

**AVALANCHES IN NATIONAL PARKS; UINTEANO RESEARCH AND  
CURATORIAL CENTER; MOUNT RAINIER NATIONAL PARK;  
BARATARIA PRESERVE UNIT; AND TO AMEND THE  
NATIONAL HISTORIC PRESERVATION ACT**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

<b>S. 931</b>	<b>S. 1678</b>
<b>S. 2140</b>	<b>S. 2287</b>
<b>S. 2469</b>	

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JUNE 8, 2004



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**AVALANCHES IN NATIONAL PARKS; UINTA  
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MOUNT RAINIER NATIONAL PARK;  
BARATARIA PRESERVE UNIT; AND TO  
AMEND THE NATIONAL HISTORIC PRESER-  
VATION ACT**

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**TUESDAY, JUNE 8, 2004**

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

The committee met, pursuant to notice, at 2:30 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,  
U.S. SENATOR FROM WYOMING**

Senator THOMAS. The committee will come to order. Good afternoon and welcome to all of you.

This is kind of an unusual week, but we intend to go ahead with our usual process here. I want to welcome the representatives from the Department of the Interior and Agriculture and other witnesses to the National Parks Subcommittee hearing.

Our purpose is to hear testimony on five bills: S. 931, the bill to direct the Secretary of the Interior to undertake a program to reduce the risk from and mitigate the effects of avalanches on visitors in units of the National Park System and other recreational users of public lands; S. 1678, a bill to provide for the establishment of the Uinta Research and Cultural Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; S. 2140, a bill to expand the boundaries of the Mount Rainier National Park; S. 2287, a bill to adjust the boundaries of Barataria Preserve unit of the Jean Lafitte National Historical Park, and to change the name if we can, in the State of Louisiana, and other purposes; S. 2469, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improvement for the Advisory Council on Historic Preservation.

So I want to thank the witnesses and we look forward to your testimony and the opportunity to deal with these five bills. Let me turn to my friend from Hawaii.

Senator.

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

Senator AKAKA. Thank you very much, Mr. Chairman. Thank you for holding this hearing.

I have briefly reviewed the bills on today's agenda and they seem to be for the most part noncontroversial. Earlier this Congress the Senate passed a bill that I introduced to provide for a national policy to protect the fossils and other prehistoric resources on Federal lands. I am interested to learn more about this curatorial center that Senator Bennett's bill would authorize outside of the Dinosaur National Park.

I also want to hear the testimony of my friend Senator Stevens on avalanches. It is something that Hawaii does not have, for now anyway, but we certainly want to help our friend from Alaska on that.

All of the other bills are sponsored or co-sponsored by members of this committee and I look forward to helping in their efforts to move those bills through.

Mr. Chairman, I would like to welcome the witnesses to the subcommittee this afternoon and look forward to hearing more about each of these bills. Thank you.

Senator THOMAS. Thank you very much.

We are pleased to have Senator Stevens here from Alaska. Senator, do you care to go ahead?

**STATEMENT OF HON. TED STEVENS, U.S. SENATOR  
FROM ALASKA**

Senator STEVENS. Thank you very much, Mr. Chairman and Senator Akaka. I appreciate your taking the time, particularly during this period, to carry out this hearing on these bills.

I appear with regard to S. 931. Across avalanche-afflicted States, government agencies such as the Department of Transportation, private organizations, and mining companies spend large sums each year on avalanche mitigation. Depending on the severity, the season cost per State may range from \$3 to \$10 million annually. While such damage can bring hardships to many local communities, none can compare with the loss of a friend or family member.

The majority of avalanche fatalities are the result of recreational activities in unmitigated avalanche areas. In 2002 to 2003, 58 people lost their lives in avalanches across North America. 23 of these individuals were caught in slides while snowmobiling, a common and necessary activity in my home State of Alaska. In April, Richard Staley, captain of the Fairbanks Ice Dogs hockey team, was killed when his snow machine caused an avalanche that left a debris pile 150 feet long and 13 feet deep.

We can help avoid such tragedies by assisting in minimizing the accessibility of accurate forecasts—by maximizing the accessibility of accurate forecasts and providing increased grant opportunities for research.

This bill directs the Secretary of the Interior, in coordination with the Secretary of Agriculture, to establish an avalanche protection program which will provide early identification of the potential for avalanches and mitigate the effects of avalanches on visitors,

recreation users, transportation corridors, and neighboring communities. In this effort, the program will maximize the resources of the National Avalanche Center of the Forest Service and establish an advisory committee to assist in the development and implementation of the program.

I would ask that my full statement appear in the record, Senators, and I would just tell you this. My home is in Girdwood, Alaska, which is 38 miles south of Anchorage. I am awakened when I am home by the sound of artillery, and that is artillery shells that are being fired at the mountain to try to dislodge the overhangs that develop when intensive winds push snow and ice to the point where those peaks can, as they start to melt, they can cause avalanches.

We do our best to avoid avalanches, but it is a difficult thing to do. We need better assistance from the governments where we can have the sharing of information that this bill would bring about. So I would urge that you give it early consideration and I look forward to working with you in that regard. If you have any questions I will be glad to answer them.

By the way, in some areas those artillery pieces were recently called back because those pieces were needed in the current engagements in Afghanistan and Iraq. So those communities are somewhat in danger now.

Senator Akaka, you just have to think of this. We share volcanoes with you, but these avalanches are just as bad as volcanoes when they start causing enormous snow slides coming down those mountains.

[The prepared statement of Senator Stevens follows:]

PREPARED STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA,  
ON S. 931

Across avalanche-afflicted States, government agencies such as the Department of Transportation, private organizations and mining companies spend large sums each year on avalanche mitigation. Depending on the severity of the season costs per State may range from \$3 to \$10 million annually.

While such damage can bring hardships to many local communities, none can compare with the loss of a friend or family member. A majority of avalanche fatalities are a result of recreational activities in unmitigated avalanche areas. In 2002-2003, 58 people lost their lives in avalanches across North America—23 of these individuals were caught in slides while snowmobiling. A common and necessary activity in my home State of Alaska. In April, Richard Staley, Captain of the Fairbanks Ice Dogs hockey team was killed when his Snowmachine caused an avalanche that left a debris pile 150 feet long and 13 feet deep. We can help avoid such tragedy by assisting in maximizing the accessibility of accurate forecasts, and providing increased grant opportunities for research.

S. 931 directs the Secretary of the Interior, in coordination with the Secretary of Agriculture, to establish an avalanche protection program which will provide early identification of the potential for avalanches and mitigate the effects of avalanches on visitors, recreational users, transportation corridors and neighboring communities. In this effort the program will maximize the resources of the National Avalanche Center of the Forest Service and establish an advisory committee to assist in the development and implementation of the program. This advisory committee will be comprised of 11 members from Federal land management agencies, concessionaires or permittees, State Departments of Transportation and individuals from Federal or State-owned railroads, such involvement will ensure the vital cooperation between the Federal Government and local communities that is necessary in successfully mitigating the potentially devastating effects of avalanches.

Avalanche mitigation cannot be based solely on forecasts and research. Many communities require specific means, including hard to come by artillery, to remove avalanche hazards posing an increased risk of damage—these tools are a vital part of

the avalanche mitigation effort. Just last month, the U.S. military notified two resorts that five 119-A Howitzers must be returned for use in the war in Iraq. This artillery was on loan to the Sierra-Nevada ski resorts of Alpine Meadows and Mammoth Mountain, which were using them to knock down loose snowpack threatening the two resorts. Artillery is an effective and valuable safety tool. S. 931 directs the Secretaries to work with the Secretary of the Army to establish a central depository for artillery and ammunition for avalanche control. This provision opens an avenue for those Federal and non-Federal entities to seek valuable resources that are not currently readily accessible. In maintaining essential transportation and communication corridors and minimizing the tragic accidents that occur every year, it is imperative that we assist, to the greatest extent possible, in the prevention and forecasting of avalanches. This bill brings those resources to the entities that need them the most, enabling us to significantly reduce the effects of avalanches on visitors, recreational users, transportation corridors, and our local communities.

Senator THOMAS. Thank you very much, Senator. Your full statement will be in the record.

Senator STEVENS. Thank you.

Senator THOMAS. Do you have any questions?

Senator AKAKA. No.

Senator THOMAS. You do not have snow problems?

Senator AKAKA. No. We have got to prepare for that.

Senator THOMAS. I see.

Thank you very much, Senator.

Senator STEVENS. Thank you.

Senator THOMAS. We will certainly look forward to working on your bill.

Senator STEVENS. Thank you very much.

Senator THOMAS. Senator Bennett, I see that you are here, sir. Thank you for being here, Senator. Please go right ahead.

#### **STATEMENT OF HON. ROBERT F. BENNETT, U.S. SENATOR FROM UTAH**

Senator BENNETT. Thank you, Mr. Chairman. I appreciate the opportunity to be with you. I am here to testify in behalf of S. 1678. It is the Uinta Research and Curatorial Center Act, which I introduced late last year. The bill would authorize the Park Service to construct a research and curatorial facility for the Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum. That is a Utah State park unit that is located in Vernal, Utah.

Now, since the first discovery of Jurassic era bones in the area in the early 1900's, the Dinosaur National Monument has been a tremendous tourist attraction and haven for both amateur and expert dinosaur enthusiasts and has produced over 600,000 items that are now in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. I have visited the park and seen the condition of this storage and it runs the whole range of suitability, but unfortunately it is usually at the bottom end of the range of suitability for the storage of these artifacts.

Many of the resources are at risk because of the failure of the scattered facilities to meet National Park Service standards at the minimum. So they are below existing minimum standards or, as we might say in the building trades, they do not meet code. But they are stored nonetheless because we have to keep them somewhere.



A new research and curatorial facility is greatly needed to bring the park's collections up to standard, to meet code, if you will, and ensure its protection. Otherwise we run the risk that these resources will be permanently damaged and some of them may even be lost forever.

So I believe this legislation represents a model of how the Federal Government can meet these challenges by utilizing its relationships with State and local governments. This will not be a purely Federal activity. By sharing facilities as proposed by my bill, taxpayer dollars can be saved and the mission of the Park Service to preserve these resources for future generations can be met.

So the State has stepped forward and built, at a cost of \$6.5 million, a newly completed and now dedicated State museum, with the proposed Federal facility co-located at the State museum, on the same piece of real estate. The National Park Service staff, visiting scholars, interns, volunteers would have access to the State's museum space for exhibits, classrooms, conferencing, education, and of course public services such as restrooms, parking, and the other things, that would not require any Federal investment. That portion of the infrastructure is already there. The Federal project that my bill would authorize would be built immediately adjacent to it and connecting with it.

Now, Vernal City and Uintah County have stepped forward with their support, because they are providing the land, valued at approximately \$1.5 million, to be donated to the Park Service for the construction of the proposed facility. In other words, the Federal money would go entirely into bricks and mortar and not into acquiring any land, that having been provided by the city and county.

Because of the significant local commitment, enthusiasm in the community is very high. A few weeks ago at the dedication of the state museum, approximately half of the county's 26,000 residents were in attendance. Those of you who come from rural areas know how difficult this can be, to get that many people in one place at one time, and that demonstrated the amount of local support.

I have a stack of letters of support from both the city and the county and I would ask consent that they be included in the record following my statement.

Senator THOMAS. They shall be included.

Senator BENNETT. Now, there is an additional partner, private partner, in this project along with the State, the county, and the city, the Intermountain Natural History Association. They have agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept this donation. Other Federal agencies, such as the BLM and the Forest Service, who are also in need of collection storage have become minor partners and would be able to take advantage of this storage facility.

So, Mr. Chairman, I believe it's imperative that we care for the paleontological resources and ensure their availability to further generations both for scientific study as well as the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives. I think it is an excellent example of a cost-effective partnership between the Park Service, the State of Utah, the city of Vernal, Uintah County, and private organizations. It is the kind

of cooperative activity I think the Congress ought to applaud and support.

I thank you for the opportunity of appearing before you today.  
[The prepared statement of Senator Bennett follows:]

PREPARED STATEMENT OF ROBERT F. BENNETT, U.S. SENATOR FROM UTAH,  
ON S. 1678

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today regarding S. 1678, the Uintah Research and Curatorial Center Act, which I introduced late last year.

The bill would authorize the National Park Service (NPS) to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum, in Vernal, Utah. The facility would be co-located with the Museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts. At present, Dinosaur National Monument has more than 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collection up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the state's museum will also save taxpayer dollars. The state of Utah has just completed and dedicated its new Field House Museum at a cost to the state of \$6.5 million dollars. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the state museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the City of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately \$1.5 million dollars.

Other federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

Mr. Chairman, it is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the City of Vernal, and Uintah County of which this Congress ought to applaud and support.

Again, thank you for the opportunity to address the subcommittee.

Senator THOMAS. All right, sir. Thank you very much, Senator.  
Any questions?

Senator AKAKA. No.

Senator THOMAS. No questions. All right, sir. Thank you. We appreciate your being here.

Senator BENNETT. Thank you.

Senator THOMAS. We will be prepared now for panel one: Mr. Tommy L. Thompson, Tom Thompson, Deputy Chief, National Forest Service, USDA; and Ms. Janet Snyder Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior.

We thank you both for being here. We look forward to your testimony and your insight into these bills. According to the way they are listed, we will start with Mr. Thompson if that is all right.

**STATEMENT OF TOM L. THOMPSON, DEPUTY CHIEF,  
NATIONAL FOREST SYSTEM, USDA FOREST SERVICE**

Mr. THOMPSON. Thank you, Mr. Chairman. I want to thank you for the opportunity to appear before this committee to present the views of the administration on S. 931, the Federal Lands Recreational Visitor Protection Act of 2003. It is a bill that would establish a program to reduce the risks from and mitigate the effects of avalanches on recreation users and of visitors to public lands.

The U.S. Forest Service supports the concepts contained in this bill. However, we cannot support S. 931 unless amended to delete the formation of a grants program and to designate the Secretary of Agriculture as the lead for this bill. At a time when we are trying to reduce backlogs and maintain National Forest System lands, we cannot afford to take on new funding responsibilities under the grants program.

We support a coordinated and improved avalanche protection program on public lands. Visitors to public lands that are threatened by avalanches fall roughly into three categories: those folks who are driving on mountain highways, people visiting developed sites like ski areas, and people who are going in the back country to either crosscountry ski or snowmobile.

Much of the back country and developed winter recreation that takes place in avalanche terrain occurs on national forests. Over the past 50 years, the vast majority of avalanche fatalities have occurred on National Forest System land. The Forest Service plays an important role in avalanche coordination and safety and the expertise that the agency can bring to developing an avalanche program as envisioned in this legislation is significant.

The Forest Service, working with the National Park Service, has a long history of addressing avalanche protection on all Federal lands. The Forest Service began permitting ski areas on national forests in the 1930's and soon recognized that avalanches threaten skiers' safety both traveling to and within permitted ski areas.

To reduce the threat, the Forest Service established the Snow Ranger program in 1938 to provide Forest Service winter sports personnel with rigorous snow science expertise, avalanche forecasting, and training in the use of explosives for avalanche control. Since the 1950's the Forest Service has played a significant role in furthering research on avalanches.

To further public safety, the Forest Service established the National Avalanche Center in the early 1990's. The National Avalanche Center manages the military artillery program for avalanche control, coordinates a network of back country avalanche education advisory centers, transfers state-of-the-art avalanche technology to advisory centers, facilitates avalanche research, and develops and distributes avalanche safety products. There are 17 avalanche back country centers located in various locations in Alaska, Washington, California, Colorado, Utah, Idaho, Montana, Wyoming, and New Hampshire.

The Forest Service manages 16 of these centers and the State of Colorado manages one of them. Many of these centers operate through voluntary efforts and donations. The Forest Service typically provides about 50 percent of the operating funds for each of these centers and community friends organizations and other agencies typically provide the other 50 percent.

In light of these past and ongoing efforts that the Forest Service has contributed toward avalanche awareness and protection, we recommend that the bill designate the Secretary of Agriculture to lead the establishment of a coordinated avalanche program in cooperation with the Secretary of the Interior.

In addition, we recommend that the formation of a new grants program under section 3(e) be deleted from the bill. The Departments of Agriculture and Interior must focus existing funding on effectively managing Federal lands, including avalanche awareness and protection. Creating a new responsibility to fund grants could divert available funds away from these operational needs.

S. 931 establishes a central depository for ordnance that is used for avalanche control. A central depository is important because all the military artillery assets appropriate for avalanche control could be stored in a single location and could be better managed, including assuring optimum climatic storage conditions.

At the same time, we must be aware of the need to look for alternatives to this military ordinance. It is estimated that there is a 10 to 15-year supply of usable assets remaining in the United States and the technology exists to develop a system that could replace and outperform the military artillery.

We appreciate the efforts that the committee is extending to reduce the risk of avalanche hazards to the public. I want to thank you for this opportunity to share our views on S. 931 and would be happy to answer any questions that you may have.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF TOM L. THOMPSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, USDA FOREST SERVICE, ON S. 931

Mr. Chairman, I want to thank you for the opportunity to appear before this committee to present the views of the administration on S. 931, Federal Lands Recreational Visitor Protection Act of 2003, a bill to establish a program to reduce the risks from and mitigate the effects of avalanches on recreational users of and other visitors to public lands. The USDA Forest Service supports the concepts contained in this bill. However, we cannot support S. 931 unless amended to (1) delete the formation of a grants program and (2) designate the Secretary of Agriculture as the lead for this bill. At a time when we are trying to reduce backlogs and maintain National Forest System lands, we cannot afford to take on the new funding responsibilities under this grants program.

S. 931 describes several goals that would be favorable to the public. These include improved program coordination and development to reduce the risk of avalanche to visitors of public lands, the creation of an advisory committee to assist in development and implementation of an avalanche protection program, and the establishment of a central depository for ordnance used for avalanche control purposes. We support a coordinated and improved avalanche protection program on public lands.

Visitors to public lands that are threatened by avalanches fall roughly into three categories: people driving on mountain highways; people visiting developed sites like ski areas; and people going into the backcountry to cross country ski or ride a snowmobile. Much of the backcountry and developed winter recreation that takes place in avalanche terrain occurs on National Forests. Over the past 50 years, the vast majority of avalanche fatalities have occurred on National Forest System lands.

The Forest Service plays an important role in avalanche coordination and safety, and the expertise that the agency can bring to developing an avalanche program as

envisioned in this legislation is significant. The Forest Service, working with the National Park Service, has a long history of addressing avalanche protection on all federal land. The Forest Service began permitting ski areas on the National Forests in the 1930's and soon recognized that avalanches threatened skiers' safety both traveling to and within permitted ski areas. To reduce the threat, the Forest Service established the Snow Ranger Program in 1938 to provide Forest Service winter sports personnel with rigorous snow science expertise, avalanche forecasting, and training in the use of explosives for avalanche control. Since the 1950's, the Forest Service has played a significant role in furthering research on avalanches.

To further public safety, the Forest Service established the National Avalanche Center in the early 1990s. The National Avalanche Center manages the military artillery program for avalanche control, coordinates a network of backcountry avalanche education and advisory centers, transfers state of the art avalanche technology to the advisory centers, facilitates avalanche research, and develops and distributes avalanche safety products. There are 17 avalanche backcountry centers located in various locations in Alaska, Washington, California, Colorado, Utah, Idaho, Montana, Wyoming, and New Hampshire. The Forest Service manages 16 of the centers and the State of Colorado manages one. Many of these centers operate through volunteer efforts and donations. The Forest Service typically provides about 50% of the operating funds for each of their centers and community "friends" organizations, and other agencies typically provide the other 50%.

In light of these past and ongoing efforts that the Forest Service has contributed towards avalanche awareness and protection, we recommend that the bill designate the Secretary of Agriculture to lead the establishment of a coordinated avalanche program in cooperation with the Secretary of the Interior. In addition, we recommend that the formation of a new grants program under section 3(e) be deleted from the bill. The Departments of Agriculture and the Interior must focus existing funding on effectively managing Federal lands, including avalanche awareness and protection. Creating a new responsibility to fund grants could divert available funds away from these operational needs.

S. 931 establishes a Central Depository for ordnance that is used for avalanche control. A Central Depository is important because all of the military artillery assets appropriate for avalanche control could be stored in a single location and could be better managed including assuring optimal climatic storage conditions. At the same time, we must be aware of the need to look for alternatives to military ordnance. It is estimated that there is a 10 to 15 year supply of usable assets remaining in the United States. The technology exists to develop a system that could replace and outperform military artillery.

We appreciate the efforts that the committee is extending to reduce the risk of avalanche hazards to the public. Thank you, for the opportunity to share our views on S. 931. I will be happy to answer any questions you may have.

Senator THOMAS. Thank you very much. You did not wish to comment on the other bills that are before us? You do not wish to comment on the other bills before us?

Mr. THOMPSON. Not today.

Senator THOMAS. Ms. Matthews.

**STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Ms. MATTHEWS. Mr. Chairman, thank you for inviting the Department of the Interior to present comments on the five bills before your subcommittee today. In the interest of time, may I briefly summarize our position on each bill and submit full testimonies for the record?

Senator THOMAS. Thank you.

Ms. MATTHEWS. First, S. 931 would direct a coordinated avalanche protection program, as you have heard. The Department supports the concepts, however cannot support the bill unless amended to delete the formation of a new grants program; second, designate the Secretary of Agriculture as the lead for the bill. At a time when we are trying to reduce backlogs to maintain lands for

which we currently hold responsibility, we cannot afford to take on new funding responsibilities under this grants program.

Second, S. 1678 would establish a research and curatorial center and interpret the resources of Dinosaur National Monument collections in accordance with National Park System museum standards. The Department of the Interior supports this bill with a technical amendment to accurately reflect the correct spelling of the name of the center, "Uinta," the project partners choosing that spelling in conjunction with the mountains themselves rather than the county. We also submit a current map detailing the location for the center, on the site relative to the partners' structures on the site.

With regard to S. 2140, that would expand the boundaries of Mount Rainier National Park, the Department supports enactment, but would like to work with the committee on an amendment described later in this statement. This legislation would enable acquisition of a new campground site and other facilities to replace the Carbon River campground that exists but is frequently inaccessible due to flooding. This proposal is consistent with the administration's priority to reduce the deferred maintenance backlog, make parks more accessible, and implement the only boundary expansion in Rainier's general management plan adopted in 2002.

With regard to S. 2287, it would adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historic Park and Preserve in Louisiana. The Department supports the bill with amendments included in this testimony. The bill would authorize the Secretary of the Interior to acquire more than 3,900 acres by transferring existing federally owned lands to the park system, which would expand the authorized acreage of the preserve from 20,000 acres to approximately 23,000 acres.

The bill would also make clarifying amendments to title 9 of the National Parks and Recreation Act of 1978, the legislation that established the park.

With regard to S. 2469, which would provide appropriation authorization and aims to improve the operations of the Advisory Council on Historic Preservation, the Department supports this bill, but, with the understanding that certain provisions will be amended to incorporate changes proposed by the Department and the Advisory Council in testimony.

The National Historic Preservation Act of 1966, a post-World War II coming-of-age of middle class representation in Congress, created the Advisory Council as a key actor in the Federal historic preservation partnership program. The council is the principal advisor to Federal agencies as well as to State and tribal governments on many aspects of public policy.

The 20-member council includes Federal agencies, State and local government officials, private citizens, and qualified professional experts in the fields within historic preservation. It advocates full consideration of historic places in Federal decision-making and oversees section 106 of the Act.

S. 2469 proposes: One, additional membership to this sitting council, a designee option for the Governor member, and amends the existing quorum requirement. The Department supports these proposals.

Two, improves the council's financial and administrative services, a proposal also supported by the Department.

Three, authorizes the council not only to obtain or receive property, facilities and services, but also to solicit such from Federal or non-Federal entities.

Four, would strike the council's current annual appropriation authorization, authorizing such amounts as may be necessary to carry out this title, a provision that supports the President's 2005 budget.

S. 2469 last proposes a new section 216 to the 1966 Act, increasing authority to work with Federal grant-making agencies to improve effectiveness in meeting the purposes and policies of the Act. Section 216(a) as drafted would specifically confer on the council the authority to modify grant selection criteria, to administer jointly grant or assistance programs, with the proviso that it would not be inconsistent with the statutory authority of the program.

This section mirrors a provision in the House companion bill, H.R. 3223, introduced last year in October. At that point the Department worked closely with the council to draft amendments. These amendments, which we support, are attached to our testimony and included in the testimony of John Nau, the chairman of the Advisory Council. Were the committee, the subcommittee, to amend S. 2469 to reflect those amendments, the Department could fully support this bill. The Department is concerned that section 216(b) is duplicative of the provisions in section 202 of the 1966 Act.

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

[The prepared statements of Ms. Matthews follow:]

PREPARED STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

ON S. 931

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 931, a bill that would direct the Secretary of the Interior to establish a coordinated avalanche protection program that would provide early identification of the potential for avalanches, and reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

The Department supports the concepts contained in S. 931. However, the Department cannot support the bill unless amended to (1) delete the formation of a new grants program, and (2) designate the Secretary of Agriculture as the lead for this bill. At a time when we are trying to reduce backlogs and maintain what we already own, we cannot afford to take on the new funding responsibilities under this grants program.

The history of avalanches influencing visitor safety on public lands is significant and well-documented. Three hundred and ninety-two people have perished in avalanches on public lands in the past twenty years and as winter sport activities continue to rise, so will avalanche incidents. Avalanche fatalities on National Park Service (NPS) managed lands account for about six percent, whereas avalanche fatalities on National Forest lands account for about ninety percent of the total. Avalanches kill more people on public lands than any other natural event.

The National Park Service and United States Forest Service have actively managed a coordinated aggressive avalanche protection program since the late 1930's. Although the National Park Service provides limited funding and extensive data collection to the Forest Service, it should be noted that the Forest Service is the lead agency with regard to avalanche awareness and mitigation efforts. The Forest Service program includes managing the National Avalanche Center in Ketchum, Idaho,

as well as fifteen regional backcountry avalanche centers. These avalanche centers issue avalanche danger advisories for limited and specified geographic areas throughout the west, the northeast, and Alaska.

Currently these programs include snow pack and climate analysis, provide avalanche awareness information via publications, visitor centers, weather radio, and internet sites, teach avalanche awareness classes to the public, and develop and provide avalanche control work using explosives and passive control devices. It is recognized that these centers only exist in and serve a limited number of geographic areas, and all have limited resources. However, they continue to provide information to millions of recreation users and to other government and private agencies.

The primary avalanche control method includes hand and aerial projected explosive charges. However, many areas are using passive control measures such as the spreading of charcoal on avalanche prone slopes and manually triggered releases. Although the bill prescribes the use of artillery, the National Park Service is prohibited from using this method in congressionally designated wilderness areas, where the majority of avalanche hazard zones exist in the National Park System. The artillery systems that are used in NPS areas were not designed to trigger avalanches or to be used in very cold environments. In 1999, Yellowstone National Park experienced several difficulties with unexploded ordnance resulting in risk to park visitors and our employees. Military systems other than the ones currently employed have been carefully analyzed and none appear to be applicable as avalanche control systems.

To further complicate this issue the U.S. military recently requested the return of five howitzers that cooperators were using to prevent avalanches, including the one at Yellowstone, to be used for active military service. Of the many benefits of the bill, developing alternatives to military artillery for avalanche control would be very desirable.

We recognize that there is much room for improvement in avalanche management methods, and the Department respectfully urges this committee to consider the following suggestions for strengthening S. 931 and making its implementation more efficient and effective.

First, we recommend that the bill designate the Secretary of Agriculture to lead the establishment of a coordinated avalanche program. The U.S. Forest Service has considerable experience in avalanche control and data gathering, oversight of National Avalanche Centers, and a greater percentage of incidents that warrant the designation of the Department of Agriculture as the best department to develop and manage the program.

Secondly, we recommend that the formation of a new grants program under section 3(e) be deleted from the bill. The Departments of Agriculture and the Interior must focus existing funding on effectively managing Federal lands, including avalanche awareness and protection. Creating a new responsibility to fund grants could divert available funds away from these operational needs.

We believe that this bill will provide the appropriate Federal support for services such as avalanche forecasting, munitions management, and public information to ensure visitor protection on public lands.

Mr. Chairman, this concludes my remarks. Thank you for the opportunity to provide our perspective. I would be happy to answer any questions you may have.

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ON S. 1678

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. 1678, a bill to establish the Uintah Research and Curatorial Center in the city of Vernal, Utah. We thank Senator Bennett and the other members of the Utah delegation for their interest and support in protecting the resources of Dinosaur National Monument, the site for which the Center is intended.

The Department of the Interior supports this bill with a technical amendment, to accurately reflect the correct spelling of the name of the center—Uinta. The partners have chosen to spell the name of the center in the same way the Uinta Mountains are spelled and not the County of Uintah. We also have a current version of the map that more accurately shows the location of the center in its relationship to other partner structures on the site.

S. 1678 would authorize the National Park Service to establish the Uinta Research and Curatorial Center on land outside the boundary of Dinosaur National Monument. The land would be acquired by donation from the city of Vernal, Utah and be no more than five acres. S. 1678 would authorize the center to be used for the curation, storage, and research of the museum collection of Dinosaur National



Monument and provide for curation of other collections held by other federal agencies, tribes, and universities under the guidelines of cooperative agreements with the Secretary. The State of Utah, local agencies, academic institutions, and appropriate private nonprofit entities may also enter into agreements to manage and use the site. The bill requires that the land not become part of the Monument or be subject to laws and regulations applicable to the Monument. This language is common when Congress has authorized NPS administrative sites in the past.

Dinosaur National Monument was established on October 9, 1915 to protect an extraordinary deposit of dinosaur remains of the Jurassic period. While the park contains many other significant resources, the centerpiece continues to be the paleontological specimens for which the park was originally established. They are considered by the scientific community as internationally significant and represent the single best window into the life of Jurassic dinosaurs. The collection contains type specimens from which specific dinosaurs are named, as well as many one-of-a-kind specimens. The collection is heavily used by outside researchers as well as the NPS. The collection also contains significant archeological, biological, archival, and historic objects that preserve the cultural and natural history of the park.

The 1986 General Management Plan identified a need for a collections building and upgraded lab facilities under the preferred alternative. In the late 1990's Utah State Parks began planning for the construction/reconstruction of the Utah Field House Museum in Vernal. The park began working with the State to develop a partnership to provide collections space for the state as well as the park. The Field House Museum received \$5.5 million from the State of Utah for the reconstruction, to be co-located with the collections building on property acquired by the City of Vernal and Uintah County. The portion of the property for the Uinta Research and Curatorial Center is being donated to the National Park Service (approximately  $\frac{1}{4}$  of the lot, estimated value of approximately \$375,000).

The 2001 Collection Management Report identified 609,000 items in the collection. The collections are currently stored in 11 different facilities throughout the park, including garages, most of which meet few NPS museum standards. Maintenance and curation has been deferred due to lack of space or proper facility to prepare for storage. Of the 957 museum standards currently applicable to the park, the park barely meets 50% of them.

This new facility would allow the park to meet nearly 98% of those standards. Of particular importance are the health and safety concerns from radon gas production in the enclosed areas where radioactive specimens are currently stored. Due to lack of space, park staff must conduct their duties in the aisles of the old paleo lab at the Quarry Visitor Center. This lab, as well as the entire Center, is in serious need of rehabilitation, having suffered extensive structural distress since its construction in the 1950's. As such, the Quarry Visitor provides neither adequate storage space nor a suitable environment for staff to work in. The NPS has a project planned to stabilize and rehabilitate the historic Quarry Visitor Center in FY 2007 as part of the five-year line-item construction program.

The Uinta Center will provide for approximately 22,500 square feet of work and storage space and cost approximately \$8.8 million, which covers only the construction of the building. Funding for the construction is currently programmed for FY 2007. In addition, one-time costs for moving the collection, equipping the laboratory, furnishing offices, and meeting IT needs are estimated to be approximately \$400,000. Additional recurring costs for the operation of the center—either through direct additional NPS funding, or partnerships with other agencies that have expressed an interest in using the facility, are estimated to be approximately \$250,000 to \$300,000 per year. This includes additional staffing to perform administrative and maintenance functions as well as basic operational costs (utilities, necessary supplies, materials and equipment).

A decision was made early in the process not to include the site as part of the monument. The site is not contiguous with the present park boundary and is nearly fourteen miles from the closest park entrance. However, it is in the City of Vernal, Utah and is the site for the newly constructed Utah Field House of Natural History Museum. The State will be the primary partner with the NPS. The Field House will provide visitors and residents access to the museum and programs on the natural history of the area, while the Uinta Center will provide the storage and research function of a world-class museum. Other partners in the project include the City of Vernal, Utah and Uintah County who have donated the land for the project. Both communities see this venture as an economic benefit and an enhancement to the surrounding region's tourism efforts. The Bureau of Land Management (BLM) and the Ashley National Forest will also work with us and store their collections here.

The Uinta Research and Curatorial Center is another example of the goal of the Department and the National Park Service to meet the needs of the agency while

working with partners. The Center will provide proper storage for irreplaceable artifacts, improve working conditions for staff and visiting scientists, partner with the state to provide educational opportunities, and give visitors the chance to discover the many wonders of eastern Utah.

That concludes my remarks, Mr. Chairman. I would be happy to respond to any questions you and the committee may have.

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ON S. 2140

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 2140, a bill to expand the boundary of Mount Rainier National Park.

The Department of the Interior supports enactment of S. 2140, but would like to work with the committee on an amendment, as described later in this statement. This legislation would enable the National Park Service to acquire a site for a new campground and other facilities to replace an existing campground along the Carbon River that is frequently inaccessible due to flooding, and it would also enhance recreational opportunities and services for visitors in other ways. This proposal is consistent with the Administration's priority to reduce the National Park System's deferred maintenance backlog and to make parks more accessible.

S. 2140 would authorize the acquisition from willing sellers of up to 800 acres of land near the Carbon River entrance to Mount Rainier National Park in the northwestern corner of the park. It would implement the only recommendation for a boundary expansion contained in the park's new General Management Plan, adopted in 2002. The plan identifies the addition of these lands as a means to allow the National Park Service to replace the Ipsut Creek campground, picnic area, and day-use parking for access to the popular Carbon Glacier and Wonderland Trail. These facilities, and the two-lane gravel Carbon River Road that serves them, are located within or close to the Carbon River floodplain. They are flooded on average every seven years, resulting in significant road damage. Repairs to the Carbon River Road from a 1996 flood cost \$750,000. The repairs lasted a month before another flood damaged the road again. The road now has a facility condition index of .56, a "serious" rating, worse than "poor." The campground, which has a facility condition index of .31, or "poor," has to be closed whenever the washouts occur. It is likely that a future flood will permanently preclude vehicular access to the campground.

With the addition of the new lands in the Carbon River Valley above the floodplain, the National Park Service could develop a 190-acre recreational-administrative hub that would include a replacement 50-campsite vehicular-accessible campground, picnic sites, and administrative and visitor contact facilities. The new facilities would include a ranger office and housing, allowing a ranger presence in the area that has been missing since the current ranger facilities were abandoned due to flooding. Once a major flood event permanently closes the Carbon River Road, the road would be converted to a hiking and biking trail, and the Ipsut Creek campground would become a backcountry campground accessible by foot or bike.

Acquisition of the nearly 800 acres of land is estimated to cost about \$3 to \$6 million, although no appraisals have been completed. Development costs for a new 50-site campground, a picnic area, associated roads and parking, a water and septic system, along with modifying an existing home and a small maintenance building, are estimated to be \$4.8 million. Additional operating costs associated with the new site would be negligible. Funding for the acquisition and line-item construction projects would be addressed through the prioritization process used by the National Park Service. A projection cannot be made at this time as to when such projects would be of sufficient priority to merit their inclusion in the National Park Service budget.

Adding the new area along the Carbon River corridor to the park would have other benefits besides facilitating development of new camping and administrative facilities in a safer location. It would provide additional hiking trails and accessible riverbank fishing, protect scenic resources of the road corridor entering the park from the west, and contribute to a comprehensive plan for a large corridor of diverse outdoor recreation opportunities on public lands along State Route 165. It would also provide protection for natural resources, including habitat for the marbled murrelet, northern spotted owl, bull trout, and salmon, which are all listed or proposed for listing as threatened or endangered species. The new boundary would better reflect the natural ecosystems and processes needed to maintain the health of the park, which has been impacted by logging along its borders, urbanization, and population growth since 1899, when the original boundary for Mount Rainier National Park was established.

Lying in between the existing boundary of the park and the area proposed for addition to the park is a mile-long corridor of land that is part of the Mt. Baker-Snoqualmie National Forest. Section 4 of S. 2140 would require the Secretary of Agriculture to manage that land to maintain the area's natural setting in a manner consistent with the area's designation as part of a late successional reserve. We are in discussions with the Department of Agriculture about this provision, and the Departments would like to work with the committee on developing an amendment that would address management of this area.

S. 2140 would also allow the Secretary of the Interior to acquire a one-acre site in the community of Wilkeson for a permanent visitor contact facility, or welcome center. Having welcome centers in the Mount Rainier gateway communities, including Wilkeson, is supported by the park's General Management Plan as a critical component of the park's provision of services to visitors. The National Park Service already operates a welcome center in a leased facility in Wilkeson to serve visitors headed toward the Carbon River and Mowich areas of the park, as well as Mount Baker-Snoqualmie National Forest and state and local recreational areas. The Wilkeson center will serve an even more critical function if the boundary change proposed by this bill is fulfilled and recreational opportunities in the Carbon River corridor are expanded. The authority in this bill simply provides the option, if the opportunity arises, for the park to own rather than lease a welcome center in Wilkeson. The cost of the facility, for which we do not have an estimate, would be offset by savings of \$26,000 annually that is currently spent on the leased site.

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

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ON S. 2287

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 2287. This bill would adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve (Park) in Louisiana.

The Department supports S. 2287 with the amendments included in this testimony. This bill would authorize the Secretary of the Interior (Secretary) to acquire more than 3,900 acres adjacent to the Barataria Preserve (Preserve) unit of the park by transferring existing federally owned lands to the National Park Service (NPS), which would expand the authorized acreage of the Barataria Preserve from approximately 20,000 acres, to approximately 23,000 acres. The bill would also make clarifying amendments to Title IX of the National Parks and Recreation Act of 1978, the legislation that established the park.

The Jean Lafitte National Historical Park and Preserve was established to preserve significant examples of the rich natural and cultural resources of Louisiana's Mississippi Delta region. The park illustrates the influence of environment and history on the development of a unique regional culture. The Barataria Preserve, one of the park's six units and currently consisting of approximately 18,400 acres, is located in Jefferson Parish, about 10 miles south of New Orleans.

The boundary expansion proposed by S. 2287 would allow the addition of estuarine and freshwater wetlands to the Barataria Preserve's boundaries, allowing the boundary to conform to existing waterways and levee corridors that mark the interface between developable land and estuarine wetlands. The expanded boundary would also include wetlands that are part of the Barataria-Terrebonne National Estuary, the most biologically productive in North America, which has experienced the highest rate of land loss of any of our coastal wetlands.

S. 2287 would transfer to NPS primarily wetlands already in federal ownership, but unavailable for public use at "Bayou aux Carpes" and "Bayou Segnette", two of the three study areas that a 1996 NPS boundary study found to be appropriate and feasible for inclusion within the boundary of the preserve. The study also concluded that adding the two areas would enhance interagency management of the upper Barataria basin.

S. 2287 would add all of the Bayou aux Carpes area, consisting of approximately 2,905 acres, to the park. Approximately 2,268 acres within this area are wetlands acquired by the Justice Department in 1996 as the result of the settlement of a lawsuit. Currently, the NPS has constructive possession of the deeds for these lands but no authority to manage them.

The bill would also add approximately 815 acres of the Bayou Segnette area, also referred to as the "CIT Tract". The CIT Tract consists of wetlands owned by the U.S. Army Corps of Engineers (Corps) as the result of a separate lawsuit settled in 1994. The Corps has indicated its willingness to transfer management authority

for these lands to the NPS once the Hurricane Protection Levee is complete and an easement is granted to the local levee district along the boundary of the tract.

S. 2287 would also include approximately 821 acres of private property, in 10 tracts, within the park boundary which could be acquired by the Secretary from willing sellers. The NPS has contacted all of the owners of these properties, and none have opposed the boundary change. Four of the tracts, totaling approximately 250 acres, are extensions of wetland properties already within the present boundary. An additional 485-acre tract is entirely jurisdictional wetlands with limited access and no potential for development. The owners of this property have petitioned members of Congress for legislation that includes them within a new boundary. While appraisals have not been completed, estimates based on other recently appraised wetlands would result in a potential cost of approximately \$170,000 for all of these wetlands, if they were acquired.

The remaining five tracts of private property, about 86 acres, are not jurisdictional wetlands. The owners of the two largest properties, each just under 40 acres, have expressed their interest in being included within a new boundary, and a willingness to consider selling to the NPS. One of these properties has a single residence upon it, the owner of which would be granted lifetime occupancy in the event of federal acquisition, in accordance with the legislation that established the park. A small swamp tour business is located on the other 40-acre property and the owners of both the property and the business have expressed their support for inclusion of the property within the boundary. The park does not anticipate acquiring these lands at this time, and appraisals have not been completed. NPS is also unaware of any recent nearby sales that could serve as a comparable. However, in the past NPS has paid between \$10,000 and \$80,000 per acre for comparable land within the boundary with the higher figure for lots that included utilities, highway, and waterfront access. These lands are isolated, accessible only by a dirt road and do not include utilities, highway or waterfront access. Although the potential price range per acre is large, NPS believes that if these lands were appraised the cost per acre would be in the lower end of the range. If a figure of \$25,000 per acre is used, the cost for these 86 acres could potentially be approximately \$2.1 million.

The expanded boundary proposed in S. 2287 would also include a State-owned highway right-of-way and State-owned hurricane protection levee properties that run along the current boundary. Although these properties would remain in State ownership, their inclusion within the new boundary would provide opportunities for partnerships between the NPS and the State or its subdivisions for law enforcement and boundary patrol.

Managing the additional lands, consisting of boat patrols conducted with varying frequency, could have an effect on park operational costs. Because the lands would remain undeveloped we estimate that it could cost approximately an additional \$100,000 to manage them. A more accurate budget estimate would depend upon many factors, including the ability of the Park to reallocate resources and future plans for the addition. The addition of the federal properties would not contribute to the maintenance backlog because no facilities would be added and the federal lands would be acquired by direct transfer and would not involve acquisition costs other than those to process the transfer.

The NPS has had extensive consultations with local governments and taken appropriate steps to increase public awareness on the proposed actions in S. 2287. In 1999, both the Jefferson Parish Council and the Village of Jean Lafitte adopted resolutions that support the Federal land transfers.

S. 2287 would also amend Title IX of the National Parks and Recreation Act of 1978 to make corrections in the name of the park and the Barataria unit and amend several provisions that are obsolete or need clarification, including removing references to a "Park Protection Zone" that was never established by local or State government.

We recommend four amendments to S. 2287, which are attached to this testimony. The first corrects the map reference in the bill. The second clarifies that the lands involved would be transferred to the NPS at no cost, the way similar intergovernmental transfers have typically taken place in other NPS areas. The third and fourth amendments would ensure that the needs of both the local levee district and the Service are satisfied with respect to the Hurricane Protection Levee along the boundary of the tract.

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

## PROPOSED AMENDMENTS

S. 2287, JEAN LAFITTE NATIONAL HISTORICAL PARK

On page 2, line 11, strike “numbered 467/81000” and insert “numbered 467/80100”.

On page 3, line 7, insert “at no cost” after “shall be transferred”.

On page 3, line 9, strike “and”.

On page 3, line 12, strike the period and insert “; and” and insert a new subparagraph (iii), as follows:

“(iii) the CIT Tract shall be transferred subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”.

ON S. 2469

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior’s comments on S. 2469, the National Historic Preservation Act Amendments Act of 2004, a bill to provide appropriation authorization and to improve the operations of the Advisory Council on Historic Preservation. The Department supports S. 2469, with the understanding that certain provisions will be amended to incorporate changes proposed by the Department and the Advisory Council in this testimony. We applaud the Advisory Council’s efforts to improve the effectiveness and efficiency of its operations as it assists our citizens in preserving this Nation’s important historic places for future generations of Americans.

Almost 40 years ago, the National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation as a key actor in the Federal historic preservation partnership program. The Council is the Nation’s principal advisor to Federal agencies as well as to State and tribal governments on many aspects of Federal historic preservation public policy. The Council is comprised of 20 members, representing Federal agencies, private citizens, and experts in the field of historic preservation. Its mission is to advocate full consideration of historic values in Federal decision-making; to oversee the Section 106 process that requires Federal agencies to consider the impact of their programs and projects on places of historic value; to review Federal programs and policies to further preservation efforts; to provide training, guidance, and information to the public and Federal entities; and to recommend administrative and legislative improvements for protecting the nation’s heritage.

S. 2469 proposes amending the Council’s statutory authorization in five key areas. The first provision would add additional membership to the sitting Council, permit a designee for the Governor member, and amend the existing quorum requirements. The Department supports these proposals as efforts to increase overall Council effectiveness and influence. The second provision seeks to improve the Council’s financial and administrative services, a proposal also supported by the Department. The third area authorizes the Council to not only obtain or receive property, facilities and services from any Federal or non-Federal entity, but to also solicit these items, a provision supported by the Department. The fourth area of proposed change would strike the Council’s appropriation authorization of \$4 million for each fiscal year 1997 through 2005, and to instead authorize such amounts as may be necessary to carry out this title, a provision that supports the President’s 2005 Budget.

S. 2469 lastly proposes a new section (Section 216) to the National Historic Preservation Act by which the Council has increased authority to work with Federal grant-making agencies to improve the effectiveness of those programs in meeting the purposes and policies of the National Historic Preservation Act. The bill proposes this in two ways: 1) by authorizing the Council to administer cooperatively and jointly Federal agency grant or assistance programs; and, 2) to review and to make recommendations to the Federal agency, the President, and the Congress on ways to improve these programs or to increase annual funding levels.

Section 216(a) as drafted would specifically confer on the Council the authority to modify grant selection criteria and the authority to administer jointly the grant or assistance program with the proviso it would not be inconsistent with the statutory authority of the grant program. By mandating dual agency administration, the Department is concerned that this section would create confusion and increase processing and oversight time for many programs that are running effectively now.

This section mirrors a provision in the House companion bill, H.R. 3223, introduced on October 1, 2003. Last year, the Department worked closely with the Council to draft amendments to Section 216(a) to address our concerns with the language of the bill. These amendments, which we support, are attached to our testimony and are included in the testimony of John L. Nau, III, Chairman of the Advisory Coun-

cil. If the subcommittee was to amend S. 2469 to reflect these amendments, then the Department could fully support this bill. We would welcome the opportunity to work with the Advisory Council and the committee to amend S. 2469 to resolve our concerns regarding Section 216(a).

In addition, the Department is concerned that Section 216(b), which would grant the Council the authority to review Federal grant or assistance programs and make recommendations, would be duplicative of Sections 202(a)(6) and 202(b) of the National Historic Preservation Act and thus, is unnecessary.

The Advisory Council on Historic Preservation is an invaluable partner of the Department as we both carry out the national vision that created the national historic preservation program more than 30 years ago. Throughout that time, the Department and the Council have worked effectively and collegially together to enhance historic preservation efforts across the nation. The Department looks forward to continuing this relationship with the Council as we implement one of the most far-reaching and important Federal policies on historic preservation in the next quarter century.

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

PROPOSED AMENDMENT TO S. 2469,  
NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

On page 4, strike line 3 through p. 5, line 16 and insert the following:

“(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT—Title 11 of the Act is amended by adding at the end the following new section:

‘SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

‘(a) COOPERATIVE AGREEMENTS—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program’s statutory authorization and purpose.

‘(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS—The Council may—  
‘(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

‘(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

‘(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”.

Senator THOMAS. Thank you very much.

We have been joined by Senator Landrieu and Senator Cantwell. Senator Landrieu, do you have a statement, a comment?

**STATEMENT OF HON. MARY L. LANDRIEU, U.S. SENATOR  
FROM LOUISIANA**

Senator LANDRIEU. Thank you, Mr. Chairman. I appreciate it. I do have a statement I would like to submit for the record.

Senator THOMAS. It will be included.

Senator LANDRIEU. But I just have a comment, just to thank you, Mr. Chairman, for the support of S. 2287, which expands the boundaries of the Jean Lafitte National Park. It has been a beautifully developed park in the New Orleans metropolitan area. It is quite unique, Mr. Chairman, in that it establishes within only 30 minutes of downtown New Orleans just an excellent place for mil-

lions of visitors to be able to see the great expanse of the wetlands that this committee has done so much to try to protect.

So I just came today to thank you, to urge passage of this bill, to thank the Department and the administration for their support, and to submit some other testimonies from interested parties in Louisiana to the record.

Thank you, Mr. Chairman.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT OF MARY L. LANDRIEU, U.S. SENATOR FROM LOUISIANA,  
ON S. 2287

I would like to thank the Chairman for scheduling this hearing today on a number of items including one that I have introduced, S. 2287, the Jean Lafitte National Historic Park and Preserve Boundary Adjustment Act of 2004. In addition to my statement, I would also like to introduce into the record a statement in support of the legislation by the Coalition to Restore Coastal Louisiana.

The Jean Lafitte National Historical Park and Preserve was established in 1978 to preserve for present and future generations significant examples of the rich natural and cultural resources of Louisiana's Mississippi Delta region. The park seeks to illustrate the influence of environment and history on the development of a unique regional culture. It is named for Jean Lafitte who was a pirate (or privateer as he like to be called) that fought alongside U.S. forces in the Battle of New Orleans at the end of the War of 1812.

The park consists of six physically separate sites and a park headquarters located in New Orleans. The sites in Lafayette, Thibodaux and Eunice interpret the Acadian culture of the area. The Barataria Preserve (in Marrero) interprets the natural and cultural history of the uplands, swamps and marshlands of the region. Six miles southeast of New Orleans is the Chalmette Battlefield and National Cemetery, site of the 1815 Battle of New Orleans and the final resting place for soldiers from the Civil War, Spanish-American War, World Wars I and II and Vietnam. The park's visitor center, which is located in the historic French Quarter, interprets the history of New Orleans and diverse cultures of Mississippi Delta region.

It is the Barataria site that is the focus of our attention today. The Bill before us would merely adjust the boundary of the Barataria preserve unit of Jean Lafitte National Historical Park and Preserve and by doing so, protect a crucial component of one of the largest and most productive expanses of coastal wetlands in North America—coastal Louisiana or as they are known: America's Wetlands.

The Barataria preserve is the only part of our coastal wetlands preserved in the National Park System. As we strive to find ways to stem the tide of coastal erosion in Louisiana, and bring about the restoration of wetlands already lost, it is equally important that we protect those areas that remain such as the Barataria preserve so that Americans can experience, first hand, the amazing beauty and fertility of Louisiana's bountiful coastal wetlands—the most threatened wetland ecosystem in the country—disappearing at a rate of 25 to 35 square miles a year.

Located on the outskirts of New Orleans, where it is accessible not only to the people of New Orleans but also to the millions of tourists from around the world that visit New Orleans and south Louisiana, Barataria serves as an interpretive experience of this greatest of coastal wetlands.

This bill expands this national treasure without any cost to the federal government while preserving private property rights. It simply transfers to the Park over 3,000 acres of wetlands already in Federal ownership, already paid for by the American people. These lands, which are adjacent to the Preserve, became Federal as a result of the settlement by the Justice Department of two lawsuits brought by the landowners against Federal agencies. However, because these acres are not managed by the park, they are presently unavailable for public use. An Act of Congress is necessary to allow inclusion of these lands into a new boundary.

My bill does just that, opening these lands for canoeing, wildlife viewing, exploration, fishing, and hunting, all under the management and protection of the park service. The bill grants long-term protection to crucial resources that the Park Service has found suitable and feasible for inclusion within a new boundary through a 1996 boundary study.

The Park is immediately adjacent to the developed areas of the Westbank of Jefferson Parish along much of its boundary while the Barataria unit in particular is right next door to a hurricane levee. Making more of the park boundary contiguous with the levee that divides developed land from undeveloped wetlands enhances op-

portunities for direct cooperation between these communities and the Park for management of shared concerns. These concerns include the routing of storm-water runoff; the discharge of treated sewage; estuarine water quality and its effects on fisheries and recreational uses; wetland restoration and mitigation; and a number of other problems and opportunities. The Park has worked with Jefferson Parish in seeking creative solutions to these problems and will continue to do so. The addition of these properties will only enhance their chances for success.

It is for all of these reasons that I am hopeful the Committee will approve of this measure in the near future. The expansion we seek in this Bill benefits us today as well as tomorrow.

Senator THOMAS. Thank you very much.  
Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR  
FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. I too would like to thank you for holding this important hearing, because today we will hear testimony on S. 2140, which deals with the expansion of the Mount Rainier National Park. I introduced this along with Senator Murray, and it is a bipartisan effort, with legislation introduced in the House that is almost identical, championed by my colleague Representative Jennifer Dunn. That legislation has been moving in the House.

We in Washington are incredibly fortunate to live near such a pristine, beautiful public land. Mount Rainier, which anybody who has visited the Northwest understands, towers over all Washingtonians. The park is really an important part of our economy, with over a million visitors from all over the world coming on an annual basis.

However, without this legislation the park and the expense of repairs on the park are going to continue to be a challenge. That is because the Carbon River keeps washing out the road at the northwest corner of the park. This is the access entrance where people have a day hike and launch point. But when that resource is washed out, as frequently it is because of where it actually situates in regard to the Carbon River, we continue to pay hundreds of thousands of dollars every time the river washes out the camp area and the entrance to the park.

So to ensure that visitors will continue to have the camping and hiking experiences, this bill authorizes a small but critical boundary expansion for Mount Rainier National Park to allow the National Park Service to acquire 800 acres. And I might add that this is 800 acres from willing landowners who want to sell their land.

The bill would allow the National Park Service to rebuild the campground in a replacement area on lowland hiking trails and would alleviate the need for this consistent repair every time the river washes out the campground.

So I am pleased that the private landowners have supported this expansion and I would like to also enter into the record, Mr. Chairman, a letter from community and business leaders, including city and county government officials, outdoor industrial retailers, and other local tourist businesses that also support this expansion.

I would again just like to thank you for this hearing and the promise of moving this legislation swiftly through the legislative body so that we can actually save the taxpayers money in the future from constant repairs that are needed in this particular area



and continue to give access to just an incredible resource that the national park at Mount Rainier is today.

Thank you, Mr. Chairman.

Senator THOMAS. We will have time for a couple of questions then. Chief, I guess everyone seems to agree that this ought to be in the hands primarily of the Forest Service. You say out of 17 centers now 16 of them are Forest Service-operated?

Mr. THOMPSON. That is true, 16 are managed by the Forest Service.

Senator THOMAS. You spend almost half a million then, I think, on the program?

Mr. THOMPSON. We spend about close to half a million dollars, and then cooperators, communities and other agencies put up about the same amount of money. So it is about a million dollars being invested in those 17 centers right now.

Senator THOMAS. Do you expect there would need to be more centers to accomplish your mission?

Mr. THOMPSON. It is possible, as we look at the expansion into back country use, that there may be the need for more centers, and there are some areas that are not covered by centers presently. So it is possible. At this time we do not have information that would say exactly where those ought to be, should be, if there were more.

Senator THOMAS. If this were to change the responsibility for implementing the bill, what would that do to the cost to the Forest Service?

Mr. THOMPSON. It obviously depends upon the grant portion of it right now, and if the grant program remained in the bill that would add significant costs, depending upon what the expansion of that. Without the grant program in the bill, there may be some need for extra commitment of resources. Right now that 400 to \$500,000 from the Forest Service standpoint is coming out of our recreation budget, and so that would have to be prioritized based upon other needs at this point in time.

Senator THOMAS. I do not think I understand the grant thing. If it were grants, what does that mean?

Mr. THOMPSON. Well, the grant program as described in the bill would give grants to the States or entities to help support their costs in carrying out the program. The grant would come from the Federal Government.

Senator THOMAS. I see, OK.

Then, Ms. Matthews, Interior is in agreement with the Forest Service as to how this ought to be managed?

Ms. MATTHEWS. Yes, because the percentage is so much higher than what is currently the program of the Forest Service in comparison to ours, 6 percent versus 90.

Senator THOMAS. I see. So it would be done in cooperation, but the responsibility would lie with the Department of Agriculture.

Ms. MATTHEWS. The lead agency.

Senator THOMAS. Would there be a financial obligation for Interior?

Ms. MATTHEWS. Well, we have existing programs for avalanche control within the zones and the areas in Yellowstone, Glacier, Yosemite, Mount Rainier, Olympic, North Cascades, and those would be continued.

Senator THOMAS. I believe the Uinta research thing suggests \$8 million or something. But I believe it authorizes "the necessary funding." What do you think the funding would be here for the Dinosaur National Monument?

Ms. MATTHEWS. I think our estimate is \$8 million, \$4.8 million for the facility itself. That is our estimate, an existing home and a small maintenance building, estimated to be about \$4.8 million. Of course, the public benefit underlined on top of the 800 acres of land, \$3 to \$6 million, is immense.

Senator THOMAS. OK. I am always a little concerned when it just says "authorizes the necessary funding," because it is hard to tell what that would be.

Mount Rainier adjustment, how much has been the expenditure on this road repair and so on; do you know?

Ms. MATTHEWS. The road repair cost has been about \$785,000 over a period of time; that has been roughly what we have spent over a 10-year period for clearing away the debris, the build-up, the flood waters, and repairing the roadway. Of course, getting rid of that expense in the future and constructing campsites in an area that will not be subject to flooding will be a cost savings ultimately.

Senator THOMAS. This is an expansion of approximately 1,000 acres?

Ms. MATTHEWS. Eight hundred acres.

Senator THOMAS. Eight hundred.

Ms. MATTHEWS. It is for 50 campsites, and I think the other visitor facilities are also maximized and added to significantly.

Senator THOMAS. Then the cost of the 800 acres, do you have a notion what that will be?

Ms. MATTHEWS. Well, I do.

Senator THOMAS. I guess they talk about there could be donations or sales, changes.

Ms. MATTHEWS. Yes, there could be.

I am sorry, we will get that to you.

[The information referred to follows:]

We estimate that acquiring this land will cost about \$3 million to \$6 million.

Senator THOMAS. Yes, if you do not mind.

Senator Akaka.

Senator AKAKA. Thank you, Mr. Chairman.

Ms. Matthews, I have two questions. One question for you is on S. 2469, the bill reauthorizing the Advisory Council on Historic Preservation. One of the provisions, and sort of repeating the question that was just asked, one of the provisions in the bill would give the advisory council the authority to solicit contributions and donations. I understand from your testimony that the Department supports this authority.

I am not familiar with many Federal agencies that have a similar authority to solicit funds or donations. So how does this work in the Department of the Interior? Which of your agencies or bureaus are authorized to solicit contributions?

Ms. MATTHEWS. We were discussing that on our way out of the main Interior Building and anticipating that answer, and actually, Senator, we will have to get back to you on that because we have not done a survey of who, if anyone, can solicit funds at this point.

So I am really not prepared to give you an answer, but we will provide it, sir.

[The information referred to follows:]

Although several bureaus in the Department of the Interior have express authority to "accept" gifts, no bureau has express authority to "solicit" donations. The Department has historically interpreted these authorities not to allow solicitation, although we are aware that certain other governmental agencies have interpreted acceptance authorization in their statutes to include the authority to solicit. The Take Pride in America Program is the one program in the Department that has an express authorization to solicit. In addition, Congress has chartered foundations, including the National Park Foundation and the National Fish and Wildlife Foundation, to solicit donations to benefit Departmental bureaus, including the National Park Service.

Senator AKAKA. Thank you.

The other question is on S. 1678, which authorizes the curatorial center outside of Dinosaur National Monument in Utah.

Ms. MATTHEWS. Yes, sir.

Senator AKAKA. According to your testimony, the site for the new center will be donated and the cost to build the new facility will be approximately \$8.8 million. Is the proposed curatorial center different from the new Utah Natural History Museum, or will they share the same building?

Ms. MATTHEWS. Our responsibility and the testimony you heard this morning was that the actual expenditure for the Utah Field House of Natural History State Park Museum was \$5.5 million. We had indication that \$5.5 million had come from the State of Utah. Our part in that is the curatorial facility and the curatorial facility cost is—we will submit it. It is part of our testimony. We will provide that for you.

Our approximation is \$8.8 million for a 22,500 square foot building, the curatorial facility, which incorporates what we showed in our record as 11 different storage centers, warehouses, and incorporates all that material together under acceptable National Park System standards. That ranges from everything, everything from climate control to whether it has windows or not, earthquake protections depending on what part of the country you are in, and whether you need, what you need. There are certain standards for that and it would get these up to the curatorial standards that we require in optimal conditions for other facilities, and provide through the partnerships facilities to show how those collections are curated. Curation is a big part of the professional standards required. They all require certain things. For a public facility where it shows the curation, it can be a really effective educational standard and really educational exhibit for students and others to learn how tedious this work is done to preserve these materials for future generations.

[The information referred to follows:]

The proposed curatorial center is a separate structure from the new Utah Natural History Museum, however they are both located within the same site.

Senator AKAKA. Will they be sharing the same building?

Ms. MATTHEWS. The curatorial facility is not in the same building. The Field House of Natural History is a State park, a museum that is already constructed and under way. It just opened. But all within the same area.

Senator AKAKA. Thank you.

Senator THOMAS. Senator Talent, can you wait? I have one more question.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

Ms. Matthews, just a process question first. If Senator Thomas sought to move the Senate bill or the House bill or we moved S. 2140 or the companion bill and we passed that this year, would the Park Service put acquisition dollars into next year's budget cycle? Is that what would happen?

Ms. MATTHEWS. For 2006 or beyond.

Senator CANTWELL. I think the committee probably would benefit from the historical repairs and improvements and an estimation of how often that washout actually occurs. So a projection, if you could, of what the expense to the National Park Service would be, say in the next 5 to 10 years, if we did not improve the road as well, because I think that that is what you are trying to get at with your numbers.

Ms. MATTHEWS. Right.

Senator CANTWELL. I think the last repair was \$750,000, but I think that there have been some repairs in between there and I think that there are more projected for the future. Could you provide the committee with some estimates?

Ms. MATTHEWS. We will provide that, Senator.

[The information referred to follows:]

While we cannot predict how much damage will occur to the road during the next five to ten years, on the basis of recent weather patterns and the erosion of natural barriers between the river and the road, we could expect to spend about \$175,000 to \$230,000 during that period if a decision was made to keep the road open to vehicular traffic.

Senator CANTWELL. The historical number and some estimates for the next, say, 10, 15 years of what we might also be expecting.

Ms. MATTHEWS. Yes. What I have here is that the 1998 flood repair by itself cost \$750,000.

Senator CANTWELL. Yes. OK, if we could get that, that would be great.

Thank you, Mr. Chairman.

Senator THOMAS. Thank you.

Ms. MATTHEWS. Happy to provide that.

Senator THOMAS. Senator Talent.

Senator TALENT. Mr. Chairman, I have no questions for this panel.

Senator THOMAS. I just have one more and it has to do with the Historic Preservation Act. It indicates the council has had about \$4 million operating funds with a specific ceiling. Now, instead of carrying a specific ceiling, why, they are interested in having an authorization for unlimited appropriation.

How do you see this cost change?

Ms. MATTHEWS. Well, I am not sure that I am really as prepared to go into the specifics of that as your second panel would be. Mr. Nau has been a great leader in historic preservation and has initiated the Preserve America executive order and the program to designate communities around the country, and I think he is well prepared to discuss that, if I may defer to our chairman of the Advisory Council, sir.

Senator THOMAS. All right, we will defer then.

So thank you very much to you and we will seat the next panel and then, Senator, if you have a statement you can just go right ahead.

Mr. John Nau is chairman of the Advisory Council on Historic Preservation, from Houston, Texas; Ms. Krieger, heritage resource coordinator, State of Utah Division of Parks and Recreation; and David Hamre, avalanche expert, Alaska Railroad Corporation, Anchorage, Alaska, who flew here.

Now, Senator, if you would care to go ahead.

**STATEMENT OF HON. JAMES M. TALENT, U.S. SENATOR  
FROM MISSOURI**

Senator TALENT. Thank you, Mr. Chairman. Mr. Chairman, I appreciate that very much, and thank you also for allowing me to sit in on your subcommittee. I am not going to repay your generosity by reading my entire statement.

I do want to thank you for holding this hearing so quickly on S. 2469, which is legislation to reauthorize and expand the Advisory Council on Historic Preservation. In Missouri we are well familiar with the council's work and grateful to the council for that work because it has been involved with restoration of Union Station, rehabilitation and expansion of Liberty Memorial in Kansas City, preservation of World War II stonework at Fort Leonard Wood, the Market Street redevelopment project in St. Louis, and many other historic projects in Missouri.

I am pleased to be sponsoring the reauthorization of the advisory council. It would simply reauthorize the agency largely as is, Mr. Chairman, with a few changes. One of them you mentioned, having a permanent authorization for the appropriation level rather than periodic lifting the cap so that the appropriation can be as needed, rather than within an artificial cap.

I think we need to do that to accommodate the President's request for this year, and generally support what the council has been doing, particularly in the area of heritage tourism. I really want to recognize Chairman Nau, who is here before the subcommittee today, and his work with regard to things like the historic courthouse preservation program in Texas, which has done a wonderful job of preserving courthouses around the State of Texas and linking that to heritage tourism.

We are very interested in that in Missouri because it is such a big tourism State and because we have concerns about how we are going to preserve these wonderful buildings which are such an important part of our State. Really, one way to do that is to link them up to the tourists who are interested in looking at the history of Missouri, and the council has been a leader in that. Mr. Nau has been a great chairman of the council.

So I have been pleased to sponsor this legislation, grateful to you and the ranking member for holding this hearing so quickly on it, and looking forward to the testimony of the panel. I have a statement to submit for the record, Mr. Chairman.

[The prepared statement of Senator Talent follows:]

## STATEMENT OF JAMES M. TALENT, U.S. SENATOR FROM MISSOURI, ON S. 2469

Mr. Chairman, Thank you for holding this hearing today and thank you for including a bill which I recently introduced S. 2469. This legislation will reauthorize and expand the Advisory Council on Historic Preservation.

The Council has been closely involved with historic preservation cases in Missouri including the restoration of Union Station and rehabilitation and expansion of Liberty Memorial in Kansas City, the preservation of World War II stonework at Fort Leonard Wood, the Market Street Redevelopment Project in St. Louis and many other historic projects in my state. I am grateful for your involvement, interest and leadership.

It is also a pleasure to see my good friend John Nau today. Mr. Nau serves as Chairman of the Advisory Council. Thank you, Mr. Nau, for coming to Washington to appear before this committee. You have an amazing commitment to historic preservation and a vision for the future of the agency.

For example, your historic court houses program in the state of Texas is a shining example of how historic preservation should work. The program was a great economic stimulus and thanks to your leadership, these rural areas will reap the benefits of the program for years to come. On a larger scale, your Preserve America program will bring together federal state and local governments to stimulate a better appreciation for our historic buildings and resources.

The ACHP plays a pivotal role in the National Historic Preservation Program. Founded as a unique partnership among Federal, State, and local governments, Indian tribes, and the public to advance the preservation of America's heritage while recognizing contemporary needs, the program has matured and expanded over time. S. 2469 makes some needed changes to the Council to allow for it to continue serving the nation.

S. 2469 would amend the Act to provide the Council appropriation authority, expand its membership and improve operations. In 1998, the Council's reauthorization provided for \$4,000,000 annually through 2005. S. 2469 omits a specific dollar ceiling, allowing instead for an amount necessary to carry out its responsibility. It would also provide a permanent appropriation authorization instead of periodic reauthorization periods.

As an independent agency, the Council plays a key role in shaping historic preservation policy and programs at the highest levels of the Administration. They have the ability to coordinate a national program, assisting Federal agencies in meeting their preservation responsibilities. The Council also works with States, tribes, local governments as well as the private industry.

I can't stress how important these historic preservation programs are thought-out the nation. I am honored to have introduced the legislation to allow the good work at the council to continue and improve. I look forward to Mr. Nau's testimony today.

Additionally, both Mr. Nau and the National Park Service have included a suggested amendment in their testimony regarding the federal grant programs. I am supportive of these clarifying changes to the legislation.

Senator THOMAS. Fine. Submit it and it will be included.

Welcome. Thank you very much for being here. Mr. Nau, would you care to begin.

**STATEMENT OF JOHN L. NAU, III, CHAIRMAN, ADVISORY  
COUNCIL ON HISTORIC PRESERVATION**

Mr. NAU. Yes, thank you. Good afternoon. Thank you, Mr. Chairman, members of the subcommittee, and particularly thank you, Senator Talent.

It is a pleasure to testify before you this afternoon regarding the reauthorization proposal for the Advisory Council on Historic Preservation. I thank you for this opportunity to discuss the vital importance of historic preservation programs to our Nation and the essential role that the advisory council plays in this effort.

The National Historic Preservation Act, which created the ACHP, is a strong demonstration of the collective wisdom of the U.S. Congress in three vital regards: first, the importance of preserving America's heritage; second, the necessity of building upon the foundation of our past to create a better future; third, the

strength of linking Federal, State, tribal, and local efforts in partnership with the private sector to accomplish these goals.

The ACHP is actively involved in pursuing these goals on behalf of the Congress, the President, and, most importantly, the American people. It is also actively involved in changing itself to better meet the needs through wise stewardship of the Federal Government's historic assets that can stimulate economic development through activities such as heritage tourism.

The ACHP has focused its energies on reestablishing the leadership role that the framers of the 1966 Act envisioned. As part of that effort, on March 3, 2003, the President signed Executive Order 13287, Preserve America. That same day, Mrs. Laura Bush announced the administration's Preserve America initiative, which is a government-wide effort to recognize and celebrate our joint heritage.

Since January 15 of this year, we have designated 80 Preserve America communities across the Nation and have more than 100 applications waiting for approval. Last month the President and Mrs. Bush presented the first four Preserve America Presidential awards for projects that spur heritage tourism and highlight notable privately funded preservation projects.

The ACHP has been recast to more effectively accomplish and efficiently implement its mission in accordance with this executive order. We are leveraging our resources and building partnerships to promote the benefits of preservation across this Nation. The benefits are many: educational, cultural, environmental, social, and, importantly, economic, with the most immediate benefit being economic development opportunities available to communities, especially rural communities, through their participation in heritage tourism.

Now, we all know that the Federal Government works best when it works in partnerships with States, counties, communities, tribes—in short, when it works in partnership with the constituents that you represent. Preserve America initiative promotes such activity and the executive order directs Federal agencies to actively engage in such partnerships.

Our job is to encourage this process and program. We are building successful partnerships with Federal agencies and we will continue to build on those relationships to maximize our efficiency and effectiveness.

Now, Mr. Chairman and committee members, I am a businessman and I would not be here if I did not believe that there is a clear return on this investment. My experience as chairman of the Texas Historical Commission tells me that this works. I have seen it work.

We are before the committee today because your assistance is essential to allow us to realize this evolving role. Section 106 is a very important and significant responsibility. However, we believe ACHP's mission is broader and we have adopted several proposed changes: First, amend the current time-limited authorization and replace it with permanent appropriations authorization. Next, authorize the President to add the heads of three additional Federal agencies to the ACHP membership. Third, authorize several technical amendments that would allow us to function more rationally

and efficiently and provide us with the authority and direction to work cooperatively with Federal funding agencies to assist them in using their existing grant program to more effectively advance the purposes of the National Historic Preservation Act.

With regard to that last change and based on the testimony you have already heard, I would like to request that the committee accept some minor revisions to the language of S. 2469 as introduced. This clarifying language, which is appended to my written statement, will address a concern raised by the Department of Interior that you have heard, and they do concur with this amendment.

I would also like to bring to the committee's attention the testimony the National Conference of State Historic Preservation Officers has prepared in support of this bill. The SHPO's, as you know, are our principal partners carrying out preservation activities at the State level. We value their support and appreciate their letter.

I hope that the subcommittee will favorably consider our request. I thank you for the time and welcome any questions.

[The prepared statement of Mr. Nau follows:]

STATEMENT OF JOHN L. NAU, III, CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION, ON S. 2469

#### SUMMARY STATEMENT

An independent Federal agency, the Advisory Council on Historic Preservation (ACHP) promotes historic preservation nationally by providing a forum for influencing Federal activities, programs, and policies that impact historic properties. In furtherance of this objective, the ACHP seeks reauthorization of its appropriations in accordance with the provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) (NHPA). The ACHP also offers amendments to its authorities that we believe will strengthen our ability to meet our responsibilities under NHPA and provide leadership and coordination in the Federal historic preservation program.

#### BACKGROUND

The ACHP was established by Title II of NHPA. NHPA charges the ACHP with advising the President and Congress on historic preservation matters and entrusts the ACHP with the unique mission of advancing historic preservation within the Federal Government and the National Historic Preservation Program. In FY 2002, the ACHP adopted the following mission statement:

The Advisory Council on Historic Preservation promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

The ACHP's authority and responsibilities are principally derived from NHPA. General duties of the ACHP are detailed in Section 202 (16 U.S.C. 470j) and include:

- Advising the President and Congress on matters relating to historic preservation;
- Encouraging public interest and participation in historic preservation;
- Recommending policy and tax studies as they affect historic preservation;
- Advising State and local governments on historic preservation legislation;
- Encouraging training and education in historic preservation;
- Reviewing Federal policies and programs and recommending improvements; and
- Informing and educating others about the ACHP's activities.

Under Section 106 of NHPA (16 U.S.C. 470f), the ACHP reviews Federal actions affecting historic properties to ensure that historic preservation needs are considered and balanced with Federal project requirements. It achieves this balance through the "Section 106 review process," which applies whenever a Federal action has the potential to impact historic properties. As administered by the ACHP, the process guarantees that State and local governments, Indian tribes, businesses and



organizations, and private citizens will have an effective opportunity to participate in Federal project planning when historic properties they value may be affected.

Under Section 211 of NHPA (16 U.S.C. 470s), the ACHP is granted rulemaking authority for Section 106. The ACHP also has consultative and other responsibilities under Sections 101, 110, 111, 203, and 214 of NHPA, and in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) is considered an agency with "special expertise" to comment on environmental impacts involving historic properties and other cultural resources.

The ACHP plays a pivotal role in the National Historic Preservation Program. Founded as a unique partnership among Federal, State, and local governments, Indian tribes, and the public to advance the preservation of America's heritage while recognizing contemporary needs, the program has matured and expanded over time. The Secretary of the Interior and the ACHP have distinct but complementary responsibilities for managing the National Historic Preservation Program. The Secretary, acting through the Director of the National Park Service, maintains the national inventory of historic properties, sets standards for historic preservation, administers financial assistance and programs for tribal, State, and local participation, and provides technical preservation assistance.

The ACHP also plays a key role in shaping historic preservation policy and programs at the highest levels of the Administration. It coordinates the national program, assisting Federal agencies in meeting their preservation responsibilities. Through its administration of Section 106, the ACHP works with Federal agencies, States, tribes, local governments, applicants for Federal assistance, and other affected parties to ensure that their interests are considered in the process. It helps parties reach agreement on measures to avoid or resolve conflicts that may arise between development needs and preservation objectives, including mitigation of harmful impacts.

The ACHP is uniquely suited to its task. As an independent agency, it brings together through its membership Federal agency heads, representatives of State and local governments, historic preservation leaders and experts, Native American representatives, and private citizens to shape national policies and programs dealing with historic preservation. The ACHP's diverse membership is reflected in its efforts to seek sensible, cost-effective ways to mesh preservation goals with other public needs. Unlike other Federal agencies or private preservation organizations, the ACHP incorporates a variety of interests and viewpoints in fulfilling its statutory duties, broadly reflecting the public interest. Recommended solutions are reached that reflect both the impacts on irreplaceable historic properties and the needs of today's society.

*New Directions.* Since assuming the Chairmanship in August 2001, I have taken steps to ensure that the ACHP fulfills the leadership role envisioned for it in NHPA. In doing so, we have focused the ACHP on pursuing the broader policy goals of the National Historic Preservation Program.

In creating the ACHP, Congress recognized the value of having an independent entity to provide advice, coordination, and oversight of NHPA's implementation by Federal agencies. The ACHP remains the only Federal entity created solely to address historic preservation issues, and helps to bridge differences in this area among Federal agencies, and between the Federal Government and States, Indian tribes, local governments, and citizens. While the administration of the historic preservation review process established by Section 106 of NHPA is very important and a significant ACHP responsibility, we believe that the ACHP's mission is broader than simply managing that process.

NHPA established a national policy to "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations." Among other things, the statute directed Federal agencies to foster conditions that help attain the national goal of historic preservation; to act as faithful stewards of federally owned, administered, or controlled historic resources for present and future generations; and to offer maximum encouragement and assistance to other public and private preservation efforts through a variety of means.

To promote this policy and to exercise its intended leadership, the ACHP has taken the following steps:

- Developed an Executive order to promote the benefits of preservation, improve Federal stewardship of historic properties, and foster recognition of such properties as national assets to be used for economic, educational, and other purposes. President Bush issued this as Executive Order 13287, "Preserve America," on March 3, 2003.

- Created an initiative for the White House to stimulate creative partnerships among all levels of government and the private sector to preserve and actively use historic resources to stimulate a better appreciation of America's history and diversity. The initiative is known as "Preserve America" and was announced by Mrs. Laura Bush on March 3, 2003.
- Used ACHP member meetings to learn from local government and citizens how the Federal Government can effectively participate in local heritage tourism initiatives and promote these strategies to Federal agencies and tourism professionals.
- Undertook a major new initiative to improve the participation of Native Americans in the National Historic Preservation Program.

The ACHP's 20 statutorily designated members address policy issues, direct program initiatives, and make recommendations regarding historic preservation to the President, Congress, and heads of other Federal agencies. ACHP members meet four times a year to conduct business, with two meetings in Washington, DC, and two in other communities where relevant preservation issues can be explored. However, the ACHP members and I are actively involved in ACHP business on a continual basis, particularly since January 2004 when the Administration's Preserve America initiative began to gain momentum.

In 2002, we reorganized the ACHP membership and staff to expand the members' role and enhance work efficiencies as well as member-staff interaction. To best use the talents and energy of the ACHP members and ensure that they fully participate in advancing the ACHP's goals and programs, three member program committees were created: Federal Agency Programs; Preservation Initiatives; and Communications, Education, and Outreach.

In addition, we created an Executive Committee comprised of myself, the ACHP vice chairman, and the chairman of each of the other committees to assist in the governance of the ACHP. Several times a year, we appoint panels of members to formulate comments on Section 106 cases. Member task forces and committees are also formed to pursue specific tasks, such as policy development or regulatory reform oversight. On average, three such subgroups are at work at any given time during the year. Each meets about five to six times in the course of its existence, is served by one to three staff members, and produces reports, comments, and policy recommendations.

The ACHP has a leading role in both the Preserve America Steering Committee and its operational subgroup. In coordination with the White House, the Preserve America Steering Committee sets policy and oversees the initiative. The operational subgroup works with State, regional, local, and private interests and across all involved Federal Agencies to coordinate the daily efforts involved with the Preserve America Community and Preserve America Presidential Award programs. The ACHP's Office of Federal Agency Programs works with each Federal agency's newly created Senior Policy Official, who focuses on Section 106 and Preserve America within his or her agency.

We have further committed and tasked a staff member, under the direct supervision of the Executive Director, to coordinate our Native American Program. As part of that program, we held our first formal meeting of the Native American Advisory Group two weeks ago, from May 26-27. The group seeks to improve relations and coordinate efforts with tribes and Tribal Historic Preservation Officers on issues of historic preservation, which are of particular and unique importance to tribes from both economic and cultural perspectives.

The staff carries out the day-to-day work of the ACHP and provides all support services for the ACHP members. To reflect and support the work of the committees, the Executive Director reorganized the ACHP staff into three program offices to mirror the committee structure. Staff components are under the supervision of the Executive Director, who is based in the Washington, DC, office. There is also a small field office in Lakewood, Colorado.

#### PROPOSED AMENDMENTS TO THE NATIONAL HISTORIC PRESERVATION ACT

*Background to Reauthorization.* The ACHP has traditionally had its appropriations authorized on a multi-year cycle in Title 11 of NHPA (Section 212, 16 U.S.C. 470t). The current cycle runs through FY 2005 and authorizes \$4 million annually. These funds are provided to support the programs and operations of the ACHP. Title II of NHPA also sets forth the general authorities and structure of the ACHP.

The ACHP seeks to amend its appropriation authorization for two reasons. First, the authorization extends only through FY 2005 and must be renewed for FY 2006 and beyond. Of more immediate concern, however, is the relationship of the current authorization to our FY 2005 budget request now pending before Congress. For FY

2005, the President's budget seeks \$4.6 million for the ACHP. Because this is over the authorization limit, the Executive Office of the President directed the ACHP to propose any legislation required to modify its authorization to be consistent with the President's budget.

The ACHP is therefore seeking amendments to the authorizing legislation at this time. At its February 2003 and May 2003 member meetings, the ACHP endorsed an approach to the reauthorization issue. The approach addresses the immediate appropriations authority issue and also seeks amendments to the ACHP's composition and authorities to better enable the ACHP to achieve its mission goals.

The bill S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, was introduced by the Honorable James M. Talent on May 20, 2004. A companion bill, H.R. 3223, is pending before the House Resources Committee.

The changes proposed by the ACHP and contained in S. 2469 are explained in this overview.

*Appropriations Authorization.* This provision (Section 1(f)) would amend the current time-limited authorization and replace it with a permanent appropriations authorization.

When the ACHP was created in 1966, its functions were exclusively advisory and limited, and the agency was lodged administratively in the Department of the Interior. Since then, Congress has amended NHPA to establish the ACHP as an independent Federal agency and provide it with a range of program authorities crucial to the success of the National Historic Preservation Program.

Not unlike the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCPC), the ACHP now functions as a small but important Federal agency, carrying out both advisory and substantive program duties. Specific language creating a permanent appropriations authorization would draw upon the similar statutory authorities of the CFA and NCPC. No ceiling to the annual appropriations authorization would be included in the authorizing legislation, but rather the appropriate funding limits would be established through the annual appropriations process.

*Expansion of Membership.* This provision (Section 1(c)) would expand the membership of the ACHP by directing the President to designate the heads of three additional Federal agencies as members of the ACHP.

The ACHP has been aggressively pursuing partnerships with Federal agencies in recent years and has found the results to be greatly beneficial to meeting both Federal agency historic preservation responsibilities and the ACHP's own mission goals. Experience has shown that these partnerships are fostered and enhanced by having the agency participate as a full-fledged member of the ACHP, giving it both a voice and a stake in the ACHP's actions. The amendment would bring the total number of Federal ACHP members to nine and expand the ACHP membership to 23—an administratively manageable number that preserves the current majority of non-Federal members. A technical amendment to adjust quorum requirements would also be included.

*Authority and Direction to Improve Coordination with Federal Funding Agencies.* This provision (Section 1(g)) would give the ACHP the authority and direction to work cooperatively with Federal funding agencies to assist them in determining appropriate uses of their existing grants programs for advancing the purposes of NHPA.

For example, it is our experience that programs such as the Historic Preservation Fund (HPF) administered through the States by the Department of the Interior have the flexibility to provide matching seed money to a local non-profit organization to support a heritage tourism program.

The ACHP would work with agencies and grant recipients to examine the effectiveness of existing grant programs, evaluate the adequacy of funding levels, and help the agencies determine whether changes in the programs would better meet preservation and other needs. Any recommendations would be developed in close cooperation with the Federal funding agencies themselves, many of which sit as ACHP members, and with the States. The proposed amendment would also allow the ACHP to work cooperatively with Federal funding agencies in the administration of their grant programs.

Please note that, after the original bill was drafted and introduced, the National Park Service recommended to the ACHP that the provision be slightly reworded to clarify the ACHP's authorities. We concur with those changes and have appended revised language for Section 1(g) to this statement.

*Technical Amendments.* These provisions would provide four technical changes that would improve ACHP operations:

1. Authorize the Governor, who is a presidentially appointed member of the ACHP, to designate a voting representative to participate in the ACHP activities in the Governor's absence. Currently this authority is extended to Federal agencies and other organizational members. The amendment would recognize that the personal participation of a Governor cannot always be assumed, much like that of a Cabinet secretary (Section 1(c)(2)).

2. Authorize the ACHP to engage administrative support services from sources other than the Department of the Interior. The current law requires the ACHP's administrative services to be provided by the Department of the Interior on a reimbursable basis. The amendment would authorize the ACHP to obtain any or all of those services from other Federal agencies or the private sector. The amendment would further the goals of the FAIR Act and improve ACHP efficiency by allowing the ACHP to obtain necessary services on the most beneficial terms (Section 1(d)).

3. Clarify that the ACHP's donation authority (16 U.S.C. 470m(g)) includes the ability of the ACHP to actively solicit such donations (Section 1(e)).

4. Adjust the quorum requirements to accommodate expanded ACHP membership (Section 1(c)(3)).

#### CONCLUSION

The ACHP has reached a level of maturity as an independent Federal agency and as a key partner in the National Historic Preservation Program to warrant continued support from Congress. As demonstrated by its recent program accomplishments—including the President's Executive Order 13287, the Preserve America initiative, and the Native American Program—the ACHP is a vital component of the Federal historic preservation program.

We believe that the legislation we seek, coupled with periodic oversight by this Subcommittee and the annual review provided by the Appropriations Committees, is fully justified by our record of accomplishment. We hope that the Subcommittee will favorably consider this request, including our recommended technical amendments.

We appreciate the Subcommittee's interest in these issues, and we thank you for your consideration and the opportunity to present our views.

#### APPENDIX

##### REVISED PROVISION RELATING TO ACHP ROLE IN FEDERAL GRANT PROGRAMS— JANUARY 15, 2004

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT—Title II of the Act is amended by adding at the end the following new section:

*'SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.*

*'(a) COOPERATIVE AGREEMENTS—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.*

*'(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS—The Council may*  
*'(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;*

*'(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and*

*'(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.'*

Senator THOMAS. Thank you very much. We appreciate it.

Let us see. I believe in our listing here Mrs. Krieger, Ms. Krieger.

**STATEMENT OF KAREN KRIEGER, HERITAGE RESOURCE  
COORDINATOR, STATE OF UTAH DIVISION OF PARKS AND  
RECREATION**

Ms. KRIEGER. Thank you, Mr. Chairman and members of the subcommittee. I am here representing the State of Utah Division of Parks and Recreation to give testimony on S. 1678. In 1996 the State of Utah began planning the new Utah Field House of Natural History State Park Museum in Vernal, Utah. The old Field House Museum was built in 1950 and has outdated, inefficient heating and cooling systems and electrical systems and very inadequate space for new collections. Many specimens have to be stored in old mechanical chase areas just below the building's ceilings. These areas are difficult to clean, impossible to maintain proper climate control, and have limited access due to their very low ceilings and overall cramped spaces. The museum's public spaces and exhibits were equally as outdated.

As we planned for the museum, discussions with the staff at Dinosaur National Monument revealed that we share many needs in common: appropriate storage space for specimens, space for researchers, curation areas, and education areas for the general public. We quickly realized that by joining together we could enhance both of our projects and further both missions while reducing our individual projects' square foot requirements.

A partnership was born and both agencies worked together to create building programs that could come together, provide a whole scientific and educational facility built by two separate agencies, one State, one Federal. As both agencies discussed our needs with the leaders of Vernal, Utah, and Uintah County, Utah, they recognized the benefits to their community of having state-of-the-art educational and scientific facilities in the heart of their region. They too joined the partnership.

Uintah County purchased property and the four partners worked together to develop a site plan that would accommodate everybody's needs and expectations. As of May of this year, Vernal City expanded sidewalks, provided curb and gutter, street lighting, and extended the sewer lines to the property, and also provided funding for the educational components of the field house museum. The county, in addition to purchasing property, has built and paved the parking lot, and the State, as Senator Bennett described, has brought power, water, sewer, and data lines to the property and built a new museum, complete with classroom, theater, and 10,000 square feet of new exhibits that tell the story of the Uinta Mountain region's rich paleontological and fossil resources.

The museum opened May 22, 2004, to the delight of over 13,000 visitors. In our first week of operation we had over 30,000 visitors.

The part of the property adjoining the new museum to the east awaits our Federal partner's contribution to the partnership. When the partnership began, the State eliminated curatorial spaces, specimen storage areas, specimen study areas, processing areas, and the paleontological lab that is meant to be viewable and open to the public. These spaces were put into the National Park Service's building program, and we do have a map that we can submit for your review to see how the two facilities would join together.

The State has built the elevator, we have put in the classroom, and we have located our staff offices at the point where the two buildings would join so that we could share office space, we could share the educational facility, we could share the elevator, and so that the paleontology lab would look right into our two-story volume lobby area, a very exciting area for visitors.

These spaces were put into the Park Service's building program. Until the Uintah research and curatorial facility is built, we are left using the old, inadequate storage spaces, now three blocks away from our new museum, for our curatorial activities. In addition, we have stopped accepting new materials and are closed as a Federal repository.

Demand for oil and gas leases on Federal lands in the Uinta Mountain region continually grows, spurring economic development in the rural communities of this region while generating more and more cultural and paleontological specimens for excavations required as part of the permitting process. Also a part of the process is the deposit of these specimens in Federal repositories that can care for them and make them available for study. As demands grow, area facilities are filling up and closing their doors to new collections.

Keeping these specimens in the area from which they were excavated is of prime interest to all the partners. The ability to study them in close proximity to other associated resources really increases the value of the collection to scientists and to visitors alike. The State of Utah's public extrication programs in the new Utah Field House of Natural History State Park Museum are dependent on the collections and the knowledge those collections contain. The specimens and their stories inspire and direct the exhibits, public programs, and outreach activities the citizens of the region and those visiting the region expect and desire. The paleontological resources of this region are well known by researchers worldwide and yet are not fully studied because their current inaccessibility.

Bringing together the collections of both Dinosaur National Monument and the Utah Field House in one, appropriately suited facility in their area of origin would create a popular and productive scientific center with immediate educational outlets. These collections are the documents of change, the fragmentary archive on which we base our knowledge of the natural world. Encoded within these collections is the past of our planet. Continued deciphering of that past by scientists working alongside our public program specialists is essential to the State's and the National Park Service's educational missions.

In addition, our visitors demand and deserve current authentic information delivered in engaging ways. The field house provides a safe place for families to enjoy spending meaningful time together. It provides economic benefits to the Uintah Basin by generating valuable tourism dollars and offers a way to link science with the public. Without the ability to collect, properly care for, or to study the vast record of the Earth's history, so available in the Uinta Mountain region, our opportunities for providing these quality services will dramatically diminish.

We cannot complete our mission without the collections and the information they hold and we cannot appropriately link the collections without the Uintah Research and Curatorial Center.

Thank you again for the opportunity.

Senator THOMAS. Thank you very much.

Mr. Hamre.

**STATEMENT OF DAVID HAMRE, AVALANCHE EXPERT,  
ALASKA RAILROAD CORPORATION**

Mr. HAMRE. Mr. Chairman, members of the committee: Thank you for this opportunity to testify on behalf of S. 931. Natural hazards are prevalent throughout the United States, with hurricanes on the eastern seacoast and the Gulf Coast, tornadoes in the heartland, and earthquakes in California. Avalanches plague the Western States and Alaska.

There has been a considerable amount of Federal expenditure which has improved our ability to forecast hurricanes, tornadoes, and earthquakes, but there has been no corresponding expenditures on avalanches, even though the majority of avalanche terrain lies on Federal land. The fatality rate continues to rise nationally. In the last 15 years it was worst in Colorado, followed closely by Alaska, Utah, Montana, Wyoming, Washington, and Idaho. But seven other States have also suffered losses, including New Hampshire with five deaths and Arizona with one.

Most fatalities occur on Forest Service land, but 15 fatalities in the last 15 years have occurred on national park lands as well.

The avalanche fatality rate at this point in the United States is higher than in any other country. Existing programs include the forecast offices as identified by the Forest Service, but they also include site-specific risk mitigation programs that are run by Park Service, ski areas, highways, and railroads. No comprehensive analysis of needs has been conducted on a broad base to identify programs that might assist in reducing risk nationally.

S. 931 would address this lack through the identification of problems and potential solutions and the coordination of efforts nationally. Available funds dispersed proportionate to the magnitude of avalanche problems in each State through the formula grant mechanism would help to identify and solve some of the problems that are occurring nationally.

I have detailed in my written testimony some of the detailed examples of the problem areas around the country and how funding might help some of these problems. An example of this occurred last winter on Marias Pass in Montana, where avalanches occurred off national park lands on one side, wilderness study areas on the other side, onto U.S. Highway 2 and also onto the Burlington Northern Railroad. There was a derailment of a train, knocked 15 cars off the tracks, spilled grain into the wild and scenic river area, and it was about an hour before that that an Amtrak train with 300 passengers on board had passed through that same area.

The solutions to the problems in this particular case are fairly intractable and difficult because there are a lot of national value public lands in the area, wilderness lands and national park lands, that it is difficult to do risk mitigation on.

The proposed bill also establishes a central depository for military artillery and to support the military artillery program in avalanche work. Currently the military artillery and for the past 50 years has been the backbone of avalanche control. There has been no good substitute developed which could take the place of military artillery in the short term. The bill would propose to set up some kind of a revolving fund which would forward base identification and procurement of assets, surplus assets out of the military that are suitable for long-range avalanche use. It could also be used to fund alternatives development to military artillery. In the case of the revolving fund, a grant might be set up to establish that fund and then the users could reimburse the costs of that grant.

The loss of the 105 howitzer system nationally right now could very much affect our transportation corridors and lead to much longer closure times on transportation corridors throughout the country, such as U.S. 2 in Montana, I-90 in Washington with 22,000 cars a day, I-70 in Colorado with 15,000 cars a day, Seward Highway in Alaska with 7,000 cars a day, and Utah 210 with 8,000 cars a day. I believe another example of that is the Teton Pass location in Wyoming that goes over the hill where a lot of the work force that drives to Jackson every day comes from Driggs, Idaho.

This bill will help to create a comprehensive approach toward avalanche education and risk management and implement programs that safeguard the future of our existing mitigation efforts. So I would urge you to pass it.

[The prepared statement of Mr. Hamre follows:]

STATEMENT OF DAVID HAMRE, AVALANCHE EXPERT, ALASKA RAILROAD CORPORATION,  
ON S. 931

Mr. Chairman and members of the committee, thank you for having me to testify on S. 931 today. I have prepared a condensed statement for the hearing today, but would like my entire statement entered into the record.

Natural disasters are suffered throughout our country regularly. Hurricanes take their toll on the eastern seaboard. Tornadoes plague the heartland. California suffers from earthquakes. Most of the western states and Alaska suffer yearly from the consequences of snow avalanches. Much effort is put forward by the federal government to mitigate the effects of other natural events, but little is spent on avalanches. The majority of avalanche terrain in the U.S. lies either on National Forest or Park Service lands. With the current trends toward recreation in the mountains, and attendant increases in traffic on roads and in ski areas, the death toll from avalanches in the U.S. has surpassed that of any other country as of the latest recording period. With the current trend line in the rise of avalanche fatalities, sometime in the next 10-20 years they will surpass tornado's as the leading cause of natural hazards fatalities in the U.S. The bill before you proposes to address this rising toll in two ways.

First, it establishes a system for distributing avalanche funding through a formula grant to avalanche specific projects in affected states. Projects in each affected state would receive a proportionate share to help solve the difficult problems that have been created by the public's desire to recreate on federal lands. A few examples of the problems needing comprehensive solutions:

1. The encounter probability for avalanches hitting a vehicle on Utah highway #210, which feeds the ski areas of Alta and Snowbird as well as extensive land on the Wasatch National forest, is currently at 85%. This means any natural avalanche occurring is almost certain to hit a vehicle. With the explosion of backcountry skier usage on the forest, the risk continues to rise. There is also great risk of a mass disaster when a first avalanche stops traffic on the road and is followed closely by a second avalanche onto the stopped traffic. Alternatives for risk reduction need to be analyzed and implemented before there is a large disaster.

2. U.S. Highway #2 and the Burlington Northern Railroad through Glacier National Park in Montana have been drastically affected by avalanches in the past two years. They have suffered extensive shutdowns and business interruption with at-



tendant losses estimated in the millions of dollars. This includes losses to grain farmers in North Dakota from untimely delivery of their product and diversion of Amtrak-passenger trains. Implementation of risk reduction strategies could help reduce these lengthy closures as well as assist in earlier springtime openings of the nearby Going to the Sun highway through Glacier National Park to accommodate visitors.

3. Increasing numbers of snowmobile riders have been involved in avalanche accidents in the west. With the advent of better technology in the machines, riders are able to access steep avalanche terrain with increasing frequency. There is a learning curve to understanding avalanche risks that this community has not embraced. Some dedicated educational effort such as classes or a video could produce a higher awareness and thus lower the death rate. There is presently no impetus for the private sector to provide these tools. States particularly hard hit by snowmachine deaths are Montana, Alaska, Wyoming, Utah, and Washington.

4. The access road to the Alpine Meadows Ski Area in California, a county road, has a high traffic count combined with high avalanche probability. Lack of local zoning laws has resulted in numerous houses being built in the avalanche zones just below the road. This makes explosive control of avalanches problematic at best. An alternative would be to build structures in the starting zone to keep avalanches from beginning in the first place, except the starting zone is on Forest Service land in a declared wilderness. There is a strong recognition that eventually a major accident could occur here without some solution, but the stakeholders all believe that someone else needs to fix the problem. A small federal grant could be matched with funding from the various stakeholders to resolve this issue.

The other mechanism used by S. 931 to assist the avalanche community is the provision for a central depository for artillery and supplies used for avalanche control. Since its first use on national forest lands in 1947, military artillery has been the backbone of our defense of lives and property in ski areas, highways, and railroads throughout the country. In that 50 years, no comparable system has emerged that can take the place of military artillery. Users of artillery work closely with the U.S. Army, who is authorized to enter into agreements to provide the weapons systems. Over time the military has continued to move towards more sophisticated weapons that are more complex and difficult to use than is required for avalanche work. To date this hasn't been an issue because the avalanche program has been using surplus systems. The end of these systems is now very near, however. There are few remaining assets suitable for avalanche work, and these few assets are in poor shape. The attached pictures describe their condition well.

The provision for a central depository, along with a corresponding grant, would allow us to establish a revolving fund that would acquire the remaining assets from the Army, refurbish them back to a usable condition, and keep them available for the avalanche community on a reimbursable basis. The corpus of the revolving fund would thus stay intact.

A revolving fund grant might also allow for the research and development effort necessary to establish a suitable alternative to artillery. For the sake of protecting our transportation corridors such as I-90, U.S. 2, and others, reliance on a single system should be avoided in case a systemic problem develops with that system and it is condemned. Viable alternatives need to be developed in the next ten to 20 years to military artillery. Given the wide range of stakeholders, it's difficult to raise the funding necessary to further this initiative. Users can ultimately pay for this work through back end reimbursement once a viable product is developed.

One possible language change to the bill would be to allow the director of the program to divert a portion of the formula grant, such as up to 20% of the funding, to issues of broad national significance. This would allow all locations to benefit equally from programs aimed at reducing avalanche accidents such as the snowmobile example given.

It's a credit to the efforts of the avalanche community in this country that developed recreations sites, highways and railroads faced with avalanche terrain have so few fatalities annually. Providing for some simple tools for the future can ensure this legacy continues, and can also help stop or reduce the growth of avalanche deaths from recreational use in the backcountry areas of our forests and parks.

Senator THOMAS. Very well. Thank you so much, all three of you, for being here. Just a couple of quick questions.

Mr. Nau, is there any sort of criteria for what qualifies as a national historic site?

Mr. NAU. Yes, sir, Mr. Chairman. That is within the Department of the Interior, administered by the National Park Service under

the Secretary's standards. It is clearly outlined. Would you want me to go into that criteria?

Senator THOMAS. No. Historic sites are another thing. This is historic preservation. So are there criteria or is it—if my little town wants to do something for the main street, is that what we are doing? Or are we actually doing it on the basis of its historic value?

Mr. NAU. What is important to your community or communities around the country I think in terms of creating historic preservation is being able to link those local resources of your community with the assets that are owned by the State, those assets that may be near your community that are owned by the Federal Government, both historic sites as well as cultural and natural sites, and have them become linked through a trails program that either is a natural trails program, such as the overland stage coach, or a trail that is put together, so that the story of the people, the sites themselves, and most importantly they can be linked for economic development for those communities that are integrated into this type of trails program.

So I do not think there is a definition of a site so much, sir, as there is the ability to bring all of those assets that are linked culturally or historically together to make it a good visitor experience as the tourist comes in. Most of the local people, no matter what State or region they are in, they know what their history is. The idea of heritage and cultural tourism and the program that we think the Federal Government should be talking about helps just link those resources together.

Senator THOMAS. I see. Well, I am sure that what you say is true. On the other hand, there is a limit to how much the Park Service, for example—what are there, 389 parks or something now, plus other things? So there is a limit to that, and I think there has to be some determination, some separation, some classification of what logically is Federal and what is not.

I know that is not an easy thing to do, but I am getting more and more concerned about the fact that you set up these programs and any time they want some economic activity, why, we call it something and get some Federal. And that really is not the basic purpose of it. So I understand what you are saying and appreciate it.

Now, the funding. When you assist somewhere then, does the Park Service or someone take on a responsibility for continuing to fund that, or is it the original costs or both, or how does that work?

Mr. NAU. Well, let me give my experience in Texas, where we put this type of program together to great success. We used no Federal money. As a matter of fact, it was less than \$100,000 of State funding to kick off this program.

I think now I understand what your original question was. You do not need to continue to feed this type of program. The revenues that are generated from the tourists, the heritage tourists that will come into those communities, in many, many respects, Mr. Chairman, will generate the revenue to integrate the local resources and the Federal resources.

It is a big, big number. Heritage tourists by the year 2005 are going to be a \$200 billion business in this country. In Texas, for

every dollar the State has invested we have a documented \$23 return. So it is a good business.

The only program that we are pushing forward here is just to raise the level of awareness of the benefits of heritage tourism. There is very, very—as far as our bill is concerned, there is no new money to generate this program.

Senator THOMAS. Thank you very much.

Senator Akaka.

Senator AKAKA. Mr. Nau, I want to congratulate you and commend you for what you are doing for the communities across the country. I particularly want to ask about solicitations and would like to follow up on the proposal to give the advisory council authority to solicit donations. Can you explain to me what it is that you cannot do now and why the advisory council needs authority to solicit donations?

Mr. NAU. Certainly, Senator. Right now we can receive donations. Again, based on experience in Texas, going to what Senator Talent said on the courthouse program, when you create these partnerships and you begin to talk to the community or the State or private sector about the benefits, that they will accrue from creating heritage tourism programs. Many times you find people that want to step forward, be it corporations, individuals, or foundations, that are interested in helping their community or their courthouse or their program, and you are in an embarrassing situation where you are sitting at the table talking about the program, they want to be able to provide some resource to you, either time or money, and you cannot solicit it.

It is a fine line between accepting and soliciting when you are sitting there and promoting and selling a program. I would not want to be in the position of being accused of soliciting when I am selling it and somebody wants to give it to me. That is the reason for it. I would certainly not want to get out and get in competition with the National Trust or any, Historic Hawaii or anyone like that. It is more being able to accept what I am selling.

Senator THOMAS. Senator Talent, do you have any questions?

Senator TALENT. Just briefly, Mr. Chairman.

As I understand it, the idea here is to—we are not changing the standards for what is designated as an historic site or anything like that.

Mr. NAU. No.

Senator TALENT. And the idea is instead, if a community—and this is very common in Missouri—has for example Civil War battlefields, cemeteries that are already of historic significance, and so if the council, either in connection with an application to be designated an historic site or otherwise, helps the tourism department and local authorities in linking up, providing services to prospective tourists, so that they may want to plan a trip and visit the battlefield, visit the cemetery, visit the courthouse, and this of course helps generate the kind of revenue that we then need to maintain these historic sites, and the council helps facilitate that; is that really what you are talking about?

Mr. NAU. That is correct. There are 26 States that have some form of heritage tourism program, which means there are 24 that do not. Our job here is to simply point out the benefits. As you ex-

plained, Senator, taking St. Louis, if there would be a way to move just 10 percent of the people that go through that national park arch and take them out 20 or 30 miles to St. Charles or other historic sites, that is what the purpose of this is.

It is not to add any more inventory. It is to point out the assets and integrate them into programs, so that the rural communities, where the biggest opportunity is, have the biggest benefit.

Senator TALENT. I really want to congratulate you on that, because, as is often the case, there has been a lot of work being done in this area, both by various Federal agencies, local foundations, State governments, and yet they are often not working together and so we lose a lot of the benefits, both in terms of the history of local communities and also in terms of tourism. The two are linked, as you pointed out, because if it is sustainable from a tourism standpoint then it really helps in maintaining these buildings.

So you made the council really—I think this is what it was designed to do, as a kind of facilitator, mediator, agency that puts partnerships together, and you are already doing that; that is correct, is it not?

Mr. NAU. Yes, sir. Thank you.

Senator TALENT. I thank you, Mr. Chairman.

Senator THOMAS. Thank you.

Well, thanks to all of you for coming and we appreciate it and we will look forward to working with these bills and see if we can move them forward. Thank you so much. There may be other questions in the next few days. If there are, I hope you will respond.

The committee is adjourned.

[Whereupon, at 3:45 p.m., the hearing was adjourned.]

## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS,  
*Washington, DC, July 29, 2004.*

Hon. CRAIG THOMAS,  
*Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed are answers to the follow-up questions from the hearing held by the Subcommittee on National Parks on June 8, 2004, on S. 931, S. 1678, S. 2140, and S. 2237. These responses have been prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on this matter.

Sincerely,

JANE M. LYDER,  
*Legislative Counsel.*

[Enclosure.]

#### QUESTIONS FROM SENATOR THOMAS

##### S. 931, FEDERAL LAND RECREATIONAL VISITOR PROTECTION ACT OF 2003

*Question 1a.* According to S. 431, “the Secretary shall apportion the amount of funds made available for the fiscal year among States with avalanche zones based on the ratio that the total area of avalanche zones located in each State bears to the total area of all avalanche zones in all States.” Could you explain “avalanche zones” and the breakdown by state of the area occupied by avalanche zones?

Answer. “*Avalanche zones*” can best be defined as treeless areas between 30-45 degrees that include open slopes, gullies and bowls. There currently is no nationwide inventory of “avalanche zones” To gather this information will be problematic. The number of avalanche zones as defined might be roughly calculated using Geographic Information Systems or a similar technology but that work has not been completed on a state-by-state basis.

The term avalanche zone, in the context of the bill, appears to be independent of the avalanche hazard, or risk to the public. A more robust measure of the avalanche potential of each state would also include the number of people exposed to avalanches by these “avalanche zones” or to factor in the number of fatalities by state. Another alternative would be to allow the advisory committee to establish criteria or priorities to direct funding where it is most needed and will be used most efficiently.

*Question 1b.* How much of the area occupied by avalanche zones is on National Park Service land and how much is on Forest Service land?

Answer. Since a mapping of avalanche zones has not occurred on a national basis, there are no figures to determine how many acres are on National Forest System lands versus National Park lands. There are countless avalanche zones on NPS lands and FS lands. At issue is how many of those zones pose a threat to visitors, and transportation corridors.

*Question 1c.* How much could each state expect to get if the annual appropriation is \$10 million?

Answer. It is difficult for the NPS to calculate the split among states; however because of the size, the amount of Federal lands, and the topography of Alaska, and

using the definition of an “Avalanche Zone”, Alaska would likely receive the majority of funding. However if statistics on the number of fatalities per state were to be used, Colorado would likely receive the most funding with Alaska close behind.

*Question 2.* What is DOI’s role in the existing avalanche monitoring program and what is the department’s annual operating budget for the program?

Answer. Of the agencies within DOI, we believe NPS has the greatest involvement, providing limited funding of approximately \$27,000 to the national avalanche program and raw data to the Forest Service’s National Avalanche Center such as snow depth, wind direction etc. In addition, the NPS expends operational dollars in the following parks to maintain/monitor and protect the visitor and employee from the threat of avalanches.

**YELLOWSTONE NATIONAL PARK**—The Road Crew provides mitigation/control work to several of the winter passes. These services are built into their core program.

**GLACIER NATIONAL PARK**—The Road Crew provides mitigation/control work to the winter opening of the Going to the Sun Road.

**YOSEMITE NATIONAL PARK**—During spring road opening of the Tioga Pass, Yosemite National Park maintains a staff of two Avalanche Forecasters, who provide training, site monitoring and mitigation/control work that supports the road crew—The park expends approximately \$30,000 annually for the monitoring and mitigation work.

**MT RAINIER/OLYMPIC AND NORTH CASCADES NATIONAL PARKS**—These three parks collectively contribute \$27,000 annually to the Pacific Northwest Avalanche Center. In return the Avalanche Center provides the park with winter and spring forecasting and training services (limited to awareness courses).

Several other parks have absorbed the cost of avalanche forecasting and limited control work into their base-operating budget.

#### S. 1678, UTAH RESEARCH AND CURATORIAL CENTER ACT

*Question 3.* How are artifacts from Dinosaur National Monument currently stored?

Answer. The collections are currently stored in 11 different facilities throughout the park, including at the Quarry Visitor Center, in sheds, in garages, in the basement of the park headquarters building, and numerous other locations. Of the 957 museum standards currently applicable to the park, the park meets approximately 50% of them.

*Question 4.* The following questions pertain to funding for construction and operation of a curatorial facility for Dinosaur National Monument:

*Question 4a.* Approximately how much will it cost to build the curatorial facility?

Answer. In FY07 dollars, \$8.8 million for 22,500 square feet.

*Question 4b.* What is the anticipated annual operating expenses?

Answer. \$300,000 per year.

*Question 4c.* How many employees will be required to run and support the facility (researchers, security, maintenance, etc.)?

Answer. A minimum of 5 permanent employees will be required to operate and maintain the Uintah Research and Curatorial Center. Dinosaur National Monument will move 3 existing permanent employees to the building (Curator, Paleontologist, and Geologist). In addition to these 3 employees, a minimum of 2 other permanent employees will be needed to operate the Uintah Research and Curatorial Center, including an Administrative “technician and a Maintenance Mechanic.

*Question 4d.* Will the entire staff consist of government employees or would the NPS outsource any positions at the facility?

Answer. Several options exist regarding the 2 additional positions that are needed to operate and maintain the Uintah Research and Curatorial Center. Federal employees could fill these two positions, State of Utah employees could fill them, or the work could be contracted.

#### S. 2140, EXPANDING AND MAKING MOUNT RAINIER NATIONAL PARK MORE ACCESSIBLE ACT

*Question 5.* How much has the National Park Service spent in the past 10 years to repair and maintain the portion of road affected by S. 2140? How much do you estimate the National Park Service would spend during the next 5 to 10 years if S. 2140 is not enacted?

Answer. The National Park Service has spent about \$785,000 during the last 10 years to repair the portion of the Carbon River Road that frequently washes out. Of that amount, \$750,000 was spent on the major 1998 repair that lasted only one month because the road was again damaged by a flood.

While we cannot predict how much damage will occur to the road during the next five to ten years, on the basis of recent weather patterns and the erosion of natural barriers between the river and the road, we anticipate spending about \$175,000 to \$230,000 during that period if a decision was made to keep the road open to vehicular traffic for access to the existing Ipsut Creek campground. Current repairs needed to open the road for two-way traffic would cost about \$125,000. Annual repairs would be about \$5,000 and, every fifth year, about \$35,000. That would bring the total to \$175,000 for five years and \$230,000 for ten years.

*Question 6.* How will the number of campsites and picnic sites be affected by S. 2140?

Answer. Currently, there are 29 campsites and a picnic area at the Ipsut Creek Campground. Eventually, unless a decision is made to continue repairing the Carbon River Road, these facilities will not be accessible by automobile. They are already inaccessible by vehicle when the road floods. The park plans to continue to operate the campground for visitors who hike or ride bicycles to the site.

If S. 2140 is enacted, and if funds are made available for the National Park Service to acquire the new area added to the park by the legislation, plans call for development of 50 auto-accessible campsites and three picnic areas.

*Question 7.* How much do you expect the acquisition and construction to cost? Do you expect to use any transportation funds to complete the road portion of the project?

Answer. We estimate that acquiring the land will cost about \$3 million to \$6 million and developing it for visitor and administrative use, about \$4.8 million. In the future, we expect only minor repairs to be made to the portion of the Carbon River Road that leads to the Ipsut Creek Campground, just enough to provide substandard access. It is likely that the funding for those repairs would come from in-park funds redirected from other park operations or the NPS repair and rehabilitation budget.

S. 2287, JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE  
BOUNDARY ADJUSTMENT ACT OF 2004

*Question 8.* A portion of the land being acquired by the National Park Service is currently administered by the Army Corps of Engineers. Will the Corps continue to have any need for access or be involved in any way with future management and use of the land?

Answer. It is our understanding, based on conversations with the Corps that, once the transfer takes place, they would have no further need for access or to be involved in management of the property.

*Question 9.* What is the anticipated cost to complete the proposed land acquisition?

Answer. There would be no costs associated with the acquisition of the federal lands. Of the 521 acres of private land added to the boundary, about 250 acres would have no additional costs because they are already owned by the National Park Service. Another 485 acres of wetlands would cost an estimated \$170,000. The remaining 86 acres that are not wetlands have not been appraised and NPS does not anticipate acquiring these lands at this time. However, in the past NPS has paid between \$10,000 and \$80,000 per acre for comparable land within the boundary. These lands are expected to be at the lower end of that range and if a figure of \$25,000 per acre is used the total cost for the entire 86 acres would be \$2.1 million.

*Question 10.* Has the National Park Service surveyed the land for possible hazardous waste?

Answer. Yes, a Level I hazardous waste assessment has been completed. No hazardous materials were found.

S. 2469, NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS ACT OF 2004

*Question 11.* Will S. 2469 allow the Advisory Council to streamline the process for section 106 consultation or reduce the time required to complete the consultation process?

Answer. This bill does not directly amend section 106 of the National Historic Preservation Act. Recent revisions to 36 CFR 800 have addressed streamlining the consultation process under section 106 and reduce the time required. This bill seeks to improve Council administration and operational efficiency and to ensure the Council better serves Federal agencies and the Council's stated purposes apart from the Section 106 process.





APPENDIX II  
Additional Material Submitted for the Record

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March 3, 2004

Hon. MARIA CANTWELL,  
*Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR SENATOR CANTWELL: As business and community leaders from the Mount Rainier National Park region, we recognize the significant role that the national parks play in our local economies. We appreciate your dedication and support for this park's protection and proper funding. We particularly support your efforts to improve and expand Mount Rainier National Park through such actions as the 800-acre Carbon River Valley boundary expansion, addressing the park's maintenance backlog, and fully funding the park's day-to-day operations.

Healthy and vibrant national parks are good for business. Washington state's national parks are prime examples of how conservation can enhance the economies of surrounding communities. According to an economic model developed by researchers at Michigan State University, more than 7 million visitors to ten Washington national park sites in 2001 spent a total of \$204,500,000. This supported 5,362 jobs and generated more than \$87 million worth of wages, salaries, and payroll benefits. Mount Rainier National Park alone generated roughly \$30 million in total visitor spending and 776 jobs. In local restaurants and bars, Mount Rainier visitors generated \$6.75 million in sales. Visitor spending at lodging facilities produced another \$5.5 million.

As Mount Rainier National Park enters its second century of existence, it is more important than ever that Congress invest in the park's maintenance, protection, and operations. Investing in our national parks returns even greater benefits for our local communities and economies.

Thank you for your continued support for national park protection and funding.

Sincerely,  
John W. Ladenburg,  
*Executive,  
Pierce County, WA.*  
RUTHIE REINERT,  
*Executive Director,  
Tacoma Regional Convention &  
Visitors Bureau.*  
STEVE LEAHY,  
*President and CEO,  
Gr. Seattle Chamber of Commerce.*  
CATHY RIGGS,  
*Executive Director,  
Enumclaw Chamber of Commerce.*  
DAVID GREYBILL,  
*President and CEO,  
Tacoma-Pierce Chamber of Commerce.*  
MARK BAUER,  
*Administrator,  
City of Enumclaw, WA.*  
ALLAN ZULAUF,  
*Chairman,  
Puyallup Watershed Council.*  
STEVE MILLER,  
*President,  
Mount Rainier Business Association.*

NANCY NEYENHOUSE,  
*Conservation Chair,  
The Mountaineers.*  
JEREMY FOUST,  
*Manager,  
Summit Haus.*  
DENIS MADSEN,  
*President and CEO,  
Recreational Equipment Inc.*  
JOAN MILLER,  
*President,  
Wilkinson Historical Society.*  
PETER WHITTAKER,  
*Owner,  
Rainier Mountaineering Inc. /  
Summit Haus.*  
KEVIN MCCARTY,  
*General Manager,  
White Pass Ski Area.*  
LOU WHITTAKER,  
*Owner,  
Rainier Mountaineering Inc.*  
JOHN KEATES,  
*Parks & Recreation Director,  
City of Enumclaw, WA.*

STATEMENT OF HEATHER WEINER, DIRECTOR, NORTHWEST REGION,  
NATIONAL PARKS CONSERVATION ASSOCIATION, ON S. 2140

Chairman Thomas, Ranking Member Akaka, Senator Cantwell and other honorable members of the committee, thank you for the opportunity to provide testimony in support of S. 2140, to extend the boundary of Mt. Rainier National Park. I am the Director of the Northwest Region of the National Parks Conservation Association (NPCA), which is the only national, nonprofit conservation organization that advocates exclusively for the national parks. Through public education, advocacy, and citizen outreach, NPCA works to protect, preserve, and enhance America's National Park System for present and future generations. Established in 1919 by a former park superintendent, today we have more than 12,000 members in Washington and Oregon, and more than 300,000 members nationwide.

The Mount Rainier Boundary Adjustment Act, S. 2140, will add approximately 800 acres of the Carbon River valley to this century-old national park. A large coalition of business owners, chambers of commerce, local governments, and gateway community members join NPCA in supporting Senator Cantwell's bill. A letter from these community members is included with this testimony.

Congresswoman Jennifer Dunn, along with most of the Washington delegation, introduced a companion bill, H.R. 265 and this bill passed the House on June 1, 2004.

We support S. 2140 for many reasons. Primarily, the boundary extension will save taxpayer dollars by preventing the need for road repairs after seasonal washouts along the Carbon River. (The last major washout was in February 2003). S. 2140 will conserve one of Washington's last inland rainforests, with tumbling rivers, reflective lakes, and stunning views. It will also protect Mount Rainier's foothills from encroaching development, salmon habitat loss, and further strain on its natural resources. By improving visitor access and campgrounds in the under-utilized northwest section of Mount Rainier National Park, this bill is good for business, and good for Washington State.

Mt. Rainier National Park hosts some 1.3 million recreational visits annually. These visitors spent \$29.34 million in 2001, supporting some 776 jobs in the communities outside the park. Senator Cantwell's bill will help increase those dollars and jobs by increasing economic opportunities in near-by gateway communities such as Enumclaw, Wilkeson, Burnett, South Prairie, Carbonado, and Puyallup.

NPCA believes the best way to improve Mount Rainier National Park is to protect its foothills and to provide visitors with improved access to all park entrances. The 236,000-acre National Park is quickly becoming a biological island surrounded on the west by suburban development. The park's proximity to Seattle, Tacoma and Portland invites more than 1 million visitors annually, most arriving in June, July, and August. Traffic jams, air pollution from idling cars, and frustrated visitors clog the Nisqually entrance to the park; in fact, almost half of all park visitors (46%) use the Nisqually entrance. Mt. Rainier National Park, after a 5-year public planning process, recommended improving visitor access through the Carbon River entrance to the park by extending the boundary.

Unfortunately, time is running out for the Carbon River Valley. The willing land sellers (Thompsons, Marshes and Plum Creek) have received other offers to buy, and develop, the valley. Although the two families, and Plum Creek, want their properties to become part of this icon park, they all face strong pressures to sell to resort and housing developers.

On behalf of our coalition of businesses, chambers of commerce, local governments and community leaders, NPCA thanks you for considering this bill and urges the U.S. Senate to approve this bill.

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STATEMENT OF COALITION TO RESTORE COASTAL LOUISIANA, ON S. 2287

My name is Mark Davis. I am the executive director of CRCL, which has its offices in Baton Rouge, Louisiana. On behalf of the Coalition to Restore Coastal Louisiana (CRCL) I would like to thank Senator Mary Landrieu for authoring this important bill and I would also like to thank Subcommittee Chairman Thomas and the other members of the subcommittee for this opportunity to present testimony in strong support of S. 2287. CRCL is a non-profit, non-partisan education and advocacy organization was formed in the mid 1980s by conservationists, local governments, business, environmentalists, civic and religious organizations who shared a concern about the fate of the greatest coastal wetland and estuarine complex in the 48 contiguous United States and commitment to the responsible stewardship of those natural treasures.

On a personal note, I am also one of the many people who enjoy the beauty and educational opportunities of the park. There simply is not another place like this

where the history and natural heritage of the great Mississippi River delta are so accessible and visible. It is a true treasure that enriches us all.

The bill before you today provides an opportunity to expand that treasure, the Barataria unit of Jean Lafitte National Historical Park and Preserve. Located about one half hour from downtown New Orleans, the preserve provides a window for exploration of America's most productive and threatened wetland ecosystem—the vast coastal and estuarine marshes and swamps of the Mississippi River delta. No other national park protects and interprets a representative sample of coastal Louisiana. The location of the Barataria unit is convenient not only to the citizens of New Orleans and southeast Louisiana, but also to the millions of American and foreign tourists who visit New Orleans and south Louisiana. This is the one place where they can get a glimpse of this great resource by walking a system of park service trails and boardwalks, canoeing along quiet bayous, and being guided by a ranger through the park's interpretive programs.

This bill makes possible something that is all too rare—the expansion of a national treasure at no cost and with no impact on unwilling private property owners.

The bill transfers to the park land already in Federal ownership, already paid for by the American taxpayer. This is as it should be. Having paid dearly for the purchase of these wetlands, the American people have a right to gain access to these lands, and to see them managed by the National Park Service for the public good. These lands came into Federal ownership as a result of the settlement of two lawsuits brought by landowners against the United States. The issues adjudicated in those lawsuits: the desire of property owners to profit from the development of wetlands; the desire of the public to see those wetlands protected for their greater societal values; and the optimal location of federally sponsored hurricane protection levees to separate development from the dangers of flooding, are all important issues. These issues go to the heart of our struggle as a nation to balance competing interests when it comes to protecting wetlands and people at risk-at risk because they live in wetlands near the coast. In this case, those issues were settled when the lawsuit was settled. The hurricane levee excluded these wetlands, the property owners have received compensation, and its time now to add these properties to the park. Doing so will open them to visitation by the public for a multitude of purposes, including hunting, fishing, canoeing, viewing wildlife, and interpretation.

Transferring these properties to NPS management will also enhance opportunities for partnerships between the park and Jefferson Parish. The location of the Barataria unit literally right next to the hurricane levee and the subdivisions it protects provides unique challenges and unprecedented opportunities. The park is working with the parish to find creative solutions for problems faced in every urban-wetland interface: storm-water run-off, sewage discharge, wetland restoration, and other issues. By having more of that interface between the levee and development in park management, there will be fewer landowners to satisfy as solutions are devised. Devising solutions for these issues is critical to the future health of our estuaries, and the parish and the park are committed to working together to find those solutions.

The levee corridor that separates much of the park from developed areas has already been identified by local elected officials and the Corps of Engineers as a potential recreational greenspace and trail corridor, linking communities together and to the park beyond. Adding these properties enhances the ability of the park and the West Jefferson Levee District to work cooperatively towards this goal, without the potential impediment of intervening non-NPS properties.

The new boundary proposed in this bill includes within it several tracts of private property. These properties were either excluded from the original lawsuits on technical grounds, or are non-wetlands, or are, in a few cases, portions of wetland tracts that overlap the existing boundary line, leaving small parcels and a difficult to manage boundary. The interests of these owners are protected by the legislation as written. Those that desire to sell may do so if Congress appropriates the funds from Land and Water Conservation Fund at some future date and if a price can be mutually agreed upon. Those that desire to maintain their ownership are free to do so.

State property to be included within the new boundary, the Highway 3134 right-of-way or the levee rights-of-way, will continue in state ownership and management. Including it within the boundary enhances opportunities for cooperative management, law enforcement and boundary patrol.

In closing, let me just say that the expansion of the Jean Lafitte National Historical Park and Preserve will be as one of the great gifts of our generation to the generations that follow. We enthusiastically support the expansion of the park as called for in this bill.

STATEMENT OF EDWARD F. SANDERSON, PRESIDENT, NATIONAL CONFERENCE OF  
STATE HISTORIC PRESERVATION OFFICERS, ON S. 2469

The National Conference of State Historic Preservation Officers supports S. 2469 amending Title 11 of the National Historic Preservation Act improving the operation of the Advisory Council on Historic Preservation (ACHP).

INTRODUCTION

The National Conference has a direct interest in the ACHP for two reasons.

1. The National Conference is, by statute, a voting member of the ACHP.
2. The members of the National Conference-the State Historic Preservation Officers carry out 98% of the work involved in complying with the ACHP's regulations implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

The vitality of the ACHP is directly related to the daily work of the State Historic Preservation Officers.

COUNCIL MEMBERSHIP

Under President Bush, historic preservation has received an unprecedentedly high level of attention in the federal government. As the President's appointee as Chairman, John L. Nau, III, has aggressively implemented the Administration's policy. One outcome is the growing interest among federal agencies to participate in historic preservation activities and to be voting members of the ACHP. Adding more federal agencies to the Council will benefit both the conservation of America's heritage and communication among agencies concerning the balance of historic preservation values and agency development projects.

Increasing the quorum from nine members to eleven is a logical accompaniment to the increase in membership.

FINANCIAL SERVICES

The Council is a small agency with a limited budget. It needs to be able to find the most effective means to handle administrative services. This Section will allow the Council to identify a cost effective deliverer of these services.

DONATION AUTHORITY

The additions to the Council's donation authority language should make it easier for the private sector Council Members to solicit donations for important historic preservation activity.

APPROPRIATION AUTHORIZATION

The Council has proved its worth over the past four decades. Elimination of the necessity for reauthorization and of a budget ceiling is appropriate.

HISTORIC PRESERVATION FUND AUTHORIZATION

In closing, I would also like to bring to the Committee's attention that the authorization for deposits from the proceeds of off shore oil lease revenues into the Historic Preservation Fund (16 U.S.C. 470h) expires at the end of FY 2005. I am pleased to note that Rep. Hefley has introduced H.R. 4443 in the House, which will extend the authorization through 2010. The National Conference is working on the introduction of a companion bill in the Senate and hopes the Committee will support reauthorization through 2010.