new parts of the USA, with the very first, the 1804 Dunbar/Hunter expedition, navigating the Ouachita River to visit Hot Springs and report to the President on its unique properties worth being preserved.



### History at New River Gorge

In 1978, when NPCA staff Destry Jarvis negotiated West Virginia support for the legislative designation of the New River Gorge as a “national river” at the request of the late Senator Jennings Randolph, it was a compromise between local advocates for a simpler “wild and scenic river” designation, and those, even then, who advocated for a “national park” designation for West Virginia’s New River Gorge.

NPCA’s unwillingness to support “national park” designation derived from a combination of the continuing presence of a commercial railroad through the Gorge, the presence of extensive past coal mining-unrestored scars on the landscape, and the desire to continue sport hunting there. Local support for the “national river” designation was the result of widespread support for greater land acquisition than designation under the Wild & Scenic Rivers Act would allow, and to support a designation of “National River” would offer a singular public recognition for the new unit and acknowledge there were more natural and historic resource values to this area besides recreational boating.

The 1978 legislation also agreed to leave permitting and management of commercial river outfitters to the State of West Virginia, which was judged to be okay on a national river or wild and scenic river, but not for a national park, where the National Park Service (NPS) needs oversight in order to carry out its basic mission under the Organic Act. That mission includes the authority to institute carrying capacity limits to preserve high quality resources and experiences, as the NPS requires, for example, at the Grand Canyon National Park in Arizona.

Nevertheless, today it can still be argued that the cultural resources and values of the New River Gorge area are of sufficient significance that are not fully acknowledged by the “national river” designation.

Re-designation of the New River Gorge as a “national park” could be acceptable if hunting and trapping are prohibited, or, if some appropriate portions are re-designated as “national preserve” lands, that allow hunting and trapping solely within the preserve boundary, , and if management of commercial activities is fully vested with the NPS.

To address specific issues raised during our recent conversation:

1. **NPS has no official process or criteria for re-designation of units of the national park system.** Historically, re-designations have occurred by Acts of Congress. That said, NPS has proposed to reduce the number (17) of statutory nomenclature designations for units of the system, primarily focused on the multitude of historic park designations. To date nothing has resulted from this effort.

At present, there are at least seven statutory nomenclatures for rivers in the national park system in various Acts of Congress: national river, national wild and scenic river, national

wild river, national scenic river, national riverways, national river and recreation area, and national recreational river. Uniquely, the Wild and Scenic Rivers Act of 1968 automatically makes any river designated under this law to be managed by the NPS as a “unit” of the national park system. Furthermore, the Colorado River would be the classic example of a narrow river corridor boundary with multiple statutory designations—2 national parks and 2 national recreation areas, to differentiate statutory purposes for different river segments.

2. **Re-designations of units of the national park system has been almost entirely the purview of the Congress.** Cuyahoga Valley National Recreation Area, Congaree Swamp National Monument, Pinnacles National Monument, and recently the Jefferson National Expansion Memorial were re-designated as official “National Parks” by individual Acts of Congress. Each of these was initiated by local tourism business advocates and the respective Congressional delegations where the parks are located.

In years past, Congress has often re-designated NPS units that began as Antiquities Act proclamations, most often accompanied by boundary changes. Most recently, First State and Harriett Tubman national monuments, established by proclamation by President Obama, each have been re-designated by Acts of Congress to be national historical parks. Both re-designations were supported by the Obama Administration.

3. **The four NPS criteria for inclusion in the national park system include: National Significance, Feasibility for Management, Suitability for Management, and Need for Direct NPS Management. These criteria apply equally to any proposed unit of the national park system regardless of proposed designation nomenclature.** However, today, for the most part these criteria are ONLY used by NPS when it is initiating a special resources study to evaluate a possible *addition* to the system pursuant to an Act of Congress that authorized it.

NPS maintains broad definitions for differentiating criteria among “national park,” “national monument,” “national preserve,” “national recreation area,” and others. “National Park” generally has been reserved for large, diverse natural areas with multiple features, often including both significant natural and historic resources.

4. **The current statutory requirement that hunting continue at New River Gorge National River is incompatible with re-designation of the entire NPS unit as a “National Park.”** Statutory approval for sport hunting in a national park would set a terrible national precedent and fundamentally alter the very idea of a national park as the best example of a preserved natural area. If a re-designation for the New River Gorge is pursued, a reasonable compromise could be a combination of national park and preserve, with the boundary between the two units determined by a local assessment of the best hunting lands. Ideally the division would keep as much of the inner gorge area as possible, and all of the historic sites, within the national park boundary.

5. **Jean Lafitte National Historic Park and Preserve is a Congressional designation intended to reflect the diverse resources of the unit, with the numerous cultural and historic sites designated as the NHP and the Barataria Marsh unit as the preserve, explicitly allowing hunting and trapping to continue within that boundary.** While legislation could have been written to allow hunting in the National Historic Park, that was not done in order to maintain the standard definitions of the types of units of the system.
6. **In the case of the legislation designating Great Sand Dunes National Park and Preserve,** Congress added significant lands to the former Great Sand Dunes National Monument, and drew a boundary dividing the property between national park with no hunting and national preserve to allow hunting there. This is the customary and traditional way to maintain the integrity of the national park designation while accommodating local concerns to retain sport hunting opportunities.

While there is no formula or generic policy guidance for how to divide park and preserve boundaries in order to accommodate diverse needs and uses of a protected area, NCPA recommends that should an area be open to hunting, it should be maintained under a national preserve designation, to protect the longstanding integrity of the national park designation.

**Resolution of the New River Gorge Convention & Visitors Bureau in Support of  
National Park Designation for New River Gorge National River**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs ; and

**Whereas**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

**Whereas**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**Whereas**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**Whereas**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

**Whereas**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**Whereas**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

**Whereas**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

**Whereas,** establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**Therefore,** be it resolved that the New River Gorge Convention & Visitors Bureau urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- continues to specifically authorize Bridge Day and associated base-jumping activities from the New River Gorge Bridge as currently permitted as granted in WV S.B. 441 in 1990 and enacted by the Legislature of West Virginia;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.



**Resolution of the New River Gorge Regional Development Authority in  
Support of National Park Designation for New River Gorge National  
River**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs ; and

**Whereas**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

**Whereas**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**Whereas**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**Whereas**, commercial whitewater recreation in the New River Gorge region (Fayette, Nicholas, Raleigh and Summers counties) is a great benefit to the quality of life in the area, helps attract businesses and industry to our community, which also provides economic and employment opportunities; and

**Whereas**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**Whereas**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

**Whereas**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;



**Whereas**, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**Therefore**, be it resolved that the New River Gorge Regional Development Authority urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- continues to specifically authorize Bridge Day and associated base-jumping activities from the New River Gorge Bridge as currently permitted as granted in WV S.B. 441 in 1990 and enacted by the Legislature of West Virginia;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

**Resolution of the New River Travel Council, dba Visit Southern West Virginia in  
Support of National Park Designation for New River Gorge National River**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs ; and

**Whereas**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

**Whereas**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**Whereas**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**Whereas**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps southern West Virginia attract businesses and industry to our region, which also provides economic and employment opportunities; and

**Whereas**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**Whereas**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

**Whereas**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;



**Whereas**, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**Therefore**, be it resolved that the New River Travel Council, dba Visit Southern West Virginia urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- continues to specifically authorize Bridge Day and associated base-jumping activities from the New River Gorge Bridge as currently permitted as granted in WV S.B. 441 in 1990 and enacted by the Legislature of West Virginia;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

## *County Commission of Raleigh County*



*116 ½ North Heber Street  
Beckley, West Virginia 25801-4522*



### **RESOLUTION OF THE RALEIGH COUNTY COMMISSION IN SUPPORT OF NATIONAL PARK DESIGNATION FOR NEW RIVER GORGE NATIONAL RIVER**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs; and

**WHEREAS**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New river Gorge unique among National Park Service units; and

**WHEREAS**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**WHEREAS**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**WHEREAS**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses

and industry to our community, which also provides economic and employment opportunities; and

**WHEREAS**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**WHEREAS**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

**WHEREAS**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

**WHEREAS**, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**THEREFORE, BE IT RESOLVED**, that the Raleigh County Commission urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that;

- Retains and continues state management of commercial whitewater recreation in the National Park;


- Retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorization;
- Continues to specifically authorize hunting, fishing, trapping fish stocking and traditional uses in the National Park;
- Prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- Maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- Recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- Recognize the rights of in-holders as granted in public law 95-625;
- Allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- Retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

**FURTHER, RESOLVED** that a copy of this Resolution dated August 21, 2018, be sent to the following:

1. The Honorable Joe Manchin, III  
United States Senate  
306 Hart Senate Office Building  
Washington, D.C. 20510
2. The Honorable Shelley Moore Capito  
United States Senate  
172 Russell Senate Office Building  
Washington, D.C. 20510

3. The Honorable Evan Jenkins  
U. S. House of Representatives  
1609 Longworth House Office Building  
Washington, D.C. 20510
4. David Arnold,  
Adventures on the Gorge  
219 Chestnutburg Road  
Lansing, WV 25862

**Adopted this** the 21<sup>st</sup> day of August 2018, by the Raleigh County  
Commission, Raleigh County, West Virginia  
By:

  
David L. Tolliver, President

  
Byrd E. White, III, Commissioner

  
Linda K. Epling, Commissioner



Post Office Box 9  
 Lansing, West Virginia 25862  
 304.574.2827 • Fax 304.574.2834  
 1.800.463.9873  
 raftinginfo.com

September 25, 2018

Please let this letter serve as my support for changing the New River Gorge National Recreation Area designation to the New River Gorge National Park.

I have been an outfitter on the New and Gauley Rivers for over 25 years including rafting, mountain biking and rock climbing. I am in a unique position to live, work, play, hunt and fish in and around these parklands - owning property in both the New and Gauley River Recreation Areas. Understanding the nuances and opportunities this change would present, I trust this would be beneficial for all park users.

The New River Gorge National Park would be a great asset to West Virginia from a marketing standpoint, improving the overall image of our state, while stimulating the economy. For this result, it is imperative that the opportunities for fishing and hunting in the parklands remain as they currently do. Likewise, it is important to my business that the WV DNR continues to oversee and regulate whitewater rafting, as they currently do if national park status is attained.

These uses are inextricably tied to the parklands and to the fabric of local West Virginia culture. I would be unable to support the proposed change in designation if hunting and fishing are not allowed to continue and if the WV DNR would not continue to regulate whitewater rafting.

I recognize the importance of maintaining the integrity of the parklands for future users. As a good steward for the last quarter-century, I strive to preserve and protect this amazing resource for future generations.

Thank you in advance for your consideration of my position.

Sincerely,

 A handwritten signature in black ink, appearing to read "Rick Johnson", is written over a horizontal line.
 

Rick Johnson  
 President



Bill Lightner  
President  
Jack David Woodrum  
Commissioner  
Tony Williams  
Commissioner

## *Summers County Commission*

120 Ballengee Street • Suite 203 • Hinton, WV 25951  
Telephone: (304) 466-7100 • Fax: (304) 466-7146

Mary E. Merritt  
Clerk

### **Resolution of the Summers County Commission**

#### **in Support of National Park Designation for New River Gorge National River**

**WHEREAS**, the flowing waters of this ancient river provide solace to all those who seek her calming presence amongst the woods of West Virginia, and

**WHEREAS**, New River Gorge National River conserves over 70,000 acres of land along 53 miles of New River between the towns of Hinton and Fayetteville, and

**WHEREAS**, the park and surrounding area encompass a rugged, white water river, flowing northward through deep canyons, and

**WHEREAS**, the New River is among the oldest rivers on the continent and the park is rich in cultural and natural history that offer an abundance of scenic and recreational opportunities, and

**WHEREAS**, the New River Gorge National River's southern gateway lies in Summers County near the City of Hinton just north of the confluence of the New, Bluestone and Greenbrier River valleys, and

**WHEREAS**, Summers County and its regional partners within the aforesaid river valleys in West Virginia and Virginia are actively engaged in developing water and land based multi-use trails that as Mary Draper Ingles did, follow the river into the New River Gorge, and

**WHEREAS**, the New River Gorge National River is a world-class destination for those seeking outdoor recreational activities in a four-season paradise, and

**WHEREAS**, outdoor enthusiasts may engage in a plethora of activities including: picnicking, camping, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, canoeing, rafting, equestrian and other existing authorized traditional uses that also provide important recreational benefits that make New River Gorge unique among National Park Service units, and

*"Building a healthy, livable, prosperous, well-governed and unified Summers County"*

**WHEREAS**, New River Gorge National River lies at the core of a globally significant forest containing the most diverse flora of any river gorge in central and southern Appalachia, and provides essential habitat for endangered mammals, rare birds and amphibians, and

**WHEREAS**, Bridge Day is West Virginia's largest single-day festival and one of the largest extreme sports events in the world where BASE jumpers, rappellers, and others from around the world entertain nearly 100,000 spectators from the New River Gorge Bridge – the world's second-longest single arch bridge, and

**WHEREAS**, Sandstone Falls, one of New River's most recognizable features, lies in the southern end of the New River Gorge National River along the scenic New River Parkway in Summers and Raleigh counties, and

**WHEREAS**, the New River Train showcases the New River Gorge National River by rail providing substantial economic impact to Summers County through the multi-day Hinton Railroad Days Festival and to the city of Huntington as the excursion train's point of embarkation, and

**WHEREAS**, New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park, providing visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community, and

**WHEREAS**, the Bluestone National Scenic River, Gauley River National Recreation Area, Booker T. Washington National Monument, John Henry Historical Park and The Summit Bechtel Reserve national Scouting center are within the New River Gorge Region, and

**WHEREAS**, the rebranding of the New River Gorge National River creating the New River Gorge National Park will provide new economic and employment opportunities within Summers County and the City of Hinton as well as the greater New River Gorge Region, and

**WHEREAS**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years, and

**WHEREAS**, establishment of a National Park designation for New River Gorge National River in a manner that retains and further promotes these remarkable attributes and uses will not only create additional economic benefits to the New River Gorge Region and the State of West Virginia, it will also strengthen the National Park Service's efforts to manage and develop the resources of the New River Gorge National River through creation of the New River Gorge National Park. Now therefore, be it

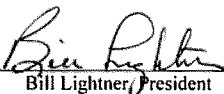
**RESOLVED**, that the Summers County Commission urges the West Virginia Congressional delegation to pursue with great effort and determination, legislation that designates the New River Gorge National River as our nation's newest National Park, and, be it

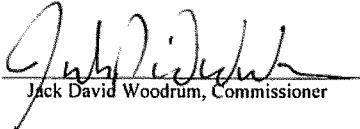


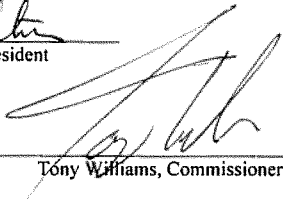
**FURTHER RESOLVED**, that said legislation

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition, except—for extraordinary circumstances;
- maintains climbing, hiking, cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs, and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625, enacted in 1978, to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

We, the Commissioners of Summers County, duly discussed and adopted this resolution at a special meeting of the Summers County Commission on the twenty-third day of August, in the year of our Lord, twenty eighteen.

  
 Bill Lightner, President

  
 Jack David Woodrum, Commissioner

  
 Tony Williams, Commissioner

I, Mary E. Merritt, County Clerk, certify that the above is a true copy of a Resolution adopted the 23<sup>rd</sup> day of August, 2018, at a regular commission meeting. I further certify that a quorum was present and a majority of its members voted affirmatively for this Resolution.

  
 Mary E. Merritt, County Clerk

JDW/jdw

**Resolution of the West Virginia Association of Convention & Visitors Bureaus in  
Support of National Park Designation for New River Gorge National River**

**Whereas**, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs; and

**Whereas**, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

**Whereas**, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

**Whereas**, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

**Whereas**, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

**Whereas**, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

**Whereas**, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

**Whereas**, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

**Whereas**, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

**Therefore,** be it resolved that the West Virginia Association Convention & Visitors Bureau urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- continues to specifically authorize Bridge Day and associated base-jumping activities from the New River Gorge Bridge as currently permitted as granted in WV S.B. 441 in 1990 and enacted by the Legislature of West Virginia;
- prohibits the use of eminent domain for land acquisition except for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

Respectfully,



Chris Richards  
President, WVACVB

**Resolution of the West Virginia Hospitality & Travel Association in Support of  
National Park Designation for New River Gorge National River**

Whereas, the New River is one of the continent's oldest rivers with incomparable recreational and historical attractions, which, along with the Gauley River NRA and other National Park units in the area, account for over \$79 million in economic benefits and 2,400 jobs ; and

Whereas, fishing, hunting, trapping, climbing, bicycling, hiking, kayaking, rafting and other existing authorized traditional uses also provide important recreational benefits that make New River Gorge unique among National Park Service units; and

Whereas, the National Park Service has promulgated special regulations to allow the development of world-class mountain bike trails at New River Gorge which should be authorized and funded as promulgated;

Whereas, Bridge Day and associated base-jumping activities from the New River Gorge Bridge further highlight the depth and character of the New River Gorge area and should continue as currently authorized;

Whereas, commercial whitewater recreation on the New River is a great benefit to the quality of life in the area, helps Fayette County attract businesses and industry to our community, which also provides economic and employment opportunities; and

Whereas, the State of West Virginia has been authorized by Congress to manage commercial whitewater recreation at New River Gorge and that relationship with the National Park Service has provided important economic benefits to the local economy;

Whereas, the use of eminent domain to acquire land is and should continue to be prohibited except in circumstances where there are extraordinary threats to the Park unit;

Whereas, the New River Gorge National River has been providing benefits to the public and the citizens of West Virginia as a National Park unit for more than 40 years;

Whereas, establishment of a National Park designation for New River Gorge in a manner that retains and further promotes these remarkable attributes and uses will create additional economic benefits to the region and improve funding for management and development of the New River Gorge National Park;

Therefore, be it resolved that the West Virginia Hospitality & Travel Association urges the West Virginia Congressional delegation to pursue legislation that designates the New River Gorge National River as a National Park in such a manner that:

- retains and continues state management of commercial whitewater recreation in the National Park;
- retains the management plans in effect at the time of enactment and specifies that nothing in the Park designation shall require elimination or modification of current uses and authorizations;
- continues to specifically authorize hunting, fishing, trapping, fish stocking, and traditional uses in the National Park;
- prohibits the use of eminent domain for land acquisition except ~~in~~ for extraordinary circumstances;
- maintains climbing, hiking and cycling and other recreational uses as important recreational benefits of the Park unit;
- recognizes and authorizes the special regulations that allow development of trails, mountain biking and other approved recreational uses in the National Park;
- recognize the rights of in-holders as granted in public law 95-625;
- allows inhabitants, heirs and assigns to continue to inhabit their property and requires they be paid fair market value upon acquisition;
- retains all other special provisions that are in public law 95-625 enacted in 1978 to create New River Gorge National River to the extent that those provisions are still applicable and appropriate.

Senator CAPITO. So, fairly or not, national parks endure more public awareness than our national rivers. In May, Headwaters Economics released a study in which they examined eight national monuments that were redesignated as national parks. The study found that the average number of visitors to the eight parks increased by 28 percent in the five years after they had gained a national park status. West Virginia's economy is diversifying and the tourism is playing a significant role in providing jobs directly and indirectly to West Virginians, so this represents a real opportunity for that growth.

I also drafted this legislation in mind with the sportsmen and sportswomen of West Virginia. The tradition of hunting and fishing in the New River Gorge has been passed down for generations, which is why my bill ensures that the current hunting and fishing regulations that govern the national river would be carried to the national park in accordance with the statutory attempt of previous Congresses.

Getting redesignation across the finish line may require political compromise, and you allude to this in your statement, perhaps via a park and preserve model, but the principle of preserving hunting and fishing is non-negotiable. We must ensure that the sportsmen and women of West Virginia can continue the long tradition of hunting and fishing on these public lands and that the state maintains primacy in the field of wildlife management. That is why I introduced the strongest bill possible on this point to open discussion on a path forward.

Once again, I appreciate the opportunity to do this and to discuss this with you, Deputy Director Smith. I look forward to this. We feel that the New River Gorge deserves the recognition that it deserves as a National Park Service unit that cherishes our history, emphasizes our state's natural beauty and enshrines the traditional access of our sportsmen and women.

Thank you.

Senator DAINES. Thank you, Senator Capito.

All member statements will be added to the hearing record.

We will now proceed to the witness testimony. At the end of the testimony, we will begin questions.

Mr. Smith, your full written testimony will be made part of the official hearing record.

Mr. Smith, you may proceed.

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE  
INTERIOR**

Mr. SMITH. Mr. Chairman, Ranking Member, it was great to be with both of you in your states dealing with deferred maintenance earlier this year and it's good to see you here today again.

I will summarize all my testimony.

The Department supports S. 3571 and H.R. 5420, which would authorize the acquisition of land for addition to the Franklin D. Roosevelt National Historic Site. We prefer the Senate bill.

The Department also supports S. 3609 and H.R. 801, which would designate the Route 66 National Historic Trail.

The Department supports the following bills with amendments: S. 3439 and H.R. 5532, which would redesignate the Reconstruction Era National Monument as a National Historical Park; S. 3646, which would authorize the acquisition of certain properties at the Sainte Genevieve National Historical Park and at the Harry S. Truman National Historic Site; H.R. 3607, which would authorize the Secretary of the Interior to establish and collect fees for medical services provided at national parks; H.R. 5706, which would establish the Pearl Harbor National Memorial as a separate unit of the National Park System and redesignate the Honouliuli National Monument as a National Historic Site; and H.R. 6687, which would provide the National Park Service with direction and authority regarding certain management actions at Point Reyes National Seashore.

The Department would support the following bills if they are amended: S. 3534, which would redesignate New River Gorge National River as a National Park; and H.R. 6599, which would modify the application of regulations that govern temporary, limited appointments, allowing the National Park Service to return to its traditional hiring practices for seasonal employees. This is a very critical bill for our workforce, but it is important for the one-year sunset provision to be removed.

The Department does not object to the following bills: H.R. 6077, which would provide an official designation for the National Comedy Center in Jamestown, New York; and H.R. 1220, which would establish an Adams Memorial Commission. We recommend an amendment to this bill.

The Department recommends deferring action on the following bills: H.R. 3961, which would authorize a study of the Kissimmee River for potential addition to the National Wild and Scenic River System; H.R. 3468, which would designate segments of the Nashua River and related rivers as components of the National Wild and Scenic River System; and S. 3533, which would designate river sections in the Wood-Pawcatuck Watershed as components of the National Wild and Scenic River System.

Finally, the Department does not support the following bills: S. 2395, which would support cultural heritage tourism and historic preservation through a variety of partnerships; S. 2895 and H.R. 5613, which would designate the Quindaro Townsite in Kansas City, Kansas, as a National Historic Landmark and as a National Commemorative Site, respectively; S. 3291, which would reauthorize funding for the New Jersey Coastal Heritage Trail Route; S. 3505, which would increase the authorization of appropriations to \$20 million annually to support state and local acquisition of important battlefield sites; S. 3527 and H.R. 5585, which would retroactively extend the authorization for the Cape Cod National Seashore Advisory Commission; S. 3659, which would authorize the Secretary of the Interior to annually designate at least one city in the United States as a World War II Heritage City; and H.R. 5005, which would authorize a study of the birthplace of James Weldon Johnson in Jacksonville, Florida, for potential inclusion in the National Park System.

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

[The prepared statements of Mr. Smith follow:]



**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, S. 2395, TO AUTHORIZE THE PROVISION OF TECHNICAL ASSISTANCE UNDER THE PRESERVE AMERICA PROGRAM AND TO DIRECT THE SECRETARY OF THE INTERIOR TO ENTER INTO PARTNERSHIPS WITH COMMUNITIES ADJACENT TO THE NATIONAL PARK SYSTEM TO LEVERAGE LOCAL CULTURAL HERITAGE TOURISM ASSETS.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 2395, a law to authorize technical assistance under the Preserve America Program and to direct the Secretary of the Interior to enter into partnerships with communities adjacent to the National Park System to leverage local cultural heritage tourism assets.

The Department does not support S. 2395. The National Park Service (NPS) is already actively engaged in programs for cultural heritage tourism and historic preservation, similar to those described in this bill. S. 2395 creates duplicative authorities with additional reporting requirements. Should this bill be enacted it would be subject to the availability of appropriations and would need to be balanced with other park and program priorities of the National Park Service.

S. 2395 would support cultural heritage tourism and historic preservation through a partnership with the Department of the Interior, the Advisory Council on Historic Preservation, and the Department of Commerce through the Preserve America program. The goals of this program are to provide communities with technical and economic assistance, where feasible, focused on preserving and promoting historic resources. The Federal partners would be responsible for creating a metric to analyze the economic and preservation impacts of the Preserve America program. Additionally, the program would increase the partnership activities with communities adjacent to a unit of the National Park System, known as gateway communities.

Currently, the NPS offers more than 50 community assistance programs, many of which directly support heritage tourism and historic preservation partnerships with gateway communities.

The Preserve America Program was established in 2003 under Executive Order 13287 to promote historic resources, heritage tourism, and economic development at the Federal, state, tribal, and local levels of government as well as in the private sector. The program encouraged more efficient and informed uses of historic resources for economic development and public benefit. In 2009, Congress permanently authorized the Preserve America Program. As specified in Public Law 111-11, the Department of the Interior and the Advisory Council on Historic Preservation council jointly administer the program.

The Secretary of the Interior, in partnership with the Council, is authorized to provide competitive grants to States, local governments, tribes, state historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities. These projects include research, historic survey, education and interpretation, planning, training and outreach, and other non-construction projects that identify and promote historic properties.

Under Title 54, the Preserve America grant program is authorized for up to a \$25 million appropriation for each fiscal year; however, there has not been an appropriation for the program since 2010. From 2006 until 2010, the NPS administered over \$21 million in grant funding for the program through Preserve America Communities. Communities eligible to receive these grant funds supported activities and programs using historic preservation to promote heritage tourism and required a dollar-for-dollar match. Communities continue to be designated as Preserve America Communities through an application process that considers a community's preservation efforts and existing historic assets. More than 900 municipalities, neighborhoods, counties, and tribes have been recognized as Preserve America Communities. They are located in all 50 states, the District of Columbia, the U. S. Virgin Islands, and American Samoa.

The Preserve America program closely mirrors the NPS managed Certified Local Government (CLG) program. This program was congressionally authorized in 1980 and established a Federal designation for communities that support preservation activities. There are over 2000 CLGs throughout the country, and over 85% of those communities are gateways to our national parks and historic sites. CLGs are provided technical assistance and funding through partnerships with respective State Historic Preservation Offices that distribute more than \$4.5 million annually to CLGs for local preservation priorities.

The NPS is linked with the gateway tourism economy and promotes community tourism through the national Tourism Office and uses a variety of community assistance programs, grant programs, and unique cultural heritage programs to promote community tourism. In 2017, the NPS received an estimated 331 million recreation visits and visitors spent \$18.2 billion in the gateway regions.

The NPS already provides assistance to gateway communities in similar ways to those described in this bill. For example, the Land and Water Conservation Fund State Assistance program administers the "state side" of the Land and Water Conservation Fund (LWCF) to help state and local governments meet their need for well-planned, high quality public outdoor recreation opportunities to enhance the quality of life, and the health and vitality of a community. The LWCF program granted more than \$100 million to state and community partners in 2018.

Another popular gateway community program is the Rivers, Trails and Conservation Assistance Program (RTCA). RTCA works with private and public partners to extend the benefits and resources of the NPS to protect and enhance natural, cultural and outdoor recreation resources in communities throughout the country. Through RTCA staff, communities can engage stakeholders and partners to identify and develop sustainable tourism, concept plans for trails and parks, community outreach and participation strategies, and identify historic heritage and cultural resources.

The Department recognizes the value of the Preserve America Program and supports preservation and tourism efforts throughout the United States through a variety of outreach programs that provide both economic and technical assistance resources to the field. This legislation would be duplicative of those existing programs and would redirect resources that the NPS is currently using to provide similar benefits.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 5613, A BILL TO DESIGNATE THE QUINDARO TOWNSITE IN KANSAS CITY,  
KANSAS, AS A NATIONAL COMMEMORATIVE SITE, AND S. 2895, A BILL TO  
DESIGNATE THE QUINDARO TOWNSITE IN KANSAS CITY, KANSAS AS A  
NATIONAL HISTORIC LANDMARK, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5613, a bill to designate the Quindaro Townsite in Kansas City, Kansas, as a National Commemorative Site, and S. 2895, a bill to designate the Quindaro Townsite in Kansas City, Kansas, as a National Historic Landmark, and for other purposes.

The Department does not support either H.R. 5613 or S. 2895. We do not see a compelling reason for designating the Quindaro Townsite as a National Commemorative Site, as H.R. 5613 would do, and we believe it would be unwise to legislatively designate the site as a National Historic Landmark, as S. 2895 would do. We appreciate the desire of the bills' sponsors to bring greater recognition to the history of the Quindaro Townsite, but we believe the most appropriate way to do that would be to pursue National Historic Landmark designation through the well-established administrative process.

The Quindaro Townsite, a historic frontier town on the Missouri River, was founded in 1857 to be a free-state port of entry during the Kansas Territory's fight over the question of slavery. Other prominent river towns in the Territory at that time were pro-slavery. The town's residents included Americans of European descent, free African Americans, and members of the Wyandot Tribe. The Quindaro area was the location of an African American refugee settlement that began during the Civil War. It was also the site of the Freedman's University and its successor institution, Western University, the first black university in Kansas. The Quindaro Townsite was listed on the National Register of Historic Places in 2002 and is part of the National Underground Railroad Network to Freedom.

Although H.R. 5613 stipulates that the Quindaro Townsite would not be considered a unit of the National Park System and that designation would not affect the administration of the site by Kansas City or the State of Kansas, designating the Townsite as a National Commemorative Site could create confusion among the general public about the significance of the title and the site's relationship to the National Park Service. The title "National Commemorative Site" has been sparingly employed by Congress. There is no definition by law or custom defining a National Commemorative Site. Passage of H.R. 5613 would increase the likelihood that Congress would designate other sites that are listed on the National Register of Historic Places as National Commemorative Sites.

The designation of Quindaro Townsite as a National Historic Landmark by legislation, as proposed by S. 2895, would circumvent an established administrative process. This process provides an opportunity for local input and scholarly review and ensures that all nominated properties meet the established National Historic Landmark criteria. We are concerned that establishing a National Historic Landmark by legislation would encourage advocates for other properties to seek National Historic Landmark status by legislation in order to avoid the requirements of the administrative path. That could lead to National Historic Landmark designation for properties that do not meet the standards that all other properties have had to meet in order to merit that designation.

Finally, both H.R. 5613 and S. 2893 would authorize the Secretary to enter into cooperative agreements with public and private entities, and to provide technical and financial assistance to these entities, for the purposes of protecting historic resources, and providing educational and interpretive facilities and programs for the public, at the site. The Department does not see a compelling reason to authorize such assistance for this particular site, especially at a time when we are focusing resources on reducing the \$11.6 billion backlog of deferred maintenance in national parks and addressing other critical park needs.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
S. 3291, A BILL TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE  
TRAIL ROUTE, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3291, to reauthorize the New Jersey Coastal Heritage Trail Route, and for other purposes.

The Department recognizes the accomplishments of the public-private partnership that has advanced the programs and initiatives of the New Jersey Coastal Heritage Trail Route (Trail), but we do not support S. 3291. At a time when the Department is focusing resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, we believe it would be unwise to revive a Federal funding authority for a program that the National Park Service has not been involved with for the last seven years.

S. 3291 would reauthorize the use of Federal funding and technical assistance for signage and planning for the Trail through September 30, 2025. It would also require the National Park Service to prepare a strategic plan for development and administration of the Trail. The funding authorization for the Trail expired on September 30, 2011. The National Park Service has not provided technical assistance to the Trail since that date.

The Trail is an auto-trail that extends along the eastern and southern coast of New Jersey for nearly 300 miles. It was established in 1988 to provide for public appreciation, education, understanding, and enjoyment of significant natural and cultural sites associated with the coastal area of the State of New Jersey. The Trail consists of five regions that define different aspects of coastal life: maritime history, coastal habitats, wildlife migration, historic settlements, and relaxation and inspiration. Notable sites include the Sandy Hook Lighthouse, the oldest operating lighthouse in the nation; Greenwich, the town where revolutionaries burned British tea in 1774; and the schooner A.J. Meerwald, New Jersey's official tall ship.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 5532 AND S. 3439, BILLS TO REDESIGNATE THE RECONSTRUCTION ERA  
NATIONAL MONUMENT AS THE RECONSTRUCTION ERA NATIONAL  
HISTORICAL PARK, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5532 and S. 3439, bills to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes.

The Department supports H.R. 5532 and S. 3439 with amendments. We support the redesignation of the Reconstruction Era National Monument as a national historical park, but we recommend amending the bills' land acquisition authority and its authority to establish a Reconstruction Era Network, as explained later in this statement.

The Reconstruction Era (1861 to 1898), a period in which the United States grappled with the question of how to integrate millions of newly freed African Americans into social, political, and labor systems, was a time of significant transformation within the United States. Reconstruction began when the first United States soldiers arrived in slaveholding territories and enslaved people escaped from plantations and farms; some of them fled into free states, and others found safety with U.S. forces.

During the period, Congress passed three constitutional amendments that permanently abolished slavery, defined birthright citizenship and guaranteed due process and equal protection under the law, and granted all males the ability to vote by prohibiting voter discrimination based on race, color, or previous condition of servitude (Thirteenth, Fourteenth, and Fifteenth amendments). Congress also passed a series of Reconstruction Acts that divided the former Confederacy into five military districts and laid out requirements for re-admittance to the Union.

The experience of Reconstruction, and the rebuilding of the Union following the Civil War, played out across America and resulted in changes that fundamentally altered the meaning of citizenship and the relationship between federal and state governments. Central to this drama was the former Confederacy where social, economic, and political changes dramatically transformed the region and where major activities of, and resistance to, Reconstruction took place. African Americans faced steep obstacles as they attempted to claim their newly won rights. Ultimately, the unmet promises of Reconstruction led to the modern civil rights movement 100 years later.

The Reconstruction Era National Monument was created by Presidential Proclamation 9567 on January 12, 2017, to help preserve and interpret this important chapter of our nation's

history. The Monument preserves several sites in Beaufort County, South Carolina, including the Old Beaufort Firehouse in the City of Beaufort, portions of Camp Saxton in the town of Port Royal, and the Brick Baptist Church and Darrah Hall on Saint Helena Island. After the capture of Port Royal, Beaufort quickly became a place of refuge for ex-slaves from across the Low Country and Sea Islands. There, and in neighboring islands, African Americans escaped to freedom, constructed agricultural communities, and built lasting political, religious, and educational institutions. The significant historical events that transpired in Beaufort County, and the physical integrity of many historic locations, make it an ideal place to tell the critical Reconstruction Era stories of experimentation, potential transformation, accomplishment, and disappointment.

Sections 2(b)(1) of both H.R. 5532 and S. 3439 would redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park. Because the Monument preserves and interprets varied resources in several discontinuous sites throughout Beaufort County, renaming the unit as a national historical park would be consistent with the National Park Service's standard nomenclature for units of the National Park System. We note that changing the designation from "national monument" to "national historical park" would not alter the management or operation of the unit in any way. Both designations denote units of the National Park System, and as such are subject to the same laws and eligible for the same funding sources.

Because this legislation would make this unit a congressionally designated unit, we recommend amending the bills to include the abolishment of the presidentially proclaimed Reconstruction Era National Monument. This change would make the bills consistent with the standard practice in legislation that converts a presidentially proclaimed monument to a congressionally authorized unit. In addition, we recommend substituting a revised legislative map that identifies the site as a national historical park and simplifies the map's format.

Section 2(b)(2) of both H.R. 5532 and S. 3439 provides the Secretary of the Interior the authority to expand the unit's boundary to include any land within the Beaufort National Historic Landmark District and St. Helena Island that has a historic connection to the Reconstruction Era. It also provides authority to acquire other land adjacent to the boundary on St. Helena Island, and to assume administrative jurisdiction of land adjacent to the Camp Saxton portion of the Monument that is currently under the administrative jurisdiction of the Department of the Navy as part of the Naval Support Facility Beaufort.

Because of significant research that has been conducted on the properties of the Beaufort historic district and surrounding area, we are well aware of other resources in Beaufort County that would make important contributions at the existing park unit. That research includes: the National Register of Historic Places nomination and inventory (originally nominated in 1969 and updated in 1998); the National Historic Landmark summary listing (1973); and, the Reconstruction Era National Historic Landmarks Theme Study (2017). However, we believe that the acquisition authority is broader than it needs to be in order to include these resources. We recommend amending this section to provide for more targeted acquisition authority.



In addition, before Congress moves ahead on legislation that authorizes the transfer of property the Navy administers as part of the Naval Support Facility Beaufort, we would like to consult with the Navy on this provision.

Section 3 of both bills would establish a Reconstruction Era National Historic Network. We support the goal of raising the profile of other Reconstruction Era sites and resources across the country. However, while establishing a Reconstruction Era National Historic Network could be one way to increase public awareness of this important chapter in our nation's history and enhance visitor understanding of the available resources, it may not be the most appropriate way to do so. In addition, at a time when the Department is focusing resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, it would be difficult to prioritize a new program without having a better understanding of how it would relate to other National Park Service resources and needs. For these reasons, we recommend amending this section to provide for a study to determine the most appropriate way to commemorate and interpret Reconstruction Era sites and resources in lieu of establishing a Reconstruction Era National Historic Network.

We would be happy to work with the Committee on amendments to achieve the objectives described in this statement.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT  
OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3468, A BILL TO  
AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE SEGMENTS OF  
THE NASHUA, SQUANNACOOK, AND NISSITISSIT RIVERS AS COMPONENTS OF  
THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER  
PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3468, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers as components of the National Wild and Scenic Rivers System, and for other purposes.

The Department has preliminarily concluded through the National Park Service's draft study of the Nashua, Squannacook, and Nissitissit Rivers that the river segments proposed for designation under this bill are eligible for inclusion in the Wild and Scenic Rivers System. However, we recommend that the committee defer action on S. 3468 until the study is completed. We anticipate the study will be completed in 2019.

This bill would amend Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate segments of the Nashua, Squannacook, and Nissitissit Rivers in Massachusetts and New Hampshire, to be administered by the Secretary of the Interior. The river segments range from 9.5 miles to 27 miles in length and the designation would encompass over 50 miles of scenic rivers. The bill mandates that the designated river segments shall exclude specific areas with respect to FERC-licensed hydroelectric projects and a non-FERC industrial dam.

The segments would be managed in accordance with the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan (February 2018) with the Secretary coordinating administration and management with a locally based management committee, as specified in the plan. The bill would authorize the Secretary to enter into cooperative agreements with the States of Massachusetts and New Hampshire, the 11 adjoining communities, and appropriate local planning and environmental organizations.

Public Law 113-291, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, authorized the study of Nashua River in December 2014. The National Park Service conducted the study in close cooperation with the adjoining communities, the States of Massachusetts and New Hampshire, the Nashua River Watershed Association, U.S. Fish & Wildlife Service, U.S. Geological Survey, Devens Enterprise Commission, and other interested local parties.

Technical assistance provided as a part of the study made possible the development of the Nashua, Squannacook, and Nissitissit Stewardship Plan. This plan is based primarily around local partner

actions designed to guide the stewardship of certain segments of the Nashua, Squannacook, and Nissitissit Rivers with or without a National Wild and Scenic River designation.

While the study has not been finalized, the data collected and presented in the preparation of the Stewardship Plan support the conclusion that the segments proposed for designation by S. 3468 exhibit free-flowing character and the presence of outstandingly remarkable natural, cultural and recreation resource values consistent with Wild and Scenic River eligibility. The study process, which culminated in town meeting votes supporting both the Stewardship Plan and Wild and Scenic River designation in all 11 affected Massachusetts and New Hampshire communities, has also demonstrated strong local, state and partner support crucial to successful long-term management and protection of partnership-based Wild and Scenic Rivers. The Nashua, Squannacook, and Nissitissit Rivers possess remarkable resource values including exceptional biological diversity relative to threatened and endangered species habitat, premier fishing and boating opportunities, and a legacy of environmental stewardship that serves as a model for communities throughout the country. The region is also rich in historic and cultural resources, including those associated with Native Americans, Shakers, and transcendentalists.

If S. 3468 is enacted, the designated segments of the Nashua, Squannacook, and the Nissitissit Rivers would be administered based on the Partnership Wild and Scenic River model, similar to several other designations in the Northeast, including the Sudbury, Assabet and Concord Rivers in Massachusetts, and the Lamprey River in New Hampshire. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural, and recreational resource values without the need for direct federal management or land acquisition.

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

**STATEMENT OF P DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
S. 3505, TO PROVIDE FOR PARTNERSHIPS AMONG STATE AND LOCAL  
GOVERNMENTS, REGIONAL ENTITIES, AND THE PRIVATE SECTOR TO  
PRESERVE, CONSERVE, AND ENHANCE THE VISITOR EXPERIENCE AT  
NATIONALLY SIGNIFICANT BATTLEFIELDS OF THE AMERICAN REVOLUTION,  
WAR OF 1812, AND CIVIL WAR, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3505, a bill to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes.

The Department does not support enacting S. 3505. The Department recognizes the need to proactively preserve and protect nationally significant battlefields of the American Revolution, War of 1812, and Civil War and successfully achieves these goals through the American Battlefield Protection Program. The authorization of additional appropriations is not needed at this time.

S. 3505 would authorize appropriations of \$20,000,000 to the Secretary for each fiscal year through 2028 to provide funding to State and local governments to acquire interests in eligible sites for their preservation and protection. The legislation would allow the use of up to ten percent of the annual appropriation for projects other than land acquisition. These projects include up to \$1,000,000 awarded through a competitive grant process to non-profit organizations for programs and projects that improve battlefield interpretive and educational assets and technologies and up to \$1,000,000 awarded through a competitive grant process to non-profit organizations for the restoration of land preserved through the Battlefield Land Acquisition Program to its historic appearance.

The American Battlefield Protection Program (ABPP) was authorized by Congress in 1996 and directed the Secretary to encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields. The law authorized annual appropriations of \$3,000,000 to carry out this purpose as part of the national historic preservation program through a variety of financial assistance mechanisms.

The program was amended in 2002 to direct the Secretary to establish a battlefield land acquisition grant program, and authorized an annual appropriation of \$10,000,000 to provide grants to state and local governments to acquire interests in eligible Civil War battlefields for

their preservation and protection. This program is authorized through FY 2021. Additionally, Congress expanded eligibility for the established battlefield land acquisition program to qualifying sites identified in the National Park Service's report on the Revolutionary War and War of 1812.

The ABPP annually awards Battlefield Preservation Planning Grants to Federal, state, tribal, and local governments and nonprofit/educational institutions to support planning and preservation projects, including interpretation and education programs, at historic battlefields. Any battlefield on American soil is eligible for this grant source. Approximately 18 to 25 Planning Grants are awarded each fiscal year. Since 1993, ABPP has awarded more than 625 Battlefield Preservation Grants, totaling close to \$22 million, for the preservation and interpretation of more than 300 battlefields in nearly every state and in four U.S. territories.

ABPP also awards money from the Land and Water Conservation Fund for Battlefield Land Acquisition grants to assist state and local governments in preserving threatened battlefields. Qualified grants, which require a dollar-for-dollar non-Federal match, are awarded on a rolling basis and prioritize significant and/or threatened properties. The program works with State Historic Preservation Officers to ensure that appropriate protections are legally executed to ensure the preservation of historic resources in perpetuity. Approximately 25 to 30 grants are awarded each fiscal year. The ABPP has awarded 389 grants to date, totaling over \$125 million. Through these successful preservation partnerships, the program has leveraged over \$158.8 million in matching funds resulting in the protection of over 31,000 acres at 120 battlefields in 19 states.

Current authorized appropriations for both the Battlefield Preservation Planning grants and the Battlefield Land Acquisition grants are adequate to meet grant requests. Congress annually has appropriated approximately \$1.2 million for Battlefield Preservation Planning Grants, which has been sufficient to award grants to all eligible applicants. Similarly, the land acquisition grants program annual appropriation of \$10 million has been meeting current demand and the program currently has a funding carryover balance of approximately \$12.9 million.

If the committee decides to act on this legislation, the Department would support the extension of current authorization for the existing preservation and land acquisition grant programs. The Department would recommend amendments to support the proposed use of funding for the most appropriate treatment of historic properties preserved through Battlefield Land Acquisitions grants, including but not limited to battlefield restoration, in order to protect commemorative and historically significant resources.

We would be happy to work with the Committee on language for our recommended amendments.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 5585 AND S. 3527, BILLS TO EXTEND THE AUTHORIZATION FOR THE CAPE  
COD NATIONAL SEASHORE ADVISORY COMMISSION.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5585 and S. 3527, bills to extend the authorization for the Cape Cod National Seashore Advisory Commission (Commission).

The Department does not support H.R. 5585 and S. 3527. Both bills would reauthorize the Commission until September 26, 2028, retroactive to September 26, 2018, the date that the Commission's authority to operate terminated.

The retroactive extension included in both bills would enable the Commission to function with the same charter and membership it had previously. The Commission was originally authorized in 1961 as a part of Public Law 87-126, the Cape Cod National Seashore's enabling legislation, and began operation in 1966. It has been reauthorized by Congress several times even though the enabling legislation called for the Commission to be terminated ten years after the Seashore was established.

The Department does not see a compelling reason to extend authorization of the Commission, especially at a time when we are focusing resources on reducing the \$11.6 billion backlog of deferred maintenance in national park units and addressing other critical park needs. However, if the Subcommittee takes action on these bills, the Department recommends one change to the Commission's statutory role. Currently, the law that established the Commission [16 U.S.C. 459b-7(g)] states that no permit for the commercial or industrial use of property located within the seashore shall be issued, nor shall any public use area for recreational activity be established within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought. We recommend this provision be deleted as it is unusual for an advisory commission to have this kind of statutory role in park management decisions.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT  
OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3533, A BILL TO  
AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN RIVER  
SEGMENTS WITHIN THE WOOD-PAWCATUCK WATERSHED AS COMPONENTS  
OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER  
PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3533, a bill to amend the Wild and Scenic Rivers Act to designate certain river segments within the Wood-Pawcatuck watershed as components of the National Wild and Scenic Rivers System, and for other purposes.

The Department has preliminarily concluded through the National Park Service's draft study of the Wood-Pawcatuck watershed that the segments proposed for designation under this bill are eligible for inclusion in the Wild and Scenic Rivers System. However, we recommend that the committee defer action on S. 3533 until the study is completed.

This bill would amend Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate segments of the Beaver River, Chipuxet River, Green Fall River, Ashaway River, Pawcatuck River, Queen River, Usquepaugh River, Shunock River, and the Wood River within the Wood-Pawcatuck watershed in Rhode Island and Connecticut, to be administered by the Secretary of the Interior. The river segments range from 3 miles to 21 miles in length and the designation would encompass over 100 miles of wild, scenic, and recreational rivers.

The segments would be managed in accordance with the Wood-Pawcatuck Wild and Scenic Stewardship Plan (June 2018) with the Secretary coordinating administration and management with a locally based management committee, as specified in the plan. The bill would authorize the Secretary to enter into cooperative agreements with the States of Connecticut and Rhode Island, the adjoining communities, and appropriate local planning and environmental organizations.

Public Law 113-291, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, authorized the study of Wood-Pawcatuck Watershed in December 2014. The National Park Service conducted the study in close cooperation with the adjoining communities, the States of Connecticut and Rhode Island, the Wood-Pawcatuck Watershed Association, Save the Bay, the Audubon Society of Rhode Island, The Nature Conservancy, and other interested local parties.

Technical assistance provided as a part of the study made possible the development of the Wood-Pawcatuck Wild and Scenic Stewardship Plan. This plan is based primarily around local partner actions designed to guide the stewardship of the river segments within the Wood-Pawcatuck watershed with or without a National Wild and Scenic River designation.

While the study has not been finalized, the data collected and presented in the preparation of the Stewardship Plan support the conclusion that the segments proposed for designation by S. 3533 exhibit free-flowing character and the presence of outstandingly remarkable natural, cultural and recreation resource values consistent with Wild and Scenic River eligibility. We expect the study to be finalized in 2019. The study process, which culminated in local government votes supporting both the Stewardship Plan and Wild and Scenic River designation in all 12 affected Rhode Island and Connecticut communities, has also demonstrated strong local, state and partner support crucial to successful long-term management and protection of partnership-based Wild and Scenic Rivers. The Wood-Pawcatuck watershed has long been recognized as one of the most ecologically and recreationally significant in southern New England, exhibiting outstanding water quality, biological diversity, cold water fishing and paddling. The region is also rich in historic and cultural resources, including Native American archaeology, and colonial and early industrial mill development.

If S. 3533 is enacted, the designated river segments within the Wood-Pawcatuck watershed would be administered based on the Partnership Wild and Scenic River model, similar to several other designations in the Northeast, including the upper Farmington River and the Eightmile River in Connecticut, and the Lamprey River in New Hampshire. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural, and recreational resource values without the need for direct federal management or land acquisition.

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



**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF  
THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3534, TO  
REDESIGNATE THE NEW RIVER GORGE NATIONAL RIVER IN THE STATE OF  
WEST VIRGINIA AS THE “NEW RIVER GORGE NATIONAL PARK”.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior’s views on S. 3534, to redesignate the New River Gorge National River in the State of West Virginia as “New River Gorge National Park”.

The Department would support S. 3534 if amended to redesignate New River Gorge National River with a title that is in keeping with standard National Park Service nomenclature. In customary usage, the title “national park” denotes a unit where hunting is not allowed, as it is at New River Gorge. We would like to work with the sponsor and the Committee on a more appropriate redesignation of the unit before the Committee acts on this bill.

Established in 1978, New River Gorge National River encompasses over 70,000 acres of land along 53 miles of the New River in southern West Virginia. The rugged, whitewater river flowing northward through deep, spectacular canyons has carved the deepest and longest river gorge in the Appalachian Mountains. The park contains forests with some of the oldest and most diverse ecosystems in the world. The park is renowned for its outstanding recreational opportunities: canoeing, hiking, rock climbing, fishing, hunting, bird watching, camping, picnicking, biking and perhaps most of all, whitewater rafting. The Lower Gorge of the New River is a premier whitewater rafting location with imposing rapids ranging in difficulty from Class III to Class V where outfitters conduct trips down the river from April through October.

While New River Gorge National River contains spectacular features that rival those in units designated as national parks, Congress, with the support of the Department, has long reserved the title of “national park” for units where hunting is not authorized. Units where hunting is allowed are typically designated as “preserves”, “national recreation areas”, or, depending on their location, “national seashores” or “national lakeshores”. Some areas of the National Park System have both a “national park” and a “national preserve” associated with them in order to separate the areas where hunting is, and is not, permitted. Denali National Park and Preserve in Alaska is such an example. Thus, there are several alternatives that would be consistent with standard National Park Service naming conventions to consider. We look forward to further discussions about the appropriate one for New River Gorge National River.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL  
RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 5420  
AND S. 3571, BILLS TO AUTHORIZE THE ACQUISITION OF LAND FOR ADDITION  
TO THE HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE IN  
THE STATE OF NEW YORK, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5420 and S. 3571, bills to authorize the acquisition of land for addition to the Home of Franklin D. Roosevelt National Historic Site in the State of New York, and for other purposes.

The Department supports both bills and prefers S. 3571. Both bills would authorize the Secretary to acquire by donation, purchase from a willing seller using donated funds, or exchange, the approximately 89 acres of land identified as the Morgan property. S. 3571 would also authorize the purchase from a willing seller using appropriated funds.

The 89-acre Morgan property is composed of open fields along the north side of the Home of the Franklin D. Roosevelt National Historic Site entrance road and defines the first impression for visitors to the Roosevelt Home and Presidential Library. The property extends nearly to the Hudson River, with the western portion made up of wooded horse trails used by the Roosevelts and the Morgans from the 19<sup>th</sup> century on. The trails now form part of the Hyde Park Trail System that connects the Home of Franklin D. Roosevelt, the Vanderbilt Mansion, the Eleanor Roosevelt Home, and Franklin Delano Roosevelt's Top Cottage, which are all part of the National Park System. National Park Service (NPS) acquisition of the property would ensure the protection of the historic and visual character of the park entrance and would allow the NPS to re-establish agricultural fields that defined the eastern portion of the property during FDR's lifetime.

The property was bequeathed to the organization Scenic Hudson by its owner, Gerald Morgan, who died in 2011. Scenic Hudson has approached the NPS about the acquisition of the Morgan property. Because the property is adjacent to the park, the land could be acquired by donation and managed as part of the park under existing authorities; however, the NPS does not have the authority to purchase the land. Another local non-profit, The Franklin D. Roosevelt Hyde Park Foundation, is prepared to raise funds to acquire the Morgan property with the ultimate objective of donating it to the NPS. The NPS appreciates the Foundation's commitment to this objective, as land acquisition funding is not a priority as the Department is focusing resources on addressing the National Park Service's \$11.6 billion deferred maintenance backlog and other critical national park needs.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S.  
3646, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT  
CERTAIN PROPERTIES IN THE STATE OF MISSOURI.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3646, a bill to authorize the Secretary of the Interior to accept certain properties in the State of Missouri.

The Department supports S. 3646 with an amendment described later in this statement.

S. 3646 would amend the legislation authorizing the establishment of Ste. Genevieve National Historical Park to authorize the acquisition of any property within the Ste. Genevieve National Historic District National Historic Landmark, regardless of whether the property was identified as nationally significant in the Ste. Genevieve Final Special Resource Study and Environmental Assessment of May 2016. S. 3646 would also amend the legislation authorizing the establishment of the Harry S. Truman National Historic Site to authorize the acquisition of certain lands owned by the city of Independence, Missouri, for inclusion in the historic site and use as a visitor center, if the Secretary determined the use appropriate.

Congress authorized the establishment of Ste. Genevieve National Historical Park in March 2018 as a unit of the National Park System to preserve, protect, and interpret the themes of French Settlement, vernacular architecture, and community form and farming on the frontier. The establishment was subject to the Secretary of the Interior's determination that sufficient land had been acquired to constitute a manageable unit and written agreements had been entered into providing that land owned by the State of Missouri, the city of Ste. Genevieve, or another entity within the National Historic District be managed consistent with the purposes of the Act. The National Park Service is in the process of meeting the legislative criteria for establishment of the new park. Land acquisitions from the State and other entities are being processed, and the NPS has signed agreements with six organizations, meeting the stipulations of the legislation.

The establishing legislation authorizes the National Park Service to acquire any land or interest in land located within the boundary of the National Historical Park or any property within the Ste. Genevieve National Historic District National Historic Landmark that was identified as nationally significant in the Ste. Genevieve Final Special Resource Study and Environmental Assessment of May 2016. The city of Ste. Genevieve and the National Park Service have identified a property that could be used as a visitor center for the park, but the current land acquisition authorities in the statute would not apply as the property is located within the boundary of the historic district – rather than the National Historical Park – and was not identified as nationally significant in the Special Resource Study. Rather, it is a more modern

property, which would better meet the needs of visitors as a starting point for their Ste. Genevieve experience.

Section 1(a) of S. 3646 would provide the National Park Service with the authority to acquire this property, but it would also provide the NPS with the authority to acquire any other non-historic property within the boundary of the historic district. The NPS supports the intent of this provision with regard to the property currently under consideration, but would note that it could create pressure for the NPS to acquire other, less suitable properties. Because the Department of the Interior is focusing resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, we recommend amending this provision to provide for more targeted acquisition authority. The NPS would be happy to work with the Committee on an amendment to achieve this objective.

S. 3646 would authorize the acquisition of a parcel of land in Independence, Missouri, for inclusion in the Harry S. Truman National Historic Site and use as a visitor center, if the Secretary determined the use appropriate. The current visitor center was not designed for this purpose, nor were other available properties near the park resources. The property identified in the proposed amendment is currently a green space, near the existing visitor center and centrally located in Independence that could be developed to meet the needs of the NPS and park visitors.

The Historic Site in Independence, Missouri, was designated as a unit of the National Park System by Congress in 1982. Since its initial passage, the law establishing the site has been amended several times to provide for the authority to acquire several properties related to the Truman family and story. Today, in addition to the Truman home, his residence from 1919 to 1972, the site has four other homes that were part of the family compound: his Uncle and Aunt Noland's home, the Wallace homes owned by Bess Truman's brothers, and the Truman farm home in Grandview, Missouri.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 801, A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO  
DESIGNATE THE ROUTE 66 NATIONAL HISTORIC TRAIL, AND FOR OTHER  
PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 801, to amend the National Trails System Act to designate the Route 66 National Historic Trail, and for other purposes.

The Department supports this legislation.

H.R. 801 would establish the Route 66 National Historic Trail, to be administered by the National Park Service. The trail would extend along the approximately 2,400-mile length of Route 66 from Chicago, Illinois to Santa Monica, California. The bill authorizes land acquisition from willing sellers but includes language that limits acquisition to no more than an average of one-quarter of a mile on either side of the trail, consistent with land acquisition provisions in the National Trails System Act.

The National Park Service currently manages the Route 66 Corridor Preservation Program, established by Congress in 1999 to recognize the contributions of Route 66 to American history. However, that program is scheduled to sunset on September 30, 2019. The proposed national historic trail would support the continued preservation and commemoration goals of the existing program, but in a manner that is consistent with the goals and criteria of the National Trails System Act.

Route 66 was designated in 1926 as part of the first U.S. Federal Highway System and came to exemplify the role of the automobile in the technological, transportation, and commercial development of the United States in the 20th century. Route 66 has become a powerful symbol of America's social, political, and economic mobility and freedom. Every year, thousands of visitors, many from other countries, come to experience the mid-20th century American automobile-centered culture represented by Route 66. These visitors are vital to the economies of the numerous rural communities through which the route passes.

Public Law 101-400, enacted in 1990, authorized the National Park Service to study options for preserving and commemorating the nationally significant Route 66. As part of this broad review of options, the National Park Service also conducted a feasibility study that determined that Route 66 met the criteria for designation as a National Historic Trail. Congress, however, declined to designate Route 66 as National Historic Trail opting, instead, to create the Route 66 Corridor Preservation Program.

Through the Route 66 program, authorized in 1999 by Public Law 106-45, the National Park Service supports the preservation efforts of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants in the eight states through which the corridor runs. The National Park Service also acts as a clearinghouse of communications among the various entities interested in the preservation of the Route 66 corridor, and assists these same entities in developing local preservation plans to guide efforts to protect the most important or representative resources of the corridor.

The National Park Service's FY18 budget included \$292,000 for the Route 66 Corridor Preservation Program. This funding has been relatively stable over the life of the program, and the National Park Service anticipates providing similar funding if the program were to be reconstituted as a national historic trail. In addition, designation would not change existing or ongoing maintenance practices of state and local Departments of Transportation.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
S. 3659, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO  
ANNUALLY DESIGNATE AT LEAST ONE CITY IN THE UNITED STATES AS AN  
“AMERICAN WORLD WAR II HERITAGE CITY”, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3659, a bill to authorize the Secretary of the Interior to annually designate at least one city in the United States as an "American World War II Heritage City", and for other purposes.

The Department appreciates the desire of the bill's sponsors to recognize localities that help preserve the history of the United States' involvement in World War II, but does not support enactment of S. 3659. At a time when the Department is focusing resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, it would be difficult to prioritize funding for a new program that the bill would require to commemorate a period in our nation's history that the National Park Service (NPS) already commemorates in multiple ways.

S. 3659 would direct the Secretary of the Interior to establish and publicize a process by which a city may apply for designation as an American World War II Heritage City based on certain criteria outlined in the bill. At least one city in the states or territories of the United States would be designated annually. The Secretary would consult with the Secretary of the Smithsonian Institution or the President of the National Trust for Historic Preservation on the selection. Criteria for designation would include contributions by a city to the World War II home-front war effort and achievements by a city to preserve the heritage and legacy of the city's contributions to the war effort and to preserve World War II history.

The NPS currently preserves the history and tells the story of America's efforts in World War II at many sites including: World War II Memorial, World War II Valor in the Pacific National Monument, Manzanar National Historic Site, Minidoka National Historic Site, Tule Lake Unit, Manhattan Project National Historical Park, Rosie the Riveter WWII Home Front National Historical Park, American Memorial Park, Aleutian WWII National Historic Site, Port Chicago Naval Museum, Tuskegee Airmen National Historic Sites, Honouliuli National Monument, Japanese American Memorial to Patriotism During World War II, as well as through many others. In addition to the stewardship of these historic sites, the NPS provides resources to communities nationwide through NPS' cultural resource programs and grants. These NPS programs include the National Historic Landmarks and National Register programs, the Japanese American Confinement Sites program and grants, and educational outreach materials developed by the NPS. Adding a program to designate one city in each state or territory may not be the

most effective way for the NPS to expand its work in preserving, memorializing, and interpreting the significant American story of our efforts and involvement in World War II.

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



**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 1220, A BILL TO ESTABLISH THE ADAMS MEMORIAL COMMISSION TO  
CARRY OUT THE PROVISIONS OF PUBLIC LAW 107-62.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1220, a bill to establish the Adams Memorial Commission to carry out the provisions of Public Law 107-62.

The Department does not object to H.R. 1220 in general and recommends an amendment described later in this statement. The Department defers to the Department of Justice for views on the commission structure and composition provided in the bill.

In 2001, Public Law 107-62 authorized the Adams Memorial Foundation (Foundation) to establish a commemorative work on Federal land in the District of Columbia to honor former President John Adams and his legacy. H.R. 1220 would establish an Adams Memorial Commission (Commission) as the entity responsible for all aspects of establishing the commemorative work that the Foundation is responsible for under current law. The bill specifies the Commission's membership, meeting schedule, authorities, and responsibilities.

Despite the good work of the Foundation for the past 16 years, it has yet to achieve its goal of establishing an Adams Memorial. Congress has provided the Foundation with several extensions of the seven-year time frame for establishing a memorial, as delineated in the Commemorative Works Act. The Foundation's current authority will expire on December 2, 2020.

In 2003, Congress approved locating the Adams Memorial in the monumental core area of Washington, DC, referred to in the Commemorative Works Act as Area I. This approval signaled congressional recognition that Adams, his wife Abigail, their son John Quincy, and many of their descendants who distinguished themselves as statesmen, diplomats, advocates and authors, made civic contributions of "preeminent historical and lasting significance to the United States," the standard required for locating a commemorative work in Area I.

The Department agrees that the transition of responsibility for the memorial from a private foundation to a federal commission would likely result in greater success in moving toward a completed memorial. The President, the Senate, and the House of Representatives would each appoint four members, equally split between the two political parties, for a total of 12 members equally divided by party. The Commission would report its plans for a permanent memorial to the President and Congress at the first practicable date and, in the meantime, make annual reports to the President and Congress on its progress. These requirements for member composition and reporting responsibilities would provide the Commission with the capacity and structure to move this project forward.

The Department notes that H.R. 1220 would authorize the Commission to accept funds, including funds from the Adams Memorial Foundation, to carry out its work.

The Department recommends an amendment to H.R. 1220 that would extend the authority of the Adams Memorial Commission to establish the memorial for a full seven-year time period. The bill authorizes the Commission for seven years but does not extend the Commission's authority to establish the memorial beyond the current expiration date of December 2, 2020. In order to give the Commission the greatest chance for success, the authority to establish the memorial should last seven years from the date of enactment of this Act, concurrent with time period the bill provides for the Commission.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 3607, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO  
ESTABLISH FEES FOR MEDICAL SERVICES PROVIDED IN UNITS OF THE  
NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 3607, a bill to authorize the Secretary of the Interior to establish fees for medical services provided in units of the National Park System, and for other purposes.

The Department supports H.R. 3607 with amendments described later in this statement. This bill addresses a critical issue for national parks that provide medical services: the ability to retain the receipts recovered from billing the users of these services. Having this ability would provide the National Park Service (NPS) with a reliable source of funding for medical services which, in turn, would free up funding for other high priority needs within the NPS system.

H.R. 3607 would authorize the Secretary to establish and collect fees for medical services provided at national parks. The fees would be deposited in a National Park Medical Services Fund in the Treasury. The funds would be used to pay for medical services-related needs assessments and programmatic analyses, management plans, training, facilities, equipment, vehicles, and other needs and costs of providing medical services. Funds would then be available subject to appropriations.

Medical services are provided to thousands of people annually at many units of the National Park System: Death Valley National Park, Glen Canyon National Recreation Area, Grand Canyon National Park, Grand Teton National Park, Kings Canyon National Park, Lake Mead National Recreation Area, Mesa Verde National Park, Sequoia National Park, Yellowstone National Park, Yosemite National Park, and Zion National Park. At these large, remote parks, there are few or no other options to receive timely medical care, which is an especially serious problem in emergency situations. Services provided by NPS staff typically include Emergency Medical Technician (EMT) or paramedic services, ambulance transportation, and, in some cases, treatment at park-based medical clinics.

Yosemite National Park is a prime example of where such medical services are provided. The NPS operates a medical clinic there through a partnership with the U.S. Public Health Service. The park's services include six Advanced Life Support ambulances, rangers with specialized training and equipment who provide medical care to visitors in the wilderness and front country, and a staff who are available to respond to requests for medical care day or night, park-wide, all year round. The clinic serves over 5,000 patients annually.

If the NPS did not have a medical clinic in the park, many of the patients would require ambulance transportation to the nearest medical facility for treatment, which is more than an hour's drive from Yosemite Valley. Without the clinic, the overwhelming majority of ambulance transports would require a minimum three-hour round trip for NPS staff using NPS vehicles. The park estimates that the number of ambulance transports that would be required to handle the need would require the use of all on-duty Yosemite rangers on a daily basis during the peak summer months.

Most parks with medical clinics contract out clinic operations. In those cases, the contractors bill for their services and retain receipts to pay for clinic operations. However, if there is not a reasonable opportunity to profit, contractors will not compete for the contract. Yosemite has had to run its own clinic because the park has received no viable bidders since the last contract expired in 2010. Parks that run their own clinics, such as Yosemite, have no authority to retain these receipts. Because of Yosemite's high visitation rate and the fact that it runs its own clinic, Yosemite has the highest medical services expenditures—approximately \$1.5 million annually—of any of the parks that offer these services.

Yosemite and other parks that provide medical services work with third-party agencies to bill individuals or insurance companies. The payments these agencies receive are deposited into the general Treasury. In the last several years, the NPS has deposited in the Treasury approximately \$2 million annually that has been collected for providing medical services.

Because the NPS does not retain these payments, the cost for providing these services must be covered entirely by other funds, usually a combination of base funds appropriated for the Operation of the National Park Service (ONPS) and revenue from recreation and concession franchise fees. If the NPS could retain medical services receipts, those receipts would provide a more stable funding source that could be used for providing the medical staff, equipment, and supplies as needed. In addition, they would not be subject to any potential fluctuations in the budget and appropriations process. Equally important, allowing parks to retain these funds would mean that approximately \$2 million a year that currently needs to be used to pay for providing medical services would be available for other NPS priorities.

The Department recommends the following amendments:

We recommend authorizing the retention of medical services receipts as cost recovery, which would be more efficient to administer than establishing a separate Treasury fund.

We also recommend that the bill allow for the expenditure of medical services receipts without further appropriation. If the availability of receipts received from medical services is subject to appropriations, the funding for these services would continue to compete against all other NPS programs and priorities in the budget process. It would also mean the NPS may not receive the funds from collecting reimbursements immediately, but instead would have to wait for the funding to work its way through the appropriations process. There are precedents for parks to have authority to retain fees outside of the appropriations process. One example is the recreation fee authority under the Federal Lands Recreation Enhancement Act, where entrance and other fees are retained by Federal land management bureaus and available to spend without further

appropriation. Another example is the authority used for providing utilities in parks (54 USC 101901), under which receipts from concessioners, contractors, and permittees for electricity and other utility services furnished by the NPS are retained by the parks.

We would be happy to work with the Committee on amendments to accomplish these objectives.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT  
OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 3961, A BILL TO  
AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE SEGMENTS OF  
THE KISSIMMEE RIVER AND ITS TRIBUTARIES IN THE STATE OF FLORIDA FOR  
STUDY FOR POTENTIAL ADDITION TO THE NATIONAL WILD AND SCENIC  
RIVERS SYSTEM, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 3961, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Kissimmee River and its tributaries in the State of Florida for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The Department recommends that the Committee defer action on H.R. 3961 until the Kissimmee River Restoration Project has been completed. In addition, funding for studies is not a priority as the Department is focusing resources on addressing the National Park Service's \$11.6 billion deferred maintenance backlog and other critical national park needs.

H.R. 3961 would designate the entire Kissimmee River for study under the Wild and Scenic Rivers Act. The study would evaluate the candidate river's eligibility, classification and suitability. The bill directs the Secretary to report the results of the study to the appropriate committees of Congress within three years of funds being made available for the study.

Stretching over 100 miles from Lake Kissimmee to Lake Okeechobee in Central Florida, the Kissimmee River is a naturally winding river that serves as both the headwaters for the Everglades and the main drainage route for the expansive Kissimmee River Basin. The river was historically characterized by an extensive floodplain, reaching up to three miles wide in certain areas, which is seasonally inundated by heavy rains.

Following widespread flooding and property damage in the 1940s, public outcry prompted Congress to direct the U.S. Army Corps of Engineers to channelize the waterway. This led to the Central and South Florida Project, which resulted in engineering changes to deepen and straighten the Kissimmee River, draining much of the surrounding floodplain. In 1992, citing changing public views and biological changes to the region, Congress approved efforts to restore the original flow of the Kissimmee River.

At a cost of more than \$1 billion, the Kissimmee River Restoration Project, which is being managed by the Corps and the South Florida Water Management District, is expected to be completed in 2025. At that point, the project is expected to have reestablished historic conditions in 44 miles of the river and restored nearly 63,000 acres of wetlands. Delaying a decision about whether to authorize a study for potential addition to the Wild and Scenic River System until after

the project is completed would provide an opportunity for supporters of the study to consult with local landowners, federal and state land management agencies, local governments, river authorities, and other groups that have interests related to the river, to gauge their support for this course of action at that time.

If the Committee decides to take action on this bill, the Department would like to work with the Committee on amendments to address the scope and clarify the timing of the study.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 5005, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO  
CONDUCT A SPECIAL RESOURCE STUDY TO DETERMINE THE SUITABILITY  
AND FEASIBILITY OF ESTABLISHING THE BIRTHPLACE OF JAMES WELDON  
JOHNSON IN JACKSONVILLE, FLORIDA, AS A UNIT OF THE NATIONAL PARK  
SYSTEM.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on H.R. 5005, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of establishing the birthplace of James Weldon Johnson in Jacksonville, Florida, as a unit of the National Park System.

While the Department recognizes James Weldon Johnson as a nationally significant figure in American history, we do not support H.R. 5005. His birthplace is not a good candidate subject for a special resource study as it would be very unlikely to meet the criteria for eligibility as a new unit of the National Park System. In addition, funding for special resource studies is not a priority as the Department is focusing resources on addressing the National Park Service's \$11.6 billion deferred maintenance backlog and other critical national park needs.

James Weldon Johnson (1871-1938) was born in Jacksonville, Florida, on June 17, 1871. He attended Jacksonville public schools and Atlanta University, where he graduated in 1894. After college, Johnson returned to Jacksonville where he became an educator; founded the short-lived publication, *The Daily American*, the first black daily newspaper of Jacksonville; and was admitted to the Florida Bar. In 1899, following a trip to New York City where Johnson was exposed to the world of musical theater, he wrote, "Lift Every Voice and Sing." Originally composed as a poem, Johnson's words were set to music by his brother, John Rosamund Johnson, and became an important anthem of the civil rights movement. In partnership with his brother and Bob Cole, Johnson went on to produce numerous songs featured in Broadway musicals and elsewhere.

Johnson lent his musical talents to politics when he composed two campaign songs as part of his efforts in support of Theodore Roosevelt's successful 1904 presidential campaign. President Roosevelt appointed Johnson to diplomatic posts, first in Venezuela and later in Nicaragua. In 1912, while in Nicaragua, Johnson published his novel, *The Autobiography of an Ex-Colored Man*, which explores themes of race in America. In 1916, Johnson began working for the National Association for the Advancement of Colored People, eventually rising to a leadership position within the organization, all the while continuing to publish poetry and pursue other artistic endeavors. Johnson died in a car accident in 1938.



When considering areas for designation as new units of the National Park System, the NPS considers four criteria: national significance, suitability, feasibility, and the need for NPS management. If the NPS determines that an area does not meet the initial criteria for national significance, it does not continue to consider the remaining criteria.

Criteria for national significance require that properties have a high degree of integrity of location, design, setting, materials, workmanship, feeling and association. A property need not retain a high degree of all aspects of integrity, but it should possess the physical features necessary to convey the historic importance of the property. James Weldon Johnson's birthplace in Jacksonville has no existing building and the site of the former home does not possess any other physical features necessary to convey the nationally significant history of Johnson. However, his residence in New York City, where he lived from 1925 until his death in 1938, may be better suited to illustrate and memorialize his life.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF  
THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 5706, A BILL TO  
ESTABLISH THE PEARL HARBOR NATIONAL MEMORIAL IN THE STATE OF  
HAWAII AND THE HONOULIULI NATIONAL HISTORIC SITE IN THE STATE OF  
HAWAII, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5706, a bill to establish the Pearl Harbor National Memorial in the State of Hawaii and the Honouliuli National Historic Site in the State of Hawaii, and for other purposes.

The Department supports H.R. 5706 with amendments described later in this statement.

H.R. 5706 would establish the Hawaii sites of the World War II Valor in the Pacific National Monument as Pearl Harbor National Memorial, a unit of the National Park System that is separate from the national monument. The bill would also redesignate Honouliuli National Monument as Honouliuli National Historic Site. H.R. 5706 would give both sites a statutory basis that they currently lack. There would be no changes to the management or funding of either unit as a result of these changes. The cost of new signage and interpretive materials would be absorbed within existing budgets.

World War II Valor in the Pacific National Monument was created by Presidential Proclamation No. 8327 on December 5, 2008. The national monument includes nine sites that represent various aspects of World War II history--five sites in Hawaii, three in Alaska associated with military action, and one in California, the Tule Lake Segregation Center, where Japanese Americans were detained.

The Pearl Harbor National Memorial that would be established by H.R. 5706 would include the USS *Arizona* Memorial and Visitor Center, the USS *Utah* and USS *Oklahoma* memorials, six Chief Petty Officer Bungalows on Ford Island, and three pairs of mooring quays on historic Battleship Row. These resources, and in particular the USS *Arizona*, are the most well-known and heavily visited sites within the World War II Valor in the Pacific National Monument. "Pearl Harbor" is the name commonly associated with these resources, which were all impacted by the attack on December 7, 1941, that cost the lives of 2,390 sailors, soldiers, marines, and civilians. The Department believes it is appropriate to use the name Pearl Harbor in the formal designation of the site, and that it is consistent with standard National Park Service naming conventions to call it a national memorial.

Honouliuli National Monument was created by Presidential Proclamation No. 9234 on February 27, 2015. This site commemorates the internment and detention of civilians of Japanese and other ancestries during World War II in Hawaii, the impacts of war and martial law on society in the Hawaiian Islands, and the co-location and diverse experiences of Prisoners of War at the

Honouliuli Internment Camp site. H.R. 5706 would make the site's designation consistent with two of the National Park Service's other Japanese American incarceration sites--Manzanar National Historic Site in California, and Minidoka National Historic Site in Idaho and Washington State.

The Department is concerned that because enactment of H.R. 5706 would remove the Hawaii sites from the World War II Valor in the Pacific National Monument without providing for accompanying changes to the remaining resources, the national monument would consist only of the Tule Lake Segregation Center and the battlefield sites on the Aleutian Islands. "Valor in the Pacific" is an appropriate name for battlefield sites, but not for a site where Japanese Americans were incarcerated.

The Department would like to work with the Committee to develop amendments to H.R. 5706 that would establish the Tule Lake Unit of the national monument as a national historic site and the Aleutian Islands Unit as its own national monument. Along with those provisions, the amendments would abolish the existing national monument. This would allow each of the three areas currently included in the World War II Valor in the Pacific National Monument to have its own identity and recognition in the history of the United States' role and activity in World War II.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 6077, A BILL RECOGNIZING THE NATIONAL COMEDY CENTER IN  
JAMESTOWN, NEW YORK.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 6077, a bill recognizing the National Comedy Center (Center) in Jamestown, New York.

The Department has no objection to H.R. 6077, as the Center is located at a site that is not under the jurisdiction of the Department of the Interior, and this bill does not provide for any management or funding by the National Park Service. However, we ask the Subcommittee to note the concern described below.

H.R. 6077 would officially designate the National Comedy Center in Jamestown, New York as the National Comedy Center and would recognize it as the only museum of its kind that exists for the exclusive purpose of celebrating comedy in America. The Center is a museum and non-profit organization dedicated to telling the story of comedy. It opened in 2018 and was established using Federal, state, and private philanthropic funding.

This legislation explicitly states that the Center is not a unit of the National Park System. However, the use of the title "National" creates a reasonable expectation among the general public that the museum must have an affiliation with the Federal government. This is not the first time this issue has arisen, nor is it likely to be the last, and the Department respectfully encourages only the most thoughtful and judicious designation of any similar, future "national" sites.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF  
THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 6599, TO MODIFY  
THE APPLICATION OF TEMPORARY LIMITED APPOINTMENT REGULATIONS  
TO THE NATIONAL PARK SERVICE, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 6599, a bill to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes.

The Department would support H.R. 6599 if amended to remove the sunset provision for the authority. The flexibility in hiring practices related to seasonal hiring by the National Park Service (NPS) that is provided by this bill should not be time-limited or it would only bring additional confusion to a situation where longstanding practices were recently changed.

H.R. 6599 would give the NPS Director the authority to define the term "major subdivision" as used in regulations by the Office of Personnel Management (OPM) relating to temporary limited appointments. The bill would allow the NPS to disregard the regulations language concerning appointments in local commuting areas. The authority provided by the bill would sunset one year after enactment of the bill.

H.R. 6599 addresses a finding of the recent OPM audit of the NPS's seasonal workforce. The NPS hires thousands of employees each year for positions that last for less than six months of the year (1,039 hours or less) to provide essential visitor services of all types during parks' busiest seasons. Employees hired under this limited appointment authority have had the ability to be rehired year after year under the same terms without going through a lengthy competitive hiring process. This system of non-competitive rehiring has benefitted both the parks and the employees.

Many seasonal employees have worked more than one time-limited position in national parks in a single year. This has been the case, for example, for law enforcement rangers who might be hired to work six months during the summer at a park in the Rocky Mountains, where summer is the busy season, and six months in a park in Florida or the Caribbean, where winter is the busy season. This is because the limited authority is tied to hiring within a "major subdivision". The NPS defined "major subdivision" as a park unit; the OPM defines it as the entire bureau (NPS) within the Department. Following the OPM audit, the NPS was required to adhere to OPM's definition of major subdivision and end the practice of allowing the non-competitive rehiring of any employees who had worked for the NPS, even in different locations, for more than six months in any one year. As a result, beginning in 2018, the NPS has required many long-time seasonal employees to compete for positions that they used to be hired for noncompetitively.

H.R. 6599 would give the NPS the authority to determine a “major subdivision” for purposes of limited appointment authority and thus allow the NPS to restore non-competitive hiring of seasonal employees at more than one park each year. However, because the authority would sunset after one year, NPS would be required to revert back to current practice. That would not be beneficial for the agency or its seasonal workforce. We understand that the one-year limitation was included in the bill as passed by the House in order to provide time to develop a more comprehensive solution to time-limited appointments, but there is no guarantee that such a comprehensive solution would be enacted within a year. Therefore, the Department would support this bill only if the one-year sunset provision is removed.

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

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE  
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.  
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND  
NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING  
H.R. 6687, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO MANAGE  
THE POINT REYES NATIONAL SEASHORE IN THE STATE OF CALIFORNIA  
CONSISTENTLY WITH CONGRESS' LONG-STANDING INTENT TO CONTINUE TO  
AUTHORIZE WORKING DAIRIES AND RANCHES ON AGRICULTURAL  
PROPERTY AS PART OF THE SEASHORE'S UNIQUE HISTORIC, CULTURAL,  
SCENIC AND NATURAL VALUES, AND FOR OTHER PURPOSES.**

**December 12, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 6687, a bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes.

The Department supports enactment of H.R. 6687 with amendments.

H.R. 6687 directs the National Park Service (NPS) to complete the General Management Plan Amendment and EIS without delay, and upon completion of the Record of Decision, issue leases and special use permits of 20 years for working dairies and ranches on agricultural property. It redefines the agricultural property in Point Reyes National Seashore, and directs the NPS to minimize conflict between tule elk populations and the park dairies and ranches. The bill also authorizes the NPS to work with Indian Tribes interested in relocation or subsistence hunting purposes.

In 1962, when Congress created Point Reyes National Seashore, it recognized the importance of the historic beef and dairy ranching. For more than 50 years, ranchers and the NPS have worked together in stewarding these lands, which support a wide array of both cultural and natural resources.

The active ranch lands planning process is currently underway through the General Management Plan Amendment and Environmental Impact Statement (EIS), initiated by a settlement agreement reached by the NPS, park ranchers, plaintiffs, and the County of Marin in 2017. Under this legislation, the NPS, upon completion of the EIS and Record of Decision, would issue leases and special use permits of 20 years for working dairies and ranches on agricultural property. We recommend clarifying the language to allow the Secretary to issue leases and permits of less than 20 years, if requested.

H.R. 6687 redefines agricultural property within Point Reyes National Seashore and the northern district of the Golden Gate National Recreation Area as "lands under agricultural lease or permit

as of September 1, 2018, or lands that were in regular use for, or were being converted to agricultural, ranching, or dairying purposes as of May 1, 1978...” Revising the existing legal definition of agricultural properties could add confusion and threaten established recreational access. Today, 2.5 million annual visitors to Point Reyes, access previously ranched lands that include popular hiking and equestrian trails managed for public recreation, access, and resource protection. We recommend the Committee leave the current definition in place.

The bill provides the Secretary the authority to work with Indian Tribes; the Secretary already has this authority and relations with Tribal Nations currently exist within the Seashore. Therefore, this provision is unnecessary.

We would be happy to work with the Committee on language for our recommended amendments.

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



Senator DAINES. Thank you, Mr. Smith, for your testimony.

We will move to questions.

I would like to ask you about a piece of legislation that was introduced in the House by Congressman Knight. It is H.R. 6599 that deals with a personnel matter specific to the National Park Service.

Now, I grew up in the shadows of Yellowstone National Park. Glacier isn't too far away, by Montana standards, and recognize that seasonal employees are truly the backbone of the Park Service. You really need them to keep the agency functioning. Many seasonal employees, particularly in the Park Service, choose to remain on a seasonal basis, rotating between park units as the seasons and needs of the park units change.

It is my understanding, according to your written testimony, that the National Park Service and the Office of Personnel Management have a different interpretation of a long-standing regulation because the Park Service will defer to OPM. In this case, a number of long-term, seasonal employees may have to recompetete for positions within park units such as Yellowstone and Glacier, should they return within a year. Do I have a correct understanding of that?

Mr. SMITH. You have a very exact understanding of it, yes, Senator.

Senator DAINES. How has this determination from OPM impacted seasonal employees that may have worked in park units for many years, in fact, many of whom have worked in Montana?

Mr. SMITH. All of our parks were affected by this. We basically have about 7,500 seasonal employees who definitely are part of the backbone of visitor services for us in our busy seasons. It's been the standard in the Park Service, and a good example would be somebody who works at Glacier in the summer but would go down and work in a park in Florida for the winter. Very capable, have been doing this for years, superintendents rely on their expertise.

The OPM ruling basically said that we couldn't do what we usually do and have them not have to compete for those jobs. The OPM regulation required that. So out of the 7,500, it's probably a much smaller group, but certainly in the hundreds that have been affected by this. Some people just don't understand how much we rely on seasonal workforces. We have the visitation in the summer months. We can't carry these people year-round and we have people who actually prefer this type of splitting their season and traveling the country.

So the bill that's before you would address that situation and correct it so that we would be not under the OPM determination. And our one concern though, is the House bill only has it for one year. To put it in effect for one year really doesn't help us at all. We'd like just to basically clear up this issue and go back to our standard policy of being able to let these people go back and forth for the year worth of employment without having to recompetete for those positions.

Senator DAINES. I think you have answered the question by the change you would like to see, I mean, if there were a couple of changes you want to see. You said the House bill just has a one-year requirement. What change would you like to see in support of this legislation?

Mr. SMITH. Well, if we get the one year, we will put it all back into play but then the same issue will be before us next fiscal year. Basically, since Congress is looking at this, we'd like the relief so that we can go back to what our people understand is a policy that's worked very well for years, for this group of people who do seasonal employment. So the one year to start a policy now to bring them back but next, you know, one summer further to not have it in law, it doesn't correct the situation.

Senator DAINES. Yes, it seems like if there is one thing that DC is good at, it is creating uncertainty. I would suggest that your testimony highlights this could have an unintended consequence of creating more uncertainty and that we could make this legislation a bit better with your suggestions.

Mr. SMITH. Yes, Senator.

And again, these people that prefer to do this, they are people who are so competent in their jobs that they're people who, you know, have been there for years doing this and don't require additional training or whatever else. And it's really upset our workforce. It's a quality of life issue and, again, at least one or two people in every park have been affected by this.

Senator DAINES. Thank you.

Senator King.

Senator KING. Talking about the New River Gorge, which Senator Capito so ably presented, one of the things she mentioned was traditional hunting and fishing as being non-negotiable, I think was the term she used.

Give me a more general picture of how the Park Service deals with issues of hunting and fishing and how—is it allowed in any parks and how do you accommodate local traditions and interests at the same time maintaining the tradition and basic structure of the National Park System?

Mr. SMITH. Senator, we do allow hunting and fishing in units of the National Park System. I believe it's 71 units that allow hunting, but those units are designated in a broad category as preserves. The best examples of those would be Denali Park and Preserve in Alaska, and other ones across the country. And the preserve status, besides allowing hunting, it can allow also other types of activities.

Senator KING. But when it says park and preserve is it the same land? Is it a park and preserve or is the preserve over here and the park over here?

Mr. SMITH. They're adjacent but Denali—using Denali as the example—there are parts of that park where you cannot hunt and then in the preserve portions of that park, we do allow hunting. And that's through, usually it's Congressional. Congress has given us this direction. Congress, for any units of the National Park System that are created, Congress stipulates whether or not there's hunting.

In the National Park category, we don't have hunting. There may be situations where we do culling and whatever else for resource management, but we do not have traditional hunting.

And so, believe me, I am very aware of the situation at New River Gorge. When that was created there was a, the Secretary may allow hunting in that and certainly with Congressman Rahall

sitting behind me and former Senator Byrd, they put in legislation that we——

Senator KING. Former Senator Byrd's ghost is here by the way.

Mr. SMITH. I feel it right behind me——

[Laughter.]

——and I'm very comforted by it.

Very explicitly, it was put in language that there shall be hunting in New River Gorge.

Senator KING. So in order to support this bill, there would have to be a line drawing in terms of what would be preserve and what would be park, is that correct?

Mr. SMITH. That's correct, Senator.

Senator KING. Does your bill have that in it, Senator Capito?

Senator CAPITO. If I may answer the question?

The bill that I put in actually uses the language that was brought forward by Congress that says, "shall allow hunting" but it only calls for a redesignation to a National Park. In my statement I realized that is the strongest possible—I wanted to come out with my strongest negotiating position realizing that, probably, in order to preserve the hunting and fishing we may have to try to get a combination park/preserve kind of approach. We want to work with all the stakeholders.

Right now in the National River there are, I think, 70,000 approximate acres in the New River National River and only some 50,000 of those allow hunting as it stands. So there are some restrictions in there now.

Senator KING. So a property could have the designation, the label, National Park and Preserve and have these traditional uses?

Mr. SMITH. That's correct, Senator.

Senator KING. Thank you.

Mr. SMITH. And I would be on record saying that our first position would be for it to be a National Recreation Area but I certainly understand the Senator's position on this for it to be a National Park designation.

Senator DAINES. Senator Capito.

Senator CAPITO. Well, thank you, and thank you very much.

And thank you, I should have begun my statement with thanking both of you for permitting me to come since I am not a traditional member of the Subcommittee. So I appreciate that.

We pretty much covered some of the specifics Senator King asked but you did make the clarification that in the National River designation it was redesignated to say, "shall permit hunting and fishing."

So if my bill were to pass as written, hunting and fishing would be—if that was the will of the Congress and signed by the President, if it said, if it carried that language, it would have to permit. But you are saying it would be the only one, except for the one, Grand Teton, I think does some hunting for wildlife management. Is that correct?

Mr. SMITH. There are probably several other examples, Senator, but yeah, technically there is no national park designation that allows the recreational type of hunting that we're talking about, the sport hunting.

Senator CAPITO. Let me ask you. I just had a meeting with a lot of our outdoorsmen and sportsmen just this Monday and one of the issues that they asked me in terms of moving forward with this was, is there a difference in coordination between the DNR and the National Park Service if it is designated as a National River or if it is designated as a National Park? Are there differences there in terms of more regulatory oversight by a park as opposed to a National River? Do you understand what I am asking?

Mr. SMITH. Senator, there would be some differences but, in the majority, we try to comply with state law and regulation when it comes to hunting and fishing. There are certain things that can be different.

In the fishing arena there may be certain parks where we're worried about a certain type of trout being introduced or whatever else so we might have more restrictions on things like that. But in the hunting realm, we track coordination with our state fish and wildlife agencies very, very closely.

Senator CAPITO. So whatever type of hunting is permitted by state law would be what is permitted in a national preserve, say, if we made it a preserve rather—

Mr. SMITH. Usually that would be the case, yes—

Senator CAPITO. Yes.

Mr. SMITH. —especially when they designate seasons and bow hunting or whatever.

Senator CAPITO. Right.

Mr. SMITH. Yes, usually, in by far the majority, there is a coordination between state regulation and what we permit, yes.

Senator CAPITO. Okay, so let's go back to the park and preserve concept. Who draws the designated lines for that? Is that done by Congress? Obviously it would have to be done in conjunction with you all or how do you do that? Do you do it by GPS or how has it been done in the past?

Mr. SMITH. Usually there's coordination and usually with legislation a map is introduced that shows that.

Senator CAPITO. With the legislation?

Mr. SMITH. With the legislation. And that's usually done in coordination with the Park Service and whoever is introducing the bill.

Without knowing all the details, obviously, this unbelievably deep gorge, that characteristic, obviously you'd think that you'd draw that line down the river and then all the uplands and whatever else would be what would be in the preserve but there would be eventually a mapping exercise that we would undertake on that.

Senator CAPITO. Yes, we are a pretty hearty bunch, but hunting on a steep slope like that might even be challenging for us as West Virginians.

Well, I would like to ask you then to continue working with me and my office and others that are interested in this, to help us look at how we could construct something like that.

Let me ask you, in your past park, in your other park and preserve arrangements, like Denali, do you—is the park part contiguous? Is it all contained in one area or can you have a park area here and then maybe some preserve here and then a park area over there?

Mr. SMITH. A lot of it's in contiguous areas but it can be generally, again, where those lines are drawn. It doesn't have to be contiguous.

Senator CAPITO. It does not, okay.

Let's see, let me just ask you this.

In my opening statement I remarked on how much economic impact a national park designation would have and that is obviously one of the key interests that we have here as West Virginians.

Can you quantify that at all or how do you see that as it has rolled out through, I do not know how many years you have been there? How many years have you been?

Mr. SMITH. I've been around quite a long time, Senator.

Senator CAPITO. Okay, so you have a lot of good—if you are invoking Senator Byrd, then I know you have been here for a while.

Mr. SMITH. Senator, Congressman Rahall and I were talking about 1979 on a bill, so—

Senator CAPITO. Okay.

Mr. SMITH. —I am a little bit long of tooth here.

I'm sorry and again the question?

Senator CAPITO. The economic impacts of a park redesignation.

Mr. SMITH. Well, you know, there's a nationwide report on the impact that, in general, the National Park Service has in the billions of dollars.

I must admit I'm old school where I really think that this trend toward taking units into park status doesn't really change that much, but I've, again, been convinced that it does actually carry a certain uptick in people being interested with that park designation rather than a national recreation area designation or whatever else.

Right now, the Park Service, ever since our centennial, our visitation is just off the charts.

Senator CAPITO. Good.

Mr. SMITH. And so, I won't give that full credit to hunting and fishing or that type of thing but, basically, our visitation is going—but there's definitely an effect, National Park Service units do draw people—

Senator CAPITO. Right.

Mr. SMITH. —and do draw economic value—

Senator CAPITO. Right.

Mr. SMITH. —in the billions of dollars.

Senator CAPITO. In the billions, yes. I mean, I would say it would be, not just within the park, but also the contiguous areas of Fayette and Raleigh and other counties—

Mr. SMITH. All of the gateway communities benefit from the visitation at the parks, yes, Senator.

Senator CAPITO. Alright, well I look forward to working with you. This is something I am very passionate about, and we have a lot of support. We are talking with everybody here. I have talked with Senator Manchin, and we are working together on this.

I really appreciate your valued service of so many years but also your willingness to work with us.

Thank you and thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator Capito.

If there are no more questions for today, members may also submit follow-up, written questions for the record.

This hearing record will be open for two weeks.

I want to thank Mr. Smith for his time and testimony and institutional knowledge today.

This hearing is adjourned.

[Whereupon, at 10:28 a.m. the hearing was adjourned.]

## **APPENDIX MATERIAL SUBMITTED**

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**United States Senate Committee on Energy and Natural Resources**  
**Subcommittee on National Parks**  
**December 12, 2018 Hearing: Pending Legislation**  
**Questions for the Record Submitted to Mr. P. Daniel Smith**

**Question from Senator Steve Daines**

**Question:** While I certainly understand the need to provide additional tools to control expanding elk populations in the Point Reyes National Seashore, I also want to ensure that any new management of the herds within the Park Unit is done responsibly and professionally. Can you outline the state and federal safeguards, along with the planning processes, that would take place before any removal of elk takes place and what would be done to ensure any elk relocated from the National Seashore do not pose a risk to native elk populations and other wildlife?

**Answer:** Point Reyes National Seashore anticipates completion of the General Management Plan Amendment and Environmental Impact Statement (EIS) in early 2020. Through the EIS, the National Park Service (NPS) is evaluating both translocation and lethal removal methods to meet the population management objectives for tule elk.

If the EIS recommends relocating elk outside the Seashore boundaries, the NPS would work closely with the California Department of Fish and Wildlife and the California Department of Food and Agriculture to develop rigorous protocols for adequate quarantine and testing. This would include testing tule elk for a variety of diseases and parasites, including Johne's disease which the Seashore elk are known to carry and which could be transmitted to other wildlife populations and/or livestock. If it is not possible to ensure that the elk are healthy, they will not be moved. Lethal removal methods will also be evaluated in the EIS including the best practices for humane reduction of wildlife.

**Questions from Senator John Hoeven**

**Question 1:** S. 2395, the Explore America Act, would provide technical assistance to communities and assist gateway communities with cultural and heritage tourism. Could you speak to the NPS' efforts in providing gateway communities with the tools they need to leverage programs like the Preserve America program?

**Answer:** The NPS supports and participates in wide-ranging partnerships, collaborations, and programs that contribute to successful gateway communities through community assistance programs and resources. The NPS administers over 50 programs that support heritage tourism including grants and financial assistance, property acquisition, recreation planning, and community investment through a network of federal, state, and non-profit partners. For example, the National Park Service works with State Historic Preservation Offices to designate Certified Local Governments (CLGs). These communities make a local commitment to increasing the awareness and protection of cultural resources, and are eligible for Historic Preservation Fund grants, trainings, and technical assistance to support their historic preservation efforts. There are



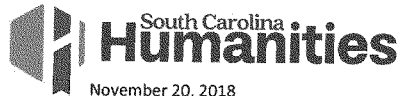
**United States Senate Committee on Energy and Natural Resources**  
**Subcommittee on National Parks**  
**December 12, 2018 Hearing: Pending Legislation**  
**Questions for the Record Submitted to Mr. P. Daniel Smith**

over 2,000 CLG communities located in all 50 states and approximately 85% of national park gateway communities are CLGs.

In addition, the NPS, through its social science program, generates information about park visitors - including demographics, travel characteristics, and visitor use patterns - that provide businesses with a better understanding of the recreation marketplace. The NPS is working to ensure this information is available to gateway communities and other tourism stakeholders in a more uniform and systematic manner.

**Question 2:** How do gateway communities contribute to the tourism experience in our National Park System?

**Answer:** Gateway communities are integral to the tourism experience in national parks. Park visitors often rely on these communities for essential services including lodging, food and beverage, retail, and small businesses, such as outfitter and guide companies that facilitate park experiences. Based on most recent version of the NPS Visitor Spending Effect Report, visitors to national parks spent an estimated \$18.2 billion in local gateway regions in 2017. This level of economic activity reflects the mutual dependency of parks and communities in facilitating and enhancing recreational access. Park and community transportation systems frequently connect or overlap, with webs of multi-modal transportation systems serving visitors. Gateway communities and parks must also coordinate on a range of tourism-related services, from utilities to emergency response systems. The NPS works closely with gateway communities to plan, develop, and deliver high-quality tourism experiences to national parks.



November 20, 2018

The Honorable Lisa Murkowski  
Chair, Energy and Natural Resources Committee  
United States Senate  
Washington, D.C. 20510

The Honorable Lindsey Graham  
United States Senate  
Washington, D.C. 20510

The Honorable Tim Scott  
United States Senate  
Washington, D.C. 20510

Dear Chairwoman Murkowski and Senators Graham and Scott:

As a member of the Advisory Board of "Reconstruction Beaufort: The Second Founding of America," I am writing to ask you to do all within your power to include the Graham Scott companion bill to HR-5532.

As advocates for the Reconstruction Era Monument and now the transition to a National Historic Park in Beaufort County, SC some of us have been working since 2000 to see this happen. We are currently working on local collateral Reconstruction activities not the least of which is the development of a National Interpretative message. We are making great strides and the passage of this legislation would be very helpful to us and others in uncovering the untold stories of Reconstruction and correcting the often miss-told stories of our past.

I fully recognize this is a minor piece of work and the Senate is winding down a very busy session. At the same time it is very important to our community and I am hoping you can find a way to include this measure in the Lands Bill since it has already passed the House. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Randy L. Akers".

Randy L. Akers

PO BOX 5287  
COLUMBIA SC 29250  
  
2711 MIDDLEBURG DRIVE  
SUITE 203  
COLUMBIA SC 29204  
  
803-771 2477 p  
803-771 2487 f  
  
[schumanities.org](http://schumanities.org)

James Coda  
2009 Falcon Ridge Drive  
Petaluma, CA 94954

FILED VIA EMAIL

Senate Subcommittee on National Parks  
U.S. Senate  
332 Dirksen Bldg.  
Washington, D.C. 20510

December 11, 2018

Re: December 12, 2018, Hearing on H.R. 6687; Requiring Continued Ranching on Point  
Reyes National Seashore and Golden Gate National Recreation Area Lands and  
Removing/Killing All Elk on those National Park Lands

Dear Senators:

I'm writing regarding H.R. 6687 and my opposition to it. I'm a retired Assistant U.S. Attorney who started his career as an attorney in the Department of the Interior Solicitor's Office in Washington D.C. and later San Francisco. While I worked in the San Francisco Office the National Park Service (NPS) was sued by a Point Reyes rancher over a plan to reintroduce tule elk to Point Reyes National Seashore (Point Reyes or PRNS). The reintroduction was being done pursuant to a Joint Resolution of Congress "[p]roviding for Federal participation in preserving the Tule Elk population in California." H.J. Res. 738, 90 Stat. 1189 (1976). Point Reyes was specifically named in the resolution as one of the Federal properties suitable for assisting in the recovery of California's tule elk. The suit was dismissed and the elk were reintroduced to Point Reyes.

I live near Point Reyes and the Golden Gate National Recreation Area (Golden Gate or GNRA). I visit Point Reyes on a regular basis to photograph wildlife, including the tule elk, which is a subspecies of elk endemic to California. It has been estimated that in the early 1800s there were about 500,000 tule elk. In about 50 years they were all but exterminated. From just a few animals found in the late 1800s in a swamp in the Central valley, they have grown, with State and Federal assistance, to about 5,700 animals as of 2016. I haven't seen a population number for Point Reyes lately, but based on past numbers I would estimate there are roughly 700 tule elk now in three separate herds. The largest of the three is held captive inside an 8-foot tall woven-wire fence that excludes them from the ranching area. (To the best of my knowledge, Point Reyes is the only unit of the national park system to hold wildlife inside an enclosure for public viewing.) Based on past numbers I would estimate there are about 450 elk held in the enclosure.

There are three parts of this bill that I strongly object to. They are as follows:

(1) The bill claims that when Congress passed the Point Reyes National Seashore enabling legislation in 1962 it “intended” that ranching in the Seashore would always continue. There is no basis for that claim as explained below.

(2) The bill orders the Secretary to “manage the Tule Elk to ensure separation from the working ranches and dairies.” This treatment of elk turns the entire system of managing wildlife in national parks on its head. There are several laws that require NPS to protect and preserve natural resources, including elk, but not ranching and cows.

(3) The bill requires, contrary to the legal requirements of NPS’ planning statute and NEPA, that the decision NPS must reach after the public planning process is that ranchers must be given 20-year leases and the elk using those lands must be removed. (They would have to be shot because the elk herds (like the cattle) have John’s Disease, which they got from the infected cattle at Point Reyes, and no other site would want them for fear of the disease spreading to the new lands and infecting any domestic or wild ungulates using those lands).

I. It Was Not Congress’s Intent in Passing the Point Reyes Bill in 1962 that Ranching Continue Forever.

The entity that pushed for this bill is a new, somewhat-secret group called Resilient Agriculture Group (RAG). It was apparently formed by three people: Kevin Lunny, a Point Reyes rancher; Phyllis Faber, a founder of Marin Agricultural Trust and not a rancher; and Laura Watt, a professor at Sonoma State University and also not a rancher. <https://www.eastbayexpress.com/oakland/point-reyes-ranchers-create-lobbying-group-to-weaken-protections-for-public-lands/Content?oid=16512825> Some Point Reyes ranchers, such as Dave Evans and Claire Herminjard, do not support RAG and are deeply concerned by its “contentious” and “antagonistic” actions. *Ibid.* Seven other Point Reyes ranchers support Evans’s and Herminjard’s position as to RAG. *Id.*

RAG is pushing this claim that Congress intended when the enabling legislation was passed in 1962 that ranching would always be part of what would become Point Reyes National Seashore. There is no truth to that. It is unfortunate that NPS has never seen fit to correct the record on these misstatements. The bill attempts to make this historic untruth into law.

The first objectionable part of the bill provides as follows:

- (a) The Secretary shall manage agricultural property consistent with Congress’ longstanding intent to maintain working dairies and ranches on agricultural property as part of the seashore’s unique historic, cultural, scenic and natural values.

Section 1(2)(A)(a). (Emphasis added.)

The 1962 legislation did not provide that ranching should always continue. Back in the late 1950s, the ranchers successfully opposed the establishment of the Seashore. NPS then came up with a plan to get rancher support. The plan was to amend the bill to provide that NPS could only acquire the ranches if the ranchers were "willing sellers." "No [ranch] shall be acquired without the consent of the owner so long as it . . . is used exclusively for ranching and dairying purposes . . ." 76 Stat. 540 (1962). With that amendment, the ranchers dropped their opposition to the bill and President Kennedy signed it into law on September 13, 1962. NPS referred to this preclusion of condemnation power for ranching lands in the Seashore as the "hole in the donut." The term was first used in the case of Everglades National Park with regard to orange grove farms in the middle of the proposed Everglades National Park boundary which farms had proven to be a roadblock to creation of the park.  
[https://www.nps.gov/parkhistory/online\\_books/pore/admin.pdf](https://www.nps.gov/parkhistory/online_books/pore/admin.pdf), at 87-88.

The above quoted language from the enabling legislation does not support a claim that Congress wanted ranching to continue forever. The only commitment was that there would be no condemnation of any ranches if they were kept in ranching. The ranchers dropped their opposition because it left them in control so long as they continued ranching and didn't sell to developers. But the commitment was only for so long as the ranchers kept ownership of their lands. The choice was theirs. If they sold to NPS, then the land was to be managed in accord with all applicable national park management laws, just like all other park lands are when acquired.

In 1978 Congress amended the PRNS statute to authorize the Secretary, for the first time, to lease land for ranching. That amendment didn't show Congress intended that ranching must continue. It simply authorized the Secretary to lease lands for ranching where "appropriate in his discretion . . . subject to such restrictive covenants as may be necessary." 92 Stat. 3487 (1978). It is totally discretionary and can only be done where it is not inconsistent with various laws the Secretary is bound by requiring protection of the natural resources of the national parks. One such provision is in the Seashore statute itself. It provides that the Secretary shall administer the Seashore "without impairment of its natural values." This section goes on to state that the Secretary is to manage the lands consistent with the "maximum protection, restoration and preservation of the natural environment within the area." 90 Stat. 2695 (1976). Clearly, this is not language requiring that ranching continue, but language making clear that ranching can only continue to the extent it doesn't harm the park's natural resources, including the elk.

That 1978 amendment alone makes clear Congress did not intend that ranching had to continue as a matter of right. Clearly, under the statute ranching is "discretionary" and can only be authorized where consistent with the "maximum protection, restoration and preservation of the natural environment within the area."

Finally, the bill includes GGNRA ranch lands because PRNS manages the northern part of GGNRA where ranching also exists, but no one has ever even argued that ranching was “intended” to go on forever in GGNRA. It doesn’t belong in a bill claiming Congressional intent as to ranching in PRNS.

II. The Bill Assumes Ranching Has Some Legal Status Greater than Elk and, by Extension, all Other Natural Resources in the Two Parks. The Opposite Is the Case.

The second objectionable part of the bill provides as follows:

(c)(1) In areas of agricultural property where Tule Elk present conflicts with working ranches or dairies, the Secretary shall manage the Tule Elk to ensure separation from the working ranches or dairies. To minimize conflicts . . . the Secretary may work with Indian Tribes interested in the following: [relocating elk to tribal lands, hunting elk on PRNS lands and] Other partnerships . . . suitable and feasible for this purpose.

This language is in conflict with the basic tenet that national parks (and seashores and recreation areas) are all to be managed “with resource protection the overarching concern.” Bicycle Trails Council of Marin v. Babbitt, 82 F.3 1445, 1453 (9<sup>th</sup> Cir. 1996). That’s why they’ve been set aside from the laws that govern the public lands.

In this regard, the Point Reyes National Seashore legislation provides, in pertinent part, as follows:

§ 459c-6. Administration of property

(a) Protection, restoration, and preservation of natural environment

Except as otherwise provided in sections 459c to 459c-7 . . . the property . . . shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with . . . the maximum protection, restoration, and preservation of the natural environment within the area, subject to the provisions of sections 1, 2, 3, and 4 of this title . . . and in accordance with other laws of general application relating to the national park system as defined by sections 1b and 1d of this title...

16 U.S.C. § 459c-6. (Emphasis added.)

The bill also provides that the Secretary should work with Indian tribes in relocating elk onto tribal lands and in “hunting Tule Elk on a subsistence or ceremonial basis.” There will be far less need for relocating or killing the elk if they are given the protection national park system laws require. Furthermore, the elk have Johne’s Disease, which is slow-developing, but fatal. No

land owner would want them because they would infect new lands and any livestock and/or wild ungulates on those lands. Furthermore, the elk are almost as habituated to visitors as the cows are. You wouldn't be "hunting" the elk; you would just be shooting them at point blank range.

The bill's treatment of elk turns the entire system of managing wildlife in national parks on its head. NPS has a duty under the law to protect natural resources, including elk, not livestock.

III. The Bill Pre-determines the Outcome and thus Makes a Mockery of the Public's Right to an Open and Fair Planning Process Where the Resulting Decision is Based on a Consideration of All Relevant the Factors, Including Public Input and an Analysis of Ranching's Impacts on the two Parks' Natural Resources.

The third objectionable part of the bill provides as follows:

SEC. 10. Consistent with the purposes of this Act, including section 5(a), the Secretary is directed to complete, without delay, the General Management Plan Amendment for Point Reyes National Seashore and the north district of [the] Golden Gate [National] Recreation Area, its Environmental Impact Statement, and, upon completion of the Record of Decision, issue leases and special use permits of 20 years for working dairies and ranches on agricultural property.

(Emphasis added.)

This is the worst of the three objectionable provisions. The Secretary is in the middle of a planning process, required by its NPS planning statute, 54 U.S.C. § 100502, and a court settlement between three environmental groups, NPS and the ranchers to determine how the lands that have been managed so far for ranching should be managed in the future. The two extremes are (a) continue ranching, remove all elk, allow further degradation of natural resources and continue minimal public access and use and (2) discontinue ranching, protect and restore the elk and all other natural resources, and increase public access and use. In between are various alternatives, including switching the dairies to beef cattle because dairies involve more impacts to the environment than beef cattle, and reducing the acreage devoted to ranching.

The bill's Section 10 requires the Secretary to continue the planning process already underway, which involves (a) studying the condition of the various natural resources and the impacts from ranching to them, (b) involving the public in this process through written comments and public meetings, (c) all the while having a private contractor write a Draft and a Final General Management Plan and EIS and, ultimately, (d) writing a Record of Decision which would need to be supported by the administrative record. This process will take about two years and cost hundreds of thousands of dollars, if not millions of dollars.

And what effect does the bill have on all of this? It requires that the planning process be completed, including writing the Record of Decision, but it then takes the decision away from

the Secretary by stating "the Secretary is directed to . . . issue leases and special use permits of 20 years for working dairies and ranches." It is as if the drafter of the language doesn't know what is involved in a planning process and, especially, the writing of a record of decision.

Based on the above discussion, I request that you not approve this bill. The 1962 enabling statute did not provide that ranching was required and the 1978 amendment made clear that ranching is "discretionary" with the Secretary and that discretion is limited by the requirement that land uses be consistent with the "maximum protection, restoration and preservation of the natural environment within the area." Furthermore, ranching does not trump elk. It's the other way around. Finally, ordering the continuation of a planning process and telling the decision-maker what the decision will be makes a mockery of federal planning and decision-making and the statutes related thereto. The administrative process should be allowed to proceed normally. Let's manage Point Reyes and Golden Gate like all the other units of the national park system.

Sincerely,

/James Coda/  
James Coda



**Testimony by Senator Lindsey O. Graham**

**For the Senate Energy and Natural Resources Committee**

**Regarding H.R. 5532/S.3439** – To redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes

Thank you Chairwoman Murkowski, Ranking Member Cantwell, and members of the Committee for the opportunity to testify on H.R. 5532 / S. 3439; a bill to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes. I would like to thank Congressman Clyburn and Congressman Sanford for moving this important legislation through the House. I look forward to seeing it passed by the Senate so that it can be signed into law by President Trump. Beaufort County is the home of the Reconstruction Era National Monument and it is a source of pride in the community. Passing H.R. 5532 / S. 3439 and redesignating the monument as a national park will bestow our nation's highest protection and honors to these important sites. Further it will make clear that we will not forget, but rather learn and grow from this time in our history.

President Barack Obama established the Reconstruction Era National Monument on January 12, 2017. Although Reconstruction did not occur in a single location, Beaufort was chosen because of its unique collection of well-maintained and diverse sites. Beaufort County was one of the first places former slaves could receive an education, own land, enlist in the military, practice their faith, and fully enjoy the freedoms they were so long denied.

Beaufort County is home to the "Port Royal Experiment" which started in 1861, just months after the Civil War began. As white landowners fled the coast of South Carolina after the seizing of Port Royal by Admiral Samuel F. DuPont, 10,000 former slaves came together to farm

the land and build a new community. The sites where they worked, studied, lived, and prayed would be key scenes of the National Park.

One of the key sites in the Reconstruction Era National Park will be the Penn Center. In April of 1862, the Port Royal Relief Committee of Philadelphia sent Laura Matilda Towne to found the Penn School. It was the first school for freed slaves established on St. Helena Island; classes were held at the Brick Baptist Church and 80 students were enrolled. The Penn School continued to grow and serve the African American community of Beaufort County and evolved into the Penn Center of today. The Penn Center was a retreat site for Dr. Martin Luther King, Jr. and human rights activists in the 1960's, and has safeguarded the heritage of the Gullah Geechee community. The Penn Center is one of the crown jewels of the Reconstruction Era and is a catalyst in social progress across the South Carolina Sea Islands and the nation.

Another site that will be included in the park is Camp Saxton. Camp Saxton in Port Royal was a Union Army camp occupied by the 1<sup>st</sup> South Carolina Volunteers, the first black regiment enlisted into regular service in the Civil War. Camp Saxton is a six-acre wooded and green space that is bordered on the north and east by the Beaufort River, on the west by the United States Naval Hospital, and on the south by the ruins of Fort Frederick. On this plot of land Union General Rufus Saxton read the Emancipation Proclamation to thousands of freed slaves on January 1, 1863. They celebrated their new freedom by serving their country and by making a new life for themselves in the Reconstruction Era.

The National Monument highlighted the site's historical significance to thousands of visitors. H.R. 5532 and S. 3439 will do several key things to help continue to spread the unique story of Reconstruction:

1. It will redesignate the National Monument as a National Historical Park
2. It will authorize the Secretary of the Interior to expand the park's boundaries and acquire land within the Beaufort National Historic District, on St. Helena Island
3. It establishes the Reconstruction Era National Historic Network, connecting significant sites from the Reconstruction Era across the United States.

When the national monument was being finalized, there were many great sites outside of Beaufort that were considered. That is why the Reconstruction Era National Historic Network is an important part of this bill. The National Park Service will operate this network, but current owners of sites will continue to manage their own facilities. The network will connect different sites across the United States and paint a fuller picture of the Reconstruction Era as well as encourage tourism to several rural areas.

The passage of H.R. 5532 and S. 3439 will allow the story of the Reconstruction Era to be widely shared and bring prominence to these significant locations in our nation's history. It will ensure lessons from our past will not be forgotten and will instead be taught to our children and future generations. Thank you again Chairwoman Murkowski, Ranking Member Cantwell, and members of the committee for the opportunity to testify today. I look forward to seeing the passage of this important piece of legislation.

**The New York Times**

## How to Remember Reconstruction

The drama of the era happened all across the country. But Americans walk past momentous places and never recognize their role in our history during the period after the Civil War.

**By Gregory P. Downs and Kate Masur**

Dr. Downs and Dr. Masur are the authors of the National Historical Landmark Theme Study on Reconstruction.

Nov. 16, 2018

Many contemporary controversies over issues like voting rights and the scope of the government have their origins in the period following the Civil War. That era, known as Reconstruction, is one of the most contentious in this nation's history, and also one of the most misunderstood.

Congress can help fix that by passing the Reconstruction Era National Historical Park Act before the end of the year. The bill, passed by the House in September and now under consideration in the Senate, would empower the National Park Service to connect Reconstruction sites all around the country; encourage visitors to talk about Reconstruction at local historical sites; and help convey the full story of how America was remade after the Civil War.

Reconstruction started in the early days of the Civil War. As United States forces entered the South, enslaved African Americans immediately pressed for freedom. They escaped to Union lines, demanded pay for their work, petitioned for their rights and served the Union war effort as laborers and soldiers. Some four million African Americans built new lives in freedom during the postwar Reconstruction era — reuniting families separated by slavery, building churches, founding schools and serving in government.

From 1865 to 1870, Congress passed, and the states ratified, the 13th, 14th and 15th Amendments, which permanently transformed the country. These Republican-led initiatives promised freedom, citizenship, due process and equal protection to everyone on American soil, and also prohibited racial discrimination in voting. These constitutional changes were so momentous that, in 2017, President Barack Obama called Reconstruction the nation's Second Founding.

Yet many white Americans refused to accept the reforms. Southern Democrats opposed racial equality and used violence, intimidation and fraud to strip African Americans of their newfound constitutional rights. They organized groups like the Ku Klux Klan and unleashed a reign of terror to keep blacks away from the ballot box. They also passed seemingly race-neutral laws that depressed black voter turnout through literacy tests, poll taxes, grandfather clauses and new registration systems.

11/19/2018

Opinion | How to Remember Reconstruction - The New York Times

For decades, historians and figures in popular culture erased or distorted Reconstruction, representing the period as an unmitigated failure while celebrating the establishment of professed white supremacy regimes in Southern states. The film “Birth of a Nation” is perhaps most notorious for doing this, but textbooks also twisted the story, making the era’s democratic experiments appear misguided and even tragic. Now, the period is often ignored or misrepresented in school curricula.

The National Park Service, which manages historic sites and interprets history all over the country, can address this. It is the steward of dozens of parks that commemorate the Civil War era, yet its only unit dedicated to Reconstruction was created two years ago, when President Obama established the Reconstruction Era National Monument in Beaufort, S.C. The bill would turn this site into a national park, helping it attract visitors and contributing to its permanence and accessibility.



Dunleith House, an antebellum mansion in Natchez, Miss., where John Roy Lynch was a slave before the Civil War. After the war, he moved elsewhere in Natchez, was elected to Congress, and wrote two important books about Reconstruction. DeAgostini/Getty Images

11/19/2018

Opinion | How to Remember Reconstruction - The New York Times



Jackson Square in the French Quarter of New Orleans. The Cabildo, left, which is now part of the Louisiana State Museum, was the site of a failed attack on the Republican-supported Metropolitan Police, who were headquartered there, by white Democratic vigilantes. Education Images/ UIG via Getty Images

More significantly, the bill expands the nation's sense of where it can learn this history. It would establish the Reconstruction Era National Historic Network, based on similar networks Congress has created for the Civil Rights Movement and the Underground Railroad. These networks foster collaboration within national parks and allow the agency to work with state and local governments and private parties interested in commemorating and interpreting American history.

The Reconstruction network could stitch together disconnected places where Reconstruction history happened. We wrote the National Historical Landmark Theme Study on Reconstruction for the service in 2017 and identified 24 National Historic Landmarks that could contribute to our understanding of that era. And we found dozens more sites, many in Southern cities, where important buildings have been preserved — like the Green-Meldrim House in Savannah, Ga., where in 1865 Maj. Gen. William T. Sherman discussed Reconstruction with a delegation of 20 black leaders. We also identified buildings on campuses of several historically black colleges founded during Reconstruction, including Hampton University in Virginia and Alcorn State in Mississippi.

The drama of Reconstruction happened on farms and plantations across the South, where freedwomen and freedmen began working for wages or shares of the crops; in hamlets and crossroads where African American men voted for the first time; in State Capitol buildings, where

11/19/2018

Opinion | How to Remember Reconstruction - The New York Times

legislatures met to remake state constitutions; and in cities where African Americans demanded equal access to streetcars and theaters. Across the country, Americans debated the future of their communities and the country as a whole.

Today, Americans walk past places where such events took place and never recognize how much of the nation's history was formed during Reconstruction. The Reconstruction Era National Historic Network promises to reveal historical connections across the nation and to help Americans comprehend a history that is both inspiring and chastening.

Gregory P. Downs, a professor of history at University of California, Davis, is the author, most recently, of "After Appomattox: Military Occupation and the Ends of War." Kate Masur, an associate professor of history at Northwestern University, recently republished John E. Washington's "They Knew Lincoln," the first book to address President Lincoln's relationship with African Americans.

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William A. Prokop  
CITY MANAGER  
843-525-7070



**CITY OF BEAUFORT**  
1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:  
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Nan B. Sutton  
Mike McFee  
Philip Cromer  
Stephen Murray

November 19, 2018

The Honorable Lindsey Graham  
US Senate, Russell Office Building  
Washington, DC 20510

The Honorable Tim Scott  
US Senate, Hart Office Building  
Washington, DC 20510

Dear Senators Graham and Scott:

I am writing on behalf of the Mayors of Beaufort, Port Royal, Bluffton, Hilton Head Island, The Beaufort Council Chairman and the Advisory Board of "Reconstruction Beaufort: The Second Founding of America" each and all have together and independently supported HR 5532 from its first drafting.

First, I want to thank you for introducing the Senate companion bill to HR 5532, which was approved unanimously by the House Natural Resources Committee and passed in the full House by voice vote. Further we urge you to do all you are able to move this measure before the end of the session.

After a sixteen-year effort, on Jan 12, 2017, President Obama established the Reconstruction Era National Monument in Beaufort, SC. The pending measure would transition the monument into "The Reconstruction Era National Historical Park" which is more fitting since the Monument includes four sites and is simply not a stone planted into the ground. Because of our unique



William A. Prokop  
CITY MANAGER  
843-525-7870



**CITY OF BEAUFORT**  
1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS  
Billy Keyserling, Mayor  
Nan B. Sullivan  
Mike McFee  
Philip Grimes  
Stephen Murray

story, and the number of standing structures and institutions that survived from the period, Beaufort and South Carolina have become ground zero for the long awaited story to be told. Making the Monument into a National Park will drive more tourism to the sites, shed more light on the subject and create educational opportunities for our children and generations to come. National Parks are some of the most prestigious lands in the nation, and Beaufort's collection of sites deserve this recognition for their role in America's legacy.

H.R. 5532 will also create the Reconstruction Era Network. This will connect the National Park in Beaufort to significant sites from the Reconstruction Era across America. Sites in the network will continue to be managed by their current owners but will work together to encourage visitation to all.

To qualify under the Antiquities Act, these sites had to be owned by the US Government. To meet this requirement, Penn Center donated fee simple Darrah Hall, an access easement and five surrounding acres (estimated value \$500,000); my brother and I donated fee simple the old Firehouse (estimated value \$450,000) that stands within walking distance of about sixty structures which represent chapters of the Reconstruction story in Beaufort's National Historic Landmark District; and Brick Baptist Church on St. Helena's Island donated a conservation easement with visiting rights; the fourth site, Camp Saxton, where the first "Colored Soldiers" were trained and where the Emancipation Proclamation, on January 1, 1863, was read – freeing the largest number of slaves at one time – sits on the campus of the US Naval Hospital which is already government property.

William A. Prokop  
CITY MANAGER  
843-925-7070



**CITY OF BEAUFORT**  
1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS  
Billy Keyserling, Mayor  
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Since the monument was announced: the small group advocating the monument has morphed into "Reconstruction Beaufort: The Second Founding of America", a grassroots umbrella group nationally acclaimed and local experts. The group's Advisory Board includes 65 members and is expanding as quickly as we can qualify and recruit additional experts and local advocates. This group and the monument have had a tenfold impact on the community and our partners. "Reconstruction Beaufort" has: partnered with the USC College of Education to build a National Museum / Interpretative Center in an existing building in Beaufort; The National Endowment – USC Beaufort Reconstruction Institute has conducted three Teachers' Institutes matching the nation's top scholars with highly selective groups of teachers from across the US and plans more; The Zinn Foundation has located a regional headquarters, focused on educating teachers on how to teach the stories of Reconstruction in middle and high schools in South Carolina; The CBS Morning Show is currently producing a segment on freedmen who served in elective office (over 1,500 during this period not the least of whom was Robert Smalls who served in the General Assembly and the US Congress and Richard Gleaves who served as Lt Governor); and in the spring Dr. Henry Lewis Gates will release a four part series for PBS which focuses on Reconstruction and the following period; There are also Reconstruction initiatives underway with the Grand Army Hall of the Republic, the Mitchelville Preservation Project on Hilton Head Island, the Beaufort History Museum, the Beaufort County Library and numerous events, forums and seminars, theatrical performances, music and art that focus on the often untold stories of the period.

William A. Prokop  
CITY MANAGER  
843.525.7970



**CITY OF BEAUFORT**

1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS  
Billy Keyserling, Mayor  
Nan B. Sutton  
Mike McIee  
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Stephen Muraw

Furthermore, I should note that private individuals and businesses, the National Endowment for the Humanities, the Gaylord and Dorothy Donnelly and the Coastal Community Foundations, Blue Cross Blue Shield of SC and Aflac have contributed to the planning initiative over the past several years. Through these generous resources and private investment, the community has put more than \$2 million into the effort this far and is poised to raise significantly more (estimated total budget of \$15-\$20 million from local, state, regional and national investment) to establish a national museum in the center of the National Historical Park if we can achieve the designation.

I hope this short version, describing what our community has been doing and what we have invested, let alone the huge engagement of teachers, parents, scholars, museum interpretation experts and local governments have invested in collaboration to uncover and tell the story while celebrating national treasures of the past.

Please let me know if there is anything I can do to help satisfy my bold, passionate ask to get the measure through this year.

Thanks so much -- with huge appreciation -- for your help attaining this extraordinary opportunity!

Best Wishes,

Billy Keyserling  
Mayor

**"Reconstruction Beaufort: The Second Founding of America" - Advisory Board (in Formation)**

Dr.	Randy	Akers	Director, SC Humanities
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Reverend Dr.	Kenneth F.	Hodges	Tabernacle Baptist Church, Pastor and Historian
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Ms	Althea	Sumpter	Commissioner, Gullah Geechie Corridore Commission
Mayor	John	Tecklenburg	Mayor, City of Charleston

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Dr	Eric	Williams	Smithsonian Museum of African American History and Culture
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## United States Senate

December 12, 2018

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1550 MAIN STREET, 4TH FLOOR  
SPRINGFIELD, MA 01103  
413-785-4610

The Honorable Lisa Murkowski  
Chairman  
Senate Committee on  
Energy and Natural Resources  
304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Maria Cantwell  
Ranking Member  
Senate Committee on  
Energy and Natural Resources  
304 Dirksen Senate Building  
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Cantwell,

Thank you for including two bills that I have introduced that would help protect some treasured wild places in Massachusetts in today's Senate Energy and Natural Resources Subcommittee on National Parks legislative hearing. S. 3527 would reauthorize the Cape Cod National Seashore Advisory Commission and S. 3468 would designate segments of the Nashua, Squannacook, and Nissitissit Rivers as parts of the Wild and Scenic Rivers System.

The Cape Cod National Seashore is one of the most popular national parks in the country, with more than 4 million annual visits for each of the past seven consecutive years. The Advisory Commission was authorized in 1961 to represent the six towns in the park, Barnstable County, and the Commonwealth of Massachusetts, and to provide citizen input to the Secretary of the Interior about matters related to the Cape Cod National Seashore. The Advisory Commission expired on September 26, 2018 and needs to be reauthorized. S. 3527 would reauthorize the Advisory Commission for a period of 10 years. The towns on the Advisory Commission and communities on Cape Cod that rely on tourism from the National Seashore are in support of the bill. The House passed H.R. 5585 by voice vote under suspension of the rules on September 25, 2018 and I believe that this legislation should be noncontroversial.

S. 3468 would help preserve the Nashua, Squannacook, and Nissitissit Rivers and the ecological and historical values of this watershed. This bill follows the recommendations of a study commissioned by Congress in 2014 that assessed the potential inclusion of these rivers in the National Wild and Scenic Rivers System. Massachusetts Governor Charlie Baker, New Hampshire Governor Chris Sununu, and 11 towns have expressed support for the Wild and Scenic River designation for these rivers, as recommended by the Nashua River Wild and Scenic River Study Committee.

I thank you for working with me to include these important bills for Massachusetts as part of today's hearing, and I look forward to working with you on a bipartisan basis to move these pieces of legislation through the Committee and Senate.

Sincerely,

*Edward J. Markey*  
Edward J. Markey

**Senator Pat Roberts  
Statement for the Record  
Energy and Natural Resources Subcommittee on National Parks  
Legislative Hearing  
December 12, 2018**

Mr. Chairman and members of the Subcommittee, thank you for including S. 2895, a bill to designate the Quindaro Townsite as a National Commemorative Site, as a part of today's hearing. I introduced this legislation earlier this year with the intent of providing additional resources to preserve the historic archeological site and educate future generations about the critical role Quindaro played in our nation's history.

The National Historic Landmark Designation is granted to sites that hold national significance and are rich in both history and culture. The Quindaro Townsite played an important role during a significant time in our nation's history. Situated on the border between Kansas and Missouri, Quindaro was an Underground Railroad stop and later became one of the first predominately African American communities in the Great Plains.

Located in present day Kansas City, Kansas, Quindaro was founded in 1857, by members of the Wyandot Tribe and abolitionists. After the Kansas-Nebraska Act, the community provided a free-state port of entry into the Kansas territory.

Quindaro's location on the Missouri River made it a prime location for helping slaves move to freedom. During the town's boom, the local newspaper, the Quindaro Chindowan, published anti-slavery rhetoric, attracting many abolitionists to the community. The residents of Quindaro, surrounding landowners, and Native Americans worked together to help many slaves to freedom.

Following the Civil War, the area became home to several African American educational institutions, including Western University, the first African American University west of the Mississippi River.

In recent years, many volunteers, organizations, and the surrounding community have been committed to preserving the historical significance of Quindaro. In the 1980s, an archeological investigation uncovered the town ruins and saved the site from becoming a landfill. Passing S. 2895 and gaining National Historic Landmark status will allow dedicated individuals to further preserve the town site and educate others about the community's place in our nation's history.

I appreciate the committee's consideration, and I look forward to working with you to advance this legislation.



KEVIN YODER  
3rd DISTRICT, KANSAS  
2433 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2865  
DISTRICT OFFICE:  
7325 WEST 79TH STREET  
OVERLAND PARK, KS 66204  
(913) 521-0832  
<http://yoder.house.gov>



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1603**

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FOOD AND DRUG ADMINISTRATION, AND RELATED  
AGENCIES  
FINANCIAL SERVICES AND GENERAL GOVERNMENT

December 12, 2018

Thank you Chairman Daines and Ranking Member King for holding this subcommittee hearing on H.R. 5613, the Quindaro Townsite National Commemorative Site Act. I appreciate the opportunity to submit a statement of support for this legislation. I have been proud to work with Senator Roberts and the entire Kansas delegation on this effort to preserve a remarkable piece of our state's history.

The Quindaro Townsite National Commemorative Site Act is a unique opportunity for Congress to grant federal recognition to a piece of our history that has been overlooked for generations. At one time, the town of Quindaro was a boomtown, a central location in the Bleeding Kansas conflict, a stop on the Underground Railroad, and a shining example of integrated society in our country. The town played a key role in the founding of Kansas as a free state, and, as a result, it was part of our nation's larger struggle toward freedom and equality for all. The story of Quindaro is intrinsically linked to the story of America - a story that must be preserved for future generations.

Today, the ruins of the town, along with its artifacts and stories, are preserved by a small, dedicated group of local stakeholders who treasure this important site. Their perseverance has gone largely unnoticed outside of the local community, and their efforts have received little support from the federal government. H.R. 5613 represents our chance to reverse the trend of neglect and show this community - and communities around the country - that our government values America's history and heritage. By preserving what remains of this town, we take a small but meaningful step toward preserving every good and noble thing that our great nation stands for.

Again, I thank the Chairman and Ranking Member for holding this hearing on the Quindaro Townsite National Commemorative Site Act and allowing me to state my support to the subcommittee.

