

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1063, TO ALLOW FOR THE HARVEST OF GULL EGGS BY THE HUNA TLINGIT PEOPLE WITHIN GLACIER BAY NATIONAL PARK IN THE STATE OF ALASKA.

July 28, 2011

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1063, the Huna Tlingit Traditional Gull Egg Use Act of 2011.

This legislation provides for the restoration of an important cultural connection to Glacier Bay by the Huna Tlingit, and provides for the environmentally preferred action identified in our studies. As such, the Department supports enactment of S. 1063 with an amendment.

Glacier Bay National Park is the traditional homeland of the Huna Tlingit who harvested eggs at gull rookeries in Glacier Bay prior to, and after the park was established in 1925. Egg collection was curtailed in the 1960s as Migratory Bird Treaty Act and National Park Service (NPS) regulations prohibited the activity.

The Glacier Bay National Park Resource Management Act of 2000 (P.L. 106-455) directed the NPS to study whether gull egg collection could resume without impairing the biological sustainability of the gull population in the park. The NPS conducted the study, wrote an environmental impact statement, and issued a record of decision, which found that collection under certain conditions would be sustainable. Those conditions, addressing the frequency of harvest and an annual harvest plan, are reflected in S. 1063.

Section 2 (b) of the bill contains a condition for the Secretary of the Interior to develop an annual harvest plan jointly with the Hoonah Indian Association. To clarify that the Hoonah Indian Association's role is purely advisory, we recommend the attached amendment.

The Department appreciates the opportunity to testify on this matter. I will be glad to answer any questions.

AMENDMENT TO S. 1063

On p. 2, line 9, strike "jointly by the Secretary and the Hoonah Indian Association." and insert "by the Secretary in consultation with the Hoonah Indian Association."

**STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS,
CONCERNING S. 264, TO DIRECT THE SECRETARY OF THE INTERIOR TO
CONVEY TO THE STATE OF MISSISSIPPI TWO PARCELS OF SURPLUS LAND
WITHIN THE BOUNDARY OF NATCHEZ TRACE PARKWAY, AND FOR OTHER
PURPOSES.**

JULY 28, 2011

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 264, a bill to direct the Secretary of the Interior to convey to the State of Mississippi two parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes.

The Department supports S. 264 with an amendment described later in this statement. This legislation would authorize the conveyance of 67 acres of unused federal land to the State of Mississippi. This land was originally donated by the state to the National Park Service to help complete construction of the Natchez Trace Parkway (Parkway), but it was never used for that purpose. The bill would also adjust the boundary of the Parkway to include approximately 10 acres of land that the National Park Service owns around the current southern terminus, which were inadvertently excluded from the boundary previously.

The Natchez Trace was the main overland link between the old southwest territory and the Ohio River Valley in the 18th and 19th centuries. In 1938, Congress established the Natchez Trace Parkway as a unit of the National Park System. The Parkway was constructed between 1938 and 2005 at a cost of nearly \$500 million. During the construction period, the states of Mississippi, Alabama, and Tennessee helped acquire and donate over 50,000 acres of land to facilitate parkway construction and protect the scenic, natural, cultural, and historic resources within the Natchez Trace corridor. Today, the completed Parkway spans 444 miles from Nashville, Tennessee, to Natchez, Mississippi, and is enjoyed by over 13 million travelers each year.

The southern terminus in Natchez was the final section of Parkway constructed and was completed in 2005. Decades prior to this section being planned and designed, it was uncertain where the Parkway would terminate. In order to prepare, the State of Mississippi acquired and donated to the National Park Service two different sections of land to accommodate two possible construction alternatives.

The National Park Service began planning the final section of Parkway in the mid-1990s. After completing an environmental impact statement in 1998, which included significant public input, the Park Service selected the Liberty Road alternative. This decision left land acquired for the alternative terminus unused. The 67 acres identified in S. 264 are the unused land.

The 67 acres are subdivided into two parcels, both within the city limits of Natchez. One parcel, commonly known as the bean field property, is approximately 38 acres and is adjacent to Natchez High School. The other parcel, commonly known as the Feltus property, is approximately 29 acres

and is located in the new business district of Natchez. The Feltus property includes a structure that has been used by the city since 1999 under a cooperative agreement with the National Park Service.

In 2000, the city approached the National Park Service with a request to lease the bean field parcel to facilitate construction of a public recreational complex for the city, including soccer fields and other amenities. Public Law 106-527, enacted that year, authorized the National Park Service to lease land within its boundary to the city “for any purpose compatible with the Parkway.” This legislation provided authority for the National Park Service to accommodate the city’s request to use the bean field property for public recreational uses.

The National Park Service then entered into a 25-year memorandum of agreement with the city to help facilitate the recreational project. In 2001, as part of the agreement, an extensive archeological investigation was performed to determine if any significant cultural or historical resources existed on the bean field property. None were found. This investigation was in addition to the assessments undertaken for the 1998 environmental impact statement, which covered all 67 acres.

The city is planning to invest up to \$5 million to build the recreational complex on the bean field property. With such a large local investment planned, we believe this is an appropriate time to end the National Park Service’s role as the property’s lessor by conveying the property back to the state. Both the state and the city are highly supportive of the proposed conveyance and have discussed the best way to proceed should this legislation pass. The state has indicated that in the short term, the state would continue honoring the existing “any purpose compatible with the Parkway” lease authority and may consider conveying the parcel to the city to allow for fee simple ownership. The Feltus property would be retained by the state for purposes deemed appropriate, and the state would collaborate with the city on any future plans for this property as well.

While we support the proposed conveyance, we are concerned about how the bean field property might be used in the future, beyond the planned use for recreational purposes. We recommend that S. 264 be amended to provide for reversion of the 38-acre bean field property to the United States, for administration by the National Park Service, in the event that the land is not used for purposes compatible with the Parkway. The bean field, unlike the Feltus property, is visible from the Parkway. A reversionary clause would help protect against the future possibility of incompatible development detracting from the Parkway’s scenic values. We would be happy to work with the committee on language for such an amendment, as well as a technical amendment needed for 10-acre boundary adjustment provision.

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

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 265, TO AUTHORIZE THE ACQUISITION OF CORE BATTLEFIELD LAND AT CHAMPION HILL, PORT GIBSON, AND RAYMOND FOR ADDITION TO VICKSBURG NATIONAL MILITARY PARK.

JULY 28, 2011

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 265, a bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park.

The Department supports S. 265. This bill would enable the National Park Service to add three separate battlefield sites to Vicksburg National Military Park, which would each make significant contributions to telling the story of the remarkable campaign that resulted in the Union Army's capture of the city of Vicksburg during the Civil War.

The battlefields at Champion Hill, Port Gibson, and Raymond are sites of military engagement associated with the 1863 Vicksburg Campaign. The campaign was a major milestone on the road that led to the final success of the Union army in the war and the ultimate reunification of the nation. The strategies and tactics of Major General Ulysses S. Grant during the campaign continue to be studied by modern military leaders as examples of excellence in generalship.

The proposed addition of campaign battlefields to Vicksburg National Military Park is based on the study authorized by Public Law 106-487, the Vicksburg Campaign Trail Battlefields Preservation Act. That law directed the Secretary of the Interior to complete a study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail. The *Vicksburg Campaign Trail Feasibility Study*, transmitted to Congress in 2006, identified Champion Hill, Port Gibson, and Raymond as "Tier I" sites, placing them among the 19 highest-ranked resources out of the more than 500 Vicksburg Campaign-related resources evaluated by the study. The study recommended Champion Hill and Port Gibson for addition to the National Park System. Raymond was viewed as adequately protected by the Friends of Raymond, a local non-profit group.

All three battlefields continue to exhibit a very high degree of historical integrity. Most essential features remain intact, and modern intrusions are limited. Acquisition of the battlefields would allow the National Park Service to ensure long-term preservation of the cultural landscape and other cultural resources, and to better interpret the stories of the Vicksburg Campaign. The renewed public interest in the need to protect Civil War battlefields that is being generated by Civil War Sesquicentennial activities makes this legislation particularly timely. In addition, this legislation would advance the vision of safeguarding our historic and cultural heritage that the President committed to through the America's Great Outdoors Initiative.

The battlefield at Port Gibson marks the first engagement of Grant's operations against Vicksburg after his army landed on Mississippi soil. After a day of battle, the Confederate army left the field and Grant secured his beachhead. The proposed boundary at Port Gibson encompasses about 3,810 acres. The State of Mississippi owns 14 acres in fee, and holds a preservation easement on 609 acres. The historic Schaifer House, a Civil War-era home, is extant on the property owned by the state. Many roads within the battlefield remain very similar in appearance to the mid-19th century and provide a strong sense of how Civil War troops moved.

Eleven days after the battle at Port Gibson, the Union and Confederate armies met again on the field at Raymond. After a day of heavy fighting, Federal forces again prevailed and General Pemberton's troops withdrew to Jackson. The proposed boundary at Raymond encompasses about 1,520 acres. The Friends of Raymond owns 140 acres of this land in fee, and holds a preservation easement on an additional 6 acres. The battlefield remains largely pristine, and holds high potential for interpretation.

Following the battle at Raymond and the subsequent occupation of Jackson, General Grant turned his army towards the west. On May 16, Union and Confederate forces met again, this time at Champion Hill. The battle was the largest, bloodiest, and most decisive engagement of the Vicksburg Campaign. By the end of the day, the Confederates were in full retreat towards Vicksburg. The proposed boundary at Champion Hill includes approximately 6,350 acres. The State owns 836 acres in fee, and holds a preservation easement on an additional 558 acres. The Civil War Trust also owns 60 acres in fee. The historic Coker House, a Civil War-era home, is extant on the property owned by the State.

In total, S. 265 authorizes the addition of up to 11,680 acres to Vicksburg National Military Park. The State of Mississippi, Civil War Trust, and Friends of Raymond cumulatively own about 1,050 acres in fee, and hold preservation easements on about 1,172 acres of land. Each of these entities has expressed the desire to transfer its interests to the National Park Service. Acquisition costs for these properties would be nominal, since they would be donated. Based on current assessed property values, the acquisition costs for other lands in these areas are expected to average between \$1,700 and \$3,000 per acre (depending on the presence, if any, of marketable timber), totaling approximately \$16 million to \$28 million, for acquisition in fee. The National Park Service would also seek to protect land through less costly means, such as conservation easements. Additional management planning involving public participation would be necessary to best determine the level of facilities needed to serve the visiting public and to identify important battlefield protection strategies for these new lands. The capital investment needed to support infrastructure and recurring operational costs, consequently, have not been defined in detail. In gross terms, annual operational costs have been estimated at \$1 million to \$1.5 million.

Under S. 265, the properties identified for potential acquisition by the National Park Service would not be added to the boundary of, or managed as part of, Vicksburg National Military Park unless and until they are actually acquired.

S. 265 enjoys strong local and national support. Mississippi Governor Haley Barbour and leadership at the Mississippi Department of Archives and History are on record as supporting the transfer of state lands to the National Park Service. The Civil War Trust and Friends of Raymond have expressed support for the legislation, as have elected officials and community leaders in Hinds and Claiborne Counties and the communities of Raymond and Port Gibson. This bill would help guarantee the preservation, protection, restoration, and interpretation of these important lands for current and future generations.

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

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, CONCERNING S. 324, A BILL TO AMEND THE CHESAPEAKE AND OHIO CANAL DEVELOPMENT ACT TO EXTEND THE AUTHORITY OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

JULY 28, 2011

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 324, a bill that would amend the Chesapeake and Ohio Canal Development Act to extend the authority of the Chesapeake and Ohio Canal National Historical Park Commission.

The Department supports S. 324. The establishment of the Chesapeake and Ohio Canal National Historical Park Commission (Commission) on January 8, 1971, stemmed in part from the unique nature of the canal. It is unlike most areas administered by the National Park Service as it is a linear park running along a 185-mile stretch of river shoreline and is flanked by the nation's capital, suburban communities, and numerous small towns.

S. 324 would change the termination date of the Commission from 40 years to 50 years after the effective date of January 8, 1971. The Commission's authority to operate terminated on January 8, 2011. S. 324 would extend the authority to operate to January 8, 2021.

The Chesapeake and Ohio Canal, begun in 1828 and completed in 1850, runs continuously 185 miles from Georgetown in the District of Columbia through Maryland and West Virginia to Cumberland in Maryland. Originally planned to link Washington, D.C., and Pittsburgh, Pennsylvania, as part of this nation's canal-building boom, the canal was constructed to be a major commercial route. While the canal operated until 1924 when it was abandoned, competition from the newly constructed railroad and the National Road resulted in much less commercial success than its builders had hoped. In 1938, the United States purchased the narrow canal right-of-way from Georgetown to Cumberland, Maryland, and partially restored the lower end of the canal.

In 1961, the C & O Canal Monument was created by Presidential Proclamation but no funding was provided to develop the area or acquire adjacent lands. A proposal to construct a highway along the canal's route met considerable public opposition led by Supreme Court Justice William O. Douglas and this support ultimately led to the establishment of the Chesapeake and Ohio Canal National Historical Park, running the length of the original canal.

When the park was established in 1971, the Chesapeake and Ohio Canal National Historical Park Commission was created. The 19-member Commission served to link the various jurisdictions along the length of the park. Under the 1971 legislation, the Secretary of the Interior was directed to meet and consult with the Commission at least annually on general policies and specific matters related to the administration and development of the park.

The Commission has performed valuable service during the past 39 years in advising and assisting the National Park Service in the administration and development of the park. In the early years, the Commission served as the vehicle for public meetings in the development of the general plan for the park, and subsequently for several park, site-specific development concept plans. In the years since, the Commission has served as the public forum for discussing implementation of plans along the 185 miles of the park.

The Commission represented not only the local park neighbors, but the national constituency as well. Many Commission members had a life-long interest in the C & O Canal and the National Park Service. The Commission met quarterly and Commission members were only compensated for reimbursement of actual expenses for meetings. Individual members of the Commission served on various volunteer groups and participated in park-sponsored events throughout the year. The commissioners communicated directly with the park superintendent during meetings and individually throughout the year regarding park issues.

The need for the Commission continues because the park is spread across 19 political jurisdictions. The Commission assisted park staff in reaching out to these numerous constituencies and ensuring that all their views were heard. As the work of managing C & O Canal National Historical Park continues, the public connection to park management through the Commission should continue as well.

This completes my prepared comments concerning S. 384. I will be pleased to answer any questions you or other members of the subcommittee may have.

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 864, TO DESIGNATE A DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL AT THE MARCH FIELD AIR MUSEUM IN RIVERSIDE, CALIFORNIA.

July 28, 2011

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 864, a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The Department would defer to the Department of Defense for a position on S. 864 since the purpose of the legislation is to further honor military personnel who have been awarded the Distinguished Flying Cross at a site that is not under the jurisdiction of the Department.

The Distinguished Flying Cross is awarded to a member of the United States armed forces who distinguishes himself or herself in support of operations by “heroism or extraordinary achievement while participating in an aerial flight.” We applaud the effort of the March Field Air Museum to create a suitable memorial to the honor, bravery, and sacrifice of members of our Armed Forces who have earned this medal.

This legislation explicitly states that this memorial is not a unit of the National Park System. As this language makes clear, the use of the title “national memorial” creates a reasonable expectation among the general public that it must have an affiliation with the National Park Service, which currently administers 27 national memorials across the country. This is not the first time this issue has arisen, nor is it likely to be the last, and the Department respectfully encourages only the most thoughtful and judicious designation of any future “national” memorials or other similar sites.

That concludes my testimony Mr. Chairman. I would be pleased to respond to any questions from you and members of the committee.

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 970, A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE ADDITIONAL SEGMENTS AND TRIBUTARIES OF THE WHITE CLAY CREEK IN THE STATE OF DELAWARE AND THE COMMONWEALTH OF PENNSYLVANIA AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

JULY 28, 2011

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on S. 970, a bill to amend the Wild and Scenic Rivers Act by designating additional segments and tributaries of the White Clay Creek in Delaware and Pennsylvania as components of the National Wild and Scenic Rivers System.

The Department supports enactment of this legislation with one technical amendment.

S. 970 would amend the White Clay Creek Wild and Scenic River designation to add nine additional miles of segments and tributaries to the designation, to be administered by the Secretary of the Interior (Secretary). The additional segments and tributaries will be managed in accordance with the "White Clay Creek and Its Tributaries Watershed Management Plan" (amended Summer 2001) with the Secretary coordinating the White Clay Creek Watershed Management Committee.

In December 1991, Congress directed the National Park Service to undertake a study of the headwaters of the White Clay Creek in the Commonwealth of Pennsylvania to its confluence with the Christina River in the State of Delaware. The study was also to include the East, West, and Middle Branches; Middle Run; Pike Creek; Mill Creek; and other tributaries of the White Clay, as identified by the Secretary, to determine their eligibility for inclusion in the National Wild and Scenic Rivers System. The study was to be done in cooperation and consultation with various federal, state, regional, and local governments and affected landowners. In addition, a river management plan was to be prepared that would provide recommendations as to the protection and management of the White Clay Creek and its tributaries. The plan was to outline roles for the state and local governments and affected landowners to play in the management of the White Clay Creek as a designated component of the National Wild and Scenic Rivers System.

In 1998, a watershed management plan was prepared that contained six goals for management of the White Clay Creek and its tributaries. These goals include improving and conserving water quality and quantity, and conserving open space, woodlands, wetlands, and geologic features. The plan was done cooperatively and calls for a management framework for the White Clay Creek and its tributaries that rely heavily on local land use decisions.

In 1999, the National Park Service issued the "White Clay Creek and Its Tributaries National Wild and Scenic River Study Draft Report." In the report, the National Park Service found that the majority of the river segments identified in the study met the eligibility requirements of the Wild and Scenic Rivers Act by virtue of their free-flowing condition and presence of one or more outstandingly remarkable resource values. The watershed also includes open space and recreational opportunities for hiking, jogging, canoeing and fishing; in fact, the White Clay Creek is the most heavily stocked and heavily used put-and-take trout stream in the State of Delaware. In 2000, Public Law 106-357 designated 190 miles of the White Clay Creek and its tributaries as components of the National Wild and Scenic River System.

The study report also identified additional segments and tributaries, which are the subject of S. 970, that would be eligible and suitable for designation. These segments and tributaries are eligible and suitable because they are free-flowing streams with outstandingly remarkable values including the Cockeysville marble geologic formation that supports a high-yielding aquifer, a major source of drinking water, and threatened and endangered species including the Muhlenberg's (bog) turtle and cerulean warbler. However, these segments and tributaries were removed from consideration because the Delaware River Basin Commission was looking at these areas as possible locations for reservoirs under their comprehensive plan. In addition, there was not demonstrated municipal support for such a designation.

In 2007, these segments and tributaries were removed from the comprehensive plan of the Delaware River Basin Commission. In addition, the New Garden Township in Pennsylvania, the only affected municipality, passed a resolution in support of the designation. With these two issues resolved, the Department now supports these segments and tributaries, totaling nine miles, be added to the National Wild and Scenic River System.

The Department would like to work with the committee to make a technical correction to a map reference in Section 3 of the bill.

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