S. HRG. 110–158

CURRENT NATIONAL PARKS BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

S. 488	**S. 617**
S. 824	**S. 955**
S. 1148	**H.R. 1182**
S. 1380	**S. 1728**
H.R. 995	**H.R. 1100**

JULY 12, 2007

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CURRENT NATIONAL PARKS BILLS

THURSDAY, JULY 12, 2007

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

The subcommittee met, pursuant to notice, at 2:27 p.m., in room SD–366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

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

Senator AKAKA. The Committee on Energy and Natural Resources, Subcommittee on National Parks, will come to order.

We have a lengthy agenda this afternoon to consider the following bills: S. 488 and a House-passed companion measure, H.R. 1100, to expand the boundary of the Carl Sandburg Home National Historic Site; S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to veterans; S. 824 and the House-passed companion measure, H.R. 995, to extend the legislative authorization to the Disabled Veterans Memorial; S. 995, to establish the Abraham Lincoln National Heritage Area in Illinois; S. 1148, to establish the Champlain Quadricentennial Commemorative Commission and the Hudson-Fulton 400th Commemorative Commission; S. 1380, to designate certain lands as wilderness in Rocky Mountain National Park; and S. 1728, to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission and the Na Hoa Pili O Kaloko-Honokohau National Park.

While some of these bills have national policy implications, they are all important locally or they're important to specific constituencies, as evidenced by the number of Senators who have asked to testify today. Several of these bills have been introduced or considered in previous Congresses and I will work with the bills' sponsors and the Park Service to address any remaining concerns and try to have these bills ready for full committee consideration as soon as possible.

Two of the bills on the schedule today relate to veterans and are of interest to me as chairman of the Veterans Affairs Committee. Senator Smith's bill, S. 617, would give veterans a discount in purchasing an annual Federal lands pass. While I support the goal of making it easier for the men and women who have served our country to use public lands, I have some questions about how this would be implemented.

For example, the bill does not appear to cover those on active duty and members of the National Guard or Reserve who have also served our country. I would like to better understand the revenue implications this bill will have on the National Park Service and other Federal land agencies.

S. 824 and H.R. 995 would extend the legislative authority for the Disabled Veterans Memorial. I support this extension, which I believe is noncontroversial.

Finally, I have introduced a bill to reauthorize an advisory commission for Kaloko-Honokohau National Historical Park. This park was created specifically to help preserve and interpret traditional Native Hawaiian activities and culture, and the advisory commission has been very important in involving local residents to help the Park Service with that mandate. My bill simply extends the commission for an additional 10 years.

This hearing marks the first time the subcommittee has met since the loss of our ranking member and former chairman and our good friend, Senator Craig Thomas. For the many years that we have served together on this subcommittee, Senator Thomas and I were able to consider and work through these bills in a bipartisan manner. He was a strong supporter of our national parks and he will be very much missed.

I understand that a new ranking member of the subcommittee has not yet been appointed, but I want to assure my colleagues, especially on the minority side, that I certainly intend to continue the bipartisan tradition of this committee.

At this point I would like to recognize Senator Burr for any statement he would care to make.

[The prepared statements of Senators Sanders and Dorgan follow:]

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

S.1148, the Hudson-Fulton-Champlain Quadricentennial Commemoration Commission Act of 2007, of which I am proud to be an original sponsor, will help us celebrate the 400th Birthday of the discovery of Lake Champlain.

1609 was an historic year and it helped open the frontier to the spread of trade and culture. It is only appropriate that we establish and support a Champlain Commission. Henry Hudson was the first European to sail up the Hudson River, but it was the Frenchman, Samuel de Champlain, who was the first European to see what we know as Lake Champlain.

Two hundred years later, Robert Fulton demonstrated steam power in his steamboat, traveling from New York to Albany. That was a fitting bicentennial celebration of Champlain's discovery, and it is up to us to ensure a suitable national observance on the 400th anniversary.

This effort should be led by New York and Vermont, which have established state Commissions and plan year long celebrations. The province of Quebec has already established a commission to commemorate the 1609 voyage of Champlain. We hope that, as happened one hundred years ago, we may welcome the French and British ambassadors and the President of the United States to join in the celebrations. It is incumbent upon us to coordinate these activities, coordinate the contributions of State governments, private parties and other contributions like those from our good friends in Canada, to ensure that this commemoration is superior. Favorable consideration of S.1148 is the first step in this voyage.

PREPARED STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Mr. Chairman and members of the committee, thank you very much for the opportunity to testify before you on behalf of S. 824 and H.R. 995, bills which will extend

the authorization for establishing a memorial in the District of Columbia to honor veterans who have become disabled. This is a long overdue memorial to honor America's disabled veterans which will be constructed just steps from the U.S. Capitol.

I am pleased to note that the House has already unanimously passed H.R. 995 on March 5, 2007 It is now up to the Senate to move S. 824 to give the Foundation the extra time they need to finish and build this long overdue memorial to honor America's disabled veterans.

For much of the world, freedom is a luxury, the privilege of a few. For Americans, however, our many freedoms are so integrally woven into the fabric of our lives that many of us take them for granted. Freedom to participate in our own governance, to worship as we please, to disagree with those in power, to appear as equals before the law—the list of our freedoms is long. Yet the value and the cost of those freedoms are often overlooked. Out of twenty-six million American veterans living across the world today, approximately three million embody the physical cost of their service in permanent disability. For their sake, it is precisely this value and cost we seek to honor and uphold in the American Veterans Disabled for Life Memorial.

The Memorial is anticipated to be dedicated in 2010. It will be the first national military memorial to honor disabled veterans; the first to transcend all service branches, conflicts and generations; and the first to be specifically dedicated to living and future servicemen and women.

Public Law 106-348, signed by President Clinton in 2000, authorized the building of the Memorial. Founded by philanthropist Lois Pope, Arthur Wilson, General Adjutant of Disabled American Veterans, and the late Jesse Brown, former Secretary of Veterans' Affairs, the Disabled Veterans' Life Memorial Foundation's sole objective is to privately raise the funds needed to design, build and permanently maintain the Memorial.

The Memorial will be located at Washington Avenue and Second Street SW, adjacent to the National Mall and across from the U.S. Botanic Garden. The site was chosen specifically to remind Members of our brave veterans who in this, and in every war, have made sacrifices for our Nation.

The Memorial will be designed by Michael Vergason Landscape Architects. Their work includes the National Cathedral, the Normandy American Cemetery at Omaha Beach, U.S. Supreme Court, Monticello, Montpelier, Gannett Corporate Headquarters, Johns Hopkins University, and the University of Virginia. The Memorial will be accessible to all visitors, especially the handicapped, twenty-four hours a day.

"The Memorial will be a place for reflection and inspiration," said Army Captain Leslie Smith, a disabled veteran who works for the Defense Department and has completed four marathons using a hand-cycle. "For disabled veterans, this will be an important part of the healing process and will represent closure for many of us."

The Foundation has raised almost half of the needed funds and are well on their way to building this beautiful tribute. The land for the site has been transferred under the control of the National Park Service in 2006 under Public Law 109-396. The design concept has been approved by the National Capital Planning Commission on December 7, 2006. On November 16, 2006 the U.S. Commission of Fine Arts gave their approval.

It is now time for our approval. I urge the Committee to expedite their approval of S. 824 and move it promptly to the full Senate for their approval. Let's work quickly to ensure this lasting tribute to our nation's disabled veterans moves smoothly forward.

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

Senator BURR. Thank you, Mr. Chairman. Thank you for holding the hearing, but thank you also for the gracious opportunity to continue the relationship that Senator Thomas and yourself had. We certainly see that as a very positive thing and also share your loss of Senator Thomas to this committee.

We have a full agenda today, so I'll keep my remarks very brief. There are several bills under consideration today that I believe are particularly relevant. The first, H.R. 995, extends the authorization of the Disabled Veterans Memorial. I'm please to learn that the organizers have made progress toward raising the necessary funds

for this project. It's my understanding that the work can be completed within the timeframe of this extension. The House has already passed the bill and I hope this committee will act quickly to send this bill to the full Senate floor.

The second bill, S. 617, will allow veterans to obtain a public lands access pass called the Veterans Eagle Pass at a reduced price of ten dollars. I realize that the Interior Department believes that that's the loss of $70 to them. Mr. Chairman, I would suggest that since it's 80 cents to process that pass, that this is actually a windfall of $9.20 in new revenue, because the likelihood is this will certainly encourage veterans to use our national parks areas.

Military personnel have sacrificed a great deal over the history of our Nation and many are risking their lives around the world at this very moment. S. 617 is a small but significant gesture to show our appreciation to the men and women who have served this Nation. It's my hope that this bill will be amended to expand eligibility for this pass to active duty, guard, and reserve personnel as well as our Nation's veterans.

Lastly, Mr. Chairman, the Carl Sandburg National Historic Site legislation, S. 488, and H.R. 1100, is of special interest to Senator Dole and myself, and I would like to thank Senator Dole for being here today to show her support for this legislation. This bill will allow the National Park Service to acquire additional lands around a historic site from willing sellers and donors. Additional land is needed to provide adequate parking space and a visitors' center, as well as maintain the integrity of what I believe is the original Sandburg family property.

It's my hope that we can report the bill, the House bill, out of the committee as soon as possible and allow the Park Service to continue their efforts to protect and enhance a national treasure of this country.

Mr. Chairman, for the purposes of knowledge, of the land acquired, 115 acres, only 5 acres would be deemed available for construction of a visitors center and the like. So clearly there has been a tremendous amount of thought that's gone into the aesthetic protection of this historic site.

I want to thank you, Senator Akaka, for convening the subcommittee. I look forward to hearing the testimony from our colleagues and our witnesses, and I urge the chair to act as quickly on these legislations as we possibly can.

I would also like to thank the chairman for not making me read the title of S. 1728 because I'm not sure I could have gotten through it quite the way he did. Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, my friend and colleague, Senator Burr.

We have several Senators and House Members who have asked to testify in support of bills today. I know these bills are all very important in your respective States and districts and we are happy to have you here this afternoon. Because we have a very lengthy witness list this afternoon and only a limited amount of time available for the hearing, I would like to ask everyone to be brief. Each of your complete written statements will be included in the record. I know everyone has multiple hearing commitments right now, so please feel free to leave after you have completed your statement.

Let me first call on Senator Allard from Colorado.

STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR FROM COLORADO

Senator ALLARD. Mr. Chairman, thank you very much. I appreciate you calling on me first because I do have another committee meeting where I'm actually having votes. So I appreciate you giving me an opportunity to go. Also, Senator Burr, thank you for your opening comments.

Mr. Chairman, this is a great opportunity and it's a great opportunity for Colorado, for the committee to be considering the Rocky Mountain National Park Wilderness Act. Today I'm pleased to discuss legislation that will designate the Rocky Mountain National Park as a wilderness. It is the sixth busiest visited park in the United States. Today this legislation is the result of more than a year of negotiations between my colleague Senator Salazar and other members of the Colorado delegation. It is a carefully crafted bill involving thousands of hours of work with citizens, local elected officials, and the environmental community.

This legislation will provide further protection for an area that was formed millions of years ago when massive glaciers carved an impressive landscape. The Rocky Mountain National Park Wilderness Act will ensure that it remains unchanged in the years to come.

As a fifth generation Coloradan and someone who grew up in the shadow of Rocky Mountain National Park, it is an honor to have worked on this bill with Senator Salazar. Colorado and its representatives have long played an important role in the development of wilderness in our Nation. This dates back to the original Wilderness Act. Congressman Wayne Aspinall, who represented Colorado's Fourth Congressional District and chaired the Committee on Interior and Insular Affairs, played a pivotal role in creating the Nation's wilderness system with the 1964 Wilderness Act.

From the inception of the original Wilderness Act through the continued development of wilderness in Colorado, one thing has remained the same: the commitment to working together to find compromises and solutions that work for everyone. The principle of compromise has held true from the Colorado National Forest Wilderness Act of 1980 to the Spanish Peaks Wilderness Act in 2000, and it is now true with the Rocky Mountains National Wilderness Act of 2007.

This is reflected by the broad support this bill enjoys. Every one from water users to the environmental community support this bill. I'd like to submit one such letter of support signed by numerous environmental groups, including the Wilderness Society, as part of my testimony.

Senator ALLARD. I am especially proud of the legislation that my colleagues and I worked on because it represents the balance we strive for in the management of our public lands. It will allow for recreation while preserving the natural elements of the park, including water, the West's most valuable resource. At a time when agricultural wells are being threatened just east of the park in Weld and Morgan Counties, the protection of water is more important than ever. Protection of this water infrastructure is a key com-

ponent of this compromise legislation. If we do not recognize and protect the water provided by the Grand Ditch, this bill cannot move forward. Protecting this water is vital to preserving the agricultural heritage and future of this area.

I'm extremely pleased that this bill as written will protect wilderness and respect water rights. The Rocky Mountain National Park Wilderness Act will ensure that Americans now and in the future have the ability to enjoy the park.

Thank you, Mr. Chairman and members of the committee, for your consideration of the Rocky Mountain National Park Wilderness Act. Thank you.

Senator AKAKA. Thank you very much, Senator, and we appreciate your testimony.

Senator ALLARD. Thank you, Mr. Chairman.

Senator AKAKA. May I call on Senator Dole.

STATEMENT OF HON. ELIZABETH DOLE, U.S. SENATOR FROM NORTH CAROLINA

Senator DOLE. Thank you very much, Mr. Chairman and Senator Burr. Thank you for holding this hearing today on S. 488, which has a rather long title: The "Carl Sandburg Home National Historic Site Boundary Revision Act of 2007." Senator Burr, I appreciate your support of this legislation, which I introduced earlier this year after hearing from many of the site's visitors, consulting with its superintendent, and reviewing the site's management plan.

I welcome the opportunity today to express my strongest support for the expansion of this treasured historic site, Mr. Chairman. The Carl Sandburg home has enriched the lives of many North Carolinians and thousands of other visitors through its rich history, natural beauty, and abundant educational opportunities. Many citizens, local government officials, and Park Service officials have expressed concern that development around the site could negatively impact the historic nature of the park that was the home of the famed late poet. This bill will help ensure that future generations can enjoy this site for many years to come.

As the subcommittee is aware, my bill would add 115 acres to the current site for boundary and scenic view protection. The village of Flat Rock and Henderson County, where the Carl Sandburg home is located, both support the site expansion. To illustrate how important this is, a 22-acre parcel of land that forms the scenic backdrop was purchased by the State of North Carolina's Department of Cultural Resources from the Conservation Trust of North Carolina. But in order for the site to enter into an agreement with the State of North Carolina for the management of the 22-acre parcel, the land must first be within the site's authorized boundaries. This bill would allow for that to occur.

Mr. Chairman, as you're well aware, North Carolina is home to many national parks, the Appalachian National Scenic Trail, the Blue Ridge Parkway, Cape Hatteras National Seashore, Cape Lookout National Seashore, and the Great Smoky Mountains National Park, to name just a few. As we approach the National Park Service's centennial, we should take steps such as this that will preserve our national parks and prepare them for the next 100 years.

Mr. Chairman, members of the committee, I encourage you to support S. 488, and I thank you again for holding this hearing and for the privilege of addressing this issue today.

Senator AKAKA. Thank you very much and we appreciate your testimony, Senator Dole.

Senator DOLE. Thank you.

Senator AKAKA. Thank you.

Let me then call on the Honorable Marilyn Musgrave for your statement.

STATEMENT OF HON. MARILYN N. MUSGRAVE, U.S. REPRESENTATIVE FROM COLORADO

Ms. MUSGRAVE. Thank you, Mr. Chairman. It's good to be before you today to testify in support of S. 1380, and I'd like to thank Senator Burr and especially Senator Salazar. In the Colorado delegation we worked very hard on legislation that would make wilderness designation for Rocky Mountain National Park. Most of the park is in my district. It's an area that as a native Coloradoan I've enjoyed all of my life, and now with our four children and young grandchildren.

This designation would protect one of the crown jewels of America's national park system. It would protect approximately 260,000 acres of pristine Rocky Mountain landscape as wilderness.

We found as we were going through these negotiations that we had a very similar goal in mind, and we brought all the parties to the table. The Grand River Ditch goes through the Rocky Mountain National Park and this ditch, which supplies over 20,000 acre-feet of irrigation water for Larimer and Weld Counties, actually preceded the park. It was very important to us to protect this very important water supply, irrigation water, for these farmers that live in these outlying counties. We were able to come together and protect the ditch company from future liability unless the ditch company was negligent in their care.

We worked out this compromise protecting the farmers. We brought the environmentalists to the table and they're very pleased with the legislation also. So we were able to come together—Senator Allard, Senator Salazar, Congressman Udall, and myself—to work toward our common goal of wilderness designation, and I thank you for the opportunity to testify before you today and I urge support of S. 1388.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much for your testimony. We really appreciate that.

Now I'd like to call on Senator Salazar for any opening statement he may have.

STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO

Senator SALAZAR. Thank you, Chairman Akaka. Thank you particularly for your leadership and your vision for national parks and for your great work on veterans and on so many other issues. It's truly a pleasure to have you as chairman of this committee.

Let me also welcome my colleague from Colorado, Representative Musgrave. I know Senator Allard spoke earlier and I saw him in

the hallway on the way out, and I believe that Congressman Mark Udall will also be here later.

This legislation is truly a coming together of the Colorado Congressional delegation on a matter that has been up in the air now for over 30 years. It was President Nixon who first declared that the Rocky Mountain National Park, with all of its splendor as the crown jewel for our Nation, should be designated as a wilderness area, and it's taken us now more than 30 years to get to the finish line, and I'm very hopeful that as we move forward through this hearing and through this Congress that we will be able to accomplish that task.

I also want to thank Judy Burke from the town of Grand Lake and Dennis Harmon from the Water Supply and Storage Company in Fort Collins, Colorado, for being here. They have traveled long distances to testify and I appreciate their efforts, not only today but also the efforts of their organizations and communities in the past several years in trying to get this done.

Congress established the Rocky Mountain National Park on January 26, 1915, on a vision of a man named Enos Mills, one of our Nation's most committed naturalists, whose love for the wild Rockies began in 1884, when at the age of 14 he scaled Long's Peak. He said back in those days, a quote that I used when the Colorado Congressional delegation was up at Rocky Mountain National Park just a few months ago, he said, and I quote: "In years to come when I am asleep beneath the pines, thousands of families will find rest and hope in this park." He was right then and he is right today.

Thanks to the excellent work of the Park Service and its employees over the past 90 years, the 3.2 million visitors a year to Rocky Mountain National Park experience the same wild lands and spectacular vistas that our ancestors enjoyed.

Our job of protecting the wild character of Rocky Mountain National Park is not complete. That is why we need to designate the nearly 250,000 acres within the world as wilderness.

Congress has up to this point failed to act on that recommendation that President Nixon made a long time ago. Now is our chance to act and move forward.

Today, thanks to the tireless efforts of local communities and the dedicated protectors and partners of the park, we come before the committee with a broadly supported bill that is deserving of passage. Senator bill 1380 and its companion in the House, H.R. 2334, add 249,339 acres or nearly 95 percent of the Rocky Mountain National Park to the wilderness preservation system.

The bill is almost identical to the bill I introduced last year and which received a ringing endorsement from the Park Service in a similar hearing before this committee. Senate 1380 does not affect private landowners, existing development, or water rights. The boundaries for the wilderness area exclude water projects, roads, and existing development. The bill allows for a bicycle trail along the western edge of the park, provided that the construction of the trail is consistent with the park's mission. It also makes a small increase in the size of the nearby Indian Peaks Wilderness Area.

The only modification to this bill from last year is a provision that will clarify how the Grand River Ditch is to be operated and maintained in the park. The Grand River Ditch has been in exist-

ence since 1891, since 1891. That's almost 25 years before the creation of Rocky Mountain National Park. The ditch diverts water from the Colorado River Basin over the Continental Divide to farmers along the Front Range. I might add, it's not only farmers; it's also municipalities that depend on the water rights from that ditch.

The language we've added would make the liability standard under which the ditch operates consistent with the standard that applies to other water users under Colorado law. This revised standard only applies, however, if the ditch is operated in accordance with an updated operations and maintenance plan approved by the Park Service. It is a sensible provision.

As one who feels that it is critical that local communities participate in and support these efforts, I am proud that this bill has the endorsement of the local communities and organizations, including Larimer County, Grand Lake, Grand County, the Town of Estes Park, Winter Park, the Town of Grand Lake, and the League of Women Voters.

I am proud that our bill is a win-win for economic development, for conservation, and that it accumulates the needs of a broad range of interests.

I look forward to hearing today's testimony on this bill and I am hopeful that the committee can pass this legislation on to the floor of the Senate as soon as possible.

I also like ought to thank Tom Moore of the Water Supply and Storage Company, who is also here. He will not be testifying, but I want to thank him for having made the trip out here as well.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Salazar.

Now, in a timely fashion let me call on Senator Smith for any remarks that you may have.

Senator Smith.

STATEMENT OF HON. GORDON H. SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Thank you, Senator Akaka. I appreciate you holding this hearing today and for including my legislation, the Veterans Eagle Park Pass Act. Last November I received a letter from a constituent who was also a marine from Corvallis, Oregon, the same Corvallis, Oregon, that is home to the two-time NCA world champion baseball team of Oregon State University's Beavers.

I'd like to read the letter he sent to me: "Dear Senator Smith: I am writing to you today as a veteran and an avid sportsman. Ever since I returned from Iraq, I've been trying to partake in any outdoor activity that this country has to offer. I would like to see a permanent national park and forest pass be granted to veterans. This would not cost a lot to the taxpayers and would be appreciated greatly by all veterans. I am a very appreciative person and I thank God every day that I was born here in the USA. I'm thankful that I had the opportunity to serve this country and all I want is to be able to take advantage of its natural beauty and bounty. Thank you, and semper fi, Eric Kronold."

I agree with my constituent and looked into whether or not Federal land management agencies offer discounted passes to veterans.

While they do for senior citizens and permanently disabled individuals, they do not offer discount passes for veterans. I find that to be an oversight in our Federal policy. I think it is, to say the least.

In the last Congress, Congressman Tom Reynolds of New York introduced legislation to create the Veterans Eagle Parks Pass. My legislation is a companion to his in the 110th Congress. Both bills would create a new Federal access pass for the honorably discharged veterans at an annual fee of $10. Without this legislation, the pass would cost $80 for veterans.

On so many levels, the discount is the right thing to do for veterans who have returned home, whether it be from Baghdad this year or from Berlin a generation ago. This bill is one of common sense and it is supported by the American Legion, who's testifying today, AMVETS, and the VFW.

I'm frankly surprised that the administration testified in opposition to this bill last Congress. The Department of the Interior has begun offering free entrance for veterans to Federal parks on Veterans Day in November. But at Trader Lake in Oregon, no one is charged an entrance fee after October because of heavy snow. So the gesture is appreciated, but in reality no more than a gesture in many areas of the country.

The Senate is currently authorizing the military spending for Iraq and Afghanistan. My bill here does not answer the larger policy questions being asked about our military actions, but my bill does coalesce around something we all support, the treatment of our troops when they come home.

If a veteran wants to take his family to one of the crown jewels of the Nation, the Nation he helped to protect, the least we can do is offer a discount. To that extent, I wholeheartedly agree with those, including Senator Craig, who have suggested that this bill be expanded to include active duty personnel.

I again thank the chair for holding today's hearing and look forward to working toward the passage of this bill.

Senator AKAKA. Thank you very much, Senator Smith.

Now let me call on Senator Thune for your statement.

STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM NORTH DAKOTA

Senator THUNE. Thank you, Mr. Chairman and distinguished members of the subcommittee. I want to express my appreciation to you for holding this hearing to consider my bill that extends the authorization for establishing a memorial in the District of Columbia to honor veterans who become disabled while serving in the Armed Forces of the United States. I appreciate very much the bipartisan support for this bill from Senators Dorgan, Snow, and Johnson, and I want to thank you again for the opportunity to briefly testify in support of the bill.

Washington is home to many memorials and monuments honoring the people who have made this country great. A memorial honoring our disabled veterans would be an appropriate and important addition. Recognizing the service and sacrifice of our Nation's 3 million disabled veterans is particularly timely as soldiers return home with injuries from the battles in Iraq and Afghanistan.

One concern I often hear about establishing this memorial is that funding the memorial would take money away from veterans' benefits and programs. That's why I want to emphasize that the establishment of this memorial will be paid for strictly by private donations. No taxpayer funds will be expended by the enactment of this bill or in the construction of the memorial. Disabled Veterans Life Memorial Foundation is doing good work in raising the necessary funds to construct the memorial, but more time is needed to complete this important work, as the current authorization for the memorial expires in October of this year.

Passage of this bill would allow for more time to complete the memorial by extending the authorization to October 24 in the year 2015. The original bill authorizing the establishment of this memorial passed the Senate by unanimous consent in October 2000, and because any legislative authority for a commemorative work expires at the end of a 7-year period, in this case a few months from now, it is important that we pass this bill as expeditiously as possible.

Establishing this memorial will demonstrate our Nation's commitment to those veterans who have been disabled in battle. As you know, the House has already passed an identical version of this bill by a vote of 390 to nothing. I look forward to working with you to advance this bill through the Senate and I respectfully urge the subcommittee to quickly approve the bill.

Again, Mr. Chairman, I thank you for holding this hearing and for the opportunity to appear before the committee in support of it.

Senator AKAKA. Thank you very much, Senator Thune. I certainly would be happy to sit with you and see how quickly we can move it.

Senator THUNE. Thank you, Mr. Chairman.

Senator AKAKA. Thank you for your testimony.

Senator Durbin wanted to be here today, but he has an Appropriations Committee markup that is taking place at the same time as this hearing. He has submitted a statement in support of S. 995, the Abraham Lincoln National Heritage Area, which will be included in the record.

[The prepared statement of Senator Durbin follows:]

PREPARED STATEMENT OF HON. RICHARD J. DURBIN, U.S. SENATOR FROM ILLINOIS

Mr. Chairman, I want to thank you for holding this hearing today on S. 955, a bill to establish the Abraham Lincoln National Heritage Area. I would also like to thank Tom Martin, the Chairman of the Looking for Lincoln Heritage Coalition, for coming to Washington, DC this afternoon to testify on behalf of this bill.

I am proud to have introduced this bill on behalf of Senator Obama and myself. I serve, along with Representative LaHood, as co-chair of the Abraham Lincoln Bicentennial Commission, which is tasked with planning the 200th anniversary of Abraham Lincoln's birth.

The purpose of this legislation is to create a National Heritage Area in Illinois that formally ties together natural, historic, cultural and recreational resources in Illinois that have been touched by the life and influence of the Nation's greatest President—Abraham Lincoln. Scattered throughout the central Illinois landscape are countless places where Lincoln traveled, worked, and lived. The creation of this Heritage Area will give all those who visit a deeper understanding of the places and experiences that shaped Abraham Lincoln into the man and he was and the President he became.

This legislation was developed through the efforts of the Looking for Lincoln Coalition that has been working for over seven years to establish a cohesive group of historic, natural and cultural resources that tell the Lincoln story for the enrich-

ment and education of current and future generations. The coalition has worked diligently with all stakeholders, including local citizens, community groups and all levels of government to establish the Abraham Lincoln Heritage Area. They have formed private public partnerships to aid local communities in exploring their connections to Lincoln and restoring their cultural and natural sites.

In 1858, the Lincoln-Douglas debates took place in 7 locations across Illinois. Both Lincoln and Douglas were noted for their eloquence at these debates, which revolved almost exclusively around slavery.

The Looking for Lincoln Coalition brought together the seven communities in which these debates were held and facilitated an integrated, yet individual, collection of sites for visitors to explore. At the Charleston site, the Lincoln-Douglas Debate Museum offers interpretative exhibits about the debates.

The debates hold an important place in Illinois history, but also in our nation's history. The great orators drew visitors from neighboring states and received national press coverage.

Today, the world also benefits from the messages that are spread with the legacy of Abraham Lincoln, his passion for and eloquence about the ideas of equality, opportunity and freedom. As the people of Illinois work to preserve Lincoln's history, we invite the world to come to Illinois and learn not just about the history of this great man, but also about what he can teach us today.

The impact of the life and works of Illinois's favorite son extends far beyond the prairies of the Midwest. In a sense, the Land of Lincoln is anywhere that people dream of freedom and equality and opportunity for all.

By establishing a national heritage area in Illinois, we can share our knowledge and interpretation of Lincoln's life and contributions with all who visit our state.

Thank you, Mr. Chairman, for inviting me to testify on behalf of S. 955.

Senator AKAKA. We also have received a statement from Senator Dodd in support of his bill, S. 1182, which will be included in the record as well.

[The prepared statement of Senator Dodd follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM CONNECTICUT

Chairman Akaka and members of the Subcommittee, thank you for the opportunity to testify in support of S.1182, the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Amendments Act of 2007. I would like first to acknowledge the absence of Senator Thomas; this is the first hearing of the Subcommittee since his passing. Today we remember his dedication and service to Wyoming and the country, not least in his capacity here on the Subcommittee.

I am pleased to be the sponsor, along with cosponsors Senators Lieberman, Kerry, and Kennedy, of this bill to extend the authorization of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor (QSHC). The QSHC was first established in 1994 as the fifth National Heritage Corridor. It is commonly known as "The Last Green Valley," a rare rural landscape in the populous Northeast, and it stands out in night images from space for its absence of lights. The corridor contains aboriginal and colonial archaeological sites, mills and mill villages that preserve the history of the early industrial revolution, and traditional farming communities. The QSHC non-profit management entity has restored architecturally and historically important buildings, established interpretive projects, and developed conservation and open space plans.

As one of the earliest Heritage Areas, the QSHC has been a pioneer. In its first four years, it received federal funding of only $800,000. Fortunately, the QSHC was able to match those funds with $7.38 million from state, local, and private sources. That success is a long-running trend and a testament to its deep-seated popularity: For every $1 of federally appropriated funds, the QSHC has leveraged an average of $19 more.

In 1999, the QSHC expanded to include contiguous towns in Massachusetts, and now consists of 35 municipalities dedicated to preserving a unique slice of our American heritage. And in developing a plan to become a self-sustaining entity by 2015, as laid out in "The Trail to 2015: A Sustainability Plan for the Last Green Valley," the QSHC is a pioneer again. This plan calls for replacing Federal funds with fees for services, private and corporate support, and income from a permanent fund. But until sustainability is achieved, federal funds are still necessary for capacity-building, awareness programs, and ongoing education of land-use decision-makers.

Mr. Chairman, the QSHC is a unique and precious area, and with an extension of its authorization, this Subcommittee has the chance to protect its existence for

perpetuity. I urge the members of the Subcommittee to support this bill: to support the QSHC and the goal of a self-sustaining Heritage Area. Thank you for your consideration.

Senator AKAKA. Testifying on behalf of the administration this afternoon, may I call on administration witnesses to come forward: Kate Stevenson, the Acting Associate Director for Business Services for the National Park Service. Kate has testified before the subcommittee many times previously and we're glad to have her back today.

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Ms. STEVENSON. Thank you very much.

Senator AKAKA. Will you please proceed with your testimony on all of the bills, summarizing as much as possible. We have copies of your written statements and they will all be included in the hearing record. After you have finished, we will turn to a round of questions.

Ms. STEVENSON. Thank you very much, Mr. Chairman. I appreciate the opportunity to present the views of the Department of the Interior on the eight bills before you.

Let me start right off with Senate bill 488, the Carl Sandburg Home National Historic Site Boundary Adjustment. The Department supports this bill and requests to work with the committee to make minor changes to make the bill more consistent with the general management plan and other recent boundary expansion bills.

Senate 617, the Veterans Eagle Parks Pass. In 2005 the Congress passed the Federal Lands Recreation Enhancement Act and established the America the Beautiful Pass. Sales of that interagency pass have just begun in January of this year. As part of the discussion leading to FLREA and the previous bills, several worthy groups were considered for discounts. Ultimately Congress decided to offer a discounted pass to senior citizens and to disabled citizens, including veterans.

In 2006 the Department established a fee-free day for veterans and their families on Veterans Day. We propose to extend that fee-free day to all active duty military personnel and to their families for Veterans Day.

S. 824, the Disabled Veterans Memorial. The Department supports enactment of this bill to extend the time available to the Disabled Veterans Life Foundation to establish the memorial.

S. 955, the Abraham Lincoln National Heritage Area. The Looking for Lincoln Heritage Coalition submitted to the National Park Service a feasibility study to designate this heritage area. The study concluded that the region met all of the criteria for designation as a national heritage area. Nevertheless, we recommend that the committee defer action on this and all other heritage area designations until program legislation for heritage areas is enacted.

In addition, we recommend that this and other heritage area bills include the requirement that 3 years prior to the cessation of Federal funding the Secretary conduct an evaluation of the accomplishments, sustainability, and future of the heritage areas.

S. 1148, the Hudson-Fulton-Champlain Quadricentennial Commemoration. The Department supports the bill, but has concerns about certain appointment provisions and will transmit to the committee language to address those concerns.

S. 1182, the Quinebaug and Shetucket Rivers Valley Heritage Area. The Department believes it is premature to consider this bill as the heritage corridor has 2 years remaining on its authorization. Also, the Department would like the time to review and make recommendations on the evaluation by the corridor that details its accomplishments and presents a plan for the future.

S. 1380, the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act. The Department cannot support the bill unless it is amended to address our concerns related to the Grand River Ditch. The provisions of the bill related to the Grand Ditch go beyond ensuring that the ditch operations are not affected by the designation of wilderness and grant the owners of the ditch significant privileges, exemptions from existing law, release from their own prior agreements with the United States, which were reaffirmed as recently as 2000, and authorize a potential windfall profit by allowing a change in the use of the water.

The Department would like to continue to work with the committee and the Water Supply and Storage Company to reach a solution.

Finally, S. 1728, to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission. The Department supports enactment.

Mr. Chairman, this concludes my testimony. I'd be pleased to answer any questions you may have.

[The prepared statements of Ms. Stevenson follow:]

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

S. 1182

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1182, a bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994. S. 1182 would increase the ceiling on appropriations to the heritage area from $10,000,000 to $15,000,000 and extend the termination date of the Secretary of the Interior's financial commitment from September 30, 2009 to September 30, 2015.

The Department believes it is premature to consider S. 1182 based on the fact that the Quinebaug and Shetucket Rivers Valley National Heritage Corridor has two years remaining on its authorization and the Department also would like time to review and make recommendations on the evaluation recently completed by the Corridor that details its accomplishments and provides a plan for its future. Therefore, the Department opposes S. 1182 at this time.

Less than a year ago, there were 27 heritage areas. Today, there are 37. Our understanding is that national heritage areas are locally driven grassroots efforts to preserve resources that were intended to operate independent of Federal funding at the end of the authorization period. While the National Park Service would continue to support the heritage areas through technical assistance, the heritage areas were to be largely self-sufficient after an initial period of financial assistance from NPS. This was the understanding, particularly for those heritage areas created or reauthorized since 1996.

The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, also known as The Last Green Valley, was authorized in 1994 and comprised 25 communities in northeastern Connecticut. It began receiving federal funding in 1996 with appropriations through 2007 totaling $6,303,750. It became the first national heritage area to be managed by a non-profit organization, the Quinebaug-Shetucket Her-

itage Corridor, Inc. Its first plan, Vision to Reality: A Management Plan, was completed in 1997.

In 1999, the Quinebaug and Shetucket Rivers Valley National Heritage Corridor (QSHC) was expanded to include 10 additional communities in its watershed in Connecticut and Massachusetts, making it the second bi-state national heritage area in the country. At the same time, its original seven-year authorization was extended through 2009 and a new ceiling of $10,000,000 was authorized with an annual amount not to exceed $1,000,000, in keeping with other similar national heritage areas. At that time, Vision 2010: A Plan for the Next Ten Years was completed, along with the Interpretive Initiative for the Quinebaug and Shetucket Rivers Valley National Heritage Corridor. With the additional federal investment and larger regional focus, many successful programs were initiated.

The National Park System Advisory Board in its report entitled Charting a Future for National Heritage Areas recognized the important role of national heritage areas in expanding conservation stewardship and in identifying and preserving significant historic resources. The report also recognized that national heritage areas need a legislative foundation that establishes a clear process for designation, administration, and evaluation to become self-sufficient.

The Administration's proposal for national heritage area program legislation, which was transmitted to Congress in July 2006, would provide such a framework. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced.

The proposed legislative framework recommended that, three years prior to the cessation of Federal funding, the Secretary conduct an evaluation and prepare a report on the accomplishments, sustainability, and recommendations, if any, for the future of a designated national heritage area. This evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the NPS should have with respect to the heritage area.

Under its existing authorization, the QSHC will continue to receive annual federal funding for two more years. During last year's hearing on another reauthorization bill for the area, the Department recommended that the area begin to evaluate how it will sustain its efforts to protect resources when federal funding ends in 2009. To this end, the QSHC has recently completed an evaluation on the heritage area that included extensive public input during the process, but the NPS has not had a chance to officially review the study.

The nearly 1,100-square miles of The Last Green Valley provide a challenge to cohesive and engaging regional interpretation of natural and historical resources. Over the past several years, QSHC has developed a number of interpretive strategies to educate residents and visitors alike, while providing an entertaining base from which to generate tourism. For example, Last Green Valley Ventures is a program that (1) circulates people and information throughout the region; (2) provides adequate visitor services, orientation to The Last Green Valley and interpretation of the many regional themes; (3) assures quality, consistency and hospitality; and (4) collects important statistical data to inform future marketing and programming. The program combines current assets of The Last Green Valley, the compendium of existing research and support brochures, the complimenting businesses offering unique experiences, and partners from public and private sectors into one cohesive product.

Last Green Valley Ventures also dovetails with an on-line educational resources guide, Valley Quest, used by regional educators, parents and youth group leaders to educate and inspire the future stewards of the QSHC.

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

S. 488 AND H. R. 1100

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on s. 488 & H.R. 1100, bills that would expand the boundary of the Carl Sandburg Home National Historic Site (site) in the State of North Carolina.

S. 488 and H.R. 1100 would authorize the acquisition, from willing sellers, of interests in 115 acres of land for addition to the Carl Sandburg Home National His-

toric Site. The bills would also authorize the use of up to 5 of these 115 acres for a visitor center and parking facilities.

The Department supports both of these bills, but would like to work with the committee to amend S. 488 to make it identical to H.R. 1100. At a hearing on April 17, 2007 in the House of Representatives, the Department testified in support of H.R. 1100, and then worked with the House subcommittee to make minor changes to make the bill more consistent with the site's 2003 General Management Plan and other recent boundary expansion bills. An amended version of H.R. 1100, containing the changes the department had suggested, passed the House of Representatives on May 23, 2007.

These bills would authorize acquiring lands or easements for the park that are estimated to cost between $300,000 and $2.25 million. Management of these new lands is estimated to cost less than $10,000 annually. These acquired lands could be used for a visitor center, estimated to cost about $3 million, but that project, as well as the costs for land acquisition, would be subject to the budget prioritization process of the NPS. Annual operation of a visitor center is expected to cost $345,000. The costs of operating a shuttle are not known at this time. No funding has yet been identified for any of these costs.

Carl Sandburg Home National Historic Site currently includes 264 acres of Connemura Farm, an estate purchased by Sandburg in 1945 near the pre-Civil War resort town of Flat Rock, North Carolina. Following Sandburg's death in 1967, his wife deeded the estate to the Federal government. The National Historic Site was authorized one year later, in 1968.

Sandburg, though perhaps best known for his poetry celebrating the lives of common American people, was also a Pulitzer prize-winning biographer of Abraham Lincoln, a children's author, and a collector of folk music. Fellow author H.L. Mencken declared that Sandburg was "indubitably an American in every pulse-beat."

Acquisition of 110 of the 115 acres proposed in S. 488 and H.R. 1100 would protect the view that Carl Sandburg and his neighbors enjoyed from Big Glassy Mountain. Big Glassy overlook is the highest point at the Carl Sandburg Home National Historic Site and a popular stop for visitors. Sandburg and his family often visited this granite outcrop to enjoy its stunning views of surrounding mountains and valleys. The majority of the overlook is within the authorized park boundary. However, the overlook precipice as well as the view below it, lies on private property outside the authorized boundary. Purchasing conservation easements or fee simple property rights from willing sellers would protect the overlook and views from the mountain in perpetuity.

The National Park Service contacted each landowner that holds an interest in the 110 acres proposed for acquisition during the planning process for the site's 2003 General Management Plan. The State of North Carolina purchased 22 acres within the proposed expansion to protect it until the National Park Service can acquire it. All of the other owners agreed to have their parcels included in the map and proposal to expand the park.

The acquisition of 5 acres for a visitor center and parking lot would help to solve traffic and safety problems along Little River Road, the thoroughfare that forms the site's northern boundary and provides excellent views of the site's pastures, barns, and Side Lake. When the site's existing parking area is full, vehicles enter and exit from Little River Road, searching for an open space. Some visitors park on the shoulder of Little River Road and walk to the site. The presence of park vehicles, pedestrians, and speeding traffic on Little River Road is a hazard to all. The local community has expressed concern about this issue, but there is no additional parking available in the community.

To solve these problems, the site's 2003 General Management Plan proposes acquiring up to 5 acres to build a visitor center and parking facility. In order to protect the historic character of the site, the National Park Service would like this facility to be located outside both the existing boundary and the 110 acres that are proposed to protect the overlook and views from Big Glassy Mountain. A more appropriate location would be near, but not necessarily contiguous with the park's boundary, perhaps fronting Little River Road or Highway 225. The Village of Flat Rock, North Carolina supports the proposal for a visitor center and parking facility.

H.R. 1100 has been amended to allow the National Park Service to acquire 5 acres "adjacent to or in the general vicinity of" the site's boundary. S. 488 requires that all lands required be "contiguous to" the park's boundary. We would like to work with the committee to amend S. 488 to make it consistent with H.R. 1100 and the park's 2003 General Management Plan.

S. 488 applies boundary expansion criteria from the 1978 National Parks and Recreation Act. In the 29 years since that Act was signed into law, Congressional committees and the National Park Service have developed and refined these cri-

teria. These refined criteria are used in the version of H.R. 1100 that is being considered by the subcommittee. We would like to work with the subcommittee to amend S. 488 to make it identical to H.R. 1100.

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

S. 824 AND H.R. 995

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 824 and H.R. 995, bills to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. The Department supports enactment of this legislation.

S. 824 and H.R. 995 would authorize an additional eight years for the Disabled Veterans' LIFE Memorial Foundation (Foundation) to establish the American Veterans Disabled for Life Memorial in the District of Columbia. This memorial was authorized on October 24, 2000 and the extension would extend the authority to October 24, 2015. The authority to establish the memorial will expire on October 24, 2007 if the Foundation has not secured a permit to begin construction from the National Park Service (NPS) before that date.

The Foundation has proceeded in a professional and responsible manner in all aspects of the memorial process. The site was approved in 2001, the design concept was approved in 2004, and the Foundation continues to seek the direction and advice of the NPS, the National Capital Planning Commission and the Commission of Fine Arts in developing the design of the memorial. We look forward to productive meetings with both commissions as the design nears completion.

The Foundation proposes to build the memorial on two acres across Washington Avenue from the U.S. Botanic Gardens and just east of the Department of Health and Human Services headquarters building. The triangular-shaped site is bounded by Second Street to the west, Washington Avenue to the east, and the I-395 tunnel portals on the south. The property was managed by the District of Columbia until December 15, 2006. The site was then transferred to the National Park Service under the terms of the Federal and District of Columbia Government Real Property Act of 2006.

In 2004, the Foundation proceeded to the point of developing its approved design concept but could move no further until the management of the property was determined. Valuable planning time for the memorial was lost while this legislation was under consideration in the 109th Congress. Given the legislative delay as well as the unique aspects of this site and the need to revise traffic patterns in order to achieve both a site worthy of this memorial and the proper urban design in the context of both the U.S. Capitol and the U.S. Botanic Gardens, we feel it is fair to allow the Foundation additional time beyond the four months that now remain available to the Foundation to continue fundraising and complete the design development. We have every expectation that groundbreaking for the memorial will occur within the time period this proposed extension will allow.

There are four instances where similar extensions of time have been granted for the completion of truly superior memorials that the Department manages. They are the memorials to Women in Military Service for America, George Mason, World War II, and Victims of Communism. Extensions also have been granted for the Martin Luther King, Jr. Memorial, and we are currently working with the Martin Luther King, Jr., Memorial Foundation in the development of the design in consultation with the National Capital Planning Commission and the Commission of Fine Arts.

The Department has enjoyed an excellent working relationship with the Disabled Veterans LIFE Memorial Foundation and we are confident that this extension is an appropriate action and worthy of your consideration.

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

S. 1728

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1728, a bill to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili o Kaloko-Honokōhau Advisory Commission.

The Department supports enactment of S. 1728. This legislation, which would reestablish the advisory commission for Kaloko-Honokōhau National Historical Park for ten years, would enable the National Park Service to benefit from the advice and

counsel of Hawaiian residents who have expertise in Native Hawaiian language, history, and cultural arts during a period when the park will be engaged in projects critical to the interpretation of traditional Native Hawaiian activities and culture.

"Na Hoa Pili o Kaloko-Honokōhau," which means "Friends of Kaloko-Honokhau," is the name of the advisory commission that was authorized for ten years as part of the original 1978 authorization for the park (Public Law 95-625), and that was reestablished for ten years, after a lapse, in 1996 (Public Law 104-333). S. 1728 would authorize the reestablishment of the commission effective upon the date of enactment, to last until December 31, 2017. The composition, purpose, and responsibilities of the commission would remain as provided for under existing law.

From the beginning, the law has provided for the commission to advise the National Park Service with respect to the historical, archeological, cultural, and interpretive programs of the park, affording particular emphasis to the quality of traditional Native Hawaiian culture demonstrated in the park. It was helpful to have the commission's sound, pragmatic, and critical advice on these matters during the initial stages of establishing the park. It will be equally helpful to receive such advice over the next decade, particularly on two major projects—design and construction of traditional structures that will serve as a cultural center, and completion of the restoration of the historic Kaloko fishpond.

The advisory commission would provide advice in the planning and design of the thatched structures made of local natural materials that will house traditional Native Hawaiian cultural activities. Once the structures are built, the commission would provide guidance in the interpretation of cultural activities, make recommendations on the preservation, interpretation, and perpetuation of traditional Native Hawaiian culture, and facilitate the participation of Native Hawaiians, especially the kupuna, or elders, in activities.

The commission would also continue to provide advice concerning the reconstruction and interpretation of the centuries-old fishpond, an enclosure contained by 30-foot-wide stone seawalls, where restorers are practicing the native traditional masonry work under the guidance of some of the finest masons in Hawaii. This impressive reconstruction represents both the general cultural significance of fishponds and the uniqueness of engineering and management skills of Native Hawaiians. The commission would help ensure that the significance of the fishpond to Native Hawaiian culture and history is fully and accurately interpreted.

The advisory commission has been instrumental in facilitating the collaborative partnership that the National Park Service has developed with the Native Hawaiian community. With enactment of S. 1728, we will look forward to another decade of assistance from the commission in fulfilling the mandate of the enabling legislation for the park—the preservation, interpretation, and perpetuation of traditional Native Hawaiian activities and culture, the demonstration of historic land use patterns, and the provision of education, enjoyment, and appreciation of such traditional Native Hawaiian activities and culture by local residents and visitors.

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

S. 617

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 617, the Veterans Eagle Parks Pass Act. The legislation would require the Secretaries of the Interior and Agriculture to make the National Parks and Federal Recreational Lands Pass available at a cost of $10 to any veteran separated from military service under conditions other than dishonorable.

In the 108th Congress, Congress enacted the Federal Lands Recreation Enhancement Act (Public Law 108-447) (REA), a major overhaul of the fee system that governs the National Park System, the National Wildlife Refuge System, the National Forest System, certain public lands administered by the Bureau of Land Management, and recreational lands administered by the Bureau of Reclamation.

Our federal lands provide Americans and visitors from around the world special places for recreation, education, reflection, and solace. Public lands and waters managed by the Department of the Interior hosted over 470 million recreation visits. Ensuring that the federal lands continue to play this important role in American life and culture requires that we maintain visitor facilities and services and enhance visitor opportunities. Such efforts require a source of funding with which we can quickly respond to increases in visitor demand. Recreation fee revenues are a critical source of such supplemental funding that significantly enhance our efforts to address the deferred maintenance backlog at our National Parks, better manage other federal lands, and respond quickly to changes in visitation levels and service requirements.

REA established a new multi-agency America the Beautiful-National Parks and Federal Recreational Lands Pass (the new pass) to cover entrance fees for NPS and FWS and standard amenity recreation fees for BLM, Forest Service, and BOR, generally for a period of 12 months. Sales of the new passes began in January 2007 after an extensive interagency planning process. The new passes are more convenient to purchase, are more durable, and are designed with a collectible image of public lands. All new passes are now available to the public at thousands of interagency field sites. Annual passes, brochures, hangtags and decals also are available via the internet, by calling a toll free phone number and through select third-party vendors. Revenue from the sale of the new passes is used to improve visitor services and protect resources.

As the Congress considered establishing the new pass, discussion occurred about which groups of people might be eligible for discounted passes. At one time, legislation was introduced to provide free passes to all September 11, 2001 responders and their families. Other groups have also been suggested as potential groups to be considered for discounts. However, at that time, a decision was made ultimately by Congress to offer a discounted pass to senior citizens and a free lifetime pass to U.S. citizens or persons who permanently reside in the United States and who have a medical determination and documentation of blindness or permanent disability, including disabled veterans. We agree with this approach.

Veterans have made tremendous contributions to this country, and we honor their service. Many National Park System units, including all of the memorials within the District of Columbia and the USS Arizona Memorial in Hawaii do not charge fees as required by law. Many other parks and National Wildlife Refuges, as well as most BLM and U.S. Forest Service locations do not charge fees.

In 2006, in lieu of establishing a discount pass for Veterans, the Department of the Interior established an entrance fee-free day for all veterans and their accompanying family members on Veterans Day each year. We would like to extend the entrance fee-free day to all active duty military personnel and their family members, effective November 11, 2007, and on each subsequent Veterans Day as an additional way to recognize them and thank them for their service. We understand the Secretary of Agriculture supports adopting this same policy with regard to standard amenity recreation fee sites managed by the U.S. Forest Service. We believe this is an appropriate way to honor all those who have served and are currently providing military service to our country without creating a precedent for carving out exceptions to the Federal Lands Recreation Enhancement Act, which was carefully developed to provide a comprehensive approach to fee management.

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

S. 955

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 955, a bill to establish the Abraham Lincoln National Heritage Area in the State of Illinois.

In 1998, the Looking for Lincoln Heritage Project, a grassroots organization in central Illinois, coordinated a community effort to promote tourism, using the various aspects of Abraham Lincoln's life. It initially focused on single projects and strategic planning with a variety of public and private resources to help local communities research their connections to Lincoln and his times. However, as they moved forward, the scope of the project broadened to identify and promote the various natural, social, and cultural landscapes that made up Lincoln's life. As a result, work toward developing a National Heritage Area (NHA) began with the idea that the National Park Service's Lincoln Home National Historic Site and the future Abraham Lincoln Presidential Library and Museum would serve as the central core.

The Looking for Lincoln Heritage Coalition submitted a feasibility study to designate the Abraham Lincoln National Heritage Area to the National Park Service for review. The study concluded that the region met all of the criteria for designation as a NHA. Nevertheless, we recommend that the committee defer action on S. 955 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of NHAs.

Last year, the Administration sent to Congress a legislative proposal to establish guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact NHA program legislation. This legislation would provide a much-needed framework for evaluating proposed NHAs, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

S. 955 establishes the Abraham Lincoln National Heritage Area in a core area defined by 42 counties in central Illinois. We expect that the final boundary may be a more manageable size. The area includes rich opportunities where visitors may experience the physical environment of rivers, woodlands, and prairies familiar to Abraham Lincoln and his generation. There are many cultural and historic sites, including the Lincoln Tomb State Historic Site, the Lincoln Home National Historic Site, the Lincoln Douglas Debate Museum, the Abraham Lincoln Presidential Library & Museum, and a broad diversity of folklife throughout the "Land of Lincoln."

S. 955 designates the Looking for Lincoln Heritage Coalition as the management entity and outlines its duties. The bill also authorizes the development of a management plan within three years of enactment and authorizes the use of federal funds to develop and implement that plan. If the plan is not submitted within three years of enactment of this Act, the NHA becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, the Secretary may, at the request of the management entity, provide technical assistance and enter into cooperative agreements with other public and private entities.

S. 955 also contains safeguards to protect private property, including a prohibition on the use of federal funds to acquire real property. The bill proposes no new restrictions with regard to public use and access to private property.

Abraham Lincoln was an itinerate lawyer who traveled extensively through a large region in central Illinois. Hours spent riding through the area, mostly by horseback, bonded the man and the landscape together. The region tells the comprehensive story of this important man, lawyer, husband, father, and our nation's 16th President. It is here that Abraham Lincoln pondered this nation, formed his convictions, and even created his debate platform for the now famous Lincoln-Douglas debates still resounding across this region through continued dialog of the same themes.

Abraham Lincoln and his wife, Mary Todd, owned only one home in the heart of Illinois, and it is here that he returned for his permanent rest. The home itself and the neighborhood describe an emotional Abraham Lincoln, who opened his farewell remarks to the citizens of Springfield, Illinois on February 11, 1861 with these words: "My friends—No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe everything." He might very well have been speaking to friends and neighbors he had met with and represented as their lawyer throughout the 24 years he had ridden throughout the region. Lincoln left the home he and his family had lived in for 17 years to serve as president of a nation on the verge of a civil war.

While the proposed Abraham Lincoln National Heritage Area contains significant natural, historical, and cultural resources, we would again request that the committee defer action until national heritage area program legislation is enacted.

If the Committee chooses to move forward with this bill, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

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

S. 1148

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1148, a bill to provide for the establishment of the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission.

The Department supports this bill. The Department of Justice has advised us that it has constitutional concerns about certain appointment provisions in sections 102(b) and 202(b) of the bill and will transmit amendments at a later date to resolve these concerns.

S. 1148 provides for the establishment of two separate commissions to undertake activities celebrating the contributions of Samuel de Champlain, and those of Henry Hudson and Robert Fulton to the history of our nation. The French explorer, Samuel de Champlain, was the first European to discover and explore what is now called Lake Champlain in 1609. Henry Hudson, as the master of the vessel Half Moon, was the first European to sail up the river that now bears his name, also in 1609. In 1807, Robert Fulton navigated up the same river between New York City and Albany in the steamboat Claremont, revolutionizing the method of water-borne transportation and influencing forever commerce, the world's navies, and transoceanic travel and trade.

Title I would establish the Champlain Quadricentennial Commemoration Commission, composed of 11 members, who would be appointed by the Secretary of the Interior. Four of the members would be from among individuals serving on the Hudson-Fulton-Champlain Commission of the State of New York and residents of the Champlain Valley, and four members would be from among individuals serving on the Champlain Quadricentennial Commission of the State of Vermont and residents of Vermont.

Title II would establish the Hudson-Fulton 400th Commemoration Commission, composed of 16 members, would be appointed by the Secretary, six of whom would be after consideration of nominations from members of the House of Representatives whose districts encompass the Hudson River Valley, two after consideration of nominations submitted by members of the U.S. Senate from the State of New York, and two after consideration of the recommendations of the Mayor of the City of New York and consultation with members of the House of Representatives whose districts encompass the City of New York.

The duties of the respective Commissions are to plan, develop, and execute appropriate commemorative actions, coordinate with federal and state entities, promote scholarly research, and encourage a wide range of organizations to participate in activities and expand understanding and appreciation of the significance of the voyages of these three men. They are granted broad powers to accomplish these tasks. Both are also to coordinate their respective efforts with each other to ensure that the commemorations conducted pursuant to the legislation are consistent with the plans of the commemorative commissions established by the States of New York and Vermont.

The bill provides annual funding authorizations of $500,000 for each commission to be available until expended. Specific allocations of funds to be expended by the commissions are also included. The Champlain Commission's authorized appropriations between fiscal years 2008 and 2011 shall be expended with 45% going to activities in New York; 45% for activities in Vermont; and 10% for other activities in accordance with purposes of the legislation. The Commission will terminate on December 31, 2010. The Hudson-Fulton Commission's authorized appropriations, also between fiscal year 2008 and 2011, shall be expended with 80% for activities in the Hudson River Valley; 10% for activities in the City of New York; and 10% for other activities in accordance with the purposes of the legislation. This Commission will also terminate on December 31, 2010.

Both commissions are authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of real money or other real or personal property for use in aiding or facilitating their work. Both are also authorized to appoint advisory committees as they determine necessary for carrying out the purposes of the legislation.

Back in the 108th Congress, the Department testified on a similar bill to establish the Hudson-Fulton-Champlain Commission. During that hearing, the Department raised three concerns we had with the bill. First, we were concerned about size of the commission that numbered 31 members. Second, we recommended that the bill clearly state that the commission was authorized to accept monetary donations to accomplish its purposes. And third, we recommended that the authorization of appropriations to the commission be capped. S. 1148 integrates all three of our recommended amendments.

The persons and events associated with the explorations of Lake Champlain and the Hudson River, and the inauguration of steam powered water-borne transportation form significant elements in our nation's history. As we commemorate the contributions of Samuel de Champlain, Henry Hudson and Robert Fulton, citizens of the United States and those abroad will come to have a better understanding of their impacts on early exploration, navigation, our national heritage, and the development of the United States.

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

S. 1380

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the Administration's views on S. 1380, a bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado.

The Administration cannot support S. 1380 unless amended to address our concerns regarding the provisions related to the Grand River Ditch as described in this testimony. The Department of the Interior testified in support of a similar bill, S. 1510, at a hearing held before this subcommittee on April 6, 2006. That bill did not contain the Grand River Ditch provisions.

S. 1380 would designate approximately 249,339 acres of Rocky Mountain National Park's back country in the National Wilderness Preservation System. This represents approximately 95% of the park's total acreage, lands that currently are managed as wilderness. In addition, S. 1380 would exclude lands occupied by the Grand River Ditch from wilderness, change the liability standard for future damage to park resources resulting from operation and maintenance of the ditch, enable the Water Supply and Storage Company to convert its Grand River Ditch water rights to other uses, make adjustments to the Indian Peaks Wilderness and Arapaho National Recreation Area, both administered by the U.S. Forest Service, and give the National Park Service (NPS) the authority to lease the Lieffer tract.

In 1964, Congress designated Rocky Mountain National Park as a wilderness study area. In 1974, President Nixon recommended to Congress 239,835 acres for immediate designation and 5,169 acres for potential designation as wilderness in the park. The increased acreage amount included in S. 1380 is based on modifications brought about by land acquisition and boundary adjustments since 1974.

Present road, water, and utility corridors, and all developed areas, are excluded from recommended wilderness. Wilderness designation would not alter any current visitor activities or access within the park, and would allow visitors to utilize the park in the same ways and locations that they presently enjoy.

Federal reserved water rights for park purposes are not an issue related to wilderness designation as water rights for the park have been adjudicated through the State of Colorado water courts. Consequently, no water rights claims for wilderness purposes are needed or desired by the NPS.

After holding public meetings on the proposed designation in June 2005, the gateway communities of Estes Park and Grand Lake, and the counties of Grand and Larimer, endorsed wilderness designation for Rocky Mountain National Park, subject to specific boundary modifications on the west boundary of the park. These modifications, which have been incorporated in S. 1380, would provide an area of non-wilderness around the Town of Grand Lake in order to ensure that the park could continue to actively manage hazardous fuels and other uses that might affect the Town. The proposed modifications would also reserve a corridor along the east shore of Shadow Mountain and Granby reservoirs for the possible construction of a non-motorized hike/bike trail, which would be subject to normal NPS planning processes including analysis under the National Environmental Policy Act.

In addition to excluding lands occupied by the Grand River Ditch from wilderness, S. 1380 would allow for a change in the liability standard for future damage to park resources resulting from operation and maintenance of the ditch, as long as the ditch is operated and maintained in accordance with an operations and maintenance agreement between the NPS and the ditch's owners. This provision would alter the protections to park resources under the Park System Resource Protection Act (16 U.S.C 19jj) which holds any person who causes injury to park resources liable to the United States for response costs and damages, except in certain circumstances such as an act of God or actions by a third party.

In 1907, and again in 2000, the owners of the ditch, the Water Supply and Storage Company, agreed to a stipulation, in return for a valuable right-of-way across public land and a stipulated water rights agreement, that requires them to pay the United States for any and all damage sustained by use of the right-of-way regardless of the cause and circumstances.

Altering these protections to a more lenient negligence standard for the Grand River Ditch, as proposed by S. 1310, could have serious implications for future damage causing events resulting from the operation of the Grand Ditch within park boundaries. Changing that standard to a general liability standard would require the NPS to expend scarce financial resources to prove negligence. In cases where

negligence could not be proven, the United States would pay for response and repair costs associated with damage caused by operation of the ditch. This could set a dangerous precedent for all national parks and other public lands with implications far beyond the boundaries of Rocky Mountain National Park. Also, to retroactively change the 1907 stipulation would negate a century-old agreement that the ditch's owners have twice agreed to in exchange for valuable consideration it has received, the right-of-way itself and the 2000 stipulated water rights agreement.

As proposed in S. 1380, an operations and maintenance plan for the ditch is clearly needed. However, it must be comprehensive in scope and enforceable and should not be tied to a change in the liability standard for the ditch. We believe that an effective plan must contain provisions that reduce the risk of catastrophic failure of the ditch (as occurred in 2003) that could injure park visitors and staff and harm critical park resources. The plan should also establish clear expectations regarding maintenance and operational issues that impact park operations. Such a plan, if fully implemented by the operators of the ditch, should reduce the likelihood of future breaches or damage causing events, which we believe is in the interest of all parties and should negate the perceived need for a change in liability protection for the park.

S. 1380 also proposes to grant an exemption to the Water Supply and Storage Company from the requirement in its original right-of-way grant that the primary purpose of the ditch is for irrigation or drainage. This proposed change would enable the Company to convert its Grand River Ditch water rights to other uses, such as municipal use, without risking forfeiture of the ditch right-of-way, which could represent a significant increase in the value of the water rights for the shareholders of the Water Supply and Storage Company.

The provisions of S. 1380 related to the Grand Ditch go beyond ensuring that ditch operations are not affected by the designation of wilderness and grant the owners of the ditch significant privileges and exemptions from existing law and prior agreements with the United States and a potential windfall by allowing a change in use of the water. We would be happy to work with the Committee on amendments to the bill to address our concerns related to the operations of the Grand Ditch.

The legislation would also remove 1,000 acres of the Arapaho National Recreation Area in the Arapaho-Roosevelt National Forest and designate the land as an addition to the existing Indian Peaks Wilderness Area. The Administration supports the designation of the 1,000 acre addition to the Indian Peaks Wilderness.

Finally, S. 1380 would give the NPS the authority to lease the Lieffer tract. This 12 acre tract is located outside the boundary of Rocky Mountain National Park, was donated to the park, and lends itself to leasing to educational institutions or other similar entities.

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

Senator AKAKA. Well, thank you very, very much for your testimony.

We'll begin with questioning. We'll have a first round of questioning. I'd like to begin by thanking you for the Park Service's support of S. 1728, the reauthorization of the advisory commission at Kaloko-Honokohau National Historic Park. I think the extension of the commission will serve both the local community and the Park Service as well and I appreciate your support.

S. 617, a veterans discount for Federal lands pass. My first question is on S. 617, which would provide for a veterans discount for the annual Federal lands pass. Do you have any estimate as to whether this pass would have a significant effect on current fee revenues?

Ms. STEVENSON. Yes, sir. We anticipate that a pass such as this would require a brand new pass. We couldn't use the existing America the Beautiful Pass because we couldn't have adequate controls in order to ensure that we wouldn't have accountability problems. The production costs for a new pass would cost someplace between $950,000 and $1.9 million.

In terms of revenue impact, of course it's impossible to have a definite number because we'd have to know how many passes would be bought and how many veterans would use them. But a general guess is in the $10 to $40 million revenue impact range. Of course, the money that comes from the passes goes directly to the parks in which they are purchased. Eighty percent of the revenue from each of the passes goes back to the park.

Senator AKAKA. As introduced, the bill only applies to veterans who received—and I'm quoting—an "other than dishonorable discharge," unquote. If the committee decides to move this bill, does the administration have an opinion whether it should be modified to include those on active duty and if members of the National Guard and Reserves should also be included?

Ms. STEVENSON. I think in the interest of fairness we would agree that the Reserve and that the National Guard and active duty personnel should be included in any such pass. Saying that, also we recognize that it would substantially impact the revenue that the Park Service would receive, negatively impact it.

Senator AKAKA. Your testimony includes the following statement, and I quote: "As Congress considered establishing the new pass, discussion occurred about which groups of people might be eligible for a discounted pass," and that ultimately it was decided only senior citizens and those with permanent disabilities should receive the discount.

As I recall, the new fee law was inserted in December 2004 at the urging of the administration as a late addition to the omnibus appropriation conference report. The current law is a successor to the Recreation Fee Demonstration Act, which also was included as a rider to an earlier appropriations bill. Since this is in your statement, I'm curious as to where the discussion occurred about who should be entitled to receive a discount.

Ms. STEVENSON. Yes, you are correct. However, the previous authorizing legislation both in the fee demonstration program and the Land and Water Conservation Fund included the two exceptions in those bills. H.R. 3282 from the 108th Congress had a legislative hearing before the Subcommittee on National Parks and was marked up in the House Resources Committee. So both the markup and the hearing provided the opportunity for that discussion and were available to various sections of the population.

After the discussion in the hearings, the language included in the appropriations bill only included provisions for disabled and senior citizens.

Senator AKAKA. We'll have another round. May I call on Senator Burr for his questions.

Senator BURR. Thank you, Mr. Chairman.

Ms. Stevenson, thank you for your testimony. Let me ask, how many veterans use our national parks today?

Ms. STEVENSON. I don't know the direct answer to that, sir.

Senator BURR. Do you know how many veterans currently purchase the America the Beautiful Pass?

Ms. STEVENSON. No, sir.

Senator BURR. So it's actually impossible to project what the revenue loss might be. Would you agree that if veterans don't use the national parks today this could actually be a revenue increase if in

fact we got a large pool of veterans who found those treasures around the country something that they integrated into their vacation schedule?

Ms. STEVENSON. I agree with you that it's impossible for us to give you an accurate number for how many people would buy the pass.

Senator BURR. But you're basing your opposition to this effort based upon a cost. You started with the fact that there would be an accountability problem. Well, you know we have no accountability of this subgroup, which might tell us—I asked you how many veterans use it. We don't know. I take for granted the accountability problem is that you would have a pass out there with no way to verify; is that what it is?

Ms. STEVENSON. If we sold the America the Beautiful Pass, which is currently an $80 pass, for $10, which is what the bill calls for, we would have no way to tell from the people who sold the pass whether they had sold the $80 pass for $10 with documentation or without documentation, because we wouldn't collect the documentation from the veterans. We rely on the fee collectors to collect the documentation. That's what I meant in terms of accountability.

Senator BURR. I understand.

Ms. STEVENSON. That's why we'd need a separate pass.

Senator BURR. But do you agree that it's impossible to say to the committee that this would be a loss of $10 to $40 million worth of revenue?

Ms. STEVENSON. It's an estimate only, sir.

Senator BURR. I mean, it's an estimate to facilitate further that this ought to be a 1–day free thing, a day that you pick, versus a day that necessarily fits into what their vacation schedule is.

Mr. Chairman, I know you have tremendous interest in veterans issues. You weren't with us when we visited some of our cemeteries abroad that are truly historic sites for our country. One of the things I found as I went around is that we don't sell them to the American people. I think to some degree we sort of forget about our national parks, too.

Here's an excellent opportunity to take a well designated group and to sell our parks, to sell visiting those parks, to sell using the parks, and to do it with a group that I personally believe deserve a discount, I might even say, even though my dad is a senior citizen, probably more than he does, because I can see a veteran that would use it more often than my dad, who's 86 years old.

But somewhere we determined that that group should have a blanket discount and they do. I would only urge the Department of the Interior, I think that there's a way to make this happen and there's a way to make it happen that incorporates the ability to provide them a discount that's on their terms and not under some terms that we pull out of the sky as far as which day it is or how long that stay would be.

So I urge you to work with us to find a way to make this work. There's no person in the U.S. Senate more than I that wants to do it in a way that doesn't cost us anything, where we don't lose revenue. But I think to hide behind the fact that there's a revenue loss that we project when we really don't know, versus to look at it as a $9.20 opportunity over and above whatever we need to create for

the new card so accountability is not a problem—I dare say there would be a lot of people in North Carolina who might do it for a lot less than a million dollars, come up with a card that the Park Service could sell.

I thank the chair.

Senator AKAKA. Thank you very much, Senator Burr.

Senator Salazar.

Senator SALAZAR. Thank you very much, Chairman Akaka.

Thank you also, Ms. Stevenson, for testifying today. Let me ask you some questions concerning the Rocky Mountain National Wilderness Park legislation. Let me say that I thank the Park Service for working closely with us as we try to move forward with the vision that President Nixon and many since then have shared with respect to the creation of a wilderness designation for Rocky Mountain National Park.

Would it be fair to say, Ms. Stevenson that the National Park Service supports the designation of Rocky Mountain National Park as wilderness and supports the legislation, including the Indian Peaks Wilderness addition, except for the water issue which you raised in your testimony?

Ms. STEVENSON. Yes, sir.

Senator SALAZAR. So the only outstanding issue in terms of the Park Service has to do with the water issue?

Ms. STEVENSON. That's correct, sir.

Senator SALAZAR. Now let me ask you, how aware are you or is the Park Service in terms of the dates relating to the creation of the ditch, the Grand Ditch, and the creation of Rocky Mountain National Park? Are you aware that the Grand Ditch was in existence 25 years before Rocky Mountain National Park was created, with a water right that dates back to 1891?

Ms. STEVENSON. Yes, sir.

Senator SALAZAR. So you're aware of those dates?

Ms. STEVENSON. Yes, and we don't have an argument about the ditch or about the water rights. It has to do with the liability issue.

Senator SALAZAR. Let me ask you some questions then on the liability issue. I appreciate very much that you're aware of the history of the water right, because for all of us who come from the West and come from the arid States, we know the importance of water. We know that water is in fact the lifeblood of our communities of agriculture, and we know that our water rights system is not sometimes the water rights system that you would find in the East or you would find in other States. So it's important to know that chronology in terms of the water rights and the property rights that were established way back a quarter century before Rocky Mountain National Park was established.

In your testimony you said that one of the reasons that the parks had concerns about this water language is that it gave the ditch owners some kind of a windfall, of a windfall profit, I think is what you called it. In my view, having practiced water for many years in Colorado, I recognize that we have many cases in our water courts where we often take water, water rights that are property rights which have been used for agriculture, and those are transferred over for municipal uses or industrial uses or other kinds of uses. That happens all the time in my State.

So I don't understand, frankly, where the Park Service is coming from in terms of raising that issue of windfall profits. It seems to me to make no sense.

Ms. STEVENSON. I think that was more an issue of calling it to the attention of the committee rather than it being the major objection to the legislation. Our concern is for the protection of the resources in Rocky Mountain National Park. That's our highest and most significant concern.

Senator SALAZAR. I want to narrow down the issues with you just a little bit here. So then the objection that you raise where you talk about windfall profits is not a major concern of the Park Service, because it would seem to me that you would understand that over 110, 115 years of the existence of the ditch that what has happened is that some of the stock in this mutual ditch company has been acquired by some cities, such as the city of Portland and others, and they are using that water for municipal purposes. That's a recognized use in a transfer of water that typically occurs in water rights cases in our State.

So just to narrow down the issues, that's an issue which you bring to the attention of the committee, but it's not an issue that is of concern to the Park Service? You're just raising it to the concern of the committee?

Ms. STEVENSON. To the extent that it doesn't affect the resources of the national park, it's not a major concern of ours. To the extent that it might affect the resources, natural or cultural, of Rocky Mountain National Park, it would remain a concern.

Senator SALAZAR. I would just tell you that I would frankly be very surprised if you could find anything that would ever say that, with respect to the change of water use under those water rights, that it's going to have any effect. It's still the same amount of water, the same decrees that are being used, and it's simply used for another purpose other than for agriculture.

Chairman Akaka, I will continue with my round of questions in my next 5-minute round.

Senator AKAKA. Thank you very much.

Senator Smith.

Senator SMITH. Thank you, Mr. Chairman.

Ms. Stevenson, I'm wondering if the Interior Department has consulted with the Veterans Department or the Department of Defense with regard to its concerns or opposition—I don't know which at this point—to establishment of the veterans pass?

Ms. STEVENSON. Actually, just last week we had a discussion within Interior about working with the veterans hospitals to promulgate information about the disabled pass for veterans, and we talked about discussing other aspects of this with the Department of Defense and talked about setting up some of those discussions, sir. We have not done that as yet.

Senator SMITH. If you have not done it as yet, obviously I think it's a good idea and would encourage it. I thank you for being on that course.

I wonder, because it has just been a policy of the Interior Department, do you have any knowledge of the position of the White House as to such a thing at this point?

Ms. STEVENSON. I don't, sir.

Senator SMITH. Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Smith.

Senator Craig.

Senator CRAIG. Mr. Chairman, I apologize for running late, but I was over on the floor backing you up.

Under another role, Chairman Akaka plays chairman of the Veterans Affairs Committee, and he and I are introducing a comprehensive bill over on the floor dealing with veterans and traumatic brain injury and transitional benefits. So you had spoke earlier. I just came from the floor speaking in behalf of that amendment, Mr. Chairman.

But I am also here in support of S. 617, which is something of an extension of those kinds of benefits that we think our brave young men and women and those who served honorably in our armed services should be eligible for. So I want to thank you. I want to thank Senator Smith for introducing this legislation and building a strong bipartisan path for it. I'm disappointed in the opposition that I hear expressed from the Park Service at this moment. We'll work with you to make sure that we change that around, because this is a bill that we think provides a benefit that is important to our veterans.

I think the chief of the Air Force, the Chief of Staff of the Air Force, General Thomas D. White, almost 50 years ago put it best when he said: "The mission of the Department of Defense is more than aircraft, guns, and missiles. Part of the Defense job is protecting land, water, timber, wildlife, and priceless natural resources to make this great Nation worth defending."

Part of the growth of the Park Service was a spinoff of those who had been veterans before, who found an opportunity to use their expertise in the field to protect America's national treasures. Oftentimes—well, they came from the battlefields that were Saratoga and Yorktown and Fort Sumter, Antietam. They were the original expressers of America's independence. They are our icons, and I think offering and encouraging them to enjoy America's beauty today in a discounted way which is reflective of their interests and what they have done for us is an important expression. That's why I strongly support S. 617 as a co-sponsor.

You've got a lot of other issues in front of you, Mr. Chairman, but I want to thank the Park Service for being here. We'll work with them on it to make sure that we get it right, but also to make sure they get it right. OK?

Ms. STEVENSON. Yes, sir.

Senator CRAIG. Thank you very much, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Craig.

At this time, before I call on the second round I'd like to call on Congressman Udall, Mark Udall, for your statement.

Senator SALAZAR. Senator Akaka.

Senator AKAKA. Yes, Senator Salazar.

Senator SALAZAR. May I just take a second to welcome Congressman Udall here to this hearing this afternoon. He has been a champion of fighting for Colorado's land and water for a very, very long time, and comes from a treasured tradition of Udalls who have stood up for fighting for a way of life in the West and who have

done a lot to make sure that the beauty and special heritage of the West remains alive.

So welcome to the Parks Subcommittee of the Energy Committee of the U.S. Senate.

Senator SMITH. Senator Akaka.

Senator AKAKA. Senator Smith.

Senator SMITH. May I make it bipartisan and welcome my cousin, Mark Udall.

Senator AKAKA. Certainly. Thank you for that.

Congressman Udall.

STATEMENT OF HON. MARK UDALL, U.S. REPRESENTATIVE FROM COLORADO

Mr. UDALL. Thank you, Mr. Chairman. It's not often that I have a chance to testify in the United States Senate and testify in front of two family members, my brother Ken Salazar and my cousin Senator Gordon Smith. We'd like to include you, Senator.

Senator AKAKA. Why not.

[Laughter.]

Mr. UDALL. I will be brief. I don't want to try the patience of the committee. I know you have a full docket today and I appreciate the chance to come over and express my support for this very important piece of legislation that would designate over 95 percent of Rocky Mountain National Park as wilderness.

If I might, Senator, I'd ask—in the House we would ask for unanimous consent—to include my entire statement in the record at this point in time.

Senator AKAKA. Without objection, it will be included in the record.

[The prepared statement of Mr. Udall follows:]

PREPARED STATEMENT OF HON. MARK UDALL, U.S. REPRESENTATIVE FROM COLORADO

Thank you, Mr. Chairman, I appreciate having this opportunity to testify in support of S. 1380, Senator Salazar and Allard's bill to designate as wilderness most of the lands within the Rocky Mountain National Park and to expand the Indian Peaks Wilderness.

I have introduced an identical House bill that is cosponsored by my Colorado colleague, Representative Musgrave.

Over a period of months, the four of us have worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country, adding well over 200,000 acres in the park to the National Wilderness Preservation System.

The wilderness designation for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the Park are included in the wilderness that would be designated by our bills.

At the same time, the wilderness boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

The lands designated as wilderness will become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of our bills. The legislation's provisions amplify this by specifying that—1) no new reclamation projects will be

allowed in the wilderness area; 2) nothing in the bill will create a "buffer zone" around the wilderness and that non-wilderness activities visible or audible from within the wilderness will not be prohibited; 3) the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and 4) nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bills are similar to measures introduced in previous Congresses, but they do include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

The bills include designation of wilderness designation of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character and their designation will not conflict with any current uses. On the west side, the Town of Grand Lake and Grand County requested that about 650 acres inward from the Park boundary around the Town be omitted from the wilderness designation in order to allow the Park to respond to potential forest fire threats. Our bills accommodate that request.

Also, the bills respond to the request of the Town of Grand Lake, Grand County, the Headwaters Trails Alliance (a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking), and the International Mountain Bicycling Association to omit from wilderness an area along the western park boundary, running south along Lake Granby from the Town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, our bills would expand the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which would accordingly be reduced by about 1,000 acres.

The bills include a section authorizing the National Park Service to lease an 11-acre property (the Leiffer tract) donated to the National Park Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows that only for "property administered . . . as part of the National Park System," and this property does not qualify. The bills would allow the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bills address the question of possible impacts on water rights—something that can be a primary point of contention in Congressional debates over designating wilderness areas. They reflect the legal reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself. And they reflect the geographic reality that the park sits astride the continental divide, meaning there's no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these legal and practical realities, the bills include a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and explicit disclaimers that the bills effect any such reservation.

New provisions in these bills deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park.

The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and our bills provide that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act (which now applies to any damage to park resources) will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch would remain liable for damage to park resources caused by negligence or intentional acts, and our bills specify that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the date of enactment. In addition, the bills specify that enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of enactment. And the bills also provide that use of water transported by the

ditch for a main purpose (or main purposes) other than irrigation will not terminate or adversely affect the ditch's right-of-way.

In her testimony, the Administration's witness says they fear this provision "could have serious implications for future damage-causing events" in the Park and "could set a dangerous precedent" for other parks.

I must say I think those fears are exaggerated.

The key point here is that this provision is not automatic. It would take effect only if and when the National Park Service reaches an agreement with the owners of the ditch.

We do nothing to dictate the terms of any such agreement or to tie the hands of the Park Service in its negotiations. And I am sure the Park Service would never agree to anything against the best interests of the park or restricting their ability to manage the park properly.

The Administration's testimony says they want an agreement to "reduce the risk of catastrophic failure of the ditch" and to "establish clear expectations regarding maintenance and operational issues that impact park resources." We want that too—and the purpose of the liability provision is to give the ditch's owners an incentive to agree to exactly such an agreement and to comply with it once it is concluded.

In other words, our purpose is to make it in their interest to operate and maintain the ditch the way the Park Service thinks is needed to protect the park's resources.

So, I respectfully disagree with the Administration on this point and think this provision needs to remain in the legislation.

Mr. Chairman, the matters dealt with in our bills have a long history.

The wilderness designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of wilderness legislation.

One Colorado statewide wilderness bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing wilderness designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in our bills.

Lands covered by our bills are currently being managed protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

In summary, Mr. Chairman, our bills will protect some of our nation's finest wild lands. They will protect existing rights. They will not limit any existing opportunity for new water development. They are bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a remarkable place to live. So, I think they deserve prompt enactment.

Mr. UDALL. I appreciate that.

The delegation, our delegation, House and Senate delegations, come together. We're in full support of this measure. We know there's work to be done, but we're also intending to celebrate. But I think it's most important to acknowledge the work of the stakeholders and the local communities to make this a reality.

I know two of those members of the local communities will testify later, Mayor Burke from the little and beautiful town of Grand Lake, which is much like Baker or Union. It's a beautiful mountain town where people really care about not only the community, Senator Smith, but the resources around that community.

Then I know we have Dennis Harmon, who's the General Manager of the Water Supply and Storage Company from Fort Collins. They're a key part of this effort.

I did want to in particular before I close talk briefly about the ditch. I know Senator Salazar talked about the ditch. There are negotiations under way that, if and when an agreement is reached, Mr. Chairman, that the strict liability standard of the Park Resources Protection Act will not apply as long as the ditch is operated and maintained in accordance with the agreement.

Now, I know the administration has concerns about this set of provisions, but I think their fears are exaggerated, quite frankly. The key point that I would like to make is the provision isn't automatic. It would take effect only if and when the National Park Service reaches an agreement with the owners of the ditch. We do nothing in the proposed legislation to tie the hands for the Park Service in these negotiations. I know, given my long connection through my family, that the Park Service would never agree to anything that's against the best interests of the park or restricts their ability to manage the park properly.

So in other words, our purpose is to make it in the interest of the ditch company to operate and maintain the facility in the way the Park Service thinks is needed to protect the parks' resources.

So again I want to respectfully disagree with the administration and I think this provision needs to remain in the legislation.

The history of this effort is long, rooted back in the Nixon era, Mr. Chairman. Action has been repeatedly delayed for a number of reasons. But I'm not looking backward. None of the delegation is or the people in Colorado. We think this is the right thing to do to preserve this marvelous landscape that really is the heart of our State of Colorado, and I thank you again for considering this important piece of legislation.

I'd be happy to answer any questions and, if not, let the committee continue to work its will.

Senator AKAKA. Do you have any questions? Senator Salazar, do you have any questions?

Senator SALAZAR. No questions.

Senator AKAKA. Thank you very much. We really appreciate your statement and testimony and look forward to continuing to work with you on this.

Mr. UDALL. If the chairman is so inclined, I will send over a Udall family certificate in the near future and we welcome you to the broad and diverse family that is the Udall family. So thank you again for welcoming me.

Senator AKAKA. Thank you. I'd like to share in the beauty of your State.

Mr. UDALL. Thank you, Mr. Chairman.

Senator AKAKA. Thank you.

So we will return with a second round of questions here to the administration. Your testimony on S. 955 establishing the Abra-

ham Lincoln National Heritage Area is essentially the same as the Department's testimony on previous heritage area proposals in this Congress. As I understand your testimony, the proposed management group has submitted a study to the Park Service which finds that the area is appropriate for heritage area designation.

Can you tell me if the Park Service has reviewed the study, and if so whether it complies with your standards for studies?

Ms. STEVENSON. I'm pleased to tell you, Mr. Chairman, that we have reviewed it and that it does meet the standards.

Senator AKAKA. I see. I understand that the Department supports S. 1148, which would establish two commemorative commissions in Vermont and New York. As I understand this bill, a significant number of the commission members are to be appointed from members of the State commemorative commissions. The bill also authorizes the commission to make grants to various groups and specifically lists the State commemorative commissions as a possible recipient.

Does this provision raise any potential conflict of interest concerns?

Ms. STEVENSON. In reviewing the membership of the two commissions, I think it's only the Champlain commission that has that issue. The other commission only has one member required from the existing commissions. The Department of Justice has some concerns about the appointment authority anyway. So we'd be happy to work with the committee to resolve both things at the same time.

Senator AKAKA. Thank you.

My next and final question to you is on S. 1182, which extends the authority for the Quinebaug and Shetucket National Heritage Corridor. The question is is the Department opposed to any extension for this heritage area or is the concern approving this before you've had a chance to review their recently submitted evaluation?

Ms. STEVENSON. We're not opposed to an extension, but we think it's premature because they have 2 years left in their authorization. We would like a chance to review the plan that they've developed.

Senator AKAKA. Thank you for those responses.

Senator Salazar.

Senator SALAZAR. Thank you, Chairman Akaka.

Ms. Stevenson, I want to just say that I look forward to working with the ditch company and the Park Service to resolving the issues that remain. It seems to me that a 3 decade-plus dream that's been alive now has a chance to become a reality with the creation of the wilderness designation. I know there are the issues related to liability in the ditch company, but I believe that the unique circumstances of the dates in which the ditch was constructed and put into operation, the 25 years that passed before the Rocky Mountain National Park was created, the fact that this is so high up in the Rocky Mountains on the Continental Divide, allows us to fashion a unique and specific relationship here that will protect the national park resource, which I think—which in fact I know is what you and the Park Service are trying to advocate for—and at the same time recognize that these existing operations were in place prior to the park's creation.

I will say this with respect to the liability standard. Today in 2007, if you look at the liability standards that apply to the ditch, you're looking at a strict liability standard. So if you have an act of God, for example, that ends up creating a problem for the ditch and you have an overrun of the ditch that creates some damage to the resource that's not in the control at all of the ditch company, the ditch company is still liable.

So if you have a lightning strike that comes in and creates some kind of a rockslide or other kind of action that creates that kind of a problem, then the ditch is liable. So under all circumstances the ditch company is liable for everything, even though the ditch company predated the existence of the park by 25 years.

So what we have tried to do in working very hard on this issue of liability over the last year is to try to come up with an accommodation that will recognize the goal that the Park Service has in mind, which is the protection of the resource, and at the same time allow the ditch company to exercise its historic water rights within the constraints of the legislation.

I won't get into the specific detail of what we included in the legislation, but we have required in the legislation that there be an agreement that the Park Service and the Grand Ditch Company have to put together on the maintenance of the ditch. The ditch company, once that maintenance agreement is in place, the ditch company would only be liable, as it should be liable, for intentional acts, intentional acts, and second of all if the ditch company is negligent, if the ditch company is negligent.

So the acts of God that are essentially now a reason for liability to the ditch company, that's the only thing that would be removed. But it seems to me that if we are looking at how we manage the national park and how we preserve the wilderness character of the national park, that the best thing that could happen is that we have this agreement in place that essentially recognizes what standards of operation are going to be required as the ditch flows through the park.

So I just want to ask of you and the National Park Service for your cooperation with the Colorado Congressional delegation, and we're united here, Democrats and Republicans alike, and the ditch company to further this specific unique circumstance along so that we can ultimately achieve the vision and goal that we all have and that's the preservation of Rocky Mountain National Park.

I will tell you this, that I would never be a participant in any kind of legislation that would in any way whatsoever endanger the crown jewel of the Nation in my State, Rocky Mountain National Park. I believe that the language that we have put together in this legislation, which is related to the unique facts of this ditch and Rocky Mountain National Park, will help us achieve the goals that we all want.

So I would ask of you that you take another look at the language. I know Juan Baker and others have been working closely with us on coming up with a maintenance agreement. I hope we're able to get that done very, very soon. So I look forward to working with you, and I appreciate your testimony today.

Ms. STEVENSON. Thank you.

Senator AKAKA. Thank you very much, Senator Salazar.

Senator SALAZAR. Thank you, Senator Akaka.

Senator AKAKA. I want to thank you very much for your responses. We really appreciate it and look forward to working with you on this.

Ms. STEVENSON. Thank you very much, Senator.

Senator AKAKA. Thank you very much.

Senator Clinton was not able to be here this afternoon, so we will include her written statement in the hearing record.

[The prepared statement of Senator Clinton follows:]

PREPARED STATEMENT OF HON. HILLARY RODHAM CLINTON, U.S. SENATOR FROM NEW YORK

Chairman Akaka and members of the Committee, it gives me pride and pleasure to introduce revised legislation to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission to the Senate Energy and Natural Resources Committee.

I would like to express my gratitude to Heather Baker-Sullivan, Executive Director of the Hudson Fulton Champlain Quadricentennial Commission of New York, for testifying before the Committee today.

Five years ago, I introduced the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton Quadricentennial Commemoration Commission effort with legislation during the 107th Congress. Consequently, the bill did not pass and revised legislation was introduced in subsequent Congresses. The current bill, the Hudson-Fulton Champlain Quadricentennial Commemoration Act of 2007, S.1148, incorporates welcomed input and reflects a consensus reached among key leaders who share the goal of honoring important events in our nation's and New York State's history. This is a culmination of a lot of hard work, and I am hopeful that we can pass this bill.

I have long believed that understanding our history is important to protecting our future. That is why as First Lady I helped create "Save America's Treasures" to preserve and promote historic artifacts and sites across our country at the turn of the millennium. That is why I have worked hard in New York to help promote heritage and nostalgia tourism that not only helps the local community, but educates and inspires children and adults. The Women's Hall of Fame in Seneca Falls, the home of Franklin Delano Roosevelt and Eleanor Roosevelt and Eleanor Roosevelt and all places throughout New York that helped shape our history.

We are here today to call on Congress to commemorate three historic moments in the history of our country. In 1609, Englishman Henry Hudson, aboard his ship the Half Moon, in service of the Dutch East India Company, became the first European to sail along the river later named in his honor. That very same year, in 1609, French explorer Samuel de Champlain became the first European to reach that lake—and its shores in Northern New York and Vermont—that would later be named for him.

These two moments in exploration would change history. In the years that followed, these explorations along what would become the Hudson River and Lake Champlain would lead to the establishment of Fort Orange, a Dutch—and later English—settlement located in what is now Albany. The establishment of trading posts and settlements. Greater commerce, trade, and cultural impact deep into the Mohawk Valley, as far west as Lake Erie—which would later lead to the Erie Canal—and beyond.

Almost 200 years later, in 1807, Robert Fulton navigated the Hudson River from New York City to Albany in the steamboat Clermont. Just as Hudson's voyage would change history, so too would Fulton's. It would help revolutionize commerce on the great rivers of the United States and foster international relations through greater international travel and trade.

In 1909, Americans celebrated the 300th anniversaries of Hudson's and Champlain's explorations with maritime celebrations and art exhibitions. The Dutch built the first replica of Hudson's ship and sailed it along the Hudson River.

In 1959, Congress recognized the 350th anniversary by establishing a similar commission to coordinate federal participation in the celebrations.

We are approaching the 400th anniversary of the voyages of Hudson and Champlain, and marking the 200th anniversary of Fulton's steamboat ride.

America has long been the home of new frontiers. What began with the explorers we seek to commemorate continues with the 21st century explores in biotechnology, information technology, nanotechnology and more.

It is important to commemorate our shared history, to understand the contributions and achievements that helped build this country. It is important to best understand the lessons of our past so we can build a brighter future.

That is why it is so vital that we pass, in this Congress, The Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission. This is a unique opportunity to celebrate the history and rich heritage of New York, Vermont, and our country.

Senator AKAKA. I'd like to now call on our panel: the Honorable Judy Burke, Mayor of Grand Lake, Colorado; Dennis Harmon, General Manager, Water Supply and Storage Company, Fort Collins, Colorado; Dean Stoline, Assistant Director, National Legislative Committee, The American Legion, from Washington, D.C.; Heather Baker-Sullivan, Executive Director, Hudson-Fulton-Champlain Quadricentennial Commission, from New York; and Tom Martin, Chair of the Board, Looking for Lincoln Heritage Coalition of Mount Pulaski, Illinois; and Charlene Perkins Cutler, Executive Director from Quinebaug-Shetucket Heritage Corridor, Inc., from Connecticut.

So thank you so much for being here, for your testimony. Just to be sure you know, for the panel we will include your written statement in the hearing record and I'd ask each of you to please summarize your statements and limit your remarks to not more than 5 minutes.

So may I begin by calling on the Honorable Judy Burke, Mayor of Grand Lake, Colorado.

STATEMENT OF JUDY M. BURKE, MAYOR, GRAND LAKE, CO

Ms. BURKE. Thank you, Mr. Chairman, members of the committee. Thank you for the opportunity to appear here today to discuss S. 1380, the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, and to convey the town of Grand Lake's full support of this act.

The Town of Grand Lake adjoins the boundary of the Rocky Mountain National Park, one of our Nation's most visited parks. We are just one of the many communities along with local and national organizations who have worked with Senator Salazar, Senator Wayne Allard, and Congressman Mark Udall to shape legislation that will forever protect our national park lands and the recreational opportunities and economic livelihood of our community.

S. 1380 accomplishes this goal. Formal wilderness designation of nearly 250,000 acres under S. 1380 will provide permanent protection to the park's natural resources, provide consistent park management, and preserve opportunities for scientific study. I am hopeful this legislation can be enacted this year. As a result of rapid growth in Colorado and corresponding commercial and residential development, the value of a preserved landscape inside the park becomes an even more crucial matter.

The process to produce a consensus Rocky Mountain National Park bill started in the 1990's. I was a member of the board of trustees at that time and worked through that process as well. But the result is a product that addresses the needs of the diverse stakeholders, all of us who worked on that bill.

In addition to Grand Lake, the broad array of groups working on this legislative initiative include: the Grand County Board of Commissioners, the Larimer County Board of Commissioners, the Boul-

der County Board of Commissioners, the Towns of Winter Park and Estes Park, the Colorado Trout Unlimited Organization, Colorado Wildlife Federation, the League of Women Voters of Estes Park, the Headwaters Trails Alliance, the International Bicycling Association, the Colorado Mountain Clubs of Estes Park and Fort Collins, the Colorado Wilderness Network, and the Southern Rockies Conservation Alliance.

The lasting protection of these places and the beauty of Rocky Mountain National Park is critical. As the Mayor of a local community, I believe the passage of S. 1380 is equally critical for my town's long-term economic viability. The revenue that the park's wildlife, wilderness, and recreation generates is almost 70 percent of our local business revenue. So ensuring that its resources, scenic vistas, and recreation opportunities are sustainable for generations to come makes good business sense to our community.

The recreational opportunities that draw tourists to Rocky Mountain National Park are also enjoyed by our year-round residents who are privileged to call the park their backyard.

Grand Lake has a particular interest in the negotiations that culminated last year in an agreement to provide a one-eighth mile buffer along the border of Grand Lake, for two reasons. This buffer was requested for fire mitigation and to suppress what we consider to be the eventual wildfire danger with whatever tools may be required; and second, for the potential for construction of a bike trail. The trail would be managed for wilderness characteristics until the Department of the Interior authorizes construction.

The town sincerely appreciates all of the efforts that have been made by our congressional district on behalf of the citizens of Colorado.

The Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act is a chance to preserve a piece of our natural history while also protecting local economies. It has been a pleasure working with the Colorado delegation and the other groups actively involved in moving S. 1384 forward.

Thank you for your consideration of my comments. I would be happy to answer any questions you may have.

[The prepared statement of Ms. Burke follows:]

PREPARED STATEMENT OF JUDY BURKE, MAYOR, GRAND LAKE, CO

Honorable Members of Congress, this letter is being written to demonstrate the Town of and Lake's full support of S. 1380, the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act. The passage of legislation will provide nearly 250,000 acres of new wilderness to Colorado and finally complete a thirty year effort to designate the area as wilderness. This designation has tremendous opportunities for the 3 million plus annual visitors that visit Rocky Mountain National Park and the Arapaho National Recreation Area, as well as to the Grand County residents who consider the area our backyard and personal playground.

A Wilderness designation makes sense for Rocky Mountain National Park for numerous reasons. First and foremost, it is one of this country's most precious resources, and should be preserved for future generations to enjoy. As Enos Mills, a true champion of the creation of this national treasure so succinctly put it "In years to come when I am asleep beneath the pines, thousands of families wi11 find rest and hope in this park". Mr. Mills would have had no idea at the time what an understatement he truly made; millions have found rest and hope and so much more in Rocky Mountain National Park, and with your help, millions more will continue to enjoy what has been set aside for all.

Secondly, this bill will help to secure the future financial success of the gateway communities; Grand Lake and Estes Park. With a wilderness designation, commer-

cial applications will continue to locate in the gateway communities because they would not be allowed in the National Park. From our perspective, this is a win-win proposition. Visitors will be allowed continued unfettered view corridors, pristine wilderness and unmatched access to majestic wildlife, while the communities that struggle with a short tourist season won't have to worry about business competition from their National Park.

Furthermore, the preservation of the Park itself helps to ensure our future economic stability. Many of the 3 million tourists that visit the Park each year find their way into Grand Lake, and help to contribute nearly 70% of the Town's sales tax revenues in the four short months between the Memorial Day and Labor Day Holidays. What is true for the Town is equally true for our small business owners, who are almost completely dependent upon the visitor's of Rocky Mountain National Park for their continued success.

Third, this bill deserves your support because it represents cooperation at its finest; both in the sense of a non-partisan effort, as well as a multi-agency, multi-jurisdictional one. In addition to Grand Lake, the broad array of groups working on this legislative initiative include: Grand County Board of County Commissioners, Larimer County Board of County Commissioners, Boulder County Board of County Commissioners, Town of Winter Park, Town of Estes Park, Colorado Trout Unlimited, Colorado Wildlife Federation, League of Women Voters of Estes Park, International Mountain Bicycling Association, Headwaters Trails Alliance, Colorado Mountain Club-Shining Mountains Group (Estes Park), Colorado Mountain Club-Fort Collins Group, Colorado Wilderness Network, and the Southern Rockies Conservation Alliance. The reason that this support is evidenced everywhere is because the foresight of the Congress and President Woodrow Wilson in 1915 continues to be apparent. Let fixture generations look into the history books to see the wisdom of this Congress, in preserving 250,000 acres of new Wilderness for them to enjoy and treasure.

Finally, this bill should be adopted because it is well written and brilliantly conceived, with members of the Congressional Delegation having solicited and accepted input from interested parties. The Town supports the creation of the East Shore Trail Area. Within a year of the passage of the bill, the Town and Grand County in cooperation with Headwaters Trails Alliance, will work with the Secretary of the Interior to establish the alignment line and the boundaries of the trail. We support the use of motorized vehicles and machinery for the construction and maintenance of the frail and fully encourage the use of the trail by non-motorized bicycles.

Private property rights are strongly valued in Grand Lake, and these rights are respected in this bill. Specifically, wilderness designation will not lead to increased fire danger to homes because a buffer has been excluded from the designation around the border of Grand Lake. The buffer was requested for fire mitigation and future development possibilities that are unknown at the time with the private property that borders the Park. It is our understanding that this will be reflected on the "Rocky Mountain National Park, Colorado Wilderness Boundaries" Map.

The Town supports the expansion of the Indian Peaks Wilderness. This expansion will increase the acreage of the wilderness by nearly four thousand acres and, also, allow for the proposed East Shore Trail to be located along the shore of Lake Granby outside the wilderness boundary.

The Town sincerely appreciates all of the efforts that have been made by our Congressional Delegation on behalf of the citizens of Colorado. We are confident that all members will support this legislation to ensure that all visitors to Rocky Mountain National Park will continue to enjoy this pristine natural environment as it is today.

Senator AKAKA. Thank you very much, Mayor.

Now we will hear from Dennis Harmon.

STATEMENT OF DENNIS HARMON, GENERAL MANAGER, WATER SUPPLY AND STORAGE COMPANY, FORT COLLINS, CO

Mr. HARMON. Good afternoon, Chairman Akaka and Senator Salazar. We appreciate the opportunity to provide testimony to the subcommittee today concerning Senate bill 1380, the Rocky Mountain National Park Wilderness Act. My name is Dennis Harmon and I'm the General Manager of Water Supply and Storage. Also here today, as Senator Salazar told you, is Tom Moore. Tom's a fourth generation farmer and Water Supply shareholder. His great-

grandfather was president of Water Supply early in the 20th century. We have a number of families that are shareholders in the company that have similar length of tenure with the company.

Water Supply is a 116-year-old nonprofit mutual ditch company. It collects and distributes about 60,000 acre-feet of water annually to roughly 40,000 acres of farmland in northern Colorado. Company facilities include the Grand River Ditch, most of which lies within the park. The ditch provides about a third of our total water supply each year. The ditch construction began in 1890. The company was formed in 1891. The first water was appropriated in September of 1890. At that time Coloradoans, like others in other western States, were being encouraged to develop water to put it to beneficial use in the State. Farmers in northern Colorado knew that naturally occurring rainfall there was providing only about half what was needed for crop production. They had to look to the mountains to find additional water.

In accordance with Federal and State law at the time, they filed for a ditch water right and right of way. The water right was adjudicated on August 3, 1906. The following year in 1907, after the water right was adjudicated, Federal regulations were issued which required Water Supply to sign a stipulation accepting strict liability or, we presume, forfeit the ditch and their investment and the water that they had produced testimony.

In 1915, Rocky Mountain National Park was established. However, the park boundary did not include the ditch at that time. The boundary was to the east of the ditch. It didn't include any land west of the divide in any event. In fact, not until 1930, 40 years after the first appropriation of water in the ditch, did the majority of the Grand River Ditch in effect move within the park. The park boundary was moved by congressional action.

With the 1907 stipulation and the 1930 park expansion, the enactment of the Park Service Resource Protection Act in 1990, and the wilderness legislation that we're talking about today, we've become alarmed by the pattern of increasing Federal regulation. So we went to Senator Salazar and Senator Allard and the other members of the Colorado delegation and asked them for some help in drafting some language that would protect this historic Colorado agricultural heritage.

Section 4[d][1] of the bill excludes the Grand Ditch from the wilderness designation. It doesn't appear to be controversial. The type of exclusion that overlays there is identical to what the park has done for their own roads in the maps referred to in sections 3 and 4.

Section 4[e][4][A] would modify the company's liability from strict liability to a negligence standard. That new negligence standard language, as you heard from Senator Salazar earlier, was modeled on the Colorado law for ditches.

The company's position is that we ought to be responsible for the damages we cause in the park. We're not trying to shirk that responsibility. But we don't think it's fair that we are obligated to this unlimited liability for actions which cause problems related to the ditch which are outside our control.

Section 4[e][4][C] protects the possible future use of the Grand River Ditch and the water transported therein for the benefit of

municipal shareholders. I'm not very long a veteran in the water business in Colorado, but I'm pretty certain that for more than 30 years ditch companies' shares have been acquired by municipalities with an eye to future use of water, and certainly I think that's the case in our situation as well.

We would like to clear up any possibility of future disputes about that and that's why we've included some language here with the support of all the parties.

We would also like to conclude by expressing our thanks to Senator Salazar and Senator Allard, Representatives Udall and Musgrave in particular, for working through some very difficult issues to arrive at a compromise solution which resolves this longstanding issue of wilderness designation for the park, but still protects the Grand Ditch, an important part of our company's agricultural heritage and northern Colorado's agricultural heritage.

If possible, I'd like to have the opportunity to add comments to respond to some of the things we heard today at a later date. Thank you.

[The prepared statement of Mr. Harmon follows:]

JOINT PREPARED STATEMENT OF DENNIS HARMON, GENERAL MANAGER, AND TOM MOORE, PRESIDENT, WATER SUPPLY AND STORAGE COMPANY

Good afternoon Chairman Akaka and members of the Subcommittee. We appreciate the opportunity to provide testimony to the Subcommittee concerning S. 1380, which would designate as wilderness portions of Rocky Mountain National Park ("RMNP") administered by the National Park Service ("NPS").

BACKGROUND OF WSSC AND THE GRAND RIVER DITCH

The Water Supply and Storage Company ("WSSC") owns and operates the Grand River Ditch, which is a water supply ditch located in the Never Summer Range in RMNP. The Grand River Ditch provides irrigation water to approximately 40,000 acres of land located in Larimer and Weld Counties in northern Colorado. WSSC owns, operates and maintains eleven reservoirs and seven ditch systems, including the Grand River Ditch. WSSC's system of ditches, canals and laterals is more than 100 miles in total length and provides approximately 60,000 acre-feet of water annually to 173 shareholders.

The Grand River Ditch is an integral component of the Water Supply and Storage Company system. The Ditch is located in the headwaters of the Colorado River on the West Slope of Colorado (i.e., west of the Continental Divide). The north segment or branch of the Grand River Ditch (sometimes referred to as the North Ditch) is approximately 17 miles long and traverses a variety of creeks. Water from these creeks can either be diverted into the Ditch or can be released so that it continues to flow down these creeks to the Colorado River. A measuring weir and recorder for the Grand River Ditch is located near La Poudre Pass. A shorter branch of the Grand River Ditch (sometimes known as the Specimen Ditch or the Southern Ditch) also captures various waters and transports them to La Poudre Pass.

At La Poudre Pass, water diverted by the Grand River Ditch crosses to the East Slope of Colorado (i.e., east of the Continental Divide) and flows to Long Draw Reservoir, which is located in Roosevelt National Forest. From Long Draw Reservoir, water is delivered down the Cache La Poudre River to WSSC's system of canals, ditches and laterals for agricultural purposes. Although a number of WSSC's shares are owned by municipalities, and water ultimately will be used by them for municipal purposes, water diverted by the Grand River Ditch is used exclusively to irrigate crops and water livestock at this time. The primary water right for the Grand River Ditch is decreed to divert waters from the Colorado River basin with an adjudication date of August 3, 1906 and an appropriation date of September 1, 1890 in the amount of 524.6 cfs (cubic feet per second of time).

WSSC was incorporated as a Colorado mutual ditch company in 1891. Under Colorado law, the shareholders of a mutual ditch company own pro rata interests in the company's water rights and other facilities; therefore, a mutual ditch company is essentially a water distribution organization owned and operated by its shareholders and is not a profit-generating enterprise.

WSSC holds a right-of-way for the Grand River Ditch under the Irrigation or General Right of Way Act of March 3, 1891 ("1891 Act") codified at 43 U.S.C. §§946-49. Construction on the Grand River Ditch began in 1891. The federal lands around the Grand River Ditch were included in the Medicine Bow Forest Reserve around the turn of the century, at which time they were administered by the fledging United States Forest Service. The Forest Service and WSSC entered into a stipulation concerning the operation and maintenance of the Grand River Ditch on March 21, 1907, which was required by a 1906 federal "amendatory regulation" applicable to rights-of-way.

RMNP was created in 1915, but did not include most of the land surrounding the Grand River Ditch at that time. In fact, the portions of Medicine Bow Forest Reserve that included the Never Summer Range and the land through which the Grand River Ditch flows were not included in RMNP until 1930. Thus, WSSC and the Grand River Ditch had existed for some 35 years prior to becoming part of RMNP.

THE WILDERNESS PROPOSAL IN S. 1380

S. 1380 proposes to designate significant portions of RMNP, including the area in which the Grand River Ditch is located, for inclusion as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964. The bill was introduced by Senator Salazar and cosponsored by Senator Allard. A corresponding bill in the House of Representatives (H. 2334) also enjoys bipartisan sponsorship having been introduced by Representative Udall and being cosponsored by Representatives Musgrave, Salazar and Perlmutter. Two provisions of S. 1380 directly affect WSSC:

- Section 4(d)(1) specifically excludes from the boundaries of the wilderness designation: "[t]he Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as "Specimen Ditch"), the right-of-way for the Grand River Ditch, land 200 feet on each side of the marginal limits of the Ditch and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.
- Section 4(e)(4)(A)–(D) state:

(A) Liability—Notwithstanding any other provision of law, or any stipulation or applicable agreement, during any period in which the Water Supply and Storage Company (or any successor in interest to the Water Supply and Storage Company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch within the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service entered into on ____, no individual or entity who owns, controls, or operates the Grand River Ditch shall be liable for any response costs or for any damages to, loss of, or injury to the resources of the Park resulting from any cause or event (including, but not limited to, water escaping from any part of the Grand River ditch by overflow or as a result of a breach, failure, or partial failure of any portion of the Grand River Ditch, including the portion of the ditch located outside the Park), unless the damages to, loss of, or injury to the resources are proximately caused by the negligence or an intentional act of the individual or entity.

(B) Limitation—Nothing in this section limits or otherwise affects any liability of any individual or entity for damages to, loss of, or injury to any resource of the Park resulting from any cause or event that occurred before the date of enactment of this Act.

(C) Existing Activities—Nothing in this Act, including the designation of the Wilderness under this section, shall restrict or otherwise affect any activity (including an activity carried out in response to an emergency or catastrophic event) on, under, or affecting the Wilderness or land excluded under subsection (d)(1) relating to the monitoring, operation, maintenance, repair, replacement, or use of the Grand River Ditch that was authorized or approved by the Secretary as of the date of enactment of this Act.

(D) No Effect—Notwithstanding any other provision of any previous or existing law, any stipulation, or any agreement, or interpretation thereof, use of water transported by the Grand River Ditch for a main purpose or main purposes other than irrigation shall not terminate or adversely affect the right-of-way of the Grand River Ditch, and such right-of-way shall not be deemed relinquished, forfeited, or lost, solely because such water is used for a main purpose or main purposes other than irrigation.

EXPLANATION OF THE PROVISIONS AFFECTING WSSC

WSSC has worked closely with Senators Salazar and Allard and Representatives Udall and Musgrave to draft language for the legislation that accomplishes the wilderness objectives of the bill and protects the interests of WSSC and its shareholders. WSSC is pleased to have this opportunity to explain the rationale of these particular sections to the Subcommittee.

Excluding the Grand River Ditch and an area on either side of the Ditch allows WSSC to properly operate and maintain the Ditch including conduct of activities, such as operation of motorized mechanical equipment, otherwise not permitted in wilderness areas. Exclusion of 200 feet on either side of the Ditch is the same as the land excluded to either side of RMNP roads.

The liability provisions of Section 4(e)(4)(A)–(D) require additional background information. In 1990, Congress enacted the Park System Resource Protection Act ("PSRPA"), 16 U.S.C. § 19jj. That Act imposes liability for damage caused to any park system resource:

> (a) In general. Subject to subsection (c), any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.
>
> (b) Liability in rem. Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource or any marine or aquatic park resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subsection (a).

Thus, the PSRPA purports to create a new standard of strict liability applicable to the Grand River Ditch notwithstanding that the Ditch had been in existence for nearly 100 years before enactment of the PSRPA.

The 1907 Stipulation between the WSSC and the Forest Service (to which the NPS has succeeded) states that the Company shall "pay the United States for any and all damages sustained by reason or use and occupation of said forest reserve by the Company, its successors and assigns, regardless of the cause and circumstances under which such damages shall occur." WSSC was required to execute this Stipulation by a federal regulation enacted in 1906, years after construction of the Grand River Ditch had commenced. Even after the Stipulation had been executed, it was essentially ineffective. Notwithstanding various breaches of the Grand River Ditch over the years, neither the Forest Service nor the NPS had ever sought to enforce the liability provision of the 1907 Stipulation set forth above until the NPS commenced an action under the PSRPA in response to a breach of the Ditch in May 2003, which is discussed below.

Imposition of a strict liability standard clearly may have the unintended consequence of severely and adversely affecting agricultural interests in northern Colorado. It is difficult to imagine that either the PSRPA or 1907 Stipulation intended to put farming interests in economic jeopardy, or potentially out of business, by making them liable for millions of dollars in damages for a harm that was not caused by their actions. WSSC certainly does not take lightly the potential for damage to RMNP resources; however, a fair balancing of the affected interests compels the conclusion that neither the PSPRA nor the 1907 Stipulation should impose liability without fault.

Section 4(e)(4)(A) of S. 1380 rectifies the fundamental unfairness of a strict liability standard of relief, particularly when it is imposed on WSSC literally 100 years after construction of the Grand River Ditch commenced. Strict liability is an inappropriate standard of liability because it potentially makes WSSC liable for damages caused by events beyond its control such as naturally occurring landslides into the Ditch that, in turn, cause a breach event. WSSC, like other owners of private property potentially affecting federal property interests, should be subject to a negligence standard of liability or, in other words, liability for damages caused by the negligent conduct of WSSC. Negligence is the standard of liability imposed on ditch owners in under Colorado law, which is the reason it was proposed in S. 1380.

Section 4(e)(4)(A) includes an additional safeguard by requiring that the negligence standard of liability will apply only in the event that WSSC is in compliance with an Operating and Maintenance Plan ("O&MP") to be entered into between it and the NPS. The parties have already exchanged drafts of the O&MP and are planning to meet in the next few weeks to discuss the drafts further. While some significant differences of opinion are evident in the documents exchanged to date (mostly related to the scope of the O&MP and the extent to which it should incorporate other legal regulations and standards by reference), WSSC continues to proceed on

the basis that both parties will apply their best efforts to the negotiations and that a mutually acceptable document can be completed. WSSC, however, wishes to be clear that it does not support the wilderness legislation and does not believe the bill should become law in the absence of Section 4(e)(4)(A) and the negligence standard of liability permitted by it. Successful completion of the O&MP negotiations, therefore, is imperative and should be completed at the earliest possible date.

WSSC believes that Section 4(e)(4)(B) was requested by the NPS to explicitly preserve its legal action against WSSC related to a breach of the Grand River Ditch in May 2003. Litigation related to this breach is pending presently in the U.S. District Court in Colorado. WSSC understands that this case is unaffected by S. 1380.

Section 4(e)(4)(C) is similar in the sense of preserving and protecting "existing activities" related to the Grand River Ditch. In particular, this section recognizes and incorporates as an "existing activity" the fact that a significant number of the WSSC's shares are owned currently by Colorado municipalities and that water diverted by the Grand River Ditch will be used by them for municipal purposes. The inevitability of municipal use of a portion of the Grand River Ditch is clearly an "existing activity" within the scope of Section 4(e)(4)(C). This section is very important to the municipal shareholders in WSSC and is also fundamental to WSSC's support for the wilderness legislation.

Finally, Section 4(e)(4)(D) is intended to ensure, notwithstanding any case law arguably to the contrary, that the use of water transported in the Grand River Ditch will not be adversely affected, and that the right-of-way for the Ditch shall not be relinquished, forfeited or lost, because water diverted to the Ditch will be used for municipal purposes as opposed to agricultural irrigation. As noted above, the fact that shares of WSSC are owned by various municipalities is well known, and Congress should explicitly ensure that use of the Grand River Ditch water and right-of-way will be preserved at the time they are used for municipal purposes.

Section 4(e)(4)(D) begins "[n]otwithstanding any other provision of any previous or existing law" because the 1891 Act under which WSSC's right-of-way was granted was repealed by the Federal Land Policy Management Act ("FLPMA"), 42 U.S.C. § 1701 to 1785, but the 1891 Act remained in effect with respect to rights acquired prior to October 21, 1976, the effective date of FLPMA. See 43 U.S.C.A. Sections 1701, 1769." Overland Ditch and Reservoir Co. v. United States Forest Service, No. Civ. A. 96 N 797, 1996 WL 33484927 (D. CO., Dec. 16, 1996) at *9, footnote 2. The reference to "previous law" expressly picks-up this legislative history and expressly preserves the integrity of WSSC's right-of-way.

CONCLUSION

The provisions of the S. 1380 discussed above directly and significantly affect WSSC and the Grand River Ditch and are critical to WSSC's support of the legislation. Each of these provisions has been discussed in detail and at length with the offices of Senators Salazar and Allard and Representatives Udall and Musgrave, all of whom contributed to the language of these sections prior to introduction of S. 1380 and H. 2334.

Throughout its more than 100 years of existence, WSSC has worked diligently to be a good neighbor and property owner in RMNP. We believe that our working relationship with RMNP and the NPS has been good and productive over the years, and we anticipate that relationship will continue in the years to come.

WSSC thanks the Subcommittee for the opportunity to present our views on S. 1380, and we would be pleased to respond to any questions.

Senator AKAKA. Thank you very much, Mr. Harmon.

Now we'll hear from Dean Stoline.

STATEMENT OF DEAN STOLINE, ASSISTANT DIRECTOR, LEGISLATIVE COMMISSION, THE AMERICAN LEGION

Mr. STOLINE. Thank you, Mr. Chairman and members of the subcommittee. Thank you for giving me the opportunity to present on behalf of the 2.8 million members of the American Legion our views on S. 617. We commend the subcommittee for holding a hearing to discuss this important issue.

The American Legion fully supports S. 617, a bill that provides that the fee for the purchase of an America the Beautiful National Parks and Federal Recreational Lands Pass be available at the an-

nual cost of ten dollars to honorably discharged veterans with proper identification. America's military and its national parks have a shared history. In 1916 the Department of the Interior asked the Army to detail troops to Yellowstone and the California parks to help manage them. Army military engineers and cavalrymen developed park roads and buildings, they enforced park regulations against hunting, grazing, timber cutting and vandalism, and these soldiers did their best to serve the people visiting those parks.

The national park system has grown to 391 areas in nearly every State and U.S. possession. The National Park Service has a mission to support the preservation of natural and historic places and promote outdoor recreation through a range of programs. Included in its mission, the service has the honor of preserving many battlefields, military parks and historic sites that commemorate and honor the service of America's veterans.

America recently honored its veterans by allowing them and their families free access to its national parks on Veterans Day. The American Legion feels it is now appropriate to create this new pass so that veterans and their families can enjoy these parks at a reduced annual fee during the other days of the year. This fee would honor our American veterans by allowing them to see these historical sites and enjoy these areas with their families and thus reaffirm the importance of our Nation's history of celebrating and remembering the past sacrifices and achievements of our men and women who put themselves in harm's way and fought in America's wars.

The American Legion notes that the Park Service currently shares another link with our armed forces and veterans. In April of this year, the National Park Service hosted three representatives of Afghanistan's Ministry of Information, Culture, and Tourism. They are charged with the preservation and protection of their country's historic and cultural artifacts. The fact that the new government of Afghanistan could turn to the National Park Service for training on how to preserve their historical heritage was only made possible by America's Armed Forces and its veterans.

America's national parks are one of the Nation's most precious treasures. They represent the vastness, biodiversity, beauty and strength of this great land. America asks her young people to serve in the Armed Forces to guard and defend freedom and our way of life. The selfless service of America's veterans provides millions of Americans the opportunity to pursue their recreational endeavors in peace and safety in our Nation's parks. Therefore, the American Legion fully supports the reduced fee for veterans as a fitting honor for these veterans who selflessly risked life and limb, not only in defense of the Constitution, but for the very land in which we live.

The American Legion would recommend the Veterans Eagle Park Pass include the current discounts on use fees charged for facilities and services that is the same discount currently included in the Senior Pass.

We further recommend that the law make clear that only a certified copy of the veterans' DD–214 needs to be provided to purchase this pass. The reason for this recommendation is that the DD–214 is an extremely important document that a veteran must not lose. It is the only document that entitles a veteran many

rights, privileges, and benefits for the rest of the veterans life. Should a DD–214 be lost or compromised, it may cause irreparable harm to a veteran seeking benefits, or at least a long delay as the veteran's DD–214 is reconstructed and a new document is provided.

We do not want a veteran to be required to carry an original DD–214 in order to purchase a pass because the original DD–214 rightfully belongs in safekeeping.

The American Legion further recommends that the subcommittee consider amending this legislation to include this reduced annual fee be offered to current members of our Armed Forces in both the active and reserve components. The American Legion commends those Senators, including Senator Smith, Senator Burr, and Senator Craig, who spoke on that amendment today.

The American Legion is happy to fully support S. 617 and all legislation that honors America's heroes.

Mr. Chairman and members of the subcommittee that concludes my testimony. Thank you for the opportunity to present the American Legion's views on this issue.

[The prepared statement of Mr. Stoline follows:]

PREPARED STATEMENT OF DEAN STOLINE, ASSISTANT DIRECTOR, LEGISLATIVE COMMISSION, THE AMERICAN LEGION

Mr. Chairman and Members of the Subcommittee, thank you for this opportunity to submit The American Legion's views on S. 617. The American Legion commends the Subcommittee for holding a hearing to discuss this important issue.

The American Legion fully supports S. 617, a bill that provides that the fee for the annual purchase of an America the Beautiful—National Parks and Federal Recreational Lands Pass be available, upon proper identification, to honorably discharged veterans at the cost of ten dollars.

America's military and its National Parks have a shared history. In 1916, the Department of the Interior was responsible for 14 national parks and 21 national monuments but had no organization to manage them. Department of Interior Secretaries asked the Army to detail troops to Yellowstone and the California parks for this purpose. Army military engineers and cavalrymen developed park roads and buildings. They enforced park regulations against hunting, grazing, timber cutting and vandalism. And these soldiers did their best to serve the people visiting these parks.

In 1933, President Franklin D. Roosevelt initiated an executive transfer order. Under the order, effective August 10, 1933, the Park Service received the War Department's parks and monuments, the fifteen national monuments then held by the Forest Service and the national capital parks, including the Washington Monument, Lincoln Memorial and the White House. The addition of nearly 50 historical areas in the East made the park system and Park Service truly national and deeply involved with historic, as well as, natural preservation.

The national park system has grown to 391 areas in nearly every state and U.S. possession. In addition to managing these parks—as diverse and far-flung as Volcanoes National Park in Hawaii and the Statue of Liberty National Monument—the National Park Service supports the preservation of natural and historic places and promotes outdoor recreation outside the system through a range of grant and technical assistance programs. Included in this preservation mission are significant historic battlefields associated with wars on American soil that is part of the American Battlefield Protection Program (ABPP).

The ABPP promotes the preservation of significant American historic battlefields. The goals of the program are 1) to protect battlefields and sites associated with armed conflicts that influenced the course of our history, 2) to encourage and assist all Americans in planning for the preservation, management, and interpretation of these sites, and 3) to raise awareness of the importance of preserving battlefields and related sites for future generations. The ABPP focuses primarily on land use, cultural resource and site management planning, and public education.

The National Park Service has the honor of preserving many battlefields, military parks and historic sites that commemorate and honor the service of America's vet-

erans. The National Park Service currently honors American veterans by allowing all veterans free access on Veterans Day. Consequently, The American Legion feels the National Park Service should not resist allowing a reduced fee for the rest of the year. This reduced fee would honor our American veterans by allowing them to see these historical sites, enjoy these sites with their families and thus reaffirm the importance of our Nation's history of celebrating the past sacrifices and achievements of our men and women who put themselves in harm's way and fought in America's wars.

The American Legion notes another link that the National Park Service currently shares with our armed forces and veterans. In April of this year the National Park Service hosted three representatives of Afghanistan's Ministry of Information, Culture and Tourism. They are charged with preservation and protection of their country's historic and cultural artifacts. The fact that the new government of Afghanistan could turn to the National Park Service for training on how to preserve their historical heritage was only made possible by America's armed forces and its veterans.

America's National Parks are one of the nation's most precious treasures. They represent the vastness, biodiversity, beauty and strength of this great land. America asks her young people to serve in the armed forces to guard and defend freedom and its way of life. Their selfless service provides millions of their fellow citizens the opportunity to pursue their recreational endeavors in peace and safety in our nation's parks. Therefore, The American Legion fully supports the reduced fee for veterans as a fitting honor for these veterans who selflessly risked life and limb, not only in defense of the Constitution, but for the very land in which we live.

The American Legion would recommend the Veterans Eagle Parks Pass include the current fifty percent discount on Federal use fees charged for facilities and services such as camping, swimming, parking, boat launching and specialized interpretive services. This provision is the same discount that is included in the America the Beautiful—National Parks and Federal Recreational Lands Senior Pass.

We further recommend that the act make clear that only a certified copy of the veteran's DD-214 needs to be provided to purchase this pass. The reason for this recommendation is that the DD-214 is an extremely important document that a veteran must not lose. It is the only document that entitles a veteran many rights, privileges and benefits for the rest of the veteran's life. Should a DD-214 be lost it may cause irreparable harm to a veteran seeking benefits or at least a long delay as the veteran's DD-214 is reconstructed and a new document is provided. We do not want a veteran to be required to carry an original DD-214 in order to purchase a pass because the original DD-214 rightfully belongs in safekeeping.

The American Legion further recommends this Subcommittee consider amending this legislation to include that this reduced annual fee also be offered to current members of our armed forces in both the active and Reserve components.

The American Legion is glad to support S. 617 and all legislation that honors America's heroes.

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. Thank you for the opportunity to present The American Legion's view on this bill.

Senator AKAKA. Thank you very much, Mr. Stoline.

Now we'll hear from Heather Baker-Sullivan.

STATEMENT OF HEATHER BAKER-SULLIVAN, EXECUTIVE DIRECTOR, HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMISSION, KATONAH, NY

Ms. BAKER-SULLIVAN. Mr. Chairman and Senator Salazar, thank you for the opportunity to testify in support of S. 1148, to establish the Champlain Quadricentennial Commemorative Commission and the Hudson-Fulton Quadricentennial Commission, also known as the Hudson-Fulton-Champlain Quadricentennial Commemorative Commission Act of 2007.

I am Heather Baker-Sullivan, Executive Director of the Hudson-Fulton-Champlain Quadricentennial Commission of New York. I would like to express my particular thanks to Senator Clinton for introducing the bill. Co-sponsors Senators Schumer, Lee, and Sanders also lent significant support to the legislation.

I would like to begin my remarks with an explanation of the State commission and its mission and activities and then address the establishment of the Federal commissions and the helpful role they will play in assisting the State's efforts. New York State's Hudson-Fulton-Champlain Quadricentennial Commission was established in 2002 to plan and develop the 400th anniversary celebrations of the voyages of discovery made by Henry Hudson and Samuel du Champlain, as well as the 200th anniversary of Robert Fulton's maiden steamship voyage on the Hudson River and the launch of a commercial steamship enterprise on the Hudson River.

These individuals and events are exceptionally important to New York State history and are a focus of our 2009 anniversary commemoration. In addition to planning to anniversary, the State's Hudson-Fulton-Champlain Quadricentennial Commission will highlight the history and beauty of the Hudson River and Lake Champlain and the opportunities for cultural, community, and tourism enhancements along these waterways.

Commission activities have included and will continue to entail making existing cultural institutions, museums, and libraries the focus of the commemoration, coordinating roundtable forums to seek public input for the commemoration, coordinating civic, educational, cultural, and heritage organizations to generate public interest and involvement, promoting and encouraging educational outreach programs, media and technology, including electronic communications, to draw national and international attention, coordinating the planning of commemorative events for all communities along the Hudson River, Lake Champlain, and other interested communities around the State, inviting other States and nations to participate in the commemoration, coordinating and promoting high-profile nongovernmental meetings, conferences, seminars, and conventions in the Hudson River and Lake Champlain communities using the Quadricentennial as a theme, seeking funding from private individuals, foundations, and corporations to help support capital improvements, preservation and conservation needs associated with events commemorating the Quadricentennial, coordinating and cooperating with State entities and tourism promotion agencies, coordinating and cooperating with local, State, and Federal entities, including those linked to heritage area promotion, and any Federal commission created to participate in the planning.

The goals of the Federal legislation are consistent with the State commission and will help to establish our aims before a national audience. The purpose of establishing the Federal commissions may be summarized as to promote a suitable national observance, ensure an excellent visitor experience, assure that observances are inclusive, facilitate international involvement, assist in marketing efforts, specifically commemorative coins, stamps, etcetera, and coordinate with the Lake Champlain Basin Program and the Quebec 2008 Commission.

S. 1148 explicitly states that, quote, "Each commission established under this Act shall coordinate with the other respective commission established under this Act to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel du Champlain are consistent with the plans and programs of the commemorative

commissions established by the States of New York and Vermont and are well organized and successful."

We look forward to collaborating with our Federal partners in delivering a commemoration which will highlight New York's and, by extension, the Nation's achievements before the world. The successful collaboration between State and Federal agencies we now witness in the Jamestown 2007 commemoration is a model we hope to emulate here. Clearly, the success in bringing Jamestown and the State of Virginia's story to the Nation has energized that State's citizens and brought about tangible improvements and achievements on a local, regional, and statewide level. That energy is already manifest in New York and here in the presence of David Vaco, a citizen of New York who is in passionate support of the legislation.

Our commemoration also constitutes a rare and precious opportunity for our citizens to tell New York's stories beyond the State's border, to establish our pride of place in the Nation's history to a national and indeed international audience, and to spur us on to achievements of our own at home.

Thank you.

[The prepared statement of Ms. Baker-Sullivan follows:]

PREPARED STATEMENT OF HEATHER BAKER-SULLIVAN, EXECUTIVE DIRECTOR, HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMISSION, KATONAH, NY

I am Heather Baker-Sullivan, Executive Director of the Hudson Fulton Champlain Quadricentennial Commission of New York. I am thankful to the committee for the opportunity to testify in support of S.1148 to establish the Champlain Quadricentennial Commemorative Commission and the Hudson-Fulton Quadricentennial Commission, also known as the Hudson Fulton Champlain Quadricentennial Commemorative Commission Act of 2007. I would like to express my particular thanks to Senator Clinton for introducing the bill. Cosponsors Senators Schumer, Leahy and Sanders have also leant significant support to the legislation.

I would like to begin my remarks with an explanation of the state Commission and its mission and activities, and then address the establishment of the federal commissions and the helpful role they will play in assisting the State's efforts.

New York State's Hudson-Fulton-Champlain Quadricentennial Commission was established in 2002, to plan and develop the 400th anniversary celebrations of the voyages of discovery made by Henry Hudson and Samuel de Champlain, as well as the 200th anniversary of Robert Fulton's maiden steamship voyage along the Hudson River and the launch of the commercial steamship enterprise on the Hudson River. These individuals and events are exceptionally important in New York State history, and are the focus of the 2009 anniversary commemorations.

In addition to planning the anniversary, the state's Hudson-Fulton-Champlain Quadricentennial Commission will highlight the history and beauty of the Hudson River and Lake Champlain, and the opportunities for cultural, community, and tourism enhancements along these waterways.

Commission activities have included, and will continue to entail:

- Making existing cultural institutions, museums, and libraries the focus of the commemoration.
- Coordinating round table forums to seek public input for the commemoration.
- Coordinating civic, educational, cultural, and heritage organizations to generate public interest and involvement in developing the commemorative initiative.
- Promoting and encouraging educational outreach programs, media, and technology including electronic communications to draw national and international attention to the Quadricentennial.
- Coordinating the planning of commemorative events for all communities along the Hudson River, Lake Champlain, and other interested communities around the state.
- Inviting other states and nations to participate in the commemoration.

- Coordinating and promoting high profile, non-governmental meetings, conferences, seminars, and conventions in Hudson River and Lake Champlain communities using the Quadricentennial as the theme.
- Seeking funding from private individuals, foundations, and corporations to help support capital improvements, preservation, and conservation needs associated with events commemorating the Quadricentennial.
- Coordinating and cooperating with state entities and tourism promotion agencies.
- Coordinating and cooperating with local, state, and federal entities including those linked to heritage area promotion and any federal commission created to participate in the planning of the Quadricentennial anniversary.

The goals of the federal legislation are consistent with the state commission, and will help to establish our aims before a national audience. The purpose of establishing the federal commissions may be summarized as: to promote a suitable national observance; ensure an excellent visitor experience; assure that observances are inclusive; facilitate international involvement; assist in marketing efforts, specifically commemorative coins, stamp, etc. and coordinate with the Lake Champlain Basin Program and the Quebec 2008 commission. S. 1148 explicitly states that "Each commission established under this Act shall coordinate with the other respective commission established under this Act to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont, and are well-organized and successful."

We look forward to collaborating with our federal partners in delivering a commemoration which will highlight New York's, and by extension, the nation's achievements before the world.

The successful collaboration between state and federal entities we now witness in the Jamestown 2007 commemoration is a model we hope to emulate here. Clearly, the success in bringing Jamestown and the State of Virginia's story to the nation has energized that state's citizens and brought about tangible improvements and achievements on the local, regional and statewide level. Our commemoration also constitutes a rare and precious opportunity for our citizens to tell New York's story beyond the state's borders, to establish our pride of place in the nation's story to a national and indeed, international audience and to spur us on to achievements of our own at home.

Thank you for your time and the opportunity to speak in support of the legislation.

Senator AKAKA. Thank you very much.

Now we'll hear from Tom Martin.

STATEMENT OF TOM MARTIN, CHAIRMAN OF THE BOARD, LOOKING FOR LINCOLN HERITAGE COALITION, SPRINGFIELD, IL

Mr. MARTIN. Chairman Akaka, thank you for this opportunity.

My name is Tom Martin. I am chairman of the board of the Looking for Lincoln Heritage Coalition, which is designated in S. 955 as the management entity for the Abraham Lincoln National Heritage Area. I'm a founding member of this organization and currently serve as the chairman of the board. My family operates a farming business comprised of over 6,000 acres of grain production, conservation, wildlife habitat, and pasture acres. We are the sixth and seventh generation to farm this land, settled in 1815. This allows me to speak directly to the formation of this heritage area and its impact on private property.

The Looking for Lincoln Heritage Area started in 1998 when the State of Illinois Department of Economic Development began a program to create Illinois heritage areas. We are a not-for-profit corporation governed by a volunteer board of community and historic site representatives. In the year 2002, members of our board came to Washington to meet with the staff of the National Park Service to determine how our project could be recognized as a national her-

itage area. The information that we gathered during that visit was extremely helpful and provided valuable insights.

The National Park Service challenged us to find a way to use the Lincoln story to create a much bigger canvas to interpret Lincoln's 19th century world, in other words to tell a bigger story. They also challenged us to complete a feasibility study. It was a very important and revealing exercise. In the process we looked at our resources, historic, natural, and cultural. We developed significant partners, both public and private.

At the same time, we traveled throughout central Illinois talking to our constituents to understand how they could interact with the project. The list of resources we compiled is quite extraordinary. Our heritage area includes well over 30 fully interpreted Lincoln-related historic sites and museums that are now open to the public on a regular schedule. In addition, we have over 100 sites on the National Register of Historic Places.

The proposed 42-county area includes 6 rivers, 13 significantly large parks, and more than 50 parks total. We also have a site on UNESCO's World Heritage List and a growing Illinois heritage program that is exploring the Underground Railroad.

Once those resources were identified, we went back to the first challenge from the National Park Service and developed themes that touched on the major issues of Lincoln's America, themes that could be told effectively by using this assembly of resources. In other words, we learned to tell a much bigger story, one that interprets Lincoln's 19th century world.

Our feasibility study also offers a list of partners in this effort that includes the Illinois Department of Economic Opportunity, the Illinois Bureau of Tourism, the Illinois Historic Preservation Agency, the Lieutenant Governor's Office of Rural Affairs, and 20-plus organizations, both public and private, that not only support us in the effort to become a national heritage area, but are currently working with us on a number of other projects.

As for public participation, we are a grassroots program. Our success depends on the active participation of each and every community and its members, who are encouraged to tell their own unique story. Our job is to support these communities and to help them with whatever they need to tell their stories and help develop their programs.

We have community support because they see results. We are working with communities and historic sites to build projects, assist with interpretive programs and develop coalitions and partnerships. We are helping create visitor experiences from wonderful stories that weren't being interpreted and then linking all of them together, which enables us to create a more complete picture of Lincoln's 30 years in central Illinois.

We identified partners and brought them to the table. We are the facilitator for several collaborative projects based on the themes that we have identified. Plus we are marketing those places that are ready for visitors, including the Lincoln Home National Historic Site, 14 Illinois Historic Preservation Agency Lincoln sites, and 17 private sites, all open to the public and providing crucial pieces of the Lincoln era story.

In conclusion, we have completed the National Park Service four critical steps. We have written a feasibility study that successfully addresses all of the 10 National Park Service criteria for assessing a potential national heritage area. We have actively and aggressively involved the public so we can demonstrate widespread public support. We have an impressive list of key constituents, including governments, private and nonprofit organizations that not only support the creating of a national heritage area, but actively are participating in current heritage area projects.

Finally, I am not here today asking you to help us start a heritage area. We have worked very hard for 9 years to become a heritage area. However, I am asking you to take us to the next step and designate us as the Abraham Lincoln National Heritage Area.

Thank you.

[The prepared statement of Mr. Martin follows:]

PREPARED STATEMENT OF TOM MARTIN, CHAIRMAN OF THE BOARD, LOOKING FOR LINCOLN HERITAGE COALITION, SPRINGFIELD, IL

Good Afternoon. My name is Tom Martin and I am the Chairman of the Board of the Looking for Lincoln Heritage Coalition, which has been designated in S. 955 as the management entity for the Abraham Lincoln National Heritage Area. Since I am actively involved in this Looking for Lincoln Heritage Project, I would like to share a little of our history as well as provide the justification for creating the Abraham Lincoln National Heritage Area. Before I start I would like to thank Senator Durbin and the entire Illinois delegation for their support of this project.

The Looking for Lincoln Heritage Area started in 1998 when the State of Illinois Department of Economic Development began a program to create Illinois heritage areas. We are a not-for-profit corporation governed by a volunteer board of community and site representatives. This heritage area has no impact on public property. We are not interested in managing, owning or influencing the use of public or private lands. All participation is voluntary.

In 2002, members of our board came to Washington to meet with staff from the National Park Service to determine how our project could be recognized as a national heritage area. The information that we gathered during that visit was extremely helpful and provided valuable insights.

The National Park Service challenged us to find a way to use the Lincoln story to create a much broader canvas to interpret Lincoln's nineteenth-century world—in other words, to tell a bigger story.

They also challenged us to complete a Feasibility Study. It was a very important and revealing exercise. In the process we looked at our resources—historic, natural and cultural. We developed significant partners—both public and private. At the same time we traveled throughout central Illinois talking to our constituents to understand how they could interact with the project.

The list of resources we compiled is quite extraordinary. Our heritage area includes well over 30 fully interpreted Lincoln-related historic sites and museums that are open to the public on a regular schedule. In addition, we have over 100 sites on the National Register of Historic Places. The proposed 42 county area includes 6 rivers, 13 significantly large parks, and more than 50 parks total. We also have a site on UNESCO's World Heritage List and a growing Illinois heritage program that is exploring the Underground Railroad.

Once those resources were identified, we went back to the first challenge from the National Park Service and developed themes that touched on the major issues of Lincoln's America—themes that could be told effectively by using this assemblage of resources. In other words we learned to tell a bigger story—one that interprets Lincoln's nineteenth-century world.

Our Feasibility Study also offers a list of partners in this effort that includes the Illinois Department of Economic Opportunity, the Illinois Bureau of Tourism, the Illinois Historic Preservation Agency, the Lieutenant Governor's Office of Rural Affairs and twenty plus organizations, both public and private, that not only support us in the effort to become a national heritage area, but are currently working with us on a number of projects.

As for public participation, we are a grass-roots program. Ask all of the many government officials, chamber of commerce members, historical society committees and

individuals that we have worked with over the last nine years. They will tell you that we have their support.

We have community support because they see results. We are working with communities and historic sites to build projects, assist with interpretive programs and develop coalitions and partnerships. We are helping create visitor experiences from wonderful stories that weren't being interpreted. We identified partners and brought them to the table. We are the facilitator for several collaborative projects based on the themes that we have identified. Plus we are marketing those places that are ready for visitors including the Lincoln Home National Historic Site, 14 Illinois Historic Preservation Agency Lincoln Sites and 17 private sites—all open to the public and providing crucial pieces of the Lincoln-era story.

In conclusion, we have completed the National Park Service "Four Critical Steps." We have written a Feasibility Study that successfully addresses all of the ten National Park Service criteria for assessing a potential national heritage area. We have actively and aggressively involved the public, so we can demonstrate widespread public support. We have an impressive list of key constituents including governments, private and non-profit organizations that not only support the creating of a national heritage area, but are actively participating in current heritage area projects.

Finally, I am not here today asking you to help us start a heritage area. We've worked hard to become a heritage area. However, I am asking you to take us to the next step and designate us as the Abraham Lincoln National Heritage Area.

The proposed Abraham Lincoln National Heritage Area had its origins in 1998 when the project was officially designated as one of seven Heritage Tourism programs funded by the Illinois Department of Commerce and Community Affairs (DCCA). The Looking for Lincoln Heritage Project set out immediately to identify resources and involve communities in central Illinois where Abraham Lincoln left his traces on the "physical and imaginative landscape." Among the sites identified were the Lincoln Home National Historic Site, and many State Historic Sites (managed by the Illinois Historic Preservation Agency), numerous sites connected with Lincoln's work as a lawyer and politician, places and scenes familiar to Lincoln's family and associates, and a variety of other natural, historic, and cultural resources.

Representatives from the participating Looking for Lincoln communities and sites met to initiate the public planning process and formed Executive and Steering Committees to guide their work. Committee members hired a part-time staff person to help coordinate the planning process. County and municipal governments became involved with the project. A key participant was the Illinois Historic Preservation Agency (IHPA), which provided the project with two professional historians and additional leadership through an executive appointed to the planning committee.

Public involvement was a significant part of the planning process, which began to shape the initiative. Following a series of local meetings, a vision and goal statement was developed: to provide new insights into Lincoln's life, work, friends, and family; to preserve and enhance each community's history and culture; and, to enhance the educational and economic benefit to the public." It became clear from these initial meetings that the scope of the project should be broadened to emphasize the preservation and interpretation of the natural landscape and the region's cultural traditions as a natural context for the story of Lincoln and his generation of Americans. This prompted project leaders to begin to explore the concept of National Heritage Areas.

A National Heritage Area was envisioned initially for the central Illinois region, with the National Park Service's Lincoln Home National Historic Site and the future Abraham Lincoln Presidential Library and Museum serving as a central hub for the area. The concept began to present a picture of what the region and each community and site within the region could accomplish through a coordinated program focused on telling the Lincoln story and preserving remnants of the physical and cultural landscapes of Lincoln's America for the education and enrichment of future generations.

Looking for Lincoln, as it was now called, compiled an inventory of related resources . . . natural, historic, and cultural, created a regional map identifying the proposed boundary for the project, commissioned a graphic artist to design a logo, and produced an informational brochure.

During the first year of the public planning process, IHPA historians helped local communities research their connections to Lincoln and his times and to create a database of natural, historical, and cultural resources to be preserved, enhanced, and interpreted. The project also hired the planning and design firm of Peckham, Guyton, Albers and Viets, Inc., from St. Louis to create an Interpretive Standards Manual and Implementation Plan containing historical criteria and design and con-

struction specifications for a variety of exhibits and wayside signage. As new communities expressed a desire to participate in the Looking for Lincoln project, the manual became an important tool in outlining the criteria and standards for participation.

The Looking for Lincoln Illinois heritage area was begun eight years ago with an assemblage of Lincoln-related historic sites and resources that allowed the project to make a strong start. Those sites along with the opening of the Abraham Lincoln Presidential Library and Museum and the creation of new sites and collaborative programs assure that this project will continue to grow. Looking for Lincoln has been supported during the eight years of its existence by a variety of public and private resources. The Illinois Department of Commerce and Economic Opportunity provides administrative funding and the Illinois Historic Preservation agency contributes crucial in-kind services including some overhead and significant consulting services. In addition, the Abraham Lincoln Presidential Library and Museum has partnered with Looking for Lincoln on a number of projects. Other public and private institutions have also contributed. The relationships have developed over the last eight years and Looking for Lincoln has become an interregnal part of their outreach efforts. This significant level of support has allowed Looking for Lincoln to concentrate on working directly with key constituents and to develop and enhance new tourism product, establish collaborative programs and assure the continuing quality standards that has made the effort successful so far. All signs indicated that the support we have been receiving will continue. As Looking for Lincoln creates more sites and projects, future stability will be reinforced as the potential for membership and fee for service programs increases.

Over the past eight years Looking for Lincoln has continued to refine and extend its public planning process through outreach and participation with local citizens, community leaders, and local governments throughout the central Illinois area, conducting a series of introductory and follow-up planning meetings. The purpose has been to help initiate local public planning process, to share information about the project, and to assure that communities and sites interested in participating will have the tools and information necessary to begin their planning. In some cases the gatherings have been simply informational; in at least three instances Looking for Lincoln provided strategic planning assistance; and in other cases, Looking for Lincoln representatives presented information to elected officials. In all of these meetings, the importance of understanding and conforming to the standards and criteria developed for the program has been stressed to local leaders so that they can incorporate the standards and criteria in their local detailed planning from the beginning. These outreach and strategic planning meetings with local community leaders continue to be a fundamental aspect of the Looking for Lincoln program.

In the early stages, Looking for Lincoln, tended to focus on single projects and strategic planning for individual communities. While this approach benefited each participant it tended to isolate the progress to individual areas and consumed a great deal of time. In addition, other communities were not aware of successes because Looking for Lincoln was not doing an effective job of communicating that information. And because the effort was not collaborative our partners were not seeing results from the work that was being done. When we tackled the challenge of bringing the Lincoln Douglas Debate communities together we began a successful process that has become a model for future endeavors.

With the Sesquicentennial of the Lincoln Douglas Debates approaching in 2008, Looking for Lincoln volunteered to bring the seven debate communities together to discuss the potential of a cooperative effort. Looking for Lincoln's role became that of a facilitator bringing the right players to the table, both public and private, managing the meetings and offering suggestions without dictating the program. It has been an extremely successful effort for everyone concerned. The communities developed their own project and took responsibility for it, and Looking for Lincoln learned a great deal from the experience. This collaborative approach has also encouraged constructive competition among the communities involved which means that ideas tend to be pushed to an even higher level. The result is a plan for achievable and realistic commemoration events that include an analysis of how the arguments were framed during the debates and how the debates influenced thinking on major issues of the time. Finally, each community is planning a legacy project which will improve and enhance their sites to ultimately provide visitors with an educational and informative experience far beyond the current commemorative statues that exist now.

Based on the success of the Lincoln-Douglas debate project, Looking for Lincoln has adopted a new approach by focusing on several wide-scale inclusive projects. For example, plans are in process for a program which will include all of the communities within the 8th Judicial Circuit. The Circuit changed during Lincoln's years as a lawyer, encompassing 17 counties in all. The geographic area covers a large

part of the proposed National Heritage Area. Communities range in size from urban environments like Springfield and Bloomington to rural settings like Havana and Paris. While Lincoln the lawyer is the unifying theme of this project, the real opportunity is using this journey to present a much wider story encompassing the culture, environment, landscapes and issues that influenced the people of Illinois in the 19th Century and certainly influenced Lincoln as he traveled throughout Illinois and matured as a political leader.

Another project taking a new approach involves wayside exhibits. A major part of the original Interpretive Standards Manual and Implementation Plan provides specifications and criteria for creating wayside exhibits. The City of Springfield, using additional federal funds, created 41 interpretive storyboards throughout the downtown area to demonstrate to other communities the potential of wayside projects. The concept is to link Illinois' many Lincoln-related historic sites with a graphic identity that helps visitors visually connect the stories. While these wayside exhibits have a common graphic look, each community can maintain the integrity of their own history. The graphic panels are designed to tell two stories—one specific to Lincoln and one that puts Lincoln into a bigger context and tells a larger story. Through another federal grant and by leveraging local dollars, we have been able to offer the opportunity to install these wayside exhibits in all of the communities in our project for a significantly reduced cost. It is yet another way of fostering important community relationships.

The goal of the Looking for Lincoln project is to help communities recognize, develop and respect their history and to help them find ways to share that history with others. When the story is told affectively and the interpretation becomes an experience for visitors, then Looking for Lincoln begins the marketing process. In the first year Looking for Lincoln started with a simple map, but have now graduated to a visitor guide. The web is also an important component as well as joint marketing efforts with the Illinois Bureau of Tourism. Looking for Lincoln relies on cross promoting among sites and particularly with the Abraham Lincoln Presidential Museum and the state sponsored visitor centers. The Illinois Bureau of Tourism has also included us in their public relations activities. We anticipate that this effort will be ramped up as the Bicentennial approaches.

As the Looking for Lincoln program has gained experience and momentum, its planning and accomplishments to date have already served to demonstrate the value of this comprehensive project to the entire nation—and indeed the world. This study documents the feasibility of establishing an Abraham Lincoln National Heritage Area. Included are inventories documenting many of the region's natural, historic, and cultural resources, and an analysis of their potential to preserve and interpret a by-gone era and way of life significant in the development of the United States. The study also identifies a local coordinating entity (Looking for Lincoln Heritage Coalition, a not-for-profit 501(c)3 corporation), defines the area to be included, and documents the support of the project's partners.

Central Illinois, the heart of the "Land of Lincoln," still echoes with historic themes from Lincoln's America. Portions of the natural landscape remain to be preserved or restored. Inherited folkways and cultural traditions are still practiced and transmitted to younger generations. And the burning issues of Lincoln's day—race relations and national unity amidst social and cultural diversity—remain to be addressed. In short, much of Lincoln's nineteenth-century world remains to be preserved, interpreted, and transmitted to future generations in an Abraham Lincoln National Heritage Area.

MAJOR THEMES

A. The major issues of Lincoln's America.

The major issues of Lincoln's America—equality and race relations, and national unity and the capacity of democratic governments to deal with the centrifugal forces of social and cultural diversity—still define the challenges facing our nation today.

- Equality and Race Relations Equality and race relations were at the heart of the moral, economic, and social turmoil caused by slavery in Lincoln's America. The inability of democratic government and the political culture of the time to mediate between conflicting moral visions was at the heart of the Civil War. The historic resources that visitors encounter throughout the Abraham Lincoln National Heritage Area provide a forum for today's Americans to reconsider these vital contemporary issues in a historical context, allowing perhaps for new perspectives and fresh approaches.
- National unity and the capacity of democratic government and ideals to deal with the centrifugal forces of social and cultural diversity. In many ways, the Civil War resulted from a failure by Americans of that day to overcome the divi-

sive forces of diversity in their culture. Americans today, challenged anew with sustaining a workable political, social, and cultural consensus despite the countervailing forces of diversity, may have much to learn from the attitudes and actions of the Civil War generation. Americans today may contemplate this challenge as they encounter the life experiences of people from Lincoln's era at sites throughout the proposed National Heritage area.

B. Lincoln's life experience reflects many important themes in the social, cultural, economic, and political history of America.

Historic resources related to these themes are found throughout the entire proposed National Heritage area. But various Looking for Lincoln communities, originally designated in the state heritage program, provide examples of how communities can be loosely identified with certain historical themes:

- Decatur Area—Immigrant Beginnings
- New Salem and Petersburg Area—Market Revolution and Economic Transformations
- Coles County Area—Importance of Extended Family and Kinship Network
- Vandalia Area—Expansion of American Participatory Democracy
- Bloomington Area—Frontier Aspirations for Middle-Class Respectability
- Logan County Area—The Evolution of American Legal Culture
- Springfield Area—Individual Self-Transformation and the "Self-Made" Ethos

MAJOR RESOURCES

The proposed Abraham Lincoln National Heritage Area is replete with significant natural, historic, and cultural resources.

Cutting across the physical landscape of the region are three National Scenic By-Ways—the Great River Road, the Meeting of the Great Rivers, and the National Road; a National Scenic River—The Middle Fork in Vermilion County; two National Natural Landmarks and over fifty other state parks, wildlife preserves, conservation areas, and wilderness county park districts. All of these places preserve portions of the Illinois landscape and afford visitors an opportunity to experience the physical environment of rivers, woodlands, and prairies that were familiar to Abraham Lincoln and his generation of Americans.

Over a quarter of the 426 sites on the National Register of Historic Places scattered throughout the 42 counties making up the proposed National Heritage Area are related to historical themes from Lincoln's nineteenth-century America, including a unit of the National Park System—Lincoln Home National Historic Site, eleven National Historic Landmarks, sixteen State Historic Sites, and a site on the UNESCO World Heritage List. The burning issues of Lincoln's day—race relations and national unity amidst social and cultural diversity-still remain, and are confronted in a number of different venues.

Various sites give visitors insight into important themes relating to nineteenth-century social, cultural, economic and political history-immigration, economic transformation, kinship networks, political democratization, the rise of middle-class gentility in the American West, the evolution of legal culture, and the American ethos of individual self-transformation. Today's cultural landscape still reflects nineteenth-century antecedents as people throughout the area continue to celebrate their inherited cultural traditions in religious settings, living history farms and villages, annual commemorative events, celebrations of itinerant lawyer life, recognition of indigenous American Indian cultures, and in sculpture, art, and drama.

The rich assemblage of resources provides outstanding opportunities to preserve, interpret, and commemorate distinctive historic traditions, customs, beliefs, and folkways that present valuable aspects of American heritage. They provide outstanding recreational and educational opportunities to the people of the nation and beyond. The people, communities, events, and landscapes of the region reflect continuing ties to Abraham Lincoln's life and times. Together they bring an immediacy and tangible quality to the powerful Lincoln legacy. Individually and collectively they constitute the Abraham Lincoln National Heritage Area, celebrating the land and people Lincoln knew. It is therefore recommended that Looking for Lincoln pursue National Heritage Area designation.

The proposed Abraham Lincoln National Heritage Area:

- Is undeniably a story with national and international significance
- Offers many Lincoln-related thematic connections that can support a multitude of interpretive and educational programs.
- Is made up of communities that represent distinctive aspects of Lincoln heritage, worthy of recognition and interpretation

- Provides outstanding opportunities to conserve natural, historic and cultural resources.
- Provides the framework of interpreting the American experience of the 19th century at a time that was significant in the development of our Nation.

Looking for Lincoln has:

- Based on the guidance provided by the National Park Service, taken a Lincoln-focused tourism project and shaped a heritage area by expanding that focus to include the forces of the 19th century on Lincoln and his influence on the political, cultural and economic history of America.
- Been supported by Illinois State Agencies including the Illinois Historic Preservation Agency and the Illinois Department of Commerce and Economic Opportunity, as well as the Lincoln Home National Historic Site. Other supporting public and private agencies can be found in the Addendum to this report.
- Obtained demonstrations of support for national designation from local and state partners and indications of willingness to maintain a working relationship and continue support for Looking for Lincoln in the development of a National Heritage Area.
- Through a series of community meetings, local strategic planning exercises and collaborative projects has involved residents, business interests, non-profit organizations, and various levels of government in programs and in the planning process.
- Created a conceptual boundary map which has been shared with and supported by the Public.
- Agreed to continue as the management entity for the proposed National Heritage Area and to manage the process for creating a long-range Management Plan as the first step of designation.

LOOKING FOR LINCOLN PARTICIPATING COMMUNITIES AND SITES

The following communities and historic sites are currently participating in Looking for Lincoln Heritage Coalition promotional programs:

- City of Beardstown—Cass County, Lincoln Court House
- Cities of Bloomington Normal—McLean County, David Davis Mansion State Historic Site, McLean County History Museum Walking Tour
- Cities of Charleston and Lerna—Coles County, Charleston Debate Museum, Lincoln Log Cabin State Historic Site, Reuben Moore State Historic Site, Shiloh Cemetery State Historic Site
- City of Danville—Vermilion County, Dr. Fithian Home, Vermilion County Historical Museum
- City of Decatur—Macon County, Macon County Historical Museum Complex
- City of Elkhart—Logan County, Under the Prairie ArcheologicalMuseum
- City of Galesburg—Knox County, Carl Sandburg State Historic Site, Knox College Old Main
- City of Lincoln—Logan County, Postville Courthouse State Historic Site, Lincoln College and Museum
- City of Mahomet—Champaign County, Early American Museum
- City of Metamora—Woodford, Metamora Courthouse State HistoricSite
- City of Mt. Pulaski—Logan County, Mt. Pulaski Courthouse State Historic Site, Mt. Pulaski Historical Society Museumand Welcome Center
- City of Petersburg—Menard County, New Salem State Historic Site, Menard County Historical Society Museum and exhibit
- Pittsfield—Pike County, The Talking Houses of Pittsfield, Shasdid House
- City of Springfield—Sangamon County, Abraham Lincoln Presidential Library and Museum, Old State Capitol State Historic Site, Lincoln Law Offices State Historic Site, Lincoln Tomb State Historic Site, Lincoln Depot (Great Western Depot), Lincoln Home National Historic Site, Here I have lived walking tour
- City of Taylorville—Christian County, Christian County Historical Museum
- City of Vandalia—Fayette County, Vandalia Statehouse State Historic Site

The following sites are part of a special LFL Debate Project:

- Lincoln Douglas Debate Sites, City of Alton—Madison County, City of Quincy—Adams County, City of Jonesboro Union County, City of Freeport—Stephenson County, City of Ottawa—LaSalle County, City of Galesburg—Knox County, City of Charleston—Coles County
- City of Chicago—Cook County, Chicago Museum of History

PUBLIC AND PRIVATE PARTNERS CURRENTLY INVOLVED IN LOOKING FOR LINCOLN HERITAGE AREA PROJECTS

- Illinois Department of Commerce and Economic Opportunity, Jack Lavin, Director
- Illinois Bureau of Tourism, Jan Kostner, Deputy Director, Jan Kemmerling, Assistant Deputy Director
- Illinois Historic Preservation Agency, Robert Coomer, Director, Paula Cross, Superintendent of Historic Sites, Thomas Schwartz, State Historian
- Lieu. Governor's Rural Affairs Council, Carolyn Brown Hodge, Director of Rural Affairs
- Abraham Lincoln Presidential Library and Museum, Rick Beard, Executive Director and Director Library Foundation, Jennifer Tirey, Deputy Director, Bryon Andreasen, Presidential Library Historian
- Abraham Lincoln Presidential Library Foundation, Susan Mogerman, Chief Operating Officer
- Illinois Bicentennial Commission, Kay Smith, Director
- National Park Service Lincoln Home National Historic Site, James Sanders, Superintendent
- Illinois Association of Museums, Mary Turner, Executive Director
- Illinois Department of Conservation—Illinois State Museum, Karen Witter, Associate Museum Director
- Illinois Mainstreet, Wendy Bell, Director
- Knox College Lincoln Study Center, Rodney O. Davis and Douglas L. Wilson, Co-directors
- Papers of Abraham Lincoln, Daniel Stowell, Director
- Illinois Department of Transportation, Terry Fountain, District Engineer
- Illinois Elderhostel—Lincoln Land Community College Senior Outreach, John Allen
- Illinois Tourism Alliance, Nina Winston, Executive Director
- Lincoln Douglas Society, Edward Finch, President
- Stephen A. Douglas Association, George Buss, President
- The Abraham Lincoln Association, Dick Hart, President
- Illinois High School Association, Mary Hickman, Ed.D., Executive Director

Senator AKAKA. Thank you. Thank you very much, Mr. Martin. Now we'll hear from Charlene Cutler, Perkins Cutler.

STATEMENT OF CHARLENE PERKINS CUTLER, EXECUTIVE DIRECTOR AND CEO, QUINEBAUG-SHETUCKET HERITAGE CORRIDOR, INC.

Ms. PERKINS CUTLER. Mr. Chairman, Senator Salazar, thank you for the opportunity to offer testimony in support of S. 1182, to amend the Quinebaug and Shetucket River Valley National Heritage Corridor Act of 1994. For the record, we call it the last green valley.

I ask that our document, "The Trail to 2015: A Sustainability Study," be entered in its entirety into the record of the committee.

Senator AKAKA. It will be included in the record.

Ms. PERKINS CUTLER. Thank you.

I will not reiterate my written testimony because I know you are very short on time, but I want to emphasize that it is our intent to be self-sustaining and not needing Federal funding by the year 2015. I believe we're the first national heritage corridor to express that intent.

You may recall, Mr. Chairman and Senator Salazar, that I did testify to virtually the same bill last year and entered this sustainability plan into the record at that time.

If I might speak to the two points brought up by Ms. Stevenson from the Park Service, I realize that this is preempting our sunset by 2 years—3 years, last year, and the reason for that is very simple. We are in a very rural area. Part of our sustainability plan is

the development of a permanent fund to sustain our work. We need to launch a major and a very lengthy capital campaign.

The success of that campaign will depend on us having the continued faith shown by the authorization as a national heritage area through that period of time. So we're anxious to get that under way, but we don't want it to be short-circuited in 2 years with the sunset of our authorization.

Also, we have had this plan done now for a year and a half. It has been in various offices of the National Park Service for that period of time. We welcome their evaluation and their comments on it absolutely. I haven't had any comments. I didn't realize they were going to make an evaluation until just last Friday. I would hate to have that hold up our reauthorization at this point because it's really critical that we get on to this next level to become self-sustaining.

I am very thankful to Senator Dodd for introducing the amendment, and for the support of Senators Kennedy, Kerry, and Lieberman in this piece of legislation, and for their support of our work.

I am pleased to answer any questions that you might have.

[The prepared statement of Ms. Perkins Cutler follows:]

PREPARED STATEMENT OF CHARLENE PERKINS CUTLER, EXECUTIVE DIRECTOR AND CEO, QUINEBAUG-SHETUCKET HERITAGE CORRIDOR, INC.

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to offer testimony on S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994. I am the executive director and CEO of Quinebaug-Shetucket Heritage Corridor, Inc., the grassroots nonprofit designated as management entity for the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

I ask that our document, The Trail to 2015, a Sustainability Plan,* be entered in its entirety into the record of this Subcommittee.

To summarize that document, I am pleased to say that Quinebaug-Shetucket Heritage Corridor, Inc. has been very successful in its work to date in fulfilling the intent of Public Law 103-449, the responsibility given to us by the Congress, and the visions and goals of our Management Plan. It is our intent to be self-sustaining and not need federal funding by the year 2015.

- Our Heritage Corridor has been diligent and has completed a Management Plan, an Implementation and Action Plan, an Interpretive Plan, a Ten-Year Plan that extended the vision of the original management goals, and now a Sustainability Plan. Those guiding documents were completed in a timely and efficient manner, and have been truly useful documents.
- We have shown a consistent ability to maximize scarce resources by developing and fostering partnerships with federal, state and municipal governments, and regional corporate and private entities. We have acted as an educator and facilitator to motivate other organizations to take independent actions in line with our mission. When the Heritage Corridor was the only or most appropriate entity, we have taken action through specific projects or programs to do critical work.
- Our Heritage Corridor has received numerous state and national awards recognizing the excellence of our work, including the 2005 Public Education Award from the American Planning Association for our Green Valley Institute.
- We have consistently met and exceeded the required match on our federal appropriation. The third page of my written testimony includes an analysis of our funding and non-federal leverage since 1996.** The cumulative ratio is $19 of match from our partners for each federal dollar invested in the Corridor.
- Direct grants to more than 200 local projects have funded work in trail development, historic preservation, economic development, heritage tourism infrastruc-

* Document has been retained in committee files.
** Chart has been retained in committee files.

ture, natural resource conservation and community planning. The Sustainability Plan offers many examples of these projects.

- Hundreds of volunteers gave more than ten thousand hours of service last year to our mission-related projects and programs, and thousands of participants benefited from our FY06 education programs.
- According to our FY06 audit, 89% of the Heritage Corridor's expenditures, regardless of source, go directly into programming.

Our communities and residents increasingly look to our Heritage Corridor as a source for guidance and assistance, and as an advocate for resource conservation in The Last Green Valley. We have developed credibility at the local, regional, state and federal levels. The need to continue the work to fulfill the mission will be present for several decades. That is why we adopted the Sustainability Plan last January and why we are committed to achieving its goals.

There are two key elements to meeting those goals:

- In order to maintain credible programming that will attract significant, long-term, non-federal resources, it is critical to retain the federal investment over the next eight years.
- Reauthorization to 2015 would leverage significant, multi-year, non-federal commitments that are essential to our self-sustainability.

Therefore, we respectfully request that the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1994 be amended to extend the period of authorization from 2009 to 2015, and to extend the total appropriation from $10 million to $15 million, to coincide with our timetable to be self-sustaining by the year 2015. We also request that we retain the designation of "National Heritage Corridor" after authorization ceases, as our region will remain one of significant national resources.

I thank Senators Dodd, Kennedy, Kerry and Lieberman for their support of our work and this amendment.

I am pleased to answer any questions the Subcommittee may have. This concludes my prepared testimony.

Senator AKAKA. Thank you. Thank you very much, Ms. Cutler.

I want to say thank you for all of your testimonies. I have a few questions here.

Mayor Burke, you've testified on the broad local support for this wilderness designation. The Park Service has testified that these areas already are being managed as wilderness and that this bill will not change the on-the-ground management of the park. Why then is the formal designation as wilderness so important to the local community?

Ms. BURKE. Mr. Chairman, the reason that this is so important to the local community is, as I'm sure you understand, none of us lasts forever. So this is something that would be put into the public record and therefore would be a permanent management system for the Park Service. It is important for our local community because the park is our back yard and it is our way of making the tourist dollars that we need to survive.

Senator AKAKA. Thank you.

Mr. Harmon, the National Park Service has testified that your company agreed in 1907 and again in 2000 to a stipulation that established a strict liability standard in return for the right of way and the stipulated water rights agreement. If this standard has been agreed to by your company, why is there a change needed now?

Mr. HARMON. As we mentioned earlier, reading the record back in 1907, I don't believe that the company had any alternative to signing the agreement except to walk away from the ditch, and they had already invested considerable resources, including in the early days of the ditch the annual dues consisted of sending a man

and two mules for the summer up to work on it. So it was a significant investment at that point in time.

The question why does it need to be changed? We don't think it's patently fair to expect that we be responsible for expenses, costs, for damages to the resource which are not the result of our actions; they're created by acts of God and so on. We're simply looking for some relief there. We do believe we should be responsible if we cause damage to the park through our own negligence or through our own intentional acts. I can't imagine we'd do that. So we're not trying to avoid responsibility for our actions. But we think that the standard established back in 1907 was egregious.

Senator AKAKA. As I understand Senator Salazar's bill, the Grand River Ditch and 200 feet on either side are excluded from the wilderness. In that case, why should this liability issue be included as part of the bill, since the wilderness designation isn't affecting your operation?

Mr. HARMON. We raised this issue because there has been a pattern of legislation and stipulation starting in 1907 which has gradually been accumulating on the ditch and around the ditch, and we're fearful that, even though we have a 200-foot exclusion on either side of the ditch, that there could be impacts to our operations from the ditch. So we thought the time was appropriate to raise our concerns.

Senator AKAKA. Thank you.

Mr. Stoline, your testimony indicates that The American Legion supports expanding the discount to include those on active duty and in the reserve. In your opinion should it include members of the National Guard as well?

Mr. STOLINE. Yes, sir. The National Guard is a part of the reserve component, the Army Reserve, and we would include all of them as they are in active service.

Senator AKAKA. The bill would provide the discount to anyone who separated from military service, quote, "under conditions other than dishonorable," unquote. Is this the appropriate standard or should it be limited to those with honorable discharges?

Mr. STOLINE. I don't know the genesis of that part of the legislation, but VA regulations, veterans who have that type of discharge, that is the way it's phrased in the VA regulations. I assume that's the intent and we would go along with that. Obviously, if a veteran has a less than honorable discharge they still have administrative review rights, so it may not be in fact a permanent bar.

Senator AKAKA. Thank you.

Ms. Baker-Sullivan, earlier I asked the Park Service about the appropriateness of having a Federal commission composed partly of State commission members and then be able to make grants to the same commission. Since you are the Executive Director of one of the State commissions, can you help explain why it's appropriate for Federal funds to be used as grants for the State commissions?

Ms. BAKER-SULLIVAN. I would have to review that more carefully. I think I do have to review that more carefully. The grants are capped at $20,000 for commemorative commissions, and I could apply to local commissions, I believe. Some local entities are establishing their own commemorative commissions and nonprofits. So I don't know if that sheds a little bit of light on the thinking there.

But I think the intent is certainly to support the local efforts, I believe, to enhance the commemoration.

Senator AKAKA. Thank you.

Mr. Martin, I have one question about your bill. Earlier this year the committee began requiring other proposed heritage areas to conduct an evaluation 3 years before the end of the authorized funding period to assess whether the heritage area had been successful in meeting its original goals and have the Secretary review that evaluation. The Park Service has supported this new evaluation.

Do you have concerns if a similar requirement is added to your bill?

Mr. MARTIN. At this time, this is the first I've heard of it is today. As a businessman and volunteer, I believe we've got to be responsive to when the government steps forward and helps us establish an economic area, which that's the purpose I am here for, is looking at the economic interests of our area. I think it's critical that we have the ability to be able to come back and report to the government and to our representatives how good a job we did.

I know my colleague here talked about sustainability. I think that's the purpose of this, to have sustainability over a long period of time. This is an economic engine that helps us get going. But at this time I would agree that that would be a wise way to proceed.

Senator AKAKA. Thank you.

Ms. Cutler, my next question concerns S. 1182, the bill extending the authorization for the Quinebaug and Shetucket National Heritage Corridor. As I understand, the authority for this corridor was previously amended in 1999——

Ms. PERKINS CUTLER. Correct.

Senator AKAKA [continuing]. To give it the same authorization level as other heritage areas. Since Congress has already extended the authority and increased the appropriations, why is another increase necessary now?

Ms. PERKINS CUTLER. We were authorized originally in 1994. We did not receive any funding until 1996. Between 1996 and 2000 we received a total of $800,000. While we used the money very wisely, we were unable to produce huge impacts with that small amount of money.

Extending our authorization on the forward end allows us to maintain the quality of the programs that we've established, which will in fact attract additional resources that we need to become self-sustaining.

Senator AKAKA. Finally, can you tell me how much of your current $10 million authorization is still available?

Ms. PERKINS CUTLER. We have received through this year $6.2 million in total from 1996 through Fiscal Year 2007.

Senator AKAKA. Thank you very much.

Mr. Salazar, do you have any comments or questions?

Senator SALAZAR. Thank you very much, Senator Akaka.

First, Mr. Stoline, I appreciate your testimony here today and I'm proud to become a co-sponsor of your legislation, S. 617, and we'll move forward with that.

Mr. STOLINE. Thank you, Senator.

Senator SALAZAR. Also, to the entire panel, I want to thank you all for coming from your places to Washington and testify before our committee. I, in particular, want to thank Mayor Burke for her leadership. I know the beauty of Grand Lake. I know the beauty of Rocky Mountain National Park. You know it like the back of your hand. I appreciate the great advocacy that you, Grand County, Larimer County, Estes Park, and all the rest of the communities involved have brought to this issue.

Dennis Harmon, to you and the Water Supply and Storage Company, and especially to those who have for generations, like Tom Moore and his family, stood with this ditch from the last century until—actually, 2 centuries ago—until now, I appreciate your working with us as we try to get to a resolution that addresses the concerns of the national park as well as the concerns of the ditch company. I look forward to concluding that agreement that you're working on in as rapid a fashion as we possibly can.

Mr. Chairman, I would like to include for the record in support of Senate 1380 on the Rocky Mountain National Park letters that have been written in support, which include letters from the Wilderness Society, the Back Country Snow Sports Alliance, Biodiversity Conservation Alliance, the Central Colorado Wilderness Coalition, the Colorado Environmental Coalition, the Colorado Mountain Club, Colorado Wild, Southern Rockies Conservation Alliance, the Upper Arkansas and South Platte Project.

I also would like to include for the record a letter from the Conservation Alliance in support of the legislation, and the League of Women Voters of Estes Park; letters also in support of the legislation from the Larimer County Board of County Commissioners, the International Mountain Bicycling Association, as well as a number of other letters that we'll submit for the record.

I appreciate your patience and your support also for this legislation. I thank again the witnesses for coming here today.

Senator AKAKA. Thank you, Senator Salazar. All of those will be included in the record.

I want to also add my thanks to the witnesses for testifying this afternoon. We appreciate your willingness to come all this way to Washington on fairly short notice. Some of the members of the committee who were not able to attend this afternoon may submit additional questions in writing, and if we receive any we'll forward them to you and ask you to respond, so that we may include both the questions and answers in the official hearing record.

As I mentioned at the beginning of the hearing, I will be working with the minority members and the bill's sponsors to see if we can get these bills ready for full committee consideration as soon as possible. We will try to do that. Again, I want to thank all of you. This has been a great hearing. It will help us in making our decisions.

Thank you very much. This subcommittee hearing is adjourned.

[Whereupon, at 4:19 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF CHARLENE PERKINS CUTLER TO QUESTIONS FROM SENATOR THOMAS

Question 1. (S. 574, Quinebaug and Shetucket NHA Reauthorization): Ms. Cutler, you stated that your heritage area will be self-sustaining without any need for Federal funds in 2015. Have you always intended to become self-sustaining or is this a new approach to doing business?

Answer. Senator Thomas, early on our Heritage Corridor anticipated becoming self-sufficient, and our planning documents bear that out. We were one of the earlier NHAs designated and received a smaller appropriation for the first five years ($200,000/year). In a region of nearly 1,100 square miles, it is understandable that under that level of funding our impacts were small. In the past five years we have accomplished significant work with the increased federal investment and been able to coalesce many partners and, most importantly, residents around our joint mission.

In 2000, we wrote Vision 2010: A Ten-Year Plan, that expanded on the vision of our original management plan. The overall goal of that plan was "to accomplish the mission of our National Heritage Corridor by perceiving and reflecting the priorities of residents and translating these into programs and services for the next ten years and beyond." That plan also foresaw the need to think past federal funding and stated that if the overall goal was to carry the work forward, an endowment or some other type of permanent fund would need to be established to generate income for the work.

In preparation for that eventuality, our organization conducted a Fundraising Feasibility Study in 2002. That study recognized that there was no example of a National Heritage Corridor developing a permanent fund, and therefore, we were in uncharted waters. The document also recognized the rural nature of our region. It laid out a conservative and realistic plan to developing sustaining resources. Extrapolating out to our $10 million goal, we plan to have the fund capitalized in 2015.

Our experience has also shown us that there is a required critical mass of successful programming that must be attained in order to attract significant, non-federal resources. We feel that we have reached that threshold and will be able to begin a capital campaign to develop a permanent fund. However, in our National Heritage Corridor, that is very rural and has a relatively low population, we also know that we need the time to 2015 to be successful in accumulating the funds.

In 2004, we began working on Trail to 2015, A Sustainability Plan. The permanent fund is one leg of our three-legged stool plan; the other two are for-profit activities and foundation support.

With private funds, we have just hired a well-respected and very successful development professional to shepherd the organization through the next ten years to the point of self-sustainability. The only element left to be in place is continued authorization through 2015 to maintain credible programming until other resources take over. We are committed to becoming self-sustaining and this is not a new idea for us.

Question 2. (S.574, Quinebaug and Shetucket NHA Reauthorization): Do you think all National Heritage Areas should become self-sustaining and free of Federal Funding at some point?

Answer. Every NHA is distinctive, although they all have commonality in resource protection, resource interpretation and economic development. If each NHA is truly grassroots in origin, that is, its focus is driven internally as opposed to ex-

ternally, then there must be some point at which the stewards take complete ownership for the fulfillment of the mission. I think self-sustainability is inevitable if the work is to be carried forward to the next group of stewards—our children and grandchildren.

Question 3. (S.574, Quinebaug and Shetucket NHA Reauthorization): What do you see as the Federal government's role in National Heritage Areas?

Answer. I think the Federal government best serves National Heritage Areas by first recognizing regions of significant national resources, designating them as such, and providing seed money for the work the residents of that area determines is important. National Heritage Areas are impressive in their ability to put responsive programming in place very quickly. That ability is what attracts non-federal match to the process.

Many layers of federal requirements would seriously impede that process and put a damper on the ability of a NHA to become self-sustaining. For example, if instead of appropriations funding was allocated as grants for particular projects, the accomplishments of heritage areas would be significantly less, and the time to put essential programs on the ground would become so slow that the programs would lose credibility with residents.

Question 4. (S.574, Quinebaug and Shetucket NHA Reauthorization): What do you see as the best use of Federal funds that are made available to National Heritage Areas?

Answer. The best use of Federal funds is to support necessary planning documents and invest in programming until a critical mass is reached that measures impacts, identifies work no other entity can do, and points the way to self-sustainability.

RESPONSES OF CHARLENE PERKINS CUTLER TO QUESTIONS FROM SENATOR BURR

Question 1. Quinebaug and Shetucket National Heritage Area Reauthorization (S. 1182): S. 1182 would extend the termination date for Federal support for your Heritage Corridor another 6 years and increase the funding level an additional 5 million dollars. Are you prepared to be self-sufficient by October of 2015?

Answer. Yes, we are committed to being self-sufficient and are actively pursuing that end.

Question 2. Quinebaug and Shetucket National Heritage Area Reauthorization (S. 1182): Does your organization use any Federal funds for employee salaries, travel, or other administrative purposes?

Answer. We do use Federal funds for salaries and mileage costs directly related to specific programs and projects within the 1,086-square miles of our NHC. Administrative costs are paid with non-federal dollars. All of our expenditures of Federal funds are made with strict adherence to Federal Circulars A-110, A-122, and A-133, and under the close scrutiny of our auditor. For example, in FY2006, $788,230 was received in Federal funding and all of it was used to support program services. Administrative and fund raising costs were paid with private funds.

RESPONSES OF HEATHER BAKER-SULLIVAN TO QUESTIONS FROM SENATOR BURR

Question 1. Hudson Fulton Champlain Quadricentennial Commission (S. 1148): Will the Hudson Fulton Champlain Quadricentennial Commission be responsible for any fundraising? If so, how much funds are they expected to raise for the Quadricentennial to be a success?

Answer. The federal Commissions will be responsible for pursuing the drawdown of funds as specified in the legislation, and may additionally, seek funding from federal agencies for the Commemoration. They will not be raising funds, however, from the private sector or other sources. If the federal Commissions are successful at securing the appropriations as specified in the legislation, that alone will be extremely helpful and contribute greatly toward the success of the Commemoration.

Question 2. Hudson Fulton Champlain Quadricentennial Commission (S. 1148): How long do you expect the Hudson Fulton Champlain Quadricentennial Commission to exist?

Answer. I expect the federal Commissions to exist through 2010.

Question 3. Hudson Fulton Champlain Quadricentennial Commission (S. 1148): Will any Federal funds be used to pay salaries, travel, per diem, or administrative services for the Hudson Fulton Champlain Quadricentennial Commission?

Answer. No funding from the federal Commissions will be used to pay salaries, travel, per diem or administrative services for the Hudson Fulton Champlain Quadricentennial Commission (i.e. the New York State Commission). According to

the legislation, some federal funds will be used to pay for staff and other administrative costs of the federal Commissions.

Question 4. Hudson Fulton Champlain Quadricentennial Commission (S. 1148): Will any Federal funds be used by the Hudson Fulton Champlain Quadricentennial Commission to acquire land or any interest in property in support of the Quadricentennial?

Answer. No federal funds will be used to by the federal Commissions to acquire land or any interest in property in support of the Quadricentennial.

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

QUESTIONS FOR KATE STEVENSON FROM SENATOR BURR

Question 1. Carl Sandburg National Historic Site Addition (S. 488/H.R. 1100):

a. Approximately how many people visit the Carl Sandburg National Historic Site each year?

b. How much land does the National Park Service plan to acquire as a result of this legislation and what is the estimated cost of the property?

c. How many landowners are involved?

d. How will the Carl Sandburg National Historic Site and the American public benefit from the acquisition of this property?

Question 2. Veterans Eagle Pass (S. 617):

a. How much revenue do the Departments of the Interior and Agriculture currently generate from sales of the America The Beautiful Pass?

b. Excluding the sales of annual passes, how much revenue do the Departments of Interior and Agriculture generate annually from entrance fees? Please provide a breakdown by bureau within each department.

c. How much revenue do the Departments of Interior and Agriculture generate from visitor programs other than entrance fees and annual passes (e.g., campgrounds, concessions, lodging, etc.)? Please provide a breakdown by bureau within each department.

d. How much does it currently cost the Administration to print and distribute each America the Beautiful Pass?

e. How many veterans currently purchase the America the Beautiful Pass?

f. Which states currently allow active duty military personnel and veterans to obtain a state or county parks' pass at a reduced rate?

Question 3. Disabled Veterans Memorial Extension (S. 824/H.R. 995):

a. What is the role of the National Park Service in establishing the Disabled Veterans Memorial?

b. Has the site and design for the Disabled Veterans Memorial been approved by the Commission on Fine Arts, the National Capital Planning Commission, and the National Park Service?

c. Approximately when will the organizers of the Disabled Veterans Memorial have sufficient funds to begin construction?

Question 4. Abraham Lincoln National Heritage Area (S. 955):

a. When was the study for the Abraham Lincoln National Heritage Area completed, who performed the study, and what were the major findings of the study?

b. Have members of the management entity for the Abraham Lincoln National Heritage Area been informed that the authorization for appropriations would be limited to 15 years? Are they prepared to be self-sufficient after that time?

Question 5. Champlain Quadricentennial Commission (S. 1148):

a. The proposed Champlain Quadricentennial Commission would be established to support the 400-year anniversary of Hudson's exploration and the 200-year anniversary of Fulton's development of commercially viable steam-powered travel. When are the ceremonies scheduled to occur?

b. How long will the commission remain in existence?

Question 6. Quinebaug and Shetucket National Heritage Area Reauthorization (S. 1182):

a. Which other National Heritage Areas are within 5 years of their term of authorization or within one million dollars of their funding limit?

b. The number of National Heritage Areas has grown from zero in the early 1980's to 37 in 29 states in 2007. The National Park Service has one program manager and a staff assistant to oversee the program. Does the Park Service have any plans to add new personnel to the National Heritage Area office to keep pace with this growth?

Question 7. Rocky Mountain National Park Wilderness (S. 1380):

a. Will S. 1380 result in any change in land use or land management within Rocky Mountain National Park?

b. Will the proposed wilderness designation change any existing water rights?

c. A breach in Grand Ditch occurred in 2003. What type of damage occurred to Park property as a result of the breach and what type of compensation has the National Park Service received from the operators?

Question 8. Kaloka-Honokohua Advisory Commission (S. 1728):

a. Regarding S. 1728, how has the park benefited from the services of the Advisory Commission?

b. Has the Commission been instrumental in raising funds for use toward park projects?

QUESTIONS FOR JUDY BURKE FROM SENATOR BURR

Question 1. Rocky Mountain National Park Wilderness (S. 1380): Mayor Burke, do you anticipate any change in land use, land management, or water rights as a result of S. 1380?

Question 2. Rocky Mountain National Park Wilderness (S. 1380): Are you aware of any opposition to S. 1380 from your constituents or surrounding communities?

Question 3. Rocky Mountain National Park Wilderness (S. 1380): How will surrounding communities benefit from the passage of S. 1380?

QUESTIONS FOR DEAN STOLINE FROM SENATOR BURR

Question 1. Veterans Eagle Pass (S. 617): Approximately how many veterans are under the age of 62?

Question 2. Veterans Eagle Pass (S. 617): Critics of S. 671 have said that, as currently worded, the bill would allow individuals with a "Bad Conduct Discharge" to receive the Veterans Eagle Pass. Is that correct?

Question 3. Veterans Eagle Pass (S. 617): Are you aware of any states that allow veterans to obtain a state or county parks' pass at a reduced rate?

QUESTIONS FOR DENNIS HARMON FROM SENATOR BURR

Question 1. Rocky Mountain National Park Wilderness (S. 1380): A breach in Grand River Ditch in 2003 damaged resources in Rocky Mountain National Park. What was the cause of that breach, what was the extent of the damage, and what steps have been taken to prevent future incidents of this type?

Question 2. Rocky Mountain National Park Wilderness (S. 1380): S. 1380 contains liability language specific to Grand Ditch. Why is the liability language necessary and how will it change your company's relationship with the National Park Service?

Question 3. Rocky Mountain National Park Wilderness (S. 1380): Do you anticipate any change in land use, land management, or water rights as a result of S. 1380?

QUESTIONS FOR TOM MARTIN FROM SENATOR BURR

Question 1. Abraham Lincoln National Heritage Area (S. 955): The legislation authorizes the Abraham Lincoln National Heritage Area to receive support from the National Park Service for 15 years and the amount of Federal funding is limited to 10 million dollars. Are you aware of these limitations and is the management entity prepared to be self-sufficient after Federal support ceases?

Question 2. Abraham Lincoln National Heritage Area (S. 955): How many people live within the boundary of the Abraham Lincoln National Heritage Area?

Question 3. Abraham Lincoln National Heritage Area (S. 955): Have you received any opposition to Federal designation from people living within the boundary of the Abraham Lincoln National Heritage Area?

QUESTIONS FOR TOM MOORE FROM SENATOR BURR

Question 1. Rocky Mountain National Park Wilderness (S. 1380): A breach in Grand River Ditch in 2003 damaged resources in Rocky Mountain National Park. What was the cause of that breach, what was the extent of the damage, and what steps have been taken to prevent future incidents of this type?

Question 2. Rocky Mountain National Park Wilderness (S. 1380): S. 1380 contains liability language specific to Grand Ditch. Why is the liability language necessary and how will it change your company's relationship with the National Park Service?

Question 3. Rocky Mountain National Park Wilderness (S. 1380): Do you anticipate any change in land use, land management, or water rights as a result of S. 1380?

APPENDIX II

Additional Material Submitted for the Record

THE WILDERNESS SOCIETY; BACKCOUNTRY SNOWSPORTS ALLIANCE; BIODIVERSITY CONSERVATION ALLIANCE; CENTRAL COLORADO WILDERNESS COALITION; COLORADO ENVIRONMENTAL COALITION; COLORADO MOUNTAIN CLUB; COLORADO WILD; SOUTHERN ROCKIES CONSERVATION ALLIANCE; UPPER ARKANSAS & SOUTH PLATTE PROJECT.

July 11, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, United States Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Thank you very much for the opportunity to comment on S. 1380, the proposed Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, introduced by Senators Wayne Allard and Ken Salazar.

We appreciate and endorse the senators' vision in introducing this important legislation, their diligent work in refining its details, and their diplomacy in gathering widespread support for it.

We enthusiastically support this legislation and urge its prompt approval. We offer this support because the lands in question are so eminently qualified for inclusion in the National Wilderness Preservation System, both in their inherent untrammeled wonder and beauty and in the National Park Service's long-standing recommendation for their designation as wilderness.

We offer this support also because of the extensive and diverse range of groups, governments, and individuals who cherish the national park and want its wilderness values protected forever. The wilderness proposal is endorsed by every town and county near the park, by every newspaper publishing near the park and in Colorado's capital, and by a surprisingly diverse array of citizen organizations that include environmental advocates, civic and service groups, recreation leaders, and businesses.

The extent and diversity of this support is hardly surprising since the park and its preservation are of interest and value in so many different ways.

Wilderness is the essence of Rocky Mountain National Park and the point of focus for every visitor's experience. Whether hiking deep in the park's untracked backcountry or viewing its peaks, cliffs, cirques, valleys, and meadows from the edge of Trail Ridge Road's pavement, each visitor comes to see, and is inspired by, the wilderness that seems to surround.

Rocky Mountain National Park's wilderness is the central anchor of a long chain of complementing wildlands along the Great Continental Divide in Colorado, including Never Summer Wilderness to the west, Comanche Peak Wilderness to the north and east, Neota Wilderness to the northwest, and Indian Peaks Wilderness and James Peak Wilderness to the south.

In a related component of the proposed legislation, the boundaries of that adjacent Indian Peaks Wilderness will be adjusted and expanded slightly in order to allow easier management and better protection of that area's values. This adjustment is an essential component of the wilderness proposal for Rocky Mountain National Park.

Another important feature of this wilderness proposal, and another reason for its universal support, is that all details of potential conflict with the wilderness designation have been discussed and resolved. The natural flow of water in the park's streams is protected in a way that ensures continued water supplies to farms, towns, and homes downstream. The ability to reduce the threat of wildfire and to respond to fires when they do start is assured, especially near adjacent communities. All existing roads, trails, campgrounds, and buildings in the park will remain open for visitors' enjoyment and for safety. The economies of the park's gateway

communities will endure, specifically because the wilderness designation will ensure that the features that draw visitors to the park—and, thus, to those communities—are preserved for all time.

We understand that one issue related to this legislation remains outstanding—the resolution of continued access and activities related to certain water conveyance facilities in the national park. It is very important the negotiations over these provisions not delay action on the essential feature of the legislation—the wilderness designations. It also is important that any language included in the final legislation related to these facilities not compromise the effect or enforceability of those wilderness designations or of The Wilderness Act.

This park and its wildlands are treasures to all who visit the park or who even know about it. Their formal protection as wilderness will honor the stewardship of the past, recognize support of the present, and pass on an unparalleled legacy to the future.

Thank you again for your careful review of this legislation and of the remarkable place that is its object. Please join us in recommending prompt approval of the wilderness designation.

Sincerely,

Steve, Smith, *Assistant Regional Director, Central Rockies Region*; Clare Bastable, *Conservation Director, Colorado Mountain Club (8,000 members in Colorado)*; Erik Molvar, *Executive Director, Biodiversity Conservation Alliance*; Ryan Demmy Bidwell, *Executive Director, Colorado Wild (600 members in Colorado)*; John Stansfield, *Coordinator, Central Colorado Wilderness Coalition (225 members in Colorado)*; Michelle Zimmerman, *Executive Director, Southern Rockies Ecosystem Project (100 members in Colorado)*; Brian Holcombe, *Executive Director, Backcountry Snowsports Alliance (500 members in Colorado)*; Michael Rogers, *Executive Director, Upper Arkansas & South Platte Project (400 members in Colorado)*; Elise Jones, *Executive Director, Colorado Environmental Coalition (4,200 individual members in Colorado; 95 organizations, total 15,000 members).*

THE CONSERVATION ALLIANCE,
Bend, OR, July 10, 2007.

Hon. KEN SALAZAR,
US Senate, 702 Hart Senate Office Building, Washington, DC.

Hon. WAYNE ALLARD,
US Senate, 521 Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS SALAZAR AND ALLARD: On behalf of the 140 members of the Outdoor Industry Conservation Alliance, we want to thank you for working together to secure wilderness designation for Rocky Mountain National Park's backcountry. We represent outdoor businesses and retail stores based in Colorado.

The outdoor industry and our member companies rely on protected public lands as destinations for our customers to use the products they make and sell. Because wilderness designation preserves federal lands for non-motorized uses, such designations directly benefit businesses that make clothing and gear for active use in the outdoors. They are essential to our growing $33 billion industry.

Few places are as worthy of wilderness designation as the wild backcountry areas of Rocky Mountain National Park. This icon of our national park system is a world class destination for backpackers, mountaineers, climbers, anglers, skiers, wildlife viewers and other outdoor enthusiasts. Wilderness protection for the park will ensure that these pristine areas maintain their wilderness qualities, and remain attractive destinations for outdoor customers. As motorized recreation continues its rise in popularity, it is important that we preserve places like Rocky Mountain National Park for their wilderness values.

We are encouraged by your efforts to bring all stakeholders together on this proposal. Rarely does wilderness enjoy the broad support of gateway communities, elected officials, conservation organizations, businesses, sportsmen, and recreation groups. We applaud your efforts, and hope you will continue to work constructively to pass legislation this year.

Thank you for considering our thoughts.

Sincerely,

Paul Gagner, *President, Sierra Designs, Louisville, CO*; Casey Sheahan, *CEO, Patagonia, Inc., Denver, CO (retail store), Ventura, CA (headquarters)*; Kenny Ballard, *President, Kelty, Inc. Boulder, CO*; Gareth Martins, *Osprey Packs, Cortez, CO*; Dave Knutson, *Chaco, Inc.*

Paonia, CO; Len Zanni, *Big Agnes, Steamboat Springs, CO*; Patricia Smith, *On Target Public Relations, Denver, CO*; Jeffrey Mazer, *Mazer Advisors, Boulder, CO*; Kristin Carpenter-Ogden, *Owner, Verde PR, Durango, CO*; Mark Bryden, *President, Smartwool, Steamboat Springs, CO*; Paige Boucher, *Mountain Hardwear, Steamboat Springs, CO*; Frank Hugelmeyer, *Outdoor Industry Association, Boulder, CO*; Rodney Smith, *President, Backpacker's Pantry, Boulder, CO*; Greg Thomsen, *President, Mountainsmith, Golden, CO*; Keith Reis, *Sanitas Sales Group, Boulder, CO*; Michael Brown, *President, Serac Adventure Films, Boulder, CO*; Joe Hoey, *Boulder Incentives, Erie, CO*; John Sterling, *Executive Director, Outdoor Industry Conservation Alliance, Bend, OR*; Kim Coupounas, *GoLite, Boulder, CO*.

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,
Boulder, CO, July 9, 2007.

Hon. DANIEL AKAKA,
Chairman, Senate Energy and Natural Resources, Subcommittee on National Parks, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Memmber, Senate Energy and Natural Resources, Subcommittee on National Parks, Washington, DC.

DEAR CHAIRMAN AKAKA AND RANKING MEMBER MURKOWSKI: On behalf of the International Mountain Bicycling Association (IMBA) and our member Colorado bicycle clubs, I thank you for the opportunity to submit testimony in support of S. 1380, the Rocky Mountain National Park Wilderness Act.

IMBA was founded in 1988 and leads the national and worldwide mountain bicycling communities through a network of 80,000 individual supporters and 750 affiliated clubs. More than 39 million Americans participated in singletrack bicycling and 7.6 million were "enthusiasts" of the sport in 2004, according to the Outdoor Industry Association.

IMBA teaches sustainable trailbuilding techniques and has become a leader in trail design, construction, and maintenance. We promote responsible riding, volunteer trail work and cooperation among trail user groups and land managers. IMBA members and affiliated clubs perform close to one million hours of volunteer trail work and advocacy annually, and are outstanding partners for federal, state and local land managers.

IMBA has formal partnership agreements with the USDA Forest Service, Bureau of Land Management and US Army Corps of Engineers. Just last year, we signed an official agreement with the National Park Service (NP S) to develop more mountain biking opportunities at NPS units across the country. Currently more than 40 national parks have mountain biking on dirt roads and trails.

In Colorado, IMBA has approximately 10,000 supporters through our 2,500 individual members and 50 affiliated bike clubs. More than 30 bicycle retailers are also affiliated with IMBA. Colorado is a hub of the bicycle industry, with leaders such as Pearl Izumi, Catalyst Communications, Yeti Bicycles, Moots Bicycles, Bicycle Village, Criterion Cycles, Koobi Saddles, SRAM/Rock Shox, USA Cycling, Colorado Cyclist, Peak Bar, Carmichael Training Systems, Velo News, and many others residing in the state.

Bicycling is a billion-dollar industry in the state, according to the Colorado Department of Transportation. Thousands of tourists travel to Colorado each year to ride their mountain bikes and experience trails that have become world famous. Tourists flock to Durango, Crested Butte, Telluride, Steamboat Springs, Fruita, Grand Junction and many other Colorado communities to explore the outdoors by bicycle. Colorado tourism communities take trail access seriously, as they know that cyclists spend money on lodging, gas, restaurants, and in local stores. In 2004, Colorado ranked sixth in the nation for singletrack bicycling participants, with 22 percent of the population—730,940 people—involved in the sport (Outdoor Industry Association).

As you know, federal agency interpretation of the 1964 Wilderness Act bans bicycle access. Every time a congressional Wilderness bill is proposed, cyclists risk losing access to trails they have ridden for years. Further, they lose the potential to build new trails or expand bicycling access in these lands in perpetuity. IMBA members take Wilderness bills very seriously and want to be at the table to help craft land protection legislation. For this reason, bicyclists seek modifications of Wilderness proposals that will protect the land while continuing to allow this quiet, low-impact, muscle-powered recreation on existing trails. When conflict exists, IMBA

suggests boundary adjustments, non-Wilderness trail corridors, grandfathering in our existing use, or other land protections such as National Protection Areas or National Conservation areas.

Senator Salazar has been very inclusive of IMBA and mountain bicyclists in the discussions of the proposed Wilderness boundaries, as has Congressman Udall in the House. We are pleased that the bill includes a boundary that allows for the possible inclusion of bicycles on the East Shore Trail. This trail will provide a critical connector for the Headwaters Trail Alliance (HTA) in their master trails plan to connect Grand County with 70 miles of shared-use, non-motorized trails. The Granby to Grand Lake trail is the next leg of their master plan and the best alignment is on the western edge of Rocky Mountain National Park, which provide spectacular views of Grand Lake, Shadow Mountain Reservoir, and Lake Granby. This trail will be a beautiful community amenity allowing non-motorized trail users to travel near the shore. We are confident that the East Shore Trail will be a draw for trails-based tourism and give families, community members and tourists a resource that will be highly valued for many years to come.

There are 359 miles of dirt trails open to hikers in the National Park but only paved roads open to cyclists. These paved roads have very narrow shoulders and park officials encourage cycling early in the morning to avoid conflict with vehicles. IMBA encourages the committee to do more to get visitors out of their cars and experience the park by bicycle. The 16-20 mile East Shore Trail would do just that and only remove about 500 acres of land from the approximately 250,000 acre proposal.

In 1974, the National Park Service determined many of these areas to be appropriate for Wilderness and classified them as Wilderness Study Areas (WSA). NPS management will not allow the consideration of bicycles in these areas until Congress acts to decide the fate of these lands. Enacting S. 1380 would allow the community and the federal land agencies to begin the environmental process to consider opening the East Shore Trail to bicycles. We look forward to working with the National Park Service and the USDA Forest Service on starting this process.

Thank you for the opportunity to submit comments on this important legislation. IMBA looks forward to working with the committee and Senator Salazar and urges your favorable consideration.

Sincerely,

JENN DICE,
Government Affairs Director.

THE DISABLED VETERANS LIFE MEMORIAL FOUNDATION.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: It is my distinct honor to again testify in support of The Americans Disabled For LIFE Memorial, to be constructed a short distance away for the United States Capitol building. I am Lois Pope, the Co-founder of the Disabled Veterans' LIFE Memorial Foundation, an organization created by an Act of Congress in 2000 (Public Law 106-348) and tasked with establishing a national memorial honoring veterans who became disabled while serving in the Armed Forces of the United States. The Memorial will celebrate these men and women who may be broken in body—but never in spirit.

I ask that my prior testimony on October 26, 1999 before the United States House of Representatives, Committee on Resources, Subcommittee on National Parks and Public Lands and Statement of May 25, 2006 be entered in the record.

Since my prior testimony, The Disabled Veterans LIFE Memorial Foundation has made tremendous progress in fulfilling mission: in late 2006, the Memorial site was approved and the Memorial design concept was unanimously approved by the National Capital Planning Commission and Commission on Fine Arts. Further, the Foundation has secured funding and commitments totaling over two-thirds of the construction costs. We are planning to break ground on Veterans' Day 2008 and formally dedicate the Memorial to all Americans on Veterans' Day 2010. And sadly, since my last testimony, the constituency we honor—men and women disabled in service to their country—has increased by over 25,000.

The Disabled Veterans' LIFE Memorial Foundation urges the Committee to approve the extended authorization. We further urge the full Senate to join the House of Representatives in prompt passage of H.R. 995/S.824. This bill is critical for completion of our fundraising initiatives and to build the Memorial in Washington, DC.

LOIS POPE,
Co-founder.

LEAGUE OF WOMEN VOTERS OF ESTES PARK,
Estes Park, CO, July 11, 2007.

Hon. KEN SALAZAR,
702 Hart Senate Office Building, Washington, DC.

DEAR SENATOR SALAZAR: The League of Women Voters of Estes Park thanks you for initiating the Rocky Mountain Wilderness and Indian Peaks Wilderness Expansion Act (S1380) that will designate approximately 250,000 acres of Rocky Mountain National Park's back country area as wilderness.

Preserving and protecting Rocky Mountain National Park as a wilderness area for future generations is of great importance, not only aesthetically, but also economically for all Coloradoans. Visitors from all over the United States and from countries throughout the world are drawn to the timeless, pristine beauty of RMNP. Their willingness to travel to Colorado to see this wonder and beauty contributes greatly to the economy and welfare of our state. We, the League of Women Voters of Estes Park, appreciate your support in seeking this important protection for our treasured resource. However, The League of Women Voters of Estes Park does not support any action that would lessen the protection of Rocky Mountain National Park.

In 1974 President Nixon recommended to Congress that Rocky Mountain National Park be given a wilderness designation. Since that time, the backcountry of Rocky Mountain National Park has been administered as a wilderness area. To ensure that the backcountry will be protected forever from man-made intrusions that detract from the spectacular beauty and wildness of the Park, immediate wilderness legislation for the Park is essential.

Now is the time to pass a wilderness bill for Rocky Mountain National Park. During 2005, the gateway communities of Estes Park and Grand Lake, and the Larimer County Commissioners passed resolutions supporting the wilderness status of Rocky Mountain National Park. On March 9, 2006, legislation was reintroduced that would protect permanently about 95% of Rocky Mountain National Park (its backcountry) from development. Your Senate bill, SB 1380, would ensure that the Park's beautiful vistas, its many hiking trails and wildlife habitat would be preserved for its 3 million annual visitors and for the enjoyment and appreciation of generations to come.

After 32 years it is time for official wilderness designation for Rocky Mountain National Park to become a reality.

Thank you for your attention.

Sincerely,

SUSAN T. PINKHAM,
President.

LARIMER COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Fort Collins, CO, July 11, 2007.

Hon. KEN SALAZAR,
702 Hart Senate Office Building, Washington, DC.

DEAR SENATOR SALAZAR: We are contacting you to voice our unanimous support for the wilderness designation of nearly 250,000 acres of Rocky Mountain National Park. On July 12, 2006 the Larimer County Board of County Commissioners adopted a resolution in support of the designation legislation sponsored by Representative Udall and Senator Salazar.

This legislation will provide important protection and management direction for some truly remarkable country in Larimer County, while the proposed boundaries will assure continued access for use of existing roadways, buildings and developed areas. As proposed we support the appropriate provisions to address the East Shore Trail in Grand County and the proposal for the 1/4 mile buffer surrounding the Town of Grand Lake.

The designation has been in works since President Nixon first proposed the designation in 1974. We are looking forward to this protection becoming a reality for this important national gem. Rocky Mountain National Park is an important part of Larimer County and this legislation will protect some of the finest wild land in the nation, while protecting existing rights.

The Larimer County board of County Commissioners asks that you support this bill and allow this important step to become a reality.

KATHAY C. RENNELS,
Chair, District I,
GLENN W. GIBSON,
Commissioner, District III.

STATEMENT OF MIKE MATZ, EXECUTIVE DIRECTOR, CAMPAIGN FOR AMERICA'S WILDERNESS

The Campaign for America's Wilderness applauds the leadership and commitment of Sens. Ken Salazar (D-CO) and Wayne Allard (R-CO) and Reps. Mark Udall (D-CO) and Marilyn Musgrave (R-CO) in working with local stakeholders and national organizations to craft a proposal that will forever protect the wildlands of Rocky Mountain National Park. This legislation is long overdue.

Rocky Mountain National Park was established in 1915 and, in 1974, President Richard Nixon recommended 239,835 park acres for wilderness designation. The area has been managed as wilderness since the 1960's. But this protection is merely an administrative protection, guided by paper not law.

The Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act (S. 1380) would formally designate nearly 250,000 acres of the park as wilderness, providing permanent protection to the park's natural resources, providing consistent park management procedures, and preserving opportunities for scientific study.

By protecting the landscape in perpetuity, the bill would also help sustain recreation and tourism opportunities, ensuring the continued economic vitality of gateway communities. In fact, surrounding communities and local officials have been a key part of the collaborative process that was undertaken to shape an agreement that eventually resulted in S. 1380. They are keenly aware of the local revenue that the park's wildlife, wilderness and recreation generate, and that ensuring its resources, scenic vistas, and recreation opportunities are sustainable for generations to come makes good business sense.

Other stakeholders include: the Larimer County Board of County Commissioners, Boulder County Board of County Commissioners, Town of Winter Park, Town of Estes Park, Town of Grand Lake, Colorado Trout Unlimited, Colorado Wildlife Federation, League of Women Voters of Estes Park, International Mountain Bicycling Association, Headwaters Trails Alliance, Colorado Mountain Club—Shining Mountains Group (Estes Park), Colorado Mountain Club—Fort Collins Group, Colorado Wilderness Network, Southern Rockies Conservation Alliance.

The congressional sponsors worked diligently with stakeholders and communities to address their various concerns. The Campaign for America's Wilderness recognizes and appreciates these efforts. Nevertheless, there are sections of the bill we hope can be improved to better protect the park land and integrity of the Wilderness Act, while still addressing valid concerns of stakeholders.

In particular, we would like to see Section 4(e)(5)(A) language modified such that any existing activities relating to the monitoring, operation, maintenance, repair or use of the Colorado-Big Thompson Project tunnel and all other facilities be conducted only under the surface of the proposed wilderness area.

Section 4(e)(4), relating to the Grand River Ditch, is another provision we would like to see improved. We believe the proposed strict liability agreement between the ditch company and the National Park Service goes too far to absolve the company of liability responsibility for response costs or any damages to or loss of park resources. We recognize and appreciate that the Grand River Ditch existed prior to the establishment of the park. However, we seek a balance more in line with the Park System Resources Protection Act (16 USC 19(j)(j)), so that park resources and interdependent wilderness ecosystems are not inadvertently harmed.

The beauty of Rocky Mountain National Park is unsurpassed in the intermountain state region. It offers soaring mountain peaks, beautiful fall colors, scenic meadows and streams, and wildlife at every turn. Lasting protection for these places, so that they remain as enjoyable and as inviting to future generations as they are today, is crucial. With slight improvements, we feel S. 1380 will achieve this lasting protection. We look forward to continue working with the Colorado delegation to improve this bill and move it through the legislative process.

STATEMENT OF JOHN GILROY, ASSOCIATE DIRECTOR, CAMPAIGN FOR AMERICA'S WILDERNESS

The Campaign for America's Wilderness applauds the hard work and collaboration that has gone into the creation of the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act (S. 1380). The development of this legislation was a years-long process between the congressional sponsors, the scores of hikers, anglers and other recreational users, and many local communities and businesses. Permanently protecting nearly 250,000 acres of pristine backcountry in Rocky Mountain National Park is a worthy gift for future generations, and engaging the broad and diverse groups who use and appreciate the wild places in the Rocky Mountains is the key to long-term success. Passage of S.1380 will ensure economic sustainability for local communities and will guarantee that the park will be as beautiful and inviting to future generations as it is today.

However, we hope to work with the sponsors and the Committee to improve specific parts of the legislation to better protect the park land and the integrity of the Wilderness Act, while still addressing the valid concerns of stakeholders. Language affecting the Colorado-Big Thompson tunnel should be modified to only permit activities under the surface of the proposed wilderness area, and the legislation should be modified to include a more balanced liability agreement between the ditch company and the National Park Service in the event of damages to or loss of park resources.

The initiative to protect this special place began in 1974 when President Nixon formally recommended designating Rocky Mountain National Park as wilderness. With slight improvements to this legislation, we hope to finally see this American treasure protected for all time.

The Campaign for America's Wilderness works to protect the nation's last great wild places for future generations.

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