

CURRENT NATIONAL PARKS LEGISLATION

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

S. 553	S. 800
S. 916	S. 1057
S. 1209	S. 1281
H.R. 161	H.R. 247
H.R. 376	

MAY 15, 2007



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CURRENT NATIONAL PARKS LEGISLATION

TUESDAY, MAY 15, 2007

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

The subcommittee met, pursuant to notice, at 3:05 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

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

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

I would like, to begin with, to receive your statement first. So I ask Senator Feinstein, before my statement, to proceed with your statement at this point in time.

STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Senator FEINSTEIN. Well, thank you very much, Mr. Chairman. I very much appreciate that courtesy. I would like you to know that I make this statement on behalf of my colleague Senator Boxer, who is on the floor handling the bill.

Mr. Chairman, this legislation aims to protect—and this is the second year we have been here for this. This legislation was passed out of this subcommittee last year. Its aim is to protect the spectacular, rugged, and truly unique habitat of Santa Rosa Island for the enjoyment of the public by clarifying the future use and management of the park.

Santa Rosa is approximately 53,000 acres. It lies 50 miles west of Ventura Harbor in southern California. It is the second largest of the five islands making up the Channel Islands National Park. It is unspoiled, ecologically sensitive, has terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches.

In 1986—and this is the key—the taxpayers paid the Vail & Vickers Company approximately \$30 million to acquire this island to restore its native ecology and provide public access. In 1997 there was a court-approved settlement that stipulated that Vail & Vickers had to remove the non-native deer and elk herds from the island by 2011. This is because from mid-August through mid-November about 90 percent of the island is closed to the public—so despite the fact it is a national park, it is closed to the public—so

that trophy hunts targeting non-native deer and elk can take place. Some of those trophies are as much as \$16,000 for a head.

I believe that the limitation of public access to this island would be a mistake. This is, after all, the public's land. It is a national park. The public should be able to visit. That is why we introduced this legislation.

Late last year, Congressman Hunter added a provision to the 2007 defense authorization bill that essentially stated this: The Secretary of the Interior shall immediately cease the plan approved in the court settlement agreement, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

The goal of this legislation that Senator Boxer and I have introduced is simply to repeal this provision; no more, no less.

Now, let me clarify some misconceptions about the bill. The National Rifle Association and a number of other groups have contended that the bill would seek to end hunting on Santa Rosa by 2011—hunting that would otherwise continue. This is incorrect. The court-approved settlement requires the hunting to end by 2011 and the Duncan Hunter provision I just read does nothing to alter the end date for the hunting.

This is not just my view; it is the interpretation of the National Park Service Director Mary Bomar in an April 2007 letter to Congresswoman Capps, which I ask, Mr. Chairman, be added to the record.

Senator AKAKA. It will be included in the record.

Senator FEINSTEIN. Thank you.

Instead of altering the 2007 end date for hunting on the island, Congressman Hunter's provision addresses the question of how the existing deer and elk on the island are to be removed. These animals are the private personal property of the Vail & Vickers Company and it is up to the company to remove them from Santa Rosa Island per the settlement agreement.

The National Park Service has made it clear that no plan for the extermination of the deer and elk has been presented to them or internally generated. While the settlement agreement seems to suggest that the Park Service might help in sharing unusual costs related to the removal, the provision in last year's defense authorization bill may well prevent the Park Service from assisting in this process.

I have been informed by the National Park Service that should the Vail & Vickers Company request their assistance to remove the animals they would be willing to provide guidance on removing the herds, including potential non-lethal options of transporting the deer and elk off the island. For my part, I stand ready to work with the National Park Service on this issue if its assistance is requested.

The settlement agreement declares the deer and elk again to be the private property of Vail & Vickers and it says the method of removal must be decided by the owners. So this is up to them. Thus, contrary to the suggestion of opponents of this bill, there is nothing in this legislation requiring the mass culling of non-native deer and elk off the island.

Originally Congressman Hunter said the goal of his language was to provide enhanced hunting opportunities for disabled veterans. The problem is the island is not suitable for paralyzed veterans, and as a matter of fact the Paralyzed Veterans of America in July 2006 went over to see if it was, and they reached the conclusion that, "Numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety, and cost, far outweigh the possible limited benefit it could provide."

I ask that a copy of this statement be entered into the record as well.

Senator AKAKA. It will be included in the record.

Senator FEINSTEIN. Additionally, I want to make clear that both Senator Boxer and I fully support the settlement agreement. Nothing in this bill would prevent hunting on the island from continuing through 2011, as it is allowed to in the settlement agreement.

I also believe that the Park Service should continue managing this national park for the benefit of the general public. This legislation would safeguard Santa Rosa Island in just this manner. I think to allow anything less is a waste of taxpayer dollars. Remember, that island was purchased by the Federal Government for a national park from Vail & Vickers.

So I thank the committee and I ask you for your support on the bill.

[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Chairman Akaka, Senator Thomas (Ranking Member), and Members of the Subcommittee—let me thank you for the opportunity to testify before you on S. 1209, the "Channel Islands National Park Management Act." My cosponsor Senator Boxer sends her strong support for the bill and her regrets that she can't be here due to her responsibilities for managing the WRDA legislation on the floor.

This legislation protects the spectacular, rugged, and truly unique habitat of Santa Rosa Island for the enjoyment of the public by clarifying the future use and management of the Park.

For those who may not know, Santa Rosa Island is approximately 53,000 acres and lies 50 miles west of Ventura Harbor. It is the second largest of the five islands making up the Channel Islands National Park.

It is unspoiled and ecologically sensitive with terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches.

In 1986, the taxpayers paid the Vail and Vickers Company approximately \$30 million to acquire Santa Rosa Island in order to restore its native ecology and provide public access.

Later, in 1997, a court-approved settlement agreement stipulated that Vail and Vickers had to remove the non-native deer and elk herds from Santa Rosa by 2011.

This is because from mid-August through mid-November, about 90 percent of the island is closed to the public so that trophy hunts targeting non-native deer and elk can take place.

I believe the continued limitation of public access to the island would be a mistake. This is the public's land. It's a national park, and the public should be able to visit it and enjoy its breath-taking beauty and remoteness year round. That is why we introduced this legislation—to clarify that the settlement agreement restoring full public access to the island by 2011 can be implemented without ambiguity or complication.

Late last year, Congressman Hunter added a provision to the FY07 Defense Authorization bill that states the following:

The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island,

Channel Islands, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

The goal of my legislation is simply to repeal this provision—no more and no less. Let me clarify some misconceptions about my bill. First of all, the National Rifle Association and a number of other groups have contended that the bill would seek to end hunting on Santa Rosa Island by 2011, hunting that would otherwise continue.

This is incorrect. The court-approved settlement agreement requires the hunting to end by 2011, and the Duncan Hunter provision that I just read does nothing to alter this end date for the hunting. This is not just my view—this is the interpretation of National Park Service Director Mary Bomar in an April 2007 letter to Congressman Capps, which I ask be included in the record.

Instead of altering the 2011 end date for hunting on the island, Congressman Hunter's provision addresses the question of how the existing deer and elk on the island are to be removed.

These animals are the "private personal property" of the Vail and Vickers Company, and it is up to the company to remove them from Santa Rosa Island per the settlement agreement.

The National Park Service has made it clear that no plan for the "extermination" of the deer and elk has been presented to them or internally generated.

And while the Settlement Agreement seems to suggest that the Park Service might help in sharing "unusual costs" related to the removal, the provision in last year's Defense Authorization bill may well prevent the Park Service from assisting in this process.

I have been informed by the National Park Service that should the Vail and Vickers Company request their assistance to remove the animals, they would be willing to provide guidance on removing the herds, including potential non-lethal options of transporting the deer and elk off the island. For my part, I stand ready to work with the National Park Service on this issue if its assistance is requested.

The settlement agreement declares the deer and elk to be the private property of Vail and Vickers and says the method of removal must be decided by the owners.

Thus, contrary to the suggestion of opponents of the bill, there is nothing in this legislation requiring the mass culling of the non-native deer and elk population on the island.

Originally Congressman Hunter said the goal of his language was to provide enhanced hunting opportunities for disabled Veterans.

While we all support providing hunting opportunities for our Veterans, it is clear that it is neither a practical nor viable option to use Santa Rosa Island as a hunting reserve for injured and disabled veterans.

This is not just my view, but also the view of the Paralyzed Veterans of America.

In July 2006, following an investigative visit to Santa Rosa, the Paralyzed Veterans of America reached the conclusion that the "numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide." I would ask that a copy of this statement be inserted in the record.

Additionally, I want to make clear that I fully support the settlement agreement. Nothing in this bill would prevent hunting on the island from continuing through 2011, as it is allowed to in the settlement agreement.

In conclusion, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public. This legislation would safeguard Santa Rosa Island in just this manner. To allow any less would be a waste of taxpayer dollars and wrongly limit the public's access to this national treasure.

I thank the Committee and ask for your support for this bill.

Senator AKAKA. Thank you very much, Senator Feinstein. Thank you for your statement.

Senator FEINSTEIN. Thank you.

Senator AKAKA. Thank you so much.

Senator FEINSTEIN. May I be excused to go to that—

Senator AKAKA. You certainly may.

Senator FEINSTEIN. Thank you very much.

Senator AKAKA. Thank you for being here.

Senator FEINSTEIN. I appreciate that. Thank you.

Senator CRAIG. Mr. Chairman, before the Senator leaves—

Senator AKAKA. Senator Craig.

Senator CRAIG. I just wanted to make a comment. The three of us were up here discussing a field trip to the island some time in late summer with camo and hunting gear.

Senator FEINSTEIN. You would.

[Laughter.]

Senator CRAIG. No, we would like to have you go with us.

Senator FEINSTEIN. Actually, I would like to go to the island. I accept.

Senator CRAIG. There you go. Thank you.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Feinstein. You are excused.

Senator FEINSTEIN. Thank you.

Senator AKAKA. The purpose of the hearing is to consider the following bills: S. 553, Senator Dodd's bill to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System;

S. 800, Senator Schumer's bill to establish the Niagara Falls National Heritage Area in the State of New York;

S. 916, Senator Craig and Senator Cantwell's bill to modify the boundary of the Minidoka Internment National Monument, and for other purposes;

S. 1057, Senator Byrd's bill to designate certain segments of the New River in the States of North Carolina and Virginia as components of the National Wild and Scenic Rivers System;

S. 1209, Senator Feinstein's bill to provide for the continued administration of Santa Rosa Island, part of the Channel Islands National Park, in accordance with the laws, regulations, and policies of the National Park Service;

And S. 1281, Senator Thomas's bill to designate certain rivers and streams of the headwaters of the Snake River in Wyoming as additions to the National Wild and Scenic Rivers System.

We also have three House-passed bills on the agenda:

H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include a memorial on Bainbridge Island, Washington;

H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former member of the House of Representatives;

And H.R. 376, to authorize a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or other appropriate designation.

As you can see, we have a very ambitious agenda today. Based on the written testimony the committee has received, I believe most of these bills will be noncontroversial. I will work with the bills' sponsors and Senator Thomas on any necessary amendments so that they can be ready for full committee markup as soon as possible.

We do have opposing views on the bill S. 1209, Senator Feinstein's bill addressing the management of Santa Rosa Island, California, which is part of the Channel Islands National Park. Last

year language was included by the House of Representatives in the defense authorization bill to modify the management of Santa Rosa Island with respect to deer and elk on the island that are managed under a court-approved settlement agreement.

The provision was included outside of the committees of jurisdiction and was opposed by both the California Senators and the Congresswoman in whose district the park lies. In response to that proposal, this committee unanimously reported and the Senate subsequently passed a resolution urging that Santa Rosa Island be managed in accordance with the laws that govern the management of national parks.

Consistent with that resolution, I support Senator Feinstein's effort to repeal last year's rider and to clarify that this national park will be managed by the same standards that apply to all other national park areas.

I understand that there is considerable disagreement between the Park Service and the former owners of the island about the effect of the deer and elk on park resources, as well as the broader question of whether hunting should be permitted in a national park. Representatives from both the National Park Service and the Vail & Vickers Company will testify today, so we can explore those issues in greater detail.

At this time I would like to recognize the ranking member of the subcommittee, Senator Thomas, for any statement you would care to make.

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

Senator THOMAS. Thank you, Senator Akaka.

First I would like to welcome Jack Dennis from Jackson, Wyoming, who is here to testify for the scenic rivers bill. He is one of the world-famous fly fishermen, so I think that is particularly important.

Thank you for holding this hearing and for including the bill to designate the Snake River headwaters and certain tributaries as an addition to the National Wild and Scenic Rivers System. It recognizes the best free-flowing rivers in the United States by preserving the outstanding and remarkable features and values. I am proud to say that Wyoming is home to some of the cleanest and most free-flowing rivers in our Nation. So I will not take more time, but I think it is very important, this river that is headquartered right next to Teton National Park, Yellowstone National Park, the Forest Service area there, and I think it is very appropriate.

By the way, we are in the process of putting some clarifying language in so that Idaho will not have to worry about removing some of the water from the lake through the river.

Thank you for the witnesses being here and thanks for having this hearing.

Senator AKAKA. Thank you very much, Senator Thomas.
Senator Craig.

**STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR
FROM IDAHO**

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

I wanted to put in the record a statement in relation to the Minidoka National Historic Site, which is S. 916. I along with Senators Cantwell, Crapo, and Murray have introduced legislation to expand the boundaries of Minidoka Internment National Monument that was created by presidential proclamation in 2001.

Many of you may remember a dark moment in our history in 1942 during World War II. The United States forcibly removed Japanese Americans from their homes to relocation centers similar to the site in Idaho. The Minidoka camp was a temporary home for over 13,000 Japanese Americans until 1945. From that, nearly 1,000 of those internees fought in the United States military and more than 70 of them gave their lives.

S. 916 creates the Bainbridge Island Japanese American Memorial, increases the size of the Minidoka Internment National Monument, and changes the name to "Minidoka National Historic Site" and authorizes a title transfer from the Bureau of Reclamation to the American Falls Reservoir District No. 2. Additionally, this bill conveys facilities, lands, and buildings to various groups, including State of Idaho Department of Fish and Game, City of Gooding, and the National Park Service. Many of these lands and buildings are already being managed by these groups.

The process to determine the lands and purpose was widely cooperative and is supported by local constituents and the local government. This bill makes perfect economic sense for the Bureau of Reclamation, the National Park Service, as well as local communities in Idaho and Washington.

However, in working with the Senate co-sponsors, Congressmen Inslee and Simpson, with all of them, we have crafted a substitute amendment. The substitute would include the current language, along with a 128-acre Farm in a Day site. For those of you who are not familiar with the Farm in a Day concept, it was quite a community event. People from around the country would assemble and build one or more farms in a single day. This Farm in a Day site provided land for returning soldiers from World War II—and it would be a great educational site for future generations.

We have distributed copies of the substitute amendment, Mr. Chairman, to the National Park Service as well as the committee and will offer the substitute in the appropriate committee markup.

I would like to provide my statement as well as the letter dated May 4, 2007, from the Conservation Fund as a part of the record, and I thank you.

[The prepared statement of Senator Craig follows:]

PREPARED STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

I along with Senators Cantwell, Crapo, and Murray have introduced legislation to expand the boundaries of the Minidoka Internment National Monument that was created by Presidential proclamation in 2001.

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1,000 of those internees fought in the United States military and more than 70 of them gave their lives.

S. 916 creates the Bainbridge Island Japanese American Memorial, increases the size of the Minidoka Internment National Monument and changes the name to Minidoka National Historic Site, and authorizes a title transfer from the Bureau of Reclamation to the American Falls Reservoir District Number 2.

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However, in working with the Senate cosponsors and Congressmen Inslee and Simpson, we have crafted a substitute amendment. The substitute would include the current language along with a 128-acre "farm in a day" site.

For those of you who are not familiar with the "farm in a day" concept, it was quite the community event. People from around the county would assemble and build one or more farms in a single day. This "farm in a day" site provided land for returning soldiers from World War II and would be a great educational site for future generations.

We have distributed copies of the substitute amendment to the National Park Service as well as to the committee and will offer the substitute in the appropriate committee markup.

I would like to make my statement as well as a letter dated May 4th, 2007 from the Conservation Fund as part of the record.

Thank You.

Senator AKAKA. Your statement and the letter will be included in the record.

Senator AKAKA. Senator Burr.

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

Senator BURR. Thank you, Mr. Chairman.

I would also like to welcome George Santucci, who is the Executive Director of the National Committee for the New River, who lives in West Jefferson, North Carolina, who is testifying today.

North Carolina is blessed with one of the oldest rivers in the country, the New River. It's unique in that it flows south to north, as it originates in the Appalachians, flows through North Carolina and Virginia several times before heading to the State of West Virginia and creating one of the most breathtaking natural wonders in the East, the New River Gorge.

In 1976 North Carolina decided the headwaters of the New River should be protected for future generations and, in conjunction with the Department of the Interior, designated the New River as part of the National Wild and Scenic Rivers System. In the mid-1990s, the New River was the first of the Clinton Administration's proposals for American Heritage Rivers and the President and Vice President at the time went down for that ceremony.

I wish that now, over 30 years later, I felt secure that the New River was protected from environmental degradation. Unfortunately, there are some who view the New River as insignificant and essentially a dumping ground for State projects that no one else wants. Because of these actions, it is clear to me that we need to protect the New River and remind those who would do it harm that it does not belong to Virginia or North Carolina or West Virginia; it is a treasure for all Americans.

That is why I introduced this bill, so that the New River will be protected today and in the future for the people of North Carolina, Virginia, West Virginia, and for all the people in this country.

I thank the chair and I yield back.

Senator AKAKA. Thank you very much, Senator Burr.

Now we are glad to have Senator Schumer and we look forward to your statement, Senator Schumer.

**STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR
FROM NEW YORK**

Senator SCHUMER. Well, thank you, Mr. Chairman, and I want to thank you and ranking member Thomas for holding this hearing. I know you have a busy agenda, as you have outlined, so I will keep my remarks brief and ask unanimous consent that my entire statement be read into the record.

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

Senator SCHUMER. I am here to testify today in strong support of S. 800. That is the Niagara Falls National Heritage Area Act. This important legislation would designate land and thematic sites along the entire Niagara River corridor from Buffalo in the south to Lake Ontario in the north as a national heritage area. For the first 5 years of this heritage area, a Federal commission would work to implement a management plan to capture the full benefits of the natural, historic, cultural, and recreational resources of the entire Niagara Falls region. Establishing this heritage area will allow us to protect the world-class natural resources of Niagara Falls, while promoting tourism and economic development in the region.

Known all over the world, Niagara Falls is a geological wonder that has drawn visitors for more than 200 years. But the region has so much more than just the profound drama of cascading water. The Niagara corridor has played an important role in our Nation's history. Native American culture, early European exploration, the French and Indian War, the American Revolution, the War of 1812, the Underground Railroad, and the development of hydroelectric power all have strong connections to the region.

Furthermore, the Niagara River corridor abounds with scenic beauty that offers something for recreational enthusiasts of all stripes. With numerous State parks in the vicinity, hikers, fishermen, birders, hunters flock to the region to enjoy its outdoor splendor.

Despite these strong assets for tourism, visits on the U.S. side of Niagara Falls have been on the decline for several years. Too much of the New York side of the border is marked by aging Niagara Falls and blighted land. All too frequently, visitors spend far more time on the Canadian side of the falls while barely visiting the New York side. We need to reverse this trend, Mr. Chairman.

Let me be clear. The attractions and resources exist for the Niagara River corridor to become a world-class destination. But the attractions it offers lack a comprehensive unifying thread that ties the elements together in a meaningful way for the visitor. Designating the land a heritage area will help us link the existing sites of interest in a coordinated fashion, market the region effectively

and attract more visitors. It will promote collaboration among Federal, State, and local resources to help spur investment in economic development in the region.

Already a great deal of time and effort has been devoted to making this heritage area a reality. Every step of the way has been marked by significant participation and guidance from the National Park Service. In fact, it was a National Park Service employee who suggested the heritage area was appropriate for Niagara Falls when we started working on this about 6 years ago.

In 2001, at my request, an NPS reconnaissance team visited the region and recommended a congressionally authorized study to be undertaken to determine the best development strategies for the area along the Niagara River. In 2005 the Park Service completed that study. They found strong local support for the heritage area as well as the need for the resources it would offer. The report wrote that, "In order for Niagara Falls to fulfill its strategic role as a key regional attraction, it is necessary for it to upgrade the visitor experience to match the expectations of 21st century travelers."

The study concluded that, based on Niagara Falls's natural and cultural resources, the evidence of a thematic framework, the potential for effective public and private partnerships, as well as strong public support, the region met the criteria for designation as a national heritage area.

The \$10 million authorized under this Act should help Niagara Falls realize a substantial return on that investment. First and foremost, any Federal expenditure would have to be matched by State, local, or private contributions, adding millions more to the region. Second, it is estimated implementing the heritage area would attract 140,000 new visitors per year. Some estimates say that that would infuse up to \$20 million into the local economy.

The Federal commission charged with formulating a management plan represents the best of both worlds. The commission will benefit from the expertise of the National Park Service and Department of the Interior in formulating a management plan. Yet it will be comprised of local leaders familiar with the region's needs and character. That was one of the reasons we chose this, Mr. Chairman, to have the blend.

You might ask why Niagara Falls does not have any Federal designation when it is such a wonder, and it is because of this constant concern about local input and national needs. The Park Service helped us come up with this plan.

It is my understanding that the National Park Service is looking to make a few technical corrections to this bill in order to clarify the appointments process of the commission members and create an interim management review. I look forward to working with the Department and the committee to ensure this bill is satisfactory to all parties.

Mr. Chairman, in conclusion, with the summer season fast approaching—summer tourist season—we are reminded that far too many visitors only view Niagara Falls from the Canadian side. They have missed out on the history, culture, recreation, and natural beauty that are found in equal measure on the New York side. This legislation will take great strides in balancing the inequity

and help revitalize an area of our country in need of investment and economic development.

I want to thank you and ranking member Thomas for this important hearing.

[The prepared statement of Senator Schumer follows:]

PREPARED STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM
NEW YORK

Good afternoon to all the members of the Subcommittee on National Parks. I'd like to begin by giving special thanks to Chairman Akaka and Ranking Member Thomas for holding this hearing today. I know the Subcommittee has a full agenda, so I will keep my remarks brief.

I am here to today to testify in strong support of S. 800, the Niagara Falls National Heritage Area Act. This important legislation would designate land and thematic sites surrounding the entire Niagara River corridor from Buffalo in the south, to Lake Ontario in the North, as a National Heritage Area.

For the first five years of this heritage area, a federal commission would work to implement a management plan to capture the full benefits of the natural, historic, cultural and recreational resources of the entire Niagara Falls region. Establishing this heritage area will allow us to protect the world class natural resources of Niagara Falls, while promoting tourism and economic development in the region.

Known the world over, Niagara Falls is a geological wonder that has drawn visitors for more than 200 years. But the region has so much more than just the profound drama of cascading water.

The Niagara River corridor has played an important role in our nation's history. Native American culture, early European exploration, the French and Indian War, the American Revolution, the War of 1812, the Underground Railroad and the development of hydro-electric power all have strong connections to the region.

Furthermore, the Niagara River corridor abounds with scenic beauty that offers something for recreational enthusiasts of all stripes. With numerous State parks in the vicinity, hikers, fishermen, birders and hunters flock to the region to enjoy its outdoor splendor.

Yet despite these strong assets for tourism, visits on the U.S. side of Niagara Falls have been on the decline for several years. Too much of the New York side of the border is marked by aging infrastructure and blighted land. And all too frequently, visitors spend far more time on the Canadian side of the falls, while barely visiting the New York side. We need to reverse this trend.

Let me be clear: the attractions and resources exist for the Niagara River corridor to become a world class destination. But the attractions it offers lack a comprehensive, unifying thread that ties the elements together in a meaningful way for the visitor.

Designating the land a heritage area will help us link the existing sites of interest in a coordinated fashion, market the region effectively and attract more visitors. It will promote collaboration among federal, state and local resources and help spur investment and economic development in the region.

Already, a great deal of time and effort has been devoted to making this heritage Area a reality. Every step of the way has been marked by significant participation and guidance from the National Parks Service. In 2001, at my request, an NPS reconnaissance team visited the region and recommended a congressionally authorized study be undertaken to determine the best development strategies for area along the Niagara River.

In 2005, the National Parks Service completed that study which provided an extensive analysis of the area. They found strong local support for the heritage area as well as a need for the resources it would offer. The report wrote that "In order for Niagara Falls to fulfill its strategic role as a key regional attraction, it is necessary for it to upgrade the visitor experience to match the expectations of 21st-century travelers."

The study concluded that based on Niagara Falls' natural and cultural resources, the evidence of a thematic framework, the potential for effective public and private partnerships, as well as strong public support, the region met the criteria for designation as a National Heritage Area.

The \$10 million authorized under this act should help Niagara Falls realize a substantial return on investment. First and foremost, any federal expenditure would be matched by state, local or private contributions, adding millions more in investment to region. Second, it is estimated that implementing the heritage area would attract

140,000 new visitors per year. Some estimates project that this would infuse up to \$20 million into the local economy every year.

The federal commission charged with formulating a management plan represents the best of both worlds. It will benefit from the expertise and experience of the National Parks Service and the Department of the Interior in formulating a management plan. Yet it will be comprised of local leaders familiar with the regions needs and character.

It is my understanding that the National Parks Service is looking to make a few technical corrections to this bill in order to clarify the appointments process of commission members and to create an interim management review. I look forward to working with the department and the committee to ensure that this bill is fully satisfactory to all parties.

With the summer tourist season fast approaching, we are reminded that far too many visitors only view Niagara Falls from the Canadian side of the border. They have missed out on the history, culture, recreation and natural beauty that are found in equal measure on the United States' side. This legislation will take great strides in balancing that inequity and help revitalize an area of our country in need of investment and economic development. I thank the Chair and the Committee for hearing this important issue.

Senator AKAKA. Thank you very much, Senator Schumer, for your statement. Thank you.

Are there any questions?

[No response.]

Senator AKAKA. There are none. Thank you so much for being here.

I would like to include in the record a statement from Senator Dodd.

[The prepared statement of Senator Dodd follows:]

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

Chairman Akaka, Ranking Member Thomas, and members of the Subcommittee, thank you for the opportunity to testify in support of S. 553, the Eightmile Wild and Scenic River Act. I am pleased that with my friend and cosponsor Senator Lieberman I have introduced this bill to designate the Eightmile River in Connecticut a part of the Wild and Scenic Rivers System. In the House, Representatives Courtney, DeLauro, Larson, Murphy, and Shays have introduced companion legislation, and I am pleased to note that two weeks ago it was favorably reported.

I think that the fact that the entire Congressional delegation has agreed to cosponsor this legislation speaks to the broad support designation of the Eightmile River has in Connecticut. The Connecticut State Legislature expressed its support by passing Public Act 05-18, declaring it the policy of the State that the river be preserved as provided for in the Wild and Scenic Rivers act and directing the Commissioner of Environmental Protection to cooperate and assist in implementing the management plan. And, most importantly, designation is supported by the communities that will be most affected, those in the Eightmile watershed. This effort to preserve the special attributes of the Eightmile is a product of the communities' recognition of the beauty and fragility of the special place in which they live. Votes in each community were strongly in favor of designation, in part because the study process and debate allowed for many perspectives to be heard. I know of no organized opposition.

The attributes of the river that are so valued by the residents of Connecticut include its clean water, with 92% of the watershed's streamwater meeting the State's highest quality standards, and no point sources of pollution. The streams flow freely with no dams or diversions—rare in a state that has been densely populated as long as Connecticut. Eighty percent of the land area is forested. The natural streams and large areas of interconnected forest provide habitat for rare species. The study for eligibility determined that the Eightmile River watershed ranks in the 99th percentile in New England for globally rare species per unit area. The residents also appreciate a unique cultural landscape: rural, with an absence of modern development, and an abundance of colonial homes and historic churches.

The towns have begun to implement the parts of the watershed management plan that are in their jurisdiction; Congressional designation as a Wild and Scenic River

will bolster these efforts and provide the stability for ongoing long-term preservation. I thank you for your consideration and urge you to support this bill.

Senator AKAKA. At this time I would like to welcome two administration witnesses and ask you to come forward: Dan Wenk, the Deputy Director for Operations, National Park Service; and Joel Holtrop, the Deputy Chief of the Forest Service. Gentlemen, welcome to the subcommittee. Your complete written statements will be included in the hearing record, so I would ask you both to please summarize your testimony as much as possible. Once you have completed your remarks on all of the bills, we will turn to questions.

Mr. Wenk, will you please proceed?

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. WENK. Mr. Chairman, thank you for the opportunity to appear before the subcommittee to present the views of the Department of the Interior on seven bills on today's agenda.

The first bill, S. 553, would designate segments of the Eightmile River and its tributaries as components of the Wild and Scenic Rivers System. While this study is still under final departmental review, it has preliminarily concluded that the proposed segments of the Eightmile River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable scenic, geologic, fish, and wildlife values. Based on this, the Department supports enactment of this legislation.

S. 553 would designate 25.3 miles of the Eightmile River and its tributaries to be administered by the Secretary of Interior. The river would be managed in accordance with the Eightmile River Watershed Management Plan, with the Secretary coordinating with the Eightmile River Coordinating Committee. It would be administered as a partnership wild and scenic river, similar to other recent designations in the Northeast. This approach emphasizes local and State management solutions and has proven effective as a means of protecting resource values without the need for direct Federal management or land acquisition.

The second bill, S. 800, would designate the Niagara Falls National Heritage Area in the State of New York. While a feasibility study has found the Niagara Falls region appropriate for designation, we recommend that the committee defer action on S. 800 until program legislation is enacted that establishes guidelines and a process for the designation of a national heritage area.

We look forward to continuing to work with Congress on this important issue. If the committee chooses to move ahead with S. 800, the Department would like to work with the committee to make some technical corrections to the bill. In addition, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary 3 years prior to the cessation of Federal funding under this Act.

The two next bills, S. 916 and H.R. 161, would authorize the addition of Nidota Nai Yoni memorial on Bainbridge Island, Washington, to the boundary of Minidoka Internment National Monu-

ment in Idaho, as recommended by a special resource study the National Park Service completed last year. This memorial commemorates the Bainbridge Island residents who were the first group of Japanese Americans to be forcibly removed from their homes and relocated to internment camps during World War II. Most of the residents were sent to Minidoka Relocation Center.

S. 916 has a second title that would authorize the conveyance of certain facilities, buildings, and lands of the Gooding Division of the Minidoka Project in Idaho to the American Falls Reservoir District No. 2 in accordance with an agreement successfully negotiated a few years ago. Title 2 also directs Reclamation to transfer title for specific smaller parcels to the National Park Service and other entities that currently manage the relevant lands.

The Department supports the goals of both of these bills and we would be pleased to work with the committee and the sponsors of S. 916 and H.R. 161 as the legislation moves forward.

The next bill, S. 1281, would designate 442 miles of rivers and streams of the headwaters of the Snake River as additions to the Wild and Scenic Rivers System. The Department supports the designation of the waters included in S. 1281 that flow through the lands administered by the National Park Service. While we support the approach taken by S. 1281 in protecting the watershed of the Snake River headwaters, we defer to the Department of Agriculture in regard to the portions of the bill that designate segments of the rivers that flow through lands administered by the U.S. Forest Service. In addition, we suggest several technical amendments which are described in my written statement.

Next, S. 1209 would ensure that the laws governing the administration of Channel Island National Park supersede other provisions of the law that might interfere with the appropriate management. The bill would repeal a provision enacted last year that affected the limited role of the National Park Service in the planned removal of the deer and elk from the island in 2011.

The Department supports the bill. We are concerned about potential unforeseen consequences of a law that is interfering with the requirements of the 1998 court-approved settlement agreement that was drafted with careful consideration of each party's responsibility. Removal of the deer and elk by the end of 2011, as provided for under the settlement agreement, is essential because: No. 1, native plants and animals will be able to flourish; and No. 2, with private commercial hunting no longer an option, the entire island can be opened for recreational purposes such as hiking, camping, and sightseeing on a year-round basis.

The final bill is H.R. 376, which would authorize a special resource study of the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War. The September 30, 1862, battle involved Native American soldiers directly fighting each other and the October 28, 1864, battle was the last Civil War battle fought within the borders of the State of Missouri and the culmination of Confederate Major General Sterling Price's 1864 Missouri expedition.

The study would look at whether the area could be included as a new unit in the National Park System or as part of Wilson's

Creek National Battlefield or determine if the Federal Government or another entity is the most appropriate entity to manage the site.

The Department supports H.R. 376 as passed by the House. However, we believe that priority should be given to previously authorized studies.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or other members may have on these bills.

[The prepared statements of Mr. Wenk follow:]

PREPARED STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

S. 553

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on S. 553, a bill to amend the Wild and Scenic Rivers Act by designating segments of the Eightmile River and its tributaries as components of the Wild and Scenic Rivers System.

The Department supports enactment of this legislation.

S. 553 would designate 25.3 miles of the Eightmile River and its tributaries as part of the Wild and Scenic Rivers System, administered by the Secretary of the Interior. The River would be managed in accordance with the Eightmile River Watershed Management Plan with the Secretary coordinating with the Eightmile River Coordinating Committee. The bill authorizes the Secretary to enter into cooperative agreements with the State of Connecticut, the towns of Lyme, East Haddam, and Salem, Connecticut, and appropriate local planning and environmental organizations.

The Eightmile River is located in the lower Connecticut River watershed in south central Connecticut. Its name comes from the fact that the river is located eight miles from the mouth of the Connecticut River. Fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, Connecticut are included on the National Park Service's Nationwide Rivers Inventory of potential wild and scenic river segments. Both segments are included on the inventory for outstanding scenic, geologic, fish and wildlife values. In addition to those values, the draft report also documents outstandingly remarkable water quality, hydrologic, and cultural resource values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, Great Horned Owls, red foxes, and the Cerulean Warbler.

P.L. 107-65, the Eightmile Wild and Scenic River Study Act of 2001, authorized a study of the Eightmile River for potential inclusion in the Wild and Scenic Rivers System. As a part of the study, the National Park Service worked with the communities of Lyme, East Haddam, and Salem, Connecticut; the State of Connecticut; The Nature Conservancy; and local conservation interests to study the natural and cultural resources of the Eightmile River and develop a management plan to conserve those special values. The resulting Eightmile River Watershed Management Plan (December, 2005) was brought before special town meetings in each of the communities and was overwhelmingly supported by the public, as was the plan's recommendation to seek Wild and Scenic River designation. While the study is still under final Departmental review, it has preliminarily concluded that the proposed segments of the Eightmile River and its tributaries are eligible for inclusion into the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable scenic, geologic, fish and wildlife values.

S. 553 would implement the environmentally preferred alternative contained in the draft study report, which was released for public review and comment in July 2006. This draft report highlights a watershed ecosystem that is unique within the State of Connecticut in terms of its intact hydrology, water quality and ecosystem health. The commitment of local, state and nongovernmental partners is also exemplary. Having already been through a local town meeting process, only one comment was received on the draft report—a letter of support from the State Park Director for the State of Connecticut. Consequently, while the study and the accompanying Finding of No Significant Impact (FONSI) document has not been finalized, the National Park Service does not anticipate making any changes in the study recommendations based on public comments.

If S. 553 is enacted, the Eightmile River will be administered as a partnership wild and scenic river, similar to other recent designations in the northeast, including the Farmington River in Connecticut and the Musconetcong River in New Jersey. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural and recreational resource values without the need for direct federal management or land acquisition.

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

S. 800

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 800, a bill to establish the Niagara Falls National Heritage Area in the State of New York.

While a feasibility study has found the Niagara Falls region appropriate for designation, we recommend that the committee defer action on S. 800 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas. Last year, the Administration sent to Congress a legislative proposal to establish such guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

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

In 2006, the National Park Service completed a national heritage area feasibility study of the Niagara Falls region pursuant to Public Law 107-256, the "Niagara Falls National Heritage Area Study Act." The study concluded that the region met all of the criteria for designation as a national heritage area including the existence of significant levels of public support and local commitments necessary for successful planning and implementation of a heritage area.

The Niagara River flows for 35 miles between Lake Erie and Lake Ontario and includes the rapids, Niagara Falls, and the Niagara River Gorge. Eight parks operated by the State of New York are located along the river and within the gorge. The river forms a boundary between the United States and Canada.

Niagara Falls is an internationally significant natural resource that attracts from 8 to 10 million visitors a year. It is one of the most well-known destination attractions in the United States and Canada. The Niagara River Gorge is an exceptionally scenic corridor, carved by the movement of the falls from its original location near Lewiston, New York (10,000 to 15,000 years ago) to its present location 10 miles upstream at the City of Niagara Falls. Besides its scenic values, the gorge has been cited as a world-class location of fossils from the Upper Ordovician and Silurian periods.

The Niagara River region contains a wide variety of flora and fauna. Recent inventories identified 1,623 plant species including unique miniature old growth eastern white cedars. Fauna inventories also include 50 mammal species, 17 amphibian species, 99 fish species, and 17 species of reptiles. Bird inventories identify 342 species including 19 separate species of gulls. One-day counts of gull populations have reached over 100,000 individuals. In recognition of this critical habitat, the National Audubon Society has designated the Niagara River as a Globally Important Bird Area.

The region is also rich in cultural resources related to the history of the United States and Canada. It has significant associations with Native American habitation and early European contact, the French and Indian War, the American Revolution, and the War of 1812. It was also a major link in the Underground Railroad for African Americans escaping slavery to enter Canada. The existence of ample water made it an early site for hydroelectric power and it remains an important source to this day.

Three National Historic Landmarks have been designated along the Niagara River. The Adams Power Transformer House, built in 1895, is the only surviving structure of a hydroelectric facility that has been called "the birthplace of the modern hydroelectric power station." The Niagara Reservation, which includes the American Falls, was the first state park in the nation created under eminent domain and originally designed by Frederick Law Olmsted. The Colonial Niagara Historic District, within the communities of Lewiston and Youngstown, was a key portage route linking interior North America and the Atlantic seaboard until the late 1700s. It also contains extant resources associated with Native American occupation and early European contact. Historic Fort Niagara on the shore of Lake Ontario is an important component of the district. Within the City of Niagara Falls and the communities of Lewiston and Youngstown, there are 14 sites listed on the National Register of Historic Places.

Despite the richness of the natural and cultural resources in the area, there is widespread belief that the United States side of the falls has never fully achieved its tremendous potential for visitors and for the local communities. A heritage partnership framework has been advocated as a way for the many partners in the region to protect its precious resources and further the contribution of the Niagara Falls region to the United States and to the people of New York. We have found considerable support for this proposal during the feasibility study.

S. 800 provides for the establishment of a limited term (5-year) federal commission to undertake the heritage management plan and to identify a successor local coordinating entity representing the varied interests of the region. It includes the opportunity for a limited number of heritage area related resources, outside of the designated heritage area boundary, to participate in heritage area programs if they are identified as eligible through the heritage area management planning process. These provisions are consistent with the preferred alternative of the National Park Service national heritage area feasibility study.

Mr. Chairman, while the proposed Niagara Falls National Heritage Area contains significant natural and cultural resources and meets the established criteria for congressional designation, we would again request that the committee defer action until national heritage area program legislation is enacted. However, if the committee chooses to move ahead with this bill, the Department would like to work with them to make some technical corrections to the bill. In addition, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

We are also advised by the Department of Justice that the restrictions placed on the Secretary's authority to appoint the members of the Niagara Falls National Heritage Area Commission raise constitutional concerns. We, along with the Department of Justice, would like to work with the committee to address these concerns.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the committee may have.

S. 916 AND H.R. 161

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on S. 916 and H.R. 161. Both bills would authorize the addition of the Nidoto Nai Yoni Memorial on Bainbridge Island, Washington to the boundary of the Minidoka Internment National Monument in Idaho. S. 916 would also authorize the conveyance of certain facilities, buildings and lands of the Gooding Division of the Minidoka Project in Idaho to the American Falls Reservoir District No. 2.

The Department supports the goals of both S. 916 and H.R. 161.

Minidoka Internment National Monument, in southern Idaho, was established by Presidential Proclamation in 2001 to provide opportunities for public education and interpretation of the internment of Japanese Americans during World War II. It is one of two units (the other being Manzanar National Historic Site in California) where the National Park Service documents and describes the experiences of the almost 120,000 Japanese Americans who were forced from their homes on the West Coast and in southern Arizona during World War II under Executive Order 9066. Most spent the next three years in one of ten "relocation centers" across the country run by the War Relocation Authority. More than 13,000 Japanese Americans were

incarcerated at the Minidoka Relocation Center, which was in operation from August 10, 1942 to October 28, 1945.

H.R. 161, which was passed by the House on February 6, 2007, and Title I of S. 916 would include the Bainbridge Island Japanese American Memorial in Washington in the boundary of the Minidoka Internment National Monument. The legislation would implement the recommendations of the study that the National Park Service conducted in accordance with Public Law 107-363, the Bainbridge Island Japanese American Memorial Study Act of 2002.

The official name of the Japanese American memorial is “Nidoto Nai Yoni,” which means “let it not happen again.” It commemorates the Bainbridge Island residents who were the first group of Japanese Americans to be forcibly removed from their homes and relocated to internment camps. On the morning of March 30, 1942, 227 Bainbridge Island Nikkei were assembled at the Eagledale Ferry Dock on Bainbridge Island and transported to Seattle, where they were placed on a train that sent them to the Owens Valley Reception Center located at Manzanar, California. Most subsequently requested transfer to the Minidoka Relocation Center to join other Nikkei being sent there from Seattle, Portland, and other Pacific Northwest areas. The addition of the Bainbridge Island Memorial to the Minidoka Internment National Monument would make this direct connection between the two sites, and provide more context and depth to the broader story of Japanese American internment.

The Nidoto Nai Yoni Memorial site consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington. Under S. 916 and H.R. 161, as called for by the National Park Service’s study, the site would be managed through a partnership arrangement between the National Park Service and other public and private entities, and costs would be shared among the partners. The estimate for the one-time cost to the National Park Service for development is \$350,000 to \$400,000 for facility construction and interpretive media, using a 50/50 match with non-federal partners. Additionally, the National Park Service would contribute to the operational costs for the site by funding one permanent and up to three seasonal interpretive employees at an annual cost of up to \$200,000 included in Minidoka Internment National Monument’s operating budget. The principal role of the National Park Service at the Nidoto Nai Yoni Memorial site would be in the area of public interpretation and education.

Title II of S. 916 would authorize the title transfer of federally owned facilities, buildings, and lands that are part of the Gooding Division of the Minidoka Project from the Bureau of Reclamation to the American Falls Reservoir District No. 2.

Reclamation law and policy contemplate the transfer of projects to local entities where and when such transfer is appropriate. In 1995, the Bureau of Reclamation began an effort to facilitate the transfer of title to Reclamation projects and facilities in a consistent and comprehensive way. Reclamation developed a process known as the Framework for the Transfer of Title—a process whereby interested non-federal entities would work with and through Reclamation to identify and address all of the issues that would enable the title transfer to move forward. Once completed, Reclamation and the entity interested in taking title would work with the Congress to gain the necessary authorization for such a title transfer. In the case of the transfer authorized by this bill, Reclamation and the American Falls Reservoir District No. 2 have worked collaboratively and efficiently to successfully address all the elements of Reclamation’s title transfer policy framework.

One of the Administration’s goals in title transfer is to protect the financial interest of the United States. In this case, the full costs of all facilities, buildings, and acquired lands to be transferred, including its central feature, the Milner-Gooding Canal, have already been repaid pursuant to the District’s amendatory repayment contract. The District has also identified some withdrawn lands for which they would like to gain title and have agreed to pay the fair market appraised value for these lands. There are no ongoing revenue streams associated with the facilities, buildings, and lands. Because the District has fulfilled its repayment obligation under its contract, payment is required only for the additional withdrawn lands that the District has proposed for title transfer.

While the focus of Title II is the transfer of the Reclamation facilities to the American Falls Reservoir District No. 2, it also directs Reclamation to transfer title for specific smaller parcels to the National Park Service, the Bureau of Land Management, the State of Idaho, and the City of Gooding, since those entities currently manage the relevant lands.

Reclamation has worked closely with the National Park Service and the other entities to craft the language that appears in the transfer agreement.

Two of the smaller parcels, equaling 10.18 acres, would be added to the boundary of Minidoka Internment National Monument, as called for in the monument’s re-

cently approved General Management Plan (GMP). The smaller parcel is located in the historic warehouse area and contains three buildings from the historic period as well as numerous warehouse foundations. This area would be used as the primary site for visitor orientation and information. An existing historic warehouse would be adapted to serve as a visitor contact station and central trailhead for visitor self-guided walking tours. The larger parcel on the east end of the national monument was part of the original Relocation Center and was never developed. It would be used as an overflow parking area and for special events.

The reason the smaller parcel was not included in the original boundary for the Minidoka Internment National Monument is because the American Falls Reservoir District No. 2 occupied the buildings. After the monument was established, however, the National Park Service, Reclamation, and American Falls Reservoir District No. 2 entered into an agreement to move the District's operations to a site outside the national monument's boundary, and that relocation is now nearly complete. The National Park Service has obligated \$250,000 to the Bureau of Reclamation for relocation costs. The payment of \$52,996 that S. 916 provides for Reclamation to make to the District represents the final portion of the agreed-upon payment that originated with the National Park Service.

Mr. Chairman, that concludes my testimony. We would be pleased to work with the Committee and the sponsors of S. 916 and H.R. 161 as the legislation moves forward. I would be happy to answer any questions you or other members of the Committee may have.

S. 1209

Mr. Chairman, thank you for the opportunity to appear before the subcommittee today to present the views of the Department of the Interior on S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes.

The Department supports S. 1209. This legislation would ensure that the laws governing the administration of Channel Islands National Park supersede other provisions of law that might interfere with appropriate management. In conjunction with providing for that assurance, S. 1209 would repeal a provision enacted last year, Section 1077(c) of the Public Law 109-364, that has created uncertainty regarding the National Park Service's limited role with respect to the planned removal of privately owned non-native elk and deer from Santa Rosa Island by 2011, as provided for by a 1998 court-approved settlement agreement.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act. In 1980, the monument was expanded to include additional islands, including the 54,000-acre Santa Rosa Island, and redesignated as Channel Islands National Park. The park's purpose is to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the five California Channel Islands that comprise the park. During consideration of the legislation to redesignate Channel Islands National Monument as a national park, a deliberate decision was made to not allow hunting there, just as hunting is not permitted in other national park units designated as "National Parks."

Once it was determined that Santa Rosa Island was to be incorporated within Channel Islands National Park, Vail and Vickers, Ltd. (V&V), the island's owner, requested that it be the highest priority for acquisition by the National Park Service (NPS). This was reflected in the 1980 legislation. In 1986, V&V sold Santa Rosa Island to the NPS for \$29.5 million. V&V retained a 25-year non-commercial reservation of use and occupancy for a 7.6-acre area containing the ranch house and a nearby field. At the request of V&V, supported by members of Congress, the NPS issued two 5-year special use permits to allow V&V to continue their cattle ranching and elk and deer hunting operations.

In 1996, because of impacts on endangered species and water quality, the National Parks Conservation Association sued the NPS over the management of Santa Rosa Island. In 1997, V&V sued NPS to retain their current special use permit and continue their operations until 2011. A three-way settlement agreement, entered by the court in 1998, provided for removing the cattle by the end of 1998 (which occurred on schedule), and for phasing out deer and elk and removing them altogether by the end of 2011, when the V&V 25-year reservation of the 7.6-acre area expires. The settlement agreement included two options under which hunting could continue. The parties chose the second option, which was to manage the deer and elk using adaptive management guidelines based on the monitoring of two federally listed endangered plants. Each year, the NPS, with recommendations from an agreed-

upon scientific panel, determines the number of deer and elk permitted. Regardless of the management option, all deer and elk are to be removed by V&V no later than the end of 2011. At that time, V&V will be required to remove all their property, including any of their remaining deer and elk.

Removal of the herds will bring about two fundamental benefits: First, native plants and animals will be able to flourish. Channel Islands National Park has been in the forefront of the NPS' efforts to control non-native species that out-compete the native species. The park has undertaken several successful ecological restoration programs. The eradication of introduced rats from Anacapa Island has resulted in the increased survivability of the Xantus's murrelet, a State of California threatened species. The removal of introduced rabbits, cattle, sheep, pigs, and mules from Santa Barbara, Santa Rosa, Santa Cruz and San Miguel Islands has allowed for vegetation restoration.

In addition, last year, for the first time in 50 years, an American bald eagle was hatched in the northern Channel Islands, on Santa Cruz Island, due to the successful efforts of park staff, local communities, The Nature Conservancy, and the Montrose Trustees who have worked together on this project. Another eaglet was hatched there just last month. And, for the first time in 70 years, a peregrine falcon chick has hatched on Santa Barbara Island. The NPS looks forward to more successes of this type in the Channel Islands, including Santa Rosa Island.

Second, with private commercial hunting no longer an option, the island can be opened up for other recreational purposes, such as hiking, camping, and sightseeing, on a year-round basis. While it varies, at present, about 90 percent of the island is generally off limits for general recreation during the four to five months of each year that hunting occurs. The closure is particularly troublesome because Santa Rosa Island is currently the most accessible of the five islands that are part of Channel Islands National Park.

As noted at the beginning of this statement, Section 1077(c) of P.L. 109-364 created uncertainty about the planned removal of the deer and elk required under the settlement agreement. The provision states:

RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

The Department does not have a plan to exterminate the deer and elk; removal of the herds is the responsibility of the owners, V&V. What the provision does is prohibit the NPS from participating in any plan approved in the settlement agreement to exterminate the deer and elk by helicopter, and prohibit the NPS from destroying the deer and elk by any other means. Section 1077(c) affects the section of the settlement agreement that states:

In the last year that V&V will have elk or deer on [the island], V&V will remove the remaining deer and elk to the greatest extent feasible. Provided that V&V meets all deer and elk reduction requirements in every year prior to 2011, and provided that the remaining deer and elk in 2011 become extraordinarily difficult to remove despite the diligent efforts of removal by V&V, [the National Park Service] will equally share the "unusual costs" of the removal of those deer and elk. "Unusual costs" is defined as the cost of trained professionals and helicopters.

Section 1077(c) does not affect the ongoing obligation of V&V under the settlement agreement to remove the deer and elk from the island by 2011, but it does mean that the NPS would be unable to assist in the cost of removal of the herds, as called for under the settlement agreement.

We are concerned about potential unforeseen consequences of a law that is interfering with the requirements of a settlement agreement that was drafted with careful consideration of each party's responsibility. The transition from ranching and hunting to hiking and camping will enhance the park experience. The settlement agreement offers the promise that the last phase of the transition will be conducted in an orderly manner, and the hope that it will go smoothly. Passage of S. 1209 will help ensure that the deer and elk will be removed from Santa Rosa Island in accord with that agreement.

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

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1281, a bill to amend the Wild and Scenic Rivers Act by designating portions of the Snake River System in Wyoming as a component of the National Wild and Scenic Rivers System.

The Department supports the designation of the waters included in S. 1281 that flow through lands administered by the National Park Service (NPS). While we support the approach taken by S. 1281 in protecting the watershed of the Snake River headwaters, we defer to the Department of Agriculture in regard to the portions of the bill that designate segments of rivers that flow through lands administered by the U.S. Forest Service. In addition, we suggest several technical amendments which are described later in this testimony.

S. 1281 would designate the Lewis River in Yellowstone National Park from Shoshone Lake to Lewis Lake as Wild, and from Lewis Lake to its confluence with the Snake River as Scenic. The Snake River, from its source in the Teton Wilderness and then flowing through Yellowstone, the John D. Rockefeller, Jr. Memorial Parkway, and Grand Teton National Park, would be designated as Wild above Jackson Lake. From one mile below the Jackson Lake Dam until leaving Grand Teton, the Snake and its tributaries Pacific Creek, the Buffalo Fork, and the Gros Ventre River would be designated as Scenic.

Efforts to designate the upper Snake River system as part of the National Wild and Scenic River System have been led by the Campaign for the Snake Headwaters, a grassroots effort led by local citizens, businesses, anglers, boaters, and conservationists.

The headwaters of the Snake River, which begin in the Bridger-Teton National Forest then run through southern Yellowstone National Park into the John D. Rockefeller, Jr. Memorial Parkway and Grand Teton National Park in northwest Wyoming, are some of the purest waters in the nation. The headwaters are a stronghold for native cutthroat trout, harbor a vast array of bird and wildlife populations, and the Snake River and its tributaries provide diverse recreational opportunities for visitors to, and residents of, the Greater Yellowstone Ecosystem.

The Snake River above Jackson Lake was initially evaluated for eligibility in the Wild and Scenic Rivers System in the 1980s. In 2005, NPS resource managers conducted an evaluation of the Snake River below Jackson Lake, as well as major tributaries within Grand Teton National Park, the Buffalo Fork, Pacific Creek, and the Gros Ventre River. The evaluations were made in coordination with the U.S. Forest Service, following procedures they recommended and used to evaluate segments of the waterways located on neighboring national forest lands. The evaluations, in accordance with section 5(d)(1) of the Wild and Scenic Rivers Act, document the outstanding recreational, scenic, cultural, geological, and ecological values of the upper Snake River system, which merit its inclusion in the Wild and Scenic Rivers System.

Designation of Snake River System waters would support the spirit and intent of existing management plans for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, including the 1997 Snake River Management Plan for Grand Teton and the 1980 General Management Plan for the Parkway. Yellowstone's Statement for Management (November 1991) states that a prime objective is to conserve and protect the integrity of Yellowstone's natural resources, recognizing human interaction as a part of that ecosystem.

If designated as components of the National Wild and Scenic River System, the river segments in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway will continue to provide a range of recreational opportunities for private and commercial floating and fishing, as well as an array of backcountry and non-wilderness recreational activities in the river corridors.

Consistent with the Act that established Grand Teton National Park in 1950, we anticipate that wild and scenic designation of the Snake River would not affect the Bureau of Reclamation's operation and maintenance of Jackson Lake Dam and water levels in Jackson Lake reservoir, a natural lake augmented for nearly 100 years by a dam for purposes of irrigation and flood control. Additionally, we anticipate that monitoring and equipment maintenance activities that are now carried out by the Bureau of Reclamation upstream of Jackson Lake, such as streamgaging and snowpack measurement, would continue. Designation as a component of the National Wild and Scenic River System would provide additional protection for the outstanding scenic, recreational, and wildlife resources above and below Jackson Lake on National Park System lands.

S. 1281 also provides for quantification of a federal reserved water right for each river segment, and for funds to develop river management plans. The Department is currently reviewing the impact that this process could have on existing uses in the basin. The NPS would cooperate with adjacent national forest managers, the Bureau of Reclamation, cooperative organizations, State and local government agencies, and interested members of the public to develop appropriate planning guidance for the rivers designated under this bill.

We would be pleased to work with the Subcommittee on several technical amendments that would strengthen S. 1281. In particular, we suggest that sections 3 and 6 be clarified to state that some of the river segments identified in the bill are within Yellowstone National Park and the John D. Rockefeller, Jr. Memorial Parkway. We would also like to work with the Subcommittee regarding the operation of section 5 governing federal reserved water rights. Also, a number of river segments described in the bill form the boundary between national park and national forest lands, and in the case of the Gros Ventre River between Grand Teton National Park and the National Elk Refuge, administered by the U.S. Fish and Wildlife Service. As written, we believe the legislation could lead to confusion as to which agency is responsible for administration of these segments, and would suggest that the bill be amended to clarify the jurisdiction.

Mr. Chairman that completes my prepared remarks. I would be happy to answer any questions that you or other members of the subcommittee may have.

H.R. 376

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 376, a bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

The Department supports H.R. 376 as passed by the House. However, we believe that priority should be given to the 37 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

H.R. 376 would authorize the Secretary to carry out a special resource study to determine the national significance of sites in Newton County, Missouri associated with the Civil War. The Secretary would evaluate the national significance of the battlefields and their related sites and analyze the potential impact that their inclusion in the National Park System is likely to have on Wilson's Creek National Battlefield.

A special resource study would provide alternatives for the appropriate way to preserve, to protect, and to interpret these sites and resources. Those alternatives would include recommendations on whether the area could be included as a new unit of the National Park System, as part of the Wilson's Creek National Battlefield, or determine if the Federal government is the most appropriate entity to manage the site. We estimate that the costs of completing this study would be approximately \$250,000 to \$300,000.

Newtonia was the scene of two significant battles in the Civil War, one on September 30, 1862 and the other on October 28, 1864. The battles were fought in and around the town of Newtonia, an area that today retains much of its character from almost a century and a half ago. The September 30, 1862 battle involved Native American soldiers directly fighting each other, and the October 28, 1864 battle was the last Civil War battle fought within the borders of the State of Missouri and the culmination of Confederate Major General Sterling Price's 1864 Missouri Expedition.

Newtonia was important as a centralized location to lead mines and the communities of Mt. Vernon (which housed a Union garrison), Sarcxie, and Neosho, making it a tempting area for both sides for control of the Spring River and its fertile valley. Confederate Colonel Douglas Cooper had arrived in Newtonia on September 27 and had taken over the area. On September 30 Union troops under General James Blunt appeared before Newtonia and the fighting began by 7:00 a.m. The Federals began driving the enemy away from their positions; but thanks to timely Confederate reinforcements, the Federals had to give way and retreat. As the Union forces were retreating, they received reinforcements and renewed their attack, threatening the enemy right flank. The Union 3rd Indian Battalion was heavily engaged during the attack on the right flank as were the Confederate 1st Choctaw and Chickasaw Regi-

ment; in fact the two units engaged each other directly in a desperate melee. But once again Confederate reinforcements arrived and pushed the Federals back and into what quickly became an all out retreat. Some Union forces retreated all the way to Sarcoxie, some 10 miles away. Although the Confederates won the battle, they were unable to maintain themselves in the area due to the superior numbers of Union troops, and most retreated into northwest Arkansas.

In the last days of October 1864, Newtonia again took center stage. Confederate Major General Sterling Price had launched his "Missouri Expedition" in September of 1864 in an effort to retake Missouri for the Confederacy. His mission was failing miserably by October of 1864; and after sound defeats at the Battle of Westport on October 21-23 and the Battle of Mine Creek, Kansas on October 25, he was desperately trying to make his way back to Confederate Territory. Major General Price made one last stand at Newtonia on October 28, 1864. Most of his army continued across the Arkansas River into Texas. Troops under the command of General Jo Shelby slowed the Union advance of General James Blunt and held the Union forces at bay until darkness overtook the area and allowed Shelby's men to join the rest of the comrades in retreating to Texas. Confederate forces would not seriously threaten to cross the Arkansas River and invade Missouri again.

Currently the Newtonia Battlefields Protection Association owns and maintains 25 plus acres of the Battlefields. This includes the Ritchey Mansion and the "Old Newtonia Cemetery" or the "Civil War Cemetery" as it is locally known, with one battle participant, Captain Richard Christian, buried in it. There are approximately 200 graves, marked only by rough sandstone or field stones, which are almost certainly graves of Confederate dead.

The Newtonia Battlefields Protection Association was instrumental in having the sites of the 1862 and the 1864 battles listed on the National Register of Historic Places. The Ritchey Mansion was previously listed on the National Register, and the Association revised that application after they purchased the Mansion in 2002. The Association applied for and received three grants from the American Battlefield Protection Program (ABPP) of the National Park Service. Two of those studies were archeological studies, "Engaged the Enemy Again—An Assessment of the 1862 and 1864 Civil War Battles at Newtonia, Missouri;" (Fryman 1995) and "Newtonia Battlefields and Archeological Survey" (White Star 1998). Also in 2000, "A Preservation Plan for the Civil War Battlefields of Newtonia, Missouri" was funded by the ABPP and completed by Gray & Pape, Inc.

That concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

Senator AKAKA. Thank you very much, Mr. Wenk.
Mr. Holtrop.

**STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL
FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. HOLTROP. Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on three bills.

S. 1057, New River Wild and Scenic River Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act, to designate a segment of the New River in the States of Virginia and North Carolina as a component of the National Wild and Scenic Rivers System. The segment to be designated is immediately downstream of the portion of the New River added to the National Wild and Scenic Rivers System by the Secretary of the Interior in 1976. It is located entirely off National Forest System land, approximately 7 miles from the Jefferson National Forest in Virginia and 40 miles north of the Pisca National Forest in North Carolina.

The Department does not support the designation of this segment of the New River as a component of the Wild and Scenic Rivers System without first reviewing or analyzing the river segment to determine its eligibility and suitability for designation. Accordingly, the Department does support the designation of this segment as a study river under section 5(a) of the Wild and Scenic Rivers

Act. This study designation affords the river protection from the adverse impacts of federally assisted water resources projects and from the sale of any Federal lands within the half-mile study river corridor. It also requires the appropriate secretary to provide conditions to safeguard the area in any mineral leasing of Federal lands and directs all Federal agencies to protect river values in actions they propose within or adjacent to the study river corridor.

These protections would remain in effect for a 3-year period following the transmittal of the final study report from the President to the Congress regardless of the study's findings.

S. 1281, Snake Headwaters Legacy Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act to designate segments of the Snake River system in the State of Wyoming as components of the National Wild and Scenic Rivers System. The Department supports S. 1281 with technical corrections and defers to the Department of the Interior in regard to the portions of the bill that designate the segments that flow through lands administered by the National Park Service.

The Bridger Teton National Forest contains the headwaters of the Snake River and all of the proposed segments recommended for designation on National Forest System land. All of these river segments have been found to be eligible for inclusion in the National Wild and Scenic Rivers System.

H.R. 247 would designate a 19.6-mile trail known as the Waldo Lake Loop on the Willamette National Forest as a national recreation trail in honor of Jim Weaver, former member of the House of Representatives from Oregon. The Department supports enactment of this legislation to honor former Representative Jim Weaver.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM,
FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on these bills: S. 1057, New River Wild and Scenic River Act of 2007; S. 1281, Snake Headwaters Legacy Act of 2007; and H.R. 247, which designates a Forest Service trail in the Willamette National Forest as a National Recreation Trail in honor of Jim Weaver, a former member of the House of Representatives.

S. 1057, NEW RIVER WILD AND SCENIC RIVER ACT OF 2007

S. 1057, New River Wild and Scenic River Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate a segment of the New River in the States of Virginia and North Carolina as a component of the National Wild and Scenic Rivers System. The segment to be designated by S. 1057 is immediately downstream of the portion of the New River added to the National Wild and Scenic Rivers System by the Secretary of the Interior through Section 2(a)(ii) in 1976. It is located entirely off National Forest System land, approximately 7 miles from the Jefferson National Forest in Virginia and 40 miles north of the Pisgah National Forest in North Carolina.

The Department does not support the designation of this segment of the New River as a component of the Wild and Scenic Rivers System without first reviewing or analyzing the river segment to determine its eligibility and suitability for designation. Accordingly, the Department does support the designation of this segment as a study river under section 5(a) of the Wild and Scenic Rivers Act. This study designation affords the river protection from the adverse impacts of federally assisted water resources projects and from the sale of any federal lands within the

one-half mile study river corridor. It also requires the appropriate Secretary to provide conditions to safeguard the area in any mineral leasing of federal lands, and directs all federal agencies to protect river values in actions they propose within or adjacent to the study river corridor. These protections would remain in effect for a three-year period following the transmittal of the final study report from the President to the Congress, regardless of the study's finding.

S. 1281, SNAKE HEADWATERS LEGACY ACT OF 2007

S. 1281, Snake Headwaters Legacy Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate segments of the Snake River system in the State of Wyoming as components of the National Wild and Scenic Rivers System.

The Department supports S. 1281 with several technical corrections, and defers to the Department of the Interior in regard to the portions of the bill that designate the segments that flow through lands administered by the National Park Service.

The Bridger-Teton National Forest contains the headwaters of the Snake River; the majority of the tributaries to the Snake River segment below Jackson Lake, Pacific Creek and Buffalo Fork and its tributaries, and the entire Blackrock Creek tributary; the majority of the Gros Ventre River and the entirety of its Crystal Creek tributary; and, the two sections of the Hoback River, and its principal tributaries, Granite, Shoal, Cliff and Willow Creeks, and the Snake River from the confluence of the Hoback River to Palisades Reservoir, including Bailey and Wolf Creeks.

All of the river segments on National Forest System land have been found to be eligible for inclusion in the National Wild and Scenic Rivers System. These rivers are free-flowing and provide outstanding scenery and recreational opportunities. Many flow through important geologic areas and support diverse populations of aquatic and wildlife species, including Yellowstone native cutthroat trout and grizzly bear.

We recommend the definition of "Secretary concerned" in section 3(1) and the requirement that each river segment be managed by the Secretary concerned in section 5(a) be clarified so that those proposed segments that form the boundary between national park and national forest system lands are clearly assigned to one or the other Secretary. In addition we recommend that section 5(b) be eliminated, as the Wild and Scenic Rivers Act includes direction to develop a comprehensive management plan within three full fiscal years and specifies its contents. We would be pleased to work with the Subcommittee to address these and other technical corrections.

H.R. 247, DESIGNATION OF THE "JIM WEAVER LOOP TRAIL," WILLAMETTE NATIONAL FOREST

H.R. 247 would designate a 19.6 mile trail known as Trail 3590, the Waldo Lake Loop, on the Willamette National Forest as a national recreation trail in honor of Jim Weaver, former member of the House of Representatives from Oregon. The trail would be a component of the National Trails System and would be renamed the "Jim Weaver Loop Trail." The bill would also authorize the Secretary of Agriculture to prepare, install, and maintain an interpretive sign honoring the life and career of Congressman Jim Weaver.

The Department supports enactment of this legislation to honor former Representative Jim Weaver.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

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

My first question is for Mr. Wenk and concerns S. 800, the Niagara Falls Heritage Area. Unlike most heritage area bills, this one does not have a nonprofit local management entity, but instead uses a Federally appointed commission to manage the area for the first 5 years. My question is does the Department support using a commission, and if so, why?

Mr. WENK. The Department does support using a commission. It is not an unprecedented way in which heritage areas have been established. There is strong local support for this heritage area. The term of the commission would be used to identify that partner organization who could step forward and take responsibility for the

heritage area. The Illinois and Michigan Heritage Area is another example of where that has been done and has proved successful in the past.

Senator AKAKA. Mr. Wenk, one of the witnesses on the next panel is recommending that the bill be amended to include—this is S. 916—to include a 128-acre addition to the Minidoka Internment National Monument. Are you familiar with this proposal and, if so, does the Park Service support adding it to the monument, Mr. Wenk?

Mr. WENK. The 128 acres is included in the general management plan that was just approved and completed by the National Park Service for potential inclusion into the Minidoka site, and we are therefore very aware of it and understand the values that it would bring to the site.

Senator AKAKA. I understand that the memorial site in Washington is owned by the city of Bainbridge Island. However, the bill directs the Secretary of the Interior to manage the memorial in accordance with the presidential proclamation establishing the Minidoka Monument, the NPS Organic Act, and other applicable laws.

Does it make sense to have the Park Service manage a site that it does not own, and how will that work?

Mr. WENK. Most of the Japanese Americans who went through Bainbridge Island actually went to Minidoka, and to tell the entire story of the Minidoka internment camp, it does make sense for the National Park Service to have a role in the administration of that site. Once again, that is not unprecedented in terms of ownership. Boston Harbor Islands park areas—those are also not owned by the National Park Service, and are administered in cooperation with the city there and other entities, just as the Bainbridge Island site would be. So yes, it can work and work successfully, sir.

Senator AKAKA. Mr. Wenk, Senator Craig and Senator Cantwell have indicated that they will offer a substitute amendment when the bill is marked up. Would you be willing to review the substitute and give us any comments you may have, so that we can move this bill through committee?

Mr. WENK. We would be very pleased. We actually became aware of that amendment earlier and we would be very pleased to work with the Senator and the committee to do what we can, yes.

Senator AKAKA. Thank you.

Mr. Holtrop, I only have one question for you. Most of the rivers that would be designated under S. 1281, the Snake River bill, are on Forest Service lands. Would designation of these as wild and scenic rivers change the way they are currently managed, and if so why?

Mr. HOLTROP. The legislation would not change the way that the rivers are currently being managed. The designation is consistent with the designations that are currently in the land and resource management plans that are managing those rivers. What the legislation would do would be to maintain the existing uses that have already been identified through the land management planning process and legislate those uses.

Senator AKAKA. Thank you.

Senator Thomas.

Senator THOMAS. Thank you.

Mr. Wenk, I have a question about the Niagara Falls Heritage Area. As in most cases of national heritage areas, the bill authorizes \$10 million over a period of 15 years. What steps has the park taken to require that this heritage area work within the \$10 million and be able to operate without Federal funds after that?

Mr. WENK. One of the things that we are looking for within all heritage areas is that within the last 3 years that a study be completed that would help us understand and show how the transition would be made from relying on Federal funding to having self-reliance for the heritage area itself. So that is a study that we would seek—an overarching legislation we would look for in all heritage areas—and we would like to see that as an amendment to this bill as well, that we would require that.

Senator THOMAS. Some of us would like to see it amended to terminate it at 10 years.

What about Santa Rosa Island? What impact are the deer and elk currently having on the environment of the island?

Mr. WENK. Well, they certainly affect—they are a non-native species. They were brought to the island. They have an effect on the vegetation of the island and the natural systems that the park was set aside to protect.

Senator THOMAS. Okay. I was going to ask if the designation in the wild and scenic river for Snake River would cause any changes. You have already answered that, I believe, Mr. Holtrop.

So no more questions, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Thomas.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

Mr. Wenk, when the study was done on the Eightmile River how long did that study take?

Mr. WENK. I am not sure. I might have to provide that for the record.

Senator BURR. I was told 8 years. Does that sound right?

Mr. WENK. That could very well be correct.

Senator BURR. Do you know how much it cost to do that study?

Mr. WENK. Typically a study will cost about \$250,000 to \$300,000 to complete.

Senator BURR. Does 8 years sound like a feasible amount of time?

Mr. WENK. It actually took—I am told it actually took 4 years, sir.

Senator BURR. Four years?

Mr. WENK. Yes. Unfortunately, that is typical of the time it takes to complete them.

Senator BURR. In 1976, the State of North Carolina recognized the New River as a scenic river, or before 1976, and then the Secretary adopted that in Federal standards.

Now, Mr. Holtrop, you say that you are opposed to moving forward without a study?

Mr. HOLTROP. That is correct.

Senator BURR. So what would disqualify the New River? What are you going to find in a study that would disqualify the additional 18 miles of the New River contiguous with the headwaters

that are already listed? What would disqualify it from a wild and scenic river?

Mr. HOLTROP. Well, I am certainly not aware of anything that exists in that stretch of the river that would disqualify it.

Senator BURR. So share with me, if you would, how do I go back to the taxpayers and tell them we ought to spend \$250,000 or more and 4 years, or in the case of West Virginia, where I think Representative Rahall has had a study under way on the New River that I think is in year 13? Tell me how to rationalize this to the American taxpayer and convey to them that there is some common sense we use in Washington? Could you help me?

Mr. HOLTROP. I can do the best I can to try to help you, sir. I think one of the things that I would say is, recognizing especially on a private land river like this would be, rather than a largely predominantly public land river, that the values and the management of those values require a partnership with State and local governments, a partnership with landowners and others, and that is essential for the long-term management and successful management of a wild and scenic river that is designated.

A study process allows those people who would be partners to work together to identify: is this river eligible, free-flowing, does not have impoundments, does not have diversions? Does the river have significant outstanding resource values that qualify it for wild and scenic river designation, and through that process can generate local support for the long-term management of that river in a successful manner if the eligibility and suitability determination determines that it should be added to the Wild and Scenic River System?

Senator BURR. Now, this is a river that was the first in the country as an American Heritage River. It seems like many of the things that you just raised probably were issues that were answered when that designation was determined by the Clinton administration. Would you agree with that?

Mr. HOLTROP. It is very possible that some of those issues could have been raised and dealt with at that time. To our knowledge, we have not seen anything that has been a study of the river's eligibility and suitability for wild and scenic rivers.

Senator BURR. But is that not because there is no Park Service land on it and there is no National Forest Service land on it? This is not uncommon. You would not have a study that you had, right?

Mr. HOLTROP. Again, that is correct, which is why our position is that we believe a study is the right thing to do at this time.

Senator BURR. I appreciate the punt, because I think that is what it is. Clearly you have got a river that represents one of the oldest in the country. It is a treasure. I understand what you are saying about all the protections that would exist as soon as you designate that there is going to be a study. But I am not sure that you have made the case to me as to how I go to the taxpayers and say, "Let us spend \$250,000 plus to learn what we already know, we have a treasure here, we would like to protect the treasure, we can protect it by giving it this designation, and you ought to feel happy about the fact that your taxpayer money has been invested in this; and, oh, by the way, we have been doing this 13 years in

West Virginia and I am not sure that there is an end in sight in that study."

I am not sure that that gives me much assurance to go back and convince them that this is the right course to follow.

Mr. HOLTROP. It is my understanding that generally the Congress designates the length of time for a study such as this. Quite often a length of time of 3 years would be suitable and we would be happy to work with the Congress.

Senator BURR. That is assuming that you do not come back to us and say, "Well, we did not have the money to do it in 3 years," right?

Mr. HOLTROP. It would be assuming that. Again, \$250,000, \$300,000 over the course of 3 years is something that, given that kind of a piece of legislation, I think would receive priority.

Senator BURR. Well, I appreciate that. I still have a difficult time understanding exactly why we should go through a 3-year process to learn what in all likelihood we've already studied, that was already evaluated with the American Heritage River, which has already been accepted by the secretary when the State designated it. I am sure the secretary in 1976, if he had had questions, probably would have had further reviews.

Likely you were not in the chair when Representative Rahall started his study, but I am sure they told him 3 years and \$250,000, and now it is 13 years. So understand that I am somewhat reluctant to accept that course, and I will urge my colleagues to proceed forward with what I think is a tremendous amount of information that suggests that this river ought to be wild and scenic.

I yield back.

Senator AKAKA. Thank you very much, Senator Burr.

Let me complete this with several questions in a second round of questions. Mr. Wenk, the Vail & Vickers Company has raised the concern that S. 1209 may nullify the settlement agreement by requiring the Park Service to manage Santa Rosa Island in accordance with the NPS Organic Act and enabling legislation for the park.

I have two questions on this issue. First, does Park Service interpret S. 1209 as nullifying the settlement agreement? Second, does clarifying that the park is to be managed in accordance with the Organic Act and the park's enabling legislation change the requirements under which it is currently managed? Is that so?

Mr. WENK. In answer to the first question, Mr. Chairman, the settlement agreement that we have would not be—requires that the elk and deer populations be reduced by about one-quarter each year starting in 2008. The Hunter amendment required or made it clear that the National Park Service could not participate in the removal at the end in 2011 when we were just trying to move the last remaining numbers that might be remaining from the requirement for Vail & Vickers to remove it between 2008 and 2011. So therefore we do not believe it nullifies the settlement agreement at all.

Also, with the removal of the deer and elk population, we would in fact manage the Channel Islands, Santa Rosa, the Channel Islands National Park, in accordance with the Organic Act and the

policies of the National Park Service. So we believe that this amendment actually helps us to do our job better for the Channel Islands National Park.

Senator AKAKA. Mr. Wenk, the language in last year's defense authorization bill prohibits the Park Service from exterminating or nearly exterminating the deer and elk herds on Santa Rosa Island. If these herds are the property of the Vail & Vickers Company, what authority does the Park Service have to exterminate them?

If this language remains in effect, what would happen at the end of the permit period if the remaining deer and elk were not removed from the island?

Mr. WENK. Well, certainly we believe that it is the responsibility of Vail & Vickers to remove the elk and deer from the island, and that does not change under any circumstance. At the end, if this legislation is not passed we would be prohibited now from assisting Vail & Vickers in the removal of the final animals from the island. But it would still be their requirement to remove the animals from the island.

What would happen if we cannot get all the animals off the island? You have an opportunity that you would have repopulation by both deer and elk if they are not fully removed from the island, and that is not the purposes for which the Channel Islands was acquired as a national park for the American public or the intent of the settlement agreement.

Senator AKAKA. Mr. Wenk, your testimony indicates that about 90 percent of the island is off limits to general recreation during hunting season. Dr. Vail's testimony is that no visitor has been denied access to the island because of wildlife operations. Can you make a comment on that or clarify this issue?

Mr. WENK. Yes, I can, Mr. Chairman. The 10 percent of the island that is open does accept visitors. So visitors can visit that portion of the island at any time. So visitation is not restricted in that manner.

Sort of the width and the breadth of the island is not fully accessible to visitors during the time that the hunting season is going on.

Senator AKAKA. During the revision of the National Park Service management policies a couple of years ago, there was much debate about the so-called impairment standard. Are the hunting activities on Santa Rosa Island consistent with the Park Service's requirement to manage the area unimpaired?

Mr. WENK. The elk and deer remaining on the island are not consistent with leaving the island unimpaired. The animals remaining on the island will cause impairment. Hunting is not allowed within national park areas under our national parks policies unless specifically designated as an area by Congress for hunting.

Senator AKAKA. Finally, Mr. Wenk, Park Service regulations say that hunting is allowed in park areas where such activity is specifically mandated by Federal statutory law. Can you tell me what the Federal law is that mandates hunting in this park?

Mr. WENK. There is no Federal law and that is why we are seeking to remove the activity and return it to its natural state.

Senator AKAKA. Well, thank you very much to both of you. Are there any final questions?

[No response.]

Senator AKAKA. Thank you for your responses.

Mr. WENK. Thank you, Mr. Chairman.

Mr. HOLTROP. Thank you.

Senator AKAKA. Now I would like to call our next panel forward: Jack Dennis with the Campaign for the Snake Headwaters, Jackson, Wyoming; Mr. Tom Ikeda, the Executive Director of Densho: The Japanese American Legacy Project, from Seattle; Mr. George Santucci, the Executive Director of the National Committee for the New River, from West Jefferson, North Carolina; and Dr. Timothy Vail, representing the Vail & Vickers Company, from La Quinta, California.

First of all, I would like to welcome all of you to the subcommittee. We appreciate your taking the time to come here this afternoon, in some cases all the way across the country. Your entire statement and any supporting materials you have will be included in the hearing record. I would like to ask each of you to please summarize your remarks and to try and limit them to no more than 5 minutes.

Before I ask for your statements, I would like to call on Senator Cantwell for her statement.

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

Senator CANTWELL. Thank you, Mr. Chairman, and thank you for holding this important hearing on national parks and for the subcommittee's work in general.

In today's hearing there is important legislation to conserve land on Bainbridge Island, Washington, as part of the Minidoka Internment National Monument. I would like to recognize Senator Larry Craig for helping to co-sponsor what is S. 916, to expand Minidoka in Idaho to include the Eaglesdale Ferry Dock site on Bainbridge Island. Senator Murray, Senator Crapo, and I and Senator Craig have worked on this in a bipartisan effort to move this legislation, which I think will benefit Washington, Idaho, the Northwest and the Nation.

Mr. Chairman, I would like to welcome Tom Ikeda of Seattle, who is testifying before us today. He has had a very distinguished career, starting in the private sector as an executive with Microsoft, and he is the founder of Densho, a Seattle-based nonprofit organization dedicated to ensuring that the stories of those forced relocations and incarceration of Japanese Americans during World War II are passed on to future generations.

Mr. Chairman, 65 years ago President Roosevelt signed an Executive Order 9066 to authorize the U.S. military to relocate and detain Japanese Americans from Washington, Oregon, Alaska, California, and Arizona, and during World War II over 120,000 Japanese Americans were forced into internment camps. The first to go were from Bainbridge Island, Washington.

On March 30, 1942, 227 residents of Bainbridge Island were ordered to report to the Eaglesdale Ferry Dock site. After the Bainbridge Island community, about 10,000 residents of Washington State were sent to Minidoka Camp in Idaho and to Toolhe Lake in northern California. Over 7,000 men and women and children from

Washington were sent to Minidoka in Idaho and almost 3,000 were sent to the camps in northern California.

Minidoka was one of ten relocation centers operated in the western United States and men, women, and children lived behind barbed wire fences in rough barracks, without due process or information on their situation.

Mr. Chairman, despite the fact that the U.S. Government had detained U.S. citizens of their most basic civil liberties, over 1,000 men signed up for military service from Minidoka and were sent to the front lines. Minidoka had the highest level of military participation of any of the ten camps and it had the highest number of those killed in action.

I would like to thank the National Park Service for its work to develop recommendations for the conservation of eight acres of land on Bainbridge Island and to develop a management framework for Minidoka in Idaho. Many organizations from Washington State were consulted, including Densho, the Wing Luk Asian Museum, the Japanese American Citizens League, the Friends of Minidoka, the Bainbridge Island Japanese American community, and many other local stakeholders.

Their views have developed a special resource study and general management plan for Bainbridge Island and for Minidoka, and because of their work last year the National Park Service found the Bainbridge Island site was suitable and feasible for management as a satellite unit of the Minidoka facility.

As the years have gone by, it is particularly important that we get this project done to honor the Japanese Americans who were placed in these camps and those that survived. With this monument, we will have an opportunity to tell the story of this chapter in our Nation's history and to make sure that future generations understand. We can ensure that the stories of the camps and the site themselves are told to a much broader audience as part of our Nation's most important historic sites.

So I look forward to working with Senator Craig and my other colleagues on this committee to pass this important legislation, and I thank the chair very much for this opportunity.

Senator AKAKA. Thank you very much, Senator Cantwell.

Now I would like to ask Mr. Dennis, since your name was first, to proceed with your testimony.

**STATEMENT OF JACK DENNIS, HONORARY CHAIRMAN,
CAMPAIGN FOR THE SNAKE HEADWATERS, JACKSON, WY**

Mr. DENNIS. Thank you, Mr. Chairman, and thank you, members of the committee. I appreciate being here to appear before the subcommittee in support of S. 1281, the Snake River Headwaters Legacy Act. What a pleasure it is to be with you to talk about my favorite part of the world. I would like to thank Senator Thomas for introducing this bill and for the citizens of Wyoming and the millions of people around the world that visit our magnificent rivers, a legacy we all can be proud of.

My name is Jack Dennis. I am from Wyoming. I am an outfitter-guide, operate a fly fishing guide service and an outdoor retail business in Jackson Hole. I am founder of the Jackson Hole One-Fly Tournament, which is a nonprofit event that raises money in con-

junction with the Fish and Wildlife Foundation for improvement of fish habitat. I also serve as coach of the Team USA in the World Fly Fishing Championships.

I was born in Wyoming, lived there all my life. I have raised my family, make a living in Wyoming. I have waded and fished all these rivers in this bill. They are my backyard; they are my sanctuary; they may even be my office.

I have been privileged to visit some of the most beautiful places in the world and fish the pristine rivers of the Earth, to Balder Peak in Alaska, the Wairau River in New Zealand, Ibanez River in Chile. My guides and I have outfitted over 100,000 people in the 40 years of our business.

Without hesitation, Mr. Chairman, the rivers and streams of the Snake River headwaters are the most stunningly beautiful in the world. If any rivers are ever worthy of being included in the National Wild and Scenic Rivers System, these rivers are. I love to fish these rivers, but they are more than about fishing. They are a lot more. You do not have to be a fisherman to fall in love with rivers, to walk these rivers and hear the music of the rivers, to see beavers swimming out of the lodge, to watch an elk come down to the river to drink at sunrise. These rivers touch all our souls.

From the shadow of the Teton Mountain Range, our rivers flow through Grand Teton National Park, Bridger-Teton National Forest, and the crown jewel of our park system, Yellowstone National Park. From the teeming trout pools of the Lewis River to the Snake River Canyon to the rivers of the headwaters, they are the lifeblood of northwest Wyoming.

Our rivers are home to the native cutthroat trout, the last great native fisheries left in the world today. They sustain thousands of species of animals and plants who depend on them to survive. As the circulatory system of a living landscape, our rivers provide critical habitat, unmatched recreational opportunities, and economic sustainability to our local and State economies.

Mr. Chairman, wild and scenic designation for these rivers makes sense. Not only is this designation good for rivers, it is good for river users who fish and float these waters. It is good for sportsmen and women who rely on a healthy habitat for hunting and fishing. It is good for business that depends on tourism. It is good for our State.

Our rivers, of course, are places of relaxation and recreation; they offer sensational whitewater rafting, floating, fishing, as well as hiking, camping, and hunting along the banks. All these uses will continue to thrive with the wild and scenic designation.

Our rivers are also powerful economic engines for our tourist-based economy in northwest Wyoming. Travel and tourism is the second largest sector of the Wyoming economy and the largest sector of the regional economy of northwest Wyoming.

States all across the country are using wild and scenic rivers as powerful marketing tools to attract visitors. Businesses on Main Street are benefiting from the wild and scenic rivers in their area. Currently Wyoming has only 20 miles of wild and scenic water, lagging far behind our neighbors, who have hundreds of miles of wild and scenic rivers. Wild and scenic designation for this headwaters

project will allow Wyoming businesses to compete better for the destination dollars in the highly competitive tourist industry.

I have been proud, Mr. Chairman, of serving as honorary chairman of this campaign, a coalition of river users, businesses, outfitters, landowners, conservationists, and just plain people, who want to leave a legacy of clean water, free-flowing rivers, and outstanding recreational opportunities for generations of Americans.

As I take Team USA to Finland next month, I would love to tell them about Senator Craig Thomas's Headwaters Legacy Act, a visionary piece of legislation that will secure a wonderful legacy for our children and grandchildren.

I would be happy to answer any questions.

[The prepared statement of Mr. Dennis follows:]

PREPARED STATEMENT OF JACK DENNIS, HONORARY CHAIRMAN, CAMPAIGN FOR THE
SNAKE HEADWATERS, JACKSON, WY

Thank you Mr. Chairman and thank you members of the Committee. Thank you for inviting me to appear before this Subcommittee to testify in support of S. 1281, the Snake Headwaters Legacy Act. What a pleasure it is to be with you to talk about my favorite part of the world. I would like to personally thank Senator Thomas for introducing this bill, and for giving the citizens of Wyoming and the millions of people from around the world who visit our magnificent rivers a legacy we can all be proud of.

My name is Jack Dennis, and I am from Wyoming. I am an outfitter and guide, and I own and operate a fly-fishing guiding service and an outdoor retail business in Jackson Hole. I am a founder of the Jackson Hole One-Fly fishing tournament which is a nonprofit event that raises money in conjunction with the U.S. Fish and Wildlife Service for improvement of fish habitat. I also serve as the Coach of Team USA in the World Championships of Fly Fishing.

I was born in Wyoming and have lived there my entire life. I have raised my family and make my living in Wyoming. And I have waded and fished each and every river and stream in this bill. These rivers are my backyard. They are my office. And they are my sanctuary.

I have been privileged to visit some of the most beautiful places in the world, and to fish the most pristine rivers on earth—from Gibraltar Creek in Alaska, to the Wairau River in New Zealand, to the Ibanez River in Chile. My guides and I have outfitted more than a hundred thousand people on hundreds of rivers around the world, and I can tell you without hesitation, Mr. Chairman, that the rivers and streams of the Snake Headwaters are among the most stunningly beautiful in the world. If any rivers were ever worthy of being included in the National Wild and Scenic Rivers system, these rivers are.

I love to fish these rivers, but these rivers are about more than just fishing. A lot more. You don't have to be a fisherman to fall in love with our rivers. To walk along these rivers and to hear the music the rivers make . . . To see a beaver swimming out of his lodge . . . Or to watch an elk come down to the river to drink at sunrise. These rivers touch all of our souls.

In the shadows of the Teton Mountain Range, our rivers flow through Grand Teton National Park, the Bridger-Teton National Forest, and the crown-jewel of our National Park System—Yellowstone National Park. From the teeming trout pools of the Lewis River to the raging whitewater in the Snake River Canyon, the rivers of the Snake Headwaters are the life-blood of northwest Wyoming.

Our rivers are home to the native cutthroat trout, one of the last great native fisheries left in the world. And they sustain thousands of species of animals and plants who depend on them to survive. As the circulatory system of a living landscape, our rivers provide critical habitat, unmatched recreational opportunities, and economic sustainability to our local and state economies.

Mr. Chairman, Wild and Scenic designation for these rivers makes sense. Not only is this designation good for the rivers, it's good for river users who fish and float these waters, it's good for sportsmen and women who rely on healthy habitat for hunting and fishing, it's good for businesses that depend on tourism, and it's good for our State.

Our rivers are, of course, places for relaxation and recreation, offering sensational whitewater rafting, floating, and fishing, as well as hiking, camping, and hunting along their banks. And all of these uses, and many others, will continue to thrive

with a Wild and Scenic designation. Our rivers are also powerful economic engines of our tourism-based economy in northwest Wyoming. Travel and Tourism is the second-largest sector of the Wyoming economy, and the largest sector of the regional economy in northwest Wyoming.

States all across the country are using Wild and Scenic rivers as powerful marketing tools to attract visitors. And businesses on Main Street are benefiting from the wild and scenic rivers in their area. Currently, however, Wyoming only has 20 miles of wild and scenic water, lagging far behind our neighbors who have many hundreds of miles of wild and scenic rivers. Wild and Scenic designation for the Snake Headwaters will allow Wyoming businesses to better compete for destination dollars in a highly competitive tourism industry.

Mr. Chairman, I have been proud to serve as the Honorary Chairman of the Campaign for the Snake Headwaters—a coalition of river users, businesses, outfitters, landowners, and conservationists who want to leave a legacy of clean water, free-flowing rivers, and outstanding recreational opportunities for generations of Americans to come. As I take Team USA to Finland to compete in the World Championships of Fly Fishing later this month, I will take with me the news of Senator Thomas' Snake Headwaters Legacy Act, a visionary piece of legislation that will secure that wonderful legacy for our children and grandchildren.

Thank you Mr. Chairman. I would be happy to answer any questions that the Committee has for me.

Thank you.

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

Mr. Tom Ikeda.

**STATEMENT OF TOM IKEDA, EXECUTIVE DIRECTOR, DENSHO:
THE JAPANESE AMERICAN LEGACY PROJECT**

Mr. IKEDA. Thank you, Mr. Chairman. Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify today in support of the Minidoka National Historic Site Act, S. 916, and the Bainbridge Island Japanese American Monument Act, H.R. 161.

My name is Tom Ikeda. I am a third generation Japanese American and am proud to say my family has lived in Seattle, Washington, for over 100 years. I would have been even prouder to say continuously for over 100 years, but I cannot say this because of a 3-year gap from 1942 through 1944 when my four grandparents, my two parents, and my seven aunts and uncles were removed from Seattle and incarcerated at the Minidoka War Relocation Authority Camp in southern Idaho.

Francis Kinoshita, one of my uncles, whom I never had the chance to meet, volunteered from Minidoka to serve in the U.S. Army's all-Japanese 442 Regimental Combat Team along with your colleague Senator Daniel Inouye. Unfortunately, my uncle was killed in action and was one of 73 battlefield deaths that Minidoka suffered, more than any other camp.

I am also the Executive Director of Densho: The Japanese American Legacy Project, a Seattle, Washington, nonprofit organization. "Densho" is a Japanese term meaning to pass stories on to the next generation, or to leave a legacy. Our mission is to preserve the stories of Japanese Americans who were unjustly incarcerated during World War II and to make these stories available over the Internet.

On behalf of Densho and our partner organizations in the Japanese American community, I wish to express our deep appreciation to Senator Larry Craig, Senator Maria Cantwell, Senator Mike Crapo, and Senator Patty Murray for introducing S. 916 and to Representative Jay Inslee and Representative Mike Simpson for introducing related legislation, H.R. 161, in the U.S. House of Rep-

representatives. I especially wish to recognize Senator Maria Cantwell, who has worked to conserve Washington State's rich cultural heritage.

Densho fully supports the components of S. 916 and H.R. 161. I am particularly excited about the addition of the Bainbridge Island Japanese American Memorial to the boundaries of Minidoka. If this legislation is enacted, the Eagledale Ferry Dock site on Bainbridge Island will be the first area managed by the National Park Service dedicated to the Japanese American experience in World War II and located close to a large population center.

I am pleased to be joined here today by Floyd Mori, National Director of the Japanese American Citizens League. The Japanese American Citizens League, which has multiple chapters in both Washington and Idaho, and the Friends of Minidoka strongly support this legislation.

Densho also supports an amendment to S. 916 or H.R. 161 to expand Minidoka's boundary to include the Farm in a Day property, a 128-acre property adjacent to the monument. This tract is the National Park Service's highest acquisition priority because, in addition to telling the historic story of Farm in a Day described earlier by Senator Craig, it will also enable the National Park Service to reconstruct an entire barracks block in its original location, as called for in its general management plan. This is something that is not possible without boundary expansion legislation. Public comments received during the planning process identified the barracks as the most important buildings to convey the Minidoka story.

Mr. Chairman and members of the committee, I commend your vision, leadership, and resolve to hold a hearing on this legislation. For decades Japanese Americans who were imprisoned by their government lived with shame, guilt, and pain. This legislation, coupled with the annual pilgrimages, the collection of personal stories, and the work of the National Park Service, has helped promote the healing process for many of the surviving detainees.

As this year marks the 65th anniversary of the mass removal and incarceration in 1942, many of the survivors are in their 70s, 80s, and older. To ensure that their stories of suffering, hardship, courage, and hope can be told to future generations, we respectfully request the committee approve the amended legislation on an expedited basis.

Mr. Chairman, I would be pleased to answer any of your questions and provide additional information to you and the subcommittee. Thank you again for this opportunity to testify.

[The prepared statement of Mr. Ikeda follows:]

PREPARED STATEMENT OF TOM IKEDA, EXECUTIVE DIRECTOR, DENSHO: THE
JAPANESE AMERICAN LEGACY PROJECT

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify today in support of the Minidoka National Historic Site Act (S. 916) and Bainbridge Island Japanese American Monument Act (H.R. 161).

My name is Tom Ikeda. I am a third-generation Japanese American and am proud to say my family has lived in Seattle for over 100 years. I would have been even prouder to say "continuously for over 100 years" but I cannot say this because of a three year gap from 1942 to 1944 when my four grandparents, my two parents, and my seven aunts and uncles were removed from Seattle and incarcerated at the Minidoka War Relocation Authority camp, in southern Idaho.

Francis Kinoshita, one of my uncles, whom I never had the chance to meet, volunteered from Minidoka to serve in the U.S. Army's all-Japanese American 442nd Regimental Combat Team along with Senator Daniel Inouye. Unfortunately, my uncle was killed in action and was one of 73 battlefield deaths that Minidoka suffered, more than any other camp.

I am also the Executive Director of Densho: The Japanese American Legacy Project, a Seattle, Washington, non-profit organization. Densho is a Japanese term meaning "to pass stories on to the next generation," or to leave a legacy. Our mission is to preserve the stories of Japanese Americans who were unjustly incarcerated during World War II. We collect and offer their stories to the public in a manner that reflects our deep regard for who they are and what they endured.

Using digital technology, we provide Internet access to hundreds of video interviews, thousands of historical documents and photographs, and teacher resources to explore democratic ideals and constitutional principles. We seek to educate young people and inspire them to act in defense of liberty and the highest values of our country.

On behalf of Densho and our partner organizations in the Japanese American community, I wish to express our deep appreciation to Senator Larry Craig, Senator Maria Cantwell, Senator Mike Crapo and Senator Patty Murray for introducing S. 916 and to Representative Jay Inslee and Representative Mike Simpson for introducing related legislation (H.R. 161) in the U.S. House of Representatives. I especially wish to recognize Senator Maria Cantwell, who has worked to ensure that Washington state's rich cultural heritage is conserved for future generations as part of the National Park System.

This bipartisan legislation is a testament to the importance of recognizing this chapter in our nation's history and builds on our nation's tradition of conserving historic sites that reflect the broad diversity of our national experience.

Densho fully supports the components of S. 916 and H.R. 161. I am particularly excited about the addition of the Bainbridge Island Japanese American Memorial to the boundary of Minidoka. If this legislation is enacted, the Eagledale Ferry Dock site on Bainbridge Island will be the first area managed by the National Park Service (NPS) dedicated to the Japanese American experience in World War II and located close to a large population center. Because of its significance as the point of debarkation for the first group of Japanese Americans to be forcibly removed and detained, Densho believes that the Bainbridge Island Memorial will become a focal point on the West Coast for memories, healing, and education about the story of the 227 Japanese Americans from Bainbridge who were relocated on March 30, 1942. By establishing the Memorial, Congress will authorize the NPS to illuminate the broader story of President Roosevelt's Executive Order 9066 that led to the incarceration of 120,000 innocent Japanese Americans from across the western United States.

I am pleased to be joined here today by Floyd Mori, National Director of the Japanese American Citizens League. The Japanese American Citizens League, which has multiple chapters in both Washington and Idaho, and the Friends of Minidoka strongly support this legislation.

Densho also supports an amendment to S. 916 or H.R. 161 to expand Minidoka's boundary to include the Farm-in-a-Day property, a 128-acre property adjacent to the Monument. This tract is the NPS's highest acquisition priority because it will enable the NPS to reconstruct an entire barracks block in its original location, as called for in its General Management Plan (GMP).

Let me explain why I think the amendment is important. Two months ago, I had the opportunity to visit the Manzanar National Historic Site in eastern California. At Manzanar, the NPS does an excellent job of preserving and interpreting this World War II-era detention facility. The ability to walk and reflect in the exact location of the former barracks serves as a powerful tool for interpretation. This attention to detail and accuracy reflects historical rigor and makes the events more tangible and real for visitors to the National Historic Site, who number over 90,000 annually.

Including the Farm-in-a-Day property in Minidoka is important because it will allow for the future restoration of an entire block of barracks on its original location, something that isn't possible without boundary expansion legislation. Public comments received during the planning process identified the barracks as the most important buildings to convey the Minidoka story.

To conserve this historic property, The Conservation Fund acquired the land and wishes to convey it to the NPS for permanent management. I ask that a letter in support of the boundary expansion from The Conservation Fund be included in the record.

The acquisition of this tract will also enable the NPS to tell the remarkable story of the Farm-in-a-Day project, when thousands of workers and spectators came together on one day in 1952 to build a farm on the site of the former camp. This project represents an important connection between the camp and the decommissioning of the camp and the development of agriculture in southern Idaho. Building the Farm-in-a-Day was a significant historical event that marked a cooperative effort between the local community, state and federal governments, and the private agricultural industry to establish and demonstrate modern agricultural techniques and equipment.

Today's legislation is possible as a result of two recently-completed planning efforts by the NPS as part of the Minidoka GMP and a Congressionally-authorized special resource study to develop recommendations to conserve the two sites at Minidoka and Bainbridge Island as an integrated, unified and comprehensive resource for public education and interpretation.

MINIDOKA GMP AND BAINBRIDGE ISLAND SPECIAL RESOURCE STUDY

In 2001, the Minidoka Internment National Monument was established as a unit of the National Park System. In the last several years, the NPS has worked closely with the local community in Idaho, as well as Japanese American organizations throughout Idaho, Washington and Oregon, to develop a GMP for the Monument. As part of its planning process, the NPS conducted numerous public meetings in Idaho and across the Pacific Northwest to solicit input from the public about how best to manage the Monument for public education and interpretation. In 2006, the NPS completed its GMP, which included a number of recommendations to strengthen the ability of Minidoka to tell the story of the camp to future generations.

In 2002, Congress passed legislation to authorize the NPS to conduct a special resource study of the Eagledale Ferry Dock site on Bainbridge Island. In working closely with the Bainbridge Island Japanese American Memorial Committee and other partners, the NPS recommended that the eight acre site be added to Minidoka via a boundary expansion.

Densho has examined and commented on the draft GMP for the Minidoka Internment National Monument and the special resource study for the Eagledale Ferry Dock on Bainbridge Island. Densho supports the recommendations of the GMP and special resource study and S. 916, H.R. 161 along with a proposed amendment to include the Farm-in-a-Day property in the Minidoka boundary would implement these recommendations.

BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL—EAGLEDALE FERRY DOCK

Densho supports expanding the boundary of the Minidoka Internment National Monument to include the approximately eight acres of land containing the Nidoto Nai Yoni, "Let it not Happen Again," memorial at the site of the Eagledale Ferry Dock. In 2002, Congress passed legislation to authorize the NPS to study the national significance, and feasibility and suitability of managing the Eagledale Ferry Dock site on Bainbridge Island, Washington as part of the National Park System.

Establishing the Bainbridge Island Japanese American Memorial as a unit of Minidoka will provide an excellent opportunity to tell the story of the journey of the Bainbridge Island Japanese Americans from Bainbridge to Manzanar to Minidoka and back to Bainbridge, as all sites will be managed by the NPS.

LAND TRANSFER FOR ISSEI MEMORIAL AND FORMER STAFF HOUSING

As proposed in the GMP and as directed in S. 916, Densho supports the proposed management transfer of approximately 10 acres of land from the Bureau of Reclamation to the NPS at Minidoka. This transfer will allow for the creation of an Issei Memorial to commemorate the memory and experiences of the first generation of Japanese Americans, who traveled from Japan to settle in America. The proposed Memorial will honor their sacrifices, hard work, and commitment to their family and chosen country. This proposed transfer also includes the land and historic buildings of former staff housing, which would be used for management purposes.

RENAMING OF THE MONUMENT

As proposed in S. 916, Densho supports the renaming of the Minidoka Internment National Monument to the Minidoka National Historic Site. Changing the name to Minidoka National Historic Site would bring the name into conformity with the Manzanar National Historic Site and other units of the National Park System which have a similar scope and educational mission.

Another reason to change the name is the term “internment” is problematic when applied to American citizens. Technically, internment refers to the detention of enemy aliens after a legal hearing during time of war. At Minidoka, approximately two-thirds of the Japanese Americans incarcerated were U.S. citizens and none were given hearings. It would be a mistake for the Congress to codify this term in statute, which is why Densho supports the legislation to change the name to the Minidoka National Historic Site. This name change was also a recommendation of the GMP.

Mr. Chairman and members of the Committee, I commend your vision, leadership, and resolve to hold a hearing on this legislation. For decades, Japanese Americans who were imprisoned by their government lived with shame, guilt, and pain. This legislation, coupled with the annual pilgrimages, the collection of personal stories, and the work of the NPS, has helped promote the healing process for many of the surviving detainees.

As this year marks the sixty-fifth anniversary of the mass removal and incarceration in 1942, many of the survivors are in their seventies, eighties and older. To ensure that their stories of suffering, hardship, courage, and hope can be told to future generations, we respectfully request that the Committee approve the amended legislation on an expedited basis.

Mr. Chairman, I would be pleased to answer your questions and provide additional information to you and the Subcommittee. Thank you again for this opportunity to testify.

TIMELINE

December 7, 1941.—Japan attacked U.S. military bases in Pearl Harbor, Hawaii. More than 3,500 servicemen were killed or wounded.

February 1942.—President Roosevelt signs Executive Order 9066 which authorizes the mass removal and incarceration of 120,000 Japanese Americans from California, Washington, Oregon, Alaska and portions of Arizona during World War II. Minidoka is one of ten large incarceration centers constructed.

March 30, 1942.—227 members of Bainbridge Island’s Japanese American community report to the Eagledale Ferry Dock, site of the Bainbridge Island Japanese American Memorial, becoming the first group of Japanese Americans to be forcibly removed.

August 1942.—The War Relocation Authority opens Minidoka Relocation Center in Jerome County, Idaho. Approximately 7,200 Japanese American residents from Washington State are incarcerated at Minidoka after being temporarily detained at the Puyallup Washington Fairgrounds. During its operation, the population at Minidoka peaks at 9,397 men, women and children. Over 1,000 men sign up for the U.S. Army, the highest level of military participation at any of the camp sites. Of those who joined the military, 73 were killed in action, the highest number of any of the ten camp sites.

1943.—Bainbridge Island Japanese Americans leave Manzanar for Minidoka.

October 1945.—Minidoka closed.

April 1952.—Over 10,000 people come together from across southern Idaho to turn the former Minidoka camp into a working farm (Farm-in-a-Day).

February 1980.—Congress establishes and authorizes the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to review the circumstances surrounding Executive Order 9066 and the forced relocation and incarceration of Japanese Americans and other U.S. citizens during World War II. The CWRIC conducts hearings in nine cities, hears testimonies from over 750 witnesses, and examines over 10,000 documents. In 1983, the CWRIC issues its report concluding that military necessity was not the cause of the mass imprisonment. Rather, “. . . causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership.”

August 10, 1988.—President Ronald Reagan signs the Civil Liberties Act (H.R. 442) into law. It acknowledges that the incarceration of 120,000 individuals of Japanese descent was unjust, and offers an apology and payment of \$20,000 to each living survivor.

October 1990.—President George H.W. Bush issues a formal apology to surviving Japanese Americans in letters accompanying financial reparations.

February 1992.—Congress establishes the Manzanar National Historic Site in eastern California, as the first unit of the NPS to commemorate this chapter in our nation’s history.

January 2001.—Minidoka Internment National Monument is established as a unit of the NPS. As part of its planning process, the NPS conducts numerous public meetings in Idaho and across the Northwest to solicit input from the public about

how best to manage the Monument for public education and interpretation. In 2006, the NPS completes its GMP.

December 2002.—Congress passes legislation to authorize the NPS to conduct a special resource study of the Eagledale Ferry Dock site on Bainbridge Island. In 2006, the NPS recommends that the eight acre site be added to Minidoka as a boundary expansion.

Senator AKAKA. Thank you very much for your testimony.

Now I would like to call on Mr. George Santucci for your testimony.

**STATEMENT OF GEORGE SANTUCCI, EXECUTIVE DIRECTOR,
NATIONAL COMMITTEE FOR THE NEW RIVER**

Mr. SANTUCCI. Thank you very much, Mr. Chairman. Mr. Chairman and subcommittee, thank you for this opportunity, and good afternoon, to present testimony in support of Senate bill 1057, to amend the wild and scenic river designation for the New River in the States of North Carolina and Virginia.

I am George Santucci and I am the Executive Director for the National Committee for the New River, and I am here representing our members, supporters, and the New River. I would like to submit to you today the testimony, including a map and a picture of this section of the river.*

The New River has been proven to be the oldest river on the North American continent. It gets its start at above 5,000 feet in the high country of North Carolina. It starts as two forks, the North and South Fork, which come together in confluence near the North Carolina-Virginia State lines. It proves its age by defying common wisdom and flowing northward through the Appalachian Mountains as it goes through Virginia and on into West Virginia.

The section of the river that we are speaking of today flows through pristine and beautiful farmlands. Many of these farm owners still hold the original land grants that were given in the 1700s to their families. There are threatened and endangered species on this section of the river, including the Kanawha minnow, the green-faced clubtailed dragonfly, and a beautiful flowering bush known as the Virginia spiraea. Other species—bald eagles, blue herons—certainly nest and fish this section of the river.

The National Committee for the New River was founded 30 years ago when Appalachian Power proposed dams on this exact section of the river, which would have flooded over 40,000 acres of farmlands and displaced hundreds of families and would have closed down many communities. There was a massive grassroots response to this action, which garnered national attention and bipartisan support for the river, and the action resulted in the original scenic designation of the river, which was signed by President Ford on September 11, 1976.

Thirty years later, if I can refer you to the picture there, you will see that the river has been threatened again. It was recently proposed that a prison be placed right on that site on the river, and this is within this current designation that is being requested today.

Once again, the grassroots folks responded and, luckily, there has been negotiations which have moved the prison off the river,

* All graphics in this document have been retained in subcommittee files.

but it indicates today that there are constantly threats to this section of the river and this designation would go a long way to negotiating with folks with regard to these threats.

The Winston-Salem Journal recently editorialized that “the potential to threaten this section of the river and the tourist economy that it brings in . . . all these communities along the river should try hard to limit development and make sure that the development does not detract from its scenic beauty.”

The National Committee for the New River and its local and regional partners have protected over 20,000 acres within the New River watershed. If I can refer you to the map that is shown there, you can see that there are permanently protected lands both along the current scenic designation and on this proposed scenic designation. There are hundreds of acres that are currently protected just along the proposed scenic designation and many more are in negotiations to be protected.

I would say every year that thousands of folks come to fish the New River. It is a world-class smallmouth bass fishery and the tourism dollars that come—Ashe County, which is the county that currently enjoys the scenic designation, has about \$40 million a year tourism revenue that comes into the county and they credit the New River as the primary tourist attraction in the county and the scenic designation is a big part of that, driving that force.

Charlotte Hanes, a landowner who happens to have land all along this stretch of the river in both States, has said that “The river in this area is in such good, undeveloped condition and there are hundreds of acres that are currently under conservation easements thanks to the volunteer efforts of caring landowners and organizations who work for the river.”

I would just like to thank Senator Burr for sponsoring S. 1057 and his vision for protecting our country’s oldest river. This wild and scenic designation would be just another acknowledgment and recognition on a national level that this river is our oldest river and that it is an American Heritage river and deserves this level of protection.

I appreciate the opportunity to present this testimony to you today and am happy to answer any questions.

[The prepared statement of Mr. Santucci follows:]

PREPARED STATEMENT OF GEORGE SANTUCCI, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE FOR THE NEW RIVER

Mister Chairman and Members of the Subcommittee, good afternoon. Thank you for the opportunity to present testimony in support of SB 1057 to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System. I am George Santucci, the Executive Director of the National Committee for the New River. I am here today representing our members, supporters, and the New River. With the permission of the committee, I’d like to submit a statement and the attached map and photograph for the record. My statement today will highlight those comments.

The New River is the oldest river on the North American Continent. It defies common wisdom by flowing north and west through the ancient Appalachian Mountains. The New, descendant of the ancient Teyas River, was altered by the last ice age, resulting in the path it follows today. The New begins above 5,000 feet in the high peaks of North Carolina, as two forks, North and South. The main stem of the River is formed at the confluence of the forks near the North Carolina and Virginia border. The New then meanders north through Virginia into West Virginia where it confluences with the Gauley River and forms the Kanawha River.

The section of the New River for which we are seeking Wild and Scenic status flows through beautiful undeveloped farmland. In fact, many of the landowners along this stretch of the New River retain the original land grants for these farms from the 1700's. This section of the River is home to threatened and endangered species including the Kanawha Minnows and Darters, ToungeTied Minnows, Green Floater mussels, Green-faced clubtailed dragonflies, and Virginia Spiraea. Bald Eagles and Herons nest and fish the New River.

The National Committee for the New River was founded over 30 years ago when the Appalachian Power Company proposed constructing two dams on the New River in Southwestern Virginia. The dams would have destroyed over 40,000 acres in farmland, hundreds of homes and the whole of many communities.

The grassroots response to the proposed dam was enormous. Opposition, beginning with local communities, escalated exponentially. The 1976 National Scenic Designation garnered nationwide attention, including coverage by Walter Cronkite (CBS), Harry Reasoner (ABC) and David Brinkley (NBC). The grassroots effort also garnered broad by-partisan support as well; Sen. Sam Ervin, Sen. Jessie Helms, Rep. Steve Neal, Gov. Holshouser, Sen. Ham Horton and many others helped get the scenic designation legislation passed. It was signed into law on September 11, 1976. The federal government recognized then what we have known all along—the New River is a national treasure.

Thirty years after this battle to protect the New, the River was threatened once again. This time, prison construction, on the very banks of the River, was proposed—ironically in the same location as the would-be dam of the 1970's. The grassroots response was again swift and strong. Local citizens organized to oppose the proposed location. Local newspapers like the Galax Gazette covered the controversy extensively. The Winston-Salem Journal, editorially agreed with the community concern, saying, “. . . officials should heed the citizen protests and find another site—one that doesn't have the potential to threaten the river or the tourist money it brings in . . . All communities along this river should try hard to limit development nearby and make sure that any development does not detract from its scenic beauty.”

As a result of this grassroots action, a compromise was recently reached. The state's Department of Corrections selected a different sight in the county, one more cost-effective, and not on the banks of the New River.

The National Committee for the New River and its local and regional partners have protected over 20,000 acres throughout the New River Basin. Our work is a testament to the dedication of our local communities along the River. Over the last 30 years, thousands have volunteered to steward the River through contributions of time and financial support. Volunteers monitor the New's water quality, donate easements, provide restoration funding, and work on clean-up efforts throughout the year.

Currently there are hundreds of acres of permanently protected land along the section of the River we are speaking of today, and hundreds more proposed for protection. On the existing designated scenic section in North Carolina, the state has created the New River State Park, which includes approximately 2,000 acres, and has had 100-200% increases in visitation over the last few years.

Every year thousands of people fish and canoe the New River. Currently tourism revenue in Ashe County, North Carolina, is almost \$40 million annually—the New River is the major attraction. Statewide North Carolina's tourism dollars continue to grow with more than 45 million visitor spending more than \$15 billion dollars last year.

As said by Charlotte Hanes, a property owner along the River in both North Carolina and Virginia, “People holding NC or VA fishing licenses may fish this area with just one state license. We share the River and we need to take care of it equally. It would be good for both states to make a pledge to keep the River as it is now for future generations and for clean source of water. The river in this area is in such good, undeveloped condition and there are hundreds of acres already under conservation easements thanks to the volunteer efforts of caring landowners and the organizations that work for the River.”

National Wild and Scenic designation will be another acknowledgement as recognition of the New River as America's oldest River and an American Heritage River.

I appreciate the opportunity to present this testimony to the Subcommittee today.

Senator AKAKA. Thank you very much, Mr. Santucci.
Now, Dr. Timothy Vail.

**STATEMENT OF TIMOTHY D. VAIL, D.V.M., ON BEHALF OF VAIL
& VICKERS COMPANY, SANTA ROSA ISLAND, CA**

Dr. VAIL. Thank you, Chairman Akaka and members of the subcommittee. My name is Dr. Tim Vail and I would like to thank you for the opportunity to provide testimony on S. 1209. I plan to summarize my written testimony and request that you include my full remarks within the record and include the attachments referenced within.

I am a managing partner, large animal veterinarian, and fourth generation member of our family's ranching company, Vail & Vickers. We are the previous owners of Santa Rosa Island from 1901 until its acquisition by the National Park Service and inclusion into Channel Islands National Park in 1986. We are current operators of a wildlife management enterprise there that existed prior to the island's acquisition by the park and continues there under a series of special use permits set to expire by the end of 2011.

I would like to voice our strong objections to S. 1209 because it would mandate the slaughter of healthy deer and elk herds on Santa Rosa Island, and as written jeopardizes our agreement with the Park Service that allows our operation to continue through 2011. The bill seeks to repeal section 1077, subsection (c), authored by Congressman Duncan Hunter and passed into law last year, preventing the eradication of deer and elk on Santa Rosa Island.

Vail & Vickers operated this historic cattle ranch for nearly 100 years, earning awards and accolades for their legacy of good land stewardship. During the mid-1920s, Vail & Vickers imported Roosevelt elk and Kaibab mule deer, native North American big game species, to provide species diversity to the island, a popular idea among ranchers of the era.

We would like to make clear that the language within Congressman Hunter's legislation, now law, would not continue our current commercial deer and elk management operation, nor is it our intent to advocate for an extension of our operation beyond 2011. Nonetheless, in repealing the current law protections provided by Congressman Hunter's language, this legislation today mandates the slaughter of these animals under the Park Service direction beginning next year. More troubling, in addition to repealing Congressman Hunter's provision, this legislation seeks to add language into law which threatens the very existence of the Vail & Vickers operation before 2011 by failing to recognize and therefore violating an existing court-ordered settlement agreement between Vail & Vickers, the National Park Service, and National Parks Conservation Association.

The acquisition of Santa Rosa Island included important provisions to allow our cattle and wildlife operations to continue within the park through the year 2011. This was an amicable arrangement worked out between ourselves, Congressman Lagomarsino, the author of the legislation which created Channel Islands National Park, and Park Service negotiators, including Superintendent Bill Ehorn. Superintendent Ehorn and Congressman Lagomarsino's statements are included in my written testimony.

We were promised a series of 5-year special use permits to operate our cattle and wildlife operations for the 25-year period. It was clearly the intent of the framers of this agreement that these oper-

ations would continue for 25 years as a living history of what ranching operations were like across the West.

The relationship between the Park Service and Vail & Vickers deteriorated rapidly following Superintendent Ehorn—after Superintendent Ehorn transferred from Channel Islands National Park and Congressman Lagomarsino retired from office. There were many issues contested over the years as park resource managers endeavored to call into question previously accepted ranch practices. This park agenda was well documented by former Park Superintendent Tim Setnicka in a series of articles in the Santa Barbara News Press.*

We found ourselves under fire when the National Parks and Conservation Association filed suit and brought us and the Park Service into court in 1977. As a result of litigation we could not afford, a settlement agreement forced us to shut down our cattle operation without compensation in 1998, 14 years prior to the time agreed upon at the inclusion of the Santa Rosa Island within the park. We fear that S. 1209 opens the door for strict park policy interpretation by park activists and once again jeopardizes our rights.

I have come here to address two issues important to Santa Rosa Island. Our priority for the past several years has been to try to do the right thing by our deer and elk herds and find a workable alternative to stop the needless slaughter of these animals. We believe that after 80 years of occupancy that this is their home. If these were buildings we would not be able to move them if we wanted to. Like the century-old ranch and cattle operation, these deer and elk are important parts of Santa Rosa Island's scenic and cultural history and should be available for the enjoyment of visitors in the future.

Therefore we would like to leave an ecologically appropriate number of deer and elk on their range on Santa Rosa Island for visitors to enjoy, a notion supported by leading wildlife conservation groups.

Last year the Hunter provision in the defense authorization measure included language protecting the deer and elk from eradication. He did this without our assistance or consultation. Today S. 1209, authored by Senators Feinstein and Boxer, would overturn current law and return us to the court-ordered slaughter, also without our consultation. Either way we feel we have been caught in the middle between these two competing interests.

The passage of this bill could bring about a tragic end to an agreement made in good faith by my ranching family. Not only are the deer and elk threatened by S. 1209, but our remaining rights are also jeopardized. We ask that the committee and Congress protect our rights and these magnificent herds.

Thank you again for the opportunity to testify and I look forward to your questions.

[The prepared statement of Dr. Vail follows:]

PREPARED STATEMENT OF TIMOTHY B. VAIL, VAIL & VICKERS COMPANY,
SANTA ROSA ISLAND, CA

Chairman Akaka and Members of the Subcommittee, my name is Dr. Tim Vail and I would like to thank you for the opportunity to provide testimony on S. 1209.

*Documents have been retained in subcommittee files.

I plan to summarize my written testimony and request that you include my full remarks within the record and include the attachments referenced within.

I am a managing partner and fourth generation member of our family's ranching company, Vail & Vickers. We are the previous owners of Santa Rosa Island from 1901 until its acquisition by the National Park Service and inclusion into Channel Islands National Park in 1986, and current operators of a wildlife management enterprise there. We have traveled to Washington, D.C. today to voice our strong objections to S. 1209, a bill that would mandate the slaughter of healthy elk and deer herds currently habituated to Santa Rosa Island, one of the islands within Channel Islands National Park off the southern California coast.

This bill seeks to repeal that Section 1077(c) of Public Law 109-364 (120 Stat. 2406), authored by Congressman Duncan Hunter, and passed into law last year that prevents the eradication of deer and elk on Santa Rosa Island. Further, the Feinstein/Boxer bill doesn't just repeal Congressman Duncan Hunter's law protecting the deer and elk, it also adds language which we feel, if allowed to become law, fails to recognize and violates an existing court ordered settlement agreement between V&V, the National Park Service (Park Service) and the National Parks Conservation Association (NPCA). While Congressman Hunter's provision impacts this agreement with respect to allowing the elk and deer to remain on the island, the provisions within S. 1209 are more broad and troublesome.

We thank you for the opportunity to share our concerns regarding this legislation. As the former landowners and current tenants of this island ranch, with over 100 years and four generations of stewardship, we have been highly impacted by this National Park and National Park Service policies. Ultimately, we will be the private entity most directly affected by this proposed legislation. We would like to provide you with our perspective on some of the issues surrounding the Santa Rosa Island debate based on our family's knowledge of, and experience on Santa Rosa Island. We ask that you consider our testimony regarding the concerns we have for our wildlife operation and contractual agreements with the National Park Service, and for the future of the magnificent deer and elk herds on Santa Rosa Island.

BACKGROUND

In 1901 my great-grandfather Walter L. Vail, and his partner J.V. Vickers, formed Vail & Vickers Co. (V&V) and purchased Santa Rosa Island, one of the islands in the northern archipelago of the Santa Barbara Channel Islands, converting the island from a 19th century sheep station to a 20th century cattle ranch after providing several years of habitat rest. Vail and Vickers has operated this historic cattle ranch for nearly 100 years on the island earning awards and accolades for their legacy of good land stewardship on the island. During the mid-1920's, V&V imported Roosevelt elk and Kaibab mule deer to provide species diversity to the island and to provide for personal enjoyment, a popular idea among ranchers in that era. These animals were not originally intended as commercial livestock. Herd numbers were managed by ranch personnel for meat and hides from the time of the herds' introduction. In 1978, as a result of a proposal born of thesis work completed by myself at the University of California at Berkeley in the College of Natural Resources, V&V began a commercial hunting program in order to better manage these herds responsibly, as well as add additional revenue to their island cattle operations.

Channel Islands National Park (CINP) was created through an act of Congress authored by Congressman Robert J. Lagomarsino in 1980. The Congressman's contribution and leadership was recognized on Nov. 12, 1996 (Public Law 104-333) when the Channel Islands National Park Visitor's Center was named after him. Attached is a statement from Congressman Lagomarsino expressing his thoughts on S. 1209 and some of the island's current issues. His testimony should help provide insight to discussions that took place over 25 years ago. As Congress contemplates the intent of current and future provisions, we hope that you pay special attention to the thoughts of the Member that made the idea of the Channel Islands National Park a reality.

Santa Rosa Island was acquired by the National Park Service in 1986 against the desire of V&V, who wished to continue their ranching operations. Nonetheless, with few options available to V&V and under threat of condemnation, they agreed to sell the island to the federal government for inclusion in Channel Islands National Park. As responsible stewards of the island, part of the attraction of the sale for us was the idea that this unique island's history would be preserved and presented to visitors.

To ease in the transition, part of the island's sale included an important provision to allow the V&V cattle and wildlife operations to continue within the Park through the year 2011. Specifically the family was given a 25-year lease on a 7-acre parcel

with right of use and occupancy. Separately, V&V was promised by the Park Service the cattle and wildlife operations were to continue for 25 years through the use of mutually agreed upon successive 5-year Special Use Permits. Rather than fight impending condemnation and government appraisal, V&V chose to work with Park Service to bring Santa Rosa Island into Channel Islands National Park. The Park received Santa Rosa Island at their price along with immediate access in return for the continuation of V&V's commercial operations for 25 years. This agreement also helped the park access much needed moneys both through the direct collection of Special Use Permit fees by the Channel Islands National Park, and by allowing the Channel Islands National Park to obtain funding from the Park Service for Santa Rosa Island management that would not have been available had the island been under a 25-year lease to V&V. Lease money would have gone to the United States Treasury, which would not have directly benefited Channel Islands National Park.

This arrangement was amicable at its inception, and our agricultural and recreational operations were deemed by Park Service negotiators, including the Channel Islands National Park Superintendent William Ehorn, to be perfectly compatible with both National Park policies and their vision for future Channel Islands National Park. It was the intent of all sides involved that these agreements were to be followed for the full 25-year period. We have included correspondence from former Superintendent Ehorn in this testimony. It was due in part to Mr. Ehorn's persuasion that we accepted this course of action rather than opting for a 25-year lease agreement for the commercial cattle and wildlife enterprises, which would have allowed V&V to operate as it had historically until 2011 with no Park input and no public access. It is also important to note that Congressman Lagomarsino never envisioned the removal of the deer and elk at the end of the family's 25-year term.

As a result of a lawsuit brought against the Park Service and V&V by the National Parks and Conservation Association (NPCA), V&V was forced to shut down their cattle operation without compensation in 1998, 14 years prior to the time agreed upon at the inclusion of SRI within the Park. The resulting Settlement Agreement (Settlement) also detailed conditions under which V&V would continue its hunting operation until 2011, and further specified that both the deer and elk herds need be "removed" from the SRI by the end of that same year. Congressman Duncan Hunter authored legislation last year that provided simply that the deer and elk on Santa Rosa Island may not "be eradicated, or nearly eradicated" from the island.

We would like to make clear that the language within Congressman Duncan Hunter's legislation, now law, would not continue the current commercial deer and elk management operation nor extend the V&V's Special Use Permits beyond 2011. In addition, V&V played no role in this language and was not consulted by Congressman Hunter in any way regarding it. It is not our intention to advocate for the continuation of our wildlife management program past the year 2011. While Congressman Hunter had a publicly stated goal of allowing our service men and women a place to hunt after 2011, this language does not do this. I don't need to explain to this Committee the reality of compromising what a Member wants versus what is possible in the legislative process. Unfortunately, the media and individuals with their own agenda confuse what Congressman Hunter wanted with what was passed into law.

While Congressman Hunter's language may be politically complicated, its legislative impact is direct and simple. First, this language eviscerates the portion of the Settlement Agreement that requires a 25% per year drawdown in deer and elk populations beginning in 2008, and ultimate elimination of the elk and deer herds in 2011. It then requires the Department of the Interior to allow the elk and deer to remain on Santa Rosa Island beyond 2011. While we think the language is relatively straight forward, it causes some significant questions for all involved and particular problems for V&V. Namely, what number of elk and deer should remain beyond 2011? It appears the intent is to transfer the herds from private ownership to public use, but how would this occur?

THE PROBLEM TODAY

The language of the Feinstein/Boxer bill repeals Congressman Hunter's legislation which prevents the eradication of the deer and elk herds on Santa Rosa Island. In repealing the current law protections provided by Congressman Hunter's language, this legislation would require the slaughter of these animals under Park Service direction beginning next year. Further, this bill as written raises questions as to its impact upon the current wildlife management enterprise and other Special Use Permit provisions upon enactment. It appears to topple the court-ordered Settlement

Agreement of 1997 of which V&V, the Park Service and NPCA are party to. It would apparently negate the court ordered settlement and place us in a position of having to sue the United States to return the rights they agreed to in the Settlement. As such, this law could amount to a legislative taking without providing the funding to do so. This legislation makes no mention that a taking is intended. We feel that this is yet another example of the steady erosion of the once amicable agreement between V&V and the Park Service.

We ask the Committee to oppose this bill based on two basic issues. As written, this bill could be interpreted to cause the cessation of our business prior to the time agreed upon by all involved parties, both at the time of Channel Islands National Park acquisition of Santa Rosa Island in 1986, and as acknowledged by the Settlement Agreement of 1997. The bill contravenes the Settlement between the parties by alluding to the Settlement in its introductory remarks, but then failing to include the Settlement as part of the management criteria within the law. It further fails to dictate that the Settlement must be included in the manner of management of SRI in the future. In so doing, this bill fails to provide for our wildlife operations as afforded by our various agreements with the National Park Service. The passage of this bill would likely bring about a number of problems nobody has anticipated or wants, not the least of which would be the damages caused by legislative taking.

Secondly, and perhaps more important in the broader picture, we ask our Senators and this Committee to engage in an open conversation that acknowledges that these magnificent herds will be slaughtered if this National Park, or this legislation and the similar bill in the House has its way. We believe that these animals should not be slaughtered, and that they should remain on Santa Rosa Island as a well-managed and valuable wildlife resource. In fact, having the public be able to view these animals on Santa Rosa Island is a great biological and recreational asset which is ignored by CINP, but often remarked upon by Park visitors. The herds can and have been managed so as not to adversely affect the mission of the National Park Service for over twenty years, in spite of rhetoric to the contrary.

ISSUES AND FACTS

Those supportive of the slaughter endorsed within the Feinstein/Boxer bill cite some of the following reasons why these animals should be eradicated from the island. The following facts are based upon science and a working knowledge of this island exceeding a century.

1. The presence of deer and elk, and the commercial hunting operation precludes visitation of Santa Rosa Island by visitors.

This argument, often promoted by Park Service and some elected officials, is disingenuous. Not a single visitor to Santa Rosa Island has been denied access by wildlife operations on Santa Rosa Island since the management program's beginnings in 1979, a well-known fact to those with first-hand knowledge of Santa Rosa Island and V&V's commercial operation. The commercial wildlife management program had been in existence for nearly a decade prior to Park Service acquisition of the island. At the onset of Park Service presence on Santa Rosa Island, V&V and our partners in this enterprise, Multiple Use Managers, began an efficient program that coordinates our daily operations with Park Service managers on the island in order to avoid any danger or conflicts with Park visitors.

In reality, Santa Rosa Island is large enough, and visitation by the public is small enough, that it is very easy to avoid the public during our operations by going to parts of the island that are unvisited by the public. We adjust on a daily basis to ensure the safety of visitors and multiple use of this tremendous island. Currently, the recreational opportunities of camping, hiking, sightseeing, surfing and kayaking exist year-round on Santa Rosa Island. The Park's own regulations dictate overnight visitors may only camp at the designated campground. Citing resources protection, some of the beaches and other areas are closed by Park Service to the public.

We note that this argument is cynically fraudulent because in spite of the complete success of our on-the-ground communications procedures with the Park Service staff, Channel Islands National Park headquarters recently published a new map for visitors this past year citing areas that were to be off limits during the three months of wildlife operations, without any input from us. This transparent stratagem by the Park Service allows them to say that the public is denied visitation to significant portions of SRI. The reality is that our commercial operations do not limit access, and that we are proud of our ongoing relationship with Park personnel on the island and our ability to coordinate public access during our wildlife operation. Further, the General Management Plan for Channel Islands National Park is over 20 years out of date. As a result, public access is limited by the Park Service—not by our activities.

2. *The Congressman Hunter provision allows hunting to continue after 2011 and restricts public access.*

These statements are false. This is a one-sentence law which simply states that the Secretary of the Interior shall cease the plan to exterminate the deer and elk on Santa Rosa Island. There is no mention of continued hunting, disabled veterans or restricted public access. It is not our intention that our commercial wildlife management enterprise continues beyond 2011. We would like to work with members of Congress flesh out this law with better, more specific legislation. However, it is clear that this language does not extend the V&V commercial hunting operation.

3. *The deer and elk cause damage to plants listed as threatened or endangered.*

By the time the Settlement Agreement was reached in 1998, eight plant species had been listed on SRI as rare, and threatened or endangered under EPA guidelines. The Settlement created an independent scientific panel to monitor the effect the deer and elk had on these plants and report to the Park. Per the Settlement, only two of the eight plant species listed were thought to have the potential to be affected by deer or elk on SRI. The scientific panel was empowered to monitor *Castilleja mollis* (paintbrush) and *Arctostaphylos confertiflora* (manzanita).

As of 2007, the scientific panel has gathered and analyzed data for eight years and has declined each year to recommend reductions in herd size based on their independent analysis. The following are some of the scientific panel's conclusions, as well as those from another independent agency, the National Resources Conservation Service of the USDA (NRCS), who has also surveyed Santa Rosa Island.

1. Within two years into the monitoring it was determined that neither deer nor elk had any negative effect on the paintbrush and the scientific panel has discontinued monitoring that plant species. This site was picked specifically to monitor the impact of grazing by elk (Settlement section 6d).

2. It has been shown that the elk have no effect on any of the target plant species and are not a threat to the habitat. Elk, grazing animals whose diet consists entirely of grasses, annuals and forbs (they are not browsers), are found to have no effect on any of the listed plants (scientific panel reports 2000-2005).

3. While evidence of browsing by deer on manzanita is inconsistently evident, the general trend of the data gathered annually is positive (Peterson Individual Recommendation Letter 2003). The scientific panel does not believe the manzanita species is in imminent danger of extinction (scientific panel report 2000). Evidence of browsing of manzanita by deer is seen mostly in drought years when other more palatable deer browse is diminished. In spite of the fact that occasional use of manzanita by deer can be demonstrated, all monitored trends for this plant have either increased or stayed the same since the time monitoring began.

4. A field observation study conducted by the Natural Resource Conservation Service (USDA) in June of 2006 revealed healthy stands of manzanita in six different areas on the island. As we had known, there were many more plants on SRI than the Park Service had stated were present. In researching the available data on the SRI manzanita, the agency found contradicting theories on the plants reproduction habits, noting . . . "It is not clear how browsing and fire affect the distribution and abundance of [manzanita] on Santa Rosa Island and further studies may be necessary" (preliminary NRCS Report 2006).

5. There are other environmental factors which appear to affect manzanita to a greater extent island-wide than browsing, including rainfall, soil composition, insect damage, fungus, lack of fire (NRCS Report). The scientific panel was only charged with monitoring the impact of the deer and elk. To date we are unaware of any other studies looking at other influences on these plants.

More research is certainly needed to find out what the current status of the Santa Rosa Island manzanita, but it is clear that browsing by mule deer is only one of a multitude of factors that affect the well-being of this plant. What is clear is that the vegetation trends monitored by the scientific panel are positive since monitoring began, in the face of the existing deer population. This most clearly contradicts rhetoric regarding the mule deer impact.

Santa Rosa Island is comprised of nearly 55,000 acres, largely grassland. Both the current deer and elk herds are very small indeed and do not approach the sustainable carrying capacity of Santa Rosa Island. It should be noted that over the past 150 years, the island has sustained as many as 7,000 head of cattle, 1,500 head of elk, as many as 3,000 deer, well over 30,000 sheep and tens of thousands of feral pigs, yet the manzanita has survived. It is clear that the presence of deer and elk on Santa Rosa Island do not prevent native plants and animals from flourishing.

We have demonstrated that a well-executed wildlife management operation would allow both the herds and the manzanita to thrive.

4. *The presence of deer and elk on Santa Rosa Island attract Golden eagles to the island from the mainland. The eagles, in turn, prey on and have decimated the native fox population.*

The logic of this statement is untenable. V&V and previous ranching interests have raised livestock on Santa Rosa Island for over 150 years. During all those years, the numbers of animals (biomass) that might have attracted predatory birds which could then have preyed on the foxes numbered more (on an animal unit basis) than ten times (a conservative estimate) that which exists on Santa Rosa today. Yet, Santa Rosa Island fox populations remained steady and healthy during the ranching tenure. Island Fox decline was first observed only after dramatic reductions were made to island wildlife and livestock numbers by Park Service & The Nature Conservancy on neighboring Santa Cruz Island, beginning in the late 1980's.

These eradication were made on Santa Rosa Island by Park Service without, to our knowledge, NEPA consultation and included the wholesale eradication of the wild pig population, the removal of all cattle and horses (12 aged horses remain on SRI as of this date), and large reductions in deer and elk numbers. Further, Park Service has removed all cattle and sheep on neighboring Santa Cruz Island, and is projected to complete the eradication of the wild pig population this year. The effect of these wholesale herd eradication on Island Fox populations is unknown because they were never studied.

While it is known that both Bald and Golden eagles will prey on fox, the reason why Golden eagles came to the islands and in what numbers is not at all certain. The Park would like to suggest that there has been a steady stream of Golden eagles drawn by hoof stock on the islands. It is hard to defend that theory since that source of nutrition has been steadily decreasing over the second half of the 20th century and is now miniscule compared to the amount it once was. So why would the Golden eagles inhabit the Channel Islands now?

A more plausible theory regarding the arrival of the Golden eagle on the islands has been proposed in Appendix C of the Channel Islands Golden Eagle Translocation Project Summary prepared by the Santa Cruz Predatory Research Group (SCPBRG), University of California at Santa Cruz. The study has suggested that the entire population of Golden eagles on the northern Channel Islands could have been derived from a small number of "transient or dispersing" birds, or even a single nesting pair first sighted on Santa Cruz Island in 1987 or 1988. Researchers have created a model suggesting successful progressive nests since 1988 would produce similar population numbers now occurring on the four islands. If true, the Golden eagle population on the Channel Islands in the 1990's is much more likely to have been the result of a random distribution of a few Golden eagles to the northern Channel Islands.

Research also suggests the possibility that two major eradication events undertaken by, sheep removal on Santa Cruz by the Nature Conservancy (1981-1989) and pig eradication on Santa Rosa by Park Service (1990-1993) may have sustained Golden eagle colonization of the northern Channel Islands. There may very well have been little or no influx of Golden eagles from the mainland throughout this period, but that the Golden eagle families that were already here were sustained by those herd eradication. It appears that translocation of Golden eagles off the Channel Islands and reintroduction of Bald eagles has apparently rid the islands of Golden eagles at this point in time. Given these points, it appears likely that deer and elk on Santa Rosa Island have played no role in the eagle population dynamics on the Channel Islands.

If there is little or no influence by mainland Golden eagles, how does Park Service current strategy of the eradication of deer and elk on Santa Rosa aid in the restoration of the Island Fox? Also, do Park biologists know that a wholesale deer and elk eradication program might not start another crisis event, supporting an abnormally large population of predatory birds which might again decimate Island Fox populations? It seems clear that more study needs to be undertaken in this field before going forward with deer and elk eradication. It is interesting that members of the SCPBRG staff gathered Golden eagle DNA samples as part earlier studies in order to try to ascertain their origin. The Park Service and the Nature Conservancy have chosen not to provide funds to complete that portion of their study, saying their funds could be better used elsewhere and that any findings resulting from such a study would not alter their intent in so far as managing eagles, fox, deer or elk on the islands. We strongly disagree with this assessment and feel these studies are important to come to an honest biological assessment of eagle/fox population dynam-

ics. It may be that the Park's eradication policies led directly to the present predicament of the Island fox.

5. Deer and elk cause harm to archeological sites on the Santa Rosa Island by trampling and destroying artifacts.

This is a new assertion with respect to the island and seems to follow a path used by land management agencies when trying to impart their will upon an area. This issue is a red-herring as our protective measures to support the islands artifacts can be verified and the claim on its face is illogical. Santa Rosa Island contains over 600 archeological sites, one dating back over ten thousand years. Vail & Vickers has a very good reputation in the scientific community for honoring the rich prehistoric island history, and has provided support for the preservation of these sites over many decades.

Vail & Vickers has been an active participant in an eighty-year relationship with the Santa Barbara Museum of Natural History and has supported many investigators in the anthropological field over those years. During our tenure no qualified researcher or institution was ever denied access to the island or denied help if needed with transportation or logistics on the Santa Rosa Island. There was never a complaint lodged about damage caused by livestock or wildlife by these researchers during our tenure here.

Given the number of animals that have been on the island during its' ranching past compared to today, and given the relative pristine condition of the archeological sites that exist on the island now, we believe this argument to be nothing more than self-serving fabrication. We can provide letters of support from the Santa Barbara Museum of Natural History as well as from others in the scientific community. It should also be noted that the Park Service, while hiding behind this disingenuous argument, has not been a particularly good steward of the archeological sites that exist on Santa Rosa Island. As part of former Park Superintendent Setnika's three-part series of articles in the Santa Barbara News-Press, Mr. Setnika exposes this and other examples of the hypocrisy demonstrated by the Park Service while working towards their own anti-ranching agenda. I have attached the entire series and the editorials that accompanied them as part of my testimony today.

As a factual matter, discussions with our acquaintance archeologists note that the value of the archeological site is vested beneath the surface, where the effects of exposure do not exist. The surface is exposed to wind and rain erosion, not to mention the sometimes irresistible human interaction, all of which are much greater threats to the site than the roughly one thousand animals currently spread over 55,000 acres. Discussions with a previous Channel Islands National Park Superintendent indicate that if there is a threat to archaeological sites on these islands, it is in the form of the vastly increased use of island roads by Park Service vehicles. We estimate vehicle use on Santa Rosa Island to be increased ten-fold compared to prior ranch use.

THE DEER AND ELK ON SANTA ROSA ISLAND

The practical reality is that the term "removal" of these herds from Santa Rosa Island, as stipulated by the Settlement Agreement that Congressman Hunter's legislation overturned, means eradication. We feel strongly, as do others, that the slaughter of these herds is a senseless and avoidable tragedy. We use the term slaughter because it should be noted that this Settlement goes so far as to state that "unusual costs" such as "trained professionals and helicopters" be deployed to "remove" the most challenging animals. It should be made clear that the idea of removal of live animals to meet the requirements of the Settlement is a new one and poses great costs and may be practically impossible.

The deer and elk herds on SRI contain some of the very best examples of these two native North American species. These healthy, thriving herds have lived with sound game management on SRI for approximately 80 years, and are well-adapted to the habitat. Their genetics constitute an invaluable biological resource which should not be squandered. They have lived on SRI isolated from diseases which afflict mainland cervid herds, such as Chronic Wasting Disease. These animals have been protected from predators and habitat destruction, just as mule deer populations across the western United States are in declining health as a result of these pressures. The existence of these superb herds provides the opportunity to protect a genetics pool which could then be available to repopulate mainland herds in the future. It is our opinion that these herd provide a valuable natural resource that should not be needlessly squandered and that it would be short-sighted to think otherwise.

Relocation has lately been proposed as an option to preserve these herds, but it is expensive and fraught with practical complications. Transporting mule deer is

particularly problematic and results in high death losses as a result of a condition known as "transport stress myopathy". Furthermore even if transportation problems could be overcome, the question remains, where would we put the animals? Finding a new home for these animals poses a great challenge and, the movement of these animals back to the mainland negates the very great advantage that isolation has provided these deer and elk species. It would be of great biological advantage for North American wildlife management to maintain the protection and isolation of these closed herds.

Economic factors should also be noted. The cost to transport these herds off the island is not an option V&V ever anticipated at the time of the sale of SRI to Park Service in 1986. "Removal" by transport is a concept only recently given lip service by Park Service for the very transparent reason that they would not like to be seen as responsible for the wholesale eradication of these herds. Our commercial operations on SRI have been steadily eroded by Park Service oversight and Park Service fueled legal challenges. We received no compensation for the unexpected, immediate termination of our cattle business in 1998 and we simply don't have the financial means for the ambitious undertaking relocation would pose. We have, in the past been able to capture and sell elk cows for mainland breeding operations however, the market for live Roosevelt elk has dried up and recent research has shown that there are no willing buyers.

We feel the best solution is to maintain the herds at well-managed levels on Santa Rosa Island. We know from experience that these herds can be maintained on Santa Rosa Island with no significant impact on island habitat. There are many ways to manage herd size and health, of which commercial hunting is only one. Further, eradication of these animals may trigger unanticipated catastrophic events on other island plant and animal species.

CONCLUSIONS

Senator Feinstein's bill (S. 1209) as presently worded would nullify Congressman Hunter's bill passed into law (Public Law 109-364, Section 1077(c)) last year. At a minimum, this would allow the court-ordered slaughter of deer and elk per the NPSA/NPS/V&V Settlement Agreement to go forward. However, it appears that the enactment of this legislation could bring about the termination of our wildlife management enterprise prior to the time agreed upon by all parties in that Settlement Agreement. It may even be that this legislation overturns the Settlement Agreement in its entirety. We strongly object to this outcome and ask the Committee to refrain from moving this bill forward. It is a highly flawed response to a flawed law.

We urge the Subcommittee members to help us work toward a solution that benefits everyone involved as we have been trying to do for the past several years. Vail & Vickers has a long history of good land stewardship on Santa Rosa Island and has steadily worked for a solution for this current situation. We reiterate that there is no good biological reason to remove the current populations of deer and elk from Santa Rosa Island, and the science supports that conclusion.

We are grateful to have been given the opportunity to have testified today. Vail & Vickers has been caught between competing members of Congress and special interests that seemingly have no interest in our opinion although we will ultimately be burdened with the future of this island legacy herd. We appreciate that while somewhat simple conceptually, the issues discussed today involve important public policy. We hope that you will join us in working towards a sensible outcome that includes honoring our historical agreements with the Park Service. We should also like to avoid being partner to the unnecessary slaughter of healthy and magnificent elk and deer herds.

Senator AKAKA. Thank you very much, Dr. Vail.

My first question is to Tom Ikeda. Mr. Ikeda, I would like to have a better understanding of what the memorial on Bainbridge Island will entail? Is there already an existing memorial at the site or will a new one be needed to be designed and constructed?

Mr. IKEDA. There has been work to put a memorial there. There is already a memorial being constructed right now on the site, so this would not necessarily be a new one. This is really more of a management issue so that by increasing the boundaries of the Minidoka to include the Bainbridge Island, then the National Park Service can actually help manage the site.

Senator AKAKA. Thank you.

Mr. Santucci, from the map you have submitted it looks like most of the river section that is proposed for designation is in Virginia. Do you know what kind of support there is for this designation in the State of Virginia?

Mr. SANTUCCI. I know that the local landowners along this stretch of the river are very much in support of that and they have let their Senators and Congress folks know, and I have had some discussions with both Senator Warner and Senator Webb's staff, as well as Congressman Boucher's staff, and we are talking about support, and we are also talking with the county government to make sure that they are in favor of that. I have not heard yet. I just found out about this days ago.

Senator AKAKA. Dr. Vail, does the Vail & Vickers Company still support the terms of the settlement agreement?

Dr. VAIL. We are not sure at this time where we stand with the settlement agreement because of Duncan Hunter's language. As you know, the law is only one sentence. It is very unclear to us what it means to us.

Senator AKAKA. There has been a lot of talk about eradicating or slaughtering the deer and elk. These animals are your property. As I understand the settlement agreement you have with the Park Service, you are required to remove the animals from the island in 4 years. What requires that they be slaughtered? Is it not your choice how to remove any remaining animals when the permit expires?

Dr. VAIL. The practical reality is removal means eradication. There is no practical way to remove this number of animals from that island. They have been reduced a great amount to the levels they are now and they fit well on the island, but that still would be a matter of removing 1,100 animals to some place on the mainland that is unidentified, with resources we have no longer because we do not ranch, which underwrote the wildlife operation. This simply cannot be done.

The elk we have transported when there was a market for them in the past. There now is no market. That has dried up. So there are no willing buyers for them. So there is nothing to support that.

The deer suffer great mortality in transport, so that is not likely to be a viable alternative. And also we have very few, if any, willing buyers.

So the fact is, while it says removal, it means eradication. Nobody ever anticipated that there was any other way to remove these animals from Santa Rosa.

Senator AKAKA. Then in your opinion, Dr. Vail, what would be the best solution for the future management of Santa Rosa Island?

Dr. VAIL. Well, we think we have shown over the last 85 years, and in particular over the last 30, that the deer and elk can easily be managed on Santa Rosa Island. They are not a threat to the resources there. We have shown that repeatedly, in spite of the rhetoric to the contrary. So we do not understand why these legacy herds could not be left in place to be managed on Santa Rosa Island at approximately their current levels in perpetuity.

Senator AKAKA. Thank you very much.

Senator Craig Thomas.

Senator THOMAS. Thank you.

Mr. Dennis, the Snake River designation, will that designation affect the current use of the land along the Snake River?

Mr. DENNIS. No, not at all. It would allow everything that is going on right now.

Senator THOMAS. So there is support for this from the people?

Mr. DENNIS. We have a paper in town called the Jackson Hole Guide and News that about everything that ever comes up there is a negative on anything. In 2 weeks with this bill being introduced, there has not been one single negative letter. I think it is supported by everybody in the community. It is good for all walks of life that love the rivers.

Senator THOMAS. How do you see the current condition, the water quality, the fisheries, and the overall health of the river?

Mr. DENNIS. I would say it ranks as one of the highest quality waters left in the world today. To use an example is the native cutthroat trout, which has been the subject of a lot of talk about designations to protect them. It is the last great bastion of cutthroat trout. They are wild and free. There is not any stocking going on. They are genetically pure and there is hardly anywhere in the world you can say that. I mean, a genetically pure fish with no introduced species in the headwaters—it is a gem. It needs to be protected.

Senator THOMAS. So this is a pretty unique area of anywhere around.

Mr. DENNIS. Yes.

Senator THOMAS. You know, you say Yellowstone is on one side, Teton Park is on another, the Teton National Forest is basically in it, and so on.

Mr. DENNIS. Well, you know, it makes sense. You have the parks, our crown jewels, and the land. It just needs to be tied up. It is unbelievable that we only have 20 miles and that is over by Cody, of a wild and scenic river. It just makes sense.

I will tell you, I had a friend that said this and I think this is something that is really important. He said, "Where do we go as a race of people if we do not protect places like this?" I mean, there is nowhere—I have been almost everywhere in the world there is rivers. This is one of the last great places left and it needs to be protected.

Senator THOMAS. Well, thank you so much for being here.

Mr. Ikeda, the Secretary is responsible for transferring land and improvements to the reservoir, the city of Gooding, Idaho Department of Fish and Game. What is the amount of land that is being transferred?

Mr. IKEDA. Senator, actually I do not have that in front of me, so I would have to get back to you with that one, because I am not sure of the exact amount.

Senator THOMAS. Is it a substantial amount?

Mr. IKEDA. In terms of the—well, I understand—I know the part that relates to the actual Minidoka Internment Monument, where there is about 10.08 acres, one to do an issei memorial or first generation memorial, and another one for the historic staff buildings. Then there are these other ones for Gooding and I am not certain of those acreages.

Senator THOMAS. Mr. Santucci, about the New River: will the wild and scenic designation impose restrictions on the use of the private lands along the river?

Mr. SANTUCCI. No, it does not have any provisions in the law to limit any use of private land, no.

Senator THOMAS. How do you know that it will still be wild and scenic then?

Mr. SANTUCCI. Because there is a lot of efforts going on with regards to land protection. We currently hold three large easements on this section of the river and I think with this designation more landowners would be inclined to put their lands, their farms, these legacy farms, under permanent protection.

Senator THOMAS. Why is the oldest river in the Nation called the New River?

Mr. SANTUCCI. That is a great question. It has got a lot of stories as to why that is. Some of them date back to the fact that it was the first river that folks found as they traveled west across the Appalachians, and they came across the mountains and they found the river and it was a new river. I know that is not a real exciting story, but that is the one I hear the most.

Senator THOMAS. Sounds good to me.

Finally, just very briefly, Dr. Vail, I do not quite understand this. Does the Park Service own the island now?

Dr. VAIL. Yes.

Senator THOMAS. It is a park?

Dr. VAIL. It is a park. They are on. But the agreement was, in order for it to be a park, that the family and our operations had 25 years—

Senator THOMAS. I see.

Dr. VAIL [continuing]. Through 2011. And the parks seeming to have forgotten these agreements, and so this access issue keeps coming up: why are people denied access? Well, that was the park's agreement.

Senator THOMAS. So 2011, these critters would leave anyway, is that it?

Dr. VAIL. Well, at 2011 hunting would stop. So if they are thinking access is limited by hunting, which by the way it is not, then this is a non-issue because access would not be denied after then anyway.

Senator THOMAS. I see. Okay, thank you.

Senator AKAKA. Thank you very much, Senator Thomas.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

Mr. Ikeda, I know you are more familiar with the Bainbridge Island site because the expansion of Minidoka is something that Senator Craig and his team have been working on, but it is part of this. Can you explain why you think having—it was already, Minidoka, already a national historical site, and what we are doing is proposing here in this legislation in both the House and the Senate is to add a satellite to that.

Can you explain why that is so important, to tie those two historic sites together?

Mr. IKEDA. You are referring to adding the Bainbridge?

Senator CANTWELL. Yes. I mean, because they are obviously thousands—I mean, hundreds of miles apart.

Mr. IKEDA. Well, I think it is a tremendous opportunity because you start with the very first community that was removed under Executive Order 9066, Bainbridge Island. They then went down to Manzanar, another National Park Service historic site currently. Then most of them then moved to Minidoka, and then from Minidoka back to Bainbridge.

So here you have an opportunity to tell the complete story of a community being removed, going to Manzanar, Minidoka, and then back. So I think that is a significant story that by the addition of Bainbridge you complete that triangle, that loop.

Senator CANTWELL. Well, is it not also, too, that you are taking advantage of the fact that Bainbridge is in a large urban area and population and maybe get more recognition to the fact? In fact, our ferry system is probably one of the No. 1 tourist attractions in the Northwest, with more people riding on that than Amtrak every year. So the fact is that you would bring recognition to this historic event and probably get more people going to Minidoka because of this historic designation satellite.

Mr. IKEDA. Exactly. I think the educational possibilities in the Puget Sound area multiply greatly. I think what the community has lacked is a focal point where we can come together to in some ways tell the stories and heal. I think by having the Bainbridge Island site, which is, as you say, right across the sound from Seattle and other major urban areas, allows this to happen, not only for the Japanese American community, but the large population in terms of educating people in terms of what happened.

I think it makes what happened to Japanese Americans much more real when people can actually visit these sites.

Senator CANTWELL. Thank you. And you do have some stories of—you have been able to interview some of the oldest survivors, is that correct?

Mr. IKEDA. Yes, we have interviewed a couple dozen Japanese Americans from Bainbridge Island, and those are available on our web site.

But another story—and people do not realize that we do this also—we also interviewed non-Japanese Americans. If you recall the historical photographs of the community being marched down to Eagledale Ferry Dock, there are soldiers interspersed amongst them. All the soldiers have rifles over their shoulders, but if you look carefully at those photographs you also notice that most of them had baggages. They were actually helping the Japanese Americans leave the island.

When I showed this photograph to military people, they are surprised. They are shocked. They are saying the soldiers' job was to guard these individuals, not to help them down the ferry dock.

So we had the opportunity to interview Walt Woodward, who was the publisher of the Bainbridge Island Review, and we asked him, because he was covering this story. We asked him about the soldiers. What was interesting was this was the one time Walt Woodward got really emotional, because it reminded him that what he saw were the tears in the soldiers' eyes, that the soldiers for about 3 days had been rounding up and then removing and escorting

these individuals away from the island, and what the soldiers recognized was the injustice and how wrong this was, and they were so sad as they were leaving the island that Walt Woodward said many soldiers had tears in their eyes.

So it is these stories that we find so compelling, not only the Japanese American stories, but the neighbors who were there to witness this.

Senator CANTWELL. Thank you.

Mr. Chairman, I think that these kinds of opportunities to tie into other existing sites similarly in Washington State as we celebrated the corps of discovery with Lewis and Clark's expedition just recently, their anniversary, and integrating some sites from that historic journey with already existing sites in Oregon has helped us tell the complete story, a way to continue to expand on the historic educational opportunities by giving people who want to visit many of the sites an opportunity to have a road map to do that. So I think it has worked out very well and I think that we should continue to emphasize the advantages of playing off of existing historical sites and adding to them in this unique way.

So I thank the chair again for this hearing.

Senator AKAKA. Thank you very much, Senator Cantwell.

I want to thank all of you for your testimonies and for being here this afternoon and traveling this far to testify.

If any committee members have additional questions, we will submit those to you in writing and would ask that you answer them as quickly as possible so that we can include them in the hearing record.

Before we adjourn, the subcommittee has received statements from the National Parks Conservation Association on S. 1209 and the Nature Conservancy as well, and from the American Rivers on the three wild and scenic river bills. All of those statements will be included in the record.

If there are no further questions or comments, again I want to say thank you. This has been a good hearing. It will be helpful to us in our consideration here of these bills. Thank you very much and the hearing is adjourned.

[Whereupon, at 4:42 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF THE NATIONAL PARK SERVICE TO QUESTIONS FROM SENATOR THOMAS

EIGHTMILE WILD AND SCENIC RIVER ACT (S. 553)

Question 1a. What changes will you make in managing the Eightmile River as a result of this bill?

Answer. The National Park Service will become a partner in the implementation of the Eightmile River Watershed Management Plan. Specific roles envisioned for the National Park Service (and described in the Plan) include: overall administration of the Wild and Scenic River designation; coordination of the Eightmile River Wild and Scenic Coordinating Committee; technical and financial assistance in implementation of the Plan; and review of federal permits or projects under Section 7 of the Wild and Scenic Rivers Act.

Question 1b. How much do you estimate it will cost to administer the Eightmile River as a wild and scenic river?

Answer. The federal cost to administer the Eightmile River, based on other similar partnership rivers, is estimated to be \$150,000 annually.

Question 1c. What restrictions will the designation as a wild and scenic river place on use of private property in the area?

Answer. The designation does not confer any authority to the National Park Service to restrict or regulate adjacent land use. Local communities will continue to regulate private property, as prior to designation. Any changes to local zoning or subdivision regulations must be approved through standard local processes.

NIAGARA FALLS NATIONAL HERITAGE AREA DESIGNATION (S. 800)

Question 2a. Has the National Park Service conducted a study of the Niagara Falls Heritage Area? If so, what were the findings?

Answer. In 2006, the National Park Service completed a national heritage area feasibility study of the Niagara Falls region. The study concluded that the region met all of the criteria for designation as a national heritage area including the existence of significant levels of public support and local commitments. These commitments include financial support including the one-to-one match to NPS funding, which is necessary for successful planning and implementation of a heritage area.

Question 2b. As is the case for most National Heritage Areas, the bill authorizes the appropriation of \$10 million over a period of 15 years. What steps does the National Park Service take to require National Heritage Areas to work within the \$10 million dollar funding authorization and be able to operate without federal funds after that time?

Answer. The National Park Service has consistently encouraged National Heritage Areas to become less reliant on direct grant support and more prepared to be self-sufficient once the authorization of direct funding expires. For example, NPS encourage National Heritage Areas to look for alternative funding sources and develop long-term partnerships with public and private entities within each Area.

During the 109th Congress, the Administration transmitted to Congress proposed National Heritage Area program legislation to establish criteria for and to create a National Heritage Areas System in the United States. Based on this proposal, legislation was introduced in the 109th Congress by Senator Thomas and passed the Senate. National Heritage Areas are required to match the NPS National Heritage Partnership funding on a one-to-one basis. Over the life of the program, the Na-

tional Heritage Areas have leveraged \$8 for every 41 of NPS funding. As part of the Administration proposal, there is a requirement that a study be conducted for each heritage area three years prior to the termination of the authorization for federal funds. This study will assist areas in moving towards self-sufficiency by evaluating the current funding streams and management structure and planning for long-term funding once the federal money is no longer authorized. The Department is currently working on a similar legislative proposal and we hope to transmit it to Congress later this year.

MINIDOKA NATIONAL MONUMENT BOUNDARY ADJUSTMENT (S. 916/H.R. 161)

Question 3a. Under Section 202 of S. 916, the Secretary is responsible for transferring land and improvements to the Reservoir, the city of Gooding, and the Idaho Department of Fish and Game. What is the total amount of land being transferred? Why is this transfer necessary?

Answer. The total amount of land that would be transferred under this legislation to the three entities is 442 acres. Of that amount, approximately 397 acres would be transferred to the American Falls Reservoir District No. 2; 5 acres to the City of Gooding; and 40 acres to the Idaho Department of Fish and Game. In addition, approximately 10 acres would be transferred to the National Park Service. The city, the Idaho department, and the National Park Service are already managing the lands that they would receive.

By transferring the Milner-Gooding Canal and other Gooding Division facilities to the American Falls Reservoir District No. 2, enactment of this legislation would give the District more local control of facilities that were constructed for its use. It would also eliminate the need for duplicative and unnecessary administrative obligations that exist for the District because title to the facilities, buildings, and lands is held by the United States. For the Bureau of Reclamation, the title transfer would eliminate the periodic facility reviews and processing of paperwork that currently consumes significant staff time and improve public management of remaining properties by transferring them to other governmental agencies. In addition, this bill would improve public management by transferring specific parcels to other governmental agencies that are currently managing the lands in question, as indicated above.

Question 3b. Do you foresee a need for any future boundary adjustments at the Minidoka site in addition to the adjustment authorized by S. 916 or H.R. 161?

Answer. The recently completed General Management Plan (GMP) for Minidoka Internment National Monument calls for an eventual boundary adjustment to include a 128-acre parcel adjacent to the existing unit. In addition, the GMP calls for adding to the unit the relocation center's landfill, north of the boundary. That would entail adding 80 acres of land under the administrative jurisdiction of the Bureau of Land Management.

NEW RIVER NORTH CAROLINA AND VIRGINIA WILD AND SCENIC RIVER
DESIGNATION (S. 1057)

Question 4a. The witness from the Department of Agriculture is recommending that S. 1057 be amended to require a study of the New River prior to designation as a Wild and Scenic River. Do you concur with such an approach and what role would the National Park Service have in such a study?

Answer. As a matter of policy, the Department believes it is appropriate to conduct a study to determine whether a river meets the criteria for National Wild and Scenic River status before Congress designates it as part of the National Wild and Scenic River System. The National Park Service would not have a role in a study that Congress authorized the Department of Agriculture to conduct unless the study area included lands administered by the National Park Service.

Question 4b. How would the wild and scenic river designation change the way the New River is currently managed?

Answer. Because S. 1057 would authorize the Secretary of Agriculture to administer the New River, we defer to the Department of Agriculture on this matter.

Question 4c. What restrictions will the designation as a wild and scenic river place on use of private property in the area?

Answer. Again, we defer to the Department of Agriculture on this issue.

SANTA ROSA ISLAND DEER AND ELK REMOVAL (S. 1209)

Question 5a. What, if any, impact are the deer and elk currently having on the environment of Santa Rosa Island?

Answer. Deer and elk negatively impact vegetation, wildlife, and archeological resources on Santa Rosa Island:

- There are 8 federally listed endangered/threatened plant species (one of which was last seen in 1932), including two which only occur on Santa Rosa Island. The presence of non-native deer and elk pose a threat to the survival of five of these listed species.
- Deer and elk pose a threat to the endangered island foxes. Mule deer fawns have been the most important single food item for nesting golden eagles, making up over one third of the food adult golden eagles fed to their nestlings. In addition, deer and elk carcasses following a hunt provide a source of food for golden eagles. Without deer on the island, golden eagles would not be able to establish territories and breed successfully there. Golden eagles also prey on island foxes, which caused a more than 95 percent decline in the fox population on the island, from 1,500 foxes down to only 14 animals. NPS has spent nearly \$5 million to recover island foxes in Channel Islands National Park.
- According to Dr. Torrey Rick, Archeologist, Southern Methodist University, the greatest single threat to the archeological resources of Santa Rosa Island comes from introduced animals, especially deer and elk. In 2003, he completed a survey of over 50 Santa Rosa Island sites and recorded negative effects of deer and elk on the majority of these sites.

Question 5b. What is the role of the National Park Service in the removal of deer and elk from Santa Rosa Island in accordance with the settlement agreement?

Answer. The 1998 Settlement Agreement states:

. . . provided that the remaining deer and elk in 2011 become extraordinarily difficult to remove despite the diligent efforts of removal by V&V, NPS will equally share the “unusual costs” of the removal of those deer and elk. “Unusual costs” is defined as the cost of trained professionals and helicopters.

The NPS involvement in the removal of deer and elk under the Settlement Agreement is the potential provision of funds to Vail & Vickers (V&V) for costs of final removal of animals, if helicopters and trained professionals are required. The responsibility for removal of the deer and elk has always been the responsibility of V&V, as the animals are their private property.

Although there is no specified role under the Settlement Agreement for NPS in the removal of the herds beyond the potential assistance noted above, NPS has offered to cost-share with V&V if they wish to begin a program of disease testing deer and elk, a requirement prior to possible relocation to the mainland. Additionally, NPS has provided V&V with contact information for the federal and state agencies that would need to permit any movement of deer or elk from Santa Rosa Island. NPS is willing to work with V&V to move the herds off the island, if V&V chooses that course.

Question 5c. Quotes in the media from Superintendent Galipeau indicate that 90% of the Santa Rosa Island is closed to the public during the hunting season. Dr. Vail’s testimony reports of daily communication and coordination with the Park Service rangers stationed on the island to ensure the safety of the general public and hunting visitors. With the low annual visitation to Santa Rosa Island, he paints a picture of thoughtful coordination to the benefit of both sets of visitors. Given that, it seems hard to imagine that 90% of the island could be considered closed. Do you stand by Superintendent Galipeau’s statements and recently drafted map?

Answer. Since 1997, the park has identified the same restrictions on the annual hunt maps that are provided to visitors during the hunt season, which lasts four to five months each year. The restricted areas shown on the map comprise about 90 percent of the island. In response to visitor confusion and to provide clarity, the park modified the design of the hunt map in 2006. The content of the map was not changed except to add the recently established day-use access for Cherry Canyon.

However, the NPS and V&V coordinate and communicate daily during the hunt season. The coordination may result in expanding the area where visitors can go on a certain day, but they will not know with certainty until they are on the island.

Question 5d. My understanding is that the Park’s General Management Plan was last updated in 1985—before the Park Service acquired Santa Rosa Island. Isn’t the outdated plan a hindrance to the public’s access?

Answer. It is true that the GMP was last updated in 1985, but we do not see this as a hindrance to the public’s access. However, following the acquisition of Santa Rosa Island in 1986, NPS prepared a Statement for Management (SFM) for the entire park in 1991 and a Development Concept Plan/EIS (DCP) specifically for Santa Rosa Island in 1995. The SFM states that “Conditions of the special use permit negotiated with the island ranchers . . . stipulate that visitors to Santa Rosa be guided by ranger-interpreters during their visit.” The DCP states “Day visitors would

be accompanied on their visit by an employee. Overnight visitors would receive an extensive briefing on where they can venture, and what areas are closed to protect resources and to prevent interference with ranching and hunting.” These plans are a reflection—not the cause—of the hindrance to public access due the commercial hunting activity. The GMP is currently being revised and its scope is to plan a vision for Santa Rosa Island after 2011, when the V&V reservation of use and occupancy expires.

Question 5e. For 150 years of ranching on Santa Rosa Island, the island dwarf fox thrived. Twelve years into the Park Service’s management of Santa Rosa Island, there were no wild fox (other than those kept captive for breeding). The National Park Service claims that the demise of the fox is tied to the non-native ungulates and their avian predators that have come from the mainland. Dr. Vail’s testimony includes a reference to a golden eagle study from the University of California Santa Cruz’s Predatory Bird Research Group. This study is reported to have golden eagle DNA samples dating back to the early 1990s and has a theory that the golden eagles arrival to the Channel Islands is more likely tied to eradication programs on pigs, rats and sheep. If this is true shouldn’t the National Park Service fund such a study to increase the understanding of what has brought the predators from the mainland before beginning another eradication program on Santa Rosa Island’s elk and deer? Regardless, it seems to me that millions of dollars spent on fox reintroduction should be supported with studies on predators like the golden eagle. Why hasn’t the National Park Service funded such a study seemingly critical to having a better understanding on the fox reintroduction?

Answer. Golden eagles became established and island foxes declined during the period of ranching on Santa Rosa Island, which continued following acquisition of the island by NPS in 1986. The NPS eliminated the population of feral pig from Santa Rosa by March 1992. No nesting golden eagles are known to have established prior to, during, or as a result of the pig eradication. If pigs had been present when golden eagles were nesting, pig remains would have been found in their nests. Deer, elk, and foxes are the only mammals found in the golden eagle nests on Santa Rosa. Decline was first observed in the Santa Rosa Island fox populations in 1998.

Following is a quote from the author of the study referenced in the question, who identifies the hunt and the presence of deer fawns as the detrimental factor for fox conservation:

It seems clear from the prey remains analysis that the presence of fawns of non-native ungulates is directly responsible for the successful establishment of golden eagles as breeders on Santa Rosa and that the annual hunt and cull are also probably partially responsible in the same way that the sheep eradication may have been for Cruz, by providing a good source of food in the fall and winter prior to the breeding season. It seems most likely that both the hunt and cull, and the presence of fawns allowed some golden eagles to maintain a year-round presence on Santa Rosa Island to the detriment of the island fox there. It is likely that the continued presence of those ungulates in addition to a recovering fox population, may make Santa Rosa Island a more suitable place for breeding golden eagles than Santa Cruz now that the pigs have been removed from that island. It is also certain that the continued presence of golden eagles on Santa Rosa would be extremely detrimental to the recovery of the island fox there and possibly on neighboring San Miguel Island as well.

My more recent understanding of the timing and duration of the pig eradication on Santa Rosa leads me to believe that it was not a major factor in goldens becoming established on the islands and the rat eradication is irrelevant since it didn’t occur until after the eagle population was at its zenith.

We do not believe that a study is necessary to determine how golden eagles arrived on Santa Rosa Island in order to determine effective means of preventing their establishment. We know that nesting golden eagles prey on mule deer fawns, and therefore, the presence of deer results in a constant supply of food to support resident golden eagles. We also know that they prey on island foxes. Therefore, we are confident that the removal of deer from the island and thus, the removal of the primary food source, will help prevent golden eagles from becoming established and preying on island foxes.

It should be noted that the NPS is not conducting an eradication program on Santa Rosa Island’s elk and deer. The herds are V&V’s private property and are required to be removed from the island under the terms of the 1986 deed for purchase of the island and the 1998 Settlement Agreement.

Question 5f. One of the issues around the elk and deer on Santa Rosa Island is the fact they were introduced about 80 years ago and as such are non-native. Because of this, the National Park Service supports their eradication. Does the National Park Service have plans to eradicate the non-native goats inhabiting Olympic National Park or non-native horses and mustangs elsewhere? In addition to the elk and deer, Vail and Vickers introduced quail in 1930 (approximately at the same time as the elk and deer). Does the National Park Service have a plan to eradicate the quail? If not, why is the Park Service focused upon the elk and deer of Santa Rosa Island? If it is a resource issue, can't these species be managed in such a way to protect the resource and avoid complete removal?

Answer. The decision as to whether an introduced species is a priority for removal is based principally on the severity of negative impacts that species has on the ecosystem and/or the competition it represents for native species. Deer and elk cause significant negative impacts. Quail, unlike deer and elk, are not known to have habitat-altering impacts. However, if they are found to have significant impacts, they, too, would be considered for removal.

Wild horses and burros have been removed in national parks, including Grand Canyon and Death Valley National Parks, where the intended benefits were realized, including bringing a stop to negative impacts and allowing recovery in ecosystems that are not at all resilient. Regarding mountain goats in Olympic National Park, the park has begun an environmental impact analysis to explore management options, but the process has not been completed. At present, the park is working on higher priority issues including the Elwha River restoration and their General Management Plan update.

The decision about removing the deer and elk from Santa Rosa Island was made under different circumstances than the typical case of removal of non-native species from NPS properties. In most cases, because the non-native species are established on NPS property, they are the responsibility of NPS. Decisions to remove them are made through our planning processes and are subject to funds being made available for their removal. The deer and elk on Santa Rosa Island are private property. The decision to remove them was made as part of the agreement to purchase the island in 1986 and was later confirmed in the Settlement Agreement. Considerations of other NPS priorities and available funding were not factors.

SNAKE RIVER WILD AND SCENIC RIVER DESIGNATION (S. 1281)

Question 6a. What is the role of the National Park Service in managing the Snake River as a Wild and Scenic River?

Answer. The National Park Service currently manages the portions of the Snake River that flow through Yellowstone and Grand Teton national parks and the John D. Rockefeller, Jr. Memorial Parkway for its scenic, recreational, and natural resource values. Designation of the river as a component of the National Wild and Scenic River System would not significantly alter the way that the affected segments would be managed by the NPS.

Question 6b. Will the National Park Service incur any cost if S. 1281 became law?

Answer. We do not believe that there would be significant costs associated with designating the river segments. Some costs associated with signs, brochures, and other publications could occur.

DESIGNATE THE JIM WEAVER TRAIL IN OREGON (H.R. 247)

Question 7a. What is the role of the National Park Service in managing the current trail and will that change as a result of H.R. 247?

Answer. The National Park Service has no role in the management of the trail in the Willamette National Forest that is the subject of H.R. 247. It is currently under the jurisdiction of the National Forest Service and would remain so under H.R. 247.

Question 7b. Will the National Park Service incur any expense if H.R. 247 became law?

Answer. No.

NEWTONIA, MISSOURI CIVIL WAR BATTLEFIELD STUDY (H.R. 376)

Question 8. Regarding H.R. 376, are you aware at this time of any private land in the study area and could this lead to a need for land acquisition down the road?

Answer. There is private land within the proposed study area. The Newtonia Battlefields Protection Association owns the majority of the land where the 1862 battle took place. However, there are approximately 200 acres of private land on the 1864 battle site that could potentially be considered appropriate for acquisition.

RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR THOMAS
 NEW RIVER NORTH CAROLINA AND VIRGINIA WILD AND SCENIC RIVER
 DESIGNATION (S. 1057)

Question 1a. You mentioned that the area should be studied for suitability as a Wild and Scenic River prior to designation. Who should conduct the study, Department of Agriculture or Department of the Interior, how long will it take to complete the study, and how much will it cost?

Answer. Since there are no national forest system lands involved, the Department of the Interior should conduct the study, as outlined in section 4(a) of the Wild and Scenic Rivers Act which directs the Secretary of the Interior "or, where national forest lands are involved, the Secretary of Agriculture . . ." to study rivers designated in Section 5(a) of the Act.

Additionally, the National Park Service has responsibility for federal review of water resource projects on the state-administered, federally designated segment of the New River immediately upstream from the segment proposed in S. 1057.

Congress specifies the study period, which is generally three years. We estimate a total cost of about \$350,000 over a three-year study period, given potentially limited resource information and the need to work with local governments, landowners and other river users in evaluating future management of the river.

Question 1b. How many wild and scenic rivers is the Secretary of Agriculture responsible for administering and how is the New River different from those?

Answer. The Secretary of Agriculture, through the Forest Service, administers 101 of the 165 wild and scenic rivers in the National Wild and Scenic River System. The Forest Service is also responsible for protecting river values on many miles of the Klamath, Trinity and Eel Wild and Scenic Rivers flowing on national forest system lands. These three rivers were added to the National System in 1981 under Section 2(a)(ii) of the Act as state-administered, federally designated wild and scenic rivers.

The proposed New River segment is seven miles from the nearest National Forest and the river corridor is predominately private lands. Except for only a few of the above 104 rivers, all are located entirely or partially within the boundary of a National Forest and the river corridor is predominately on national forest system lands.

SNAKE RIVER WILD AND SCENIC RIVER DESIGNATION (S. 1281)

Question 1a. Will the Wild and Scenic River designation cause any changes in land use along the Snake River?

Answer. There will be little change in land use on National Forest System lands as a result of S. 1281. Addition of a river into the National Wild and Scenic River System affords it permanent protection from the harmful effects of water resources projects, withdraws wild river corridors from federal mining and mineral leasing laws, prohibits the sale or other disposition of federal lands in the corridor, and requires other federal agencies to take river protection into consideration in any projects they propose within or adjacent to the river corridor.

Generally, the upper segments of rivers on the Bridger-Teton National Forest are within wilderness. The lower segments and other non-wilderness rivers are managed for a variety of dispersed and developed recreation uses, and for big game and grizzly bear habitat.

Question 1b. Will the Wild and Scenic River designation result in any additional cost for managing the Snake River or lands along the river?

Answer. Yes. The Wild and Scenic Rivers Act requires development of a comprehensive management plan to protect river values, at a one-time cost of \$500,000 to \$1 million. There would be an additional cost of about \$100,000 per year to manage these rivers so as to protect and enhance their values, including protecting their free-flowing condition under Section 7(a).

DESIGNATE THE JIM WEAVER TRAIL IN OREGON (H.R. 247)

Question 1a. Will H. R. 247, the naming of the Jim Weaver Trail, lead to any changes in the way the trail and surrounding lands are managed?

Answer. Designation of the Walton Lake Trail as the Jim Weaver Loop Trail will not result in any change in the management of the trail or in the surrounding lands. The shore of Waldo Lake is managed as semi-primitive, non-motorized and designation as a National Recreation Trail will have no effect.

Question 1b. How much do you estimate it will cost to implement H.R. 247?

Answer. We estimate a total cost of about \$2,000 to design, fabricate and install an interpretive sign describing the career of former Congressman Weaver as well

as identification and directional signs noting the new designation. We would add the new trail name on forest maps during the next map revision, which would result in no additional costs.

RESPONSES OF JACK DENNIS TO QUESTIONS FROM SENATOR THOMAS

SNAKE RIVER WILD AND SCENIC RIVER DESIGNATION (S. 1281)

Question 1. How will the state of Wyoming benefit from Wild and Scenic River designation for the Snake River?

Answer. Wild and Scenic designation protects what we value most about our great State of Wyoming—her natural resources. By protecting water quality and the free-flowing nature of the rivers, this designation keeps our rivers clean and natural. In addition, wild and scenic designation preserves the multiple-uses taking place on and around our rivers. Multiple use is important to our way of life in Wyoming. Wild and Scenic designation is also good for businesses and our regional and State economies. Our rivers are important economic engines in our tourism-based economy. States around the country are effectively using wild and scenic rivers as marketing tools to attract visitors to their States. Currently, Wyoming only has 20-miles of wild and scenic water. Wild and Scenic designation for the rivers and streams in the Snake Headwaters will allow our State and our businesses to compete more effectively for destination visitors.

Question 2. Will the Wild and Scenic River designation affect any current land use along the Snake River?

Answer. No. The Federal government has no authority to zone or regulate private land use under the Wild and Scenic Rivers Act. As stated by the National Park Service and U.S. Forest Service, there will be no change in the way these rivers are being managed after the designation is in place.

Question 3. How would you describe the condition of these rivers as they are today—the water quality, the fisheries, and the overall health of these rivers?

Answer. Our rivers are in great shape. Studies have shown that the rivers and streams of the Snake Headwaters have some of the purest water quality and healthiest fisheries of any watershed in the lower 48 States. Wild and Scenic designation will maintain that high level of quality and ensure that we can still do all the things we like to do on and around our rivers.

Question 4a. I am committed to creating opportunities for our tourism economy to continue growing and flourishing. You have worked in the tourism industry for many years in Wyoming

In your view, what are visitors today looking for? What kind of experience do they want?

Answer. More and more, visitors to Wyoming are looking to visit, and some for the first time, some of the wildest, most natural places on earth. We are fortunate to have many such places in Wyoming, from Yellowstone and Grand Teton National Parks, to our wonderful National Forests, and our sparkling rivers. Folks want to see wildlife, mountains, and crystal-clear streams. Some are looking for adventure in the backcountry, some for serenity by a mountain lake, some for nights camping under the stars. Wyoming has all of these things.

Question 4b. What do you believe brings folks to Wyoming and more importantly, what inspires people to return?

Answer. Wyoming has been called the “last of the Old West,” and in many ways that’s true. People visit Wyoming for many reasons, but studies have shown that by far, it is Wyoming’s wildlife, wild places, and natural beauty that people come for the most. And it’s those things that keep them coming back.

RESPONSES OF TOM IKEDA TO QUESTIONS FROM SENATOR THOMAS

MINIDOKA NATIONAL MONUMENT BOUNDARY ADJUSTMENT (S. 916/H.R. 161)

Question 1. Under Section 202 of S. 916, the Secretary is responsible for transferring land and improvements to the Reservoir, the city of Gooding, and the Idaho Department of Fish and Game. What is the total amount of land being transferred? Why is this transfer necessary?

Answer.

(a) Section 202 authorizes the Bureau of Reclamation to transfer a total of 449 acres to the American Falls Reservoir District No. 2 and federal, state and local agencies. The authorized land transfers include 394 acres to the American Falls Reservoir District No. 2, 40 acres to the Idaho Department of Fish and

Game, 10 acres to the National Park Service for inclusion in the Monument, and 5 acres to the City of Gooding. In addition, Section 202 authorizes the Reservoir District to purchase an additional 380 acres of land at fair market value.

(b) The transfer to the Reservoir District would promote the Bureau's policy of transferring title of irrigation projects to districts that have fulfilled their commitments to the federal government, thereby reducing the Bureau's administrative and management costs. By transferring the land to the three agencies for public purposes, the legislation would rationalize management of these lands, reduce the Bureau's administrative costs and further the agencies' missions.

(1) *American Falls Reservoir District Transfer*.—In the 1990s, through its "Framework for the Transfer of Title," the Bureau adopted a policy to promote title transfers of irrigation facilities in a comprehensive manner, in cases where the irrigation district has satisfied all repayment requirements to the federal government. The goal of this policy was to ensure the efficient management of irrigation facilities, through Congressionally-authorized title transfers. Because the American Falls Reservoir District No. 2 has fulfilled its repayment obligation under its contract, the Bureau supports the proposed title transfer as an efficiency measure.

(2) *Idaho Department of Fish and Game (IDFG)—Dog Creek Reservoir*.—In 1957, the Bureau issued a perpetual easement to IDFG to construct, operate and maintain a dam and reservoir, spillway, access roads and parking area on five of the 40 acres at the Dog Creek Reservoir. In 1987, the Bureau entered into a 25 year contract with IDFG to manage and administer fish and wildlife habitat on the 40 acre parcel. While these federal lands were originally withdrawn for the Minidoka Project, the Bureau has no Project requirement for these lands. The transfer of these lands to a state agency to further public purposes would reduce the Bureau's administrative expenses and promote management of the reservoir, ensure continued public access to the reservoir and the conservation of fish and wildlife habitat.

(3) *National Park Service—Minidoka Internment National Monument*.—The Bureau currently manages approximately ten acres of land in two parcels at the Monument. One of the parcels is an approximately two acre inholding within the Monument that features historic structures along with two ditchrider houses and a work shop. Through its general management planning (GMP) process and approved GMP, the NPS identified this tract as an important resource to tell the story of the internment to Monument visitors and to provide administrative facilities to support NPS management activities at the site. (The NPS currently lacks facilities on its land.) The other parcel consists of approximately eight acres that would be the site for a proposed Issei memorial and would provide the NPS with overflow parking facilities to accommodate visitors to the Monument. The Bureau has no requirement for these lands to support irrigation project activities in the area.

(4) *City of Gooding—Airport Beacon Land*.—In 1982, the City of Gooding received a thirty-year right of way from the BLM on a five acre tract of land originally withdrawn for the Minidoka Project to construct an airport beacon as a navigation aid. The Bureau has no requirement for use of the parcel and the proposed transfer to the City will provide for the continued use of the parcel for the airport beacon.

Question 2. Do you foresee a need for any future boundary adjustments at the Minidoka site in addition to the adjustment authorized by S. 916 or H.R. 161?

Answer. Yes. As recommended in the final general management plan for the Monument, the NPS seeks a boundary adjustment to include the 128 acre "Farm-in-a-Day" tract within the Monument, along with a transfer of an 80 acre dump site from the BLM to the NPS. Neither S. 916 or H.R. 161 include these proposed boundary expansions. Accordingly, Densho supports an amendment to include these properties within the Monument's authorized boundary. Densho understands that the NPS has provided draft legislation to Congress that includes an approximately eight acre disclaimer of interest on the approach into the Monument.

RESPONSES OF GEORGE SANTUCCI TO QUESTIONS FROM SENATOR THOMAS
 NEW RIVER NORTH CAROLINA AND VIRGINIA WILD AND SCENIC RIVER
 DESIGNATION (S. 1057)

Question 1. S. 1057 would designate portions of the New River as Wild and Scenic. How much private land is there adjacent to the segments of the New River being proposed for Wild and Scenic River designation?

Answer. Approximately 7,550 acres of private land are adjacent to the segments of the New River being proposed for Wild and Scenic designation.

Question 2. Will the wild and scenic river designation impose any restrictions on the use of private land along the New River?

Answer. To my knowledge this designation will not impose any restrictions on the use of private land. The following is quoted from the Wild and Scenic River's Website: "But designation as a wild and scenic river does not 'lock it up.' The idea behind the National System is not to halt use of a river; instead, the goal is to preserve the character of a river. Uses compatible with the management goals of a particular river are allowed; change is expected to happen. However, development must ensure the river's free flow and protect its "outstandingly remarkable resources." The intent of Congress was to create a national system of protected rivers that co-existed with use and appropriate development. The term "living landscape" has been frequently applied to wild and scenic rivers. Of course, each river designation is different, and each management plan is unique. But the bottom line is that the National Wild and Scenic Rivers System is not something to be feared by landowners and in fact is frequently sought after to preserve quality of life and property values."

Question 3. Have you received any opposition to designating the New River as a wild and scenic river?

Answer. The only opposition I have received is concern regarding this designation's affect on a proposed joint Water Authority between Sparta, NC and Independence, VA. To my knowledge this designation will not have any impact on this venture. We certainly don't want to limit a community's drinking water. In fact, the methods proposed by this joint water authority sound very environmentally friendly.

Question 4. How will the states of Virginia and North Carolina benefit from Wild and Scenic River designation for this portion of the New River?

Answer. The New River is the major tourist attraction in this area. Ashe County, NC receives almost \$40 million in tourism revenue and Carroll County, VA receives over \$50 million. Both of these counties credit the New River for much of these dollars. These counties are immediately up and down stream of the proposed designation. Grayson County, VA and Alleghany County, NC are not benefiting from these dollars. This designation would raise awareness of the New River as a tourist destination in these counties. This designation would also promote future protection efforts for this section of the River, which will soon be a water supply source for two towns.

RESPONSES OF TIMOTHY B. VAIL TO QUESTIONS FROM SENATOR THOMAS
 SANTA ROSA ISLAND DEER AND ELK REMOVAL (S. 1209)

Question 1. How many deer and elk are removed from Santa Rosa Island each year by hunting and how much does the hunting operation collect in gross receipts each year?

Answer. Thank you for the opportunity to address a common misconception about our desire to extend the hunting program. As you know, from my testimony, we are not asking to extend the commercial hunting beyond 2011. In addition, most reasonable people do not interpret Section 1077(c) of Public Law 109-364 (120 Stat. 2406) to provide such extension.

Specifically to your question, deer and elk are removed each year to keep the herd numbers in compliance with the Settlement Agreement of 1997. When the agreement was signed, it allowed 425 deer and 740 elk. A dispute over how we should proceed in light of P.L. 109-364 exists and we hope to work with the Committee to clarify and make certain an ecologically appropriate number of elk and deer remain on the island as we proceed. Over the past four years, we have removed an average of 120 deer and 110 elk per year in Order to hold our herd numbers at the prescribed levels.

While some without knowledge have characterized our commercial hunting operation as "lucrative," it is important to remember that the substantial costs associated with our deer and elk operation on a remote island make this operation far from lucrative. I would like to clarify for the Subcommittee that Vail & Vickers part-

ners with Multiple Use Managers in this operation as has been our arrangement since our commercial deer and elk program began in 1979.

Vail & Vickers portion of the gross receipts has often been less than \$500,000, and while that sum may seem "lucrative" it is important to remember it represents gross revenues; there are substantial costs associated with our hunting program making the net income far from lucrative. This operation is much more about good wildlife management than profit. We provide a premier wildlife experience to both older and younger generations. We also provide a charitable meat donation program that ships meat to homeless shelters in the southern California area as part of our management program.

Question 2. If you attempted to relocate the elk to another area, how sensitive are they to handling and what mortality rate would you expect?

Answer. We have had experience relocating cow elk in 1995 and 1996, when there was a market for cow elk of breeding age. Over a two-year period, we removed approximately 450 cow elk with a 15-20% death loss. The animals were captured only along the northern plains on the island where the helicopter and crews could work safely. This technique would not work in the more mountainous central and southern regions of the island. The majority of the mortality and injury occurred during the capture and transport of the animals back to the ranch headquarters. The operation was quite comprehensive however, in that it required helicopter capture with net guns, pilots and jumper crews; domestication and quarantine of the elk inside 12-foot high solid wall enclosures with specially designed darkened chutes and squeeze-chutes (which no longer exist, as the cattle operation was shut down) for 3-4 weeks duration on Santa Rosa Island; extensive treatment, disease testing and vaccination to meet other state's import requirements; and transportation by modified cattle boat (which no longer exists) to offload at a mainland facility (that also no longer exists) and into modified cattle trucks for transport to their destination. If such an operation could be mounted again in the absence of a market to do so, I would expect similar death losses in elk under ideal conditions. We have no experience in helicopter capture and transport of deer; however, I believe death losses in deer are well documented to be much greater than with elk.

Question 3. What methods, other than shooting the animals, are available for completely removing deer and elk from Santa Rosa Island?

Answer. I see no other practical method to eliminate all the deer and elk from Santa Rosa Island. Live capture and transport could only reasonably account for a small percentage of animals, and would be exorbitantly costly. Trapping these large herbivores is not feasible except possibly by leghold, which would be impractically slow and inhumane. Nearly all other hoof-stock eradications undertaken by the National Park Service and The Nature Conservancy on the Channel Islands have been accomplished solely through shooting, which is certainly imperfect even with professional hunters. It is not an outcome we would like to see for our wildlife herds that have adapted to this range and chaparral habitat for well over 80 years. It is not our desire, was not our family's desire, nor is it an appropriate action in light of today's sensibilities to simply eradicate two healthy herds of North American big game species in order to satisfy an arbitrary National Park Service mandate that has already been shown to be obsolete in other National Parks. Our family never wanted them to be removed from Santa Rosa, but rather to be managed for the magnificent natural resource that they are.

Question 4. How much do you estimate it will cost to completely remove the deer and elk from Santa Rosa Island?

Answer. Senator, I apologize but I cannot begin to develop a cost estimate within the time frame allowed me for this testimony concerning S. 1209. In fact, I'm not sure that even with detailed analysis could we come up with anything more than a wild guess because I can't think where such a difficult and wasteful plan has been tried before.

I would think that the costs might best be approximated by consulting with the National Park Service as to the costs they incurred in their previous eradication efforts of sheep and pigs on Santa Cruz Island, and of pigs on Santa Rosa Island. (The pig eradication on Santa Cruz cost millions of dollars.) Should eradication be mandated, the costs would become extraordinary and beyond our means almost immediately.

The most cost-effective eradication strategy would likely be to shoot the animals from helicopter and leave the carcasses lay. We would be talking about the slaughter of a large number of animals per year when reproduction is taken into account. It would be grisly and might well have far-reaching unanticipated biological consequences. Conversely, the management of these herds at ecologically sound numbers has been proven to work over many years and, much like the popular white

mountain goats in Olympic National Park, provides Channel Island National Park with a magnificent wildlife resource.

Thank you for both the opportunity to testify on behalf of Vail & Vickers and to add to this hearing's record.

La Quinta, CA, May 23, 2007.

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

DEAR SIR, I gave testimony on Senate Bill 1209 on May 15, 2007. It has come to my attention I failed to include Congressman Duncan Hunter's discussion in the Congressional Record concerning his intent with regards to Santa Rosa Island in Section 1077(c), Public Law 109-364 in my testimony. I hope you will include that text as part of my testimony at this time.* Thank you very much for your consideration.

Sincerely,

TIMOTHY B. VAIL, D.V.M.,
Vail & Vickers Co.

*The document has been retained in subcommittee files.

APPENDIX II
Additional Material Submitted for the Record

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE
Washington, DC, April 11, 2007.

Hon. LOIS CAPPS,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN CAPPS: During the FY 2008 National Park Service budget oversight hearing before the Subcommittee on National Parks, Forests, and Public Lands on March 1, 2007, you asked the Park Service to provide the Department of the Interior's interpretation of section 1077(c) of Public Law No. 109-364. Enclosed please find a copy of the information provided to me by the Department.

Thank you for this opportunity to clarify the Department's position. If I can be of further assistance, please let me know. I look forward to working with you on issues which come before the Natural Resources Committee.

Sincerely,

MARY A. BOMAR,
Director.

[Enclosures.]

ISSUE: CHANNEL ISLANDS NATIONAL PARK INTERPRETATION OF SECTION 1077(C) OF
P.L. 109-364

Date: March 30, 2007

As finally adopted the relevant portion of the act reads as follows:

RECREATIONAL ACTIVITIES ON SANTA ROSA ISLANDS.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

The conference report that accompanies the legislation states that the provision would:

. . . require the Secretary of the Interior to cease the plan to exterminate deer and elk on Santa Rosa Island California by helicopter, and prohibit the Secretary of the Interior from exterminating or nearly exterminating the deer and elk on the island H.R. Conf. Rep. No. 109-702, at 820 (2006).

At the time this provision was approved by the House of Representatives last May, the Department expressed its views in the enclosed letter sent to the chairmen and ranking members of the House and Senate Armed Services Committees.

In light of recent inquiries, the Department has reexamined the language as it appears in the final Public Law. The Department understands the expressed intent of Congress in adopting the language in the Act and the accompanying report language is to preclude the Department from participating in any plan approved in the settlement agreement to the extent that any such plan is designed to exterminate¹ the island's deer and elk by helicopter. It further prohibits the Department from otherwise "exterminating or nearly exterminating the deer and elk on the island."

¹ According to *The American Heritage Dictionary* (Second College Edition, 1982), "exterminate" means "to get rid of by destroying completely."

The provision therefore also prohibits the Department from destroying all or nearly all of the deer and elk on the island by other means.

While the Department understands the prohibition, no plan to exterminate the deer and elk on the island has been presented to the Department or been internally generated. The settlement agreement, however, does address the removal of deer and elk. It also makes reference to the potential use of helicopters in removing the ungulate population, so it is important to assess the underlying agreement approved by the court, to more fully understand the relation between the legislative language and the situation on the island.

The court-ordered settlement agreement states that the elk and deer on Santa Rosa Island are not public property, but are instead private personal property. The agreement states that Alexander Lennox Vail, Nathan Russell Vail, Margaret Vail Woolley, and the Vickers Company, Ltd. (collectively "V&V") are responsible for removing their personal property ("including ungulates") from the island by the termination of a final special use permit or by December 31, 2011, whichever is sooner. The relevant provision of the settlement agreement reads:

In the last year that V&V will have elk or deer on [the island], V&V will remove the remaining deer and elk to the greatest extent feasible. Provided that V&V meets all deer and elk reduction requirements in every year prior to 2011, and provided that the remaining deer and elk in 2011 become extraordinarily difficult to remove despite the diligent efforts of removal by V&V, [the National Park Service] will equally share the "unusual costs" of the removal of those deer and elk. "Unusual costs" is defined as the cost a trained professionals and helicopters.

Under the settlement agreement, the obligation to remove the elk and deer from the island is the responsibility of the private parties, V&V. The role of the Department is limited and does not arise until the final year that the private parties have elk or deer on the island. At that time, the role is a potential cost-sharing arrangement targeted at the removal of the animals rather than their "extermination" *per se*.

Consequently, the principal effect of Section 1077(c) appears to be, to prohibit the Department from sharing in the costs of any plan to remove the ungulates if such a plan uses helicopters to exterminate the elk and deer. The language of the act also prohibits the Department from using other methods to destroy the deer and elk. In any case, the ongoing obligation of V&V under the court-approved agreement, to remove the deer and elk from the island at the end of the term, is not affected by section 1077(c).

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE AND PARKS
Washington, DC, May 17, 2006.

Hon. DUNCAN HUNTER,
Chairman, Armed Services Committee, U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Department of the Interior would like the opportunity to provide its views on section 1036(c) of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007, as approved by the House of Representatives.

We recommend deletion of section 1036(c) in order to ensure that the National Park Service is able to continue its progress toward the recovery of native species and providing year-round access for other recreational activities on Santa Rosa Island.

Section 1036(c) states that "[t]he Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk."

We believe section 1036(c) is intended to overturn this settlement agreement that prescribes a phase-out of the privately-owned deer and elk from Santa Rosa Island, culminating in their complete removal by the owners by December 31, 2011. The National Park Service is party to that settlement agreement and stands by its terms. Fulfillment of the agreement is necessary to accomplish the purposes for which the National Park Service acquired Santa Rosa Island.

The National Park Service purchased Santa Rosa Island for \$30 million in taxpayer funds in 1986 after Congress included the 54,000-acre island as part of Channel Islands National Park in 1980. The purpose of this acquisition was to restore

the native ecology of the island and open it to the public for hiking, camping, sight-seeing, and other recreational activities. Although hunting is usually not allowed in National Parks, a private hunting operation for deer and elk was permitted to continue under a special use permit at the request of the owner, who had retained a 25-year reservation of use and occupancy (through 2011) in 7.6 acres on the island. Subsequently, the settlement agreement provided for the phased elimination of the deer and elk population.

Elimination of the non-native deer and elk is needed to allow native plant and animal species, including some that are endangered and threatened, to flourish on the island.

Also, more visitors will be able to enjoy the island after the closure of the deer and elk hunting operations that currently close about 90 percent of the island to National Park Service visitors engaged in other recreational activities for 4 to 5 months every year.

Section 1036(e) also raises several other issues. It gives direction to the Secretary of the Interior with respect to the settlement agreement, yet the Secretary is not responsible for removing the deer and elk from the island—the former owner of the island, who retains Ownership of the deer and elk, is responsible for their removal. Furthermore, 1036(c) suggests that the National Park Service has an approved plan to exterminate the deer and elk by helicopter, yet no such plan exists. In fact, as already noted, the deer and elk are the property of the former owner of the island and, under the terms of the settlement agreement, must be removed by them. Only if the deer and elk become extraordinarily difficult to remove would the National Park Service share the cost of removing the animals, which could include the use of helicopters.

Again, thank you for the opportunity to provide these comments. The Office of Management and Budget has advised that it has no objection to this letter from the standpoint of the Administration's program.

Identical letters are being sent to the Honorable Ike Skelton, the Honorable John W. Warner, and the Honorable Carl Levin.

Sincerely,

Acting Assistant Secretary.

STATEMENT OF THOMAS C. KIERNAN, PRESIDENT, NATIONAL PARKS
CONSERVATION ASSOCIATION

Since 1919, the nonpartisan National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System for present and future generations. On behalf of our 335,000 members nationwide who visit and care deeply about our national parks, we express our strong support for S. 1209, the Channel Islands National Park Management Act of 2007.

S. 1209 seeks to clarify the use and management of Santa Rosa Island, part of Channel Islands National Park. NPCA strongly supports the efforts of Senators Feinstein and Boxer to protect and welcome visitors to Channel Islands National Park with this important legislation.

According to its enabling legislation, the purpose of Channel Islands National Park is "to protect and interpret the internationally significant natural, scenic, wildlife, marine, ecological, historical, archeological, cultural, and scientific values of the Channel Islands." In 1986, the National Park Service purchased Santa Rosa Island for \$29.5 million to restore its native ecology and provide for public access to the island. Santa Rosa Island is to be enjoyed by all Americans.

In October 1996, subsequent to Clean Water Act violations and proposed endangered species listing, NPCA filed a lawsuit alleging that the Park Service was violating the Clean Water Act and Endangered Species Act by allowing Vail & Vickers to continue to allow cattle, deer, and elk to graze on the island. In the fall of 1997, NPCA, along with the Park Service, U.S. Fish and Wildlife Service, and Vail & Vickers, agreed upon a mediated settlement approved by the court. Under the terms of the settlement agreement, all non-native deer and elk are to be removed from the Santa Rosa Island over a four-year period beginning in 2008 and completed by 2011.

Unfortunately, late last year a provision was slipped into the fiscal year 2007 Defense Authorization bill by Representative Duncan Hunter during conference negotiations seeking to overturn the court-ordered settlement agreement. This rider ostensibly allowed for the continued hunting on the island, despite opposition from the National Park Service, Senators Feinstein, Boxer, and Representative Capps. The provision runs in direct conflict with efforts to restore the island's natural and cultural resources, and provide for year-round public access to the island.

S. 1209 seeks to remedy this situation by first repealing Rep. Hunter's egregious provision, and to provide for the continued management of Channel Islands National Park in accordance with applicable laws of the National Park System. It does not seem unreasonable that Santa Rosa Island, part of Channel Islands National Park, be managed in accordance with the National Park Service Organic Act and other applicable Park System laws.

NPCA entered into the settlement agreement in good faith with the National Park Service and Vail & Vickers to phase out the non-native deer and elk on the island by 2011. Unfortunately Rep. Hunter's provision runs counter to this good faith effort, seeking to overturn this agreement. NPCA supports the efforts of Senators Feinstein and Boxer, as well as Representative Capps, in introducing legislation to repeal this harmful law.

The American people paid nearly \$30 million for Santa Rosa Island to be protected and enjoyed by all as part of the National Park System. They did not pay for it to be a private, exclusive hunting club. This lucrative private hunting operation greatly limits access to a large part of the island for months at a time. It is also unclear as to under what authority the Vail & Vickers commercial hunting operation is currently operating. NPCA supports the long-standing principle that national parks are not appropriate hunting venues, and that hunting is inconsistent with the purposes of the vast majority of national parks, including Channel Islands National Park.

The settlement agreement is something all parties agreed to. S. 1209 allows us to return to the terms of this agreement. We urge the committee to support this important legislation for the protection and public enjoyment of one of America's national treasures—Channel Islands National Park.

STATEMENT OF NATHAN M. FROHLING, LOWER CONNECTICUT RIVER PROGRAM
DIRECTOR, CONNECTICUT CHAPTER, THE NATURE CONSERVANCY

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's testimony in strong support of S. 553, legislation to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Conservancy has approximately 1,000,000 individual members and programs in all 50 states and in over 30 foreign countries. To date, we have protected more than 15 million acres in the 50 states and over 117 million acres globally.

As Lower Connecticut River Program Director, I lead The Nature Conservancy's efforts to conserve the Eightmile River Watershed. The Eightmile's 62-square mile watershed is part of the larger and internationally significant ecosystem of the Lower Connecticut River region. Both the Eightmile and Lower Connecticut are top priorities for The Nature Conservancy. In the late 1990's, The Nature Conservancy and University of Connecticut let a joint effort called the "Eightmile River Project" to study and map the watershed and explore community-based strategies for protecting it. A primary outcome of this project was community interest in pursuing Congressional Wild and Scenic River designation for the Eightmile. I testified before Congress on behalf of this effort in 2001 and have participated actively over the last 5½ years as a member of the Eightmile River Wild and Scenic Study Committee, serving as Chairman of the Management Subcommittee, as a member of the Executive Committee and as Vice Chair of the full Committee.

THE EIGHTMILE RIVER IS A NATIONAL TREASURE

The Eightmile River is a national treasure because it is one of the last and best examples of an intact, near-coastal river system on the East Coast of the United States, particularly along the Northeast coast. It is uncommon to find an aquatic ecosystem which is highly intact throughout its range, particularly at the scale of the Eightmile River Watershed, and particularly in the highly populated and developed coastal region from Washington D.C. to Boston. From rare species and natural communities to a high quality wetland and watercourse system to extensive, intact forest habitat, the Eightmile is such an example; it is a rare gem of nature.

The Eightmile is also exemplary in providing a high quality of life for its residents and visitors. It is a rural landscape with great scenic beauty and offers an abundance of recreational opportunities. It offers excellent fishing and boating including power and sail in the river's one-mile long Hamburg Cove section. Hiking, sight-

seeing, hunting, and nature observation are among the popular activities in the Eightmile at State and Town Forests, Devil's Hopyard State Park, and many publicly available nature preserves owned by The Nature Conservancy and local land trusts.

The Eightmile name is based on the distance between its mouth at the Connecticut River and Long Island Sound. The river system is dominated by the 10 mile East Branch, the 10 mile West Branch, and the 5 mile main stem. There are major tributaries such as Beaver, Harris, and Falls Brook. The towns of East Haddam, Salem and Lyme make up the Eightmile Watershed.

THREATS TO THE EIGHTMILE RIVER WATERSHED

The greatest threat to the special attributes of the Eightmile River and its watershed is incremental, unplanned growth. Between 1985 and 2002, the Eightmile towns of East Haddam and Lyme each experienced an 11% increase in developed acreage and in Salem, a 23% increase. Unmanaged development typically results in landscape and habitat fragmentation, the loss of water quality, the loss of important species and natural communities, the intrusion of undesirable nuisance species, the loss of the cultural landscape—in short, loss of the Watershed's outstanding resource values. Change and growth is inevitable; the challenge for the Eightmile is whether this growth will be managed to protect and sustain its outstanding resources. There are other potential threats such as the excessive diversion of water or poorly managed resource extraction.

COMMUNITY DESIRE: "PROTECT WHAT WE HAVE"

During the Eightmile River Project conducted in the mid to late 1990's and the Eightmile River Study conducted since 2001, and in the course of numerous meetings and presentations, there has been a clear message from the communities of Salem, East Haddam and Lyme: "We cherish what we have, we don't want to lose it, we don't want it to change for the worse as so many other places have in Connecticut; the Eightmile River and its landscape are what characterizes and gives meaning to where we live." There has been recognition that without a pro-active effort to protect what is special, the special qualities of the area would be lost or seriously degraded, whether unintentionally, incrementally, or directly. The question early on was, "How can we realize a collective vision to save this region, especially when we are set up to work as independent and often competitive towns?"

WILD & SCENIC RIVER DESIGNATION THE CHOSEN STRATEGY

Congressional Wild and Scenic River designation was enthusiastically chosen as the best strategy for protecting the Eightmile River, its Watershed and realizing the community goals mentioned above. Highlights of why the Wild and Scenic River designation strategy was chosen include:

- The Wild and Scenic River process provides the structure, expertise, funding and facilitation needed for the communities to come together and collectively identify the issues and goals they have for the resource, and to set forth the means for meeting those goals. By adding the "higher purpose" and honor of national recognition and focusing citizens around a common and clear goal, the Wild and Scenic process could (and did) serve as a catalyst for local, community-based action and self-determination.
- A Wild and Scenic River designation, if achieved, would offer important protections not otherwise available locally or through the State of Connecticut. Federally funded or permitted water resource related projects that would have a direct and adverse impact on the river would not be allowed under designation. There are several threats to the Eightmile where this may be important including, for example, adverse water diversions.
- The Study would (and did) provide a greater level of scientific information than could otherwise be achieved, which will be useful for future decision-making.
- A Wild and Scenic River study represents the potential to bring in needed funds to support the community-based protection process that has been identified.
- The Wild and Scenic River designation process would be built on local control. The ability to maintain local control over land use decisions is key.
- Designation would facilitate long term coordination and consensus building among the towns and further heighten public awareness and citizen commitment to long term protection.

WATERSHED APPROACH

It was decided early on to pursue a watershed-based Wild and Scenic designation rather than focusing on discrete segments of the river. This approach was motivated by the exemplary quality of the watershed itself. It also allowed consideration of the important and intricate connection between the upland areas of the watershed and Eightmile streams and wetlands. Additionally, this approach would be the most realistic vehicle for communities to sustain the quality of the landscape of the Eightmile region as a whole. The Eightmile experience might also serve as a model to other communities interested in working together on a regional basis to address issues such as sprawl.

OUTSTANDINGLY REMARKABLE VALUES

Six "Outstandingly Remarkable Values" were established for the Eightmile River system during the Eightmile Wild and Scenic River Study. Numerous scientific and technical studies were conducted in support of establishing these values. They form the basis for the Eightmile River's Eligibility for Wild and Scenic River designation and include:

Watershed Hydrology.—The Eightmile River Watershed hydrologic regime operates without major impediments or influences—and as such is a naturally functioning system. More specifically, there are no surface water diversions, no dams which regulate flow, there are no direct point source discharges from industry or wastewater treatment plants and the level of impervious land cover is low at only 3% watershed-wide. There are high levels of forest cover coupled with low levels of development.

Water Quality.—Water quality and aquatic habitat in the Eightmile River Watershed is not only locally exemplary, but as good as the best rivers studied in the state. In addition, the two primary threats to water quality, point source and non-point source pollution, are almost nonexistent. All waterbodies in the watershed evaluated by the state fully meet their water quality use goals, and none are considered impaired; 92% of the watershed's streams and 99% of the ground water meet the state's highest water quality classification criteria. Chemical and biological indicators reveal that water quality and aquatic habitat are exemplary. Riparian corridors are highly intact and continuous and 80% of the watershed is forested and less than 7% developed.

Unique Species and Natural Communities.—The combined rarity, abundance and diversity of species and natural communities in the Eightmile River Watershed is unique and exemplary within Connecticut and throughout New England. The Eightmile River Watershed ranks in the top 5% of New England's watersheds for having one of the highest concentrations of rare species. A total of 155 "at-risk" plant and animal species occur in the watershed, including 32 vascular plants, 6 amphibians, 81 birds, 8 fish, 12 invertebrates, 7 reptiles and 9 mammals. There are 5 globally rare species and 54 occurrences of state-listed rare plants, 11 of which are also rare for New England. There are over 100 occurrences of "significant" natural communities in the watershed and 18 natural communities were found to have exemplary biodiversity. Extensive, native beds of submerged aquatic vegetation, the healthy presence of native fresh water mussels and other small aquatic organisms such as mayflies, damselflies, dragonflies, beetles, snails, etc. are further indicators of overall ecosystem integrity.

Geology.—In the Eightmile, a combination of an exceptional bedrock assemblage, an atypical local topography and exemplary evidence of glacial action creates a distinct local representation of the geology of Connecticut.

The Watershed Ecosystem.—This is the "holy grail" of the outstandingly remarkable values in that the entire Eightmile River Watershed ecosystem remains highly intact and as mentioned above, this is a rare characteristic. The high quality of the system is also a reflection of the quality and summation of its interacting sub-ecological features. Some of the features noted include: 1) 72% of the watershed consists of large, connected roadless blocks of habitat (>1,000 acres), 2) nutrient and energy cycles critical for plants, animals and water quality are intact, 3) over 80% of the watershed is forested, 4) the high density of rare species, 5) minimal impacts from invasive species, 6) outstanding interior nesting bird habitat associated with the large, intact forest, 7) the natural hydrological system and flow regime that supports riparian communities dependent on periodic flooding and natural scour processes, 8) high water quality, etc.

The Cultural Landscape.—This outstanding resource value is a reflection of the bucolic, rural landscape and special places created by human interaction with the environment. In the Eightmile this includes a landscape dominated by scenic views and vistas, historic features such as old colonial homes and churches, stone walls,

cemeteries and the lack of modern development and transportation patterns. Lands adjacent to the Eightmile River also have a high potential for intact archaeological resources.

WHAT HAS BEEN ACHIEVED

Outreach and Community Process

During the Wild and Scenic Study, a major outreach effort was implemented to assess social needs, facilitate citizen input, clarify community goals regarding the Eightmile River Watershed and to inform the public about the Wild and Scenic process. Examples include:

- *Community Meetings.*—Numerous meetings held in each of the three towns covering the full range of topics from the background and history of the project to discussion of the Outstanding Resource Values to the watershed management framework. Particular attention was paid to feedback on the types of management tools citizens would support.
- *Land Use Commissioners Summit.*—Attended by over 40 local land use decision-makers, this was a 4-hour facilitated work session which provided critical input into the formation of the management plan.
- *Community Open House.*—This event was widely publicized and drew nearly 150 people; soliciting feedback from the public was a primary objective.
- *Newsletters.*—Six “update” newsletters were sent to riverfront landowners and the Eightmile subscriber list.
- *Mailings to all Town Residents.*—Invitations to the community forums and community open house, a special newsletter leading up to town votes and vote notices were sent to all residents of all the towns.
- *Letter to 200 Riverfront landowners.*—This letter included a brochure on the Eightmile Wild and Scenic River Study and solicited their feedback and input into the Study process.
- *Fairs and Events.*—Local fairs and events were staffed by Wild and Scenic representatives; a kick-off event for the Study was held at Devil’s Hopyard State Park and attended by dignitaries such as Senator Dodd and Congressman Rob Simmons.
- *Brochures and pamphlets.*—These were distributed to libraries, stores and other locations.
- *Press Releases and signage.*—These were used to inform the public of Study progress, opportunities for input and votes regarding designation and the management plan.

Recognition that Existing Protection is Strong

Careful analysis conducted as part of the Wild and Scenic Study revealed that existing protection is strong. Quoting from page 22 of the Study Committee Report, “Currently there are strong protections in place for the Eightmile River Watershed. These protections include: local, state and federal statutes and regulations that directly protect the waterways and adjacent lands, large amounts of conserved land and open space, many non-profit and governmental supporting organizations, landscape features that do not promote development, and a strong desire by local citizens to preserve the resource values of the watershed. Together with a locally administered watershed management plan, these existing protections are found to meet the suitability criteria for designated segments recommended for Wild and Scenic River designation.” The towns, local land trusts, The Nature Conservancy and State have permanently protected over 31% of the watershed (over 12,500 acres) and 25% of all river frontage within 100 feet of the 160 miles of river and stream within the watershed. Approximately 3,000 acres were protected during the period of the Study (2001 to 2006).

Eightmile River Watershed Management Plan

A comprehensive watershed management plan was prepared and endorsed during the Study. It is the blueprint for enabling the 3 towns to collectively realize their vision for protecting the outstanding qualities of the Eightmile River Watershed. The content of the management plan reflects the many hours of research, analysis, planning and most of all, discussions with and input from citizens and town boards and commissions. It is the culmination of the Study at the local level. The Plan also helps fulfill the suitability criteria for designation by providing a management framework that brings key river interests together to work toward the ongoing protection of the river and watershed. An advisory Coordinating Committee has been set up to assist in implementing the management plan including facilitation of communication and consensus building. Key management issues addressed by the plan

include riparian corridor protection, open space conservation of key habitats, limiting adverse impervious land cover, municipal stormwater management and best management practices for stormwater system and stream crossing design.

The plan is a set of near and long term recommendations—it does not create any new authorities and its implementation is done locally and at the discretion of the local communities. The power behind the plan stems from the investment made by each town in creating it and ultimately by its formal endorsement by town boards and citizens. All three towns have begun to voluntarily implement the Plan prior to achieving designation because of their desire to continue moving toward their community goals. Designation remains key however, because designation is an important component of the overall framework for achieving long term protection and it represents a reward for the town's "doing their part."

Protection of Landowner Interests

Assuring that landowner interests would be respected was a major tenant of the Wild and Scenic Study process including development of the management plan and designation legislation. At the top of the list is that designation would be conditional on assuring that the "provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River," which is the wording of the proposed legislation. Secondly, as mentioned above, the management plan is developed locally and its implementation is locally led and at the discretion of the local communities. Thirdly, the recommendations in the management plan were evaluated in terms of their potential impact on landowners and adjusted as necessary to assure that if implemented they would not pose an unreasonable burden or hardship. Also, the management plan was designed to be flexible and anticipate that the specifics of potential measures might be adjusted to take into account the "reality on the ground" at the time of implementation. Communication with riverfront landowners was a consistent and important part of the conduct of the Study. Ultimately, votes by the town land use boards and citizens served as the most direct expression of support for the designation and proposed protection measures. In general, as indicated through citizen votes, community input, discussions and neighbor to neighbor contact, the clear majority of landowners recognized that the potential implications of implementing the management plan would entail at worst the prospect of making relatively small concessions in exchange for the larger benefit of sustaining overall neighborhood and community quality.

STRONG SUPPORT FOR DESIGNATION AND MANAGEMENT PLAN

Consistent with the history of the project and its origins, there is overwhelming, widespread support for Eightmile Wild and Scenic River designation. In the winter of 2006, the towns of East Haddam, Lyme and Salem held town meeting votes so that citizens could vote on whether to endorse the Eightmile River Watershed Management Plan and Wild and Scenic designation. These votes were attended in large numbers. In Salem the First Selectman claimed that it was the largest turnout for a town meeting. All of the towns had votes which were strongly in favor of endorsement—in total the votes were nearly unanimous. All town First Selectmen, land use commissions and boards of selectmen as well as the Wild and Scenic Study Committee voted to endorse the Management Plan and designation. Prior to and during the course of the Study many civic and non-profit groups have expressed their support for the Study and/or designation through letters, resolutions and other forms of endorsement. Individuals, landowners and river fronting landowners have also expressed support. Please see attachment.*

The State of Connecticut Legislature endorsed designation and the Management Plan by passing Public Act No. 05-18 "An Act Concerning Designation of the Eightmile River Watershed Within the National Wild and Scenic River System" which was signed into law by Governor Jodi Rell at a riverside ceremony.

The Eightmile designation has been and remains a bipartisan endeavor. Republican Rob Simmons introduced the Study Bill in 2001 and introduced a designation bill just before the end of the 109th Congress. Democratic Congressman Joe Courtney has introduced H.R. 986 and has the full support of the Connecticut Delegation, both republicans and democrats. Senators Dodd and Lieberman have been strong supporters since the beginning in 2001.

Finally the newspapers have followed the Eightmile Project and the Wild and Scenic Study. There have been numerous articles about the project and strong editorial endorsements for designation. Examples are summarized in the attached exhibits.*

* Information has been retained in committee files.

THE TIME FOR DESIGNATION IS NOW!

With 10 years of work into the effort to save the Eightmile River Watershed including the past 5 years during the Wild and Scenic Study, the communities have done their part and are anxious to complete this final critical step of obtaining Wild and Scenic River designation. They see the federal role as an inherent part of the collective multi-party approach to protecting the resource. In order to continue making the commitment of time and resources, local communities need to know their federal partner will in fact come through too and allow the full partnership to be established. Noting that 2008 is the 40th anniversary of the Wild and Scenic Rivers Act, those involved in the Eightmile effort would greatly appreciate the honor of being one of the rivers who receive designation within the Act's first 40 years!

Thank you very much for the opportunity to submit testimony in support of S. 553. I urge the committee's favorable consideration of this important legislation.

THE NATURE CONSERVANCY,
San Francisco, CA, May 15, 2007.

Hon. DANIEL K. AKAKA,
Chairman,

Hon. CRAIG THOMAS,
Ranking Member,

Subcommittee on National Parks, Senate Energy and Natural Resources Committee,
364 Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN AKAKA AND SENATOR THOMAS: As the Subcommittee on National Parks of the Senate Energy and Natural Resources Committee holds a hearing today on legislation under its purview, The Nature Conservancy wishes to express its strong support for the Channel Islands National Park Management Act of 2007 (S. 1209).

Recently introduced by Senator Dianne Feinstein, S. 1209 requires Santa Rosa Island within the Channel Islands National Park to be managed in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and all applicable national park laws. Additionally, the legislation repeals Sec. 1077(c) of P.L. 109-364, a provision included in the Fiscal Year 2007 Department of Defense Authorization Act. While Sec. 1077(c) is subject to interpretation, the provision appears to attempt to overturn a court-approved settlement agreement and could allow a private herd of non-native deer and elk to remain on the island after 2011.

The Nature Conservancy believes the presence of introduced deer and elk herds on Santa Rosa Island is fundamentally incompatible with the long-term protection of the unique natural resources of Channel Islands National Park. By allowing the private herd of deer and elk to persist on Santa Rosa Island, these non-native populations continue to divert scarce park management funds and pose an unnecessary and costly risk to the viability of plant and animal species that occur nowhere else on Earth. Such a development would also undermine the enormous public and private investments in ecosystem restoration that have been made in recent years.

We hold this position having studied this situation in great depth. The Nature Conservancy formerly owned 90% of Santa Cruz Island—Santa Rosa's immediate neighbor in the northern Channel Islands. In 2000, the Conservancy gave 8,500 acres of land on Santa Cruz Island valued at well over \$60 million to the National Park Service, to facilitate island visitation and to enhance our conservation partnership. Today, the Conservancy owns 76% of Santa Cruz Island and has raised and contributed tens of millions of dollars in private funds and other assets to the conservation of natural resources within the Channel Islands National Park. Since 2000, the Conservancy has contributed staff time, expertise, and over \$7 million in privately raised funds to restoring the ecosystem and protecting biodiversity on Santa Cruz Island. These private investments are in addition to about \$11 million in public investment in the restoration program over that same time period.

Island ecosystems are renowned for their ecological fragility. Extinction rates of plants and animals on islands are alarming. When herbivores (like deer and elk) are introduced to islands they can have a devastating effect on the ecosystem. The scientific evidence of that destruction on the world's islands is overwhelming. The fragility of the Northern Channel Islands ecosystem is well illustrated by the plight of the federally endangered island fox. A listed subspecies of fox occurs on Santa Rosa, and a different listed fox occurs on each of its immediate neighbors, Santa Cruz and San Miguel islands. Each fox population is precariously close to extinction because they are preyed upon by golden eagles. Golden eagles have only recently populated the islands. The full ecological history of the northern Channel Islands

is complex, but scientists believe that individual birds from a rebounding mainland golden eagle population have been attracted to the islands and supported by the presence of introduced species. Even though they may mostly prey upon other species, the eagles' depredation of foxes has been enough to cause the three fox populations to plummet.

Over the last eight years and at great expense, The Nature Conservancy and the National Park Service have worked hard to live capture and remove golden eagles from the islands. But as long as a food subsidy of large non-native animals remains in the island chain and continues to attract the golden eagles, the foxes will remain imperiled. To that end, The Nature Conservancy and the National Park Service are currently completing a multi-year and multi-million dollar effort to remove feral pigs from Santa Cruz Island. The Conservancy is concerned that, if deer and elk remain on Santa Rosa, golden eagles may continue to be drawn to the islands by the presence of young herbivores and by deer and elk remnants resulting from hunting, further risking the extinction of foxes on Santa Rosa Island as well as the neighboring islands.

Outdoor recreation enthusiasts, including hunters, are some of the strongest supporters of biodiversity and habitat preservation, and we have enjoyed a long and productive relationship with hunting and fish enthusiasts and organizations. Like any other form of outdoor recreation, however, there are places and situations where hunting, and particularly the introduction and retention of non-native species for hunting purposes, is simply not appropriate. Santa Rosa Island is one of those places.

The Nature Conservancy joins Senator Feinstein and the National Park Service in strong support of S. 1209.

Sincerely,

MIKE SWEENEY,
Associate State Director, California Program.

STATEMENT OF QUINN MCKEW, AMERICAN RIVERS, INC.

On behalf of our 65,000 members and supporters around the country, thank you for holding a hearing to consider important legislation that will designate outstanding, free flowing rivers in Connecticut, North Carolina, Virginia, and Wyoming as components of the National Wild and Scenic Rivers Program.

Since its founding in 1973, American Rivers has worked with our grassroots partners to protect rivers under the Wild and Scenic Rivers Act and has actively assisted federal agencies, states and local groups with river conservation efforts. American Rivers strongly supports S. 553, the Eightmile Wild and Scenic River Act of 2007, S. 1057, the New River Wild and Scenic River Act of 2007, and S. 1281, the Snake Headwater Legacy Act of 2007.

Congress created the Wild and Scenic Rivers Act in 1968 to protect the nation's best free-flowing rivers from activities that would destroy their wild character. A Wild and Scenic designation is currently the strongest tool available to protect rivers from future pollution, inappropriate development, and impoundment. A Wild and Scenic designation does not prevent development and use of a river; instead, the goal is to preserve the existing character of a river. Uses and development compatible with the management goals of a particular river are allowed. Each of the rivers under consideration today possess the free-flowing character and outstanding natural beauty representative of our nation's National Wild and Scenic Rivers.

S. 553, the Eightmile Wild and Scenic River Act of 2007, would designate segments of the Eightmile River, an outstanding river located in the largest unfragmented forest region in coastal Connecticut, as a component of the National Wild and Scenic Rivers System. The Eightmile River is an exceptional natural and cultural resource. The 62 square mile watershed is a rolling forested landscape with more than 150 miles of pristine rivers and streams, large areas of unfragmented habitat, an abundant array of rare and diverse wildlife, beautiful vistas, high water quality, unimpeded stream flow and historic features making it a unique example of an intact and functioning watershed ecosystem in Southern New England. The watershed has been determined eligible and suitable for Wild and Scenic status by the National Park Service. More than 80% of the watershed is undeveloped forest, home to diverse and rare animal and plant life, and an abundance of recreational activities. Its scenic beauty, historic character, and fisheries serve as a tremendous source of pride for the citizens of Connecticut.

The process of including the Eightmile River Watershed into the NWSR System has been a bottom-up approach. The desire to protect the Eightmile River Watershed originated in 1995 when local officials and citizens began working on protec-

tion efforts. A variety of local, state, and federal water protection programs were considered. A key part of the program selection process was the need to retain local control over decisions involving the watershed. A Wild and Scenic River study and designation was determined to be the best way to achieve the local vision of a protected watershed.

S. 1281, the Snake Headwater Legacy Act, also arose from a strong local push to protect a key community asset. These 443 miles of rivers around Jackson, Wyoming truly represent the best of our nation's wild river heritage and form the heart of a vibrant recreation-based local economy. Designation efforts are endorsed by The Campaign for the Snake Headwaters, an effort led by local citizens, businesses, anglers, boaters and conservationists to permanently protect the best remaining free-flowing rivers and streams of northwest Wyoming's Snake River drainage. More than one hundred local and national businesses have endorsed the Campaign for the Snake Headwaters.

The legislation, if passed, would be the single largest addition to the nation's Wild and Scenic Rivers System in 15 years. Included in the bill are rivers determined Wild and Scenic eligible in Grand Teton National Park, Yellowstone National Park and the surrounding National Forests. Over 90% of these river miles are located on public lands on the Bridger-Teton National Forest, and to a lesser extent, in Yellowstone and Grand Teton National Parks. Only a tiny fraction of these eligible river miles flow across private lands. The rivers of the Snake headwaters are one of the last remaining native cutthroat trout strongholds in the lower 48 states. Roughly 30 percent of the tourists that visit Jackson Hole spend some time fishing in the Snake Headwaters, and they contribute from \$10 to \$20 million annually to the local economy. Whitewater boating and rafting on the Snake River pump another \$3.5 million into the local economy. The lush cottonwood forest along the Snake River supports some of the most productive bald eagle and osprey nesting habitat in the Rocky Mountains. In all, 150 bird species can be found along this reach of the Snake. Among the many mammal species that abound here are moose, elk, deer, grizzly bears, wolves, mink, and Wyoming's largest population of river otters.

S. 1057, the New River Wild and Scenic River Act, gives attention to a section of the New River, our nation's oldest river, which until now has been a local secret. Starting at the terminus of the currently designated New River National Wild and Scenic River in North Carolina and flowing through Virginia back into North Carolina, this stretch of river is exceedingly scenic and popular with recreational boaters. While most of the land bordering the river is privately held, local and regional land trusts dedicated to protecting the New River have successfully negotiated several large conservation easements.

Given the high percentage of state and private property in S. 1057, American Rivers recommends that the river be managed as a Partnership Wild and Scenic Rivers administered by the National Park Service. As a subset of the greater National Wild and Scenic Rivers System, the Partnership Wild and Scenic Rivers Program helps communities preserve and manage their own river-related resources locally by bringing together State, county, and community managers to preserve the outstanding and remarkable values for which the rivers were set aside. It is a truly collaborative process with the National Park Service providing an advisory partnership role.

As the 40th anniversary of the National Wild and Scenic Rivers Act approaches in 2008, American Rivers look forward to working with the Subcommittee and the Committee on Energy and Natural Resources as a whole to secure Wild and Scenic designations for our last, best rivers and preserve their beauty, health, and wonder for current and future generations. In addition to S. 553, S. 1057 and S. 1281, American Rivers strongly supports S. 86, the Fossil Creek Wild and Scenic River Act; S. 647, the Lewis and Clark Mount Hood Wilderness Act of 2007; and S. 868 which seeks to designate segments of the Taunton River as a component of the National Wild and Scenic Rivers System.

American Rivers strongly supports these pieces of legislation and looks forward to working with the Energy and Natural Resources Committee to ensure that all the bills contained in this testimony are enacted this Congress.

Thank you for your consideration.

THE CONSERVATION FUND,
Sun Valley, ID, May 4, 2007.

Hon. LARRY CRAIG,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: On behalf of The Conservation Fund, I am writing to express our organization's strong support for your bipartisan legislation to expand the boundary of the Minidoka Internment National Monument to include the Farm-in-a-Day property as part of a comprehensive initiative to implement the National Park Service's General Management Plan (GMP) and Congressionally-authorized Bainbridge Island special resource study.

As part of The Conservation Fund's (TCF) nationwide program to conserve Japanese American internment camp sites, TCF acquired the 128 acre Farm-in-a-Day property last year with a goal to preserve the farm's historic resources associated with both the Japanese American internment and the development of agriculture in the Magic Valley following World War II. The property is located immediately adjacent to the Monument and is the NPS's highest acquisition priority in its recently-completed GMP.

TCF is very interested in transferring the property to the NPS as an addition to the Monument. By expanding the boundary to include this key tract, the legislation will provide the NPS with the authority to acquire this property. In doing so, your legislation will advance the Monument's mission to educate the public about the internment and to tell the fascinating story about the regional development of agriculture in the early 1950s. If enacted, the bill also transfers management of facilities and federal lands at Minidoka for a visitor center and a new memorial for the first generation of Japanese Americans.

As an organization committed to conserving Idaho's historic resources and as the only private landowner within the proposed boundary expansion, TCF greatly appreciates your leadership and hard work to advance this bill. TCF is supportive of the exciting opportunity that Minidoka presents for south-central Idaho, the Pacific Northwest and the nation as a whole. We stand ready to assist your efforts to pass this important legislation this year as part of a comprehensive approach for Minidoka and Bainbridge Island.

With appreciation and good wishes,

MARK W. ELSBREE,
Vice President & Northwest Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, July 26, 2006.

Hon. VIC SNYDER,
Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SNYDER: On behalf of the Paralyzed Veterans of America (PVA), I am responding to your inquiry regarding efforts to provide hunting opportunities for paralyzed and disabled veterans on Santa Rosa Island. While PVA applauds the efforts by Chairman Duncan Hunter to open hunting and outdoor venues for our members, other disabled veterans and current service members we have come to the conclusion that the Santa Rosa Island initiative is not viable. PVA has sent one of our members to the island and we have explored possible solutions to the challenges posed by the site; however, it is our opinion that the numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.

It is our hope that the concept of expanded hunting and outdoor opportunities on federal facilities for our members, other disabled veterans and service personnel will continue to receive the attention of Congress. Chairman Hunter's efforts should serve as a starting point for future initiatives to provide accessible venues for both veterans and active duty personnel. We would be happy to work with you and other members to explore alternatives to this issue and identify other opportunities across the country that may afford veterans expanded options.

Sincerely,

DOUGLAS K. VOLLMER,
Associate Executive Director for Government Relations.

STATEMENT OF HON. LOIS CAPPS, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. Chairman and members of the Subcommittee, thank you for holding this hearing today and for the opportunity to present testimony in support of S. 1209.

S. 1209 repeals a provision in the 2007 National Defense Authorization Act (NDAA) that negatively affects the integrity of Santa Rosa Island and the Channel Islands National Park, which is located in my congressional district. I have introduced similar legislation, H.R. 2029, in the House.

I want to also thank my colleagues from California, Senator Feinstein and Senator Boxer for introducing S. 1209 and for bringing this important issue to the Committee's attention.

Legislation to repeal the NDAA provision is necessary for several reasons.

First, the provision had no place in a defense authorization bill. There were no congressional hearings or opportunities for public input. The Defense Department did not request this provision and the National Park Service (NPS) continues to strongly oppose it.

Second, the provision directly interferes with a legally binding court ordered Settlement Agreement entered into by the NPS, the previous landowner (Vail & Vickers), and the National Parks Conservation Association that provides for a phase-out of non-native deer and elk on Santa Rosa Island by 2011. Removing the deer and elk from the island, and ending an associated trophy hunting operation will make the island available for public recreational uses year round and will protect the island's wealth of critical natural resources. According to the NPS, the operation currently closes off public access to about 90 percent of the island for 4 to 5 months of the year while hunting is underway. The provision also hinders the NPS's plans to turn the island into a destination spot—complete with overnight lodging, expanded access for disabled visitors, and a full interpretative history of the islands.

Third, the provision was predicated on giving members of the armed forces and disabled and paralyzed veterans greater access to Santa Rosa Island. To be perfectly clear—everyone has access to the island right now, including members of the armed forces and veterans. If there is a need to address access problems for members of the armed forces or veterans, then this issue can be worked out without any legislation. I have spoken with the Superintendent of the Channel Islands National Park and he assures me that he is willing to do whatever he can to work with the Veterans Administration and Department of Defense if there are any access problems veterans might be having.

Mr. Chairman, it is important to remember how this all started. In May 2005, Congressman Hunter proposed kicking the public off Santa Rosa completely by transferring the island to the Defense Department. This was rejected after being called an attempt to create a private hunting reserve for top military brass and their official guests.

Then the idea of giving veterans more hunting opportunities became the reason to intervene in Santa Rosa. But, as discussed earlier, veterans already have access to Santa Rosa and the Park Superintendent has offered to address any problems with that access. And veterans currently enjoy a wide variety of other hunting opportunities on private and publicly held lands, as well as on military bases around the country. For example, Vandenberg Air Force Base, Fort Hunter Liggett and Camp Roberts all on the Central Coast provide hunting opportunities to the military and veterans.

You may recall that the Paralyzed Veterans of America (PVA) initially supported Congressman Hunter's provision, but after a representative from the organization visited the island to assess whether it would be suitable for paralyzed veterans, PVA changed its position. In a letter to Congressman Vic Snyder, the PVA said, ". . . it is our opinion that the numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit [hunting] could provide."

The latest rationale for this proposal is supposedly to stop the extermination of these privately owned, non-native deer and elk on Santa Rosa Island. However, the Settlement Agreement only calls for removal of the animals; it does not specify how the animals must be removed. If Vail & Vickers wish to remove their animals to the mainland, they are not precluded by the agreement from doing so and I would support such an effort. In fact, as the federal representative for this National Park, I am willing to help the owners of the herd remove the non-native animals from the island if they find a home for them. It is important to remember that the animals are being removed because of the damage these large herds cause to Santa Rosa and federally listed species and the impact the deer and elk's presence have on public access.

The NDAA provision means something far different than more hunting opportunities for veterans or animal protection. It means the indefinite continuation of hunting in a National Park—either the current private trophy hunting or a subsequent population management effort. This would continue keeping the public off Santa Rosa while hunting is underway. I would remind the Committee that the public

paid \$30 million for this island 20 years ago. Some 5,000 people visit Santa Rosa Island each year and that these numbers will increase commensurately once the island is open year-round to the public.

In addition, the NDAA provision could result in the NPS maintaining the huge herds of nonnative deer and elk on the island. These are, of course, animals the NPS does not even own, so some may argue there could be takings issues at play here. And, from the conservation perspective, maintaining these huge herds would mean continued damage to federally listed species that would reduce the value of the Channel Islands National Park and exhaust the NPS's already limited financial resources.

Mr. Chairman, the issue of removing the non-native deer and elk from the island is a very serious one. The NPS and Vail & Vickers are in constant contact on this issue to ensure the cessation date is met and that it is done in a fair and equitable manner. The goal is to ensure that the public, finally, has full access to its national park.

I hope the Committee adopts S. 1209 to repeal this provision and shows its support for the goal of making Santa Rosa Island publicly accessible year-round, as it should be.

Thank you again for your interest in this issue and I look forward to working with the Committee to show support for Santa Rosa Island.

JOINT STATEMENT OF BOONE AND CROCKETT CLUB; CONGRESSIONAL SPORTSMEN'S FOUNDATION; MULE DEER FOUNDATION; NATIONAL RIFLE ASSOCIATION; ROCKY MOUNTAIN ELK FOUNDATION; AND SAFARI CLUB INTERNATIONAL

Dear Member of Congress, we are writing you today on an issue of great concern to our conservation organizations—the proposed eradication of the Kaibab Mule Deer and Roosevelt Elk herds that inhabit Santa Rosa Island. We urge you to oppose both S. 1209 and H.R. 2029, as these bills propose to overturn Sec. 1077(c) of P.L. 109-664—a provision that currently protects Santa Rosa Island's elk and deer herds from extermination.

Sec. 1077(c) of P.L. 109-664 protects these herds and without this provision in place these splendid elk and deer herds would lose their current law protections and begin to be slaughtered next year—ultimately to be eradicated by the end of 2011. The National Park Service will assume full management of Santa Rosa Island beginning in 2012. Our organizations believe that these elk and deer herds should remain in their current habitat on the isolated and disease-free environment of Santa Rosa Island—where they will continue to provide enjoyment to park visitors in 2012 and beyond.

Through professional wildlife management practices, we believe that both the ungulate herds and other flora and fauna can successfully coexist. Please understand that these animals have habituated to Santa Rosa Island for approximately 100 years, have assimilated into the ecosystem and are one of the island's primary tourist attractions.

We urge you to safeguard P.L. 109-664's protection for Santa Rosa Island's healthy elk and deer herds by opposing S. 1209 and H.R. 2029.

STATEMENT OF ROBERT J. LAGOMARSINO, VENTURA, CA ON BEHALF OF VAIL AND VICKERS COMPANY

Chairman Akaka and Members of the Subcommittee, from 1974 to 1993 I served in the House of representatives, representing the Ventura and Santa Barbara County area of Coastal California. During almost all of that time, I was a member of the Interior & Insular Affairs Committee, now Natural Resources, and held the position of ranking Republican for National Parks.

It was my legislation in 1980 that created Channel Islands National Park. Although no longer in office, I maintain a keen interest in park activities. In fact, since we live on the coast west of Ventura, the islands are, on clear days, always in sight. Indeed, in 1996 the Congress passed, and the President signed into law, legislation naming the park visitor's center after me.

For more than a decade I have been disturbed at developments in the park, especially with regard to the management of Santa Rosa Island.

Today, I have great concern regarding proposed S. 1209, and H.R. 2029. Both aim to repeal Section 1077(c) of Public Law 109-364, but this language in the Senate version attempts to do more than simply reverse Representative Duncan Hunter's one sentence law of last year that halts the eradication of the island's historic deer and elk herds. I am concerned that S. 1209 inadvertently threatens the very exist-

ence of the Vail & Vickers operation before 2011, by ignoring past agreements—the special use permit arrangement from 1986 and the litigated Settlement Agreement for 1998—and citing Park Service directives that through strict interpretation very well could drive the ranchers out of business immediately.

It was my clear intent, and of Congress (including CA Senator Alan Cranston), that the cattle ranching operation that had thrived for a century would continue for 25 years, as a living history of what ranching operations had once been like across the West, let alone the uniqueness of an island ranch somewhat removed from the passing of time. We considered equally important the preservation of the island's unique natural bounty. Then-Park Director William Whelen at the time of the initial bill's passage wrote that grazing, when properly managed, was a compatible use. Later, I clearly remember Park Director William Penn Mott standing in the old Vail & Vickers barn on Santa Rosa commenting how valuable a resource the cattle operation was.

It was over many years from the mid 1970's to 1986 that the Vail family reluctantly agreed to not oppose including their island into the boundaries of the newly proposed park, and to eventually agree to emerging political realities and sell to the federal government. Therefore I expected the historic ranch and hunting operations would continue for at least 25 years.

It was my intent and expectation that the kind of cooperation between the Park Service under then Superintendent Bill Ehorn and Vail & Vickers would continue, especially as it was Mr. Ehorn's recommendation that a special use permit arrangement would be the preferred method of management, not straight lease terms.

As I stated to Interior secretary Bruce Babbitt in 1997, I would not have included Santa Rosa Island in the park boundary, and I doubt the Senate would have approved it, had I known that the ranchers would be caught between competing special interests for the next quarter century. During the unfortunate litigation brought upon the Park Service and Vail & Vickers by the National Parks & Conservation Association, I thought the ranchers were justified in feeling the government had gone back on an agreement they entered into in good faith, and that the Interior Department did not adequately defend the original sale terms. Simply stated, promises made should have been promises kept.

While it is worth noting that Congressman Duncan Hunter's methods last year to insert last minute language into the Defense Authorization Act were unorthodox, the simple fact is Section 1077(c) does not allow hunting to continue or limit public access on Santa Rosa Island after 2011; it simply prohibits the deer and elk from being eradicated per the Settlement Agreement. It also does not set precedent, as some suggest, that allows for non-native species to exist in national parks, for this precedent has already been set in this very park. I cite the example of the eucalyptus tree, not native to California, and prevalent on the Channel Islands. Will the Park Service be eradicating thousands of trees? Where is the line drawn in this theoretical goal of preserving only what is "native"?

In my opinion, many of the allegations of abuse by cattle, deer and elk are, to the say the least, greatly exaggerated. If sheep and cattle ranching went on for 150 years, with little if any knowledge of or concern about rare and endangered species, how come there are any left to be so concerned about now? Probably the most rare and endangered thing here in common sense.

Moreover, I find the assertions of the bill sponsors that hunting will continue and public visitation is threatened to be disingenuous. It is worth repeating that public access is not limited due to Section 1077(c) as the language clearly states: "The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk." To speak of speculation and future scenarios is unfair and not productive to building lasting and cooperative solutions.

Like the existence of "non-native" mountain goats in Olympic National Park, I strongly believe that the presence of the deer and elk enhances the visitor experience on Santa Rosa Island. While the cattle and vaqueros might be long gone, the deer and elk showcase the living history of the island, illuminating a ranching culture that no longer exists across our country. The Park Service calls these "historical landscapes," and this example qualifies. The living documentation of things past is as vital a mission to the national park system as the protection of unique flora and fauna. There is no reason why we cannot manage both our natural and human history to great effect. This is was certainly my intent in the enabling legislation that preserved this national treasure.

This Committee has a golden opportunity today to sort out 15 years of confusion by calling on hearings related to the past and future management and oversight of

Santa Rosa Island. Can S. 1209 be amended to allow the deer and elk to remain on the island—with no hunting activities involved—as part of a historic, living history of early California ranching life? Certainly, this would require additional hearings and in-depth public discussion, but the timing corresponds well to the ensuing challenges to manage elk herds in Rocky Mountain and Theodore Roosevelt national parks as well as the continued destruction of Kaibab mule deer habitat in the Southwest.

Additionally, it should be noted that Channel Islands National Park has not updated its General Management Plan, particularly with regards to Santa Rosa Island, since the 1980's. Due to the dramatic changes of the past 20 years, one would think that this would have happened by now. Perhaps an advisory committee should be created—one with a fair balance of different viewpoints—that oversees a Channel Islands National Park Historical Resources Study. This would be a positive step that this Committee and S. 1209 could take today.

To conclude, I encourage this Committee to remove any language from S. 1209 that can be used to put Vail & Vickers out of business before the end of 2011. I also call on Congress to use this legislative opportunity to honor the original intent of the agreement, and to find a way to keep an invaluable part of our nation's heritage alive.

STATEMENT OF WILLIAM H. EHORN, SMITH RIVER, CA

My name is William H. Ehorn. I was employed with the National Park Service (NPS) for 34 years and served as Superintendent of Channel Islands National Park (CINP) from 1974 to 1989. In that capacity, I was an active participant in the 1980 legislation to add Santa Rosa island to the park and the NPS acquisition of the island from Vail & Vickers in 1986.

During the 1979-1980 Congressional effort to add Santa Rosa Island the CINP, it was clearly understood that Vail & Vickers would be allowed to continue a viable ranching operation for a period of 25 years. At the outset, there was substantial opposition to including the island in the park unless there were assurances that the historic ranching operation could be continued. Express assurances were provided by the Congressional leadership (e.g., Sen. Alan Cranston (D-CA)), the committees, and the primary author of the CINP legislation Rep. Robert Lagomarsino (R-CA). The Director of the NPS, Mr. William Whalen, also provided such assurances at the hearing and via correspondence. Only after it was clearly understood that Vail & Vickers could continue their historic operations did opposition to including Santa Rosa Island in CINP diminish. In the absence of these repeated assurances, I believe that the island would not have been added to the park.

In 1986, NPS acquired Santa Rosa Island from Vail & Vickers. At the time of acquisition, it was also clearly understood that a viable ranching operation would be permitted to continue for 25 years. As Superintendent of the park, it was my intention to honor the commitments made by Congress and NPS and allow the ranching operation to continue. Vail & Vickers were offered two procedural options for continuation: a lease or a special use permit. I was able to persuade Vail & Vickers to accept the permit option rather than the lease on the grounds that (1) a permit would be managed locally by NPS while a lease would be administered from Washington, D.C., (2) permit fees could be used to improve and maintain facilities on Santa Rosa Island relative to the management of the permit, and (3) a permit would allow NPS to begin operations on the island in cooperation with the ranch.

Vail & Vickers has a record of outstanding stewardship on the island. Since 1986 they have cooperated extensively with NPS to further improve the quality of the ranching operation and park resources. Conservation measures have included reductions in the number of cattle, elimination of destructive feral pigs, fencing of sensitive riparian zones, and rotational grazing to protect endangered and threatened species. I have a personal knowledge of the condition of Santa Rosa Island resources, both prior to park establishment and since the implementation of cooperative efforts to further enhance the protection of park resources. It is my professional opinion that the measures that Vail & Vickers have willingly taken in a spirit of cooperation with NPS have clearly improved conditions and have promoted the overall health and vitality of the natural resources on the island.

My personal perspective is that it is important for the federal government to honor the commitments expressed by Congress and clearly understood by all who were involved when the park was created by providing for the continuation of the private ranch until 2011. Park management will obviously change at the end of the allowed ranch operation period since grazing will be discontinued on most of the island with the exception of an interpretive demonstration ranch. Options for protec-

tive management of resources as well as for visitor use will increase at that time. In the interim, the management challenge is to honor Congressional intent to this ranching family, as well as protect the island's superlative resources.

