
MISCELLANEOUS NATIONAL PARKS BILLS

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

S. 86	S. 1961
S. 1365	S. 1991
S. 1449	S. 2098
S. 1921	S. 2220
S. 1941	H.R. 1191

NOVEMBER 8, 2007



Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

40-674 PDF

WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

JEFF BINGAMAN, New Mexico, *Chairman*

DANIEL K. AKAKA, Hawaii	PETE V. DOMENICI, New Mexico
BYRON L. DORGAN, North Dakota	LARRY E. CRAIG, Idaho
RON WYDEN, Oregon	LISA MURKOWSKI, Alaska
TIM JOHNSON, South Dakota	RICHARD BURR, North Carolina
MARY L. LANDRIEU, Louisiana	JIM DEMINT, South Carolina
MARIA CANTWELL, Washington	BOB CORKER, Tennessee
KEN SALAZAR, Colorado	JOHN BARRASSO, Wyoming
ROBERT MENENDEZ, New Jersey	JEFF SESSIONS, Alabama
BLANCHE L. LINCOLN, Arkansas	GORDON H. SMITH, Oregon
BERNARD SANDERS, Vermont	JIM BUNNING, Kentucky
JON TESTER, Montana	MEL MARTINEZ, Florida

ROBERT M. SIMON, *Staff Director*

SAM E. FOWLER, *Chief Counsel*

FRANK MACCHIAROLA, *Republican Staff Director*

JUDITH K. PENSABENE, *Republican Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS

DANIEL K. AKAKA, Hawaii, *Chairman*

BYRON L. DORGAN, North Dakota	RICHARD BURR, North Carolina
MARY L. LANDRIEU, Louisiana	LISA MURKOWSKI, Alaska
KEN SALAZAR, Colorado	BOB CORKER, Tennessee
ROBERT MENENDEZ, New Jersey	JOHN BARRASSO, Wyoming
BLANCHE L. LINCOLN, Arkansas	JEFF SESSIONS, Alabama
BERNARD SANDERS, Vermont	GORDON H. SMITH, Oregon
JON TESTER, Montana	MEL MARTINEZ, Florida

JEFF BINGAMAN and PETE V. DOMENICI are Ex Officio Members of the Subcommittee

CONTENTS

STATEMENTS

	Page
Akaka, Hon. Daniel K., U.S. Senator From Hawaii	1
Burr, Hon. Richard, U.S. Senator From North Carolina	16
Dorgan, Hon. Byron L., U.S. Senator From North Dakota	21
Holtrop, Joel, Deputy Chief, Forest Service, Department of Agriculture	14
Kennedy, Hon. Edward M., U.S. Senator From Massachusetts	2
Lincoln, Hon. Blanche, U.S. Senator From Arkansas	21
Potter, Tracy, President, Northern Plains Heritage Foundation, Mandan, ND .	24
Salazar, Hon. Ken, U.S. Senator From Colorado	2
Sparks, George, President & CEO, Denver Museum of Nature and Science, Denver, CO	34
Steed, Ron, Project Manager, R and W Excavating, Hildale, UT	31
Stevenson, Katherine H., Acting Assistant Director, National Park Service, Department of the Interior	4
Wichman, Chipper, Jr., Director and CEO, National Tropical Botanical Gar- den, Kalaheo, HI	38

APPENDIXES

APPENDIX I

Responses to additional questions	55
---	----

APPENDIX II

Additional material submitted for the record	65
--	----

MISCELLANEOUS NATIONAL PARKS BILLS

THURSDAY, NOVEMBER 8, 2007

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

The subcommittee met, pursuant to notice, at 2:31 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 Subcommittee on National Parks will come to order. Good afternoon, everyone. The Subcommittee on National Parks is happy to have all of you here this afternoon.

We'll receive testimony on 10 different bills, including the following: S. 86, to designate segments of Fossil Creek in the State of Arizona as a wild and scenic river; S. 1365 to authorize the Secretary of the Interior to enter into cooperative agreements with the management and partners of the Boston Harbor Island's National Recreation area in Massachusetts; S. 1449 to establish the Rocky Mountain Science Collection Center in Colorado; S. 1921, to extend the authorization of the American Battlefield Protection Act of 1996; S. 1941, to authorize a study of the Wolf House in Norfolk, Arkansas to determine its suitability and the feasibility of designating this site as a unit of the National Park System; S. 1961, to expand the boundaries of the Little River National Preserve in Alabama; S. 1999, to authorize a study to determine the suitability and feasibility of extending the Louis and Clark National Historic Trail, to include additional sites associated with the preparation and return phases of the Lewis and Clark expedition; S. 2098, to establish the Northern Plains National Heritage Area in North Dakota; S. 2220, to authorize appropriations for the National Tropical Botanical Gardens; and H.R. 1191, to authorize the National Park Service to pay for services provided by certain subcontractors for work performed at Grand Canyon, a National Park.

I believe that most of the bills on the agenda today are non-controversial. However, the Department of Interior has submitted testimony opposing several of the bills, so we will need to discuss these concerns in a few minutes.

One of the bills on the agenda today is S. 2220, legislation that I introduced, along with Senator Inouye, Senator Martinez and Senator Bill Nelson. S. 2220 would authorize limited appropria-

tions for the National Tropical Botanical Gardens, which are located in Hawaii and Florida.

The Gardens were congressionally chartered in 1964, and provide valuable research, preservation of many rare species, as well as greatly improving our knowledge of tropical region ecosystems.

Hawaii has more threatened or endangered species than any other State in this country. The information and resources provided by the National Tropical Botanical Gardens is essential to help us understand how to protect these resources, to ensure the survival of our unique tropical environment.

Although the Gardens will continue to rely primarily on funding from non-Federal sources, S. 2220 will authorize a relatively small amount of funding, as a match to assist the Gardens with its important mission. I'm pleased that Chipper Wichman, the Director and CEO of the Botanical Garden was able to come in from Hawaii and to be here today, and I look forward to hearing from him, later this afternoon.

At this time, I'd like to recognize Senator Salazar for his opening statement.

Senator Salazar.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM MASSACHUSETTS, ON S. 1365

I commend Senator Akaka and Senator Burr for scheduling this hearing and I appreciate the opportunity to express my strong support for the bill that Senator Kerry and I introduced in May to expand the authority of the Park Service to enter into cooperative agreements for improvements to the Boston Harbor Islands National Recreation Area.

The bill, S.1365, will amend the Omnibus Parks and Public Lands Management Act of 1996 to enable the Secretary of Interior to manage the Boston Harbor Islands National Recreation Area more effectively. The National Park Service will be able to continue its very successful partnership with the Island Alliance, a nonprofit organization dedicated to the protection and promotion of Boston Harbor, by entering into cooperative agreements with the Alliance for construction work in the Recreation Area.

The Island Alliance is a leading advocate of the restoration of Boston Harbor. Since the creation of the National Recreation Area in 1996, the Park Service has relied on the Island Alliance for numerous development projects, including the repair of floats at Little Brewster Island and the improvement of the docks at several islands. The Alliance is also active in promoting recreational and educational activities at the Harbor.

Working together, the Park Service and the Island Alliance have helped protect one of Massachusetts' most beloved natural treasures. Over the past ten years, the Boston Harbor Islands National Recreation Area has drawn large numbers of visitors from across the country.

The small but essential correction that S. 1365 will make to the Parks and Public Lands Management Act will ensure that the Park Service and the Island Alliance can work together for years to come.

I thank the Committee for scheduling this hearing and for the opportunity to testify in support of this bill, and I look forward to working with the Committee to have it enacted.

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

Senator SALAZAR. Thank you very much, Senator Danny Akaka, chairman of this subcommittee and the friends who are in the audience from Colorado, I can tell you that we are very honored and very blessed to have Senator Akaka who really knows the impor-

tance of parks, being the chairman of this subcommittee, and it's my honor to serve with him on this committee.

Let me also just thank our staffs, Bob Simon and Sam Fowler, David Brooks and others on this Energy Committee who do such a wonderful job for this committee on a daily basis.

The ten bills that are in front of us today are all important. I'm here today to make a brief statement on a bill that is very important to me and to Colorado, before I head to the floor of the Senate to deal with the issues on the Farm bill.

The legislation that I want to speak about for a few minutes today is S. 1449, which is the Rocky Mountain Science Collection Center Act of 2007. The hearing is of particular interest to me, because of the importance of this Center, and it's a Center that will be created through legislation which both Senator Allard and I introduced earlier this year.

I would like to thank our witnesses for taking the time to be here with us, especially George Sparks who has traveled from Colorado on behalf of the Denver Museum of Nature and Science.

Since its founding in 1900, the Denver Museum of Nature and Science has been the principal natural history museum between Chicago and Los Angeles, and has educated more than 70 million visitors—70 million visitors.

The Museum's collections, its library and archives drive the foundation of understanding science and the natural and cultural history of the region and serves as a primary resource for informal science education to Colorado and the Rocky Mountain Region and to general audiences who visit our State.

Furthermore, the Museum is a world leader in creating opportunities that allow the general public to participate in authentic, collection-based scientific research.

Currently, the Museum holds more than a million objects in public trust. However, less than 2 percent of the collections are currently on exhibit, or accessible to the Museum's audiences.

Our bill will establish a secure collections facility, an educational center at the Museum for artifacts and archival documentation from throughout the Rocky Mountain Region, our bill will achieve this goal by directing the Secretary to provide grants to pay for the Federal share of the cost of constructing appropriate museum-standard facilities to house those collections.

This Federal share will reflect the continuing Federal ownership, and we must remember the Federal ownership of the artifacts and other scientific significant materials held by the Museum in a trust responsibility.

The Rocky Mountain Science Collection Center will allow us to increase the public's access to important information, while ensuring that these collections continue to be preserved.

I look forward to the testimony about the contributions of the Denver Museum of Nature and Science and how this legislation will help increase the public store of knowledge, while continuing to serve as a resource not only for Colorado, but the Nation and the world.

Thank you again, Chairman Akaka for your leadership and for scheduling the hearing on this legislation which is so important to me.

[The prepared statement of Senator Salazar follows:]

PREPARED STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO,
ON S. 1449

Thank you Chairman Akaka and Ranking Member Burr for holding today's hearing. This hearing is of particular interest to me as we will be hearing testimony about S. 1449, the Rocky Mountain Science Collections Center Act of 2007, which Senator Allard and I introduced earlier this year. I would also like to thank our witnesses for taking the time to be here with us today, especially George Sparks who has traveled from Colorado on behalf of the Denver Museum of Nature & Science.

Since its founding in 1900, the Denver Museum of Nature & Science has been the principal natural history museum between Chicago and Los Angeles and has educated more than 70 million visitors.

The Museum's collections, library, and archives provide the foundation for understanding science and the natural and cultural history of the region and serve as the primary resource for informal science education to Colorado school and general audiences. Furthermore, the Museum is a world leader in creating opportunities that allow the general public to participate in authentic collection based scientific research.

Currently, the Museum holds more than a million objects in public trust. However, less than two percent of the collections are currently on exhibit or accessible to the Museum's audiences.

Our bill will establish a secure collections facility and education center at the Museum for artifacts and archival documentation from throughout the Rocky Mountain region. Our bill will achieve this goal by directing the Secretary to provide grants to pay the Federal share of the cost of constructing appropriate, Museum standard facilities to house these collections. This Federal share will reflect the continuing Federal ownership of the artifacts and other scientific significant materials held by the Museum in a trust responsibility.

A Rocky Mountain Science Collections Center will allow us to increase the public's access to important information while ensuring that these collections continue to be preserved.

I look forward to hearing from Mr. Sparks about the contributions the Denver Museum of Nature and Science is making and how this legislation will help increase the public's store of knowledge while continuing to serve as a resource for the country and the world.

Senator AKAKA. Thank you very much, Senator Salazar. I'd like to ask our first panel, to please move to the table, and that's Kate Stevenson and Joel Holtrop.

Our first panel, as you note, we have two witnesses testifying on behalf of the Administration.

Kate Stevenson, the Acting Associate Director of the National Park Service will testify on all of the bills except one. Joel Holtrop, the Deputy Chief of the Forest Service will testify on S. 86, the Fossil Creek wild and scenic river proposal.

Both witnesses have testified frequently before this committee, and we are happy to welcome you back this afternoon.

Ms. Stevenson, let's start with your testimony, and then we'll hear from Mr. Holtrop. Your complete written statements will be included in the hearing record, and I invite both of you to summarize your testimony as much as possible.

Will you please begin, Ms. Stevenson?

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

Ms. STEVENSON. Mr. Chairman, thank you for the opportunity to offer the views of the Department of Interior on nine of the ten bills before you today.

I will summarize, as you requested. I'll start with S. 1365, which is the Boston Harbor Islands. The Department has concerns about the bill, as written, regarding the appropriate use of cooperative agreements only, only that portion of the bill. Therefore, we would like to follow-up with written comments to the committee.

The Rocky Mountain Science Collection Center, the Department opposes this bill. Our opposition doesn't diminish the regard in which we hold the Museum, by any means, rather it reflects our concern that an award of as much as \$15 million in grants moneys will reduce the limited amount of MPS's discretionary funds to address our own critical needs.

S. 1921, The American Battlefield Protection Act, the Department supports enactment, thus extending the authorization through Fiscal Year 2013.

S. 1941, the Wolf House Study, the Department opposes this bill. Because the Wolf House has a predominant significance in the political history of the State of Arkansas, we believe it would be more suited for inclusion in State Park.

S. 1961, the Little River Canyon Preserve, the Department supports this bill to expand the boundaries of Little River Canyon preserve, to add approximately 1656 acres through purchase from willing sellers or through donation.

S. 1991, the Lewis and Clark National Historic Trail, the Department reminds the Congress that an historic study of the eastern legacy was completed in January of this year, however, we don't oppose enactment, because the suitability and feasibility issues have not yet been addressed.

S. 2098, the Northern Plains Heritage Area, while the Department appreciates the historic natural and cultural features of the area, the Department does not support the bill. Our concern rests with the lack of significant public involvement and support, and the local commitments necessary for successful planning and implementation of a heritage area. We suggest that the heritage area proponents engage more residents, and the Mandan-Hidatsa descendants in a dialog.

S. 2220, the National Tropical Botanical Garden, the Department, sadly, opposes S. 2220. While we recognize the value and the contributions of the National Tropical Botanical Gardens, we have concerns that the award of the authorized amounts will reduce the amount of funds available for National Park Service natural resource work.

Finally, H.R. 1191, the Grand Canyon payment to subcontractors, the Department appreciates the subcommittee's efforts to address this situation, but opposes H.R. 1191. The Department fully understands the hardship PGI's default, and NPS's actions have placed on the involved subcontractors. The payment bonds required of the contractor under the Miller Act are designed to protect subcontractors.

The courts have held that while the contractor has an obligation to provide the bonds, the Miller Act places no affirmative obligation on the Federal Government to ensure that the bonds have actually been obtained. We recognize this bill is intended to be an equitable solution to a very difficult situation. However, it singles out one situation for relief that's not available to others under the Miller Act.

In addition, it would effectively have the National Park Service pay twice for the same work.

The Administration is also concerned about the precedent of having the Federal Government assume the liability for the contractor's default.

Mr. Chairman, this concludes my remarks, and I will be happy to answer any questions you may have.

[The prepared statements of Ms. Stevenson follow:]

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

ON S. 1365

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1365, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area.

The Department has concerns with the bill as written. The Department is particularly concerned about the use of cooperative agreements for construction of park facilities by non-Federal partners using appropriated funds. We would like to follow up with written comments on how this bill could be modified to address the needs of the park and its partners while ensuring the appropriate use of Federal funds.

This bill would change the authorizing legislation for the Boston Harbor Islands National Recreation Area. Section 1029 of Public Law 104-333 authorized the Secretary to enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to implement the management plan for the national recreation area. The law did not authorize cooperative agreements with the non-profit organizations, named within the Act, that administer the Boston Harbor Islands in partnership with the Secretary through the Boston Harbor Islands Partnership (Partnership) established in section (e) of the Act. S. 1365 would explicitly permit the Secretary to enter into cooperative management agreements with the three non-profit organizations named in section (e)(2) of the Act: the Island Alliance, The Trustees of Reservations, and the Thompson Island Outward Bound Education Center. This authority would allow the Secretary to contract with these non-profit organizations for any goods or services needed in the administration of the recreation area.

Authorized in 1996, the Boston Harbor Islands National Recreation Area includes 30 islands within Boston Harbor, all located within 10 miles or less of downtown Boston. Unlike most park units, the National Park Service does not own any of the islands within the boundary of the recreation area.

The recreation area has proven itself a model of collaborative park management. The 13 entities named in the original legislation have endorsed an ambitious management plan and have realized many of its goals. Together they have spent \$78.5 million to provide visitor services, rebuild island infrastructure and protect park resources, and \$76.6 million to develop new parkland and facilities. Their combined park operating expenditures total \$7.5 million annually. Federal dollars total less than one-quarter of park expenditures, with the rest coming from State and local government and private donations as required in the enabling legislation. We believe that we can find a solution that will allow us to work constructively with our partners and we intend to follow up with further suggestions for amending this legislation.

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. 1449

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1449, a bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado.

The Department opposes S. 1449. Our opposition does not detract from the significance and importance of the artifacts and documents currently being housed at the

Denver Museum of Nature and Science (museum). The museum is a place of learning and a keeper of important collections that showcase many of the unique features of the Rocky Mountain region. We encourage the museum to continue to seek other funding and solutions for the preservation and protection of the collections in their care including working with existing programs managed by all of the federal agencies with collections stored at the museum.

S. 1449 would authorize the Secretary of the Interior, subject to the availability of appropriations, to award as much as \$15 million in grant monies, identified as the federal share, to the museum to pay for the cost of constructing and furnishing one or more new facilities. The bill states the museum would, as a condition of receiving this assistance, match with cash, in-kind donations, or services, any amount provided to the museum under this Act.

We appreciate the interest the museum has in providing the highest level of care to the objects in its collection. However, we believe the use of limited National Park Service (NPS) appropriations to fund the design, construction, and operation of non-NPS projects of this type is inappropriate.

Since the mid-1990's, legislation has been passed and signed into law that authorized several hundreds of millions of dollars in grants to be passed through the NPS budget for non-Park System projects. Many of these projects involved support for museums and libraries, similar to what is proposed in S. 1449. Each time this is done, it reduces the availability of NPS's limited amount of discretionary funds to address the needs of our national parks and other important national priorities. We believe funds are more appropriately directed at this time to reducing the long list of projects and needs that have been identified in our national parks.

The museum contains more than 1,000,000 artifacts and documents. Like many western museums, a large proportion of the collection was recovered from federal lands managed by the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the United States Fish and Wildlife Service, the U.S. Forest Service, and the U.S. Army Corps of Engineers. This impressive collection assists researchers and anybody interested in finding out more about the West, as do many other similar museums.

However, the financial implications of the bill on national parks and park programs at a time when all federal agencies must work harder to be responsible stewards of the resources of American taxpayers causes us to oppose S. 1449. The Department is willing to work with all of the involved agencies and the museum to thoroughly assess all possible alternatives for providing the highest level of care to the objects currently housed at the museum, including, if necessary, the transferring of collections to federal repositories.

This completes my formal remarks. I would be happy to answer any questions you or other members of the Subcommittee may have.

ON S. 1921

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1921, a bill to amend the American Battlefield Protection Act of 1996 and extend the authorization for that act, and other purposes.

The Department supports enactment of this bill.

S. 1921 would extend the authorization from fiscal years September 30, 2009 through September 30, 2013 for battlefield preservation grants under the Civil War Battlefield Preservation Act of 2002. The purpose of this act is to: (1) to protect battlefields and sites associated with armed conflicts that influenced the course of our history, (2) to encourage and assist all Americans in planning for the preservation, management, and interpretation of these sites, and (3) to raise the importance of preserving battlefields and related sites for future generations, through the upcoming sesquicentennial commemoration of the Civil War, 2011-2015.

American Battlefield Protection Program

The National Park Service's American Battlefield Protection Program (ABPP) is a small, cost-effective program that promotes the preservation of battlefields and related sites of all wars on American soil through "planning and partnerships." The ABPP promotes battlefield preservation strategies for protecting sites of armed conflict that cannot or should not be preserved by federal ownership, but must nonetheless be saved in order for future generations of Americans to understand the importance of these irreplaceable sites.

In order to achieve these goals, the ABPP provides a range of financial and technical assistance to Federal, State, and local partners on issues of battlefield landscape identification, documentation, planning, interpretation, and economic development. The program encourages states, communities, non-profit organizations, and

individual citizens to become the stewards of battlefields. By empowering local communities and private landowners to make the best decisions possible, the ABPP enables these communities and owners to develop local solutions for balanced preservation approaches.

The ABPP provides yearly battlefield preservation project grants to assist communities and organizations striving to save our battlefields. The project grants have helped States, Tribes, and local communities identify and document historic battlefield resources, nominate historic battlefields to the National Register of Historic Places, plan for resource stewardship and conservation, interpret the battlefields for the visiting public, and develop heritage tourism programs that encourage battlefield preservation.

Over the life of the program, ABPP has awarded 329 project grants totaling over \$7.7 million to organizations in 37 States, the District of Columbia, and the Republic of Palau.

Acquisition Grants

In 2002, P.L. 107-359, the Civil War Battlefield Protection Act, amended the original ABPP authorization to establish the battlefield acquisition grant program. It directed the Secretary to submit to Congress a report on updates of the battlefield preservation activities, and authorized appropriations to the Secretary from the Land and Water Conservation Fund for each fiscal year 2004-2008. These grants help State and local governments acquire Civil War battlefield lands outside of the legislative boundaries of units of the National Park System. In order to be eligible to receive these grants, Congress established the following three requirements: (1) the battlefield must be among the 384 identified by the Civil War Sites Advisory Commission; (2) the land to be acquired must not be within the exterior boundaries of any unit of the National Park System; and (3) any land acquired with the assistance of the grant program may not be subsequently converted to a non-conservation use without the prior written permission of the Secretary of the Interior. In addition, the ABPP set two additional requirements: (1) any grant awarded must be supported by an appraisal of the property's value in accordance with federal standards for property appraisals; and (2) any land acquired with the assistance of the grant program must be protected by a perpetual easement sufficient to protect the significant above-ground features of the battlefield landscape as well as the battlefield's archeological resources.

The grant fund has been tremendously successful in allowing local preservation efforts to permanently preserve Civil War battlefield land with a minimum of federal assistance. Grants of \$26.3 million from ABPP have leveraged a total of \$52 million in nonfederal funding. To date, the grant program has assisted in the permanent protection of 15,705 acres at 72 Civil War battlefields.

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

ON S. 1941

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. 1941, a bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System.

The Department opposes S. 1941. While the Wolf House is an impressive historical structure, it is not distinguished beyond that of many other historical log structures in cities all over the United States. It is currently operated by the Wolf House Memorial Foundation, Inc., (Foundation) with the backing of Baxter County, Arkansas. Even though the Wolf House has significance for the political history of the state of Arkansas, we believe it may be more suited for inclusion in the State Park system, either separately or as part of Bull Shoals-White River State Park. Finally, we believe that priority should be given to the 35 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.

S. 1941 would authorize a study of the Wolf House, a two-story dogtrot log structure dating back to 1829. It is a relic of the Arkansas territorial period, the oldest territorial courthouse west of the Mississippi River, and is located on Highway 5 in Norfolk, Arkansas. It also would study the Wolf House property, several outbuildings, and portions of several city lots, all located within the city of Norfolk. The study would be conducted in accordance with the criteria contained in Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)). A report that includes the findings, conclusions, and recommendations for future management of the study area would be re-

quired to be transmitted by the Secretary to Congress no later than one year after enactment of this legislation. S. 1941 states that the Wolf House is located in the city of Norfolk; the correct location is the city of Norfolk.

The Wolf House became the property of the city of Norfolk in the 1930s and was maintained and opened to the public by interested citizens who eventually formed the Foundation. The Wolf House was placed on the National Register of Historic Places on April 13, 1973. In the 1990s, controversies over management of the property led the Foundation to approach the Arkansas State Parks to assume responsibility for the property. They were told that the State Parks could not acquire new properties at the time. In 1999, the Foundation and the city of Norfolk quit claimed their ownership of the property to Baxter County. At the same time, the Arkansas Historic Preservation Program acquired a historic preservation easement on the property.

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

ON S. 1961

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1961, a bill to revise the boundary of the Little River Canyon National Preserve in the State of Alabama, and for other purposes.

The Department supports S. 1961. S. 1961 would expand the boundaries of the Little River Canyon National Preserve (Preserve) to add approximately 1,656 acres that would be acquired by purchase from willing sellers or through donation. Appraisals have not been completed on any of the involved properties so the costs associated with the potential acquisitions are unknown. The Preserve currently includes 13,797 acres, and the NPS roughly estimates acquisition costs to be between \$9 million and \$12 million. No funding has yet been identified for any of the acquisitions proposed in this bill. Funding for any of these acquisitions would be subject to the budget prioritization process of the National Park Service.

Little River Canyon National Preserve was established as a unit of the National Park System by Public Law 102-427, to protect and preserve the natural, scenic, recreational and cultural resources of the area and to provide for public enjoyment of those resources. The Little River Canyon is located in northeast Alabama between Gadsden, Alabama and Chattanooga, Tennessee. Birmingham, Alabama is approximately 100 miles southwest of the Preserve and Atlanta, Georgia is about 110 miles to the southeast.

The Preserve contains an outstanding example of an Appalachian Plateau Province Canyon System and the canyon and the Little River together form one of the extraordinary natural features of Alabama. The Preserve is biologically diverse and home to a number of rare plants and animals. Numerous recreational pursuits are also available within the Preserve boundaries including a 23-mile canyon rim drive, which provides easy access to superlative scenic views.

The Preserve also includes important scenic, natural, cultural, recreational, and scientific resources. Little River Canyon's stream resources are excellent and the Little River is classified by the State of Alabama as an Outstanding National Resource Water providing an opportunity for world-class whitewater boating. Little River is one of a very few river systems with most of its length atop a mountain, in this case, Lookout Mountain.

The Preserve lies at the southern limits of the Cumberland Plateau and Little River Canyon is the deepest canyon in Alabama and one of the deepest in the eastern United States. As such, the Preserve contains some of the most rugged scenery in the southeast which contributes to significant biological diversity including habitat for a unique assemblage of plants and animals. In addition, the Preserve includes a wide assortment of archeological resources and historic sites.

The acquisitions proposed in S. 1961 would help the National Park Service (NPS) meet the requirements established in the Preserve's enabling legislation, which direct the NPS to protect and preserve the scenic resources of Little River Canyon. Additionally, in the northeast portion of the Preserve the current boundary is narrow and many of the Preserve's recreational trails cross private property in that area. Expanding the boundary as proposed in S. 1961 would allow the NPS to purchase lands from willing sellers and enhance recreational resources for Preserve visitors by ensuring that these trails no longer cross private property.

The current western boundary of the Preserve meanders back and forth across state and county roads which make up the Preserve's scenic drive. The boundary expansion proposed in S. 1961 would relocate the boundary in this area to the western edge of the state and county rights-of-way. In addition to including land be-

tween the roads and the canyon within the Preserve boundary, this adjustment would allow the NPS to apply for federal highway funds in order to improve the roads to help them meet Federal Highway Administration safety standards. The present condition of this portion of the scenic drive is characterized by steep hills and locations where sight distance is limited. As a result, the NPS has had to install signs warning drivers of motor homes and other large vehicles to avoid the southern two-thirds of the drive for their own safety. Including the roads and the lands between them and the current park boundary within the Preserve would also make it feasible to add additional scenic overlooks and bicycle lanes.

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

ON S. 1991

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. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition.

While the Department has some concerns about the need for the study, we do not object to the enactment of S. 1991. However, we believe that priority should be given to the 35 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.

S. 1991 would authorize a study to determine whether the routes followed by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase of the expedition starting at Monticello, located near Charlottesville, Virginia, and traveling to Wood River, Illinois, and in the return phase of the expedition from Saint Louis, Missouri, to Washington, D.C., would meet the suitability and feasibility criteria for extending the Lewis and Clark National Historic Trail to include these routes and their associated sites. These sites and routes are commonly referred to as the "Eastern Legacy." These routes include designated Lewis and Clark sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. The study also would analyze the potential impact that the inclusion of the Eastern Legacy would have on those sites, as well as on the tourist visitation to the western half of the trail. The bill would require the Secretary of the Interior to complete the study and provide its conclusions and recommendations within two years from the date funds are first made available for that purpose. We estimate the cost to complete the study would be approximately \$250,000 to \$300,000.

There have been many discussions in recent years between scholars and interested individuals concerning whether the Eastern Legacy sites and routes merit inclusion in the Lewis and Clark National Historic Trail. However, the issue of whether this area is suitable and feasible as an administrative unit of the National Trails System has not been addressed. S. 1991 would provide that authority.

Discussions in the past against extending the trail to include the Eastern Legacy are focused primarily on the common historical understanding of where the expedition itself began. President Jefferson's instructions to Captain Meriwether Lewis clearly imply that the expedition began with the ascent of the Missouri River. The actual transfer of title to and power over the Louisiana Territory from France to the United States was not effective until March 10, 1804. Prior to that date, the Spanish Lt. Governor of Upper Louisiana refused the expedition's request to proceed up the Missouri; so it is clear that the journey of exploration could not begin until after that date. The journals of the expedition by Captains Lewis and Clark are the official chronicles of the project. On May 14, 1804, the day the expedition left Camp Wood and began its ascent of the Missouri River, Captain Clark wrote in his journal "The mouth of the River Dubois is to be considered as the point of departure." In his journal, Captain Lewis stated that he had informed President Jefferson, by letter, of the departure; this, too, would seem to imply that the expedition began that day.

Some believe that important locations in the Eastern Legacy are already recognized by the trail as certified sites and that they do not need to be connected to the Lewis and Clark National Historic Trail. There is also some concern that extending the trail will somehow dilute the attention to and importance of the existing official trail.

Others point out that the expedition did not simply spring forth from Wood River, Illinois on May 14, 1804, but involved years of preparation at other locations. These include the ruminations of westward expansion and manifest destiny by Thomas Jefferson at Monticello in Virginia, the acquisition of firearms at Harpers Ferry, West Virginia, Lewis' training in medicine and scientific observation in Philadelphia, and taking delivery of the keel boat in Pennsylvania and struggling through low water to bring the boat down the Ohio River.

Although the field expedition ended in September 1806 with the Corps of Discovery's return to Saint Louis, there were still important tasks to undertake such as reporting to the White House to brief the President on the findings of the expedition. Some say that Lewis' death was attributable in large part to the expedition and that his grave on the Natchez Trace should be a part of the trail. As intended by President Jefferson, the expedition and manifest destiny had far reaching impacts and ramifications beyond the West to American society as a whole, and he certainly considered that his dream of a nation from "sea to shining sea" had been fulfilled, despite the failure to find the mythical "Northwest Passage."

A suitability and feasibility study would take into account the reasons for adding the Eastern Legacy by various interested agencies, organizations, and individuals and evaluate the merits of including the additional routes and sites in the Lewis and Clark National Historic Trail.

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

ON S. 2098

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. 2098, a bill to establish the Northern Plains National Heritage Area in the State of North Dakota.

While the Department appreciates the historic, cultural and natural features of the area, the Department does not support S. 2098. The feasibility study produced by the Northern Plains Heritage Foundation did not meet all of the criteria for designation as a national heritage area. It did not include the existence of significant levels of public involvement and support and the local commitments necessary for successful planning and implementation of a heritage area. Without further dialog with residents in the region and the support of current living descendants, we are concerned that the Heritage Area would not be poised for success and a sustainable future. Success of this grassroots movement depends upon whether or not there is strong region-wide support, so we respectfully request the Heritage Area proponents engage more residents and Mandan-Hidatsa descendants in a dialog.

We remind the committee that our past support of an amendment to S. 1544 in the 109th Congress authorizing a study did not necessarily mean that the Department would support designation of this National Heritage Area.

We generally have asked that the subcommittee defer action on new designations of National Heritage Areas until program legislation is enacted. Last year, the Administration sent to Congress a legislative proposal to establish such guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced and reported by the Senate Energy and Natural Resources Committee.

Requiring evidence of broad public support prior to designation is consistent with the steps and criteria for the National Heritage Area program that have been informally implemented for many years. The steps and criteria have been developed with input from Congress, existing National Heritage Areas, and other experts and are designed to ensure that an area has the resources, local interest, and other qualities that are critical in establishing a successful National Heritage Area. The four critical steps that need to be completed before Congress establishes a National Heritage Area are:

1. completion of a feasibility study;
2. public involvement in the feasibility study;
3. demonstration of widespread public support among heritage area residents for the proposed designation; and
4. commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

S. 2098 would establish the Northern Plains National Heritage Area. The core area is approximately 80 miles long, anchored at each end by nationally designated landmarks. Huff Indian Village National Historic Landmark, an ancient Mandan Indian Village is the southern anchor and Big Hidatsa Village National Historic Landmark, an ancient Hidatsa village located within the Knife River Indian Villages National Historic site at Stanton, North Dakota, is the northern anchor. Huff and Menoken National Historic Landmarks are also state historic sites preserved and managed by the State Historical Society of North Dakota. This area encompasses the ancient homeland of the Mandan and Hidatsa American Indian nations as well as the Menoken Indian Village, an early Indian village site just east of Bismarck, North Dakota, which also bears national historic landmark status.

The bill designates the Northern Plains Heritage Foundation, a non-profit corporation established under the laws of the State of North Dakota, as the management entity for the Heritage Area and outlines its duties. It also authorizes the development of a management plan and technical assistance to carry out the plan. The bill also requires the Secretary to conduct an evaluation three years prior to the cessation of Federal funding under this act.

Long before the Europeans came to the area, Mandan and Hidatsa cultures flourished along the river in North Dakota. These early people thrived for centuries in heavily populated agricultural communities along the fertile floodplains. They also depended on the abundance of fish, game, and other wildlife throughout the prairies. They were later followed by pioneers and homesteaders—generations of farmers and ranchers who continue to cultivate the land and reap the harvest provided by the abundance of the Northern Plains environment.

The villages of these early settlers served as a central hub in a trade network that spanned the continent. The Heart River segment of the Missouri River was the center of the universe for the first people, the Mandans, who constructed their permanent earthlodge villages along the Missouri River and its tributaries. The Lewis and Clark Expedition even benefited from the hospitality and friendship of the Mandan and Hidatsa when they spent the winter along the Garrison Reach near present-day Washburn.

Today, the Mandan language is in danger of extinction with only two conversational speakers able to participate in a preservation project. Therefore, as part of their preservation initiatives within the Northern Plains area, the Northern Plains Heritage Foundation's language initiative is focusing on preserving and archiving language vocabularies, beginning with the recording of Mandan language materials. It also is supporting the development of instructional materials for Mandan, Hidatsa, Arikara, Lakota, French and German language teachers. Language has always been a key element that characterizes and underpins the cultural integrity and unique identity of a people or an ethnic group.

The Department believes that further evaluation and public engagement would ensure widespread public involvement, and determine local interest and commitment, thus strengthening the current feasibility study. We also believe that further examination of the boundaries to include the current Mandan-Hidatsa homeland and the unique geographical, cultural, and historical resources of the Northern Plains area would provide other valuable information as to whether the area qualifies for designation as a National Heritage Area.

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

ON S. 2220

Mr. Chairman, thank you for the opportunity to appear before you to present the views of the Department of the Interior on S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations. The bill would authorize funding for the National Tropical Botanical Garden for Fiscal Year 2009 and beyond.

The Department opposes S. 2220. We recognize the important contributions to scientific research, education, and conservation are being made by the National Tropical Botanical Garden, a non-profit organization dedicated to discovering, saving, and studying the world's tropical plants. However, as critical as the Garden's work is, we believe that the use of limited National Park Service appropriations to fund the operation and maintenance costs of a private organization is inappropriate.

Since the mid-1990's, legislation has been passed and signed into law that authorized several hundreds of millions of dollars in grants to be passed through the NPS budget for non-Park System projects. Many of these bills provided support for very well-regarded organizations, similar to what is proposed in S. 2220. Each time this is done, it reduces the availability of NPS's limited amount of discretionary funds to address the needs of our national parks and other important national priorities.

We believe funds are more appropriately directed at this time to reducing the long list of projects and needs that have been identified in our national parks. Furthermore, the authorization of funding provided under S. 2220 is permanent, as it would authorize a grant to the Garden each year indefinitely, which is designed to increase with inflation. Over time, this authorization could draw considerable funding from the National Park Service's budget.

S. 2220 would amend the Outdoor Recreation Act of 1963 to authorize appropriations of \$1 million for fiscal year 2009 and \$500,000 for each subsequent fiscal year, adjusted for inflation, for the National Tropical Botanical Garden. The funding would be used to match public and private donations made for operating and maintaining the organization's five gardens.

The National Tropical Botanical Garden was chartered by Congress in 1964 [Public Law 88-449] as the Pacific Tropical Botanical Garden. Its name was changed in 1988 after the Garden expanded to include a donated site in Florida. The organization is based on the island of Kauai, and currently operates five distinct gardens—four in Hawaii and one in Florida—and several preserves, which together consist of about 1,800 acres. This network of gardens and preserves encompasses different ecosystems and environmental conditions, enabling the organization to grow and preserve a broad range of tropical plants. These gardens are havens for imperiled plants and serve as living laboratories for staff scientists and visiting researchers from all over the world.

The National Tropical Botanical Garden is currently involved in the work that the National Park Service has undertaken to catalogue and provide long-term storage of seeds of threatened and endangered plant species in national park units, in case they are needed in the future for plant augmentation and restoration. The National Park Service has entered into a cooperative agreement with the Center for Plant Conservation (CPC), which is associated with the Missouri Botanic Garden, to coordinate the collection of seeds, other propagules, or plant parts of threatened and endangered plants in national park units. The National Tropical Botanical Garden is one of several entities the CPC is working with to obtain over 80 species from five national park units in Hawaii.

The bill as introduced would amend the Outdoor Recreation Act of 1963 and it is titled accordingly. There is no direct relationship between that Act and the National Tropical Botanical Garden. A free-standing authorization would be more appropriate legislatively and would make the purpose of the bill clearer.

Mr. Chairman, that concludes my prepared remarks. I would be happy to respond to questions from you or other members of the committee.

ON H.R. 1191

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1191, a bill that would authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

The Department appreciates the subcommittee's efforts to address this situation but opposes H.R. 1191. The Department also testified in opposition to H.R. 3961, a similar bill, in testimony before the House Subcommittee on National Parks on March 30, 2006.

H.R. 1191 would authorize payment, through the appropriation of such funds as are necessary, to subcontractors who completed work under task orders to Pacific General, Incorporated (PGI) for which PGI was paid, but subcontractors were not. The work was completed under National Park Service (NPS) task orders issued against PGI's Indefinite Deliver Indefinite Quantity (IDIQ) contract with the General Services Administration.

PGI's default has created a financial burden on the affected firms. The NPS had a contractual relationship with the prime contractor, PGI. The NPS does not have a contractual relationship with the subcontractors and NPS does not have the legal authority to pay subcontractors who completed work under PGI's IDIQ contract for which PGI failed to render payment.

H.R. 1191 would authorize the Secretary to pay these subcontractors under certain conditions. The bill would authorize payment if: 1) the task orders issued to PGI by NPS have been terminated, 2) the amount owed to the subcontractors is verified, 3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI, and 4) the subcontractors provide a written statement that payment of the amount verified represents payment in full by the United States for all work performed at the park under PGI task orders issued by NPS between Fiscal Years 2002 and 2003.

Between Fiscal Years 2002 and 2003, the Grand Canyon National Park (park) issued approximately 40 task orders to PGI under this IDIQ contract. Those task orders totaled an estimated \$17 million for various construction projects throughout the park. Invoices sent to the park indicated that PGI certified payments were being sent to subcontractors and suppliers. The NPS paid more than \$10 million to PGI, of which approximately \$1.4 million, based on our most recent estimates, was owed, but never paid, to subcontractors. PGI has been indicted by the U.S. District Attorney's Office in Arizona on 26 counts of fraud involved with these task orders.

In January 2004, the park began receiving complaints from subcontractors citing lack of payment by PGI. In February 2004, the NPS suspended further payment to PGI and issued a suspension notice ordering PGI to cease activity, followed by termination for default of 17 remaining task orders. PGI has had every reasonable opportunity to resolve the situation, but has since ceased doing business.

Following PGI's default, the NPS withheld payment to PGI and began paying subcontractors directly for work completed on PGI task orders, valued at \$906,335. Contract law generally prohibits payments directly to subcontractors because of the lack of a direct, contractual relationship between the parties. However, in this case, NPS consulted with the Government Accountability Office (GAO) and with their approval, began paying subcontractors directly for these claims. NPS has used approximately 92% of the withheld funds to pay 41 claims of an estimated total of 76 claims submitted.

The impact of PGI's default was compounded by lapses in the contracting operations at Grand Canyon National Park. An acquisition management review conducted by the NPS Washington Contracting and Procurement Office, determined that the park had failed to obtain payment and performance bonds from PGI required by the IDIQ contract and the Miller Act (40 U.S.C. § 3131). To prevent future lapses, we have strengthened internal controls both at the park and regional level. For example, the park superintendent is now annually evaluated for management of the park's contracting program. In addition, the NPS Intermountain Region will be conducting periodic acquisition management reviews of the Grand Canyon contracting program.

The Department understands the hardships PGI's default and NPS' actions have placed upon the involved subcontractors. The payment bonds required of the contractor under the Miller Act are designed to protect subcontractors who do not have the recourse of placing a lien on the property at issue, since liens cannot be placed on government property. The courts have held that, while the contractor has an obligation to provide such bonds, the Miller Act places no affirmative obligation on the federal government to ensure the bonds have been obtained. The Department recognizes that H.R. 1191 is intended to be an equitable resolution to a difficult situation. However, it singles out one situation for relief not available to others under the Miller Act and would effectively have NPS pay for the same services twice.

Although we are sympathetic about the position of the subcontractors, the Administration is concerned about the precedent that would be set by requiring the federal government to assume the liability for the contractor's default, particularly in a situation where no contractual relationship exists.

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

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

Mr. Holtrop.

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

Mr. HOLTROP. Mr. Chairman, I appreciate the opportunity to appear before you today to provide the Department's view on the Fossil Creek Wild and Scenic River Act of 2007.

With some minor amendments, the Department of Agriculture strongly recommends that S. 86 be enacted.

S. 86 would amend Section 3A of the Wild and Scenic Rivers Act to designate Fossil Creek, a tributary of the Verde River in Arizona as a component of the National Wild and Scenic Rivers System.

The segments to be designated by S. 86 include the river from its source to its confluence to the Verde Wild and Scenic River. S. 86 provides allowance for specified fish restoration activities and

stream flow monitoring. Fossil Creek has been impacted by the Childs-Irving Hydropower project, which diverted, essentially, all of the water from Fossil Springs for power production.

In 2004, as a result of a unique collaboration among Arizona public services, the Forest Service, tribes, environmental groups and others, the Childs-Irving Hydropower license was surrendered with a plan to decommission the supportive infrastructure and restore flows to Fossil Creek.

Arizona Public Services supported the decommissioning of this project, to give the residents of the State a perennial stream in the desert that possesses rare regional and national values. Fossil Creek, with its consistent spring flow, harbors endangered desert fish, contains unique geological formations, and provides an opportunity to share the pre-history and history of Central Arizona.

S. 86 recognizes the significant efforts made by Federal, State, tribal and local entities to return this tributary to a free-flowing condition. Passage of this bill ensures the protection of this tributary for future generations.

We would like to work with the subcommittee on ensuring consistency in the language of this bill, and the Wild and Scenic Rivers Act and Forest Service reports and analyses of Fossil Creek. In addition, the uppermost point of the Fossil Creek tributary is difficult to identify. We would like to work with the subcommittee to provide a description of this beginning point.

We also would like to ensure that the designated river sections are accurately classified. Due to the existence of the Fossil Springs dam, the 16.8 mile stretch of Fossil Creek that would be designated includes a 7.5 mile stretch that fits the description for a recreation river, rather than a scenic river.

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

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, FOREST SERVICE,
DEPARTMENT OF AGRICULTURE, ON S. 86

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department's view on the Fossil Creek Wild and Scenic River Act of 2007.

With some minor amendments, the Department of Agriculture strongly recommends that S. 86 be enacted.

S. 86 would amend section 3(a) of the Wild and Scenic Rivers Act (16 USC 1274(a)) to designate Fossil Creek, a tributary of the Verde River in the State of Arizona, as a component of the National Wild and Scenic Rivers System. The segments to be designated by S. 86 include the river from its source to its confluence with the Verde Wild and Scenic River. S. 86 provides allowance for specified fish restoration activities and stream flow monitoring.

Fossil Creek has been impacted since the early 20th century by the Childs-Irving Hydropower Project which diverted essentially all the water from Fossil Springs for power production. In 2004, as a result of a unique collaboration among Arizona Public Services (APS), the Forest Service, tribes, environmental groups and others, the Childs-Irving Hydropower Project license was surrendered with a plan to decommission the supporting infrastructure and restore flows to Fossil Creek.

APS supported the decommissioning of this project to give the residents of the State a perennial stream in the desert that possesses rare regional and national values. Fossil Creek, with its consistent spring flow, harbors the endangered desert fish, contains unique geologic formations, and provides an opportunity to share the prehistory and history of central Arizona.

S. 86 recognizes the significant efforts made by Federal, State, tribal and local entities to return this tributary to a free-flowing condition. Passage of this bill ensures the protection of this tributary for future generations.

We would like to work with the Subcommittee on ensuring consistency in the language of this bill, and the Wild and Scenic Rivers Act, and Forest Service reports and analyses of Fossil Creek.

In addition, the uppermost point of the Fossil Creek tributary is difficult to identify. We would like to work with the Subcommittee to provide a description of this beginning point. We also would like to ensure that the designated river segments are accurately classified. Due to the existence of the Fossil Springs Dam, the 16.8 mile stretch of Fossil Creek that would be designated includes a 7.5 mile stretch that fits the description for a recreation river, rather than a scenic river.

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

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

Delighted to have our ranking member here, and before we ask you any questions, I'd like to ask our ranking member for any remarks or statement he may have.

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

Senator BURR. Mr. Chairman, I thank you, and thank the witnesses for their indulgence in letting me come in late. I apologize, there are just too many things in a given day and I was trying to get an update very quickly of everybody's position.

I want to thank the Chairman for doing this, it is an aggressive list of bills on this markup schedule, and I know that we have an appetite on the part of our members that our Chairman has tried desperately to accommodate as many as he can, and I pledge—as I always do—to work with him aggressively to make sure as many of these that we can get out, we do.

I thank the Chair.

Senator AKAKA. Thank you very much, Senator Burr.

My first question is to Mr. Holtrop on the Fossil Creek Wild and Scenic River. The bill appears to be non-controversial. Though, I understand you may be submitting proposed clarifying amendments to the bill, I have just one question, however.

The bill authorizes appropriations to fund a river ranger to oversee Fossil Creek. Does the Forest Service typically employ river rangers dedicated to one creek? Do you support the authorization for one here?

Mr. HOLTROP. Depending on the complexity of rivers, we do employ people who have—generally, as part of their duties, river ranger responsibilities in various places across the country. For example, we have river rangers, part-time river rangers on the Chattooga River in the East, and the Clearwater and Rogue Wild and Scenic River, and we have a part-time river ranger on the Verde River, Wild and Scenic River, which Fossil Creek is tributary to.

But we do, as one of the minor amendments that we are suggesting, we would prefer that, to have some more flexibility in how we would go about managing the river, and suggest some language such as authorizing appropriations to implement the management plan, and administer the river, something like that, which would allow us some more flexibility, given the shared desire to make sure that we're managing this river appropriately.

Senator AKAKA. OK.

Ms. Stevenson, I'd like to begin with S. 2220, the authorization for the National Tropical Botanical Gardens. Now, you've testified that the Department opposes the bill, because it would reduce the amount of National Park Service discretionary funds that could be used for Park purposes.

However, the bill itself does not mandate that funds for the Garden come from the National Park Service, or even from within the Department of Interior. It simply authorizes up to \$1 million in appropriation in Fiscal Year 2009, and \$500,000 in following years to match non-Federal funding.

Is the Administration's position that no Federal funding should go to the Gardens, or just that it shouldn't be tracked from National Park Service funding needs?

Ms. STEVENSON. Senator, based on the fact that S. 2220 was drafted as an amendment to a law that's administered by the Secretary of the Interior, and the fact that many pass-through grants authorized for the organizations that are involved in cultural and natural resources end up in the National Park Service's statutory aid account, we think the most likely outcome is that funding would come out of the National Park Service budget, and we have consistently opposed projects such as this, that have no obvious Federal connection or interest, because we think that limited Federal funds should be directed to programs and projects of Federal agencies.

Senator AKAKA. My next question concerns H.R. 1191, which would authorize payments to subcontractors for work performed at Grand Canyon National Park.

As I understand your testimony, the Administration believes that it is inappropriate to require the Federal Government to assume the liability for the contractor's default. We'll hear from one of the affected subcontractors on the next panel.

But, I believe that the allegation is that the Park Service's failure to follow its standard contracting procedures was a significant part of the problem. That some Park Service contracting employees actually misled the contractors into believing that bonds were in place, and that it was safe to continue working on these contracts. Even if the Park was aware that the departmental contractor had financial irregularities, my question is, do you agree with this description of the Park Service's contracting practices? If so, why shouldn't the subcontractors be given equitable relief?

Ms. STEVENSON. Last year when we testified on a similar bill in the House, the Park Service acknowledged that our own contracting procedures were not followed. To prevent that from happening again, we've implemented additional oversight in our contracting practices.

The National Park Service had a contractual relationship with the prime contractor, PGI. The National Park Service does not have a contractual relationship with the subcontractors, and we don't have the legal authority to pay those subcontractors who PGI failed to pay.

We know that the bill is intended to be an equitable resolution to a very difficult situation, however, as we said before, it singles out one situation for relief that's not available to other people

under the Miller Act. Therefore—and it would also effectively have the National Park Service pay for the same services twice.

Senator AKAKA. To your knowledge, has there been a similar situation where subcontractors were not paid for working on a park construction project?

Ms. STEVENSON. We're not aware any other such, so situations.

Senator AKAKA. My next question concerns two of the study bills. S. 1941 authorizing a study of the structure known as the Wolf House in Arkansas, and S. 1991, the study of possible extensions to the Lewis and Clark National Historic Trail. You oppose S. 1941, because the structure is not significant from a national historical perspective, even though it's listed on the National Register, but you don't oppose S. 1991, although that study would presumably review many sites of uncertain historical importance.

I'm curious how the Department came to opposite conclusions for these bills, since they authorize similar types of studies?

Ms. STEVENSON. We believe that the Wolf House, as I said, may be more suited for inclusion in the State Park System. Buffalo National River, which is the closest National Park to this historic house, is approximately 62 miles away, and the Park already cares for four National Register historic districts, as well as other historic building and structures.

As we stated in our written testimony, the house—although listed on the Register—is not distinguished beyond many of the other historic log structures in cities all of the United States.

In the case of the Lewis and Clark studies, there are many proponents and opponents of the possible extension to the Trail. Even though a study was completed this last year to examine the Eastern Legacy sites, in terms of their eligibility for listing in the National Register, or eligibility for designation as a National Historic Landmark, a special resource study would provide a definitive answer regarding the suitability and feasibility of extending the trail to include the Eastern Legacy portion.

Senator AKAKA. My final question to you is, on S. 1365, which authorizes cooperative agreements at the Boston Harbor Islands National Recreation Area, you've testified that the Administration has concerns with the bill, as written. Rather than get into specific issues here, would you be willing to submit the Park Service's recommended changes to the subcommittee for the record?

Ms. STEVENSON. Yes, sir, we'd be very happy to work with the subcommittee.

Senator AKAKA. Thank you very much for your responses.

Now I'd like to ask the ranking member for any questions he may have.

Senator BURR. Thank you, Mr. Chairman, and again to our witnesses, I thank you.

Let me, if I could, go right to the question of the subcontractors of the Grand Canyon. I want to try to make myself as clear as possible.

My major concern right now is to make sure this never happens again. I'm not convinced from what you've said that we have an architecture that won't allow that to happen. I am told that even in this process, there were questions raised, serious questions raised as early as 3 months before the prime contractor was terminated,

and that it didn't set off red flags or alarm bells with NPS that would have stopped the last payment that went to the prime contractors.

I, and I think every member up here, will try to make a judgment based upon the facts that we find relative to the merits of whether we have a Federal obligation, in some way, to the subs. But, I'm going to implore you that, I think in an informal capacity, Mr. Chairman, we need to sit down when such a framework is in place, that we can be assured there's no way in the future that a situation can happen like it happened in this case. Just for somebody to walk in and lay a resignation down, and we're all supposed to feel good about the fact that somebody was held responsible, they exited voluntarily themselves and if, in fact, we haven't looked in great detail to everything that went wrong and figured out how to fix it, I would pledge to you my commitment to personally work with you to figure that out, because I think at the end of the day, it's not a question of what we do on this issue of reimbursement of subcontractors, it is an issue of do we fix the system to where we would never explore this again.

I want to commend you on your support of the American Battlefields Protection Act. I think this is a vitally important thing, and I don't think it's controversial, and I hope the chairman agrees with me, that this is an area that we can move forward quickly.

I do have a few questions on some of the bills, and I will submit others in writing if I am still unclear.

The Rocky Mountain Science Collection Center, S. 1449, where are the collections from the Denver Museum of Nature and Science currently stored? Do we know?

Ms. STEVENSON. I do not know.

Senator BURR. Does the National Park Service have an existing relationship with the Denver Museum?

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

Senator BURR. OK. Where do the National Park Service and other agencies currently store materials collected on public lands in the inter-mountain region?

Ms. STEVENSON. They are spread among a variety of institutions, both universities, as well as museums.

Senator BURR. Is there a shortage of those relationships today?

Ms. STEVENSON. I'm sorry, I don't understand your question.

Senator BURR. Is there a shortage of available space in those existing relationships today for those things that we need stored?

Ms. STEVENSON. The difficulty is that enormous amounts—particularly of archeological remains and paleontological remains—were collected over the years, both for scientific studies, and other things.

In fact, the Park Service itself has 124 million objects in its collection, many of which we have difficulty paying for in order to conserve them. The universities that did the collections often took the responsibility at the time that the research was done, of caring for the collections.

It's a little alarming that they're coming back now, years after the fact, and asking for assistance when many of these Federal objects are the backbones of their collections. We, too, are sadly lacking in our ability to take care of our own collections, and we really,

really cannot help others, since we're doing our best to help ourselves.

Senator BURR. I'm more inclined, as one member of the committee, to suggest if there's need for space from the standpoint of storage of these archeological findings, I would prefer that this be a facility that the U.S. Government own, versus for us to cost-share, especially at a 50 percent rate, where somebody else will own the building.

I think we have had a good policy in the past, and I'm disturbed that it's not mutually beneficial on both sides, or perceived that way today.

I want to go to 1941 and 1991 from a little different question than what the chairman asked, and that is that, in both of these bills, they call for studies. In 1941 it calls for a study to be conducted and reported no later than 1 year, in 1991, no later than 2 years, and it's my understanding that the typical study is assigned a 3-year period.

One, am I correct on the 3-year period, which is more indicative of what we have always done, and could a study be done in 1 year for 1941, or 2 years for 1991.

Ms. STEVENSON. The 3-year period sounds about right, I'm not going to swear to it, but that probably sounds about right. That's not that the study itself actually takes from beginning to end the 3 years. There are many studies ahead of these two studies. Were a person to spend full-time, I think probably, certainly an historic study could be done in a shorter period of time. In terms of suitability and feasibility, those studies require—and I think you would agree with this—substantial public involvement, and so they take substantially longer.

Senator BURR. In the absence of that, I'm not sure that we get a true feel for—

Ms. STEVENSON. Exactly.

Senator BURR [continuing]. What the study is.

Last question, Little River Canyon boundary expansion, S. 1961—how many acres are currently included within the boundary of Little River Canyon National Preserve, and how many acres will the Secretary be authorized to add as a result of this legislation?

Ms. STEVENSON. There are presently 13,797 acres, and it adds approximately 1,656 acres to the boundary.

Senator BURR. Are any private property owners within the revised boundaries?

Ms. STEVENSON. Yes, sir, there are private property owners within the revised—what would be the revised boundary.

Senator BURR. Are there private property owners within that revised boundary that would object to this legislation?

Ms. STEVENSON. I'm not familiar with that, but we wouldn't be doing any condemnation or anything like that, it would only be willing seller or donation. So, they wouldn't be adversely affected from that standpoint.

Senator BURR. I thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Burr.

Senator Dorgan.

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

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

Ms. Stevenson, you indicated in your testimony that the Department does not support S. 2098, you indicated that it did not include existence of significant levels of public involvement. I'm going to ask consent to provide for the record, the feasibility study* for the hearing records, if I might, on the Northern Plains National Heritage Area.

Senator AKAKA. Without objection, it will be.

Senator DORGAN. I believe there's a misunderstanding here. I think there's been very substantial consultation, very substantial public involvement and support, and I will ask that State Senator Tracy Potter, who is testifying on the second panel today, provide you with much of that additional information.

This area is the last place on the Missouri River that can be seen as it was seen by Lewis and Clark and the ancestors of today's Mandan and Hidatsa Indian tribes. It's an area that is the northern extremity of Native agriculture on the Northern Great Plains, it overlooks a rich agricultural tradition stretching back 1,000 years, it has so many national historic sites, the Knife River Indian Village, the Huff National Landmark, and so on.

I think it quite clearly fits exactly within what you would think to be a heritage and cultural area. Your testimony does not suggest it doesn't fit, is that correct?

Ms. STEVENSON. That is correct.

Senator DORGAN. Because it fits, I think your question is, about public involvement and support. I personally have been involved with State Senator Potter, and a number of others who have worked for some long while on this, so I can personally attest to you that there is substantial public involvement and support, so we'll want to get you additional information. Because, I think this is one of those areas that fits almost exactly in what we anticipated National Heritage Areas to represent.

But, I appreciate your being here today, and I think it is sufficient for us just to exchange information with you, and we appreciate the work that you're doing on these many pieces of legislation.

Senator AKAKA. Thank you, Senator Dorgan.

Senator Lincoln.

**STATEMENT OF HON. BLANCHE LINCOLN, U.S. SENATOR
FROM ARKANSAS**

Senator LINCOLN. Thank you, Mr. Chairman. Thanks again for all of your leadership here on the committee, and all of the things that we get to do here. It's always very exciting for us, because it really does have a relevance to our home States. We appreciate it.

We thank you all both for being here. I've had the wonderful pleasure a couple of months ago of introducing myself, and meeting with my new superintendent in the Buffalo National Park, and I'm one of the members that actually spends most of my vacation time in our National Parks. I took my children floating and camping on

*Study has been retained in subcommittee files.

the Buffalo just a couple of weeks ago, just as I did when I was a child, they spend a good bit of their summer vacationing on, at Hot Springs National Park.

So, we thoroughly enjoy the good work that you do and the maintenance and all of the efforts that the National Park Service does in that respect. So, we're one of the American families that enjoys the great work that you do.

Ms. STEVENSON. Thank you, Senator.

Senator LINCOLN. We appreciate that, absolutely.

Mr. Holtrop, thank you so much, we have a great working relationship with the Forest Service in Arkansas, I also grew up right outside the boundaries of the St. Francis National Forest, and I used to go up there turkey hunting with my Dad and knew just about every inch of it when I was a kid. It's a wonderful—along with the Washita in the Ozarks, great opportunity and resource for the people of Arkansas, and they love it. They love our National Parks, and they love our National Forests, and we enjoy them and take good care of them. So we appreciate all of the work you do in conjunction with that.

Mr. Chairman, the issue I have here, I guess, is the bill that is before us, and that is the study on the Wolf House. Of course, the Director's comments were unfortunate in my respect, because I do really believe that the Wolf House is a unique—it's a two-story structure that exists as really the oldest standing territorial courthouse west of the Mississippi River. While the Park Service may believe that the Wolf House should not be a part of the National Park Service, I beg to differ a great deal.

To begin with, the structure is adjacent to an existing National Park, the Buffalo National Park. Therefore, the study would not be undertaken in order to establish a new park, but simply to put an adjacent structure into an existing National Park.

The other great thing about the Wolf House is that it's already been restored. The local community, the people of Arkansas have felt such a sense of pride and dignity about this structure, such an invested piece of history, they feel like—not only for Arkansas, but the Western Territories—that they spent their own moneys to restore it. They restored it with funds from the local community and the Arkansas Preservation Society. So, we're not asking the Park Service to come in and restructure, rebuild, re-do, renovate—what we're asking is that the Park Service would have the potential role to simply be the one of preservation and enhancement of what we consider an enormous treasure and landmark, both in Arkansas, and as I said, for the western progression to the territories.

It is certainly a structure that should be preserved. The Park Service describes the Wolf House as similar to other log structures across the country, in your comments, Ms. Stevenson. It also notes that it's the oldest standing territorial courthouse west of the Mississippi.

But none of the other log structures that you reference, or that you speak of from the Park Service, I don't think can really claim that it is the oldest territorial courthouse. We had many visitors that traveled those roads—Daniel Boone was one of many acclaim, a host of others—that used this courthouse as an outpost, and a place to be able to stop along their travels out West.

Finally, it is really unlikely, Mr. Chairman, that the Wolf House could be integrated into the State Park System, I know that was your recommendation. But, unfortunately, there is a moratorium on establishing new State Parks in Arkansas, and we do not want to lose the investment that the local community has made, that the State Preservation Society has made, and all of the good things that have been done, in regard to the preservation and the restoration of the Wolf House, due to the moratorium on those State parks.

So, we really do feel like making it, as it is adjacent to the National Park, a part of the National Park.

Even if the moratorium were not the case, since it is so close to the park, to the existing National Park, I just really do feel that it's only prudent to conduct, at least, a feasibility study on designating the Wolf House as a unit of the National Park System.

I'm curious, because I came in with Mr. Stevenson's comments, she mentioned that it was 64 miles, I think it was 64, or 61—I can't remember what your statement was—I would be curious to know where you measured from. I don't know if you're measuring from the National Park Service's headquarters in Harrison, because the river's quite close by to the Wolf House, and of course, that is the National Park, is the Buffalo. So, I don't know where you're measuring from there.

Ms. STEVENSON. I believe that, it was provided by the Park, and I believe that that's driving distance from headquarters on the road, as opposed to as the bird flies. But I could check that out for you.

Senator LINCOLN. Right, but in terms of being "in the park," it is clearly "in the park," in its proximity to the River. It may not be "in the park" in the designation of being adjacent to the headquarters, of course there's always been the turmoil of whether people wanted to move the headquarters to different places.

There's a wonderful Park Service-operated visitor's center in Tyler Bend, which we took out in one of the days that we floated. Great services and opportunities there. It's not in, obviously, a city like Harrison, it's at a bend in the river, which is again, the National Park that so many people love and enjoy.

So, Mr. Chairman, I just unfortunately have large disagreements with Ms. Stevenson, because I really do feel like this is an appropriate place for the Wolf House, I think it's a wonderful addition to the National Park that so many people and so many families like ours enjoy, and I think it would make it not only more accessible to people to visit, and see, and learn the history of travelers and explorers that came through, passing to the Western Territories that came through Arkansas, but it just makes sense, since its proximity is so close to the National Park.

So, I hope that we'll make sure that every one of those considerations will be made, and I look forward to continuing to work with the Park Service, because they are a great bunch in Arkansas, and we thoroughly enjoy, in our office, working with them, and the great things that they do, along with the Forest Service.

So, I'm just going to have to respectfully disagree with Ms. Stevenson here today, and look forward to working with you, Mr.

Chairman, and others in the committee to see if we can't make something like this happen.

Thank you.

Senator AKAKA. Thank you very much, Senator Lincoln.

That concludes my questions and we'll move to the next panel.

I want to thank this panel very much for your testimonies, your responses, and we'll be meeting with you and working with you on decisions that we need to make. Thank you.

I'd like to call up the next panel and ask that you please take a seat at the witness table. The panel includes Ron Steed, project manager for R and W Excavating from Hildale, Utah; George Sparks, the president and CEO of the Denver Museum of Nature and Science; Chipper Wichman, the director and CEO of the National Tropical Botanical Gardens.

I want to say to Chipper, to say aloha, and to Hoali who's here, too, and both of you made the long trip from Hawaii to be here. Mahalo, thank you very much.

Tracy Potter, a North Dakota State Senator, who is also the President of the Northern Plains Heritage Foundation.

We'll include your statements in the hearing record, and I'd like to ask each of you to summarize your testimony and limit your remarks to no more than 5 minutes, and once everyone has testified, we'll start on a round of questions.

But, at that time, I'd like to ask Senator Dorgan, if he would like to introduce Mr. Potter, who has come from North Dakota to testify on the North Dakota Heritage Area.

Senator Dorgan.

Senator DORGAN. Mr. Chairman, I thank you very much, I'm not able to stay for the entire panel, and I apologize for that, but there are so many other committee issues, and we're set to go to an Appropriations Subcommittee conference soon, and so, I wanted to especially welcome State Senator Potter. As I indicated to the Park Service, I have firsthand knowledge of the work that has been done on the Northern Plains Heritage Foundation, a great amount of work has been done with a lot of people. We're very excited about that work in North Dakota, and I hope in Mr. Potter's testimony that he will respond to the issue that was raised by the Park Service.

The Park Service noted that this project falls squarely within the guidelines of what would be a Heritage Area, but had questions about outreach and work with others, and so on. So, I hope Mr. Potter will address that. But, I thank you very much for the courtesy and State Senator Potter is a very distinguished member of our State Senate, in addition to being a historian and someone very interested in our culture and our heritage, and we welcome him here.

Senator AKAKA. Thank you very much, Senator Dorgan.

So, I'd like to ask for your testimonies, and I'll ask Senator Potter to please proceed with your statement.

STATEMENT OF TRACY POTTER, PRESIDENT, NORTHERN PLAINS HERITAGE FOUNDATION, MANDAN, ND

Mr. POTTER. Thank you, Mr. Chairman, Senator Dorgan. Thank you for the opportunity to testify in support of the Act to create a

new National Heritage Area along the last free-flowing stretch of the Missouri River in Central North Dakota.

After working on this project for 3 years, I am convinced that the region is worthy of National Heritage Area designation, and I hope that convince you, as well.

My name is Tracy Potter, as I said, and I'm a historian and for 20 years, a heritage tourism professional, and the Executive Director of the Fort Abraham Lincoln Foundation, with a mission to preserve, develop and promote the historic properties of Fort Lincoln State Park.

I previously served with North Dakota Tourism, including a term directing that State office. I come before you today as the President of the Board of Directors of the Northern Plains Heritage Foundation.

The National Heritage Area is a place designated by Congress where natural, cultural, historic and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. The proposed Northern Plains National Heritage Area certainly fits that definition.

The natural scenic beauty of the Missouri River is legendary, there are places along the River that simply take your breath away. In the landscape apart from Bismarck, the land often appears unchanged since the glacier receded 15,000 years ago.

The cultural and historic resources are even more stunning. Some of the most famous people of the 19th century made history within this proposed area: Captains Meriwether Lewis and William Clark met Sacagawea and her husband there. George Armstrong Custer and the 7th Cavalry were stationed at Fort Lincoln. Custer was there because of Sitting Bull, another legendary figure who rode and hunted and fought all through the region.

The cultural resources of the proposed area stretch back more than 10,000 years, to the people who mined the Knife River flint quarries to make spear points for hunting mammoths. The initial focus of the proposed Heritage Area, however, will be on the earthlodge people, the Mandan and Hidatsa, who pioneered agriculture on the Northern Plains 1,000 years ago. They settled the areas, grew crops and hunted, built cities, and developed trade relations stretching to both coasts.

Villages became permanent cities, lasting hundreds of years, with populations of two and three thousand. They achieved a balance with nature and with other nations, and those cities might still be here today, if not for two devastating smallpox epidemics.

The ancient cities are still there, of course, they're just empty. There are approximately 150 village sites within this proposed area, and this is where the plan to create a Northern Plains National Heritage Area dovetails with your committee's oversight responsibilities for prehistoric ruins.

Many of the sites have been impacted by cultivation or urban growth, and of the others, a handful are protected as State and Federal sites. But there are still others, important, but yet unprotected.

Working not in a regulatory way, but strictly with incentives and encouragement, the Northern Plains Heritage Foundation will help preserve this heritage. This is, to me, the most attractive element

of the National Heritage Areas, that they are not in any way regulatory, but that they pursue preservation, and honor our national heritage, strictly with incentives and encouragement—they are all carrot, and no stick.

Over the last two decades, a combination of private donations, and State and Federal funding has resulted in substantial investment—about \$10 million—in building a critical mass of heritage tourism sites in this proposed area. Designation will produce tremendous return on those investments. The stamp of credibility, and the marketing resources, and particularly, the linking of the various sites under one comprehensive theme will have an important affect on each of the sites. It will stimulate further private sector investment in lodges and bed and breakfasts and canoe rentals and tour operations.

Designation is the last critical component which will bring those investments together, and make them pay off for the residents of the proposed area.

The residents are excited about it. In 10 public meetings held throughout the 5-county area, in numerous other appearances before civic groups and service clubs and organizations, we have found virtually unanimous support for those concepts. There has been nary a discouraging word.

Again, Mr. Chairman, I thank you for this opportunity to appear before this subcommittee, and I welcome any questions that you or your colleagues may have.

[The prepared statement of Mr. Potter follows:]

PREPARED STATEMENT OF TRACY POTTER, PRESIDENT, NORTHERN PLAINS HERITAGE FOUNDATION, ON S. 2098

Chairman Akaka and Members of the Subcommittee: thank you for the opportunity to testify in support of S. 2098, an act to create a new National Heritage Area along the last free-flowing stretch of the Missouri River in central North Dakota. After working on this project for the better part of three years, I am convinced that this region is worthy of National Heritage Area designation. I hope now to convince you, as well.

My name is Tracy Potter. I am a historian and have been a heritage tourism professional for the last twenty years. I've also recently become a North Dakota State Senator, but please don't hold that against me. My "real job" is serving as the Executive Director of the Fort Abraham Lincoln Foundation. Our mission is to preserve, develop and promote the historic properties within Fort Abraham Lincoln State Park, including the 7th Cavalry's posting, the last home of George Armstrong Custer and the On-a-Slant Mandan Indian Village. Prior to coming to the Fort Abraham Lincoln Foundation in 1993, I served six years at North Dakota Tourism in various capacities, including directing the state office through a legislative session for Governor Ed Schafer, recently nominated for Secretary of Agriculture.

I come before you today as President of the volunteer Board of Directors of the Northern Plains Heritage Foundation.

NATIONAL HERITAGE AREA DEFINED

A National Heritage Area is a place designated by Congress where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography.

The proposed Northern Plains National Heritage Area certainly fits that definition. The natural scenic beauty of the Missouri River Valley is legendary. There are places along the river that take your breath away. The landscape apart from Bismarck-Mandan often appears unchanged since the glacier receded 15,000 years ago - the glacier that turned the Missouri from emptying into Hudson Bay to its current course to St. Louis and the Gulf of Mexico.

The cultural and historic resources are even more stunning. Some of the most famous people in the world, of the 19th Century, made history within the proposed Heritage Area. Captains Meriwether Lewis and William Clark spent more time there than any other place on their famous mission. Lewis and Clark met and hired Sacagawea and her husband Toussaint Charbonneau in the area. George Armstrong Custer and the 7th Cavalry were stationed at Fort Abraham Lincoln, a key historic site within the proposed Heritage Area. The reason Custer was there was to chase the Lakota leader Sitting Bull, another legendary figure who rode and hunted and fought along the Missouri River all through the region.

The cultural resources of the proposed area stretch back more than ten thousand years, to the people who first mined the nearby Knife River Flint quarries to make spear points for hunting mammoths. The first focus of the proposed Heritage Area will be on the Native peoples of only the last thousand years, however. These are the earthlodge people, the Mandan and Hidatsa, who pioneered agriculture on the Northern Plains. They settled the area, grew crops and hunted, built cities and developed trade relations stretching to both coasts.

At first the villages of the Mandan and Hidatsa were temporary, lasting only about 50 years before the wood resources and game played out. Later, in the Heart River Phase, the villages became permanent cities, lasting hundred of years with populations of two and three thousand. They had achieved a balance with nature and with other nations and those cities might still be here today if not for the devastating smallpox epidemics of 1781 and 1837.

The ancient cities and the even earlier villages are still there, of course. They are just empty. There are approximately 150 village sites within the proposed Heritage Area. This is where the plan to create a Northern Plains National Heritage Area dovetails with your committee's responsibility for preservation of prehistoric ruins. Many of the sites have been impacted by cultivation or urban growth. Of the others, a handful are under the protection of the State Historical Society of North Dakota as State Historic Sites. One is a National Landmark, another is protected in a State Park and three others are part of the Knife River Indian Villages National Historic Site. But there are still others, as yet unprotected. Working not in a regulatory way, but strictly with incentives and encouragement, the Northern Plains Heritage Foundation could help preserve this valuable piece of our heritage.

This is, to me, the most attractive element of the National Heritage Areas, that they are not in any way regulatory, but that they pursue preservation and honor our national heritage strictly with incentives and encouragement. They are all carrot and no stick.

The Northern Plains Heritage Area is significant as a transitional region, both on the north-south axis and east-west. This was the northern frontier of prehistoric agriculture, where talented Mandan and Hidatsa Indian agronomists developed strains of corn, beans and squash adapted to the short growing seasons of the Northern Plains. Later farmers in the area learned from the Mandan and Hidatsa experience, and even adopted their predecessors' varieties for their own farms. The Oscar Will Seed Company distributed Mandan and Hidatsa corn, for instance, throughout the Great Plains and other northern crop lands.

John Steinbeck well described the east-west transition.

Someone must have told me about the Missouri River at Bismarck, North Dakota, or I must have read about it. In either case, I hadn't paid attention. I came on it in amazement. This is Thwhere the map should fold. Here is the boundary between east and west. On the Bismarck side it is eastern landscape, eastern grass, with the look and smell of eastern America. Across the Missouri on the Mandan side, it is pure west, with brown grass and water scorings and small outcrops. The two sides of the river might well be a thousand miles apart.

John Steinbeck
Travels with Charley

Creator said to Lone Man, "Together we will make the world," and he assigned to Lone Man the region east of the Missouri, taking for himself the creation of the west river country. When Lone Man was done with his task he reported back and asked First Creator what he thought of his handiwork. "Too flat," was the response. Not enough trees, either. Man wouldn't be able to live by the hunt in such a territory because game would see him coming at a distance. It was dangerous, too, because enemies would see each other and consequently be unable to avoid coming to blows. The west river country was better, the Creator thought, with woody draws, bluffs and buttes.

Man did, however, come to thrive at the junction of these two eco-systems, figuring out how to utilize both sides of the Missouri River. The villages of the Mandan

people became centers of trade and population, both fueled by agricultural surplus. The first villages were started nearly a thousand years ago. By the 1700s, tribes from all over the Northern Plains, from the lakes and woods of Ontario across the prairie to Saskatchewan and down to the Black Hills and even from the foothills of the Rocky Mountains people were coming to the Mandan villages of the Heart River region. French-Canadian traders first arrived in the region in 1738, when Pierre Gaultier, Sieur de la Verendrye visited Fort La Butte, a yet unidentified earthlodge village. Contact with fur trade posts on the Assiniboine River was constant after that. The Heart River villages carried on a brisk trade as the frontier of the trade gun from Canada met the frontier of the horse, coming from the Southwest.

When Lewis and Clark entered the area in 1804 as the first representatives of the United States to meet the Mandan and Hidatsa, they found abandoned villages along the Missouri from the Heart River almost to the Knife River. The smallpox epidemic of 1781 had emptied those ancient cities. At the Knife River, clustered for mutual defense against nomadic enemies, the Mandan and Hidatsa lived in five villages each one of which was equivalent to the population of St. Louis, or Washington City, at the time. Those five villages, now partly preserved as the Knife River Indian Villages National Historic Site, were central to a vibrant international trade network that included the Crow and Assiniboine, the French and Metis of the Northwest Company and the English of the Hudson Bay Company.

The Mandan exhibited such hospitality to the men from the young United States (the Mandan chief Sheheke famously said to Captain Clark, "If we eat, you shall eat.") that the explorers named their winter quarters Fort Mandan. Upon their return from the Pacific, the Captains were able to convince Sheheke to accompany them to Washington, where he met President Thomas Jefferson, December 30, 1806, cementing an enduring friendship between the two nations.

After Lewis and Clark, other visitors to the five villages included George Catlin, John J. Audubon, Prince Maximilian of Wied, and Karl Bodmer. The art and journals of those visitors chronicle the rich and unique culture of the earthlodge peoples.

History didn't end, of course, when the smallpox epidemic of 1837 devastated the Knife River villages. Decades after the Hidatsa and few remaining Mandan emigrated upriver, the United States military moved into the region, establishing a string of forts, including Fort Abraham Lincoln in 1872. The Northern Pacific Railroad and settlement arrived simultaneously. Though they were gone, the work of the pioneering agriculturalists, the Mandan and Hidatsa, influenced the development of production agriculture in the area, and eventually in a much wider distribution.

Significant Attractions of the Northern Plains Heritage Area

The area is anchored by two federally-recognized properties: Huff Indian Village State Historic Site on the south, which is a National Landmark; and, the Knife River Indian Villages National Historic Site on the north, which is a unit of the National Park Service. Between those lie the major attractions of Fort Abraham Lincoln State Park, the North Dakota Heritage Center, Fort Mandan and the Lewis and Clark Interpretive Center. There are six other State Historic Sites and another State Park within the proposed area.

Fort Abraham Lincoln includes the reconstructed Custer House and four other 7th Cavalry buildings, and six reconstructed earthlodges in the Mandan Indian Village of On-a-Slant, occupied from 1575 to 1781. A CCC-era fieldstone building serves as the park's Visitor Center with the finest museum displays on the Mandan Indians to be found anywhere. Fort Lincoln, operated jointly by the North Dakota Department of Parks and Recreation and the non-profit Fort Abraham Lincoln Foundation, is a major heritage tourism attraction for Bismarck-Mandan and the state as a whole. More than 70% of visitors to Fort Lincoln come from other states and annually between 3% and 5% are from foreign countries.

The reconstructed Fort Mandan and the nearby Lewis and Clark Interpretive Center at Washburn are similarly draws for heritage tourists from all over the United States and the rest of the globe. The Interpretive Center holds a complete collection of Karl Bodmer aquatint prints, one of four such sets in the world. It also contains a state-of-the-art exhibit on The First Farmers, a very direct tie to the main theme of the proposed Heritage Area.

The North Dakota Heritage Center on the state Capitol Grounds is the state's museum. From prehistoric to modern times, the Heritage Center has a heavy focus on agriculture and agricultural issues appropriate to one of the most rural states in the Union.

Those redeveloped and reconstructed sites are well protected, professionally interpreted and recognized by both state government and the state's residents as impor-

tant to both the state's heritage preservation and its economic benefit. Heritage tourism is widely regarded as one of the state's most important and fastest growing economic engines.

Cashing in on Investment

Over the last two decades, a combination of private donations and state and federal funding has resulted in substantial investment in building a critical mass of heritage tourism attractions within the proposed Heritage Area.

Designation as a National Heritage Area will produce tremendous return on those investments. The stamp of credibility, the marketing resources, and particularly, the linking of the various sites under one comprehensive and comprehensible theme will have an important economic effect on each of the sites. It will stimulate further private sector investment in lodges and bed and breakfasts and tour operations. Designation is the last critical component which will bring the investments together and make them pay off for the residents of the proposed area.

The various non-profit organizations, supported by private sector donations, and the state and federal agency workers in the area already work together very cooperatively. Designation of the area will deepen that cooperation, providing a vehicle and a common goal for joint actions.

The great thing about heritage tourism is that it gives us the economic incentive to do the things we want to do anyway. We want to preserve the past and educate our children about their heritage. But, when we put the desire for investment in preservation and education up against human needs for food and water and housing, investment in museums and historic sites, and preservation of prehistoric ruins can seem trivial. But when those investments return economic prosperity, when the investments in heritage preservation create tax-paying jobs and businesses, everyone benefits.

Who will benefit?

As I just mentioned, really everyone benefits when we invest in heritage tourism growth, but specifically in this case the first beneficiaries will be the existing state and private organizations engaged in heritage tourism. We can expect increased visitation to our sites to result simply from gaining the credibility of designation. Adding the area to the National Park Service lists and website will encourage visitation. Highway signs will announce to travelers on I-94 and US 83 that they have entered a National Heritage Area. Brochures and electronic literature will help define and link the existing sites, providing excellent cross-selling opportunities between Fort Mandan, Fort Lincoln, the Knife River Indian Villages NHS, the state Heritage Center and other sites in the area.

A second, and even more important benefit will be the encouragement for additional private sector investment in the area. Designation, with accompanying public relations work, will create a wave of enthusiasm for new development in canoe rentals, lodges and bed and breakfasts. I've been saying for about 20 years that the only thing wrong with North Dakota's tourism product is a lack of cash registers. We have natural beauty, compelling history, and friendly people dotting our wide-open spaces. What we lack are cash registers to ring.

The arrival of the Lewis and Clark Bicentennial provided encouragement for development of major sites in the proposed Heritage Area. We got all dressed up. Designation now, linking those major sites, will provide encouragement for another tier of development: creating jobs and ma and pa businesses, particularly in the more rural areas, providing a counter to the depopulation of rural counties that North Dakota has seen for the last 75 years.

Community Support

Since the incorporation of the Northern Plains Heritage Foundation, discussions about creation of a National Heritage Area along the Missouri have taken place in a completely transparent and inclusive way. In public hearings before city and county commissions the meaning of such a program has been discussed and the commissions have unanimously provided their encouragement. The directors of three state agencies: North Dakota Tourism, North Dakota Parks and Recreation, and the State Historical Society of North Dakota serve as ex-officio members of the Foundation's Board of Directors and they have each shown their dedication to the project by their personal attendance at Foundation Board meetings and support for our direction. You can reference the official letters of support in the Feasibility Study conducted over the last three years and published last May. I guarantee you, we're in the land where the deer and the buffalo roam, and there has been nary a discouraging word about the establishment of the Northern Plains Heritage Area. There have been only two questions asked about the Heritage Area. One is about the possibility of federal impingement on individual property rights in the area. When we answer

that the program is all carrot and no stick, all incentives and marketing and encouragement with no regulation, there is nothing left to do but cheer for the concept. The other question is how to expand the area, because it sounds like such a good idea. The answer to that is focus and concentration. There are very understandable historical-cultural reasons why this area represents the heartland, the homeland of the Mandan and Hidatsa and their pioneering of agriculture and permanent settlement of the Northern Plains. But more than that, on a more practical, economic basis, the heritage area program requires focus. The storyline needs to be simple ... the Rivers of Steel is about the heritage of our steel industry; Motor City is about cars. Here we tell the story, along the last 80 miles of free-flowing Missouri River about how people came here 1,000 years ago and established a way of life that echoes down to us today, still affecting and improving our lives. Within this proposed area are a critical mass of excellent historical sites, well-preserved and interpreted, as well as several prehistoric ruins, old village sites in need of attention.

North Dakotans respectively request and welcome federal designation of the Northern Plains Heritage Area.

A Vision of the Future Derived from the Past

North Dakota doesn't have Mount Rushmore. No Yellowstone, or Chaco Canyon. In North Dakota tourism circles we have long recognized the need to cluster our several remarkable historical sites to create a critical mass, a destination attraction. Those of us in the region, engaged in both preservation and promotion work well together. Recognition of the national significance of the stories told in the Northern Plains Heritage Area will bolster local efforts and by a stroke of a pen, or an act of Congress, provide a prosperous future for the heritage of our past, a prosperity both in economic activity and the richness of the cultural and historic resource.

Again, Mr. Chairman, I thank you for this opportunity to appear before this Subcommittee. I welcome any questions that you and your colleagues may have.

APPENDIX.—NORTHERN PLAINS HERITAGE AREA

Description of the Northern Plains Heritage Area

The scenic breaks of North Dakota's Missouri Valley overlook a rich agricultural tradition stretching back a thousand years. Along the length of the state's remaining free-flowing Missouri River, from Huff National Landmark on the south to the Knife River Indian Villages National Historic Site on the north, the Northern Plains Heritage Area encompasses the ancient homeland of the Mandan and Hidatsa American Indian nations.

While farming methods have changed, the agricultural traditions and the scenic, cultural and historic values remain. The same attributes of geography and climate that attracted the Mandan and Hidatsa later appealed to homesteading farmers and ranchers and the energy industry, all of whom benefited from the natural resources of the land.

Natural Values

Beyond agriculture, Mandan-Hidatsa culture depended on fishing and wildlife. The Missouri Valley remains a haven for both geese and walleyes, for turkeys and white-tails. Endangered species like the Piping Plover and the Least Tern, rarities for birdwatchers' lifetime lists, depend on the free-flowing Missouri's sandbars; and ancient Pallid Sturgeon swim below its surface. Once-endangered species like the Bald Eagle, a symbol of significance to Native Americans and other Americans alike, have made a remarkable recovery along the Missouri.

Distinctive Landscape

This National Heritage Area extends nearly the entire length of the last of the free-flowing Missouri River in North Dakota, the last place the river can be seen as it was seen by Lewis and Clark and the ancestors of today's Mandan and Hidatsa.

But what makes it a particularly good fit for a National Heritage Area is the distinction arising from the patterns of human activity shaped by geography. This is the northern extremity of Native agriculture on the Great Plains.

Cultural and Historic Resources

The cultural and historic resources of the National Heritage Area will include the vast majority of Mandan and Hidatsa villages ever settled, among other sites important to the Mandan and Hidatsa, including the nationally-significant sites of Fort Mandan and On-a-Slant Mandan Indian Village.

Past the main theme of the Northern Plains Heritage Area, there are a number of other important sites, providing a deeper look at the layers of heritage filling the Valley.

The mission of the Northern Plains Heritage Area is to preserve, develop and promote the Native American and natural scenic heritage of the Missouri River in North Dakota. The Northern Plains Heritage Foundation is a non-profit, 501 (c) (3), private sector organization raising and distributing funds in furtherance of that mission.

Related Facts: The area is 55 miles long, as the crow flies. It is a 90-mile drive from Huff National Landmark up ND 1806 through Bismarck-Mandan, and ND 1804 past Double Ditch and through Washburn, to ND 200 to Stanton and the Knife River Indian Villages. It includes two national sites, two state parks and five state historic sites, mixed agriculture and ranching areas and significant energy development.

Senator AKAKA. Thank you very much, Mr. Potter.
Ron Steed, for your testimony.

**STATEMENT OF RON STEED, PROJECT MANAGER, R AND W
EXCAVATING, HILDALE, UT**

Mr. STEED. OK, I'm sorry. First of all, I would like to thank you, Mr. Chairman, for this opportunity. I am, as you well-stated, one of the contractors—subcontractors to the Pacific General, incorporated—PGI—who worked for the National Park Service in 2003 and 2004.

Early in 2003 they, PGI, sent a representative to our part of the country to solicit proposals for work at the North Rim of the Grand Canyon, since we're on the North side of the ditch, and it's a long ways around from the other side.

They represented themselves as being very involved, they were in the process of an indefinite delivery and indefinite quantities contract, actually, not far in progress in a 5-year, I believe that they said a 5-year contract, which work was contracted through task orders. They had several task orders underway, mostly at the South Rim, and so R and W bid on, and was awarded, some sub-contract work at the North Rim.

The payments were slow in coming, and in our study we had actually been a general contractor for the Park Service, we knew the policy of having bonds for work for larger contracts, we had no reason to suspect that there would not be bonds in place.

When we attempted to look into getting payment when payments were slow coming through the general contractor, the prime, we went to the Park Service for bond information, and they could not provide it. As the intensity of collecting intensified to the Park Service, as was mentioned before, the contracting officer resigned.

The Park Service has voiced their concern—the Department recognizes that H.R. 1191 is intended to be an equitable resolution to a difficult situation, however, it singles out one situation for relief, not available to others.

I say, the subcontractors, in this case, were singled out to perform several improvements to the Grand Canyon National Park, and as a result of the contracting officer not requiring the bonds, as law provides, we got the privilege of supporting those projects. Yes, the Park Service maintains they paid for them, and not only that, the subcontractors didn't get paid, the general contractor—the government also didn't get their projects completed, because of the performance and payment bonds were not in place.

They further state, "Although we are sympathetic about the position of some subcontractors, the Administration is concerned about the precedent that would be set by requiring the Federal Government to assume the liability of the contractor's default, particularly in the situation where no contractual relationship exists." At the outset of the IQ contract, there were bonds. The previous subcontractors had already been involved in that. At some point, the Park Service took over the administration of the task orders in-house, and they somehow failed to maintain the requirement for bonds to this general contractor.

The general contractor closed shop, the contracting officer retired and the subcontractors have had absolutely no recourse, but to come to this body. The House, we appreciate, looking into this situation, and advancing it this far, and we certainly hope that it will carry through to the Senate and help correct the problem that was genuinely a burden to the subcontractors and their families.

[The prepared statement of Mr. Steed follows:]

PREPARED STATEMENT OF RON STEED, PROJECT MANAGER, R AND W EXCAVATING,
HILDALE, UT, ON H.R. 1191

We want to thank the Chairman and this Committee for taking the time to hear and consider this testimony with regards to the events and circumstances that have led to legislation of H.R. 1191 to authorize the National Park Service to pay for work performed by subcontractors of PGI at the Grand Canyon National Park.

Early in 2003 several companies in northern Arizona and southern Utah were solicited by Pacific General Inc. (PGI) a California Corporation to offer quotes for the construction of a new EMS building at the North Rim of the Grand Canyon National Park. They said they had been awarded a five year Indefinite Delivery/Indefinite Quantity (IDIQ) contract with the National Park Service (NPS) and had several million dollars work on hand with the anticipation of several years of future work.

R & W bid on the EMS and was awarded a subcontract with PGI to do the earthwork and utilities and mobilized in June 2003. PGI had many projects underway by the time we mobilized, mostly at the South Rim. R & W offered quotes on many task orders and was awarded several of them.

From the outset, PGI was slow to pay draws submitted to them and as the season went on, the payments got later and later. We applied as much pressure on PGI as we felt was reasonable without jeopardizing our relationship with them, anticipating working with them over a long period of time. By November, 2003 the draws were just not being paid. I contacted the Contracting Officer (CO), Mr. Gordon Plaisted by phone to inquire into the status of certain draws to see if they were being delayed for reasons we were responsible for. He informed me that the draws in question had been approved by him and to look to PGI for payment. Not receiving payments from PGI we requested bond information so we could file claims against their performance and payment bonds. The CO told us he would provide the name of the Surety who provided the bonds but he later admitted that bonds did not exist.

The question may be asked, how did so many subcontractors get into so many projects without the general contractor acquiring performance and payment bonds as required by law? PGI had contracts with the government valued at millions of dollars; they were being awarded numerous new contracts and task orders on an ongoing basis and they had a track record of large government contracts over many years time. It should be safe to assume that if the government is awarding these numbers and magnitude of contracts to a General Contractor that that contractor is conducting business in a proper and legal manner.

The bigger question is how did PGI obtain so much work with NPS without providing bonds? The Federal Miller Act and the Federal Acquisition Regulations provide that since subcontractors cannot place liens on public lands the general contractor must provide performance and payment bonds for contracts over \$100,000.00. If subcontractors are not paid, the claim is against the payment bond. The Miller Act has been a part of contracting for decades and there should be no question that it is being applied as required. Large Government contracts must be bonded, but the CO in total disregard for the law kept issuing task orders knowing PGI could not or did not provide the bonds. He also approved payments knowing that PGI had provided certification that their subcontractors and suppliers had been

paid when in fact they had not paid them. How do we know he knowingly and blatantly violated of the law? Several calls had been made to him personally for bonds and payment inquiries, yet he continued to issue task orders and approved payments to PGI! We requested information through the Freedom of Information Act (FOIA) and did get some information up to April, 2004. Subsequent multiple requests for FOIA have been denied. It appears the NPS has information they do not want aired. Just what are they hiding?

When so many subcontractors were inquiring of the NPS about payments, what happened? We were informed that the CO responsible to administer the contracts abruptly resigned. What was the condition he left behind? See Attachment "A" Mike Richardson Statement, Memorandum dated March 10, 2004 the Superintendent, Grand Canyon National Park:

A review of the GS-13's contract files revealed a consistent lack of documentation. There were few independent Government estimates; missing or unsigned documentations of price reasonableness, source selection decisions, sole source actions, and contract award; missing pricing information; missing or limited statements of work; use of incorrect forms; lack of electronic processing of the entire contract action through IDEAS and electronic commerce interfaces; and no Solicitor review of solicitations or awards as required by DOI policy. There was no documentation indicating required sources of supply had been considered. For example, contract files for environmental services did not document any review of whether these services could have been acquired by task order under GSA Schedule. Files were disorganized. Pieces of the procurement process were found in other files or not found at all. One program office had source selection information, but the contract file did not contain this information. There were no indications that requirements over \$25,000 were posted to FedBizOps for advertisement, because IDEAS was not being utilized. Unadvertised procurements circumvent the Competition in Contracting Act and Federal Acquisition Regulations. This is a grave concern. Missing or unsigned award documents raise the question whether a contract exists . . .

We could quote further but the entire memo is available as mentioned above.

A General Contractor may be able to defraud the Government for a while, but even after all the attention that was attracted to the situation towards the end of 2003, there were still task orders issued. The duration of time and number of contracts issued without following proper guidelines cannot be considered an isolated situation. The CO was completely aware of the problems and when he saw things tightening around him, he resigned.

The subcontractors of PGI have explored every avenue to collect for the work performed by them at the Grand Canyon. In fact, several subcontractors have obtained uncollectible default judgments against PGI. In 2005, the owner Robert McFarland and his wife filed for personal bankruptcy naming all the PGI subcontractors as creditors on his bankruptcy petition.

There has been an IG investigation into the PGI contracts and in July, 2007 Robert McFarland, president and owner, and Wayne Heidle, vice president, were indicted for conspiracy, false claims, mail fraud and false statements. Again, we have been denied FOIA information from NPS and do not know if any charges have been filed against Gordon Plaisted.

In February, 2004, the NPS issued a suspension of work, due to lack of insurance certificates, and bonds. A notice to cure was issued days later demanding that PGI provide performance and payment bonds. It is virtually impossible to get bonding for work already in process and in arrears with subs and suppliers, not unlike getting automobile insurance after your car has been involved in a crash. PGI of course could not do this and consequently their contracts were terminated.

During the time just prior to the termination, PGI offered to allow the NPS to jointly check the subcontractors or assign draws for payment to them. The PGI task orders had amazingly high margins and were 100 percent subcontracted. Just to name two examples, R & W was awarded a contract to install a water system at the North Rim; the R & W contract including change orders was \$414,000, the task order to PGI including change orders was \$675,000; to clean storm culverts, R & W contract was \$30,000, the task order to PGI was \$54,000. Considering the enormous mark-ups, it is likely there were enough funds left to complete the projects and pay all subcontractors. But the NPS would not agree to that plan.

We respectfully request this committee to consider these items:

1) The NPS Contracting Officer issued numerous task orders to PGI without following the Miller Act which requires the Prime Contractor to provide bonds prior to commencement of work.

2) Payments were approved with knowledge that PGI was not paying their subcontractors.

3) The behavior of the CO went far beyond gross negligence. It was his willful disregard for the law which placed the subcontractors in a devastated financial condition forcing some into bankruptcy and others to have to lay off many of their employees, and leaving them with no recourse to obtain compensation for their work.

4) At this point, we cannot provide absolute proof, but clearly it "appears" there was a collusive relationship between Mr. Plaisted and PGI.

5) The NPS is sympathetic with the plight of the subcontractors and even though it was their CO that violated the law that placed them in this plight, they claim they have no legal basis to pay for the services the subcontractors provided. In other words the law does not require them to be responsible for the illegal and unscrupulous actions of its people.

6) The NPS held money from PGI and is still holding money that was intended to be paid to subcontractors. Clearly, the NPS has benefited from the work of the subcontractors without paying in full for the work.

The Miller act apparently has no provision to hold the Government liable when it does not follow its own rule that requires performance and payment bonds on large contracts. If the Government fails to require bonds, it opens the door for General Contractors to financially devastate the subcontractors who perform the work that benefits the government. In this case, the NPS contracted with PGI without bonds, then say "we have a contractual relationship with the prime contractor but not with the subcontractors and therefore have no legal basis to pay the subcontractors." Laws are written to provide guidance in how society should work together. No law could provide a perfect solution for every situation. We believe H.R. 1191 provides the means the NPS needs to correct the breach of trust that forced the subcontractors and their families into dire financial straits when it allowed PGI to contract for work without bonds.

For four years the subcontractors have been seeking compensation for the work performed for the NPS. We hope that H.R. 1191 will also allow for reasonable finance charges to help offset the tremendous financial strain this has caused them.

Senator AKAKA. Thank you very much, Mr. Steed.
George Sparks. Mr. Sparks.

STATEMENT OF GEORGE SPARKS, PRESIDENT & CEO, DENVER MUSEUM OF NATURE AND SCIENCE, DENVER, CO

Mr. SPARKS. Mr. Chairman, thank you for the opportunity to testify today.

The Denver Museum of Nature and Science is has a world-class collection. We are a treasure house of Western artifacts. We've got everything from fossils, to minerals, to Indian artifacts, to extinct birds, such as passenger pigeons.

However, these artifacts are integral to our role as a museum, both in terms of informal science education, as well as our visitorship.

However, our collections are stored in 49 different places throughout the Museum. None of these places are climate-controlled, most do not have fire suppression. In fact, one storage location, you have to go through the ladies restroom to get to the artifacts.

You say, "So, what's the problem? Denver's a very dry climate, these will last forever." As it turns out, the T-Rex femur that we have will be gone after 200 years, after lasting for 200 million years underground, because of the dry climate. In a couple hundred years, it will literally be dust.

Half of our collections are made up of artifacts from Federal lands, and we need to remember that this is your stuff. We're taking care of things for the citizens of the United States of America, and are trustee in perpetuity for these collections. The small amount of Federal appropriation that we're asking for would be highly leveraged. We have a \$140 million strategic plan, that will literally reinvent the Museum.

Two days ago, the citizens of Denver approved a \$50 million, general obligation bond to help us achieve our strategic plan. So, the Federal appropriation would be highly leveraged by that money, as well as \$75 million that we would raise through private sources.

So, that concludes my testimony, and I look forward to your questions.

[The prepared statement of Mr. Sparks follows:]

PREPARED STATEMENT OF GEORGE SPARKS, PRESIDENT & CEO, DENVER MUSEUM OF NATURE AND SCIENCE, DENVER, CO, ON S. 1449

I. INTRODUCTION TO THE DENVER MUSEUM OF NATURE & SCIENCE

Since its founding in 1900, the Denver Museum of Nature & Science (DMNS) has been the principal natural history museum between Chicago and Los Angeles that preserves the rich natural resources and cultural treasures of the Rocky Mountain Region. The Museum holds and cares for more than a million archaeological, anthropological, paleontological, zoological and geological artifacts and archival documentation from the Rocky Mountain region.

A significant portion of the collections were recovered from public land managed by the Federal Government, and the Museum has been designated as the repository for those collections by Federal agencies. Less than two percent of the collections are currently on exhibit or accessible to the Museum's audiences. Each year, the Museum attracts a regional audience of more than 1.3 million visitors. More than 70 million people have visited the Museum since its opening.

In 1899, pioneer naturalist Edwin Carter sold his comprehensive collection of Colorado fauna to a group of prominent Colorado citizens who established the Colorado Museum of Natural History, now doing business as the Denver Museum of Nature & Science. In addition to the Carter collection, impressive collections of butterflies, moths, and crystalline gold formed the nucleus of the Museum, which was established to encourage and aid the study of natural science. The bird and mammal collections grew over the decades through expeditions to all parts of the United States and to every continent except Antarctica, but with a continued focus on Colorado fauna. In 1915, the Museum conducted its first fossil collecting expedition in central Colorado. In 1926, fieldwork at the Folsom archeology site brought international recognition to the Museum: for the first time in North America, human artifacts were discovered with extinct bison, thus establishing the early history of humans on our continent. This discovery later received recognition as one of the top ten archeological discoveries of the 20th century.

In 1968, the Museum obtained the Crane American Indian Collection, one of the premiere private collections documenting Native American culture from the 1800s into the first half of the 20th century. Geology collections continually expanded, and today include the world's largest collection of Colorado minerals and gold. The Museum displays the best non-gem mineral specimen in the world, the "Alma King" rhodochrosite specimen from Colorado's Sweet Home Mine. In 2006, the Museum received the best known aquamarine specimen from North America, discovered only a few years ago on Mount Antero, Colorado. Each year, the Museum's wide-ranging scientific research expeditions, continue to add significantly to the collections with new acquisitions of archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation. And each year, the Museum serves as a repository for more and more collections held on behalf of federal agencies.

Object-based collections provide the fundamental infrastructure for contemporary and future scientific advancements, and they are the touchstone of the museum experience. They are the essence of exhibitions, the visual texts of learning in the museum setting. A museum's artifacts invite discovery and exploration and investigation. They fill in the scholar's gaps in understanding, and they entice young learners to look more closely and ask more questions. Objects ground us in the real world. Learning from real objects motivates us to be more careful guardians of our herit-

age. Safeguarding collections for the future is critical and is the cornerstone of best practices in the museum community. Collections connect people to culture, art, science, and history, making them critical resources for a nation of learners.

The Denver Museum's collections document the natural history, biodiversity, and cultures of the Rocky Mountain Region and include comparative collections from other parts of the United States and the world. The Museum's collections evoke local, national, and international interest as they represent much of what fascinates people about the American West—from the spectacular geology of the Rocky Mountains to the amazing dinosaur fossils and unique wildlife to indigenous prehistoric and historic peoples, such as the Plains and Southwestern Native American tribes. Together, the Museum's collections, library, and archives provide the foundation for understanding the science and natural and cultural history of the region and serve as the primary resource for informal science education to Colorado schools and families. Through its collecting efforts, the Museum promotes opportunities for the public to analyze, interpret, and evaluate issues focused on stewardship of our natural resources and the improvement of human and planetary wellness.

II. U.S. COLLECTIONS ARE AT RISK

Housed in 49 different locations around the Museum, collections are at risk due to crowding, lack of environmental controls, lack of adequate modern fire suppression systems, and substandard security systems. This inefficient storage arrangement results in limited access by visitors, school students, and scientists to collections, and it limits the ability of the Museum to grow these important collections. Current storage conditions jeopardize the long-term care and preservation of collections. Increasingly, federal agencies are evaluating the conditions in repositories caring for federal collections against current standards in the museum community for the preservation of collections.

Only a fraction, less than 2 percent, of the collections are available to the general public through exhibits and educational programs. Online access to collections, organized primarily for the Museum's research audience, is minimal. The public has high interest in using and seeing the collections and learning about the Museum's behind-the-scenes activities both through visits to the Museum and through online learning.

III. SOLUTION: THE ROCKY MOUNTAIN SCIENCE COLLECTIONS CENTER

Beginning in 2005, the Museum's Board of Trustees initiated the processes of strategic planning, master facility planning, and gathering information from museums that have taken a leadership role in demonstrating best practices in collections storage and public access. From this work, they established the strategic intent of the Museum to become the world's best regional nature and science museum, with the primary focus on the Rocky Mountain Region, and the critical need for an on-site, secure collections facility that achieves current museum standards for collections storage and associated functions discussed below. The Rocky Mountain Science Collections Center (RMSCC) will be a central part of establishing this level of excellence for Colorado.

Collections Storage Areas

A stable, secure, safe environment is essential to continuous preservation of the collections. Improper temperature, humidity, light, and air-quality systems and poor security result in deterioration of the collections and potential loss. Collections storage spaces will be consolidated from their 49 current spaces into a single location that also contains associated functions such as preparatory labs and processing areas. Compactor storage systems, the most efficient available, will house the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation. The entire facility will be designed to minimize risks to long-term preservation through modern security, proper storage equipment, and stable environmental controls.

The facilities will be designed to allow the public to tour behind the scenes with Museum professional staff. The public and school audiences will be able to view secure collection spaces and get first-hand experiences with the breadth of the collections. Visitors will be exposed to collections and scientific research activities to increase interest in science and critical thinking skills and provide greater opportunities for families to learn about and appreciate the world around them.

Secure, culturally sensitive areas will be constructed for the storage and private viewing of sacred cultural collections. Particular attention will be paid to the security of extinct and endangered organisms and high valued collections objects through security zones and vault systems.

Collections Processing Spaces

In addition to the collections storage areas, the Museum will design and build collections processing spaces for the preparation, documentation, and cataloging of the collections. These areas will be equipped with special equipment, such as fume hoods, microscopes, dissection tables, and freezer units, to facilitate the efficient processing of collections.

Research Laboratories

Well-equipped laboratories for scientific analysis of the collections will be built. These laboratories will include research and collections work areas for staff, volunteers, and researchers. Viewing windows into the laboratories and related public programs will be designed to highlight use of the collections in research work conducted by the Museum. Scientific equipment, such as light and electron microscopes with digital viewing screens, digital GIS and imaging stations, specialized freezers, and wet-lab equipment, are needed to modernize the Museum's research facilities and to showcase modern scientific methods and techniques to our visitors. Computer workstations will be associated with the laboratories for staff and visitors to increase access to in-depth information on the collections and new developments in science.

Conservation Laboratory

Caring for and maintaining collections is critical work to assure that the Museum's treasures survive into the future. The Museum uses a preventative conservation approach for the care of its collections, ranging from providing the proper environmental conditions in storage areas to selecting inert supplies and materials used for treatment. A new modern conservation laboratory will include microscopes, a freezer, a fume hood, vacuum chambers, equipment for materials testing, safety equipment, a water distillation unit, and other major pieces of equipment. This new lab will raise our collections preservation standards to meet best practices and provide the public with knowledge of steps they can take to preserve their own treasures.

Library Facility

The Museum's library is a specialized science information center with more than 40,000 cataloged volumes, including 2,500 rare books, more than 9,000 scientific journals, and a section of children's publications. The collection focuses on the intermountain west in the Museum's scientific areas. The Museum's library is dispersed in 12 different areas on three floors of the building, preventing efficient access to the collections by researchers and museum visitors. Its main browsing room is also located in an area that is very difficult to find. The library has limited work space, and handicapped accessibility is a problem. New library facilities will be more conveniently located and will include a new circulation desk that is handicap accessible, computer workstations for research and access to the Museum's library and collections catalog, media work stations to view DVDs, reading and study areas, a conference room, a collections processing area, and a centralized room with a compactor storage system.

Online Resources

Our technology plans for the RMSCC will enable students of all ages to access the Museum's unique collections and provide in-depth information and research resources on natural history and science topics. Enhancing the Museum's information technology infrastructure will support broad and varied content, a commitment to physical and intellectual access, and a delivery system that can support urban, suburban, and rural needs. Improving the collections information online will require modifications of the existing database and the development of new software and new hardware that will be tested for its effectiveness with audiences. Data available through different security levels will include images of objects, object identifications and data, and links to additional background information.

IV. Benefits of the Rocky Mountain Science Collections Center

The Rocky Mountain Science Collections Center (RMSCC) will establish a level of excellence in Colorado as a state-of-the-art collection facility with proper security, emergency preparedness, and preservation controls while improving public access to collections. This facility will improve the storage and security of current collections and provide for future growth by consolidating collections and associated functions. Onsite collections facilities, offsite programs, and new exhibits will be tied together through electronic and other media design to ensure maximum utilization of the significant collections of the Museum.

The RMSCC will engender a strong network of collaborations with educational and community organizations and federal and state agencies to support an appreciation for the rich natural and cultural resources of the state and region. This Center will provide a basis for people of all ages to be involved in the science used to reveal the wonders of our state. The RMSCC will use collections, interpretive exhibition, and electronic media to showcase the rich heritage, natural resources, and cultural history of Colorado and the Rocky Mountain region.

Museum collections are significant to our primary constituents: families, school groups, tourists, and researchers. The collections complement school curricula and serve as a primary resource for informal science education to Colorado school audiences. More than 370,000 children each year have the opportunity to learn about Colorado through the collections and exhibits. Currently more than 125,000 children also participate in outreach science visits to their schools and community centers in every Colorado county and in surrounding states. Outreach to rural areas and lower-income communities where travel to the Museum may be difficult or financially prohibitive reduces geographic, demographic, and economic barriers to science education for many Coloradans. Each year, scientists and artists from around the world use the Museum's collections for their work.

Situated adjacent to the Museum, the RMSCC will significantly improve storage, security, and environmental conditions of the collections in order to optimize space utilization, to ensure the long-term preservation of the collections, and to improve public access to the collections. When collections are relocated to the RMSCC, prime areas in the Museum will be available for new, cutting edge exhibits. In addition to these new exhibits, the Museum will be in the position to provide better access to the collections by inviting the public into what are traditionally behind the scenes areas, by integrating research activities and science literacy efforts, and by expanding educational programs to reach new and underserved audiences. Emergency response and salvage plans that ensure long-term preservation will be more easily and effectively executed in the RMSCC. Measures taken to improve storage conditions of collections are in most cases, the same measures that will increase access to collections.

The Museum is a world leader in creating opportunities that allow the general public and volunteers to participate in authentic scientific research. In 2006, 1,680 Museum volunteers devoted more than 200,000 hours to promoting science learning and interpretation to Museum visitors and the general public. Over the past 20 years, the Museum's amateur scientists have had more than 100 peer-reviewed scientific papers published and presented at professional scientific meetings. DMNS leads the world in amateur participation in science among natural history museums. Accessible collections and research labs with the appropriate equipment will allow the Museum to build for the benefit of the public on this success.

Today, current science and technology education is even more critical in our rapidly changing world. The RMSCC will provide a basis for people of all ages to be involved in the science used to reveal the wonders of Colorado and the Rocky Mountain region. It will ensure adequate care for current and future collections for several decades to come.

Senator AKAKA. Thank you very much, Mr. Sparks.
Now I call on Chipper, Chipper Wichman, for your testimony.

**STATEMENT OF CHIPPER WICHMAN, JR., DIRECTOR AND CEO,
NATIONAL TROPICAL BOTANICAL GARDEN, KALAHOO, HI**

Mr. WICHMAN. Aloha 'ai, alaka'i Akaka.
Senator AKAKA. Aloha.

Mr. WICHMAN. It's truly an honor to be here to testify on behalf of the National Tropical Botanical Garden.

Our country just recently had a convention here in Washington, DC in June—the American Public Garden Association. Over 300 gardens were represented from around our Nation. Of all of those gardens, we are truly unique, and in fact, the National Tropical Botanical Garden is unique in this world. We are the only garden that has been chartered by the U.S. Congress, and given a national mandate to become not only a national resource in tropical horticulture and botany, but to preserve tropical plants from around the

world, and to provide a national recreational resource for the people of the United States.

We're here today because of our unique status, and the fact that when we were given our charter in 1964, we had nothing. We had no land, no money, but we had a charter and a mandate. In that 43 years that have transpired since then, we have grown to be a rather amazing organization.

Over \$127 million of private money has been invested in the operation of this organization since our charter, that's an updated figure—in my written testimony it was \$100 million, we have re-calculated that, thanks to our General Counsel. That does not include over \$50 million of net assets that show on our balance sheet that are in the form of buildings, herbaria, rare books, et cetera.

This is an amazing investment of private funds for the mandate that our Congress has recognized the importance of this work. So, we have grown considerably—today we are five of the most beautiful gardens anywhere in the world, we have the largest collection of ex situ federally endangered and threatened plants in the world. We are preserving our natural and cultural resources of our Nation, for the people of the United States.

It has truly grown to become a mature and amazing organization. As the speaker before me just testified, the importance of having climate-controlled, hurricane-proof buildings for housing collections is critically important.

One of the projects that brings me before you today is the construction of a brand-new botanical research center. It's mandated to have a minimum of 100-year life span, 50 years of programmatic growth, and Category IV hurricane-proof.

It's a clean building that will house all of our library and herborious specimens research labs and offices, in a LEED-certified, green building. So, this is an amazing project—we've launched a \$21 million capital campaign for that. All of that will be private money, the exception is what we have come before you here today, to ask our Federal Government to help with a \$1 million contribution toward that project.

We're not asking you to help seed this, and hope that we'll raise that money, we have already raised over \$14 million of that, and that building is under construction, so this is a dream that, indeed, will be true.

In addition to that, we provide a national importance in conservation, research and education. Coming out of our research department is a potential anti-HIV drug, which is now going through clinical trials. We have a bread-fruit program that may be able to feed tropical parts of the world, so we have national and international significance in those areas.

From an education standpoint, we have programs that are educating our science teachers nationally, as well as college professors and medical M.D.s. So, we really are reaching out, and have become a very important national resource, in terms of education, as well as research and conservation.

S. 2220 seeks a million dollars in Fiscal Year 2009 for assistance with our Botanical Research Center. But, in addition to that, beginning in Fiscal Year 2010, it seeks up to \$500,000 in authorization for the Federal Government to support us operationally. This is

critically important, as the needs are ever-increasing in conserving the tropical floor of the United States, the endangered floor in the Hawaiian Islands, and the other work that we undertake.

So, I ask you now—I ask all of those on the subcommittee, to consider the importance of this request. The work that we are doing, and the amount of money that we are requesting in terms of how it will be leveraged with private funding—our operational budget this year is just under \$9 million, our approved budget next year will be over \$9 million, and that trend is continuing. So, the \$500,000 in future appropriations is really a small contribution to the important work that we’re doing.

Thank you.

[The prepared statement of Mr. Wichman follows:]

PREPARED STATEMENT OF CHARLES WICHMAN, JR., DIRECTOR AND CEO, NATIONAL TROPICAL BOTANICAL GARDEN, KALAHOO, HI, ON S. 2220

Mr. Chairman, my name is Chipper Wichman, and I am the Chief Executive Officer and Director of the Congressionally chartered National Tropical Botanical Garden (NTBG). I testify before you in strong support of Senate Bill 2220: A bill to Amend the Outdoor Recreation Act of 1963 to Authorize Certain Appropriations.

The need for this legislation is enormous as the NTBG is today facing a greater and greater need to conserve vanishing tropical flora for the people of the United States and to fulfill the mandate from the United States Congress to NTBG to operate beneficial facilities that “contribute to the education, instruction, and recreation of the people of the United States.”

The time is urgent and the stakes are high. Over 30 percent of the world’s tropical plants are currently facing extinction—in many cases before they are even documented and classified. The NTBG is working closely with many state and federal agencies, as well as other non-governmental organizations, to stem this tide of extinction, but the magnitude of the work before us is daunting and more resources are needed.

By amending Public Law 88-29 (commonly known as the ‘Outdoor Recreation Act of 1963’) to authorize appropriations “to match donations made to the National Tropical Botanical Garden by State and local governments and private persons” you are leveraging our federal tax dollars and directing them toward supporting a Congressionally chartered organization that is addressing these critical national needs.

The following testimony seeks to familiarize you with the work of the National Tropical Botanical Garden and to underscore the importance of S. 2220 as a vehicle to assist with our Congressionally mandated work.

EXECUTIVE SUMMARY

The move to seek a Congressional Charter for what would become the National Tropical Botanical Garden was started by leading botanists and concerned conservationists committed to the notion that there should be a botanical garden in Hawai’i dedicated to fostering horticultural research, education, and plant preservation for the benefit of the people of all the United States. In 1964, under the leadership of Hawai’i’s Congressional Members Senator Daniel K. Inouye and Senator Hiram Fong and the late Representative Spark M. Matsunaga, the United States Congress confirmed this need and chartered the Pacific Tropical Botanical Garden (“PTBG”) (36 U.S.C. §15354601 et. seq). However, the 1964 Congressional Charter provided PTBG no federal funding, and it was not until 1970 that funds were raised from private sources for the initial land acquisition and the first garden was started in a sugar cane field in the Lāwa’i Valley on the south shore of the island of Kaua’i, Hawai’i.

The purposes of the Pacific Tropical Botanical Garden were set forth in the 1964 Congressional Charter, as quoted below:

- “To establish, develop, operate and maintain an educational and scientific center with libraries, herbaria, laboratories and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;
- To foster and encourage fundamental research with respect to tropical plant life and to encourage research and study the uses of tropical flora in agriculture, forestry, horticulture, medicine and other sciences;

- To disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;
- To collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction.
- To provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.”

In 1988, twenty-four years after the granting of our Congressional Charter, the organization’s name was changed by an Act of Congress to the National Tropical Botanical Garden, a name that gives effect to the agreement to transfer to NTBG title and operation of The Kampong Garden in Miami, Florida, and symbolizes the NTBG’s scientific leadership well beyond Hawai’i.

The NTBG is the only tropical botanical garden with a Congressional Charter. In the 43 years since its inception, the NTBG has been supported almost exclusively by contributions from generous individuals and foundations. In fact, operating support of nearly \$100 million has been contributed from private sources during this period, and an additional \$50 million in assets, including endowments, trusts, land, buildings, and rare books, currently appear on our balance sheet. We estimate that during this same period of time less than \$5 million in government grants and contracts has been awarded to the NTBG. Per the terms of our Congressional Charter, we file each year with the Senate and with the House a copy of an audit report by an independent auditing firm reporting NTBG’s operations during the prior year.

The National Tropical Botanical Garden currently administers five tropical botanical gardens and three preserves totaling over 1,800 acres of land on three of the major Hawaiian Islands and in the Coconut Grove section of Miami. These include:

McBryde Garden.—Situated on the south shore of Kaua’i, the McBryde Garden, in the picturesque Lāwa’i Valley, is over 250 acres of garden and preserve. The site of this first garden of the National Tropical Botanical Garden, the Lāwa’i Valley was chosen for its diversity of climate, soils, and topography. The area affords a kaleidoscope of distinct micro-environments which include cool, hot, wet, dry, lake, cliff, and meadow.

Over the years, the McBryde Garden has become a veritable botanical ark of tropical flora comprised of nearly 4,000 plant species gathered from around the world. It is home to the largest ex situ collection of native Hawaiian flora in existence, as well as extensive plantings of palms, flowering trees, heliconias, orchids, and many other plants that have been collected from the tropical regions of the world. NTBG’s Conservation Program is based at this site, and this garden contains a state-of-the-art horticulture and micropropagation facility that was dedicated in 2005.

NTBG’s administrative headquarters is located here on a 10-acre campus, overlooking this magnificent garden oasis. Also located on this site are major research and education facilities.

Allerton Garden.—Visitors to the National Tropical Botanical Garden on Kaua’i’s south shore typically begin their tropical tour at the nearby 80-acre Allerton Garden, located in the Lāwa’i Valley adjacent to McBryde Garden. This historic garden was artistically designed by Robert and John Allerton and is internationally recognized as a masterwork of landscape architecture. Noted for its lush landscape design, gravity-fed fountains and pools, statuary, and other surprise features hidden among tropical foliage, Allerton Garden effectively displays the once-private estate’s tropical flora. The Allerton Garden is home to nearly 2,000 tropical plant species as well as one of the largest endangered Green Sea Turtle nesting sites in the main Hawaiian Islands.

Limahuli Garden.—Set in a narrow valley framed by soaring cliffs, Limahuli Garden and Preserve evokes the history of Kaua’i, and of the Hawaiian Islands. Located on Kaua’i’s wet north shore in Hā’ena, Limahuli Garden and Preserve extends over 1,000 acres in a verdant tropical valley covering three distinct ecological zones. Ongoing programs in watershed protection and studies in plant and animal stream life are conducted at this site. Archaeological evidence substantiates that the Limahuli Valley on Kaua’i was one of Hawai’i’s earliest settlements.

In 1997, Limahuli Garden was selected by the American Horticultural Society as the best natural botanical garden in the United States, noting that its research, teaching, and educational programs have demonstrated the best sound environmental practices of water, soil, and rare plant conservation in an overall garden design. In choosing Limahuli Garden, the AHS researched the various programs being conducted by the Garden and specifically noted that Limahuli Garden’s use of the ahupua’a system as a holistic management tool was one of the many reasons for the award.

In 2007, Limahuli Garden and Preserve received the coveted Koa Award at the Hawai'i Tourism Authority's 16th Annual Keep It Hawai'i Awards Program, recognizing our exemplary commitment to helping preserve and perpetuate Hawai'i's host culture.

Kahanu Garden.—On the Hāna coast, along the far eastern shores of the Hawaiian island of Maui, lies Kahanu Garden. Its 294 expansive acres encompass plant collections from the Pacific Islands, concentrating on plants of value to the people of Polynesia, Micronesia, and Melanesia.

Fringed by a vast native pandanus forest, Kahanu Garden contains the world's largest and diverse collection of breadfruit cultivars. This collection serves as a germplasm repository for this important South Pacific food crop, housing cultivars from over 20 different Pacific island groups.

Kahanu Garden is also home to the Pi'ilanihale heiau, one of the largest and most culturally significant archaeological structures in Hawai'i. Designated as a National Historic Landmark in 1965, this 15th century structure was painstakingly restored by National Tropical Botanical Garden over a 20-year period. In 1999, the House of Representatives of the State of Hawai'i passed a resolution honoring the NTBG for its restoration and stewardship of this national treasure.

The Kampong.—Located on Biscayne Bay in Coconut Grove, Florida, The Kampong garden contains a wide array of flowering trees and tropical fruit cultivars. In the early 1900s, noted plant explorer David Fairchild searched the world for plants of economic and aesthetic value that could be cultivated in the United States. He and his wife Marian (daughter of Alexander Graham Bell) took up residence here amid his extraordinary plant collections, borrowing the Malaysian word kampong for this garden home.

Catherine Hauberg Sweeney, who had also traveled extensively in Indonesia and Malaysia, purchased The Kampong from the Fairchilds in the 1960s. She later gifted this then nine-acre property to the National Tropical Botanical Garden to continue the tradition of promoting work in horticulture, of providing a valuable germplasm resource, and of preserving the property for posterity. The Kampong is listed on the National Register of Historic Places.

Science teachers and college biology professors come to The Kampong Garden to learn about tropical plants and conservation, and to develop teaching modules to be implemented in their classrooms, which invigorate science instruction. Key among National Tropical Botanical Garden's educational opportunities is the Environmental Journalism course which affords journalists much needed information about tropical ecosystems, providing an understanding of environmental science and tropical ecology to enhance the accuracy and depth of reporting on environmental issues. The Physicians course focuses physicians on the medicinal qualities of plants. Both these courses are taught at The Kampong.

NATIONAL TROPICAL BOTANICAL GARDEN: A NATIONAL RESOURCE FOR BIOLOGICAL SCIENCE

Significant aspects of the National Tropical Botanical Garden's research initiatives include the Garden's living collections and the dried, mounted collections in its herbarium. The herbarium was established at the Garden's headquarters in 1971 to serve as a permanent record of the flora of the Hawaiian Islands, and to include specimens from other Pacific Islands and throughout the tropical world. National Tropical Botanical Garden's herbarium currently holds more than 57,000 preserved, dried and pressed plant specimens.

Because of its strategic location in the Central Pacific Ocean, the National Tropical Botanical Garden has made a long-term commitment to conduct biodiversity research and inventory projects throughout the region. NTBG's herbarium is the most actively growing regional herbarium. It represents an important national heritage and international resource focusing on plants of Hawai'i and other Pacific islands, unique floristic areas not typically represented in other America-based herbaria. Many specimens have supplementary ancillary materials (leaf tissue in silica gel for molecular studies, liquid-preserved collections, a seed reference collection), and many are mirrored in National Tropical Botanical Garden's diverse living collections. These specimens are critical to scientific research, education, and ultimately conservation of species. The current herbarium growth rate is addition of over 2,200 new specimens annually. Present and anticipated future growth derives from active biotic surveys and collection programs in Hawai'i and the Pacific regions, as well as staff research and inter-institution exchanges.

This major regional herbarium is the most active in the Pacific, with a broad impact for many regional users and purposes including National Tropical Botanical Garden staff and other Hawai'i residents who depend upon it for numerous uses in-

cluding: identifying specimens of native, naturalized, cultivated, Hawaiian cultural, and poisonous or toxic plants; gathering ecological and distributional data from specimens; compiling data for federal listing packages; evaluating status of Threatened and Endangered species; and taxonomic, floristic, evolutionary, and biodiversity studies of Pacific Island plants. A broader spectrum of users includes botanists worldwide who borrow specimens or use specimen data in the virtual herbarium.

Thus, National Tropical Botanical Garden's herbarium has a much broader impact than would otherwise be anticipated for a collection of comparable size. If this resource were not well curated and available and accessible to its users, they would not be able to carry out this critical work. The collections hold and preserve a unique, permanent record of Pacific Island biodiversity and are constantly utilized for identification and research by scientists locally, nationally, and internationally. In addition, this collection is regularly utilized for education and community outreach purposes, including teaching of regularly scheduled classes, workshops, and student internships, thus providing training opportunities in tropical botany for students and teachers including women, minorities, and economically disadvantaged groups. This long-term investment in the infrastructure of Pacific plant systematics will provide great scientific benefits by improving our ability to document, study, and ultimately conserve the poorly known Pacific Island floras for future generations. The National Tropical Botanical Garden's Loy McCandless Marks Botanical Library is the largest and most important botanical/horticultural library collection in Hawai'i, with more than 20,000 books, journals, botanical prints, and archival materials. The main reference library comprises 11,000 titles, over 15,000 physical volumes, 1,200 serials, 2,500 reprints, and close to 3,000 botanical prints. National Tropical Botanical Garden's library is particularly strong in regional floras and Hawaiian and Pacific botany. The recently acquired Marks library of more than 5,000 titles, with an emphasis on tropical and subtropical botany and horticulture, has been combined with NTBG's main library, except for approximately 600 rare books that are stored in another secure, climate-controlled vault (pending completion of the new Botanical Research Center ("BRC")). A small botanical reference library is housed in the herbarium (ca. 45 ft. of bookshelf space). Slide and photographic print collections include roughly 8,000 historical images and 16,000 images of Hawaiian and Pacific Island plants and people. NTBG also owns and cares for 600 world-class rare botanical volumes.

Many national and international collaborators use our library collection. For example, Jim Space, former director (retired) of the USDA Forestry Service Pacific Division including California, Hawai'i, and American territories in the Pacific, spent two weeks at National Tropical Botanical Garden in 2005. Mr. Space, Manager for the Pacific Island Ecosystems at Risk (PIER) project primarily used our library for his work, stating that it was the best in Hawaii for the type of research he was conducting because of our rich and complete collections of floras, monographs, and botanical journals. Mr. Space has developed the PIER as an online resource (also CD format) for documenting the impact and extent of invasive alien plant species on various Pacific Islands. It contains digital images, descriptions, distribution and possible control measures for alien species and enables resource managers, agronomists, foresters, conservationists and others to identify, assess and control invasive species on their islands.

NATIONAL TROPICAL BOTANICAL GARDEN: A NATIONAL RESOURCE FOR CONSERVATION

Ninety percent of all biodiversity on the planet exists in the tropics, the warm moist belt that circles the earth, bordered by the Tropic of Cancer on the north and by the Tropic of Capricorn on the south. Within the borders of the United States, Hawai'i is the only state that falls within the tropics and, because of its high biodiversity, it is also home to more endangered plants and animals than almost all the other states combined. Many of these priceless plant resources are becoming extinct before the scientific community has discovered their relationship to other plant species and animals and the benefits they might yield. Effective conservation relies on public understanding and participation. The National Tropical Botanical Garden is an active partner in the protection, revitalization, and perpetuation of tropical ecosystems.

To serve as a national resource, the National Tropical Botanical Garden has established five tropical botanical sanctuaries which include unique collections of tropical flora made up of some of the most endangered plant species known to science. Because of Hawai'i's geographic isolation, the plant species that evolved in Hawai'i and many other tropical areas over millions of years are highly endemic. In Hawai'i, nearly 1,300 endemic species have been scientifically designated. Of these, more than 100 today are considered to be extinct, with an additional 273 classified by fed-

eral standards as Threatened and Endangered, and 85 as Candidate species. Over the past 30 years, roughly two dozen species in Hawai'i that were thought to be extinct have been rediscovered by National Tropical Botanical Garden botanists, and about 30 new species that were previously unknown to science have been discovered. Hawai'i and the greater Pacific region are considered "hotspots of extinction," and it is here that the National Tropical Botanical Garden is focusing its conservation initiatives.

The National Tropical Botanical Garden is a recognized leader in the conservation of Hawai'i's highly endemic and severely threatened tropical plants, as well as of flora and ethnobotanical knowledge of the greater Pacific and other regions, and conservation is at the core of its operations. Its Conservation Program conducts a wide range of activities that support its primary plant conservation strategies, including the conservation of living plants, genetic- and community-level diversity, invaluable collections of herbarium specimens, historic garden properties, and indigenous cultural practices. It is also involved in restoration ecology, controlling invasive species, watershed management, ecological monitoring, and conservation education programs, and it oversees the world's largest collection of breadfruit, assembled by scientists of the National Tropical Botanical Garden.

Conservation efforts at the National Tropical Botanical Garden began quite simply, with the passage of a resolution at the initial meeting of NTBG's Garden Scientific Advisory Committees in 1976, at which it was formally agreed that preserving and cultivating native Hawaiian plants was of the utmost urgency. Extensive botanical surveys of all of the islands were undertaken, resulting in the discovery of new plant species. The Conservation Program soon expanded beyond Hawai'i, as Garden scientists began participating in research expeditions to islands throughout the Pacific and collaborating with experts from around the globe on conservation challenges.

The determination to locate and collect specimens from the rarest tropical plants led National Tropical Botanical Garden scientists to specialize in rough-terrain botany, which involves rappelling off cliffs to reach otherwise inaccessible niches that hold the few remaining examples of plants like *Brighamia insignis*, which was successfully cultivated for the first time in the Garden in 1977. The plants grew from seeds that had been collected on the steep cliffs of the Na Pali coastline of northern Kaua'i. I was personally involved in these first expeditions to hand-pollinate these unusual plants. The importance of this work is evidenced today by the fact that while only one plant currently exists in the wild, hundreds of these plants are growing at institutions with which NTBG collaborates, including several specimens at the U.S. Botanic Garden in Washington DC. This plant has been saved from extinction by the work of the NTBG.

Success in the arduous and sometimes dangerous work of collecting rare plant material is only the first phase of the Garden's conservation story. The second phase is ensuring their survival by propagating them in the varied growing environments found in the National Tropical Botanical Garden's five gardens and three preserves. Among all the botanical gardens focused on tropical plants, the National Tropical Botanical Garden is recognized as uniquely suited to the creation of living collections for conservation, research, education, and public enjoyment. No other garden organization has the National Tropical Botanical Garden's diversity of landmass and cultivation potential. The National Tropical Botanical Garden has pioneered propagation techniques and established growing protocols for over 45% of the existing Hawaiian flora, including 248 rare and endangered species. Through these efforts, the NTBG has assembled what is believed to be the largest collection of federally listed endangered plant species anywhere, including the largest collection of native Hawaiian flora in existence.

The Conservation Program at National Tropical Botanical Garden has made saving Hawai'i's endangered and threatened flora its highest priority. Collecting and curating propagules from the rarest Hawaiian plants, including the 118 Genetic Safety Net (currently known as Plant Extinction Prevention Program or PEPP) species that have 50 or fewer individuals remaining in the wild, provides material for the Garden's expanded native plant nurseries. Nursery operations produce large quantities of native plant seedlings for planting in ecological restoration projects in National Tropical Botanical Garden's gardens and preserves, as well as those of collaborating owners with large public or private land tracts suitable for restoration. The goal is to create and enhance habitats dominated by native species, thus closing the loop between the discovery and collection of rare plant propagules and their ultimate recovery in suitable habitats. The National Tropical Botanical Garden also supports recovery efforts throughout the tropics by maintaining extensive living collections of rare and useful plants from many tropical regions.

Land Conservation.—Equally significant is the National Tropical Botanical Garden's national land preservation efforts. Since 1970, the National Tropical Botanical Garden has acquired substantial land acreage totaling over 1,800 acres with the intent of preserving these natural and open spaces for future generations. Most recently, in 2006, the National Tropical Botanical Garden secured \$1.5 million through the State of Hawai'i's Legacy Land Conservation Program to purchase an additional 170 acres in Hana on the island of Maui. This and future land acquisitions by the National Tropical Botanical Garden was and will continue to be conducted in the name of conservation, ensuring the survival of pristine open spaces for future generations.

Cultural Conservation.—Our native host culture is one of the most significant treasures in Hawai'i. It is through aural tradition that our kupuna (elders) have passed down their knowledge, history, understanding, spirituality and methods to care for the 'āina (land) and one another. Today, many Hawaiian communities are experiencing a cultural renaissance, with cultural practitioners serving as both a guiding light and linchpin to our past. Hawaiian practitioners perpetuate traditional protocols to the keiki (children), tried and true methods of caring for and protecting our 'āina—our most precious natural resources, strengthening our cultural and spiritual connections with our ancestors, and strengthening the bonds between the people of Hawai'i.

Plants play a critical role in ensuring the survival and perpetuation of indigenous cultures and languages throughout the world. In fact, the loss of plant species is equivalent to the loss of cultures and languages of these people who have experimented and used plants in many creative ways for thousands of years. Like in many indigenous cultures, ancient Hawaiians have become experts in the use of plants for food, construction materials, textiles, medicine, voyaging, ceremonies, and more. This invaluable traditional wisdom can be compared to modern scientific understanding of plant taxonomy and systematics, pharmacology, and medicine, and such could become the basis for new scientific discoveries in today's world particularly in the area of ethnomedicine. The National Tropical Botanical Garden's culture-based initiatives include lectures by well-known cultural practitioners, educators, ethnobotanists, horticulturalists, and other scientists from varying fields of study. Recent hands-on workshops have enlightened participants on a wide array of cultural knowledge, practices, skills, and art forms including hula, traditional weaving with native plants, traditional methods of plant care, native 'ōpou (Hawaiian goby fish) and stream health, herbal healing, the importance of kalo (taro), lei-making, and landscaping with native plants. It is our aim with these cultural initiatives to perpetuate Hawai'i's host culture by connecting the hands from our island's past to the hands of our island's future.

NATIONAL TROPICAL BOTANICAL GARDEN: A NATIONAL RESOURCE FOR EDUCATION

Education programs are central to National Tropical Botanical Garden's mission. The first high school and college students arrived for projects and internships while the initial Garden site was still being established in Kaua'i's Lāwa'i Valley. Over the past four decades, the National Tropical Botanical Garden has developed a full spectrum of educational offerings that provide opportunities for individuals from many backgrounds.

National Tropical Botanical Garden's Education Program reaches a wide variety of participants. At the K-12 grade level the Garden As Classroom program is provided to any local school that wishes to involve their students in experiential learning. Students from elementary, middle, high, and head start schools participate in the program, in addition to summer school students from Kamehameha Schools and Association for Retarded Citizens (ARC) clients. The Junior Restoration Team program builds on the fundamentals established in the Garden As Classroom program and takes conservation education to the next level of hands-on participation. The Tropical Ethnobotany course provides hands-on experience and course work in ethnobotanical field techniques.

An important aspect of National Tropical Botanical Garden's commitment to education is training future botanists, ethnobotanists, and horticulturists. College- and university-level horticultural interns participate in a 10-12 week work-study program for students intending to pursue careers in horticulture, botany, conservation, and other related fields. The Horticultural Internship Program features a combination of classroom and hands-on study, with students spending 10-12 weeks learning in the gardens. Many past graduates of the National Tropical Botanical Garden's horticulture programs now have leadership positions in all of these areas. An ethnobotany course for graduate-level students explores the role of plants in indigenous societies and provides training in practical techniques for ethnobotanical re-

search. Planning is underway to expand this program to accommodate more students.

A revived and expanded job training initiative is the Apprentice Program, which focuses on career development at the local level. Apprentices work two days per week as an assistant to one of National Tropical Botanical Garden's highly skilled employees, with the balance of their time spent taking college or technical courses.

The Garden's Science Teachers' Enrichment Program enhances teachers' knowledge of tropical biology and equips them with innovative techniques to inspire student interest in science education. Visiting scientists regularly use the Garden's living collections for their various research projects, and well over 100 national and international institutions benefit from the National Tropical Botanical Garden's library exchange program and herbarium exchange and loan program.

NATIONAL ALLIANCES

Alliances are a key component necessary to advance successfully a field of interest. The administration of the National Tropical Botanical Garden embraces this concept and has made major strides, creating mutually beneficial alliances with federal and state agencies and national organizations with similar focuses and objectives. National alliances include the National Parks Service, National Oceanic and Atmospheric Administration, United States Department of Agriculture, the State of Hawai'i Department of Land and Natural Resources, the Smithsonian Institution, The Nature Conservancy, United States Botanic Garden, New York Botanical Garden, Missouri Botanical Garden, Santa Barbara Botanic Garden, Bishop Museum, University of Hawai'i, Florida International University, Cornell University, University of Michigan, University of California-Riverside, and other notable institutions who regularly collaborate with the National Tropical Botanical Garden on conservation, scientific, and educational initiatives.

THE NATIONAL TROPICAL BOTANICAL GARDEN: AN OUTSTANDING SCIENCE PROGRAM

The National Tropical Botanical Garden is committed to world-class, state-of-the-art tropical biodiversity research and conservation, which fundamentally distinguishes the organization from numerous display-oriented gardens and parks in the United States and abroad. National Tropical Botanical Garden's Science Program focuses primarily on tropical plants and habitats of the Pacific Region and is headed by botanist Dr. David H. Lorence, a specialist in tropical plant classification, floristics (the study of plants defining a geographic or political region), and island floras.

In addition to a prominent and dedicated team of researchers, the Science Program possesses specialized facilities at its Kaua'i headquarters, including: a research library containing rare and valuable historic volumes as well as a breadth of modern reference collections; a comprehensive herbarium of preserved, dried and pressed plant specimens collected for discovery and documentation; and research laboratories.

The National Tropical Botanical Garden's scientific reach spans the globe through the development of international alliances including the Royal Botanical Gardens, The Eden Project, University of Zurich-Institute for Systematic Botany, Centre International de Recherches Agronomiques pour le Developpement, Universidad Nacional Autónoma de México, Sonoral Desert Museum, Instituto de Ecología, the French Polynesian Délégation à la Recherche, Sustainable Harvest International, Secretariat of the Pacific Community, Tropical Agriculture Research and Higher Education Centre, Technical Centre for Agriculture and Rural Cooperation, and other notable organizations and institutions. The National Tropical Botanical Garden, through a program of having scientists from other organizations serve for a period at NTBG as a McBryde Chair appointee, develops scientific alliances with the aim of advancing science on both national and international stages. These alliances allow for and promote international, intellectual interchange and collaboration.

The core goals of National Tropical Botanical Garden's Science Program are to:

- Conduct field research, including discovering new species, documenting and conserving ecosystems, endangered species and cultural knowledge, and addressing invasive species and restoration ecology issues;
- Develop and maintain botanical research collections and printed and digital resource materials;
- Examine, document, propagate, and disseminate collected materials and data for conservation and education purposes;
- Investigate the relationships between plants and cultures;
- Create partnerships with other national and international scientific institutions, as well as fund science fellowships and post-doctoral positions;

- Publish *Allertonia*, an informative periodic, peer-reviewed scientific publication. The Garden's Publications Program includes *Allertonia* as well as *The Bulletin* and various books focusing on tropical botany. These publications reach a large national and international audience through exchange programs and subscriptions.

SCIENCE PROGRAMS AND PROJECTS WITH INTERNATIONAL IMPACT

Botanical research at National Tropical Botanical Garden focuses on systematic, biogeographic, and ethnobotanical studies of tropical plants, especially those of the Pacific Basin region. Over the years, many of the Garden's specimen collectors have created one of the best research collections on the plants of Kaua'i and the Hawaiian Islands.

FLORA OF THE MARQUESAS ISLANDS

The Flora of the Marquesas Islands project is a collaborative effort between the National Tropical Botanical Garden, the Smithsonian Institution, and the French Polynesian D el egation   la Recherche. The Marquesas are critical to understanding Pacific Island biogeography, but have until now been poorly explored. Currently the Marquesan vascular flora, including ferns, fern allies, and flowering plants, is estimated to comprise 360 species, of which 45 percent are endemic, or found nowhere else in the world. This project's collecting expeditions have yielded over 11,000 herbarium specimens to date, comprising 714 vascular plant species and 61 species new to science since the project's inception in 1988. Most of these new species represent the endangered and critically endangered flora of the Marquesas. National Tropical Botanical Garden scientists always collaborate with the French Polynesian Government's Delegation for the Environment and provide essential field data critical for establishing protected areas for conserving endangered species and habitats. Additional products of this program are an Internet-based flora hosted by the Smithsonian Institution that provides access to a searchable database of specimens, plant images, checklists, island distributions, and literature. In addition, a two-volume illustrated flora is slated to be published.

THE MICRONESIAN FLORA PROJECT

The National Tropical Botanical Garden and New York Botanical Garden have been collaborating since 1998 on botanical surveys of the Micronesian volcanic high islands of Pohnpei, Kosrae, and Belau. Because of their greater size and elevation, the high islands harbor the greatest habitat diversity and highest species richness of any in the region. Due to the islands' steep and rugged mountainous terrain, the islands have not been thoroughly explored or surveyed biologically. Additional botanical exploration of these areas will certainly yield new species and records. Habitat modification to grow crops has resulted in the destruction of much lowland native vegetation and threatens the vegetation even at higher elevations. Previous botanical collecting expeditions to Micronesia have already been conducted by NTBG staff members Lorence, Ragone, and Flynn and collaborators in 1996, 1997, 2005, 2006, and 2007. The primary purpose of these expeditions has been to: 1) conduct extensive field work in botanically poorly explored or unexplored areas; and 2) collect herbarium specimens to document permanently the islands' vascular flora (ferns and fern allies, gymnosperms, and flowering plants). The first phase of this project proposes to produce an annotated checklist of the Pohnpeian vascular plants (flowering plants and ferns) in published book and online electronic formats. Together these products will provide a solid foundation for understanding, managing, and conserving the fragile flora and botanical resources of this Micronesian island. The botanical surveys and inventories conducted will greatly expand our baseline knowledge of species-level biodiversity of the Micronesian high islands, which are the most species diverse in the region.

HAWAIIAN AND PACIFIC ISLAND RUBIACEAE LIVING COLLECTIONS

The primarily tropical Rubiaceae contains approximately 637 genera and 11,000 species—many poorly known or understudied. The best known member of the family is coffee, the family's most important commercial crop. Others include *Cinchona*, whose bark is the source of quinine and other anti-malarial compounds that have saved millions of lives; and *Psychotria ipecacuanha*, whose roots yield ipecac syrup, used medicinally as an expectorant in cough syrups and as an emetic in cases of poisoning. Noni, from Hawai'i and other Pacific islands, is widely used as a medicinal plant. Through field collecting and exchange with other national and international botanical gardens, an important research and conservation collection of

Rubiaceae has been established at the National Tropical Botanical Garden. More than 400 accessions have been assembled, including numerous species from Pacific Islands, as well as rare or endangered Hawaiian species. A well-designed living collection of Rubiaceae at a botanical garden can have a multiplicity of uses for research, conservation, education, and display.

Conservation

Botanical gardens can serve as a genetic repository for rare and endangered species. This requires scrupulous documentation of origin and appropriate genetic sampling of representative populations and numbers of individuals. For example, the Garden's collection of *Gardenia brighamii* comprises part of the Center for Plant Conservation's National Collection of endangered species.

Education

An important role of botanical gardens is to educate the public through interpretation and display. Interpretive plantings and displays can be designed to teach about the importance of the Rubiaceae, especially tropical species having economic importance (coffee, natural dyes); medicinal uses (quinine, ipecac, *Morinda*); horticulture and landscape uses (*Gardenia*, *Ixora*, *Mussaenda*); basic phylogeny and relationships of the family; evolutionary adaptations in growth habit, floral biology and pollination, and fruit dispersal.

Horticultural display

Attractive or unusual Rubiaceae can be used for landscaping purposes in the public garden. Botanical gardens can introduce unusual and new plants into the horticultural trade, e.g. *Mussaenda raiteensis*.

Research collections

Living collections supply an important and readily available source of plant materials for systematics research studies including:

- Cytology: chromosome counts from seeds, root tips, flower buds
- Palynology: pollen from flower buds
- Anatomy and morphology from wood, vegetative and floral tissues
- Molecular studies including DNA and RNA analysis from fresh or dried leaves
- Phenological observations (flowering and fruiting behavior)
- Breeding and hybridization experiments

The National Tropical Botanical Garden fulfills dozens of requests for research materials by national and international institutions each year. In many cases, the National Tropical Botanical Garden is the only botanical garden in the United States with these tropical plants in cultivation.

RUBIACEAE RESEARCH

Dr. Lorence's taxonomic specialty is the large and floristically important Rubiaceae family. He has studied and named numerous new species from Mexico, Central America, Hawai'i, and the Pacific Islands and collaborated nationally and internationally with many institutions and projects. He provides an important service to the world scientific community by identifying specimens from diverse tropical regions and has built up an important herbarium reference collection numbering over 9,000 specimens of Rubiaceae at the National Tropical Botanical Garden. He has studied and named numerous new species from Mexico and Central America and collaborated nationally and internationally with many institutions. Rubiaceae research at the National Tropical Botanical Garden includes:

- Systematic studies (classification/taxonomy) and evolutionary studies of genera such as *Psychotria*, *Hedyotis* in Hawaii and the Pacific;
- Floristics (studies of plants of a given geographical or political regions) including Hawai'i and other Pacific islands including the Vascular Flora of the Marquesas Islands project;
- Studies of Neotropical Rubiaceae for the Flora Mesoamericana project (encompassing S. Mexico and Central America) in collaboration with the Missouri Botanical Garden and Universidad Nacional Autónoma de México (UNAM);
- Diverse projects including Flora de Oaxaca (with UNAM), Flora de Veracruz and Flora del Bajío (with Instituto de Ecología, Mexico), and Flora of the Sonoran Desert (with Sonoran Desert Museum).

PACIFIC ISLAND ETHNOBOTANY

Ethnobotany is the study of how particular cultures use indigenous plants. Many native peoples have extensive and intimate knowledge of the habitats, habits, and

properties of the plants where they live. Unfortunately, the traditional knowledge that had once been passed from generation to generation is rapidly disappearing as a result of modernization.

National Tropical Botanical Garden teams conduct ethnobotanical research in the Pacific Islands integral to a number of research initiatives, including potential plant medicines, conservation of traditional cultivars, and breadfruit studies. Traditional knowledge is widely used as a tool for teaching in the Garden's educational courses as well.

Ethnobotanical plants have long been part of the Garden's living collections and research interests and, in 1998, the National Tropical Botanical Garden formed a center for ethnobotany (the study of how indigenous peoples use plants) to reflect an increased emphasis in this area of research. The Garden believes this work to be critical because it seeks to capture how plants can heal—a field with growing urgency because some of the most important medicinal species may have already become extinct, while others are threatened and traditional knowledge is rapidly disappearing. Ethnobotanical fieldwork is augmented by laboratory studies using state-of-the-art technology to determine a plant's molecular composition and medicinal properties. This research has yielded potential new anti-HIV medication and provided clues to the genesis of ALS and Parkinson's disease.

BREADFRUIT INSTITUTE

The study of breadfruit has been an essential component of the National Tropical Botanical Garden's conservation platform for over two decades. Breadfruit has been an important and highly nutritious staple food crop in the Pacific for more than 3,000 years. Although it now is found in nearly 90 countries worldwide, it has been underutilized because of the limited distribution of varieties and the difficulty of importing viable plant material into other countries.

The world's largest and most diverse collection of breadfruit species and varieties was assembled by NTBG researchers and is being maintained at Kahanu Garden: 120 varieties from 18 Pacific nations, the Seychelles, the Philippines, and Indonesia. Breadfruit diversity is declining throughout the tropics because of damage from storms, drought, and loss of cultural knowledge. National Tropical Botanical Garden's unique breadfruit collection is an important global resource, intimately connected with assisting to feed the people of the Pacific, Africa, the Caribbean, etc.

National Tropical Botanical Garden's Breadfruit Institute is investigating the potential of tissue culturing breadfruit to address malnutrition and hunger in a number of tropical countries. The Breadfruit Institute is dedicated to promoting the conservation and use of breadfruit for food and reforestation, and is striving to mass propagate superior varieties using in vitro techniques so that thousands of breadfruit plants can be distributed to tropical nations as a long-term source of food for growing populations threatened with starvation and malnutrition.

A major accomplishment of the NTBG's Breadfruit Institute was the First International Symposium on Breadfruit Research and Development held in Fiji in April 2007. The Symposium was organized by the NTBG and the Secretariat of the Pacific Community-Land Resources Division, in collaboration with international partners: the Technical Centre for Agriculture and Rural Cooperation, German Technical Cooperation, International Centre for Underutilized Crops, Global Facilitation Unit for Under-Utilized Species, and the Global Crop Diversity Trust. Participants included researchers from national, regional, and international organizations, universities, government ministries, NGOs, and the private sector. A major outcome of this symposium was the creation of an international network of breadfruit researchers who will work collaboratively to promote the conservation and sustainable use of breadfruit in the tropics.

Internationally, hunger is one of the most pressing crises of our era. Through scientific research and earnest compassion, the Breadfruit Institute of the National Tropical Botanical Garden has committed its resources to developing sustainable breadfruit farms within hunger-stricken countries around the world. For thousands of years, breadfruit agroforests have supplied Pacific Islanders with an abundance of food and useful products and protected mountain slopes from erosion. Through scientific research, cultivar production, education initiatives, and international alliances, Breadfruit Institute Director Diane Ragone Ph.D. is on a mission to eradicate hunger.

THE NATIONAL TROPICAL BOTANICAL GARDEN'S NEW BOTANICAL RESEARCH CENTER

Over the past 15 years the NTBG has progressively outgrown its existing research and education facilities. To address the problem the NTBG has embarked on the construction of a world-class Botanical Research Center building at its administra-

tive headquarters. For the first time in its 40-year history, the Garden's significant botanical, research and rare book libraries, and its unique and ever-growing herbarium collections, will be brought together under one roof, along with research labs and offices and dedicated space for use of students and visiting researchers.

The combination and synergy of having these collections and facilities in a single climate-controlled "clean" building that will allow complete interchange and use of the resources contained within it will create unprecedented opportunities for botanical research and education. This facility will serve not only the national and international research communities, but it will also become a significant resource for our local community. Through NTBG's education and outreach programs, students will have an opportunity to learn first hand about tropical botany, horticulture, and ethnobotany as well as the importance of traditional ecological knowledge and natural and cultural resource management. The BRC will thus provide the local community with an unprecedented resource that will help engage and train future generations of stewards of our nation's tropical ecosystems.

The Design.—The design for the BRC is high performance and environmentally sensitive. As a statement to our institutional commitment to conservation and our environment, the BRC project has been registered with the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Program and a Silver LEED Certification is being pursued as part of its sustainable design.

Due to the invaluable collections contained within the building, it is being designed as a hurricane-proof structure with 50 years of planned growth. The two-story reinforced concrete building will include nearly 20,000 square feet of interior and exterior spaces. Mechanical and electrical systems will provide multiple backups for short- and long-term operation during any emergency. The roof of the building will host an integrated photovoltaic panel that will produce 30 kW (thousand watts) of power. All the rainwater that falls on the building will be transferred to an underground storage system and used to irrigate the collections in the garden below the building. All aspects of the building have been engineered to meet stringent wind-load speeds as well as comply with the standards established by the Green Building Council.

The BRC is the first LEED building being built on Kaua'i and construction firms working on the BRC have retooled their operations to comply with LEED standards. As a result, these firms have discovered and implemented new environmentally conscious construction practices, including innovative ways of recycling waste products resulting in less construction waste in our landfills. We believe that environmentally friendly construction is not only possible, but that it will become the direction that the construction industry will pursue in the near future.

To fund this critically important project the NTBG launched a \$21 million capital campaign that was anchored by a lead gift of \$4.5 million in November 2005. Since then the NTBG has raised \$14 million and has several million in grant applications outstanding. Senate Bill 2220 is intended to provide \$1 million in federal funding in fiscal year 2009 for this transformational project that will advance botanical research both nationally and internationally.

CONCLUSION

The National Tropical Botanical Garden serves as a national tropical botanical resource, operating and maintaining five tropical botanical gardens and three preserves that contribute to the education, instruction, and recreation of the people of the United States. Its botanical gardens, its/collections of rare and endangered plant life, its library and herbarium collections, its scientific research, conservation initiatives, and education programs are all contributions made by the National Tropical Botanical Garden, for the education, instruction, and recreation of the people of the United States.

I urge Congress to enact Senate Bill 2220: a bill to amend the Outdoor Recreation Act of 1963. An annual appropriation in the amount of \$1,000,000 for fiscal year 2009 and appropriations no greater than \$500,000 as necessary for fiscal year 2010 and each subsequent fiscal year will further assist the National Tropical Botanical Garden in the fulfillment of our Congressional mandate.

Over the past four decades the NTBG has grown and developed almost exclusively with private funding. This trend will continue. In 2008 our approved operating budget is \$9.0 million, of which 95 percent will come from private sources. We expect our 2009 and 2010 budgets to be modest increases over 2008. The federal support that S. 2220 will provide to the NTBG will be thus matched many times over with private funding and represents an appropriate level of federal support to an organization that is fulfilling a congressional mandate.

I thank you for your time and consideration of my testimony.

Senator AKAKA. Thank you very much, Chipper.

I have a few questions for you, and I'd like to begin with Ron Steed.

Mr. Steed, the Park Service has testified that because their contract was with a primary contractor, it wouldn't be appropriate to now require them to pay you for the contractor's default.

Can you explain why you think this is a Federal responsibility?

Mr. STEED. Yes, sir. We feel like it's a Federal responsibility because the contracting officer for the Park Service allowed contract work to be let to a prime contractor with full knowledge that there were no bonds in place. Bonds, of course, being the insurance that the project will be paid for or, and completed. We feel the, very strongly, that the government should be responsible for this, because the Park Service should be responsible for this, simply because they put the subcontractors in this position by allowing \$17 million worth of work, under 40 separate task orders, without bonds.

Senator AKAKA. Thank you. I know this has been a difficult decision to make and we look to take this opportunity to look into this with you and the parties concerned.

Mr. STEED. Thank you.

Senator AKAKA. Mr. Sparks, I'd like to hear your view as to why Federal funding for the collection center is justified, especially given the opposition from the Department of Interior. If the Department isn't a partner in this Center, or hasn't requested you to build it, why should the Federal Government be obligated to pay for the Center?

Mr. SPARKS. Mr. Chairman, more than half of the objects in our collection came from Federal lands, and are owned by the people of the United States, and by law, we must take care of these in perpetuity. These collections are used for informal science education, as well as being an integral part of the Museum. To separate these collections from the Museum would, literally, destroy the mission of the Museum.

So, as trustees, we are required to take care of these objects. We are asking the Federal Government for a small part of paying for this new, climate-controlled, underground collection storage facility, because we believe that this is your stuff, we would love to take care of it, but we need a little bit of help.

The voters of Denver appropriated \$8 million of the general obligation bonds to help pay for that underground facility. If you could help pay for part, we will raise the rest from operational funds.

It's difficult to have private citizens donate for underground collections facilities, nobody wants to see the Jones Family file cabinet—that just doesn't excite them to give private funds. So, we really need help from the government to meet our obligations under the law.

Senator AKAKA. Thank you. Mr. Wichman, I have a similar question for you. You heard the Department of Interior's testimony that it opposes authorizing Federal funding for botanical gardens. If the Department isn't a partner with the botanical gardens, why is it appropriate for the Federal Government to help pay for it?

Mr. WICHMAN. First of all, I'd like to note that Administration started their testimony with the word "sadly" so I think they truly

recognize the important value we have in the partnerships. In fact, we provide many of the plants for some of the restoration work taking place in the National Parks in Hawaii.

I think their question in their statement was valid, however, it was never our intention, nor my understanding that this authorization meant that that money had to come out of the National Park's budget.

I think that the Administration, if they realized with some level of assurance that it wouldn't necessarily diminish their pie, their pie wouldn't have to have our piece cut out of it, we'd be able to step back and recognize that the work that we are doing truly serves a national need. It fulfills a mandate that came from our national government. That what we're asking is simply to allow a contribution from the Federal Government that is being leveraged many, many times over with private funding to fulfill this national need.

So, I feel, you know, we have never in our 44-year history, come before Congress and ask for a Federal appropriation or a Federal authorization. We have grown and proven ourselves that we have accomplished so much with private funding. But now the time is here that we really need your partnership in terms of fiscal partnership.

Our Federal Government needs to help us, because the time is running short. It truly is urgent work that we are undertaking, and to accomplish this, we need your support and assistance.

Senator AKAKA. Further, Mr. Wichman, is it your intention to use Federal funds for general operational expenses? Or do you have a specific use intended for the Federal funding?

Mr. WICHMAN. Certainly the ideal scenario would be that they would come in for general operations. General operations cover the core of everything we do—education, conservation, research—we do achieve a lot through private grants, but the core operations of our garden, the fundamental aspect of everything we do, is provided through our general operating support.

We have over \$5 million every year that we raise from private sources for that general operating support. So, if I am understanding your question, the Federal contribution of \$500,000 would not necessarily mean it would only support office staff, or administrative overhead—it would actually go directly to the bottom line.

Last Friday, in Hawaii, we met with leaders from the Department of Land and Natural Resources, the Fish and Wildlife Service, the University of Hawaii, and we talked about how NTBG with an expanded budget through these kinds of appropriations could actually impact conservation throughout the State. We're all very excited about what this could mean, so I hope I'm answering your question correctly.

Senator AKAKA. Yes. Actually, the question was about general operational funds, and you've answered that, and I thank you for that.

Mr. Potter, I think the best use of this time is to ask you to respond to the Administration's criticism of your study for the proposed Heritage Area.

According to the Park Service, the study did not meet National Park study criteria, because it did not include significant levels of

public involvement and support. I assume you disagree with that assessment, but can you tell us what type of public involvement you undertook in preparing this study? In particular, how did you involve the affected Indian communities?

Mr. POTTER. Thank you, Mr. Chairman, I'm please to be able to answer that question.

Our Executive Director, the only Executive Director we've had for the Northern Plains Heritage Foundation is Amy Mosset, a nationally recognized scholar, Sacagawea scholar, of Mandan-Hidatsa descent. She was the one who went before county commissions and city commissions and service clubs, and laid out what a National Heritage Area is, and how it would impact our area.

I think maybe the National Park Service's misunderstanding of the public involvement here—or they're not feeling there is sufficient public involvement—comes from, kind of a misunderstanding about what a county commission meeting is in North Dakota. These are all advertised as to what the agenda items will be. There is a public hearing, and everyone is entitled to come, to question, to comment, to express skepticism about the ideas. I must admit, that at some of these meetings, there was a skepticism, and there was only one question that was ever asked by the general public about this, that's—will the Federal Government be taking away my private property rights if we get this designation? The answer, of course, to that as everyone knows, is no.

As I mentioned in my testimony, the National Heritage Areas are all incentives and no regulation, all carrot and no stick.

So, there were 10 of these meetings throughout our 5-county area, at which everyone had an opportunity to attend, and many people did attend, people heard about it.

Beyond that, service clubs, organizations, there was much public involvement. In terms of local support—they question whether or not there's local support, and I'll tell you—it goes from the bottom to the top—cities and counties, the mayors, the county commissions all have endorsed the project. The Governor has endorsed the project. The head of our State Historical Society in North Dakota comes to the meetings as an ex officio member and participates. The Director of the State Parks does the same, and the head of the State Tourism Office does the same. I guess we haven't communicated that as well as we should have to the National Park Service, but the fact is, top to bottom there is, as I say, nary a discouraging word about this project in North Dakota.

Senator AKAKA. Thank you for repeating that quote, nary a discouraging word.

I want to thank all of you for your testimonies, as well as your responses. You've been eloquent—let me put that word in—in talking about your parts in this National Park System. Many of you have traveled a long way to come here to appear today, and I want to let you know that we appreciate your willingness to come to Washington to help us better understand these issues.

Some members of the committee who were not able to attend this afternoon may submit additional questions in writing, and we do receive them, we'll forward them to you and ask you to respond to those. We may include both the questions and answers in the official hearing record, also. I want you to know that.

It was interesting to hear your view on these and, of course, some of these were opposed by the Administration. They have reasons to do that, but it's good to hear from you. We'll have to discuss this, and with them, as well. I will tell you that your testimony and your responses will be helpful in that regard.

So, again, mahalo, in Hawaiian, which is thank you, and thank you for coming, and wish you well in your endeavors.

Thank you very much and aloha. This hearing is adjourned.

[Whereupon, at 3:50 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF GEORGE SPARKS TO QUESTIONS FROM SENATOR BURR

Question 1. Rocky Mountain Science Collection Center (S. 1449): Is the Denver Museum of Nature and Science a state, city, or private non-profit institution?

Answer. The Denver Museum of Nature & Science (Museum), a 501(c)(3) organization, conducts museum activities such as collections management and preservation, research, educational programming, and community outreach. The Museum conducts its activities in a building owned by the City and County of Denver. Any changes or additions to the building are also owned by the City and County of Denver. The City and County of Denver is responsible for the maintenance of all City owned buildings.

Question 2. Rocky Mountain Science Collection Center (S. 1449): Has your museum received any Federal funding in the past for construction projects?

Answer. The Denver Museum of Nature & Science has not received Federal funding in the past for construction projects.

Question 3. Rocky Mountain Science Collection Center (S. 1449): How much Federal funding does your museum currently receive and how is it used?

Answer. The Denver Museum of Nature & Science routinely applies for competitive Federal grants from agencies such as NSF, IMLS, and NASA. The majority of this funding supports research projects and educational programs.

In 2006, we were awarded \$687,804 for projects such as one to study the prehistoric forests along the eastern flank of the Rocky Mountains. In 2007 year to date, we have been awarded \$989,333 for projects such as another to evaluate the effectiveness of computer-generated immersive virtual environments for teaching astronomical concepts.

In 2001, 2004, and 2006, the Museum received Congressionally designated funding for its space education programs through National Parks Service and NASA accounts.

Question 4. Rocky Mountain Science Collection Center (S. 1449): Who will own the collection center after it is constructed and will the Federal government be allowed to use the center to store scientific material collected from public lands in the Rocky Mountain Region?

Answer. The Rocky Mountain Science Collection Center (Center) will be attached to the Museum, and like the existing Museum building where Federal collections are currently housed, it will be owned by the City and County of Denver. The Center will establish a level of excellence as a state-of-the-art collection facility with proper security, emergency preparedness, and preservation controls while improving public access to collections.

Storage of Federal collections is a long standing problem as recognized by Katherine Stevenson in her testimony on behalf of the Department of the Interior. Congress has responded to this challenge in the past by passing the Utah Public Lands Artifacts Preservation Act.

As the Museum began to consider a Center to solve extensive collection preservation and access challenges, it approached the U.S. Geological Survey (USGS) and the Smithsonian to discuss their participation as a means to care for a large collection of fossils currently housed in USGS storage. The USGS is unable to adequately preserve these fossils in perpetuity, and the Smithsonian is unable to assume that responsibility. Preliminary cost estimates to build the Center large enough to accommodate the USGS collection doubled the construction costs which would result in

Federal participation in range of \$30 to \$40 million. Neither the USGS nor the Smithsonian were in a position to partner with us on this solution.

The Museum is already party to cooperative agreements to house selected scientific material collected from public lands in the Rocky Mountain Region. For example, an Apatosaurus dinosaur that is being excavated by the U. S. Forest Service on the Comanche National Grassland is permanently housed at the museum.

Question 5. Rocky Mountain Science Collection Center (S. 1449): Where are collections from the Denver Museum of Nature and Science currently stored?

Answer. Both the collections owned by the Denver Museum of Nature & Science and those held on behalf of the Federal government are currently housed in 49 different locations around the Museum. None of these spaces qualify as state of the art and, as a result, the collections are at risk due to crowding, lack of environmental controls, lack of adequate modern fire suppression systems, and substandard security systems. This inefficient storage arrangement results in limited access by visitors, school students, and scientists to collections, and it limits the ability of the Museum to care for and grow these important collections. Current storage conditions jeopardize the long-term care and preservation of collections.

The development of a new strategic plan and an in-depth analysis of space utilization in the Museum revealed that collections could not be consolidated within the existing building. The Rocky Mountain Science Collection Center will improve access to collections by scientists, students, and the general public, and it will achieve current preservation standards for collections.

RESPONSES OF TRACY POTTER TO QUESTIONS FROM SENATOR BURR

Question 1. Northern Plains National Heritage Area (S. 2098): Are you aware that this authorization for funding expires after \$10 million is appropriated or 15 years from the date of enactment, whichever is first? Will your management plan provide a strategy for being free of federal funds after 15 years or \$10 million?

Answer. Yes, we are aware of the precepts of the Heritage Area Program and its requirement that Heritage Area management plans must show how sustainability is to be achieved. A path to sustainability will be a prime component of the management plan. That plan will be developed in detail in consultation with state and local officials and private sector partners, but in broad overview, the guiding idea is that over a 15-year period (or when \$10 million is expended, whichever comes first) the Northern Plains Heritage Area will prove so important to the region, that private sector relationships and local and state government support will gradually replace the relatively small portion of federal funding intended for administration of the Heritage Area. Sustainability will be a key factor in determining the direction of investments made by Heritage Area management.

Question 2. Northern Plains National Heritage Area (S. 2098): How much land area is included in the boundaries of the Northern Plains Heritage Area and how much of that is private land?

Answer. The precise boundaries of the Heritage Area are to be set in the management plan developed within three years of enactment. The working model proposed is for an area ten miles wide by eighty miles long, or approximately 800 square miles, or 500,000 acres. Most of that land is in private ownership. Public lands include two State Parks (7,000 acres); eleven state Wildlife Management Areas (17,000 acres); a National Wildlife Area (1,000 acres); nine State Historic Sites; the State Capitol Grounds, the North Dakota Veterans Cemetery, Bismarck State College, state Penitentiary, Missouri River Correctional Center, Youth Correctional Facility and other state lands; city and county property; schools, roads and public boat landings.

While a precise census of the amount of private land within the area has not been conducted, (the information is available by county, but as the boundaries of the Heritage Area won't be set until completion of the Management Plan within three years after enactment, it is not possible to answer the question with precision) it would appear that 80-90% of land in the proposed area is in private ownership.

Question 3. Northern Plains National Heritage Area (S. 2098): Have any groups or individuals expressed opposition to this national designation? If so, what were the reasons given for opposition and how have they been addressed?

Answer. No, there has been no formal, or informal, opposition expressed to national designation of the Northern Plains National Heritage Area. There were questions asked at open public meetings and skepticism expressed about the heritage area program and its effect on private property rights. The questions were answered and skeptics became advocates when the language of S. 2098 was reviewed, showing that the management entity will have authority only to make grants, provide assist-

ance and undertake to be a catalyst for preservation, promotion and economic vitality, and, when it was pointed out that the management entity would be prohibited by the legislation from owning any real property, and, most importantly, in Section 7, that:

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private) including the right to refrain from participating in any plan, project, program or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner

(3) . . . conveys any land use or other regulatory authority to the management entity;

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

A Morton County Commissioner also wondered if the county would be responsible for the 50% cost share on projects. The answer was, of course, that it would be the County Commission's choice to participate in Heritage Area programs and that no obligation would be placed on counties or cities simply by designation.

The proposed Heritage Area has been the subject of front page stories in the papers of record within the area, including The Bismarck Tribune and Mandan News. It has been the subject of several TV and radio news stories, including a major story on public radio this week and all of that attention has generated no negative public reaction.

Thank you, Senator Burr, for the opportunity to respond to your questions. I appreciated the opportunity to testify and will be happy to expand on any of these answers or answer any other questions you might have about the Act, our Foundation, or the heritage of the Northern Plains.

RESPONSES OF RON STEED TO QUESTIONS FROM SENATOR BURR

Question 1. Grand Canyon Subcontractor Payments (H.R. 1191): Mr. Steed, have you or your company worked on other projects in Grand Canyon or other national parks prior to the contract in question at Grand Canyon? If so, was this contracting process any different prior to nonpayment to the subcontractors and default of the prime? In other words, did you have any reason to suspect a problem?

Answer. R & W did work for the National Park Service at the Grand Canyon as well as Zion's and Bryce Canyons prior to the PGI contract in question. We have no first hand knowledge of the NPS ever awarding large contracts without requiring proper bonds nor did we have any reason to suspect that it did so with PGI. The difference in this instance is that when PGI began the IDIQ contract, bonds were provided, but without informing the subcontractors, some 40 task worth seventeen million dollars were issued by the NPS without requiring bonds.

Question 2. Grand Canyon Subcontractor Payments (H.R. 1191): Before entering into the contract in question at Grand Canyon, did anyone with your company check the credentials of the prime contractor to determine if they were bonded or had difficulty paying subcontractors in the past?

Answer. Pacific General sent an agent to solicit quotes for the work at the Grand Canyon. They represented themselves as having multiple government contracts in process worth millions of dollars. It was unfathomable to think that the government would award contracts of that magnitude without requiring bonds as the law requires, just as it would be unfathomable to think a government owned vehicle would be transporting people or equipment on the highway without insurance. Our research at the time was that PGI was a reputable contractor. We did not find any subcontractors or supplier who complained about the payment record of PGI prior to our entering into a contract with them.

Question 3. Grand Canyon Subcontractor Payments (H.R. 1191): Are you aware of any other case where the prime contractor for a government contract defaulted and the government paid the subcontractors after paying the prime (essentially paying for goods and services twice) as is being requested by this legislation? If so, what was the case and what were the circumstances?

Answer. We have no first hand knowledge of the government paying subcontractors after the prime defaults. And we have no first hand knowledge of the govern-

ment so blatantly mismanaging the contracting process as the NPS did at the Grand Canyon.

Question 4. Grand Canyon Subcontractor Payments (H.R. 1191): Will passage of this legislation set a precedent that would be cause for concern?

Answer. We do not believe H.R. 1191 sets a precedent that would cause concern because it is specific to a very unique situation brought on by the illegal actions of a high ranking contracting officer of the NPS. It provides the means for the NPS to correct the devastating financial condition it forced on a small group of sub-contractors when it issued task orders to PGI and continued to do so after it had full knowledge that they were in default and not paying their subcontractors. The subcontractors gave their resources and manpower to improve the Grand Canyon. Can it cause concern to return the value that was taken from them by the actions of the NPS?

RESPONSES OF CHARLES WICHMAN, JR., TO QUESTIONS FROM SENATOR BURR

Question 1. Outdoor Recreation Act Appropriations (S.2220): Mr. Wichman, it appears that S.2220 authorizes your botanical garden to receive as much as \$500,000 per year in perpetuity. Is that correct?

Answer. S.2220 does authorize the Congress to appropriate up to \$500,000 per year in perpetuity, but the National Tropical Botanical Garden (NTBG) will be authorized "to receive" such amount only in years in which Congress enacts an appropriation of such amount for the benefit of NTBG.

A yearly appropriation of \$500,000 for NTBG will materially assist NTBG in its important work of fulfilling its mandate from the U. S. Congress. NTBG was chartered by the U. S. Congress in 1964 and given the very special status of being a national private federal corporation. The objects and purposes of NTBG, as set forth at Section 3 of its Congressional Charter are:

- (a) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;
- (b) to foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;
- (c) to disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;
- (d) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction;
- (e) to provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.

The National Tropical Botanical Garden serves as an organization of significant national value. Federal appropriations would further assist NTBG to provide these services to and for the people of the United States. Such federal assistance would, in particular, enable NTBG to increase its efforts to save tropical plant life threatened with extinction.

Question 2. Outdoor Recreation Act Appropriations (S.2220): How much Federal funding has the National Tropical Botanical Garden receive each year in the past 5 years?

Answer. I have attached a schedule prepared by our Chief Financial Officer from information provided to our external auditors each year. This schedule shows the breakdown of Federal funds by year as well as by source. Please note that the NTBG has not previously had a federal appropriation enacted for its benefit. All of the Federal funds that have previously come to NTBG have come from competitive grants and contracts as show in the attached schedule.

In summary the NTBG received a total of \$1,083,655 from 2002 to 2006. This breaks down as follows: 2002 = \$207,220; 2003 = \$175,688; 2004 = \$446,597; 2005 = \$159,206; 2006= \$94,944.

Question 3. Outdoor Recreation Act Appropriations (S.2220): What restrictions, if any, does the Botanical Garden have on the use of Federal funds?

Answer. NTBG is careful to observe and comply with all restrictions and requirements set forth in the contracts and grants awarded to NTBG by the Federal Government.

We also wish to note that there is nothing in our Congressional Charter that prohibits the receipt of federal funds to assist with the operation of the Garden. The level of funding sought in S.2220 is only a fraction of what is needed to operate the NTBG. In 2010 dollars, which is when the authorization for operational support would start, the \$500,000 sought in S.2220 will represent less than five percent of our annual operating budget.

NTBG will always remain a predominately privately-funded 501(c)3 non-profit organization however the potential appropriations authorized by S.2220 would, in particular, enable NTBG to increase its efforts to save tropical plant life threatened with extinction which is an important part of our Congressional mandate.

Question 4. Outdoor Recreation Act Appropriations (S.2220): Is the National Tropical Botanical Garden part of the Smithsonian Institution or some other Federal entity?

Answer. No. The National Tropical Botanical Garden is an independent and separate entity. However, NTBG maintains close relations and has worked on many projects with the Smithsonian Institution as well as participating in scientific, educational and conservation collaborations. Federal partners include the National Parks Service, National Oceanic and Atmospheric Administration, United States Department of Agriculture, The Smithsonian Institution, the United States Botanic Garden, and other Federal institutions. NTBG regularly collaborates with these organizations on scientific, educational and conservation initiatives.

Question 5. How long has the National Tropical Botanical Garden existed and what is the annual budget?

Answer. The National Tropical Botanical Garden has been in existence since its Congressional chartering in 1964. Currently, NTBG's annual operating budget is approximately \$9 million. NTBG currently has a net worth of over \$50 million as shown by the KPMG audit reports of its operations that are filed each year with both the United States Senate and House. Our assets include endowment accounts, over 1,800 acres of land, buildings, libraries (including a worldclass rare botanical book collection), etc. NTBG has received an estimated \$125 million in contributions from private sources over the past 43 years. This commitment from private benefactors is viewed as being evidence that the NTBG is highly regarded for its work and dedication to its important mission, namely, fulfilling its mandate from the U. S. Congress and enriching life for the people of the United States, through discovery, scientific research, conservation, education and perpetuating the survival of plants, ecosystems, and cultural knowledge of tropical regions.

Senator Akaka and Senator Burr, I appreciate the opportunity to answer these questions about S.2220 and how it will help the NTBG fulfill the objectives of our Congressional Charter. Please don't hesitate to contact me should you have any further questions about the NTBG.

National Tropical Botanical Garden
 Schedule of Federal Awards
 Federal Revenues for the past 6 years for the period 2002-2006

Federal Appropriation through Funding Program Title	Grantor number	Federal Funding Amounts - Actual					Total
		2002	2003	2004	2005	2006	
Federal Emergency Mgmt Agency							
Dept of Defense Disaster Assistance Program	DSRA 09399	14,472	1,464				\$15,936
National Parks Service							
Next Park of Amer. Samoa-Pacific Coop Studies UN	697187	48,948	7,972				54,321
NPRM Grants							
Central Forest Service	na	5,601					5,601
Central Forest Project (TNC pass through)	LG122802		59,000		20,000		79,000
Zed TNC contract	na		13,505				13,505
Lower Stream Restoration	2005-022-030				17,655		17,655
NOAA							
Restoration & Monitoring of Limbuhl Stream	NA1712796		45,834				45,834
NH							
Drug Development & Recultural Diversity	11211Y005909 01		42,402	297,298			340,000
NRCS WHIP							
Limbuhl Forest Restoration	na		2,572				2,572
Limbuhl NRCS Watershed Reforestation	72-025-4-44			1,215			1,215
Limbuhl NRCS Watershed Reforestation	72-025-4-482 173			18,833			18,833
Lower Kai NRCS WHIP	92514-4-001				17,629		17,629
Critical Habitat NRCS WHIP	72-025-5-0037				1,557		1,557
Limbuhl University NRCS WHIP	72-025-6-003				3,637		3,637
Limbuhl Water Education NRCS WHIP	72-025-5-022				3,746		3,746
USDA							
USDA Limbuhl Preserve Restoration Project	14-48-001-96661		59,732				59,732
USDA Broadband Project	na			7,289			7,289
USDA Broadband Project	69-3184-100			1,246			1,246
USDA Broadband Project	98-53380				18,019		18,019
USDA Broadband Project	na				4,514		4,514
USDA-FS Topical Vegetation Training	na				3,179		3,179
USDA-FS Polytype Training (new 108)	na					3,273	3,273
USFWS							
Upper Islands Ecovision Office/SSN	1220CC001		38,273				38,273
Limbuhl Grant	na		42,315				42,315
Limbuhl Grant for Preserve	2002-0205-000FVW			9,309			9,309
Limbuhl Grant for Preserve	1220CC003			2,500			2,500
Limbuhl Grant for Preserve	1220CC001			20,000			20,000
Limbuhl Grant for Preserve	1220CC001			49,000			49,000
Candidates Species Grant	51383			30,649			30,649
HECO Limbuhl Central	1220CC010			898			898
Upper Limbuhl Project Phase 2	1220CC009				66,638		66,638
Status Review Project 21	111900CC04				11,779		11,779
Total	Total		\$ 207,230	\$ 176,838	\$ 448,827	\$ 169,208	\$ 94,944
							\$ 1,085,836

Source: Year-end Annual Audit Schedules, jrn 2002-2006

RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR BURR

Question 1. Fossil Creek Wild and Scenic River (S. 86): How much of the river proposed for designation currently flows through public land? How much of the river flows through private land?

Answer. There are 23 acres of private land within a one-half-mile river corridor with the river flowing through this parcel for less than one-quarter mile. All other land within this corridor is in federal ownership (National Forest System lands).

Question 2. Fossil Creek Wild and Scenic River (S. 86): How would designation as a wild and scenic river affect current or proposed uses of the river, the water, and the surrounding land?

Answer. Congress enacted the Wild and Scenic Rivers Act (Act) in 1968 to preserve the free-flowing condition, water quality and outstandingly remarkable values of select rivers. The Act directs that each river in the National System be administered in a manner to protect and enhance its free-flowing condition, water quality and outstandingly remarkable values. It allows existing uses of a river to continue and future uses to be considered, so long as such uses do not conflict with protecting these river values.

The Act anticipates protecting river values by building partnerships among land-owners, river users, tribal nations, and all levels of government. It requires a boundary be developed of up to 320 acres per river mile and a comprehensive plan be prepared for management of the river. This plan includes the direction necessary to protect and enhance river values, including addressing recreation use.

The Act creates a federal reserved water right for the quantity of water necessary to protect outstandingly remarkable values. This federal reserved water right is generally adjudicated in a state forum (e.g., state court or basin-wide adjudication). The designation does not supersede existing, valid water rights and establishes a priority date coincident with the river's date of designation into the National System.

To protect the free-flowing character, the Federal Energy Regulatory Commission is not allowed to license construction of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works on or directly affecting wild and scenic rivers. Other federal agencies may not assist by loan, grant, license, or otherwise any water resources project that would have a direct and adverse effect on the values for which a river was designated.

The Act withdraws public lands from disposition under public land laws. It also withdraws one-quarter mile on both sides of a "wild" segment from appropriation under mining and mineral leasing laws and directs the Secretary to provide safeguards against water pollution and to protect scenery in "scenic" or "recreational" classification.

SPECIFIC TO FOSSIL CREEK

The outstandingly remarkable values of Fossil Creek include:

- Geology—travertine deposits
- Fish—potential habitat for native fish communities and recovery of threatened and endangered species
- Wildlife—habitat for nesting for black hawks and river otters
- History—the historic Childs-Irving hydropower facilities (National Register and National Mechanical Engineering Landmark)
- Cultural (pre-history)—southern Sinagua sites
- Riparian community—abundance and diversity

There are two grazing allotments that overlap the interim river corridor (one-quarter mile on either side of the river). The addition of Fossil Creek to the National System is not anticipated to require change in livestock operation beyond that which is currently being considered due to drought conditions, protection of threatened and endangered fish species, and other resource protection needs.

Recreation activities consistent with the Wilderness Act will continue in the wilderness segments to the extent such use protects the wilderness resource. Recreation use and activities in the non-wilderness segment of the river must be consistent with protecting the non-recreation values for which Fossil Creek is designated. The Forest Service began development of a recreation plan for this area in 2002. This planning process has been reinitiated and the resulting direction for the river corridor will be incorporated into the comprehensive management plan developed if the river is designated.

All proposed segments classified as "wild" are entirely within the Fossil Springs or Mazatzal Wildernesses, respectively, with the exception of approximately 0.7 miles of Segment A. Only the southern half of this short segment is outside designated wilderness and would be withdrawn from mineral activities under the (Wild

and Scenic Rivers) Act. The land within wilderness is already withdrawn from mineral activities.

Prior to the decommissioning of the Childs-Irving hydropower project, Arizona Public Service diverted almost all of the river's flow for power generation. Designating Fossil Creek as a wild and scenic river will ensure sufficient flows are permanently allocated to protect river values.

[Responses to the following questions were not received from the National Park Service, Department of the Interior, at the time the hearing went to press:]

QUESTIONS FOR KATHERINE STEVENSON FROM SENATOR SALAZAR

Question 1. As you stated, this Museum showcases many important artifacts and documentation, which enhances our historical understanding of the Rocky Mountain Region and its Parks. Furthermore, The White House Office of Management and Budget and the Office of Science and Technology Policy have issued budgetary guidelines since 2005 that include language advocating for the importance of object-based collections for scientific advancements. How do the priorities of the National Park Service contrast with the priorities of the Museum?

Question 2. You suggested using federal repositories as an alternative to this legislation. In what ways will this help address the issue of granting the public access at the Museum to artifacts and documents that are currently unable to be displayed?

QUESTIONS FOR KATHERINE STEVENSON FROM SENATOR BURR

BOSTON HARBOR COOPERATIVE AGREEMENTS (S. 1365)

Question 3a. How will S. 1365 improve the operation of Boston Harbor Islands National Recreation Area?

Question 3b. Does the Boston Harbor Islands National Recreation Area have any pending construction projects or other capital improvements that require S. 1365 to complete?

Question 3c. What is the difference between a cooperative agreement for goods and services and a sole source contract for goods and services?

Question 3d. Will an authorization for obtaining goods and services through cooperative agreements circumvent the source selection process?

Question 3e. What type of safeguards will the National Park Service impose to ensure protections for delivery of goods and services under cooperative agreements that are currently in place in laws and regulations that pertain to contracts?

Question 3f. How can S. 1365 be amended to ensure cooperative agreements provide equivalent safeguards that are found in laws and regulations that pertain to contracts?

ROCKY MOUNTAIN SCIENCE COLLECTION CENTER (S. 1449)

The proposed legislation would authorize construction of a center for storing archaeological, zoological, geological and other materials for the Denver Museum of Nature and Science in Denver, Colorado. The Federal government would pay 50% of the cost of the facility?

Question 4a. Does the National Park Service have an existing relationship with the Denver Museum of Nature and Science for storing artifacts?

Question 4b. Where does the National Park Service and other agencies currently store material collected on public lands in the Intermountain Region?

Question 4c. Do the National Park Service and other bureaus of the Department of the Interior have an inventory of material collected on public lands and retained by the Denver Museum of Nature and Science? If so, is the Department of the Interior in a position to reclaim the material and store it elsewhere?

AMERICAN BATTLEFIELDS PROTECTION ACT REAUTHORIZATION (S. 1921)

Question 5a. Does S. 1921 authorize anything other than a 5-year extension of the time allowed to acquire property by fee or easement?

Question 5b. Which battlefield sites are affected by S. 1921 and how much acreage does the National Park Service hope to acquire as a result of this legislation?

WOLF HOUSE FEASIBILITY STUDY (S. 1941)

Question 6a. S. 1941 requires the Secretary of the Interior to submit to congress not later than 1 year after the date of enactment of this Act a report describing the results of the study. Most study bills give the Secretary 3 years from the date funds are made available to conduct the study before the results are required. Can you meet the one-year deadline imposed by S. 1941?

Question 6b. What is the current condition of Wolf House and who owns it?

LITTLE RIVER CANYON BOUNDARY EXPANSION (S. 1961)

Question 7a. How many acres are currently included within the boundaries of the Little River Canyon National Preserve and how many acres will the Secretary be authorized to add as a result of S. 1961?

Question 7b. Are any property owners within the revised boundary opposed to this legislation?

LEWIS & CLARK NATIONAL HISTORIC TRAIL EXTENSION STUDY (S. 1991)

Question 8a. S. 1991 requires the Secretary of the Interior to submit to congress not later than 2 years after funds are made available to conduct the study, a report describing the results of the study. Most study bills give the Secretary 3 years from the date funds are made available to conduct the study before the results are required. Has any of the study already been completed and can you meet the two-year deadline imposed by S. 1991?

Question 8b. What is the estimated distance of the trails to be studied if S. 1991 is enacted?

NORTHERN PLAINS NATIONAL HERITAGE AREA (S. 2098)

Question 9a. How much Federal funding was requested in 2007 by the 37 National Heritage Areas and how much Federal funding did DOI allocate to each area?

Question 9b. The National Park Service testified that the amount of public interaction was inadequate to conclude that designation is warranted. What was the extent of public interaction for the Northern Plains Heritage Area Study and how much does the National Park Service consider adequate?

OUTDOOR RECREATION ACT APPROPRIATIONS (S. 2220)

Question 10a. Does the National Tropical Botanical Garden currently receive any federal funds to operate? If so, how much, which Federal agency provides the funding, and how is it used?

Question 10b. What is the current working relationship between the National Park Service and the National Tropical Botanical Garden?

GRAND CANYON SUBCONTRACTOR PAYMENTS (H.R. 1191)

Question 11a. Should the bill be amended in any way to prevent this type of incident from occurring again?

Question 11b. What type of disciplinary action did the National Park Service or Department of the Interior take against the NPS employees involved in negotiating, executing, implementing, and monitoring the Grand Canyon contract that ended in default?

Question 11c. What changes has the National Park Service made to contracting procedures since the prime contractor defaulted at Grand Canyon?

Question 11d. Has the National Park Service experienced any contractor defaults similar to that at Grand Canyon? If so, how much money was involved and how was the situation resolved?

Question 11e. How many construction contracts does the National Park Service currently have that exceed \$5 million in total obligation and has each been reviewed to prevent a Grand Canyon-like incident from reoccurring?

QUESTIONS FOR KATHERINE STEVENSON FROM SENATOR BUNNING

Question 12. Mrs. Stevenson, you mention in your testimony that while there are many people who support S. 1991, there are many people who oppose this bill. I have heard nothing but positive feedback, ranging from individual constituents to organizations to state legislators. Every state in the Eastern Legacy area has seen their legislature pass resolutions supporting the goal of my bill. I have not been notified by anyone who is opposed to the bill. Has anyone contacted the National Park Service opposing this legislation? What people and groups were you talking about in your testimony?

Question 13. Mrs. Stevenson, you said that a suitability and feasibility study generally takes three years from start to finish, but explained that with high public participation, the process could be completed in a shorter time frame. In the last year, every state legislature in the Eastern Legacy region has passed a resolution in favor of trail extension and pledged support for the expansion process. Will this level of public support provide the NPS the assistance it needs to complete the Eastern Legacy study quickly? Also, do you think previous studies by local state governments and organizations would make such a study less costly and time consuming to the NPS?

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF JENNIE FOREHAND, MARYLAND STATE SENATOR, ROCKVILLE, MD,
ON S. 1991

Mr. Chairman and members of the Committee, I want to thank you for the opportunity to be here today to discuss S.1991, the Lewis and Clark National Historical Trail Extension Study Act of 2007.

Most people who are knowledgeable and interested in American history should know that the Lewis and Clark Corps of Discovery didn't just miraculously appear at the Wood River Camp on the Mississippi (near present-day Hartford, Illinois) and launch itself westward on 14 May 1804.

While the most well known part of their journey was conducted west of the Mississippi, the duo and their party significantly interacted with many towns and populations east of the Mississippi, often referred to as "Eastern Legacy Sites." This eastern portion of their travels deserves much the same recognition that has been afforded to their western segment.

Back east President Jefferson and others had been thinking about such a journey for years. Some feel that the Expedition truly started in Jefferson's mind at Monticello in Virginia. From there, the President sent Meriwether Lewis, his friend and aide, scurrying around the East gathering supplies, contracting for the keelboat, increasing his land navigation/mapping abilities, recruiting expedition members, and learning how to deal with medical emergencies. While doing this, Lewis traveled through Virginia, Maryland, West Virginia, Pennsylvania, Ohio, Indiana, Kentucky, and Illinois.

All of these eastern sites have a direct relation to the famous expedition. And for too long they have not received adequate, official recognition for their role in the planning, supplying, and training that was necessary for the L&C journey to be a success.

My husband and I have traveled to all the major areas associated with the journey. Out west, the L&C route is well marked along the high-ways, with special National Park Service (NPS) signs. And, there are wonderful interpretive centers at L&C sites, such as St. Louis (MO), Chamberlain and Calumet Bluff (SD), Fort Mandan (ND), Great Falls (MT), Pasco and Kennewick (WA), and Fort Clatsop (OR). Throughout our trips, we were impressed with the enthusiasm and pride exhibited by the local people and agencies involved in developing these centers. One can see how much these citizens learned and appreciated the part their regions contributed to American history. These centers plus many more tell only a part of the L&C story, including the significant role that American Indians had in its success.

Our travels also included the special events and re-enactments in Charlottesville, Harpers Ferry, Philadelphia, Pittsburgh, Louisville, Evansville (Indiana), and other eastern cities during the recent L&C Bicentennial Celebration. Last spring we participated in unveiling an historical marker (near Frederick, Maryland) in memory of John Collins, a permanent member of the Corps of Discovery from Maryland. So you can see that the eastern states also merit more official NPS recognition as a part of the L&C National Historic Trail.

Now the Senate Subcommittee on National Parks has an opportunity to correct this oversight through its support of S-1991. The passage of this legislation will allow the NPS to authorize a study to address the feasibility and suitability of establishing a National Trail incorporating the Lewis & Clark Eastern Legacy Sites. This is the first step in determining whether to create an extension of the current LCNHT that would follow Lewis and Clark's travels both jointly and separately in relation to the initial phase of the expedition, as well as their return segment.

The cost of the feasibility study authorized by S-1991 should be minimal because primary documentation is available and will be provided to the NPS by the Lewis & Clark Trail Heritage Foundation, Great Falls, Montana. This can be supple-

mented from federal and state archives and museums, including the vast and excellent documentation gathered by the NPS for the Bicentennial Celebration. And the “eastern extension” of the LCNHT need not be a financial burden on the NPS, because the eastern states should be able to cover the costs of various markers at the appropriate L&C sites in their areas.

Thank you for your time and consideration of this legislation. I would be delighted to answer any questions. In the words of Lewis & Clark:

“Let’s proceed on” to include the “eastern legacy” of Lewis & Clark’s journey!

STATEMENT OF TIMOTHY E. JOHNS, PRESIDENT, DIRECTOR, & CEO, BISHOP MUSEUM,
HONOLULU, HI, ON S. 2220

Bishop Museum supports Senate Bill 2220, a bill to amend the Outdoor Recreation Act of 1963.

As the Hawai’i state museum of Natural and Cultural History, Bishop Museum has worked collaboratively with the National Tropical Botanical Garden (NTBG) on conservation and cultural issues. Together we produced and published the Manual of the Flowering Plants of Hawai’i by Warren L. Wagner, Derral R. Herbst, and S. H. Sohmer. And NTBG’s rough-terrain field botanists have been responsible for rediscovering over thirty species of endemic Hawaiian plants formerly thought to have been extinct.

We have also worked with NTBG in the preservation of indigenous cultures through restoration of Pūlanihale Heiau in Hāna, Maui. This project was spearheaded by Bishop Museum anthropologist Dr. Yosihiko Sinoto in 1970. NTBG assumed the project in 1974. This amazing site is now listed National Historic Landmark by the National Park Service and is now fully restored because of NTBG’s dedication.

Senate Bill 2220 will provide NTBG with \$1,000,000 for fiscal year 2009 and up to \$500,000 for subsequent years. The appropriation will help NTBG establish a much needed state-of-the-art botanical research center and provide future operational support for the mission critical work that it is doing to preserve our Nation’s vanishing tropical flora.

I respectfully urge that the Subcommittee support NTBG and its work by voting in favor of S.B. 2220. Thank you for your consideration.

STATEMENT OF SANDY BAHR, CONSERVATION OUTREACH DIRECTOR, SIERRA CLUB—
GRAND CANYON CHAPTER, PHOENIX, AZ, ON S. 86

I am writing on behalf of the Sierra Club’s Grand Canyon (Arizona) Chapter in support of Senate Bill 86, the Fossil Creek Wild and Scenic legislation introduced by Senator John McCain and Senator Jon Kyl.

The Sierra Club is America’s oldest, largest and most influential grassroots environmental organization. Inspired by nature, the Sierra Club’s nearly 800,000 members—including more than 14,000 in Arizona—work together to protect our communities and the planet. Sierra Club members and staff have worked hard to restore and protect Fossil Creek and participated in efforts to ensure that full flows were restored to the creek after decades of diversions. Our members also enjoy recreation in and around Fossil Creek, participate in clean up efforts as well as work to protect the water quality of the creek.

Fossil Creek is a major tributary of an existing Wild and Scenic River—the Verde—and forms the boundary to the Coconino National Forest on the north, and the Tonto National Forest on the south and also forms the boundary between Gila and Yavapai counties. It flows through two congressionally designated wilderness areas—Fossil Springs Wilderness and the Mazatzal Wilderness—and it flows almost entirely within federal public lands.

Fossil Creek flows intermittently from its headwaters to the Fossil Springs, where it becomes a perennial stream due to the nearly 46 cubic feet per second discharge from the nearly 100 spring orifices in the area. At the Springs is the 50-acre Fossil Springs Botanical Area where more than 166 plant species have been recorded including ash (*Fraxinus velutina*), alder (*Alnus oblongifolia*) and walnut (*Juglans major*). From the Springs, the creek then flows approximately 14.3 miles to its confluence with the Verde River.

Fossil Creek is one of very few warm water perennial streams in Arizona that are home to an assemblage of our native fishes. Many of Arizona’s native fishes are imperiled due to significant loss of habitat. Wild and Scenic designation for Fossil

Creek and the associated protection represents an important opportunity to rejuvenate a native fishery and to help prevent the further decline of these species.

Fossil Creek is an amazing resource for Arizona, one that deserves the strong protections afforded by Wild and Scenic designation. We strongly support S.86 and the protection of this rare jewel.

Thank you for hearing S.86 and for your consideration of designating Fossil Creek as a Wild and Scenic River. We urge the Subcommittee to report the bill.

