

MISCELLANEOUS 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. 127	S. 327
S. 868	S. 1051
S. 1184	S. 1247
S. 1304	S. 1329
H.R. 359	H.R. 759
H.R. 807	H.R. 1021

SEPTEMBER 11, 2007



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MISCELLANEOUS NATIONAL PARKS LEGISLATION

TUESDAY, SEPTEMBER 11, 2007

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

The subcommittee met, pursuant to notice, at 2:32 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

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

Senator AKAKA. The hearing on National Parks will come to order.

The purpose of the hearing is to consider the following bills. But before I do that, I want to congratulate another leader of this subcommittee, Senator Burr, who will be joining me in the leadership of this committee here. I'm grateful for that and I thank God for his new position and his presence.

The following bills are: S. 127, to explain the purpose and provide for the administration of the Baca National Wildlife Refuge in Colorado; S. 327 and H.R. 359, to authorize the Secretary of the Interior to conduct a special resources study of sites associated with the life of Cesar Chavez and the farm labor movement; S. 868, to designate segments of the Taunton River in Massachusetts as a component of the Wild and Scenic Rivers System; S. 1051, to establish the National Liberty Memorial in Washington, D.C.; S. 1184 and H.R. 1021, to authorize the Secretary of the Interior to conduct a study of certain historic sites in Taunton, Massachusetts; S. 1247, authorizing a land exchange to allow for development of administrative and visitor facilities at Weir Farm National Historic Site in Colorado; S. 1304, to designate the Arizona National Scenic Trail; S. 1329, to extend the authorization for the Acadia National Park Advisory Commission, and for other purposes; H.R. 759, to redesignate the Ellis Island Library located in the Ellis Island Immigration Museum as the Bob Hope Memorial Library; and H.R. 807, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing a memorial to the Space Shuttle Columbia in Texas.

Although we have a lengthy agenda, I believe most of these bills will be noncontroversial. There are a few bills that the administra-

tion will oppose and we can discuss those bills in greater detail during the hearing.

[The prepared statements of Senators Kyl, McCain, Collins, and Schumer, and Ms. Solis follow:]

PREPARED STATEMENT OF HON. JON KYLE, U.S. SENATOR FROM ARIZONA, ON S. 1304

Mr. Chairman, Members of the Subcommittee, thank you for holding this hearing on S.1304, the Arizona National Scenic Trail Act. This bill would amend the National Trails System Act to designate the Arizona Trail as a national scenic trail.

Senator McCain and I have been working on Arizona Trail legislation since 2003. Previous forms of the bill focused on conducting a feasibility study to determine whether the trail is physically possible and financially feasible. We took this approach because a feasibility study is usually conducted for most trails before they enter the National Trails System.

The legislation before you today, however is not a feasibility study bill; it is a designation bill and let me tell you why—we now know this trail is physically possible and financially feasible. Most of the Arizona Trail already exists, extending over 800 nearly continuous miles from the Mexican border to Utah. Ninety-nine percent of the route is on public land, and it will not require a single land acquisition. There is no doubt that the trail is scenic. The trail is a rollercoaster ride through the six of the seven life zones between the Equator and the North Pole.

Designating the Arizona Trail a National Scenic trail will preserve a magnificent natural, cultural, and historical experience of the American West while bringing balance geographically to a trail system heavily focused on the Eastern United States. I urge my colleagues to work with Senator McCain and me to ensure that the Arizona Trail becomes a permanent part of our landscape.

PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA,
ON S. 1304

Mr. Chairman, I greatly appreciate the opportunity to offer my comments regarding S. 1304, the Arizona National Scenic Trail Act. This bill would designate the Arizona Trail as a National Scenic Trail.

Mr. Chairman, the Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail is approximately 807 miles long and begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border near the Grand Canyon. In between these two points, the Trail winds through some of the most rugged, spectacular scenery in the Western United States. The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the state, and incorporates a host of existing trails into one continuous trail. In fact, the Trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in just one day.

For over a decade, more than sixteen Federal, state, and local agencies, as well as community and business organizations, have partnered to create, develop, and manage the Arizona Trail. Through their combined efforts, these agencies and the members of the Arizona Trail Association have completed over 90% of the longest contiguous land-based trail in the State of Arizona. Designating the Arizona Trail as a National Scenic Trail would help streamline the management of the high-use trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

Mr. Chairman, as you know, under the National Trails System Act a proposed trail typically receives national designation after a federal study assess the feasibility of establishing a trail route and addressing other land management matters. But in this case, it's not necessary to require a feasibility study for the Arizona Trail because it's virtually complete with less than 60 miles left to build and sign. Already heavily used, the Trail has overwhelming support from the local governments and citizens of the State of Arizona. All but one-percent of the trail resides on public land, and the unfinished segments do not involve private property. The trail meets the criteria to be labeled a National Scenic Trail and already appears on all Arizona state maps. Therefore, the Congress has reason to forego an unnecessary and costly feasibility study and proceed straight to National Scenic Trail designation.

The Arizona Trail is known throughout the state as boon to outdoor enthusiasts. In one of the fastest-growing states in the U.S., the designation of the Arizona Trail as a National Scenic Trail would ensure the preservation of a corridor of open space

for hikers, mountain bicyclists, cross country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I thank the Chairman and the members of the Subcommittee for your consideration of this legislation.

PREPARED STATEMENT OF HON. SUSAN M. COLLINS, U.S. SENATOR FROM MAINE,
ON S. 1329

Chairman Akaka, Ranking Member Burr, and members of the subcommittee, thank you for holding this hearing today on the Acadia National Park Improvement Act of 2007, which I introduced on May 8 with Senator Snowe as a cosponsor. This legislation takes important steps to ensure the long-term health of one of America's most beloved national parks. It would increase the land acquisition ceiling at Acadia by \$10 million; facilitate an off-site intermodal transportation center for the Island Explorer bus system; and extend the Acadia National Park Advisory Commission.

In 1986, Congress enacted legislation designating the boundary of Acadia National Park. However, many private lands were contained within the permanent authorized boundary. Congress authorized the Park to spend \$9.1 million to acquire those lands from willing sellers only. While all of that money has now been spent, rising land prices have prevented the money from going as far as Congress originally intended.

There are over 100 private tracts left within the official park boundary. Nearly 20 of these tracts are currently available from willing sellers, but the Park does not have the funds to purchase them. My legislation would authorize an additional \$10 million to help acquire these lands. Since these lands already fall within the congressionally authorized boundary, this effort would "fill in the holes" at Acadia, rather than enlarging the park.

My legislation will also facilitate the development of an intermodal transportation center as part of the Island Explorer bus system. The Island Explorer has been extremely successful over its first years. Since 1999, these low-emission propane-powered vehicles have carried more than 1.5 million riders. In doing so, they removed 424,000 vehicles from the park and reduced pollution by 24 tons.

Unfortunately, the system lacks a central parking and bus boarding area. As a result, day-use visitors do not have ready access to the Island Explorer. Our legislation would authorize the Secretary of the Interior to provide assistance in the planning, construction, and operation of an intermodal transportation center in Trenton, Maine. This center will include parking for day users, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage. It will be built in partnership with the Federal Highway Administration, U.S. Department of Transportation, Maine Department of Transportation, and other partners, and it will reduce traffic congestion, preserve park resources, and help ensure a vibrant tourist economy.

Finally, our legislation would extend the 16-member Acadia National Park Advisory Commission for an additional 20 year period. This commission was created by Congress in 1986 and expired in 2006. It was a mistake to let the commission expire. The commission consists of three federal representatives, three state representatives, four representatives from local towns on Mount Desert Island, three from adjacent mainland communities, and three from adjacent offshore islands. These representatives have provided invaluable advice relating to the management and development of the Park. The Commission has proven its worth many times over and deserves to be extended for an additional 20 years.

Acadia National Park is a true gem of the Maine coastline. The Park is one of Maine's most popular tourist destinations, with nearly three million visitors every year. While unsurpassed in beauty, the Park's ecosystem is also very fragile. Unless we are careful, we risk substantial harm to the very place that Mainers and Americans hold so dear.

In nine years, Acadia will be 100 years old. Age has brought both increasing popularity and greater pressures. By providing an extra \$10 million to protect sensitive lands, expanding the highly successful Island Explorer transportation system, and extending the Acadia National Park Advisory Commission, this legislation will help make the Park stronger and healthier than ever on the occasion of its centennial anniversary.

Again, I extend my appreciation to Chairman Akaka and Ranking Member Burr. I know our national parks are very important to them, and I look forward to working with them to advance this legislation.

PREPARED STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM NEW YORK, ON H.R. 759

Chairman Akaka and members of the Committee, thank you for holding this important hearing. I appear before you today to express my support of H.R. 759, a bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library."

Bob Hope and his family passed through Ellis Island in 1907. In 1920, Bob Hope became an American citizen, and went on to become one of the most famous Ellis Island immigrants. His impressive career in entertainment, included hundreds of radio, movie, television and personal appearances, and made Bob Hope a star and a household name. The Guinness Book of Records cites Bob Hope as the most honored entertainer in the world, with more than two thousand awards and citations for humanitarian and professional efforts, including 54 honorary doctorates and a Congressional Gold Medal.

Perhaps the most remarkable aspect of Bob Hope's extraordinary career was his commitment to his country. Bob Hope was dedicated to entertaining American service men and women throughout the world during times of war and peace for over sixty years. He spent the majority of World War II entertaining Allied troops. In later years, he traveled to Korea, Vietnam, and the Middle East to perform for our troops. In recognition of this dedication to America's servicemen and women, Congress named him as an honorary veteran for the decades of work he did with veterans serving overseas.

Renaming the library on Ellis Island after Bob Hope is a fitting tribute to one of America's most famous immigrants. The library will serve as a daily reminder to everyone who visits Ellis Island of a man whose life and career epitomizes the American dream.

Thank you again, Chairman Akaka and members of the Committee, for holding this hearing and for inviting me to testify today.

PREPARED STATEMENT OF HON. HILDA L. SOLIS, U.S. REPRESENTATIVE FROM CALIFORNIA, ON H.R. 359 AND S. 327

Thank you Chairman Akaka and Ranking Member Burr for the opportunity to provide testimony in support of H.R. 359 and S. 327, legislation to authorize a special resource study by the Department of Interior to honor the life of Cesar Estrada Chavez. I appreciate the leadership of Senators Salazar and McCain, and your willingness to give this legislation consideration in your Subcommittee. I am pleased that the U.S. House passed H.R. 359 with bipartisan support under suspension of the rules on July 10, 2007, and I am hopeful the full Energy and Natural Resources Committee will consider this legislation favorably and forward it to the full Senate in a timely manner.

Cesar Estrada Chavez, a second-generation American, was born on March 31, 1927 in Yuma, Arizona. Raised during the Great Depression, Chavez's family lost everything and wandered the southwestern United States with thousands of other farm worker families. Chavez eventually left the fields in 1952 and conducted voter registration drives and campaigns against racial and economic discrimination. In 1962, Chavez returned to help farm worker families and started the National Farmworkers Association. Today we know this organization as the United Farm Workers (UFW.)

Cesar Chavez changed the course of history for Latinos and farm workers. As a result of his actions, many have been empowered to fight for fair wages, health care coverage, pension benefits, housing improvements, pesticide and health regulations, and countless other protections for their health and well-being. These changes have meant considerable improvements for the life of the farm worker, three-fourths of which are Latino.

Chavez was a student of Mahatma Gandhi's non-violent philosophies. He believed that non-violence is the most powerful tool to achieve change, including social and economic justice and equality. Cesar Chavez taught that if we "have the capacity to endure, if we have the patience, things will change." Chavez also valued equity, responsibility, and faith.

Since I was a young Latina, Cesar Chavez has been my inspiration. Cesar Chavez' work inspired me to find ways to help others and led me to civil service where I strive to do the best I can for those I represent. As a result of his beliefs, exhibited through his actions, I was moved to introduce H.R. 359 and believe it is important that we preserve his history through our National Parks System.

National Park System units are important components of our nation's historic, cultural, economic, recreation, and social identity, yet there is not a single unit of

the National Park System dedicated to Latinos. Chavez strongly understood the importance of the land and the value of the environment in connection to ones health and economic stability. For many Latinos, this appreciation of the environment is cultural. Ninety-six percent of Latinos believe the environment should be an important priority for this country, and I strongly believe we should honor Latinos and Cesar Chavez through this special resource study. It is my hope that one day Latino families have a place in the National Park Service where they can appreciate, honor and learn about Cesar Chavez's work and beliefs, just as African American families can visit the Martin Luther King, Jr. historical site and the Selma-Montgomery trail.

H.R. 359 has broad support. It has been endorsed by the Congressional Hispanic Caucus, the National Parks Conservation Association, the National Hispanic Environmental Council, Southern California Edison Company, and the National Association of Latino Elected and Appointed Officials, among many others. The Department of Interior testified before the House Natural Resources Committee in support of this legislation, stating "As a result of his efforts, he continues to serve as a symbol not only for Hispanic-Americans, but for all Americans, of what can be accomplished in this country through unified, courageous and nonviolent actions."

Chavez died in 1993 at the age of 66. 50,000 people attended his funeral. This is a tribute to the impact he had on people's lives. By authorizing a study by the Department of Interior on the areas important in his life, we are studying the areas important in the lives of so many citizens who wandered the southwest during the great depression in search of work, the lives of so many who believe in peaceful change, and the lives of so many who toil today in our fields as farm workers.

I appreciate your consideration of H.R. 359/S. 327 and am hopeful you can join me in support of this legislation.

At this time I'd like to recognize the ranking member of the subcommittee, Senator Burr, for any statement he may care to make.

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

Senator BURR. Thank you, Mr. Chairman. Good afternoon to you. I want to express my appreciation to all of the witnesses who are appearing in front of the subcommittee today.

We have an extremely full agenda with 12 bills. The diversity of topics covered in this hearing reflects the broad mission of the National Park Service and the scope of this subcommittee. In this single hearing we will discuss historic buildings constructed in the 1700s, the valor and sacrifices of soldiers of the Revolutionary War, the life of a leader who fought for the rights of migrant farm workers, historical figures who immigrated through Ellis Island, and the Columbia Space Shuttle tragedy.

We will also address a National Scenic Trail and a Wild and Scenic River. These issues illustrate the degree of public interest in the National Park System and the Service's continuing role in preserving the history of our Nation.

Mr. Chairman, I want to thank you for convening the subcommittee. I, like you, look forward to a thorough review of these bills and the likelihood that a majority of them have unanimous support, and I yield the floor.

Senator AKAKA. Thank you very much and I look forward to working with you, Senator Burr.

Now I'd like to call on the Senator from Colorado for any remarks that he wishes to make.

Senator Salazar.

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

Senator SALAZAR. Thank you very much, Senator Akaka. I am very much looking forward to this hearing and to support the legislation that Senator Allard and I have introduced concerning amendments to the Great Sand Dunes National Park and Preserve Act of 2007. I also look forward to hopefully passing out of this committee the authorization for the study on the sites to honor the late American hero Cesar Chavez. So I'm looking very much forward to the hearing.

Thank you, Senator.

Senator AKAKA. Thank you very much. It's good to have you here.

Congressman Engel is due to be here and he is not. So I'd like to ask Dan Wenk to please come forward. Dan Wenk is the Deputy Director of the National Park Service and will testify on behalf of the administration on all of the bills. Dan has been a frequent witness this year and I'd like to welcome you back this afternoon. We will include all of your written statements in the record, so please feel free to summarize your remarks. Once you have finished with your comments on all of the bills, we will begin with our questions.

So will you please proceed.

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

Mr. WENK. Thank you, Mr. Chairman. Thank you for the opportunity to appear before this subcommittee to present the administration's views on 12 bills on today's agenda. One of the bills is under the jurisdiction of the U.S. Fish and Wildlife Service and another under the U.S. Forest Service. I ask that after I give my statement that officials from these two agencies be allowed to join me to respond to your questions. They are Andy Laranger, Acting Division Chief, Conservation Planning and Policy, National Wildlife Refuge System, and Jim Bedwell, Director of the Heritage and Recreation, U.S. Forest Service. I will submit our full statements for the record and summarize the administration's positions on those bills.

S. 127 would amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and to provide for the administration of the Baca National Wildlife Refuge in Colorado. The administration supports this bill if amended to address issues regarding water rights within the refuge. Our recommended amendment is included in the Department's written statement.

S. 327 and H.R. 359 would authorize a special resource study of Cesar Chavez and the farm labor movement he led from the 1950s to the 1980s. The study would evaluate a range of resources in Arizona and California for potential addition to the National Park System, as well as for their potential eligibility for the National Register of Historic Places and for designation as a national historic landmark. The Department supports this legislation.

S. 868 would designate segments of the Taunton River in Massachusetts as a component of the National Wild and Scenic Rivers System. Because we are currently completing the study authorized by Congress to determine the eligibility and suitability of the Taun-

ton River for inclusion in the National Wild and Scenic Rivers System, the Department requests that the committee defer action on the bill until the study is complete. However, if this bill moves forward we would like to work with the committee to make it more consistent with other wild and scenic river designation bills that have been enacted by Congress.

S. 1051 would authorize the National Mall Liberty Fund D.C. to establish a memorial on the site of the Constitution Gardens on the National Mall that was previously approved for the Black Revolutionary War Patriots Memorial. The Department supports the establishment of a memorial in the Nation's capital that would recognize and commemorate the contributions of African Americans who fought for their independence, liberty, and justice during that war. However, we oppose S. 1051 in its current form as it is inconsistent with the Commemorative Works Act. The Department has determined that the proposed National Liberty Memorial is a new proposal, not an extension for the authority of the Black Revolutionary War Patriots Memorial, and should follow all the processes the Commemorative Works Act requires for new memorials, including the site selection process.

S. 1184 and H.R. 1021 would authorize a special resource study for historic buildings and areas in the city of Taunton, Massachusetts. The Department opposes this legislation because, while the historic properties listed in the bills are locally significant, they have been determined not to be nationally significant. By law and policy, national significance is the first criteria that must be met for a resource to be determined appropriate for inclusion in the National Park System. Other authorities and mechanisms exist at the Federal, State, and local levels to support the preservation of historic properties of local significance.

S. 1247 would enable the National Park Service to acquire land for visitor and administrative facilities for Weir Farm National Historic Site within a larger geographic area than the current law provides. The change would enable the National Park Service to consider the acquisition of all property in all of Fairfield County, Connecticut, including a building in nearby Reading that the park has leased for over 13 years for park curatorial and maintenance functions. This authority would both reduce the cost of building support facilities and address concerns that local towns have expressed about the location of administrative facilities in residential neighborhoods. The Department supports S. 1247, but would like to work with the committee to simplify the bill language.

S. 1304 would designate the Arizona Trail, which runs for 807 miles from Mexico to Utah, as a national scenic trail administered by the U.S. Forest Service. Normally the administration does not support the designation of national scenic trail without completion of a feasibility study. But because of the unique circumstances in this case the administration does not object to this legislation.

S. 1329 would accomplish four objectives for Acadia National Park. First, it would extend the life of the park's 16-member advisory board, which expired in September 2006, for an additional 20 years. Second, it would extend the authority of the Secretary to exchange land with local towns in order to allow both parties to consolidate land holdings within their borders. Third, the bill would

increase the park's land acquisition ceiling from 9.1 million to 28 million. Fourth, it would authorize the park to participate in the planning, construction, and operation of an intermodal transportation center outside the park boundaries.

The Department supports the bill with two technical amendments.

H.R. 759 would redesignate the third floor library of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library." By policy, the National Park Service does not support naming a park site or facility in honor of a person unless there is a strong association between the park and that person. Bob Hope did enter the United States through Ellis Island, as did many other great Americans. However, there is no compelling connection between his life and the Ellis Island Immigration Museum. Therefore the Department cannot support this bill.

H.R. 807 would authorize a special resource study of several sites in the State of Texas to determine the suitability and feasibility of establishing a memorial to the Space Shuttle Columbia as a unit of the National Park System. The Department supports this legislation.

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

[The prepared statements of Mr. Wenk follow:]

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

ON S. 127

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify today on behalf of the Administration on a number of bills.

S. 127 would amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge in Colorado. The Administration supports this bill if amended. The bill amends earlier legislation by affirmatively establishing a purpose statement for the Refuge.

The Fish and Wildlife Service is currently managing the refuge under a Conceptual Management Plan finalized in 2005. The Plan noted that the refuge's authorizing legislation did not state a purpose and proposed language similar to that of S. 127. Specifically, S. 127 would explicitly define the purpose of the refuge as, ". . . to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley." The Service would also be required to emphasize migratory bird conservation and manage the refuge in concert with broader landscape scale conservation efforts.

The bill also includes a language requiring the Service to manage water on the refuge in approximately the same manner as has occurred historically. While this is the current intent of the Fish and Wildlife Service, such a requirement could be read to run counter to the purpose of the refuge and the sustainability of the wildlife, plant, and fish species and their habitat for which the refuge was established. As discussed below, for this reason we recommend a clarifying amendment to this language.

BACKGROUND ON BACA NATIONAL WILDLIFE REFUGE

The Baca National Wildlife Refuge is located in Saguache and Alamosa Counties in the San Luis Valley of south-central Colorado. The approved acquisition boundary includes 92,500 acres of wetlands, desert shrub grasslands, and riparian lands and abuts lands managed by other conservation agencies and organizations, including the National Park Service, the U.S. Forest Service, and The Nature Conservancy. Other land features included within the refuge include stabilized sand dunes, intermittent streams, and approximately 20,000 acres of wetland basins, many of which are maintained through irrigation practices with decreed water rights. The refuge is administered as a unit of the San Luis Valley National Wildlife Refuge Complex,

which includes the Alamosa and Monte Vista refuges, and other smaller units throughout the Valley.

The refuge's wetlands are an integral part of a larger wetlands complex that constitutes the largest and most diverse assemblage of wetlands in the State of Colorado. Several bird species of conservation concern, such as White-faced ibis, rely on the Baca's wetlands for key foraging areas during the breeding season. Waterfowl and other water birds heavily utilize wetlands and other habitats on the refuge at various times of year, especially during the nesting season. Native fish species, including a recently discovered population of Rio Grande chub, which is listed by the State of Colorado as species of concern, and the Rio Grande sucker, listed by the State as endangered, live on the refuge in small streams draining from the Sangre de Cristo Range. Elk, mule deer, and pronghorn also use the refuge.

To date, the Service has acquired 57,000 acres of fee-title land, and, in cooperation with neighboring landowners, is managing an additional 27,000 acres within the acquisition boundary.

The refuge was authorized by Congress in 2000 as part of the larger creation of the Great Sand Dunes National Park and Preserve. While Congress did direct the Secretary of the Interior, acting through the Service, to administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 and the Refuge Recreation Act of 1962, and specified certain water management requirements, no formal purpose for the refuge was provided.

Typically, national wildlife refuges, when established by Congress or by Executive action, are assigned a primary purpose that gives the Service clear management direction for the refuge. For example, many refuges have as their purpose the conservation of migratory birds. Others were established primarily for big game, or the conservation of species protected by the Endangered Species Act. In recent years, an increasing number of refuges have been established in urban areas to promote environmental education. Numerous refuges have multiple purposes.

It is important to note that these primary purposes do not necessarily preclude other management activities, including public use. Rather, they give refuge managers a framework for planning and implementing management activities, including long-range conservation planning to compatibility determinations, both of which were key provisions of the 1997 amendments to the 1966 Refuge Administration Act.

Designating purposes for the Baca National Wildlife Refuge is also necessary because the refuge is part of a larger public lands complex, comprised of multiple federal jurisdictions, which is in turn situated on a landscape with diverse land ownership status. Because refuges, by definition, are unique in their "wildlife first" approach to land management, it is important for the Service to be able to communicate with other area landowners, both public and private, as well as the general public about the purposes for which the Service will manage the Baca, as well as the overarching mission of the National Wildlife Refuge System.

WATER USE REQUIREMENT

The only change the Administration recommends to the bill as currently written does not involve the purpose statement of the refuge but the provision at section 1(3), which would require the Secretary of Interior, in administering water resources on the refuge to "use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically." As noted above, historically, water has been used to irrigate lands now included in the Baca National Wildlife Refuge. The Service expects to continue to manage the land in such a fashion, however, the document that will guide the future of the refuge is a Comprehensive Conservation Plan (CCP). While this plan will not be finished for a number of years, the refuge will be operating under the current Plan and provide for "compatible" uses as provided by the National Wildlife Refuge System Improvement Act. The requirement of S. 127 to use "decreed water in approximately the same manner" as it has been used historically could restrict the options for future management actions available to the Service in developing the CCP.

Additionally, there is a pre-existing water service agreement between the Service and the Baca Grande Water and Sanitation District associated with the refuge. This agreement obligates the Service to lease up to 4,000 acre-feet of water rights—which the Service acquired along with the refuge—to the District. Currently, there are several wells on the refuge that are decreed for irrigation. Under the terms of the agreement, if the District requests the full amount of water to which they are entitled, the Service will need to change the decreed use of these wells from irrigation to municipal to fulfill the District's request. Because the Service must file in State water court to change the decreed use of these wells from irrigation to municipal,

we wish to avoid any potential conflict between S.127 and future state water court proceedings.

For these reasons, we recommend amending the bill to include the following italicized language:

(3) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

(3) subject to existing agreements and to the extent it does not interfere with refuge purposes, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared testimony on S. 127. I would like to extend our appreciation to you and the rest of the Subcommittee, especially Senator Salazar, for your leadership and support for the National Wildlife Refuge System and for landscape conservation efforts in the San Luis Valley. I would be happy to respond to any questions you may have.

ON S. 327 AND H.R. 359

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 327 and H.R. 359, bills to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

The Department supports both bills, which are virtually identical to each other and to legislation that we supported during the 108th and 109th Congresses. While the Department supports the authorization of this study, we also believe that any funding requested should be directed first toward completing previously authorized studies. We recommend a technical amendment to S. 327, described later in this statement.

This study will provide a good opportunity to work with the Cesar E. Chavez Foundation and others to identify valuable resources associated with the story of Chavez's life and the movement he led and ways to protect those resources. Ask historians to name one person who had the greatest impact on farm labor, and the name of Cesar Estrada Chavez leaps to mind. Between the 1950s and the 1980s Chavez cultivated a life-long commitment to bringing respect, dignity, and democracy to the nation's farmworkers, many of whom were Hispanic. After an initial career as a community organizer, Chavez focused his organizing skills on the farmworkers, inspiring them to look their employers in the eyes, stand up for their rights and take active roles in creating their union and wielding its power. As a result of his efforts, he continues to serve as a symbol not only for Hispanic-Americans, but for all Americans, of what can be accomplished in this country through unified, courageous, and nonviolent action.

Chavez's death on April 22, 1993, brought a resurgence of interest in his life and work and a new wave of assessments recognizing his national and, indeed, international significance. He has taken his place among other national labor leaders in the Department of Labor's Hall of Fame and been recognized by an ever-increasing number of states and communities with special holidays, events, and place names. Because of the tremendous impact he had, we believe it is appropriate to study sites associated with Cesar Chavez and the farm labor movement he led in order to consider ways to preserve and interpret this story of enormous social change.

The National Park Service and the Cesar E. Chavez Foundation first discussed the possibility of conducting a national historic landmark study of sites related to the work of Chavez and the farmworkers' movement several years ago, as a way of identifying sites important to the history of the man as well as the migrant worker. The Foundation represents and fosters the ongoing legacy of Chavez and has a strong interest in seeing that heritage preserved. In 2002, the National Park Service collaborated with the Foundation and scholars at universities in Washington State and California in preparing a preliminary assessment and scope for future research on sites associated with Chavez and the farmworkers' movement. The information gathered through that assessment would give the National Park Service a head start on the study authorized by S. 327 and H.R. 359.

The legislation would authorize a study of sites in Arizona, California, and other States that are significant to the life of Cesar Chavez and the farm labor movement in the western United States to determine appropriate methods for preserving and interpreting sites. Through this study, the National Park Service could examine whether certain sites are suitable and feasible for addition to the National Park

System. The study would be conducted in accordance with the criteria for new area studies contained in Title III of the National Parks Omnibus Management Act of 1998.

The study also would consider whether any sites meet the criteria for listing on the National Register of Historic Places or for designation as a National Historic Landmark. This would enable the National Park Service to complete the work that was begun with the preliminary assessment described earlier. The legislation specifically requires that the National Park Service consult with the Cesar E. Chavez Foundation, the United Farm Workers Union, and other entities involved in historic preservation on this study. The study is estimated to cost approximately \$250,000.

If the committee acts on S. 327, we recommend amending it on page 1, line 6 and on page 2, line 1 by inserting "special" before "resource study" to use the term for the proposed study that is normally used for such studies and to make it consistent with the title of the bill. H.R. 359 as passed by the House includes this change, which the Department recommended in testimony before the House Subcommittee on National Parks, Forests, and Public Lands on March 29, 2007.

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

ON S. 868

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. 868, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Taunton River as a component of the national wild and scenic rivers system.

The Department is currently completing the study authorized by Public Law 106-318 to determine the eligibility and suitability of the Taunton River for inclusion in the national wild and scenic rivers system. The draft report and environmental assessment is currently out for public and agency comment, with the comment period scheduled to close on September 17, 2007. We request that the committee defer action on the bill until the study is complete. In addition, if this bill moves forward, we would like to work with the committee to make this bill consistent with other wild and scenic river designation bills that have been enacted by Congress.

S. 868 would designate the entire 40-mile main stem of the Taunton River as a component of the national wild and scenic rivers system. This corresponds to "Alternative B: Full Designation" as described in the draft report, and is identified in the draft as the environmentally preferred alternative because it is the alternative that, by virtue of its inclusion of the entire main stem in the designation, provides the highest degree of protection. The draft study does not include an agency preferred alternative. The environmentally preferred alternative is supported by the town meeting and city council votes of all ten communities abutting the Taunton River, as documented in the draft report and the companion document developed during the study, the Taunton River Stewardship Plan, dated July 2005.

The draft report concludes that the Taunton River meets the eligibility requirements of the Wild and Scenic Rivers Act by virtue of its free-flowing condition and presence of one or more outstandingly remarkable resource values. The 40-mile Taunton River is the longest undammed coastal river in New England. This unique character, including the lack of a head-of-tide dam, is directly related to outstandingly remarkable values identified during the study, including fish, ecology and biological diversity, and recreation. As such, the Taunton River represents a natural fit with Wild and Scenic River Act purposes of recognizing and protecting special free-flowing rivers and the values they support.

The Taunton River is recognized as the most significant river in Massachusetts for anadromous fish species, including alewife, blueback herring, American shad, hickory shad, gizzard shad and rainbow smelt, a direct result of the free-flowing character of the river which allows these and other species unfettered access to spawning tributaries. Similarly, the broader ecology of the river is unusually diverse and intact, supporting 31 distinct wildlife habitats, globally rare plant species, regionally significant freshwater and brackish tidal marshes, and many rare species of birds and amphibians. A Nature Conservancy study has concluded that the Taunton River represents one of the most unique, diverse, and intact ecosystems in the North Atlantic Ecoregion, from Delaware to Maine. Recreationally, the 40-mile Taunton River offers outstanding flatwater paddling, and, in the lower river, additional opportunities for broader recreational uses including power boating and sailing.

The study authorized by Public Law 106-318 has been conducted in partnership with the local communities of the Taunton River, the Commonwealth of Massachusetts, and other local river interests based upon the partnership wild and scenic

river model. This model recognizes and anticipates a limited federal role stemming from the lack of federal land ownership. Successful planning and management under these circumstances requires the fundamental support and involvement of state and local interests. This common basis of support and involvement for the Taunton River is outlined in the Taunton River Stewardship Plan (July, 2005). This plan and the strong support it has received through the extensive public involvement of the study, is the principal basis for the draft report's conclusion that the Taunton River can be effectively managed and protected as a component of the national wild and scenic rivers system, and thereby meets the criteria for wild and scenic river suitability. The management scheme proposed in the stewardship plan is similar to ones that have proven effective on other partnership wild and scenic rivers, including the Sudbury, Concord, and Assabet Rivers also in Massachusetts.

It is important to point out that the draft report is out for public review and comment. Once the study is complete, the Secretary is required by law to submit to the President a report on the suitability or nonsuitability of the river for addition to the national wild and scenic rivers system. The President is then required to report to the Congress his recommendations and proposals with respect to the designation of the studied river. If the President recommends that this river be included in the system, we would like to work with the committee on several amendments to the bill to clarify the management scheme for the river and to conform to established legislative models. It would be particularly important in this regard to consider the Taunton River Stewardship Plan as the basis for management of the designated wild and scenic river segment.

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

ON S. 1051

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1051, a bill to authorize the National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

The Department supports the establishment of a memorial in the Nation's Capital that would recognize and commemorate the contributions of African Americans as they fought for independence, liberty and justice during the Revolutionary War. However, the Department opposes S. 1051 in its current form as it is inconsistent with the principles, processes and requirements set forth in the Commemorative Works Act, which has successfully guided the process for establishing monuments in the Nation's Capital since it was enacted in 1986. Over the course of the succeeding 20 years, 17 memorials have been planned, designed, and constructed following that process and an additional five memorials are currently in various stages of completion.

While S. 1051 states that the memorial shall be established in accordance with the Commemorative Works Act, the bill also contains provisions that contravene several critical requirements of the Commemorative Works Act.

First, the provisions in S. 1051 would designate a specific site for the memorial, rather than allowing for the site selection process under the Commemorative Works Act to determine the appropriate location of the memorial. This site selection process requires consultation with the National Capital Memorial Advisory Commission and approval by the Commission of Fine Arts, the National Capital Planning Commission, and the National Park Service. Congress has traditionally provided that such site and design decisions be determined through established processes under the Commemorative Works Act, and we support this practice that has worked well for over 20 years.

The specific site identified in the bill is in Area I at Constitution Gardens which was approved for the Black Revolutionary War Patriots Memorial in 1988, but expired in 2005 and is now within the Reserve. In 2003, Congress declared the Reserve to be a completed work of civic art and precluded the establishment of new memorials. The Department supports Congress's prohibition of new memorial proposals within the Reserve. The Department recognizes the site selection process and the Reserve to be basic pillars of the Commemorative Works Act, a safeguard and a guide to the best use of the parklands of the Nation's Capital.

In addition, S. 1051 is inconsistent with the Commemorative Works Act provisions relating to expiration of legislative authority, a separate, but related issue. The Commemorative Works Act specifies that "upon expiration of the legislative authority, any previous site and design approvals shall also expire." In 1986, Congress

authorized the Black Revolutionary War Patriots Memorial Foundation to establish the Black Revolutionary War Patriots Memorial consistent with legislation to establish the Commemorative Works Act, which was pending before Congress at the time and enacted later that year. In 1987, Congress enacted second law authorizing placement of that memorial within Area I as it was then defined by the Commemorative Works Act. In 1988, the National Park Service, the Commission of Fine Arts and the National Capital Planning Commission approved a site in Constitution Gardens for the Black Revolutionary War Patriots Memorial and, in 1996, approved the final design. Despite four extensions of the memorial's authorization over 21 years, the Foundation was unable to raise sufficient funds for construction, and the authority finally lapsed in October 2005.

The authority to construct a memorial is granted by Congress to a specific sponsor to establish a particular memorial typically within specified timeframes. The expired 1986 authorization was given to the sponsor, the Black Revolutionary War Patriots Memorial Foundation, to establish the Black Revolutionary War Patriots Memorial. S. 1051 would authorize a different sponsor, the National Mall Liberty Fund D.C. to establish a memorial with a different name, and, as we understand it, a different design. It has been 19 years since the site was approved for the Black Revolutionary War Patriots Memorial and 11 years since the design was approved. In accordance with the Commemorative Works Act, these previous site and design approvals expired in 2005 along with the fourth extension of the legislation authorizing that memorial. Given that the reservation of the site expired in 2005, the new sponsor, the new name, and a new proposed design, we believe that S. 1051's authorization to establish the National Liberty Memorial should not be construed as an extension of an expired legislative authority for the Black Revolutionary War Patriots Memorial.

Thus, the Department finds that the National Liberty Memorial is a new proposal and should follow all the provisions of the Commemorative Works Act, including the site selection process. Unlike all memorial proposals that seek authorization by means of a discrete bill to recognize and designate an individual memorial subject matter and sponsor, S. 1051 would amend Public Law 99-558 to establish the National Liberty Memorial without complete compliance to the provisions and requirements of the Commemorative Works Act. We are concerned that allowing for what amounts to an extension of selected provisions of processes required under the Commemorative Works Act after they have expired is unfair to memorial sponsors who diligently meet the timeframes of their authorizations and creates an unwelcome precedent for future efforts to establish memorials through what has been an evenhanded public process.

We also would like to point out that S. 1051 makes no provisions for the disposition of moneys raised in excess of funds needed for the establishment of the memorial or to hold in reserve the amount on hand should the authority to establish the memorial expire before completion.

We reiterate our support of the establishment of a memorial in the Nation's Capital that recognizes and commemorates the contributions of African Americans as they fought for independence, liberty and justice during the Revolutionary War. We look forward to the opportunity to work with the subcommittee to develop language that would provide for such authorization in a manner consistent with the principled processes set forth by existing authorities.

BACKGROUND ON THE COMMEMORATIVE WORKS ACT AND THE RESERVE

In 1986, following what some characterized as "monumental chaos" over the Vietnam Veterans Memorial, which was dedicated in 1982, Congress enacted the Commemorative Works Act to guide the process for establishing memorials in the nation's Capital. Since its enactment, the Commemorative Works Act has played an important role in ensuring that memorials in the nation's Capital are erected on the most appropriate sites and are of a caliber in design that is worthy of their historically significant subjects.

On November 17, 2003, Congress declared the National Mall complete by establishing the Reserve through an amendment to the Commemorative Works Act. The Reserve was designated in response to Congressional concern over the loss of open space on the National Mall to memorials. Between 1980 and 2000, seven new memorials were erected on the Mall. This trend foreshadowed a proliferation of commemorative works that could threaten the historic open space of the Nation's greatest symbolic landscape. As a result of a Congressional hearing in 1997, this committee expressed an interest in an evaluation of how the Commemorative Works Act was functioning. Pursuant to that request, the National Capital Memorial Commission,

the Commission of Fine Arts, and the National Capital Planning Commission established a Joint Task Force on Memorials.

The Joint Task Force recommended the establishment of a Reserve to preserve the monumental core and developed the Memorials and Museums Master Plan to redirect memorials throughout the city. The Reserve, an area where no new memorials would be constructed other than those previously authorized such as that honoring Martin Luther King Jr., was envisioned by the Joint Task Force as generally encompassing the central cross-axis of the Mall from the U.S. Capitol to the Lincoln Memorial and from the White House to the Jefferson Memorial. Congress expanded this area to include all of the area between Constitution and Independence Avenues from 17th Street west to the Lincoln Memorial, as well as lands south of Independence Avenue from the Tidal Basin to the Potomac River when it statutorily established the Reserve through passage of the Commemorative Works Act Clarification Act of 2003.

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

ON H.R. 1021 AND S. 1184

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1021 and S. 1184, identical bills that direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System.

The Department does not support these bills. On June 15, 2004, in the 108th Congress, the Department also did not support H.R. 2129, a similar bill.

The City of Taunton, located in southeastern Massachusetts in Bristol County, can trace its roots back to the earliest days of our Nation. As the seat of Bristol County since 1746, Taunton was the site of that county's first courthouse built in 1772, and the town served as a locale for colonial discontent prior to the Revolutionary War. In 1774, Taunton was the site of the raising of the Liberty and Union flag, one of a number of symbolic representations in the Colonies expressing discontent with British rule. The town settlement was anchored around the Taunton River and its tributaries, which provided a focus for its shipbuilding and shipping activities during the 1800s. The historic nature of the city draws tourists to visit the well-preserved greens and houses that date back to the 1800s. Taunton's history spans from its earliest beginnings as an agrarian hinterland to its development as a major industrial urban core (particularly for iron) and regional political center during the Revolutionary War. The city emerged at an early date as a regional communications focus for the exchange and interaction of goods, people, and information.

H.R. 1021 and S. 1184 both propose that the Secretary conduct a study of historic buildings and areas in Taunton, to evaluate the suitability and feasibility of designating them as a unit of the National Park System. The study is to be conducted in accordance with the National Park Service Organic Act (16 U.S.C. 1a-5). In addition to the criteria set out in the Organic Act, the bills also require an evaluation of these areas against a list of criteria commonly seen in study legislation for evaluating individual National Heritage Areas, and not part of the usual evaluation of a park unit.

The Department has concerns about enactment of these bills, because the named historic properties have been studied and determined not to be nationally significant, the first criterion that must be met for inclusion in the National Park System as spelled out in the Organic Act and in National Park Service Management Policies 2006. Most of the historic properties cited in the findings were included in a Multiple Resource Area nomination to the National Register of Historic Places, completed in 1984 and nominated by the Commonwealth of Massachusetts, which formed the basis for listing properties. The Multiple Resource Area nomination documented and evaluated Taunton's historic properties including buildings, structures and districts that were found to have architectural and historic merit. These properties were evaluated within the context of significant historical themes and time periods in Taunton's history. The Multiple Resource Area nomination included 86 individual properties, two districts, three industrial complexes, and one religious complex, primarily spanning from the mid-18th Century through the mid-20th Century. The Massachusetts State Historic Preservation Officer nominated these properties for their local historic or architectural significance, rather than for their state or national significance. The National Park Service agreed with this recommendation and listed the properties in the National Register of Historic Places for their local historic or architectural importance.

The Department is concerned with H.R. 1021 and S. 1184 because other authorities and mechanisms exist at the Federal, State, and local levels, to support the preservation of historic properties of local significance. To expend limited study funds on properties that are known not to meet National Park Service standards seems ill-advised when the Department is pressed to meet the budgetary needs of previously authorized studies of nationally significant resources.

Currently, the National Park Service is in various stages of progress with 37 studies previously authorized by Congress. These studies are focusing on potential National Park System Units, National Heritage Areas, additions to the National Wild and Scenic Rivers System, or additions to the National Trails System. Our highest priority is to complete the studies previously authorized by Congress, and to begin work on newly authorized studies as soon as funds are available.

In addition, the Department notes that the National Park Service is currently in the midst of a wild and scenic river study of the Taunton River, authorized by Congress in December 2000. The City of Taunton is actively engaged in this process along with the nine other communities that abut the main stem of the Taunton River. Historical and cultural resources associated with the river, including sites in the City of Taunton, are an important part of the study, recognizing that the river has a rich history dating from Native American use to colonial settlement and early industrial development. The study is currently out for public comment and we expect to finalize and transmit it to Congress in 2008.

It would appear that the wild and scenic river study is evaluating many of the same resources identified in H.R. 1021 and S. 1184. Furthermore, the wild and scenic river study is appropriately considering a larger area than the city limits of Taunton. To launch an overlapping study with similar but slightly different criteria from those governing the wild and scenic river study, would seem to invite both confusion and duplication. Therefore, the Department does not support enactment of H.R. 1021 and S. 1184.

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

ON S. 1247

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1247, a bill to amend the Weir Farm National Historic Site Establishment Act of 1990, and for other purposes.

The Department supports S. 1247, but would like to work with the committee to simplify the language in the bill.

S. 1247 would amend the Weir Farm National Historic Site Establishment Act of 1990 (as amended by Public Law 105-363) to expand the geographic area in which the park could acquire up to 15 acres to develop visitor and administrative facilities. Public Law 105-363 required that the acquisition be "in close proximity or contiguous to the park." Furthermore, by requiring a planning agreement with the towns of Ridgefield and Wilton, Connecticut before building a facility, Public Law 105-363 appears to authorize land acquisition only within these two towns. S. 1247 would expand the National Park Service's authority so that it can consider the acquisition of property in all of Fairfield County, Connecticut, including a building in nearby Redding, Connecticut, that the park has leased for over 13 years for park curatorial and maintenance functions. This expanded authority would reduce the cost of building support facilities and would address concerns that local towns have expressed about the location of administrative facilities in residential neighborhoods.

Weir Farm National Historic Site was established on October 31, 1990 to preserve the historic structures and landscapes associated with American Impressionist artist Julian Alden Weir. The park's authorizing legislation identifies one of the park's purposes as "to maintain the integrity of a setting that inspired artistic expression." In keeping with this purpose, the park's 1995 General Management Plan determined that all administrative and operational support functions should be located in off-site facilities. In 1998, Public Law 105-363 authorized a boundary expansion of up to 15 acres, and in 2000, the National Park Service purchased nine acres in the town of Ridgefield, Connecticut under this authority.

Public Law 105-363 required the National Park Service to enter into agreement with the towns of Ridgefield and Wilton, Connecticut, prior to building a facility. During discussions, concerns were raised about locating a 10,000 square foot facility in a residential neighborhood. In addition, cost estimates for building a facility on the newly acquired property had increased from \$3.4 million to \$5.9 million.

To address local concerns and rising costs, the National Park Service would like to consider alternative sites, including space at the Georgetown Wire Mill (Mill), a 55-acre brownfield development site listed on the National Register of Historic Places and located less than 2 miles from the park, in the town of Redding, Connecticut. Currently, the park leases 5,000 square feet of curatorial and maintenance space at the Mill. S. 1247 would allow the park to acquire 12,000 square feet of finished space at the Wire Mill in exchange for all or part of the nine acres acquired by the park in Ridgefield, Connecticut. This acquisition would reduce construction, operating, and maintenance costs for the park. Since the National Park Service would use all or part of the nine acres currently owned to exchange for the space at Georgetown Wire Mill, no acquisition funds are required. If appraisals indicate that the Georgetown Land Corporation (Corporation) building exceeds the value of the National Park Service land, the Corporation has agreed to donate the difference to the National Park Service.

Environmental sustainability would be another benefit of the Mill site. Within the next two years, the Mill is expected to be certified as a Leadership in Energy and Environmental Design (LEED) village center with residential and commercial services and subsidies for artist housing.

The language in S. 1247 that amends paragraph 2 of section 4(d) of Public Law 101-485 is complex. Without changing the substance of the bill, the Department would like to work with the committee to make the language simpler and clearer.

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

ON S. 1329

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1329, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes. The Department supports enactment of this bill with two technical amendments.

If enacted, S. 1329 would accomplish four objectives. First, it would extend the life of the 16-member Acadia National Park Advisory Commission, which expired in September 2006, for an additional 20 years. Second, the bill would extend the authority of the Secretary to exchange land with local towns in order to allow both parties to consolidate land holdings within their borders. Third, the bill would increase the park's land acquisition ceiling from \$9.1 million to \$28 million. Fourth, it would authorize Acadia National Park to participate in the planning, construction, and operation of an intermodal transportation center outside the park's boundaries.

ACADIA NATIONAL PARK ADVISORY COMMISSION

The Acadia National Park Advisory Commission had been in operation for almost 20 years, before it expired on September 30, 2006, and was a valuable asset that enhanced communication between park managers and local communities. The Commission's state and local representatives participated actively, and they strongly support its re-authorization. The cost of administering the Commission is minimal and is covered by the park's operating budget.

EXTENSION OF LAND CONVEYANCE AUTHORITY

Before 1986, Acadia National Park did not have a well-defined boundary. The boundary established in 1986 by Public Law 99-420 included certain lands owned by local towns and excluded certain lands owned by the National Park Service. In order to allow the park and the towns to consolidate holdings within their respective boundaries, section 102(d)(2) gave the Secretary the authority to convey lands outside the park boundary to the towns for no consideration after the towns had conveyed all of their land within the park boundary to the park. This provision set a 10-year deadline for these conveyances in order to encourage timely action.

Several towns missed the 10-year deadline, but are still interested in exchanging lands with the National Park Service. This bill would extend the authority of the Secretary to exchange lands with the towns indefinitely. Without this amendment, the park would continue to own isolated small tracts of land outside the park boundary, and the towns would continue to own small isolated tracts of land inside the park boundary. The proposed change would benefit both the park and the towns by continuing to allow each of them to consolidate land ownership.

INCREASE IN LAND ACQUISITION CEILING

Acadia National Park's authorized land acquisition ceiling of \$9.1 million has been reached, although there are over 100 tracts left to be acquired to complete the park as authorized by Congress in 1986. Land prices on Mount Desert Island, where Acadia National Park is located, have increased dramatically since 1986 and may continue to do so if local home-inflation trends continue. Many willing landowners are anxious to sell, but the park cannot buy the land because the land acquisition ceiling does not permit the use of sufficient appropriated funds to acquire them, thus leaving valuable resources within the park threatened with incompatible development.

The Land and Water Conservation Fund Act (LWCF) authorizes the National Park Service to exceed the land acquisition ceiling by 10%, or \$1 million annually, whichever is greater. Under this authority, Acadia NP may exceed the land acquisition ceiling by a maximum of \$1 million per year. To date, Congress has appropriated \$8.9 million beyond Acadia's land acquisition ceiling, bringing total appropriations for land acquisition at the park to \$18 million. However, because the LWCF authorization limits National Park Service annual expenditures on additional land acquisition to \$1 million or less, the National Park Service has been unable to purchase several undeveloped tracts that are valued at more than \$1 million. If these undeveloped tracts within the boundaries of the park are developed with new structures, acquisition costs will increase. Acquiring these lands sooner rather than later is more cost-effective for the National Park Service in the long run. In addition, the park currently faces encroachment issues, where private landowners use adjacent park lands for swing sets, hot tubs, sheds and the like. The proposed \$28 million ceiling would allow the National Park Service to acquire all parcels of land that are located within the boundary of the park that are currently available for sale.

Incompatible development within park boundaries can degrade the natural and cultural values that are important to the visitors of Acadia National Park. There are also "spillover" impacts from use of private lands that are surrounded by park land including noise and light impacts, which tend to drive the public away from these parts of the park. Finally, larger blocks of land are more cost-effective to manage than smaller discontinuous parcels that are owned by multiple owners and thus, result in higher boundary monitoring and patrol costs.

INTERMODAL TRANSPORTATION CENTER

The intermodal transportation center is the final piece of a three-phase transportation strategy that was developed with the assistance of an interagency team of transportation and park managers. The interagency team was established pursuant to the 1997 Memorandum of Understanding between the Secretary of Transportation and the Secretary of the Interior to comprehensively address public transportation in and around our national parks. Language in S. 1329 authorizing Acadia National Park to participate in the planning, construction and operation of an intermodal transportation center outside park boundaries is essential for completion of a highly successful transportation system that operates through a consortium of twenty partners. These partners include the U.S. Department of Transportation, the Maine Department of Transportation, and many local interests who developed this transportation strategy and have combined their resources to offer the Island Explorer, a bus system that uses clean propane-powered vehicles to move visitors around the Island. The operational costs are paid for by a special transportation fee imposed at Acadia, state and local funds, and business contributions.

Daily summer use of the Island Explorer has averaged 3,700 riders and more than 1.5 million riders have used the popular system since it began in 1999. Traffic congestion on Mount Desert Island and the negative impacts of too many vehicles in Acadia National Park have been reduced, and the park's air quality has improved annually.

Currently, overnight visitors are picked up at their lodgings by the Island Explorer, but the increasing numbers of day use visitors do not have access to the transit system because it lacks a central parking and bus boarding area. As planned, the project calls for developing an off-island intermodal transportation center to serve day users of Mount Desert Island and Acadia National Park. The center is needed to maximize the benefits of the transit system and to fully achieve the project's goals of reducing traffic congestion, preserving park resources and the visitor experience, and ensuring a vibrant tourist economy.

The proposed center would be strategically located on Route 3 (the only road to Mount Desert Island and Acadia National Park) in Trenton, Maine. A non-profit partner will acquire the land using donated funds. The Maine Department of Trans-

portation and the Federal Transit Administration will have the lead in the planning and construction of the center, which will include parking for day users, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage.

Most of the proposed facility would be built with funds provided by the U.S. Department of Transportation to the State of Maine. The National Park Service would be responsible for the design, construction, and operation of all or part of the visitor orientation portion of the center, which would include exhibits, media presentations, and general information for park visitors bound for Acadia National Park. The National Park Service might also contribute to maintenance and operation of the facility. The proposed center would replace the park's inadequate Thompson Island Information Center, which is too small to accommodate the large number of summer visitors to the park, contains out-of-date exhibits, and is not optimally located to intercept visitors.

We recommend two technical amendments be made to section 5 of the bill. First, we would like to clarify that the Secretary would be authorized to conduct activities that facilitate the dissemination of information relating to the Island Explorer or any successor to the Island Explorer in case the transit system is renamed. Second, in order to preserve the Secretary's flexibility in how resources are allocated in the National Park Service, we recommend an amendment to the authority provided to the Secretary to contribute to the Intermodal Transportation Center. The amendments are attached to this testimony.

Technical amendments to S. 1329, the Acadia National Park Improvement Act of 2007:

On p. 2, line 24, strike "shall" and insert "may".

On p. 3, line 16, strike "system;" and insert "system or any successor transit system;".

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

ON H.R. 759

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 759, a bill to redesignate the Ellis Island library on the third floor of the Ellis Island Immigration Museum as the Bob Hope Memorial Library.

The National Park Service believes there should be a strong association between the park and the person being commemorated, and that at least five years should have elapsed since the death of the person. This basic principle is reflected in our National Park Service Management Policies. Therefore, the Department cannot support this bill. On May 12, 2005, the Department also testified that we could not support H.R. 323, an identical bill from the 109th Congress.

A unique repository of resources in history, ethnology, and sociology is located on the third floor of the Immigration Museum on Ellis Island. The space has been reconfigured to provide a reading room, a preschool children's reading center, an archive for controlled storage of valuable paper artifacts, and a room designed to provide retrieval access to the library's collection of more than 1,000 oral histories. It is a resource devoted to the American immigration experience and the stories of those who came to America with hopes and dreams for a better life. The library provides important lessons to our citizens of the meaning of liberty and opportunity in the history of our nation.

Although Bob Hope's life story exemplifies the experience of many who came to the United States with little, rose to the heights of their professions, and gave back in abundance to their adopted nation, the Department cannot support H.R. 759. Bob Hope did enter the United States through Ellis Island, as did many other great Americans, however there is no compelling connection between his life and the Ellis Island Immigration Museum.

Bob Hope was born Leslie Townes Hope, the son of stonemason William Henry Hope and Avis Townes Hope. The family emigrated from England to Cleveland, Ohio in 1908, when Leslie, one of seven children, was not yet five years old. In Cleveland, the Hope family struggled financially, as they had in England. Mrs. Hope took in boarders to supplement her husband's erratic income. She gave singing lessons to Leslie, who entertained his family with song, impersonations, and dancing. When he left school at age 16, Leslie worked at a number of part-time jobs. He boxed for a short time under the name of "Packy East" but later changed his name to Lester Hope. His interest in entertainment and show business led him to take

dancing lessons and to seek employment as a variety stage entertainer. Not until he had achieved considerable success on the stage did he begin using the name, "Bob Hope."

Bob Hope's more than fifty-year commitment to public service has made him one of the most honored and esteemed performers in history. His charitable work and tours on behalf of the armed forces brought him the admiration and gratitude of millions and the friendship of every President of the United States since Franklin D. Roosevelt.

National Park Service Management Policies 2006 state that the National Park Service will discourage and curtail commemorative works, especially commemorative naming, except when Congress specifically authorizes them or there is a compelling justification for the recognition, and the commemorative work is the best way to express the association between the park and the person, group, event, or other subject being commemorated. While Bob Hope had a distinguished career, we do not believe there is sufficient association between him and the Ellis Island Library to merit renaming the library.

Mr. Chairman this concludes my statement and I will be happy to answer any questions that members of the committee may have.

ON H.R. 807

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 807, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System.

The Department supports enactment of H.R. 807. The Department testified on April 28, 2005, that we could not support S. 242, a similar bill in the 109th Congress that would have designated the areas covered in this bill as units of the National Park System. At that time we recommended to the subcommittee that the bill be amended to authorize the Secretary to study the sites to determine if they are suitable and feasible as additions to the National Park System.

We appreciate that H.R. 807 would authorize such a study. A study would provide the opportunity to consult with other agencies and organizations, including the National Aeronautics and Space Administration (NASA), to determine what other commemorative efforts have been undertaken to memorialize the space shuttle Columbia as well as taking into account the wishes and desires of the crew's families regarding how they would like their loved ones remembered. A study also would look at a variety of alternatives that could include National Park Service (NPS) management or could focus on administering the site through State or local governments or private organizations.

Studies of this type typically take approximately three years to complete after funds are made available and cost between \$300,000 and \$500,000. Also, 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. 807 would direct the Secretary to study areas in the Texas cities of Nacogdoches, Hemphill, Lufkin and San Augustine. Large amounts of debris from the Columbia were found on the parcels specified in the bill, a combination of public and private land, and the Lufkin civic center served as NASA's command center for retrieval efforts. As a part of the study, the Secretary is also authorized to recommend additional sites in Texas for establishment of memorials to Columbia.

Columbia, the first space shuttle to orbit the earth, was NASA's oldest shuttle. On the morning of February 1, 2003, after a three-week mission devoted to scientific and medical experiments, the Columbia began its return to earth. As re-entry into the earth's atmosphere continued over the Pacific, problems were noticed by NASA, contact with the shuttle was lost, and it began to break apart. Debris from the shuttle was observed from California to Louisiana, however the remains of the seven astronauts and the most significant parts of the shuttle were found in several communities across Texas. Soon after the crash, an independent accident investigation board was established and the first volume of the board's findings was issued in August 2003, identifying the factors that led to the shuttle disaster and making recommendations for future actions.

Many memorials and remembrances have been established in honor of Columbia's crew, including a memorial at Arlington Cemetery and on Devon Island in the Canadian High Arctic. Asteroids have been named for members of the crew, as has

a highway in Washington and an elementary school in California. On May 12, 2004, NASA dedicated its new "Altix" supercomputer to the memory of Kalpana "KC" Chawla, flight engineer and mission specialist on the Columbia.

An NPS suitability and feasibility study would determine how, or if, this proposal would complement or add to those already established memorials.

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

PREPARED STATEMENT OF THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE

ON S. 1304

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Administration's views on S. 1304, a bill to amend the National Trails System Act to designate the Arizona Trail as a National Scenic Trail.

The Administration does not object to S. 1304. While the Administration typically does not support the designation of a National Scenic Trail without the completion of a feasibility study, we recognize that the Arizona Trail presents a unique situation.

The Arizona Trail designation is unique because it is located primarily on public land, it is already established for much of its length and it has strong local, regional and state advocates and it offers outstanding recreational opportunities. For these reasons we do not object to an expedited process in this case and proceeding directly to designation. We do, however, plan to continue efforts to engage the public in the management of the trail, especially to private land owners that may be affected by the designation.

All but one of the National Scenic Trails designated subsequent to the enactment of the National Trails System Act have undergone a feasibility study prior to enactment. However, in the case of the Arizona Trail, because of its unique circumstances, the Administration does not object to directly designating the trail as a national scenic trail. The Administration would be unlikely, however, to support future legislation to designate National Scenic Trails that bypass requirements under the national Trails System Act to conduct feasibility studies. A feasibility study allows the public to have a comprehensive look at the effects of designated national scenic trails and provides the public with the opportunity to comment on all aspects of the trail. Information provided by the public during this review adds value and is useful for the future management of the scenic trail. A study would also review and recommend the most effective and efficient management of the trail.

Approximately 85% of the trail crosses federal land, 10% crosses State lands, and the remainder of the trail crosses private, municipal or county lands. The trail was established as a primitive long-distance hiking, horseback, and mountain biking trail that links all of Arizona's major physiographic zones (the mountains, canyons, deserts, forests, historic sites, and mesas) to local communities and Arizona's major metropolitan areas. The Arizona Trail's significance is found in the diversity of resources, landscapes and recreational opportunities that it represents.

The Arizona Trail was conceived in 1985 as a continuous non-motorized trail from Mexico to Utah. The Arizona Trail connects Arizona's north and south borders across mountain ranges and deserts for approximately 807 miles. In 1993, the U.S. Forest Service, National Park Service, Bureau of Land Management, and Arizona State Parks developed a cooperative agreement to work together to develop this non-motorized trail. Since then more than 750 miles of trail have been opened to the public, maps and trail resource information have been developed, and routine trail maintenance has been carried out, while efforts continue to open the remaining 57 miles of trail. An important characteristic of all National Trails is the partnerships they generate. The Arizona Trail already has strong regional, state and local advocates, all of whom have worked hard at creating and maintaining a trail featuring the incredible natural and cultural diversity of the State of Arizona. In 1994, the non-profit Arizona Trail Association (ATA) was founded "to coordinate the planning, development, management, and promotion of the Arizona Trail for the recreational and educational experiences of non-motorized trail users." If designated by Congress as a National Scenic Trail, the Arizona trail will be administered by the U.S. Forest Service in close coordination with the Arizona Trail Association and any relevant State and local agencies that may wish to help with the Trail.

National scenic trails are continuous, primarily non-motorized routes of outstanding recreational opportunity. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement. National historic trails commemorate historic and prehistoric routes of travel that are of sig-

nificance to the entire Nation. Because of its characteristics, the Arizona Trail is more likely to meet the criteria for a scenic trail rather than an historic trail.

Thank you again for the opportunity to present the Administration's views on S. 1304. This completes our statement for the record.

Senator AKAKA. Thank you very much for your testimony.

My first question to you is on H.R. 759, the Bob Hope Library designation. As I understand your testimony, the primary reason the Park Service opposes this bill is that there is not a strong association between Ellis Island and Bob Hope. However, according to Congressman Engel there is strong local support for this designation, including support from the Ellis Island Restoration Commission. Given the local support, then, why is it inappropriate to allow this and allow for this designation?

Mr. WENK. It is the policy of the National Park Service that there has to be a very close association between a facility or a feature within a park area to be a named opportunity. An example would be from a park that I was formerly a superintendent, Mount Rushmore National Memorial. We do have there a Borglum Studio. It's named after the sculptor of the memorial itself. That is a very strong connection and a strong association between why the memorial was established, what it represents, and the individual.

There is not that strong connection between Bob Hope and Ellis Island. He did pass through Ellis Island, as did many other great Americans.

Senator AKAKA. Have any other National Park Service buildings or facilities ever been named in honor of someone?

Mr. WENK. Yes, they have. It's not an infrequent process. But once again, it goes back to that strong association between the individual and the structure or the facility or feature that may be named. It's a component that we don't believe exists in this particular case.

Senator AKAKA. My next question is on S. 1051, the National Liberty Memorial bill. The Commemorative Works Act requires a sponsoring organization to file a financial report with the Department of Interior each year, including financial statements that have been independently audited. I'm curious, how much money was raised by the Black Revolutionary War Patriots Foundation and what happened to that money when the group disbanded?

Mr. WENK. We do know that we received financial reports from I believe 1996 to 2003. Prior to 1996, that was not a requirement. We believe that, from a cursory review of those reports, we believe that they raised approximately \$3.25 million, \$1 million of which came from the Commemorative Coin Act that was authorized for the memorial.

Currently the Department of Treasury is doing an audit—excuse me. The Department of Treasury, the Office of the Inspector General, is looking to see how those funds were used that came from the Coin Act. How the rest of the funds were used, I do not have that answer. But certainly they were used in the design and the plans that were done to this time.

Senator AKAKA. According to Mr. Barboza's written testimony, in June 2006 the National Capital Memorial Advisory Commission concluded, and I'm quoting: "The Commemorative Works Act could be interpreted to allow Liberty Fund D.C. to assume the site ap-

provals,” unquote. Are you familiar with this conclusion by the commission and do you have any comment on that statement?

Mr. WENK. Yes, Mr. Chairman, I am familiar with the statement that was made. We do not agree with that interpretation of what the Memorial Commission said. We believe that in 2005 the authority for the memorial expired. At the time that it expired, we believe that all the approvals, the design, and all other aspects of that expired at the same time.

Since that time, since this bill was authorized, the Commemorative Works Act was passed, which did declare the area where this memorial was to be placed to be in the reserve and called it a completed work of civic art and therefore no other memorials were to be located in that area. We believe it is necessary to basically begin the process anew to relook at whether or not a memorial should be established, go through the design proceedings and the approvals of the National Park Service, the National Capital Planning Commission, as well as the Commission of Fine Arts.

So we think—we believe we have two different interpretations of that and we believe that we do not have the authority to extend this.

Senator AKAKA. My final question relates to S. 868, the wild and scenic river designation in Massachusetts. The draft Park Service study analyzes two alternatives. One alternative would designate the entire 40 miles of the main stream of the river. The second alternative would designate only 36 miles of the river pending potential approval of a liquefied natural gas facility.

If S. 868 is enacted into law designating the entire 40 miles, what impact would that have on the proposed LNG facility?

Mr. WENK. There would be a different standard that would be applied in terms of the evaluation of the impacts on the wild and scenic river if it included that last four miles. Primarily we believe that it would affect the riparian zones on the river that would be—we would have to look at the impacts on those riparian zones.

We also would be looking at the impacts on the anadromous fish that use the river. That, however, would not change because those fish are protected for upstream portions of the river that are included under either alternative.

Senator AKAKA. Thank you very much for your responses and would you please remain where you are while I call on Congressman Engel.

Thank you so much for making the time to be here. We're delighted to have you and, with the good graces of our ranking member here, we'll go to you next, Representative Engel. You are the sponsor of H.R. 759, the bill to rename the Ellis Island Library after Bob Hope. So, Congressman Engel, I welcome you to the subcommittee. So please proceed with your statement.

**STATEMENT OF HON. ELIOT L. ENGEL, U.S. REPRESENTATIVE
FROM NEW YORK**

Mr. ENGEL. Thank you, Senator, and it's good to see you, Senator Akaka, Senator Burr, and Senator Salazar. I of course had the honor of serving with you, Senator Akaka and Senator Burr, as House members. Senator Salazar, I have the honor of serving with

your brother as a House member. So I feel a little attachment to all three of you.

I want to thank you for holding this hearing on H.R. 759, which seeks to name the third floor library at Ellis Island in New York as the "Bob Hope Memorial Library." Ellis Island is important to me. All four of my grandparents passed through there when they immigrated to the United States about 100 years ago. I think it is very fitting that this be named after Bob Hope.

I also want to thank the primary co-sponsor of this legislation, Representative Gallegly of California, for his support.

Finally, I would like to point out that present today in the audience is Linda Hope, Bob Hope's daughter and the Vice President of the Bob Hope Legacy.

Before I begin, I just must first start by venting my frustration with the National Park Service in its handling of this legislation. Today the Park Service will testify that it cannot support this bill even though it's passed the House of Representatives in a bipartisan fashion two Congresses in a row. Each time they came and said that they couldn't support the bill and as far as I'm concerned the reasons were specious.

This effort to honor Bob Hope at Ellis Island has been ongoing for years and I would ask that a letter* from former Secretary of the Interior Manuel Lujan, who served the first President Bush, supporting naming a different facility at Ellis Island for Bob Hope be included in the record as part of my testimony. Thank you.

Mr. ENGEL. In the 109th Congress my staff had ongoing communications with the Park Service. The Park Service even requested that some language in the bill be changed to clarify that the library on the third floor and not the whole floor was being named for Bob Hope. I accepted this clarifying language and it is included in the bill that is before us today. In fact, the language is exactly the same language requested by the Park Service.

I would like to address the Park Service's contention that there is not a clear link between Bob Hope and Ellis Island. Bob Hope came to Ellis Island 100 years ago in 1907 with his family when he was just 4 years old as an immigrant. Mr. Chairman, after a long period of restoration, Ellis Island was turned into a museum in 1990. The purpose of the restoration was for people to come and remember the 12 million people who passed through Ellis Island from 1892 to 1954 to pursue the American dream.

I can't think of anyone who embodies the American dream more than Bob Hope. He and his family arrived in the United States with almost nothing. Bob Hope became a household name here in the U.S. and around the world. He is perhaps best known for his work entertaining our Nation's military overseas, most often during the holiday season.

This bill is strongly supported by the Ellis Island Restoration Commission, which has worked diligently to repair and refurbish Ellis Island. The commission has said that naming the third floor library after Bob Hope would be a fitting tribute to one of America's most famous immigrants. I have a letter to that effect and I

*The additional materials referred to in Representative Engel's statement have been retained in subcommittee files.

would also respectfully ask to have it be made part of my testimony. Thank you.

Mr. ENGEL. When the idea of naming another center at Ellis Island after Bob Hope was suggested, Secretary Lujan said in his letter to Bob Hope, and I quote the Secretary: "I understand that you came to Ellis Island on your way to becoming a treasured U.S. citizen. Certainly your association with the center makes the project all the more important because your success story surely reflects the American dream."

Delores Hope and the rest of the Hope family members are pleased that Bob Hope's life will be honored and remembered through this museum. Thus, for my final request I ask that a letter from Bob Hope himself and a letter from his wife Delores be placed into the record as part of my testimony. Thank you.

Mr. ENGEL. Thank you, Mr. Chairman. I would like to thank you for holding this hearing on the legislation. I would like to thank Senator Burr and Senator Salazar, and I want to thank my lead Republican sponsor, Rick Gallegly. I believe this is a small but fitting tribute to a man who did so much for our Nation and for our men and women in uniform.

Thank you.

[The prepared statement of Representative Engel follows:]

PREPARED STATEMENT OF HON. ELIOT L. ENGEL, U.S. REPRESENTATIVE FROM NEW YORK, ON H.R. 759

Thank you Mr. Chairman for holding this hearing on H.R. 759, which seeks to name the third floor library at Ellis Island in New York as the "Bob Hope Memorial Library." I also want to thank the primary cosponsor of this legislation, Representative Gallegly, for his support. Finally, I would like point out that present in the audience today is Linda Hope, Mr. Hope's daughter and the vice president of the Bob Hope Legacy.

I must first start by venting my frustration with the National Park Service and its handling of this legislation. Before you today, the Park Service will testify that it cannot support this bill even though it passed the House of Representatives two Congresses in a row.

This effort to honor Bob Hope at Ellis Island has been ongoing for years. And I would ask that a letter from former Secretary of the Interior Manuel Lujan, who served the first President Bush, that supports naming a different facility at Ellis Island for Bob Hope be included in the record as part of my testimony.

In the 109th Congress, my staff had ongoing communications with the Park Service. The Park Service even requested that some language of the bill be changed to clarify that the library on the third floor, and not the whole third floor, was being named for Bob Hope. I accepted this clarifying language and it is included in the bill that is before us today. In fact, the language is exactly the same language requested by the Park Service.

I would like to address the Park Service's contention that there is not a clear link between Bob Hope and Ellis Island. Bob Hope came through Ellis Island in 1907, with his family, when he was just four years old. Mr. Chairman after a long period of restoration, Ellis Island was turned into a museum in 1990. The purpose of the restoration was for people to come and remember the 12 million people passed through Ellis Island from 1892-1954 to pursue the American dream. Bob Hope embodies the American dream! He and his family arrived in the United States with almost nothing. Bob Hope became a household name here in the U.S. and around the world. He is perhaps best known for his work entertaining our nation's military overseas—most often during the holiday season.

This bill is strongly supported by the Ellis Island Restoration Commission, which has worked diligently to repair and refurbish Ellis Island. The Commission has said that naming the third floor library after Bob Hope would be a fitting tribute to one of America's most famous immigrants. I have a letter to that effect and would ask to have this also be made part of my testimony. When the idea of naming another center at Ellis Island after Bob Hope was suggested, Secretary Lujan said in his letter to Bob Hope, "I understand that you came through Ellis Island on your way

to becoming a treasured U.S. citizen. Certainly your association with the center makes the project all the more important because your success story surely reflects the American Dream.”

Dolores Hope and the rest of the Hope family members are pleased that Bob Hope’s life will be honored and remembered through this museum.

Thus, for my final request I ask that a letter from Bob Hope himself and a letter from his family be placed into the record as part of my testimony.

Mr. Chairman, I would like to thank you for holding this hearing on the legislation, and thank my lead Republican sponsor, Rep. Gallegly. I believe this is a small but fitting tribute to a man who did so much for our nation, and our men and women in uniform.

Senator AKAKA. Let me call on Congressman—I mean, ranking member Burr, for any comments or questions he might have.

Senator BURR. I thank the chairman. Mr. Chairman, I will have no questions of Congressman Engel. It’s great to see him and I’m appreciative that he would take the time to come over and to comment on this project. But I know the House is probably tied in knots with votes and I’m more than willing to let him head back if in fact that enhances his schedule at all.

Mr. ENGEL. I thank you, Senator. It’s an honor to be here and, as I said, good to see all of you.

Senator BURR. Mr. Chairman, I do have questions for Mr. Wenk. So if I could go into those now.

Senator AKAKA. Certainly.

Do you have any comments or questions to Congressman Engel?

Senator SALAZAR. I have no questions for Congressman Engel. I just appreciate him coming over to testify on behalf of his legislation. Thank you.

Mr. ENGEL. Thank you.

Senator AKAKA. I want to thank you, Congressman Engel. You may either remain or—I know you’re a busy man, too.

Mr. ENGEL. I’ll remain. It’s an honor to be in the Senate, so I’ll remain, and think about what might have been or something.

[Laughter.]

Senator AKAKA. Senator Burr.

Senator BURR. It’s contagious. You better watch it.

Thank you, Mr. Chairman.

Mr. Wenk, some would think less of me if I didn’t point out when I sat down yesterday afternoon to prepare for this hearing your testimony wasn’t here in its completion. It is my hope before I die or leave the Senate, whichever happens first, that I’ll come to one hearing where Government witnesses will have all of their testimony written, approved, and to the committee in time that we could digest it fully to be able to hold a hearing. I’ll continue to point that out every time a witness comes in front of this subcommittee or any subcommittee, because I believe that the rules are very specific and I take the latitude to point out that it doesn’t matter who’s in control of the White House. It seems to be a perpetual thing.

But I believe that the quality of what we do is that much better if in fact we get the opportunity to know beforehand what witnesses are going to come in and testify on so that we can at least put some thought to the proper questions, get a little bit deeper into the issues, and so that it’s clear for all members and for the administration what’s at stake and what we should support.

Having said that, let me move if I can to S. 868. I take for granted from your testimony that the Park Service has completed the suitability and feasibility study, though it's in its public comment period. Am I correct on that?

Mr. WENK. Yes, we have. It's actually not a completed study until we receive comments, which close on September 17th, and we will go out with the final document.

Senator BURR. I think you have a good feel from that what you're going to find. In your statement you said "If this bill moves forward we'd like to work with the committee to make this bill consistent with other wild and scenic river designation bills that have been enacted by Congress." If you will, what makes this inconsistent with other wild and scenic river bills that have passed Congress?

Mr. WENK. Senator Burr, I do not have the specifics on that. I will have to provide it. I'm sorry.

Senator BURR. I wish you would, because I believe you're right. I believe that as we go through this process we should show consistency, and I think as one who has a wild and scenic bill I want to make sure that whatever I'm proposing is consistent with what we've done in the past, and I want to make sure that those additional ones that we consider are in fact consistent with the bar I've tried to hold.

Let me move, if I can, to S. 1051. This is a little more difficult to understand. It's not more difficult to support the recognition of the black Revolutionary War participants, but, given the history of this, I think it deserves a little bit of attention and thought. The new committee that's set up is the National Liberty Memorial. The previous organization that was set up to initiate this and did receive the approval and a spot on the Mall is the Black Revolutionary War Patriots Memorial.

It's my understanding that the reason that the current group chose to file under the new name and to file to extend the process was the fact that the designation had been approved and that the previous organization, though bankrupt, still owes money. Am I correct on that?

Mr. WENK. It's my understanding—I do not know the specifics of how much money and to who money is owed, but I believe that is in fact the case.

Senator BURR. I know we have somebody who will testify on this. I think it's extremely important for all parties, Government included, to know a little bit more about how much is owed, what percentage of that money is in fact Federal money versus private money. It's probably a little late to go back and point the finger of blame, but I believe it's also important that we know for purposes of counseling with the current initiators, the National Liberty Memorial, as to whether this wouldn't be a lot smoother transition were they to assume the debt and initiate from the continuation of the last group.

I'm not sure that I have enough information to ask the questions in the right way, much less to make suggestions. But there seem to be some problems with it relative to how it's been put together.

Mr. WENK. One of the things we can provide for you is we can provide the financial statements we received between 1996 and 2003, and we're happy to do that, where we can start to make

those determinations. We can look at those statements ourselves to see what more information we can get to you on that, and I would hope that you would also look at the previous organization.

Senator BURR. I appreciate that. Would one conclude that the review of those financials of the last organization are initiated by this legislation or was this something that was triggered within the Interior Department?

Mr. WENK. I believe that it's a requirement of any foundation or group that we're working on in terms of producing a memorial or in support of a memorial in the reserve or in the areas of the Commemorative Works Act, and that we have a responsibility to look at and review those financial statements. It's not specific to this organization.

Senator BURR. I appreciate that.

Let me move, if I could, to S. 1247, the Weir Farm National Historic Site amendment. If I could—I'm curious—is this an improvement to a visitors center or a totally new visitors center?

Mr. WENK. Currently there is—what we have is we had a nine acre site that was purchased for the inclusion of National Park Service facilities within close proximity to the Weir Farm. What we would be—this is not a visitor's center. This is administrative space and this is maintenance space that would be added under this. There is still a need for a visitor's center.

What we're looking at is we're looking at expanding the area that we can consider for the placement of these facilities to about an area 2.5 miles away from the site itself. It's in a brownfield area that's been developed. It's being developed to lead standards. We believe that we can exchange the land that was purchased for this purpose, save money in terms of not having to go through the construction and be able to move into this new facility, which would include the curatorial space that's been leased already, approximately 12,000 square feet, and be in the best interests of all parties.

It would remove this from an area—it's a neighborhood area where the neighbors have questioned the appropriateness of putting this kind of facility within a neighborhood.

Senator BURR. So it's to enhance the visitor experience of this historic site?

Mr. WENK. It's actually probably to enhance more the administrative and curatorial abilities of the National Park Service. There still is a future need for a visitors center that would be able to display some of the large works that we have.

Senator BURR. I appreciate hearing that because we've got these treasures around the country and some that still need the investment of visitors centers and the relocation of operational pieces that in some cases take away from the visitor experience and the value of the historic site. So I look forward to the action of the subcommittee on that.

One question as it relates to Acadia National Park, S. 1329. We raised the funding authority for land acquisition at the park. How much land has the National Park Service identified to date for future acquisition at Acadia and in today's terms what would be the value of that land?

Mr. WENK. The number that we're asking for, the \$28 million number that's within the legislation, that represents the land that we have willing sellers for within Acadia National Park today. There is additional land that is not by willing sellers and I do not have—we have not put a value on that land and I can't tell you the specific acres. But I could get that for you for the record.

Senator BURR. But \$28 million would be the actual land value today—

Mr. WENK. For willing sellers.

Senator BURR [continuing]. For willing sellers.

Mr. WENK. Of land of willing sellers, correct.

Senator BURR. OK. I thank you.

I thank the chair.

Senator AKAKA. Senator Salazar.

Senator SALAZAR. Thank you very much, Senator Akaka.

First of all, let me—I want to comment briefly on two pieces of legislation which I'm sponsoring which are here today, and I want to thank Director Wenk for your testimony on both of those pieces of legislation and the support of the administration.

First with respect to S. 127, the Great Sand Dunes National Park and Preserve Act, it was an historic undertaking back in 2000 when the Department of the Interior under then-Secretary Babbitt, working closely with Senator Campbell and Senator Allard, moved forward in the creation of the Great Sand Dunes National Park. As part of that legislation, the authorization was given to move forward with the acquisition and creation of the Baca National Wildlife Refuge.

This is an important chapter in our moving forward with protecting the complex of wetlands that comprise the hydrological and ecological reality of what is my native valley in Colorado, the San Luis Valley, and tying in the Baca Wildlife Refuge to the Monte Vista Wildlife Refuge and the Alamosa Wildlife Refuge are an essential aspect of an effort to try to preserve the wildlife values as well as the water rights within the San Luis Valley and the upper reaches of the Rio Grande Basin.

So I'm appreciative of the administration's efforts on this and I appreciate my colleague, Senator Allard, in helping us move forward with the legislation.

I think, importantly, the purpose of the refuge defined as defined in S. 127, just to state it here for the record as I do it orally, is, I quote, "to restore and enhance and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley." I think that's an appropriate purpose and one that I fully support.

Second, a quick comment on S. 127 and H.R. 359. That legislation concerning the late Cesar Chavez, sponsored here in the U.S. Senate by Senator John McCain and I, is an important piece of legislation for me personally. Cesar Chavez for me was an inspiration and hero in my life and did show me that no matter what the odds were, as he would say in Spanish with the words "Si, se puede," yes, it can be done.

I think it's appropriate to undertake the review on the study of sites associated with a life of a person who made a major difference in the life of America. So I appreciate the testimony by the com-

mittee. I appreciate my co-sponsors and the work of our staff in moving these two pieces of legislation forward.

Thank you.

Senator AKAKA. Thank you very much, Senator Salazar.

I want to thank our witnesses today, Congressman Engel, for your testimony, and also, Mr. Wenk, for yours. We'll certainly deal with your testimonies as we deal with these bills. I want to thank you very much for that and would like to call on the next panel.

Mr. WENK. Thank you, Mr. Chairman.

Mr. ENGEL. Thank you.

Senator AKAKA. Thank you.

The subcommittee has received several written statements, which will be included in the hearing record: from Senator Feinstein, also on the Bob Hope bill; from Senator Collins and Senator Snowe on S. 1329, the Acadia National Park bill; from Senator Alard on S. 127, the Baca National Wildlife Refuge bill; from Senator Dodd on S. 1051, the National Liberty Memorial bill; and from Senator Kennedy on S. 868 and S. 1184, the two bills dealing with Taunton, Massachusetts. All of these statements will be included in the hearing record.

[The statements referred to follow:]

PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA, ON H.R. 759

Mr. Chairman, I would like to testify in support of H.R. 759, a bill to redesignate the Ellis Island Library, located on the third floor of the Ellis Island Immigration Museum, as the "Bob Hope Memorial Library".

Bob Hope may very well be the most widely-known immigrant to have passed through the Ellis Island Immigration Station—although when he arrived as a four-year old he was still went by his given name: Leslie Townes Hope.

And the story of this young boy, who later changed his name to Bob Hope and was adored by so many, truly exemplifies the American Dream:

- As a young boy, he left England with his family and immigrated to the United States.
- His family struggled financially for years after they arrived.
- To help support his family, he left school early, took on odd jobs, and even boxed for a short time.

Later, when Bob Hope became successful, he was celebrated and loved by all Americans.

In his many foreign tours entertaining America's soldiers abroad, he brought to them the warmth and the merry good humor that they longed for from their far-away homes.

Bob Hope is a great symbol for the Ellis Island story, because he was keenly aware that we was an immigrant, of how far he had come, and how passionately grateful he was for it.

Ellis Island is known to the world as a symbol of the possibilities that America offers. And the "Bob Hope Memorial Library" will continue to catalogue real life examples of that possibility.

The Ellis Island Library includes:

- a reading room,
- a preschool children's reading center,
- an archive for controlled storage of valuable paper artifacts, and
- a room designed to provide access to the library's collection of more than 1,000 oral histories.

As the Park Service describes this library: "It is a resource devoted to the American experience and the stories of those who came to America with hopes and dreams of a better life."

And Bob Hope embodies this American experience.

In 1990, when Bob Hope learned that he might receive a similar honor during his lifetime, he was both “thrilled and gratified”, as he says in the attached letter.* In that letter, Bob Hope shared an anecdote from his first moments arriving in the United States:

[I] saw the first glimmer of this great nation of ours as a 4-year-old boy in knickers and had no idea of the opportunities that lay ahead. Frankly, my only concern back then was running away as fast as my little legs would carry me from the doctor who came to inoculate me before landing at Ellis!

I know that the Park Service has suggested that other remarkable American immigrants could equally be associated with Ellis Island. This may be true. But I think this approach misses the point.

For a place that is a shining example of what America can offer, isn't it more powerful to hold up individuals whose extraordinary lives exemplify that opportunity?

The Bob Hope Memorial Museum can inspire visitors with his life and the stories of others like him.

Naming this museum after Bob Hope will help to give a face to the American dream.

I hope the Chairman will move the bill quickly, and my colleagues will support its enactment. Thank you.

PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE,
ON S. 1329

I would like to first applaud Chairman Akaka and Ranking Member Burr for their efforts on behalf of our National Parks. As we approach the centennial of the creation of the National Park Service, I am encouraged that under the stewardship of this Subcommittee we will provide the leadership to ensure future generations will be provided the opportunity to enjoy the natural jewels of America.

I would also like to voice my strong support for the Acadia National Park Improvement Act of 2007, which I have cosponsored with Senator Collins. For those of you who have not had the good fortune to visit one of the crown jewels in the National Park system, Acadia National Park, the first national park established east of the Mississippi, is located on the rugged coast of Maine, encompassing over 47,000 acres that follow the shoreline, go up mountains of sheer granite, dotted with numerous lakes and ponds, diverse habitats that create striking scenery and make the park a haven for wildlife and plants.

At a time when American society becomes increasingly sedentary, Acadia provides uniquely diverse array of activities for visitors of all ages. For example, the Precipice Trail and the cliffs on Champlain Mountain is one of the more challenging hikes on the East Coast, while the park also offers handicapped accessible trails, such as the Jordan Pond Nature Trail. Furthermore, under the leadership of Sheridan Steele, the park has recently incorporated electronic scavenger hunts in Acadia using GPS system to spark interest in geology in our youngest generation.

Acadia National Park is certainly a land of contrast and diversity, with a variety of freshwater, estuarine, forest and intertidal resources and is one of the most visited Parks in the National Park System, and rightfully so, as it offers magnificent views from Cadillac Mountain that sweep down 1,530 feet to the rocky coast and ocean below. Besides its natural beauty, the Park brings in \$130 million a year into the State's economy.

It is because of the great beauty of the Park and its scenic views that I have continued my efforts to achieve cleaner air for the area and for the entire State. I am a devoted supporter of the Island Explorer bus system, whose clean propane-powered vehicles offer visitors and residents free transportation to hiking trails, the unique carriage roads, the island beaches and for in-town shopping. Since 1999, the bus system has carried 2.1 million people, while eliminating an estimated 7,610 tons of greenhouse gases. I understand that other national parks are considering using the positive benefits of the Island Explorer system as a transportation model for parks all around the country. A great deal of thanks should go to the surrounding towns and to L.L. Bean for financing this successful system that helps to make the air cleaner and adds to our enjoyment of the activities the Park provides.

The legislation introduced today will help the Park in three specific areas. First, it will help the Park by extending the Acadia National Park Advisory Commission for 20 years giving local residents the opportunity for input into the management

*Letter has been retained in subcommittee files.

of the Park. This has been instrumental in developing comprehensive solutions to the problems that arise in an area where thousands of people live and work. The bill also increases the authorized ceiling for land acquisition funding by \$10 million to \$28 million to realize the sharp rise in real estate prices so that properties from willing sellers within the Park's boundaries can be included into the Park. Development increasingly threatens the integrity of the park. For example, recently a proposal was submitted to create a nine-unit subdivision on a parcel of land that directly bordered Somes Sound and Acadia. Fortunately, the Friends of Acadia, a devoted, independent philanthropy that has raised more than \$15 million in private endowments for the park, was able to purchase the land and the land will remain pristine. Finally, the legislation will allow the Park to locate an intermodal center outside of park boundaries off of Mt. Desert Island to give even more assistance to the one road entering and exiting the Park by alleviating auto traffic congestion and pollution.

I will continue to take actions for additions within the Park boundaries, for local input into the management process, for a better public transportation system for the Island that will create a healthier environment, and better support the Park's ecological protections. I look forward to continue working with the people of Mt. Desert Island, the Park's Supervisor, and the Friends of Acadia, on issues important to all of us for the preservation of the beautiful landscape, the ocean's coastline, and for environmental improvements in Acadia National Park.

I thank the Chairman.

PREPARED STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR FROM COLORADO,
ON S. 127

Thank you, Chairman Akaka and Ranking Member Burr, for the committee's consideration of S.127, a bill that would provide for the administration of the Baca National Wildlife Refuge. I would also like to thank you for allowing the opportunity to submit my comments on this legislation and for your leadership on issues affecting our nation's parks.

I am one of the luckiest people in Washington; not only do I get to serve the people of Colorado, but I am fortunate enough to have incredibly beautiful and unique lands in my home state. The Baca National Wildlife Refuge is one of these unique areas. It is located in southern Colorado, nestled along the west side of the Sangre de Cristo Mountain Range. The Refuge preserves one of the most diverse natural landscapes in the nation, ranging from wetlands to sand dunes. The refuge is also a critical part of the Central Flyway which is a crucial migratory bird habitat. Numerous species of wildlife, including elk and bald eagles, call the refuge home. This area is an exceptional place, which is why I sponsored legislation protecting it in 2000.

The legislation that the committee is reviewing today would amend the 2000 law, clarifying the purpose of the refuge and providing additional management guidance. It ensures that this important part of the Central Flyway is managed in a manner that emphasizes the importance of the preservation of native wildlife habitat. Providing this guidance will ensure that the refuge is managed in a way that benefits all that use it while protecting land and water. I understand that the Fish and Wildlife Service is requesting an amendment to the bill, I look forward to working with them on this amendment.

Chairman Akaka, Ranking member Burr, thank you and the Committee for your time and consideration.

PREPARED STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM
CONNECTICUT, ON S. 1051

Chairman Akaka and members of the Subcommittee, thank you for the opportunity to testify today. I am proud to sponsor, along with Senators Grassley, Obama, and Dole, the National Liberty Memorial Act, a bill to allow the construction of a memorial to the "courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom."

This memorial will help to complete the story told on the National Mall of the birth of our nation. It will sit near a memorial to the fifty-six signers of the Declaration of Independence. What the signers proved true in the words of the Declaration, those black patriots demonstrated in their lives. The two memorials will give equal testament to the power and promise of freedom; they belong side-by-side.

Mr. Chairman, there is no serious debate about whether the memorial to the black patriots is worthy; none about its necessity; none about its value. There is only the question of whether this memorial belongs on the National Mall. I believe it does. Congress has affirmed and reaffirmed its commitment to the establishment of this memorial on the Mall, most recently in an explicit exemption to the Commemorative Works Clarification and Revision Act of 2003. I support the Reserve on the National Mall, and the intention to preserve open space and a place of reflection. But the memorial to the black patriots, approved before the statutory restrictions on additional memorials on the Mall were enacted, has been grandfathered in, and sets no precedent. Only one other memorial has been similarly exempted: the memorial to Martin Luther King, Jr. I hope you will agree that the Mall, just like our national story, would be incomplete without either.

It is unfortunate that the group first authorized to build this memorial was unable to raise the necessary funds, but it would be a great loss if that failure deprived us of testimony to heroic sacrifices that have too long gone overlooked. I am confident that this bill, by authorizing a new group to raise funds, will make this memorial a reality.

And when someday soon it stands on the Mall, it will be a visible sign that we are a nation willing to revisit our history, willing to correct our omissions, willing to listen to unacknowledged voices. It will speak of our struggles for liberty in the past, and our love for liberty in the present. It will be a monument to black patriots of the Revolutionary War, and to a country that lives up to its ideals.

I ask you to join me and my colleagues in support of this authorization.

PREPARED STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM MASSACHUSETTS, ON S. 868 AND S. 1184

I commend Chairman Akaka and Senator Burr for holding this hearing. Senator Kerry and I introduced S. 868 and S. 1184 in the spring, and I appreciate this opportunity to reiterate my strong support for these bills, which will protect and preserve important environmental and historic resources in Massachusetts.

The first of the two bills, S. 868, would designate as "Wild and Scenic" the Taunton River between the communities of Bridgewater and Fall River. Our goal is to preserve the free flowing character of this extraordinary resource and support public access and clean-up projects.

Senator Kerry and I first introduced legislation in 1999 with former Congressman Joe Moakley to authorize a study of Taunton River for consideration for the Wild and Scenic designation, and that legislation was enacted the next year. The study identified six special factors along the river: Agriculture; Ecology and Biodiversity; Estuary; Fisheries; History and Archaeology; and Recreation and Scenery.

Taunton River is the longest coastal river in New England without dams. It supports 45 species of fish and many species of shellfish, including seven types of freshwater mussels, and its archaeological treasures date back 10,000 years. The watershed is a habitat for 154 species of birds, including 12 rare types. It is also home to river otter, mink, gray fox, and deer.

The Taunton River Stewardship Council—representing the towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Freetown, Dighton, Somerset, the cities of Taunton and Fall River, the Commonwealth of Massachusetts, the Southeastern Regional Planning and Economic Development District, the Wildlands Trust of Southeastern Massachusetts, the Natural Resources Trust of Bridgewater, the Taunton River Watershed Alliance, Save the Bay, the Nature Conservancy, and the Council Oak Wampanoags—will serve as the principal partner of the Park Service in implementing and overseeing the Wild and Scenic River designation. Passage of this legislation will enable the Park Service to work with the Council to ensure that this unique resource is protected for generations to come.

The second bill, S. 1184, authorizes a special resource study to determine the suitability and feasibility of establishing a unit of the Park Service in the City of Taunton. This bill is nearly identical to one filed by Congressman Barney Frank, H.R. 1021, which was approved unanimously by the House of Representatives on March 19.

The City of Taunton has a wealth of historic treasures that make it worth consideration as the site of a new Park Service unit. Taunton Green is renowned as the place where the Sons of Liberty flew an early version of the American flag in 1774 to protest British control of the colonies. The First Parish Church is where negotiations took place in the 1670s between Plymouth Colony and the Wampanoag Tribe before the beginning of "King Philip's War," named for the tribe's king, which became the most devastating Indian war in New England. The Bristol County Court-

house complex in Taunton was designed in 1894 by the great Frederick Law Olmsted, who also designed Boston's Emerald Necklace, Manhattan's Central Park, Brooklyn's Prospect Park, and the U.S. Capitol grounds. The former Bristol Academy building was designed by Richard Upjohn, the architect of New York City's Trinity Church. In light of this remarkable concentration of historic resources in Taunton, a study of the kind proposed in the legislation is an especially important step for their protection and preservation.

Again, I thank the Subcommittee for scheduling this hearing, and I look forward very much to working with you to enact these important measures.

Senator AKAKA. I'd like to welcome Mr. Maurice Barboza to the desk here, and also David Hicks. Mr. Maurice Barboza is the Chief Executive Officer of the National Mall Liberty Fund D.C. located here in Washington; and Mr. David Hicks is Executive Director of the Arizona Trail Association from Phoenix, Arizona.

We will include each of your written statements in the hearing record, so I'd ask each of you to please summarize and try to limit your oral remarks to no more than 5 minutes. Mr. Barboza, will you please proceed with your testimony.

**STATEMENT OF MAURICE BARBOZA, CHIEF EXECUTIVE
OFFICER, NATIONAL MALL LIBERTY FUND D.C.**

Mr. BARBOZA. Thank you, Senator Akaka and Senator Burr. Thank you for your questions. I appreciate them deeply.

Mr. Chairman, thank you for scheduling this hearing on S. 1051. As a member of the House in 1985, you were a co-sponsor of the predecessor legislation. We thank Senator Chris Dodd and Senator Charles Grassley for their fidelity to this cause beginning over 22 years ago.

I am the founder of Liberty Fund D.C. My aunt and I initiated the idea of a memorial in 1984. I discovered that my grandmother was descended from white ancestors who had served in the Revolutionary War. The memorial arose out of my aunt's 4-year battle to join the Daughters of the American Revolution. She was rejected because of her race and because leaders may have been uncomfortable with her proven claim to white ancestors.

Through her settlement agreement, a legally written agreement, more than 2,000 black soldiers were identified over a 17-year period. I'm so delighted and proud to have the descendants of the Henry Bakeman family. Henry Bakeman was a soldier in the Revolutionary War from New York. Behind me in the first and second rows to the middle are Russell Feuget, whose grandfather and father and he are members of the Sons of the American Revolution, descendants of Henry Bakeman; and Jo Anne Bakeman and Barbara Bakeman Fero, who are also descendants of Henry Bakeman.

In 1988, through the Black Revolutionary War Patriots Foundation, we obtained the site preliminary design approval and most of the major donors. When we departed in 1992, the name was held in high esteem. Thereafter the group's goodwill plummeted. By 2001, it was irretrievable. The group was defunct by October 2005. Accountability was nonexistent and it was known clearly, unequivocally by the National Park Service, it was known by your own staffs, that this group was not accountable.

The National Park Service is a steward of the Mall and it should be in more than one way. The agency supported the group to within days of the deadline, unaware that the design approval by the

Fine Arts Commission had lapsed 4 years earlier, around 2001. On that alone, the group could not have qualified for a building permit.

The failures had nothing to do with the history or the concept. It had to do with bad management that was in plain view. The New York Times and the Toledo Blade in particular chronicled the problems only months before the 2000 reauthorization, which was especially unworthy of the support of the National Park Service.

That year I testified before the Memorial Advisory Commission and encouraged the Secretary “to determine if there was an existing organization, or a new entity, eager to come forward with a sound plan to raise the funds.” Had this occurred, the “Black Patriots” brand might have been capable of resuscitation. At a minimum, unsuspecting donors, including the U.S. Mint, might have been able to exhibit more caution. The mint transferred over \$900,000 in unmatched coin proceeds in 2004. An investigation is under way on how it was spent. Audited financial statements required by the Commemorative Works Act were delinquent, usually by at least 48 months, and not demanded to be current in reauthorization years.

This 1996 requirement that Mr. Wenk mentioned, I believe if I remember correctly actually suggesting that to the House committee staff prior to a reauthorization in 1996. I suspected when I left that group in 1992 that the very thing that we’re talking about here this afternoon would happen, and I told the National Park Service in 2000 when I testified before the Memorial Commission that it would happen, that this group would not raise the money and that they would use funds that they had previously raised and not allow it to go to the memorial.

If there had been vigilance, this committee could not question whether citizens would donate to the cause or consider the position of the Department reasonable. Today is a new day, however. Had the group qualified for a building permit after the 2003 moratorium, the result would have been the same as what we seek: an inspiring memorial standing at Constitution Gardens.

Months before the authorization expired, we sought the advice of Senator Dodd and Senator Grassley. Senator Dodd’s staff performed the due diligence. The committee staff was briefed, but already fully aware. Now the only things we seek are the site approvals. The land belongs to the American people. “Area 1 authorizations are joint resolutions that Congress must pass deeming a subject matter of preeminent historical and lasting significance to the Nation.” This is based on history and not a sponsor’s worthiness.

The designation has never been revoked nor could it be. Books and research over 20 years reinforce the wisdom of Congress. Constitution Gardens remains capable of embracing this memorial, as it had always been—as if it had always been there. That’s the beauty of our designer’s concept.

In June 2006 the Memorial Advisory Commission concluded: “The Commemorative Works Act could be interpreted to allow Liberty Fund D.C. to assume to site approvals.” One member said: “There is enough of a nexus that would be justification for extending the authorization for this site for the same memorial.”

The Park Service representative, who was here today, stated, quote: “The reason Congress designates an organization is because

the memorial is privately funded. So there's nothing sacred about keeping the same name or the same organization."

The 2003 Clarification Act imposed a moratorium except for those memorials "for which a site was approved." Only the Black Patriots Memorial and the King Memorial were exempted entirely. Therefore, this is a one-time-only request. The act added this new policy, which is telling: "Upon the expiration of the legislative authority, any previous site and design approvals shall also expire." The National Park Service is incorrect. This does not apply to the site at Constitution Gardens because this legislation was exempt from the entire 2003 Act.

What the Park Service also discovered when it was trying to work in the very last minutes of October 2006 to get this group another extension, doing it through the back door with the Secretary's authority to grant extensions on his own, what they discovered was that provision, the beneficial provision, didn't even apply because everything was exempted by the 2003 Act.

Mr. Chairman, Mr. Burr, Constitution Gardens cries out for this memorial and its poetry, even more so than our combined voices. Directly across from a memorial to the 56 signers of the Declaration of Independence, the Liberty Memorial would demonstrate the true meaning of the Declaration of Independence. Together with the King Memorial, Americans will understand what Dr. King meant by "a dream deeply rooted in the American dream."

The National Liberty Memorial will symbolize the unconditional love of African Americans for our Nation from the Revolution to 9-11, not to mention their patience.

[The prepared statement of Mr. Barboza follows:]

PREPARED STATEMENT OF MAURICE A. BARBOZA, FOUNDER & CEO, NATIONAL MALL
LIBERTY FUND DC, ON S. 1051

Mr. Chairman, I offer for the Record my complete statement and the documents* attached concerning research on the identity of the persons we seek to honor. Thank you for scheduling this hearing on S. 1051 and for the superb and responsive work of both the majority and minority staffs over two years. As a member of the House in 1985, you were a cosponsor of the predecessor legislation that led to the prescient decision to set aside land at Constitution Gardens. There is far more evidence today of the worthiness of constructing a memorial there to the contributions of African Americans to Independence.

We thank Senator Chris Dodd and Senator Charles Grassley for their fidelity to the cause beginning 22 years ago. We thank Senator Elizabeth Dole and Senator Barack Obama for joining them in requesting this hearing and advancing the National Liberty Memorial. We also thank Rep. Donald Payne for his leadership. The entire Congressional Black Caucus has cosponsored H.R. 1693, his companion bill. We remember Senator Craig Thomas for his counsel when he met with us on October 5, 2005, and Charles Atherton, a board member and architect of much of Washington's built environment, including the Mall.

I am the founder and CEO of National Mall Liberty Fund D.C. (Liberty Fund D.C.), the organization seeking this authorization. My aunt, Lena Santos Ferguson, and I initiated the idea for such a memorial in 1984. I discovered that my grandmother was descended from white ancestors who served in the Revolutionary War. The memorial idea arose out of my aunt's four-year battle to join the Daughters of the American Revolution. She was rejected because of her brown skin, and I suspect that leaders were uncomfortable with her proven claim to white ancestors. Through her settlement agreement, more than 2,000 black soldiers were identified, from 1984 to 2001. Descendants have begun to discover family ties through "African American and American Indian Patriots of the Revolutionary War."

*Documents have been retained in subcommittee files.

By 1988, through the Black Revolutionary War Patriots Foundation, we had obtained the site, preliminary design approval and over 75 percent of the major donors who eventually leveraged the rest. When we departed in 1992, the name was held in high esteem. Thereafter, the group's goodwill plummeted. By 2004, it was irretrievable. Months before the authorization expired we sought the advice of Senators Dodd and Grassley and congressional staff. Congress allowed the authorization to expire on October 26, 2005, without protest. However, the door had been opened to demonstrate the history's continued vibrancy and the site's availability.

Incorporated on May 2, 2005, months before the expiration of the previous authorization, Liberty Fund D.C. is a non-profit corporation recognized under the laws of the District of Columbia. Form 1023, Application for Recognition of Exemption Under Section 501 (c)(3) of the Internal Revenue Code, was filed recently. We have a comprehensive website, www.libertyfunddc.org, and goodwill growing from 26 months of constructive activities and dialogue. Our sponsors, architects, sculptors, board, lawyers, and descendants have entrusted their sacred honor to this cause, as have I from 1978 when I entered the National Archives to uncover my family's heritage. The determination is as strong as ever. The potential of this project to raise the funds, construct the memorial and educate the nation is exceptional.

Liberty Fund D.C. has no connection to the now-defunct Black Patriots Foundation. This is not a "resurrection" of that group. We are not responsible for its obligations. We have not received any of its assets, if any still exist. We will not use its designs or indicia, including the previously approved memorial design. The only things we seek are the site approvals. These were never the possession of the group. They belong to the American people by virtue of a process the National Park Service describes as follows: "Area I authorizations are joint resolutions that Congress must pass deeming a subject matter of preeminent historical and lasting significance to the Nation." This is based upon history and not a sponsor's worthiness, or lack thereof.

The designation has never been revoked—nor could it be. Books, archeological discoveries, documentaries, genealogical research, and DNA extractions over the past two decades reinforce the wisdom of Congress. Nothing has occurred on or near the site to render the authorization impractical. Constitution Gardens remains unchanged, unencumbered and capable of accepting this memorial in conformity with the Commemorative Works Act. The National Liberty Memorial would be located—(1) in surroundings that are relevant to the subject of the work and (2) so that it does not interfere with, or encroach on, an existing commemorative work.

In June 2006, the National Capital Memorial Advisory Commission concluded, "the Commemorative Works Act could be interpreted to allow Liberty Fund D.C. to assume the site approvals." A member voting in the majority said, "there is enough of a nexus . . . that would be justification for extending the authorization for this site for the same memorial." (Transcript, National Capital Memorial Advisory Commission, June 27, 2006, page 25) The honorees and concept are precisely the same. Only the name has been changed. Another member said, "[T]he reason Congress designates an organization is because the memorial is privately funded. So, there's nothing sacred about keeping the same name or the same organization." (Transcript, page 27)

In 2003, Congress created a Reserve on the Mall and declared it "a completed work of art." The Commemorative Works and Clarification Act imposed a moratorium on any new memorials except those "for which a site was approved." Only the Black Revolutionary War Patriots Memorial and the Martin Luther King, Jr. National Memorial were exempted from the entire Act. Therefore, our request is a unique one that will never again be necessary. In addition, the 2003 Act changed this preexisting policy: "Upon expiration of the legislative authority, any previous site and design approvals shall also expire." This does not apply to the site approved for the Black Patriots Memorial.

Mr. Chairman, Constitution Gardens cries out for this memorial and its poetry—even more so than our combined voices. When tourists look across the lake at the National Liberty Memorial from one honoring the 56 Signers, they will understand the true meaning of the Declaration of Independence.

This land was hallowed by events made possible by the descendants of those patriots, including Marian Anderson's 1939 concert and the 1963 March on Washington. Lincoln's granite stare may suggest how 185,000 blacks fought to preserve the union during the Civil War. The backdrop of the Washington Monument will tell Americans that thousands of African Americans served under General Washington.

The sound of water splashing the lakeshore will remind visitors of the harrowing ocean passage of some of these men and women and their ancestors from Africa. The contemplative nature of the garden, and the walk around the lake to the site,

will give visitors an opportunity to think about the generations-long struggle for liberty.

On the Mall's North/South axis, the interrelationship with DAR Constitution Hall will announce the determination of persons of African descent to fully embrace their heritage. Together with the future King Memorial, Americans will understand what Dr. King meant by "a dream deeply rooted in the American dream."

John Carey of Washington, D.C. is proof of the power of this undying dream. He had to live 113 years—just about as long as any American ever has—to finally receive a pension for his service. This memorial means honor and justice, finally, for Mr. Carey and his African American compatriots.

If this Committee allows S. 1051 to move forward, the National Liberty Memorial could come to symbolize the unconditional love of African Americans for our nation, from the American Revolution to 9–11.

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

Now we'll hear from Mr. Hicks. Will you please proceed with your testimony.

**STATEMENT OF DAVID HICKS, EXECUTIVE DIRECTOR,
ARIZONA TRAIL ASSOCIATION, PHOENIX, AZ**

Mr. HICKS. Thank you, Mr. Chairman and distinguished members. Chairman Akaka and members of the subcommittee and also staff present in the room: The Arizona Trail is not a concept. It is no longer an idea or a vision. It is an 807-mile scenic trail that exists and is now at 93 percent complete. I know because I walked it a few years ago and have some tired feet to prove it.

My name is David Hicks and I'm Executive Director of the Arizona Trail Association. I'm honored to be here today to offer testimony on Senate bill 1304, the Arizona National Scenic Trail Act. In July 2006, the National Geographic Traveler Magazine spotlighted three premier long distance trails: the Appalachian Trail, the Pacific Crest Trail, and our Arizona Trail. The Arizona Trail was the only one featured that is not currently a national scenic trail. But we are ready to join that prestigious group of eight national scenic trails.

Mr. Chairman and members, to my side is Ms. Lynn White, Arizona Trail Association board member, with a map* showing the Arizona Trail as it crosses Arizona. As I said, it's an 807-mile panoramic pathway that weaves its way across some of the State's most spectacular scenery. That trail is the result of an exemplary public-private partnership that—it's the result of a public-private partnership of 19 years ago making the Arizona Trail now 93 percent complete.

The remaining miles are moving toward completion. The Arizona Trail provides recreation opportunities to Arizona's expanding population and tourists, while preserving and respecting the naturally diverse and beautiful Arizona landscape.

In 1985 the trail was just a vision of a fifth grade school teacher from Flagstaff, Arizona. He visualized a path that would pass through desert and mountain corridors, crossing the entire State of Arizona. Less than 3 years later, the first seven miles of the Arizona were dedicated and open to the public. I'd like to point out at that time Representative Bob Stump was at that dedication. I wish he were here today. He was a big supporter of the Arizona Trail.

*Graphic has been retained in subcommittee files.

But less than 20 years later, we are in sight of completing the entire trail. I believe the Arizona Trail is a model case study in dedicated citizens working in cooperation with public and private agencies toward a common community goal. The leadership, funding, tremendous work effort, and service each partner has provided to build and maintain the Arizona Trail is immeasurable.

The Arizona Trail is unique in the makeup of its management. Coordinated by the Arizona Trail Association, Federal agencies, State and local public agencies, private businesses, outdoor clubs, and individuals work productively together to visualize the Arizona Trail.

I would like to get to several reasons why I think national scenic trail designation is appropriate. Of course, it's a panoramic and diverse Southwestern scenery trail. It's a popular destination for thousands of people annually in the urban areas as well as the Grand Canyon National Park. It also offers remote solitude in the mountains and the Sonoran Desert. It offers a wide range of recreation opportunities for hikers, equestrians, mountain bikers, trail runners, cross-country skiers, birders, photographers, and other outdoor enthusiasts. It provides continuous historic sites across the trail. Due to the range and elevation, it's a unique opportunity to pass through six or seven life zones identified as being between the Equator and North Pole, but also all along the Arizona Trail.

I believe the two most important points for this committee is: one that the Arizona Trail is 99 percent on public land. Acquisition of private property is not a concern for the Arizona Trail. The National Trail System Act in section 5 states that "A trail must be physically and financially feasible." I believe the Arizona Trail is. Twenty years ago, it was just a vision. Today, at 93 percent complete and plans and actions under way, it is definitely feasible.

I'd like to express my gratitude to Senator McCain and Senator Kyl and also the National Park staff for their endorsement today. I also have a letter that I can pass out today from Arizona Governor Janet Napolitano supporting this bill. They've all brought this bill forward.

Finally, Mr. Chairman and members of the subcommittee, the western half of the United States currently has two of the eight national scenic trails. The Arizona Trail is ready to become the third in the West. Our research shows that there has not been a new national scenic trail designation since 1983, over 24 years ago. Your support for the passage of Senate bill 1304, Arizona National Scenic Trail Act, is requested and appreciated.

Thank you.

[The prepared statement of Mr. Hicks follows:]

PREPARED STATEMENT OF DAVID HICKS, EXECUTIVE DIRECTOR, ARIZONA TRAIL ASSOCIATION, PHOENIX, AZ, ON S. 1304

Thank you Mr. Chairman and distinguished members.

Chairman Akaka and members of the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, the Arizona Trail is not a concept. It is no longer an idea or a vision. It is an 800 mile scenic trail that exists and is 93% complete. I know because I recall some very sore feet from walking the entire trail a few years ago.

My name is Dave Hicks and I am the Executive Director for the Arizona Trail Association. I am honored to be here today to offer testimony on S. 1304 the Arizona National Scenic Trail Act. In July 2006 National Geographic Traveler Magazine

spotlighted three premier long distance trails: The Appalachian Trail, The Pacific Crest Trail and our Arizona Trail. The Arizona Trail is the only one featured that is not currently a National Scenic Trail but we are ready to join the prestigious group of eight National Scenic Trails which is why we are here today.

THE ARIZONA TRAIL

Mr. Chairman and members, to my side Ms. Lyn White, Arizona Trail Association Board member, has a map showing the Arizona Trail.

The Arizona Trail (AZT) is an 807 mile panoramic pathway that weaves its way across the state of Arizona through some of the state's most spectacular scenery. As a result of an exemplary public/private partnership, the 19 years old Arizona Trail is now 93% complete. And the remaining miles are moving rapidly towards completion. The Arizona Trail provides recreation opportunities to Arizona's expanding population and tourists while preserving and respecting the naturally diverse and beautiful Arizona landscape. From its southern point at the historic Coronado National Memorial on the Arizona/Mexico border to the breathtaking panoramic Southwest splendor on the Arizona/Utah boundary, the Arizona Trail offers an array of scenic, historic and cultural attractions to thousands of outdoor enthusiasts.

THE VISION

In 1985 Dale Shewalter, a hiking enthusiast and fifth grade schoolteacher from Flagstaff, Arizona scouted a long-distance trail across Arizona. He visualized a path that would pass through desert and mountain corridors, crossing the entire state of Arizona. Three years later, the first seven miles of the Arizona Trail were dedicated and opened to the public. Less than twenty years later, we are in sight of completing the entire Arizona Trail.

A PUBLIC/PRIVATE PARTNERSHIP

The Arizona Trail is a model case study in dedicated citizens working in cooperation with public and private agencies towards a common community goal. The leadership, funding, tremendous work effort and service each partner has provided to build and maintain the AZT is immeasurable. The Arizona Trail is unique not only as a scenic, long distance trail but also in the make up of its management. Coordinated by the Arizona Trail Association, federal, state and local public agencies, private businesses, outdoor clubs, and individuals work productively together to realize the vision of an Arizona Trail.

INDIVIDUAL VOLUNTEERS

Arizona Trail Association volunteer stewards and trail workers are the backbone for maintaining the AZT. Working with the land managers, they form the nucleus for maintaining and building the trail. In calendar year 2006, from a solitary steward hiking into a remote mountain range to 149 people attending a 2-day work event, 1796 people volunteered over 26,000 hours on behalf of the Arizona Trail. Those volunteers included 30 clubs and businesses that brought their members out for one or more work days on the trail. Stewards and volunteers toil diligently to build new trail and maintain the existing AZT, and they work closely with land managers to make improvements and reroutes to sections as well.

THE ARIZONA TRAIL IS READY FOR NATIONAL SCENIC TRAIL DESIGNATION

Due to its rapid development resulting from a viable leadership organization, positive relations with public agencies and strong support of business and outdoor enthusiasts, the Arizona Trail is feasible and ready to become a National Scenic Trail. It meets National Scenic Trail legislative intent by offering:

1. Panoramic and diverse southwestern scenery.
2. A popular destination for thousands of people annually in the urban areas of the Flagstaff, Tucson, Phoenix Metro and the Grand Canyon and Saguaro National Parks while also offering remote solitude in places like the Mazatzal Mountains and the Sonoran Desert. The AZT offers a wide range of recreation opportunities for hikers, equestrians, mountain bikers, trail runners, cross-country skiers, birders, photographers, and other outdoor enthusiasts.
3. Continuous historic sites starting at one of the United States' most historic areas where Francisco Vasquez de Coronado entered what is now Arizona and the USA in 1540.

4. A unique opportunity to pass through six of the seven life zones identified as being between the Equator and the North Pole but also all along the diverse Arizona Trail.

5. A trail that has proven it is both financially and physically feasible. Twenty years ago the Arizona Trail was a vision. Today at 93% complete and with plans and actions underway for the remaining miles, the Arizona Trail is a reality.

6. A trail that is 99% on public land. Fortunately for the Arizona Trail, acquisition of private property is not a concern.

Before closing, I would like to express gratitude to Senators John McCain and Jon Kyl who have provided tremendous long-time support for the Arizona Trail and who have brought the Arizona National Scenic Trail Act forward today.

Finally, Mr. Chairman and members of the subcommittee, the western half of the United States currently has only two of the eight National Scenic Trails. The Arizona Trail is ready to become the third in the West. Our research shows that there has not been a NST designation since 1983, over 24 years ago. Your support for the passage of the S. 1304 Arizona National Scenic Trail Act is requested and appreciated.

With that, I would be pleased to answer questions.

Senator AKAKA. Thank you very much for your testimony.

The letter* that was received by Governor Napolitano will be included in the record.

Mr. HICKS. Thank you.

Senator AKAKA. Thank you for your testimonies. Let me ask my first question to you, Mr. Hicks, on the Arizona Scenic Trail. It looks like you've brought together an impressive array of partners to support the Arizona Trail and the bill appears to be non-controversial. I just have one clarifying question. You use 2 percentages here that tells me it's not 100 percent. What you said was it was 93 percent complete and you also said that 97 percent was on public land.

When you state that the trail is 93 percent complete, what exactly does that mean? Does it mean that the remaining 7 percent still needs to be constructed, or are there trail segments that still need to be acquired?

Mr. HICKS. Thank you, Chairman Akaka. The trail is 93 percent complete. I hope you received this report here, which we think is more thorough than a feasibility study. But it outlines the remaining 53 miles of trail that need to be built. Most of those sections have been started. We are under construction in most of those areas, but we have 53 miles of trail to build. We hope to have those built—the Arizona Centennial is in 2012. We're hoping to finish the trail well before that and present it to the State as a completed national scenic trail at that time or before then.

Senator AKAKA. Thank you for that clarification.

My next question is to Mr. Barboza. In 1986 there was an original authorization to construct the Black Revolutionary War Patriots Memorial, which you initiated. After many extensions, that authorization and all of the associated permits and site approvals that you mentioned expired in 2005. As I understand your position, you now want an authorization for a new group, a new group with a new memorial design, but for the same underlying memorial purpose, at the previously approved site.

It seems like you're trying to have it both ways here. Either this is a proposal to extend the previous authorization yet again or it's a new memorial. Can you please clarify this for me?

*See Appendix II.

Mr. BARBOZA. Yes, I'd be glad to, Senator. In 1986 when the authorizing legislation was approved, the bill had been stripped of the specific site designation, and there was a long hiatus between the time that the first hearings took place in the House and Senate and the legislation actually was approved and reported by the House and the Senate. The reason is because Senators began to become concerned with what they saw as a proliferation, a possible proliferation of memorials. They wanted to get a handle on it. They wanted to have some rules, regulations, and ground rules for the establishment and maintenance of memorials.

So in the meantime, while the Black Revolutionary War Patriots Memorial, the Korean War Memorial, and the Women in the Military Service Memorials were under consideration, they were put on the back burner and this new Commemorative Works Act was considered, and the Commemorative Works Act required that if you wanted to get a memorial placed on the Mall that you had to go through this additional hoop, and that is get a separate piece of legislation approved by Congress stating that the history—and that is the history is of preeminent historic lasting significance to the Nation, therefore the memorial deserves to go on the Mall.

So after our authorizing legislation was approved, it was another 3 years going through all of the commissions—Fine Arts, National Capital Planning, Memorial Commission and others—to finally achieve that designation. Once Congress approved the general Mall area designation, we had to go back to the agencies to get the specific site, and indeed they granted this one site that we sought at Constitution Gardens because it meant so much.

This is, as far as the history is concerned, it's precisely the same. We took the recommendation of the National Capital Memorial Commission seriously. Senator Dodd took it seriously. Senator Grassley and the co-sponsors took it seriously. They amended the legislation that was introduced in early 2006 and when it was reintroduced as S. 1051 it went back to the original language. The only thing that was changed was the name.

So indeed this is a continuation of a project to honor the 5,000 black soldiers, tens of thousands of freedom seekers, men, women, and children who ran away from slavery and who sought liberty, who performed patriotic acts during the Revolutionary War, who filed freedom petitions with the courts and legislatures. All of those men, women, and children would have been honored had the Black Patriots Memorial been established and they would be honored if this memorial is established.

With respect to the design, we could not use any—as you would understand, we could not use any copyrights, indicia, or design of the other foundation, for fear that we would become confused with that foundation. The only thing that has changed is the names and everything else is the same and those that we seek to honor.

Senator AKAKA. Mr. Barboza, the previous Black Revolutionary War Patriots Memorial was authorized over a 19-year period, far longer than the 7-year period specified in the Commemorative Works Act. Yet today the memorial is no closer to being built than it was in 1986. Given the previous lack of success in raising the necessary funds to build this memorial, why do you expect that it will be any different this time if this bill is approved?

Mr. BARBOZA. Senator, if you look behind me, one of the great things that—I first want to answer your question more directly about the amount of time that transpired. Because this was a new process, the process that we had to go through, the additional 3 years to get the specific site, cut into our authorization. So through 1992 I believe we were operating on—the original authorization I believe was for 4 years. Three years of that time was spent going to all the commissions and trying to get the approval of the specific site.

I believe there was a 2-year extension that ended in 1993, which was the year after I left, and there were hearings, and it was extended I think three more times to 2005, as you said.

But we absolutely believe that we can raise the funds and we have something I did not anticipate when this project was initiated originally, and that is emotion, like the Vietnam Memorial, where there were children, there were husbands, there were wives, there were cousins and aunts and uncles and everyone else who had some association to a soldier in that war. The same thing with World War Two and with the Women in Military Service Memorial. As I might add, each of those memorials, with the exception of Vietnam, received Federal funding. This project never received Federal funding except for that coin many years later that was minted.

But we have descendants, living people like the three persons that you were just introduced to, the Henry Bakeman descendants. My aunt as a result of her battle with the DAR forced the organization to identify all the black soldiers who served in the Revolutionary War. They didn't do all of them, but they did about 2,000, and I understand they're still working on it after 17 years, and we had to push them and push them and push them. There are black women who discovered their ancestors in that publication who became members of the DAR and they were able to link themselves to this extraordinary history which is the birth right of every American.

This [indicating] is a publication that I received a few days ago from the Boston National Historical Park in Massachusetts. This was a study done of the black soldiers who served at the Battle of Bunker Hill. When Benjamin Quarrels at the age of 88 testified in the House in 1985—he wrote “The Negro and the American Revolution,” a preeminent historian—we knew of only a handful of black soldiers who were at the Battle of Bunker Hill. This book contains 120 of them.

So while the Black Patriots Foundation was foundering and failing, there were news articles about the history that were being done, documentaries, studies, books, tons of books on our web site your staff has seen. That cemented the notion that this is real history and this is American history. So we believe that we now have this new element of emotion.

The Park Service is correct, there was probably about 3.5, \$4 million raised. If there had not been so much funny business going on—and it all originated with one individual on our board, and those things happen. The Korean War Memorial went through the same thing. I sat through hearings back in I think it was 1984

where there were two organizations vying for this authorization. So those things happen.

It took black people, what was it, 200 years, 250 years, for Rosa Parks to sit down on that bus seat and cause all of this new re-evaluation and new freedoms that we had thought we were going to win during the Revolutionary War but didn't. A memorial, 19 years? I don't think that's such a long period of time. We're going to do it. That's the point. The point is, do you want this memorial to symbolize what we believe it will symbolize on that site on the Mall?

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

Senator Burr.

Senator BURR. Mr. Hicks, thank you for mentioning Bob Stump's name. What a powerful guy. We miss him tremendously. I'm sure the chairman remembers Bob and the great personality that he had—a guy that never forgot where he was from and cherished in fact where he was from.

In your testimony you stated that 99 percent of the trail is on public land and 93 percent of the trail is completed. Of that 7 percent that's currently not complete, what public land agencies control any or all of that and what's the level of cooperation for completion?

Mr. HICKS. Chairman Akaka, Senator Burr, I appreciate the comments on Mr. Stump. If he were here alive today, I'm sure he'd be sitting in this chair or this chair, thank you very much.

Of the 7 percent—let me first address the 99 percent that's on public land. We are lucky in Arizona; we have a lot of public land. So our trail has progressed very quickly because of that, because we haven't had to acquire private property, and we don't have to acquire any in the future. So we're fortunate there.

The amount, the 7 percent that's not done, I think we are working with Saguaro National Park, Coronado National Forest, Coconino National Forest, Bureau of Land Management, city of Flagstaff. It seems like there's another small piece somewhere. We're all on public land, but public land is owned by lots of different entities.

The level of cooperation is just fantastic. I think we have—and that's part of the cooperation and progress that's been made because of that cooperation of all those different agencies. So all those pieces are moving forward, and so we know they're going to be done.

Senator BURR. I appreciate that.

Mr. Barboza, I'll be totally honest. I am not smart enough to figure out all the different facets of your initiative today. I will make you this promise. I will, before we take up this legislation, have a great grasp of it. I'm not sure that any member of the Senate would disagree with whether a memorial would be the right thing. But I think that I listened as the chairman asked his questions and I got deeper and deeper in confusion about the dates and what they triggered and if there was something on the Government's part where we dropped the ball, what it was, and if there wasn't then who from a standpoint of the private organization is responsible, and if you sorted that out do you get a do-over, because in essence that's sort of the way I sense this is. A lot of people have messed

up and we'd like to do it over, but we'd like to pick up right where it was left off.

I'm not opposed to that. I have to think through the precedent that might be set and whether that precedent is something that a member of the U.S. Senate 3 decades from now sitting in this same chair in my seat would look on as a benefit or a liability. Unfortunately, I'm not deep enough into this to understand that.

Let me ask a few simple questions, though. Are you aware of unpaid debts associated with Black Revolutionary War Patriots Memorial and, if so, do you know what those debts total?

Mr. BARBOZA. Senator, yes, I am aware, because we have a Web site that's available to the public, so—

Senator BURR. Could I ask you to check your microphone.

Mr. BARBOZA. Oh, I'm sorry.

Senator BURR. That's OK.

Mr. BARBOZA. We have a Web site, www.libertyfunddc, and apparently the Black Revolutionary War Patriots Foundation shut off the telephones, they closed down their web site. So when they started searching for this memorial or something associated with it, they found our web site and they called me. I did get phone calls from an organization in Pennsylvania that did a traveling exhibit for them. They were going to display pictures, photographs, to carry it around the country. They were owed \$50,000.

I know for a fact, because there was a period of time between late 2004 and early 2005 when I tried to help the group. I thought, gosh, we've got to get this thing done and I'll do whatever I need to do. I volunteered tens of dozens of hours trying to help them, and I realized this was going to be pointless.

At the time, they had received—they had previously received at some point—I don't know the exact date—the coin money. They incurred this particular debt and other debts at a time when they had money in the bank, but yet they didn't pay those debts.

There was another debt was to a consulting firm and it was a wonderful report this consulting firm did explaining what they needed to do to get the project back on track. I believe that was also \$50,000. They didn't pay for that fee.

They received the coin money. That was something in the area of—then there was a lobbying bill that they—a former Congressman, Marty Russo. I knew him when I was on the staff of the House Judiciary Committee and you know him too, I'm sure, a lovely person. I called him 1 day and I said: Marty, can you help this group out? He calls me back and he says: Maurice, I'd love to do it, but they hired us to do a task, we gave them a discount, they never paid us; so I really couldn't touch this. It was embarrassment, silliness after silliness.

Senator BURR. Does that incorporate the entire debt that you're aware of?

Mr. BARBOZA. That would—you know, I guess that's probably \$160,000. I really don't know of any—there could be more. There definitely could be more.

Senator BURR. Since you have taken this initiative with others, how much have you raised?

Mr. BARBOZA. When I was there I raised about \$2 million.

Senator BURR. No, I mean currently.

Mr. BARBOZA. Oh, now.

Senator BURR. The new Liberty Memorial Fund.

Mr. BARBOZA. \$750. We haven't been raising money. The money that seeded this project originally came out of my pocket. I sold my house out in the country, seven acres of land, the big house and a horse barn. I have no horse, no wife, no moustache as a result of all of this, and many other stories that I do not wish to tell. But I seeded this project initially back in the 80s through 90s and it caused me to go, financially to have all the problems Congress is looking at—lack of health insurance and all kinds of other things. So I paid my dues on this project.

Right now we're not trying to raise money. We filed our—a wonderful law firm prepared our 501[c][3] filing and we raised \$750 from our descendants and other friends, and that was specifically what we asked them for. We want to file this document, that's what we need. That's what we got and that's what we paid.

Senator BURR. I want to thank you for your willingness to come in and testify on this; also you, Mr. Hicks, for your commitment to this trail. As one who shares in the Appalachian Trail, I know the value. Ours is a little bit longer, but it is a treasure.

Again to you, Mr. Barboza, my commitment that I will sort these out. I'm sure, listening to the chairman, we both might have some additional questions related to this as we go on. It's not historically a process that we rubber stamp, but it's certainly one that we try to afford everybody a total understanding of what we're trying to accomplish, which I think we're in agreement on. But how we do that and the precedent that it sets is very important.

So I thank both of you.

Mr. Chairman, I yield.

Senator AKAKA. Thank you very much, Senator Burr, for your concerns and your questions here.

I'd like to thank both of you for testifying this afternoon. We may have, as was indicated, may have questions from other committee members as well who were unable to attend, and if we do we'll submit them to you in writing and ask that you answer them so they can be included in the hearing record.

It is my hope that Senator Burr and I will be able to have at least the noncontroversial bills ready for full committee consideration as soon as possible. I thank you for what you've done, both of you, what you've done for your bills and wish you well in the future.

If there are no further statements, the subcommittee is adjourned.

Mr. BARBOZA. Thank you, Senator. This is an exceptional hearing.

Senator AKAKA. Thank you

[Whereupon, at 3:47 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

NATIONAL MALL LIBERTY FUND DC,
October 2, 2007.

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

DEAR MR. CHAIRMAN: Thank you for the kindness extended by yourself, Senator Richard Burr and the staff of the Subcommittee on National Parks when I testified on September 11, 2007, on S. 1051, the National Liberty Memorial Act. Attached are two PDF files containing my answers to the questions posed for the record and an exhibit.

From 1985 to 1988, the House and Senate thoroughly considered the question of whether the history of black patriots and soldiers of the Revolutionary War warrants a site in Area I. Multiple Federal agencies and Congress spent 21 months sorting out the answer. The agencies consumed 18 months alone while the five-year time limitation continued to run through that and the design stage. By the time the conceptual design was approved in November 1991, the entire authorization had been exhausted in one agency hearing or another. Because the agencies control the scheduling, duration and outcome, memorial sponsors are constricted in what they can do to fulfill the other requirements of a building permit pending site and design approval.

The National Liberty Memorial is not a new project; only the sponsor is different. The purpose and scope of S. 1051 are identical to Pub. Law 99-558. Although we are a new entity, National Mall Liberty Fund D.C. has associations in the public's mind with the land in Area 1, the history and the project before October 1992. I have no knowledge of the internal workings of the previous sponsor after I departed the project on that date. Our focus is on the noble history and saving the Black Patriots Memorial although with a new name made necessary by circumstances: National Liberty Memorial.

We seek to continue what I and thousands of volunteers, organizations and members of Congress began over two decades ago. This, and the class of honorees, is the "nexus" that the National Capital Memorial Advisory Commission thought was sufficient to allow Liberty Fund D.C. to assume the site approvals. It is the 12-year period until 2005, after my departure, that represents the break with the project that Congress approved in the legislative history described in the answer to Question 5.

We welcome an opportunity to discuss these answers with members and staff.
Sincerely,

MAURICE A. BARBOZA,
Founder and CEO.

RESPONSES TO QUESTIONS FROM SENATOR BURR

Question 1. National Liberty Memorial (S. 1051): What is the relationship between the Black Revolutionary War Patriots Memorial and the National Liberty Memorial?

Answer. National Mall Liberty Fund D.C. has no legal or informal relationship with the Black Patriots Foundation. This project was incorporated on May 2, 2005, six months before the other Foundation forfeited its authorization to construct the Black Revolutionary War Patriots Memorial.

The National Liberty Memorial is not a new project. The purpose and scope are identical to Pub. Law 99-558. We are a new entity with far greater attachments to the land in Area I than the Black Patriots Foundation after 1992. We are seeking to continue what I and thousands of volunteers and members of Congress began over two decades ago. It is the 12-year period until 2005, after my departure, that represents the break from the project that Congress approved.

Both memorials would honor “the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom.” Statistics for the Fund’s website, www.libertyfunddc.org, show that among the most popular key phrases and key words that bring people to the site contain the words “black,” “Revolutionary,” and “War.” It is not necessary to retain the old name for the public to find us or to comprehend that we are trying to fulfill the original purpose and scope of the Black Patriots Memorial.

The attached articles* written between 1984 and 1992 suggest the connection between the Black Patriots Memorial before 1992 and the current Liberty Fund D.C. They reflect the enormous groundwork laid for public education on the forgotten role of African Americans which we seek to continue. These more recent articles suggest how I, and my cofounder Lena Santos Ferguson, promoted the black patriots, and were associated with the effort to honor them in multiple ways, for over 22 years. “Lena Ferguson Dies at 75; Challenged DAR on Race,” Sunday, The Washington Post, March 14, 2004, “Black DAR Member Challenges Efforts,” Associated Press, April 14, 2000; “Meanwhile, America could learn more about its colorful past,” The New York Times, August 4, 2004, Maurice A. Barboza and Gary B. Nash; “Injecting Race Into The Revolutionary War” The Hartford Courant, June 4 2002; and “Thurmond’s Biracial Daughter Seeks to Join Confederacy Group” New York Times, July 2, 2004.

Two prominent historians sent a letter to the Senate’s President Pro Tem in 2006 describing how the knowledge of the history has expanded since the Black Patriots Memorial was authorized. (See this contemporary bibliography and letter to the Senate’s President Pro Tem by historians Gary Nash and Henry Louis Gates, Jr.) In addition, at least 60 African Americans, not counting the other eligible members of their families, have joined the Sons of the American Revolution and Daughters of the American Revolution since Mrs. Ferguson, now deceased, won her battle to join the organization in 1984 and secured research on the black patriots that is allowing them to be discovered by descendants.

It was my strong feeling in 1985, when I founded the Black Patriots Foundation, and the feeling of the Congressional sponsors as well, that my aunt’s nationally-publicized battle to honor her heritage and join the DAR (between 1980 and 1984) was a force that could unite patriotic Americans of all backgrounds and contribute mightily to the raising of funds for the memorial. That it brought context to the noble history by showing how African Americans could be re-connected to their lost heritage. In fact, almost 100 percent of funds raised up to \$4 million, perhaps, came from donors who were drawn to the project prior to our departure in 1992. A construction management firm estimated the cost of the memorial in 1991 to be just over \$4 million, including the required set-aside for perpetual maintenance.

When we left the Black Patriots Foundation, the group lost the living and breathing part of its story with a decade’s worth of associations. The group still had the noble history and the memorial site. But it no longer had the wherewithal to understand the connection between the history and how it could motivate Americans. This is one reason why it could not qualify for a building permit before the expiration of re-authorizations in 1994 (Pub. L. 103-321), 1996 (Pub. L. 104-333) and 2000 (Pub. L. 105-345).

Question 2. National Liberty Memorial (S. 1051): Is the purpose and scope of National Liberty Memorial the same as the Black Revolutionary War Patriots Memorial?

Answer. Although the name “National Liberty Memorial” is new, the honorees and purpose remain precisely the same as the Black Revolutionary War Patriots Memorial. (Shown in the chart** below) S. 1051 does not alter a substantive word of the original authorizing legislation, Pub. L. 99-558. First, the bill strikes the name “Black Revolutionary War Patriots Foundation” in the two places where it is mentioned in the Act. Secondly, the bill gently reaffirms what Congress and the Secretary of the Interior said in 1988: that the history of black soldiers and patriots of the Revolutionary War is of “preeminent historical and lasting significance to the nation” and, therefore, eligible to be honored by a commemorative work placed in Area I. Third, the Act binds itself to Pub. L. 100-265 and the specific site acquired

* List of articles has been retained in subcommittee files.

** Chart has been retained in subcommittee files.

in March 1988 at Constitution Gardens. S. 1051 says that those soldiers and patriots remain eligible to be honored on “the portion of land at Constitution Gardens, located on the south side of Constitution Lake and west of the island, that was previously selected as the site for the memorial.”

The purpose of Liberty Fund D.C. is to continue the project where it left off in 1988 when the site was approved at Constitution Gardens. At that moment, public knowledge was broad, the underpinnings for fundraising emerging, and enthusiasm among volunteers at their highest levels. The site was never revoked, and it remains unencumbered. No other memorials were built on or near the precinct. The site was approved pursuant to the Commemorative Works Act on July 28, 1988, and grandfathered a second time to the “preeminent” history by the Commemorative Works Clarification and Revision Act of 2003.

The Act created a “Reserve” on the Mall and imposed a moratorium on the construction of future monuments and memorials in that area. Section 205, however, exempts “a commemorative work for which a site was approved in accordance with the Commemorative Works Act”. That section also says that “Nothing in this title shall apply” to such a commemorative work. That means that the history of African Americans remains vested in the site at Constitution Gardens. Not even the expiration of the authorization of the Black Patriots Foundation alters that fact of law. The provision of the 2003 Act that mandates approved sites and designs to expire simultaneously with the lapse of a sponsor’s authorization does not apply to the black patriots commemorative work, since that site was approved before that provision was written into the law. Moreover, the 2003 Act exempts this memorial from every provision.

Question 3. National Liberty Memorial (S. 1051): Why is it necessary to change the name from Black Revolutionary War Patriots Memorial to National Liberty Memorial?

Answer. The name “Black Revolutionary War Patriots Memorial” is an indicia of the Black Revolutionary War Patriots Foundation, as is the design of the commemorative work. The Foundation was incorporated in the District of Columbia in 1985. No part of the Foundation was legally or informally folded into National Mall Liberty Fund D.C. We are a separate organization incorporated under the laws of the District of Columbia in May 2005. In August, we filed for tax exempt status under Section 501(c)(3) of the Internal Revenue Code. The Black Patriots Foundation is recognized independently as tax exempt and entitled to 501(c)(3) status as a non-profit organization.

It is my recollection that the logo and memorial design of the Black Patriots Foundation, as well as the corporate name and the term “Black Revolutionary War Patriots Memorial,” were copyrighted prior to 1992. The Foundation presumably retains the rights to one or all of those properties. In addition, while the group no longer has a corporate address, telephone number or website, it may still have financial or other obligations required to be fulfilled under Federal and state law.

If Liberty Fund D.C. were to take on one or more identities of the Black Revolutionary War Patriots Foundation, or its obligations, including the name of the Memorial, we could subject ourselves to liabilities that we did not incur and have no duty to undertake or redress, in addition to copyright infringement. Such actions would exacerbate the attempts of Liberty Fund D.C. to distinguish the noble history from the former sponsor. The Foundation may not have initiated proceedings to “liquidate” or “dissolve” the corporation. Pending those proceedings, it could retain property rights in its identities and copyrighted assets.

The Internal Revenue Code and the Foundation’s own bylaws, Article 5, provide for the following orderly procedure upon dissolution: “Further, upon the liquidation or dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time of qualification as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future law of the United States of America) as the Board of Directors shall determine.”

Question 4. Are you aware of any unpaid debts associated with the Black Revolutionary War Patriots Memorial? What is the total amount and how many businesses are involved?

Answer. At no time over the past 15 years, since 1992, have I had access to the records, receipts, invoices or bank statements of the Black Revolutionary War Patriots Foundation, except for public records such as the IRS Form 990 and audited financial statements required to be filed by the Commemorative Works Act. I have no knowledge of the Foundation’s internal operations over the years from October

1992 through the hearing of September 11, 2007, other than through the newspapers and random information from sources outside the Foundation.

My focus over the past 27 months has been on building the National Liberty Memorial. I hope this Committee will show America that it is more concerned with the debt owed to the tens of thousands of Revolutionary War era enslaved and free people who helped create the nation's Independence. The least Congress could do is to memorialize them and offer their descendants the opportunity to discover familial connections.

Those patriots watched, helplessly, as slavery grew and other Americans came to enjoy the liberty they had helped to win but were denied by the U.S. Constitution and the inaction of Congress. The Senate was central to that history, from the system of doling out Revolutionary War pensions to the expansion of slavery and Jim Crow. These continue to negatively impact their descendants. We believe this memorial will help give them a sense of closure and enormous pride—things as priceless as the land we seek.

The Secretary of the Interior would do well by the Administration to defer to the judgment of Congress on whether Constitution Gardens should be preserved by S. 1051 for the National Liberty Memorial and the acknowledgement of this 200-year-old debt. What is the point of enabling the Secretary to pass on the question of the “preeminent” value of the history a second time. The agency has already spoken on that issue and on the site at Constitution Gardens. The following legislative history illustrates this clearly.

Question 5. National Liberty Memorial (S. 1051): The site that you are requesting on the National Mall was first approved for the location of the Black Revolutionary War Patriots Memorial. How long did the site selection process take, what type of documentation was needed to support the process, and what agencies were involved?

Answer. Duration.—The entire site selection process for the Black Revolutionary War Patriots Memorial (P.L. 99–558) consumed 21 months. This was separate and apart from the authorization of the Black Revolutionary War Patriots Foundation—or the license to construct a memorial. The license did not entitle the Foundation to the land. The history entitled the memorial to occupy the land. Prior to 1988, no such procedure existed whereby a group seeking a site on the Mall was required to ask the Secretary of the Interior, a land manager, his opinion on the worthiness of a chapter in American history, particularly one in which the U.S. Congress was an integral part in its unfolding—the Revolutionary War and the struggle for liberty 200 years forward.

The clock continued to run during site selection or from authorization to specific site approval, including the designation of an Area I location. That amounts to over one-third of the original 60 months authorized for memorials under the Commemorative Works Act of 1986.

President Reagan signed the memorial authorization, Pub. L. 99–558, on October 27, 1986. However, it was not until July 28, 1988, that the Secretary of the Interior approved the site at Constitution Gardens. The sponsors of the Commemorative Works Act had no hard and fast evidence that within five years a memorial sponsor could obtain an Area I location, site approval, design the commemorative work, secure design approval and raise 100 percent of the required funds to qualify for a building permit.

Actual experience under the Commemorative Works Act proved five years unrealistic and the time limit was later amended. No major privately funded memorial project after 1987 has met the original five-year time limitation imposed by the Commemorative Works Act or the subsequent seven-year authorization imposed by the amendments of 1991. The Korean War Memorial, Women in Military Service Memorial, and Martin Luther King Jr. Memorial (all of which were appropriated funds by Congress) were given one or more extensions beyond seven years. All, except for the Women in Military Service Memorial, were approved for Mall sites.

The Black Patriots (which received no Federal appropriations) and Korean War Memorials—the first projects considered by Congress and the agencies under the Commemorative Works Act—were required to adhere to this process:

1. Obtain a recommendation of the Secretary of the Interior, via the National Capital Memorial Commission, that the history to be honored is of “preeminent historical and lasting significance to the nation.”
2. Obtain within 150 days of such a recommendation the approval of legislation proposed by the Secretary to declare the history eligible to be honored in Area I.
3. Secure the approval of a specific Mall site by the Secretary (as recommended by the National Capital Memorial Advisory Commission), National

Capital Planning Commission and Commission of Fine Arts. (There are other agencies with sign-off responsibilities).

Congress designated in the Commemorative Works Act the amount of time it had to approve an Area I designation. However, the Act puts no similar limitations on the time that the National Capital Memorial Commission and the Secretary could consume. The Memorial Commission did not conduct a hearing on the Black Patriots Memorial until June 16, 1987, or seven (7) and a half months after the approval of the authorization.

After the meeting of June 16, 1987, it took officials of the National Park Service five (5) months to move the paperwork through the bureaucracy to OMB. It was not until November 9, 1987, that the paperwork was cleared and the Secretary sent to Congress proposed legislation that declares the Black Patriots Memorial eligible to stand in Area I. Thereafter, S.J. Res. 216 and H.J. Res. 413 were introduced to authorize a location in Area I.

By a unanimous vote, and possibly as one of the earliest orders of business that year, the Senate Committee on Energy and Natural Resources on February 17, 1988, reported S.J. Res. 216. On February 26, 1988, the Senate approved the Resolution (Congressional Record February 26, 1988, pages S 1548-S 1549). The Energy Committee did not hold a hearing on the Area I designation. The Committee Report on H.J. Res. 216 says, "No hearing has been held on the Secretary's Area I recommendation; however, a hearing was held during the 99th Congress on the authorization legislation for the Black Revolutionary Patriots Memorial." At that hearing, I spoke extensively about the significance of the history and the memorial site. The National Society Daughters of the American Revolution, Prince Hall Masons and American Jewish Congress also testified along with Rep. Mary Rose Oakar, chair of the House Task Force on Libraries and Memorials. The Committee received prepared statements from multiple historians and a Howard University psychologist on the need for the memorial. The staff also had available the entire record of the hearing held in the House.

In the House, there was not the same continuity as in the Senate. Jurisdiction over memorials resided in two different committees. Jurisdiction over memorial authorizing legislation was in the Task Force on Libraries and Memorials of the House Administration Committee. However, jurisdiction over the land resided in the House Committee on Interior and Insular Affairs. The Task Force conducted a hearing June 13, 1985, with 24 witnesses, including multiple historians, the National Society Daughters of the American Revolution, National Society Sons of the American Revolution, Prince Hall Masons, National Education Association and numerous other groups and individuals.

On March 8, 1988, the Interior's Subcommittee on National Parks and Public Lands (where the Commemorative Works Act originated) conducted a hearing on H.J. Res. 413. This was its first exposure to the idea that African Americans had served in the Revolutionary War. Witnesses included myself; the president of the Sons of the Revolution in the State of New York; U.S. Second Circuit Court of Appeals Judge Lawrence Pierce, a descendant of Adam Pierce (New Jersey), a black Revolutionary war soldier; and historians. On March 14, 1988, the Committee reported favorably on S.J. Res. 216 and the House approved that companion bill on March 15, 1988 (Congressional Record March 15, 1988, pages H 841-H 845).

On April 11, 1988, President Reagan signed S.J. Res. 216 that designates the Black Patriots Memorial of "preeminent historical and lasting significance to the nation." In a letter to Rep. Nancy L. Johnson, he said, "The Nation owes a debt of gratitude to you, and to Mr. Maurice Barboza who has pursued the dream of this memorial with you, for your success in passing the resolution for the Memorial to honor the blacks who fought for freedom during and after the Revolution." (Letter from President Reagan to Rep. Nancy L. Johnson, April 11, 1988) The Secretary of the Interior did not approve the specific site until July 28, 1988. Congress took less than 16 months to approve the Black Patriots authorizing legislation and just over three (3) months to approved the location in Area I. However, it took the National Capital Memorial Commission 18 months to consider the matter and for the National Park Service to process the paperwork through Interior and OMB.

The Congressional testimony (See the chart below, Congressional Statements) was so compelling that in bipartisan fashion members of the House Administration Committee, including the floor managers, repeated over and over during floor consideration that it was their wish for the memorial to be situated in Area I. Typical of those statements is this remark of Rep. Bill Frenzel, the ranking minority member of the Task Force: "One of the things we cannot do is to designate a specific site, for if we do, it would mean that the bill would have to be rereferred a couple of times after it left our committee. The committee is . . . very sympathetic with the

request of the sponsors of the legislation for a site in Constitution Gardens. And it is the hope, I think of all of the members of the Committee on House Administration that when the final site is selected, it will be in that particular area, and all of us regret greatly we were not able to work that into the body of the bill itself." (Congressional Record, November 4, 1985, H 9659).

Rep. Nancy L. Johnson, the House sponsor asked Rep. Oakar, "So my resolution has also been amended to eliminate the specific reference to the site. But I think (thank) the committee for the language in the committee report that does indicate that the committee's intention was, and I ask my colleague if this is not her understanding of the motivation of the committee, that the committee felt that this memorial should be placed in a setting of great prominence in Washington, a setting of such prominence as Constitution Gardens." (Congressional Record, November 4, 1985, H 9657).

Rep. Oakar responded, "the Department of the Interior, the Planning Commission, the Fine Arts Commission do recommend the site. But we did put in the report language, and it is the committee's feeling, that an appropriate site would be Constitution Gardens. It is my personal hope that it is there." (Congressional Record, November 4, 1985, H 9657) One of the cosponsors and a witness before the Task Force, Rep. Parren Mitchell, told the House, "House Joint Resolution 142, as introduced, designated Constitution Gardens—between the Lincoln Memorial and Washington Monument—as the site of the memorial. However, the committee decided that it would be preferable to specify the site in its report rather than in the legislation itself. It is my understanding that the committee clearly intends to direct the Secretary of the Interior to authorize the establishment of the memorial at an appropriate site in Constitution Gardens. It is with this understanding that I vote in support of this legislation." (Congressional Record, November 4, 1985, H 9658).

Months before the House approved Rep. Johnson's bill, H.J. Res. 142, on November 4, 1985, members were already aware that Rep. Bruce Vento, chair of the National Parks Subcommittee was preparing legislation that could undo their work. The legislation would govern the approval and construction of memorials, particularly those designated for a site on the Mall. He described it on more than one occasion as a priority of the National Park Service. However, the House decided to exempt the Black Patriots Memorial, the Korean War Memorial and a third memorial bill honoring Women in Military Service from the Commemorative Works Act of 1986 on the grounds that it would be unfair to change the expectations of the memorial sponsors who had been advocating the projects for the previous 16 months, since the first hearings in the House and Senate. Two bills were introduced with slightly differing approaches: S. 2522 and H.R. 4378.

By July of 1988, I had learned that the Senate Energy Committee would proceed with consideration of the companion bill, S. 2522, before any memorial bills, including the Korean War Memorial and the Black Patriots Memorial, would be considered. Eventually, the Senate decided not to follow the House's lead and exempt the previously-considered memorial bills from the new Commemorative Works Act. The sponsors, Rep. Johnson and Senator Gore, would have preferred the language in the House bill, H.R. 4378, that gave that responsibility to the Congress alone. They wanted to avoid subjecting the Black Patriots Memorial to the discretion of the Secretary with respect to the memorial's historic significance and the amount of time he might take to make the decision.

Rep. Mary Rose Oakar, submitted a statement on June 24, 1986, on S. 2522, to the Senate Subcommittee on Public Lands, Reserved Water and Resource Conservation. With respect to who should make the decision concerning the historical significance of a memorial, she said, ". . . we are abdicating our responsibilities as representatives of this country if we allow the executive branch to acquire jurisdiction of what has always been thoroughly accomplished by the Congress In the Senate version, the establishment and placement of future memorials in Area I will be approved by the Executive branch—Congress will give up its authorization, and in essence become a rubber stamp to the executive branch."

The National Park Service consumed 18 months arriving at what the House managers and sponsors already knew: that the history was of "preeminent" value. This elongated process put the design process and fundraising on the back burner. Few, particularly large donors, were willing to commit money to a memorial with no site and no design. The public was aware that the sponsors preferred the site at Constitution Gardens and were in an uphill battle. It would not be until Spring 1989—over three (3) and a half years after the House passed H.J. Res. 142—for a major donor to announce a fundraiser for the memorial. Just over two (2) and a half years had elapsed since President Reagan signed the authorizing bill in November 1986. Only a year remained on the authorization with about \$4 million still needed for construction. No design work could proceed until after the Constitution Gardens site

was approved on July 28, 1988, by the Commission of Fine Arts and the National Capital Planning Commission. The National Capital Memorial Commission had approved the site on June 28, 1988.

On February 22, 1990, the preliminary design was approved by the National Capital Memorial Commission. However, when it was submitted to the U.S. Commission of Fine Arts on March 15, 1990, the design was rejected. The Foundation added a sculptor to the design team. On September 19, 1991, the new design concept was resubmitted to the U.S. Commission of Fine Arts and approved. A month later, the Congress decided that five (5) years, was not long enough for any of the newly minted memorial projects to secure design approval and raise the necessary funds. The Commemorative Works Act was amended and future memorials given seven (7) years to qualify for a building permit.

The three previously approved memorials, including Korea, Black Patriots and Women in Military Service were reauthorized retroactively. Each received an additional two years. The Black Patriots Memorial now had until October 26, 1993. On October 9 and November 7, 1991, respectively, the conceptual design was approved by the National Capital Planning Commission and National Capital Memorial Commission. From October 27, 1986, when the five-year time limit began to run until November 7, 1991, when the final design was approved, the scheduling of approvals was controlled by the Congress, National Park Service, Commission of Fine Arts, and National Capital Planning Commission. The experience of multiple memorials suggests that sponsors cannot raise funds without an approved site and design. The expectation that a sponsor could raise more than 10 percent to 20 percent of the required funds without an approved model to show donors also is unrealistic.

By November 7, 1991, the entire 60 months were consumed by me in one government hearing or another. The running of the clock was determined entirely by the National Park Service and other agencies. Had the time limit run from the date the final design was approved (when the agencies no longer controlled the time), the Black Revolutionary War Patriots Memorial might be standing at Constitution Gardens today. Before my departure in 1992, I had secured the approval of the site, conceptual design and model, as well as the major donors. The inability of the Black Patriots Foundation to follow through after my departure is not relevant to S. 1051. If the Committee is concerned about whether Liberty Fund D.C. is a continuation of the original intent of the Congress for the commemorative work, it must consider the Black Patriots Foundation as it existed on the date Congress approved Pub. L. 99-558. Questions about the performance of the group after 1992 when the makeup changed drastically is a matter for an entirely separate kind of inquiry. That inquiry has no relevance to the Revolutionary War or the National Liberty Memorial. It has to do with the deeds of specific individuals and their impact on the public interest.

One could argue persuasively that in October 1992, the Black Patriots Foundation was no longer the same group authorized by Congress to build the memorial. That National Mall Liberty Fund D.C. is a closer approximation of the group Congress authorized in 1988 for a site in Area I. On October 21, 1993, Charles Atherton, Secretary of the Commission of Fine Arts, testified before the House National Parks and Public Lands Subcommittee on, H.R. 2947, the first of three reauthorizations of the Black Patriots Foundation. He said, "I would . . . hope some way can be found to prevent the kinds of internal struggles for the control of sponsoring organizations that we hear about from time to time. Before the makeup of a group is drastically changed, it would probably be advisable to require the new sponsors, or the old sponsors in an altered state, to submit these changes in personnel and organization for public scrutiny. There can often be enormous sums of money involved and a lot of power and prestige riding on who is or is not in the driver's seat, and this quite obviously can have an effect on matters of public interest."

AGENCIES

Agency	Functions	Action (authorization to design)
<p>National Capital Memorial Advisory Commission (Advises the Secretary of the Interior and the Administrator of General Services (as appropriate) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs.)</p> <p>Membership: (1) Director of the National Park Service; (2) Architect of the Capitol; (3) Chairman of the American Battle Monuments Commission; (4) Chairman of the Commission of Fine Arts; (5) Chairman of the National Capital Planning Commission; (6) Mayor of the District of Columbia; (7) Commissioner of the Public Buildings Service of the General Services Administration; and (8) Secretary of Defense.</p>	<p>1. Advise on memorial authorizations</p> <p>2. Advise on Area I site</p> <p>3. Advise on specific site</p> <p>4. Advise on design</p>	<p>November 14, 1985, recommends establishment of memorial with conditions</p> <p>June 16, 1987 hearing on Area I</p> <p>June 28, 1988, specific site approved February 22, 1990, conceptual design approved</p> <p>November 7, 1991, approved revised conceptual design</p>
Secretary of the Interior	<p>1. Approve/Disapprove Area I site</p> <p>2. Approve/Disapprove specific site</p> <p>3. Approve/Disapprove design</p>	<p>November 9, 1987 transmitted Area I bill to Congress</p> <p>July 28, 1988, approved the specific site</p>
National Capital Planning Commission (Planning entity for all Federal projects in the Nation's Capital)	<p>1. Approve/Disapprove specific site</p> <p>2. Approve/Disapprove design approval</p>	<p>July 28, 1988, approved specific site **Senator Al Gore, Jr. testified October 9, 1991, approved revised conceptual design</p>
Commission of Fine Arts (Advisor on public improvements, location, and execution of public sculptures)	<p>1. Approve/Disapprove specific site</p> <p>2. Approve/Disapprove design</p>	<p>July 28, 1988, approved specific site</p> <p>March 15, 1990, disapproved conceptual design</p> <p>September 19, 1991 approved revised conceptual design</p>

AGENCIES—Continued

Agency	Functions	Action (authorization to design)
Senate Energy Committee	<ol style="list-style-type: none"> 1. Approve/disapprove memorial authorizations 2. Approve/Disapprove Area I designations 	<p>October 29, 1985, Hearing on memorial authorization, S.J. 143 September 19, 1986, Reported memorial authorization, S.J. 143 February 17, 1988, reported Area I designation, S.J. Res. 216</p>
House Administration Committee (pre-1988)	<ol style="list-style-type: none"> 1. Approve/disapprove memorial authorizations 	<p>June 13, 1985, Task Force conducted a hearing on memorial authorization, H.J. Res. 142 with nearly 20 witnesses October 29, 1985, Reported memorial authorization, H.J. Res. 142</p>
House Committee on Interior and Insular Affairs (pre-1988)	<ol style="list-style-type: none"> 1. Approve/Disapprove Area I designations 	<p>April 15, 1986, Hearing on Commemorative Works Act (Maurice Barboza testifies) March 8, 1988, the Subcommittee on National Parks and Public Lands conducted a hearing on Area I March 14, 1988, the Committee reported favorably on Area I Resolution</p>
U.S. Senate	<ol style="list-style-type: none"> 1. Approve/disapprove memorial authorizations 2. Approve/Disapprove Area I designations 	<p>October 16, 1986, approves memorial authorization, H.J. Res. 143 February 26, 1988, approves the Area I Resolution</p>
U.S. House	<ol style="list-style-type: none"> 1. Approve/disapprove memorial authorizations 2. Approve/Disapprove Area I designations 	<p>October 4, 1985, approves memorial authorization, H.J. Res. 143 October 17, 1986, approves Senate substitute amendment to H.J. Res. 143 March 15, 1988, House approved Area I Resolution</p>
President of the U.S.	<ol style="list-style-type: none"> 1. Approve/disapprove memorial authorizations 2. Approve/Disapprove Area I designations 	<p>October 27, 1986, Black Patriots Memorial authorization signed April 11, 1988, Area I authorization signed</p>

Documentation.—An large body of information was submitted to the House and Senate Committees to demonstrate the historical significance of black soldiers and patriots of the Revolutionary War, including the testimony of almost 30 witnesses. The following chart contains links to <http://www.libertyfunddc.org/history3.htm>, the History page of www.libertyfunddc.org, the website of National Mall Liberty Fund D.C.

	CONGRESSIONAL STATEMENTS	
Members of Congress	Nancy L. Johnson Albert Gore, Jr. Charles B. Rangel Steny Hoyer Peter J. Visclosky Peter W. Rodino, Jr.	Harold E. Ford, Sr. James R. Jones Ralph Regula Thomas J. Manton Parren J. Mitchell
Supporting Organizations	Prince Hall Masons Prince Hall Masons, D.C. Sons of the American Revolution National Education Association Daughters of the American Revolution	American Jewish Congress National Council for Black Child and Family Development District of Columbia
Outstanding Historians	Dr. Benjamin Quarles	Dr. Ira Berlin
Project Founders	Maurice A. Barboza	Lena Santos Ferguson
School Teacher		

In addition, I submitted to the National Capital Memorial Commission a detailed paper prepared by our architects and design team that analyzed the alternative memorial sites, including the preferred site at Constitution Gardens. (Unfortunately, I could only locate a reference to this document in correspondence. I could not locate the document.) The design team had participated in walking tours of the sites arranged by the staff of the Memorial Commission. In addition, prior to the consideration of the Area I issue before the National Capital Memorial Commission and, later, the specific site at Constitution Gardens before the Commission of Fine Arts and the National Capital Planning Commission, I sent letters to every member with this content:

You may also wish to obtain the following books: "The Colored Patriots of the American Revolution," by William C. Nell (1855, reprinted in 1986 by Ayer Company), "Slavery and Freedom in the Age of the American Revolution," U.S. Capitol Historical Society (1983), "Black Courage 1775," DAR (1984) and "The Black Presence in the Era of the American Revolution 1770-1800," by Sidney Kaplan 91973).

Besides myself, Air Force Historian Bernard C. Nalty will testify, as a private citizen, next week in behalf of the Patriots Foundation. Mr. Nalty is the author of "Strength for the Fight: A History of Black Americans in the Military," published in 1986. A copy of Mr. Nalty's testimony is enclosed, together with a review of his book." (Letter from Maurice A. Barboza to Charles Atherton, Secretary, Commission of Fine Arts, June 10, 1987).

In an identical letter to John Parsons, I said, "In addition, to help you make this decision, I am lending you a copy of "The Negro in the American Revolution," by Dr. Benjamin Quarles. Also enclosed are copies of profiles of some of the patriots who would be honored." (Letter from Maurice A. Barboza to John Parsons, Chair, National Capital Memorial Commission, June 10, 1987).

In addition, it was a clear indication of the importance he and his cosponsors placed on obtaining the site at Constitution Gardens that on June 28, 1988, Senator Albert Gore, Jr. returned to Washington from campaign travel in pursuit of the Presidency to testify before the National Capital Memorial Commission in support of the site.

RESPONSES OF DAVID HICKS TO QUESTIONS FROM SENATOR BURR

Question 1. Arizona National Scenic Trail Designation (S. 1304): Is it possible to walk the complete length of the trail without detouring onto paved roads? If not, how much of the trail is not completed and what needs to be done to complete it?

Answer. Other than crossing paved roads and the in-town Flagstaff route, there is only a 3 mile stretch of the Arizona Trail (AZT) that requires walking on a paved county road. That stretch is from the Canelo Hills and heads west to the town of Patagonia, Arizona. The AZT is primarily on a single trail but occasionally is on little used dirt rancher or forest roads.

Question 2. Arizona National Scenic Trail Designation (S. 1304): How many users/visitors do you anticipate per year on the trail?

Answer. That is a difficult question to ascertain with reasonable accuracy. In areas where existing popular trails are used as the Arizona Trail route, the number is very conservatively estimated at over one hundred thousand users annually. For example, the Arizona Trail crosses the Grand Canyon National Park across the well traveled South and North Kaibab trails. Those are two of the most used trails in the USA. However, we at the Arizona Trail Association don't delude ourselves into thinking that the majority of those trail users are there for the Arizona Trail even though those trail users are in fact on the AZT. The same scenario holds true for other parks and popular recreation areas that the AZT passes through too. Those parks are listed in the following question #3. They too are wonderful and very popular outdoor venues that include the Arizona Trail.

Equally important as the popular areas of the AZT is that many parts of the Arizona Trail offer remote solitude for those wishing that experience. Those remote areas, which include several mountain ranges and the Sonoran Desert, may each attract only a few hundred intrepid users a year. Having both very popular and remote trail segments is another reason why the Arizona Trail appeals to a wide range of outdoor enthusiasts.

Question 3. Arizona National Scenic Trail Designation (S. 1304): What county, state, or national parks does the trail cross?

Answer. The AZT crosses the following parks: Coronado National Memorial; Colossal Cave Mountain Park (Pima County); Saguaro National Park; Oracle State Park; Flagstaff Buffalo Park (City); Grand Canyon National Park; and passes alongside the boundary of Walnut Canyon National Monument.

Question 4. Arizona National Scenic Trail Designation (S. 1304): Your testimony states that 99% of the trail is on public land and 93% of the trail is completed. What public land agencies control the 7% of the trail that is not complete and are they cooperating to ensure completion?

Answer. Remaining areas to complete and status:

1. Las Colinas Passage, 12 miles: Coronado National Forest/AZ State Land Dept. Construction to start Fall 2007.
2. Rincon Mt Passage, 4 miles: Saguaro National Park. Trail route approval expected January-March 08.
3. White Canyon Passage, 18 miles: Bureau of Land Mgmt/AZ State Land Dept. Construction started Fall 2006.
4. San Francisco Peaks, 16 miles: Coconino National Forest. Construction started Summer 07.
5. Las Cienegas Passage, 2 miles: Pima County. 24 miles done, final 2 by March 08.
6. In-city of Flagstaff route, 1 mile: City of Flagstaff. Complete by Spring 08.

Total to complete: 53 miles. The above listed agencies are very committed to completing the Arizona Trail. Cooperation between the Arizona Trail Association, its members, businesses, numerous clubs, and volunteers and the various agencies is excellent. The initiative and actions by the various agencies personnel to complete their sections of the Arizona Trail is superb. It is a model team effort.

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

QUESTIONS FOR DANIEL N. WENK FROM SENATOR BURR

Question 1a. Great Sand Dunes Amendment (S. 127): Will S. 127 have any impact on the operation and management of Great Sand Dunes National Park and Preserve?

Question 1b. How many visitors does Great Sand Dunes National Park and Preserve receive annually and will S. 127 affect visitation in any way?

Question 2a. Cesar Estrada Chavez Study (S. 327/H.R. 359): How many sites will be included in the Cesar Estrada Chavez study and which states are involved?

Question 2b. What other units of the National Park System are spread across multiple sites in multiple states and what are the management challenges associated with such an arrangement?

Question 3a. Taunton Wild and Scenic River Designation (S. 868): The Administration's testimony states: "we would like to work with the committee to make this bill consistent with other wild and scenic river designation bills that have been enacted by Congress." What is inconsistent with S. 868 when compared with other Wild and Scenic River designations and how should the bill be amended to make it consistent?

Question 3b. Has the National Park Service completed a suitability and feasibility study for this designation and, if so, what was the outcome of the study?

Question 3c. How will the proposed wild and scenic river designation affect private property use along the river?

Question 4a. National Liberty Memorial (S. 1051): What is the relationship between the National Liberty Memorial and the Black Revolutionary War Patriots Memorial?

Question 4b. Is the National Park Service aware of any unpaid debts associated with the Black Revolutionary War Patriots Memorial? What is the total amount and how many businesses are involved?

Question 4c. What other memorial foundations have gone bankrupt and left unpaid debts in the past 30 years?

Question 4d. How frequently are memorial foundations, such as the foundation for the Black Revolutionary War Patriots Memorial, required to submit financial statements? Please provide a copy of the financial statements submitted by the foundation for the Black Revolutionary War Patriots Memorial.

Question 4e. For each memorial that has been approved by Congress for the National Capital Region and has not yet begun construction, what is the status of the design, site approval, funds needed, funds raised, and financial reports (i.e., dates due and dates submitted)?

Question 4f. Financial reports for the Black Revolutionary War Patriots Memorial were submitted over two years beyond the due date. How common is it for financial reports to be late, what action did the National Park Service take to persuade the foundation to submit the reports in a timely manner, and what changes has the National Park Service made to ensure timely submittal of reports by other foundations?

Question 4g. In the past 20 years, how many memorials authorized by Congress for the National Capitol Region have failed to complete the necessary requirements to begin construction within the authorized period? Please provide a list of the memorials. What happened to the funds raised in each case? Did any of the memorial foundations go bankrupt and leave unpaid debts?

Question 4h. The Administration's testimony for S. 1051 states that the site approved for the Black Revolutionary War Patriots Memorial should not be automatically approved for the National Liberty Memorial. How long did the site selection process take, what type of documentation was needed to support the process, and what agencies were involved?

Question 5a. Taunton Massachusetts Study (S. 1184/H.R. 1021): The area of Taunton proposed for study contains one or more historic districts. Has the area been evaluated for National Historic Landmark designation?

Question 5b. Could National Historic Landmark designation be a recommendation from the study? If so, what are the criteria for a National Historic Landmark and how does that compare with criteria for National Historic Site designation?

Question 6a. Weir Farm National Historic Site Amendment (S. 1247): S. 1247 authorizes the National Park Service to exchange 9 acres of park land for 12,000 square feet of finished space on nearby property owned by the Georgetown Land Corporation. The park has identified a use for the finished space, but the use of the 9 acres by the land corporation is unclear. How does the Georgetown Land Corporation plan to use the 9 acres and is it compatible with the Weir Farm National Historic Site?

Question 6b. How will S. 1247 improve the visitor experience at Weir Farm National Historic Site?

Question 6c. What is the current acreage associated with the Weir Farm National Historic Site and how much additional property has the National Park Service identified for future acquisition?

Question 7a. Arizona National Scenic Trail Designation (S. 1304): When was the suitability and feasibility study completed for the Arizona National Scenic Trail and what was the outcome of the study?

Question 7b. How much of the trail crosses private land and does the National Park Service anticipate any land acquisition for the trail?

Question 7c. What is the anticipated cost for signage, interpretive material along the trail, parking, and other improvements if S. 1304 is enacted?

Question 8a. Acadia National Park Advisory Commission Reauthorization (S. 1329): When was the Acadia National Park Advisory Commission established and what major accomplishments has it had since that time?

Question 8b. S. 1329 raises the funding authority for land acquisition at Acadia National Park. How much land has the National Park Service identified for future acquisition at Acadia and what is the estimated value at this time?

Question 9a. Bob Hope Library Designation at Ellis Island (H.R. 759): What is the National Park Service policy on naming sites and structures after individuals?

Question 9b. Has the National Park Service studied the suitability and feasibility of naming the library at Ellis Island after Bob Hope?

Question 9c. Could you name at least 5 individuals of international prominence in addition to Bob Hope that immigrated through Ellis Island?

Question 10a. Columbia Space Shuttle Memorial Study (H.R. 807): What units of the National Park Service are currently associated with the space program, where are they located, and when was each established?

Question 10b. How many sites are involved in the study authorized by H.R. 807?

APPENDIX II

Additional Material Submitted for the Record

UNITED STATES SENATE,
September 20, 2007.

Hon. JEFF BINGAMAN,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen
Office Building, Washington, DC.*

Hon. PETE V. DOMENICI,
*Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, 304
Dirksen Office Building, Washington, DC.*

Re: H.R. 759

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER DOMENICI: We write to you to express support for H.R.759, a bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library." Bob Hope and his family passed through the doors of Ellis Island in 1907. As you know, earlier this month the Subcommittee on Natural Parks held a hearing to consider this legislation to honor Mr. Hope's life and work by naming the third floor library at Ellis Island in memory of this well known and sorely missed American treasure.

Bob Hope was born Leslie Townes Hope to William Henry and Avis Hope on May 29, 1903. In 1907 the Hope family left England and settled in Cleveland, Ohio. In 1920, 'Bob' the name by which the world would later know him, became a US citizen by virtue of his father's naturalization. He began a career in entertainment, and through hundreds of radio, movie, television and personal appearances, Bob Hope became a star and a welcomed guest in every living room of America.

For nearly six decades, throughout times of both war and peace, Bob Hope entertained American service men and women throughout the world. He spent much of World War II traveling and entertaining Allied troops, and he continued to perform for troops in Korea, Vietnam, and the Middle East in later years. Hope demonstrated his unwavering commitment to the morale of America's servicemen and women with these entertain-the-troops tours and, in 1997, Congress named him as an honorary veteran for the decades of work he did with veterans serving overseas.

Although Bob Hope never won an Oscar for any of his film performances, he received five honorary Academy Awards for his contributions to the motion picture industry. Cited by the Guinness Book of Records as most honored entertainer in the world, Bob Hope has more than two thousand awards and citations for humanitarian and professional efforts, including 54 honorary doctorates and a Congressional Gold Medal.

After a long period of restoration, Ellis Island now features a museum in honor of the 16 million immigrants who passed through its halls. The Ellis Island Restoration Commission recommended naming the library after Bob Hope as a fitting tribute to one of America's most famous immigrants. Like the millions who passed through Ellis Island, the Hope family arrived in America with little in terms of material possessions. Bob Hope described himself upon arrival as "a 4-year-old boy in knickers who had no idea of the opportunities that lay ahead." He went on to become a household name in the United States, and his life epitomizes the American dream. Despite all the awards Bob Hope received, he had a special place in his heart for Ellis Island, and in 1990 when the Ellis Island Restoration Commission suggested naming the third floor library of the museum in his honor, he stated that it would be "one of the single most important highpoints in my career." Sadly, Bob Hope passed away in 2003 at the age of 100 and did not have an opportunity to see this project finished. The Bob Hope Memorial Library will serve as a daily reminder to Ellis Island's visitors of Bob Hope's great contributions to the American people, American culture, and the American dream.

Thank you for holding this hearing to discuss this important matter. We respectfully ask that the Energy and Natural Resources Committee release this bill so that the Senate can adopt it by unanimous consent as soon as possible.

Thank you for your consideration of this request. We appreciate your assistance.
Sincerely,

CHARLES E. SCHUMER, *State of New York.*
BARBARA BOXER, *State of California.*
GEORGE V. VOINOVICH, *State of Ohio.*
ROBERT MENENDEZ, *State of New Jersey.*
FRANK R. LAUTENBERG, *State of New Jersey.*
DIANNE FEINSTEIN, *State of California.*
HILLARY RODHAM CLINTON, *State of New York.*

OFFICE OF THE GOVERNOR,
Phoenix, AZ, September 11, 2007.

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

DEAR SENATOR AKAKA: I am writing today to encourage your support for S. 1304 Arizona National Scenic Trail Act which is pending before your subcommittee.

Under this bill, the National Trails System Act would be amended to designate the Arizona Trail as a national scenic trail. This designation will help streamline the Arizona Trails management, boost tourism, recreation and preserve a magnificent natural, cultural and historical experience of the American West.

For the past eighteen years over 5,000 volunteers and more than 16 federal, state and local agencies including many business partners have come together to build the 750 miles of the 800 mile trail. This scenic, non-motorized trail stretches through some of Arizona's most renowned mountains, canyons, deserts, forest and two National Parks. As it transcends from the Grand Canyon National Park to the Sonoran Desert, the trail winds through some of the most spectacular landscapes in the Western United States.

The Arizona Trail is truly a national scenic treasure and I encourage you to support it as such and in particular ask you to support S. 1304.

Yours very truly,

JANET NAPOLITANO,
Governor.

HARVARD UNIVERSITY,
UCLA,
June 27, 2006.

Hon. TED STEVENS,
President, Pro Tem, U.S. Senate, 522 Hart Senate Office Building, Washington, DC.
Re: S. 1051

DEAR MR. PRESIDENT: Legislation is currently pending in the Committee on Energy and Natural Resources to authorize the construction of the National Liberty Memorial at a site in Constitution Gardens between the Washington Monument and the Lincoln Memorial. We urge the committee chairman, Senator Pete V. Domenici, and National Parks Subcommittee chairman, Senator Craig Thomas, to report S. 2495 promptly so the bill can be enacted before Congress adjourns this year.

Introduced by Senator Chris Dodd, S. 2495 encapsulates dreams and intentions spanning more than 200 years to honor in some fitting way the contributions of slaves and free persons to the struggle for liberty during the Revolutionary war era. White officers, state legislatures, and George Washington himself began praising the contributions of black soldiers as early as the battle of Lexington and Concord. Now, a bipartisan group of cosponsors, including Senators Grassley, Byrd, Allen, Obama, Dole and Chafee, is picking up where they left off.

The nation's Mall will never be a "completed work of art" until this memorial takes its place across from a memorial to the 56 Signers of the Declaration of Independence. There, it will redefine how most Americans perceive the nation's birth, "all men are created equal," and our future as one nation based upon enduring principles, instead of color and race. As scholars engaged in teaching, research and writing about U.S. history and literature of 18th century America, we urge the U.S.

Congress to pass S. 2495 promptly and for members to promote the construction of the National Liberty Memorial in your states and among schoolchildren.

In the two decades since the U.S. Congress passed Public Law 98-245 honoring the role of African Americans of the Revolutionary war era and Public Law 100-265 declaring their deeds to be “of preeminent historical and lasting significance to the nation,” scholarly work has confirmed the wisdom of those actions. For example, there is the extraordinary memoir of Jeffrey Brace, “The Blind African Slave,” published in 1810 (as told to Benjamin F. Prentiss, Esq.), and rediscovered, edited, supplemented, and reprinted by historian Kari J. Winter in January 2005. Born in Africa and transported to the U.S. as a slave, Mr. Brace served in the 6th Connecticut Regiment and fought in many of the major battles of the Revolutionary war over a period of five years. Nothing less than this Revolutionary war soldier’s memory is at stake in S. 2495. The National Liberty Memorial will pay tribute to the efforts of Mr. Brace and others like him, who fought for their new country in the name of equality and justice.

From 1985 through 2001, more than 2,000 Revolutionary war soldiers of African descent, like Jeffrey Brace, were identified by the National Society Daughters of the American Revolution as part of a 1984 settlement agreement with Lena Santos Ferguson. The memorial will inspire research to uncover the thousands yet undiscovered. Mrs. Ferguson, a black resident of Washington, D.C. and a descendant of a Revolutionary war soldier, had been denied membership in the hereditary organization that honors those patriots because of her race, from 1980 until 1984. Later, she and her memorial co-founder, Maurice A. Barboza, realized America could become a more inviting home for the descendants of slaves if the tarnish of slavery and second class citizenship were removed from their ancestors with a permanent statement on the nation’s most visible landscape.

We have attached a partial bibliography of books* published on the subject during the past 20 years. This confirms the wisdom of Congress in declaring the history eligible for memorialization on the nation’s Mall. We ask that this information be made a part of the record of the Energy Committee.

We would also like an opportunity to present testimony at a hearing on S. 2495.

Sincerely,

HENRY LOUIS GATES, JR.,
W.E.B Du Bois Professor of the Humanities.

GARY B. NASH,
Professor of History.

NATIONAL COALITION TO SAVE OUR MALL,
Rockville, MD, September 10, 2007.

Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on National Parks, Energy and Natural Resources Committee, 304 Dirksen Senate Building, Washington, DC.

Re: S. 1051

DEAR CHAIRMAN AKAKA AND COMMITTEE MEMBERS: We have just learned that on September 11 there will be a hearing in the Subcommittee on National Parks on a proposed bill, S. 1051, to authorize the National Mall Liberty Fund D.C. to establish a memorial in Washington at Constitution Gardens to honor free persons and slaves who fought during the American Revolution. We note that the language of the bill makes no reference to the fact that Constitution Gardens is part of the National Mall, as well as the “Reserve” as described in the Commemorative Works Clarification Act of 2003, and so is subject to the Congressionally mandated moratorium on any new commemorative works.

The National Coalition to Save Our Mall is a grass-roots, nonprofit group dedicated to protecting and enhancing the integrity of the National Mall’s historic plan, symbolism, and public open space. We support the moratorium policy and ask Congress not to make any new exceptions to it, for this or any other project, unless and until there is a new comprehensive National Mall plan with the accompanying unified management structure.

We welcome this kind of proposed project as it fits well within the Coalition’s goal of having the National Mall tell a fuller, richer narrative about the country’s history, and black patriots in particular are a group that deserves recognition as part of this story.

*Document has been retained in subcommittee files.

But as worthy as the intent of monuments such as this (and the Coalition supported it before its authorization, which preceded the moratorium, expired), it does not obviate the growing problems of piecemeal, fragmented development on the Mall.

The Coalition wants to be clear that our position is not about any specific memorial but is about the larger question of how the National Mall is to accommodate the multitude of monuments, memorials, museums, and other facilities without adequate planning. The last comprehensive plan, the 1901–1902 McMillan Plan, is more than a century old and ongoing planning by the National Park Service, Smithsonian, and other Mall managing agencies does not add up to a unified vision for this great symbol of our nation's identity which has grown to become a stage for our democracy.

This proposed memorial certainly will not be the last to seek a place among the icons of American history and founding ideals on the National Mall. Nor should Congress be continually asked to choose between protecting the Mall's integrity and enhancing the Mall's capacity to teach and inspire. That is why we believe the time has come for Congress to create a new independent McMillan-type Commission that can shape a forward-looking vision for the Mall—and the nation—in its third century.

Sincerely,

JUDY SCOTT FELDMAN, PH.D.,
Chair and President.

Cocoa, FL, September 11, 2007.

Re: S.1051

As a member of the Sons of the American Revolution, I have been encouraged to provide a comment on the pending legislation, S. 1051.

Honoring those individuals of every station in life who provided support for that momentous period of our county's birth is of vital interest to myself and my family members and should be for all Americans and doing so by means of a monument is entirely appropriate.

The consideration by Congress to build another monument on the mall would be significant to me and my family. The personal and national impact of this structure on the mall would be emotionally and aesthetically devastating. The continued rape of the mall by select groups that wrongly feel that they are deserving of space on the mall to the detriment of the significance of the Lincoln and Washington Monuments and their entwined nature—Lincoln contemplating Washington via the Reflecting Pool—must stop. The escalation of groups demanding space on the mall is alarming and will, if not stopped now, ultimately reduce the beautiful space and its spiritual significance to a massive marble and concrete forest of statues.

Honoring the individuals as proposed in S 1051 can be done in other locations in DC not on the mall and would be eminently more suitable.

STEVE WILLIAMS.

STATEMENT OF MARION LANE, BUCKS COUNTY, PA, ON S. 1051

It is with great pride that I introduce to you this afternoon my patriot, my ancestor my fourth great-grandfather Sgt. Isaac Brown. Sgt. Isaac Brown was born a free black man in Charles City County, Virginia. He was a fourth generation resident with his forbearers having been indentured servants. Isaac enlisted in the Continental Line on January 1, 1777. He assisted in establishing American Independence while acting in the capacity of Sergeant in the 7th, 11th, and 15th VA Regiments.

Sgt. Brown served under George Washington at Valley Forge. He also served in the battles of Guilford Courthouse, Siege of Fort Ninety-Six and Eutaw Springs. He received the balance of his pay for service on April 5, 1783.

At least six members of the Brown family assisted in the Revolution. Abraham, one of these participants, became a property owner in Charles City six years before the Revolution with the purchase of 150 acres of land for the sum of 96 pounds. Freeman, another participant, owned 40 acres. Isaac owned 270 acres of land in Charles City. At the time of his death, he owned 75 acres. His land abutted Greenway the property of the Tyler family.

On May 19, 1829, Sgt. Brown appeared in Superior Court of the State of Virginia to make a formal declaration under the Acts of Congress of the United States of March 18, 1818 and May 1, 1820 regarding pensions. At the time, he was 69 years of age and had made several informal inquiries into the provisions of the Acts. His

age was greatly felt and his farm was no longer able to support him in comfort. The Court adjourned and found deficiencies in his declaration.

On July 16, 1829, he once again appeared in Court to make a declaration to correct the errors and deficiencies of the previous declaration to no avail. On July 24, 1829, VA Senator John Tyler, who later became the 10th President of the United States, wrote a letter on Sgt. Brown's behalf indicating that all the deficiencies pointed out in a letter of June 2, 1829 had been corrected. He also requested that the decision be made known to him as soon as convenient. When the pension was finally issued, July 27, 1829, there was a notation on it that said, "send a copy to John Tyler."

The intervention of Senator Tyler resulted in the issuance of the pension; however, the compensation awarded was that of a private, \$8 dollars per month or \$96 per year. Also, it only gave him credit for having served for 18 months. In other words, he never received recognition for having been a noncommissioned officer nor credit for his service from January 1, 1777–1783. The Muster Rolls reflect he enlisted for the duration of the war.

Sgt. Isaac Brown left a legacy of service to this country:

- His great grandson, Robert Walker Brown (my great grandfather) enlisted in the 1st U.S. Colored Infantry at Fort Pocahontas May 19, 1864 several days before the battle there. Robert Brown was married twice and had 21 children. His widow received a pension check of \$36 each month from the U.S. government for his Civil War service until her death in 1952.
- Robert Walker Brown's grandson, John Edward James (my father), served in World War II. He was on the front lines for 37 months and experienced five campaigns.

It is time for a memorial symbolizing the service and critical role of people of color in the founding of our nation. It is time for the history books, from which our children learn, reflect these significant contributions. It is time for everyone to acknowledge the importance of the Patriots of African descent.

It is time! It is time! It is time! Thank you.

ACCESS FUND,
Boulder, CO, August 15, 2007.

Hon. JON KYL,
U.S. Senate, 730 Hart Senate Office Building, Washington, DC.

Re: S. 1304

DEAR SENATOR KYL: I write to inform you of the Access Fund's support for the enactment of S. 1304 that would amend the National Trails System Act to designate the Arizona Trail as a National Scenic Trail. The Access Fund supports legislative efforts such as S. 1304 that acknowledges the value of recreation on our public lands and preserves access to special places such as those found along the Arizona Trail.

THE ACCESS FUND

The Access Fund is the only national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)3 non-profit supporting and representing over 1.6 million climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing organization with over 15,000 members and affiliates. Arizona is one our largest member states.

The Access Fund promotes the responsible use and sound management of climbing resources by working in cooperation with climbers, other recreational users, public land managers and private land owners. We encourage an ethic of personal responsibility, self-regulation, strong conservation values and minimum impact practices among climbers.

THE ARIZONA TRAIL

The Arizona Trail is planned to be a continuous, 800-mile, non-motorized trail across Arizona from Mexico to Utah. It links deserts, mountains, canyons, communities and people. Currently 90% of the trail is complete. As Senator Kyl has pointed out, "the trail invites recreationists to explore the state's most renowned mountains, canyons, deserts and forests, including the Grand Canyon and the Sonoran Desert. This trail is unique in that it maximizes the incorporation of already existing public trails into one continuous trail to showcase some of the most interesting and spectacular scenery in the West."

Although bills to establish National Trails typically require studies to determine whether the trail is physically possible and financially feasible; however, S. 1304 has yet to accomplish this analysis with regard to the Arizona Trail. Nonetheless, the fact that this trail is nearly complete and will not require any additional property acquisition makes the Access Fund support of S. 1304 sensible. Accordingly, the Access Fund urges Congress to pass this bill and thus designate the Arizona Trail as a National Scenic Trail. Such designation will streamline the Trail's management, boost tourism and recreation along the Trail corridor, and preserve a magnificent natural, cultural and historical experience of the American West.

We appreciate your assistance in preserving important recreational opportunities in Arizona for both your constituents and outdoor recreationists nation-wide.

Sincerely,

DEANNE BUCK,
Interim Executive Director.

FRIENDS OF ACADIA,
September 10, 2007.

Hon. DANIEL AKAKA,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD BURR,
Ranking Member, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC.

Re: S. 1329

DEAR CHAIRMAN AKAKA AND RANKING MEMBER BURR: I am writing to express Friends of Acadia's support for S. 1329, the Acadia National Park Improvement Act of 2007, which is scheduled to be heard by the Senate Subcommittee on National Parks on Tuesday, September 11, 2007. Friends of Acadia is an independent non-profit conservation organization whose mission is to preserve and protect the outstanding natural beauty, ecological vitality, and cultural distinctiveness of Acadia National Park and the surrounding communities. Since 1995, Friends has contributed more than \$7 million in grants to Acadia National Park and the surrounding communities for projects ranging from trail and carriage road maintenance to internships and land conservation.

Friends supports S. 1329 because it contains important provisions that will encourage land protection, public transportation, and citizen input to park management decisions at Acadia. The bill contains four basic provisions:

Section 2: An extension of land conveyance authority—this section amends Acadia's 1986 boundary legislation to allow local towns and Acadia National Park to exchange lands beyond the original 10 year window that was written into the 1986 law. Friends of Acadia supports this provision because it gives Acadia National Park flexibility as it continues to work with local towns on important land exchanges.

Section 3: An extension of the Acadia National Park Advisory Commission—this section enables the Acadia National Park Advisory Commission, an appointed group of citizens representing towns surrounding Acadia and at-large, to continue until 2026. Friends supports this provision because the Advisory Commission has been an excellent avenue for dialogue between local citizens and Acadia National Park managers.

Section 4: An increase in the land acquisition ceiling for Acadia—this section amends Acadia's 1986 boundary legislation to increase to \$28 million the cumulative amount authorized to be appropriated for land acquisition at Acadia. Friends supports this provision because Acadia has approximately 150 privately-owned parcels that remain within park boundaries. When Congress passed the park's boundary legislation in 1986, it intended that all of these parcels be protected, yet all land acquisition funding authorized in the 1986 legislation has been expended. In order for Acadia to continue efforts to acquire lands or conservation easements within park boundaries, additional funding must be authorized and appropriated.

Section 5: Intermodal Transportation Center—this section authorizes the National Park Service to assist in planning, construction, and operation of the Acadia Gateway Center, a transportation and welcome center planned along the major highway approaching Acadia National Park. The Maine Department of Transportation, Friends of Acadia, Downeast Transportation

(the operator of Acadia's successful propane-powered Island Explorer bus system), and regional chambers of commerce are partners in the project. Friends supports the National Park Service's participation in this center because it will be a key opportunity for Acadia's day visitors to leave their cars, gather information about the park, purchase their park entry passes, and ride the bus to trailheads and park destinations.

The Acadia National Park Improvement Act of 2007 is extremely important to the future of lands, citizen involvement, and transportation programs at Acadia National Park. We thank the subcommittee for considering this important bill and encourage swift passage.

Thank you for the opportunity to comment.

Sincerely,

MARLA S. O'BYRNE,
President.

U.S. SENATE,
STATE OF MAINE,
September 21, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC.

Re: S. 1329

DEAR CHAIRMAN BINGAMAN, I am writing to urge you to include S. 1329, the Acadia National Park Improvement Act of 2007, on your next markup agenda. This bill authorizes necessary, and timely, actions to ensure the long-term health of one of America's most beloved national parks.

In the 109th Congress, the Acadia National Park Improvement Act passed the Senate by unanimous consent, but the House of Representatives did not act on the bill. The bill would increase the land acquisition ceiling at Acadia by \$10 million; facilitate an off-site intermodal transportation center for the Island Explorer bus system; and extend the Acadia National Park Advisory Commission. This commission was created by Congress in 1986 and expired in 2006. Federal, state and local interests agree it was a mistake to let it expire and want to see it renewed.

I'm very grateful to your distinguished subcommittee chairman and ranking member, Senator Daniel Akaka and Senator Richard Burr, for holding a hearing on September 11 on this bill. Daniel Wenk, Deputy Director of the National Park Service, testified in support of this important legislation at the hearing.

Acadia National Park is a true gem of the Maine coastline, and in nine years the park will be 100 years old. While unsurpassed in beauty, the Park's ecosystem is also very fragile. This legislation will help make the Park stronger and healthier than ever on the occasion of its centennial anniversary.

I thank you in advance for your consideration.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

STATEMENT OF THE NATIONAL PARKS CONSERVATION ASSOCIATION, ON S. 327

NPCA endorses passage of S. 327, a bill to authorize the Secretary of the Interior to conduct a special resource study of the sites associated with the life of Cesar Estrada Chavez and the farm labor movement. NPCA thanks the Committee for holding this timely hearing, and thanks Senators McCain, Salazar, and Boxer for sponsoring this important bipartisan legislation. Passage of S. 327 would be the first crucial step towards honoring the legacy of this extraordinary American, whose work as an activist, spiritual leader, environmentalist, and crusader for non-violent social change, helped shape the consciousness of the nation and played a crucial role in both the migrant labor and civil rights movements.

Although few Americans realize it, the National Park Service is actually one of the largest stewards of Asian, Latino, Indian, and African-American history and culture. Yet not one of the nearly 400 units in the National Park System honors the legacy of an individual contemporary Latino. Mr. Chavez deserves recognition at this highest level and with passage of companion legislation (H.R. 359) in the House in July 2007, the opportunity to commemorate this powerful legacy has never been closer to hand.

As America evolves, so too must the historic and cultural memory of the nation. The time has come to honor Chavez's legacy through the National Park System. This is a good and wise thing to do both to ensure that this man and this movement are given their long-deserved place at the American table, and to help guarantee that our National Park System remains relevant to all Americans for generations to come.

TAUNTON RIVER WATERSHED CAMPAIGN,
Taunton, MA, September 5, 2007.

Hon. JEFF BINGAMAN,
Chair, Energy and Natural Resource Committee, 703 Hart Building, Washington, DC.

Hon. PETE V. DOMENICI,
Ranking Member, Energy and Natural Resource Committee, 328 Hart Building, Washington, DC.

Re: S.868

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER DOMENICI: We are writing on behalf of the Taunton River Watershed Campaign to express our overwhelming support for passage of S. 868. An Act to Amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System. The National Park Service has found that all forty miles of the Taunton River's mainstem are eligible for Wild and Scenic designation based on the river's free-flowing condition and the presence of "outstandingly remarkable" natural and cultural resource values. These values include fisheries, history and archaeology, ecology and biodiversity, and scenery and recreation. The Park Service determined that the eligible reach extends from the headwaters of the Taunton at the confluence of the Town and Matfield River to Mount Hope Bay at the U.S. 195 Bridge in Fall River. We urge you to include the entire mainstem in this designation by adopting the "Preferred Alternative" recommended by the Park Service.

The Park Service's findings were based on an extensive study of the river that was completed in July of 2005 by the Taunton Wild and Scenic River Study Committee. This committee included representatives of the ten cities and towns along the mainstem, the Massachusetts Riverways Program, the regional planning agency, several environmental groups and the Park Service itself. The legislative bodies of all ten communities voted to support the designation and the Taunton River Stewardship Plan that was also developed by the Committee.

Since the completion of the Taunton Wild and Scenic Study, the Taunton River Watershed Campaign was formed. The Campaign is a partnership of ten leading environmental and planning organizations who share a strong, ongoing commitment to protecting critical water and land resources throughout the Taunton River watershed, and to helping achieve the goals identified by the Study Committee.

The Taunton River is the longest, un-dammed coastal river in New England. It is home to over 154 species of birds, 45 species of fish and 360 plants species. Included in this rich biodiversity are three globally rare species of plants and two globally rare fish, bridle shiner and Atlantic sturgeon. The river supports one of the largest anadromous fish runs in the Northeast. Its estuary provides significant habitat for juvenile fish and shellfish. Tidal influence extends nearly twenty miles inland, and this factor creates globally rare freshwater tidal marshes, habitat for a wealth of nesting birds. Overall, the corridor supports thirty-one distinct wildlife habitats including rare wetland communities and numerous state-listed species of freshwater mussels, reptiles, amphibians and others.

The Taunton River is the largest contributor of fresh water to Narragansett Bay. Its rich natural resources of the river supported a sizeable prehistoric population, and important archeological sites spanning more than ten thousand years are found in various locations throughout the corridor. The river and its shoreline also provide opportunities for a wide variety of recreational activities; canoeing the river and its tributaries is especially popular as a way to enjoy the natural beauty and wilderness character.

The Wild and Scenic Rivers Act of 1969 established a system to allow selected rivers that possess "outstandingly remarkable" values to be preserved in free-flowing condition and protected for the benefit and enjoyment of present and future generations. The values of the Taunton River and its immediate environs have been well documented. The river is fully deserving of this designation. We urge you to act swiftly and favorably on the Park Service's recommendation to add the Taunton River to the National Wild and Scenic Rivers System.

Thank you for considering these comments.
Truly yours,

PRISCILLA CHAPMAN,
Taunton Watershed Advocate.
SUSAN SPEERS,
Campaign Coordinator.

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STUART & OLSTEIN, P.C.
COUNSELLORS AT LAW,
Roseland, NJ, March 21, 2007.

Ms. MARY BOMER,
Director, National Park Service, 1849 C Street, NW, Washington, DC.

DEAR Ms. BOMER: While Governor of the State, I had the privilege of knowing Bob Hope during his many visits to New Jersey, including his flights to and from McGuire Air Force to overseas bases to entertain our troops. I recall his flight in 1983 to Beirut with his USO Troupe and his concerts in the State. I also had the pleasure of playing golf with him.

Bob would mention the door that was opened for him at Ellis Island when he and his family were granted entry to America as newly arrived immigrants in 1908. He loved his adopted land.

He respected the symbols of our nation—especially Ellis Island. It was his touchstone. It was his stepping stone to his life in America and citizenship. He would mention this in his concerts.

I believe naming the third floor Ellis Island Library—"The Bob Hope Memorial Library" is a fitting tribute. He always remembered his humble beginnings and the opportunities that began for him at Ellis Island as a young boy of four years of age.

I am honored to support H.R. 759, await its passage and the naming of The Bob Hope Memorial Library.

Very truly yours,

BRENDAN T. BYRNE.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
May 7, 2007.

Hon. BRENDAN T. BYRNE,
*Carella, Byrne, Bain, Gilfillan, Cocchi, Stewart & Olstein, P.C., Counsellors at Law,
5 Becker Farm Road, Roseland, NJ.*

DEAR GOVERNOR BYRNE: Thank you for your letter of March 21, 2007, regarding the Department of the Interior's position on H.R. 759, a bill to redesignate the Ellis Island library on the third floor of the Ellis Island Immigration Museum as the Bob Hope Memorial Library.

I understand your strong interest in commemorating Mr. Bob Hope, a true American hero and legendary entertainer who brought joy to millions of our soldiers serving both domestically and abroad. As Governor of New Jersey, it must have been a thrill to have a personal relationship with such a great American, and I am honored to hear that Mr. Hope spoke so positively about his personal connection to Ellis Island, one of the gems of the National Park System.

So many great people passed through Ellis Island on their way to a new life in America and it holds a special place in the heart of millions. I can appreciate the great feelings Mr. Hope and so many others have for their adopted land and the opportunities that this country provides to people who arrive on its shores. I also understand your strong desire to commemorate Mr. Hope by naming the library at Ellis Island in his honor.

During the 109th Congress, the Department of the Interior testified on a similar bill (H.R. 323) before the House Resources Committee in May 2005, stating the the bill to redesignate the Ellis Island library as the Bob Hope Memorial Library would conflict with our management policies that require a strong association between the park and the person being commemorated, and require that five years elapse since the death of the person being commemorated.

As you mentioned, H.R. 759 was introduced on January 31, 2007, by Representative Eliot Engel and has already passed the House and is awaiting Senate action. The Department has not had an opportunity to testify on the bill during this Congress, and hence, we have no position on the bill.

I appreciate your taking the time to share with me your support for this legislation as a way of commemorating the personal connection Mr. Hope felt toward his adopted land and to Ellis Island.

Sincerely,

DANIEL N. WENK,
Deputy Director.

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