

H.R. 2234 AND H.R. 2238

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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**LEGISLATIVE HEARING ON H.R. 2234, THE
TUMACACORI NATIONAL HISTORICAL PARK
BOUNDARY REVISION ACT OF 2001; AND
H.R. 2238, A BILL TO AUTHORIZE THE SEC-
RETARY OF THE INTERIOR TO ACQUIRE
FERN LAKE AND THE SURROUNDING
WATERSHED IN THE STATES OF KENTUCKY
AND TENNESSEE FOR ADDITION TO CUM-
BERLAND GAP NATIONAL HISTORICAL
PARK, AND FOR OTHER PURPOSES.**

**Tuesday, November 13, 2001
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 2:05 p.m., in Room 1334, Longworth House Office Building, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

**STATEMENT OF THE HON. GEORGE RADANOVICH, A REP-
RESENTATIVE IN CONGRESS FROM THE STATE OF CALI-
FORNIA**

Mr. RADANOVICH. Good afternoon. The Subcommittee on National Parks, Recreation and Public Lands hearing on H.R. 2234 and H.R. 2238 is now in session, and I want to welcome those that are here to review those two bills.

The Subcommittee will come to order. This afternoon the Subcommittee on National Parks, Recreation and Public Lands will hear testimony on two bills, H.R. 2234 and H.R. 2238.

Our first bill, H.R. 2234, is introduced by Congressman Ed Pastor of Arizona. It would expand the boundary of Tumacacori National Historical Park in the State of Arizona to include approximately 310 acres of land adjacent to the park. The boundary expansion would allow the Park Service to replant the mission orchard and add a program with livestock farming as well as develop more of the Juan Bautista de Anza National Historic Trail.

Our second bill is H.R. 2238, introduced by Congressman Harold Rogers of Kentucky, which would permit the Secretary of the Inte-

rior to purchase Fern Lake and the surrounding watershed in Tennessee and Kentucky for addition to the Cumberland Gap National Historical Park. The boundary expansion would allow the National Park Service to preserve the important Fern Lake watershed as well as ensure the water supply for the City of Middlesboro, Kentucky is protected for generations to come.

At this time I would like to ask unanimous consent that Congressmen Pastor and Rogers be permitted to sit on the dias following the statements. Without objection, I assume, so ordered.

And I would like to thank all of the witnesses for being here today, and would turn my time over to Mrs. Christensen. She sends her regrets, She is on the airplane as we speak, coming to Washington.

[The statement of Mr. Radanovich follows:]

Statement of Hon. George Radanovich, a Representative in Congress from the State of California

Good afternoon and welcome to the hearing today. The Subcommittee will come to order. This afternoon, the Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on two bills—H.R. 2234 and H.R. 2238.

Our first bill, H.R. 2234, introduced by Congressman Ed Pastor of Arizona, would expand the boundary of the Tu-ma-cacori National Historical Park in the State of Arizona to include approximately 310 acres of land adjacent to the park. The boundary expansion would allow the Park Service to replant the mission orchard and add a program with livestock and farming, as well as develop more of the Juan Bautista de Anz National Historic Trail.

Our second bill, H.R. 2238, introduced by Congressman Harold Rogers of Kentucky, would permit the Secretary of the Interior to purchase Fern Lake and the surrounding watershed in Tennessee and Kentucky for addition to Cumberland Gap National Historical Park. The boundary expansion would allow the National Park Service to preserve the important Fern Lake watershed as well as ensure that the water supply for the city of Middlesboro, Kentucky, is protected for generations to come.

At this time, I would like to ask unanimous consent that Congressman Pastor and Congressman Rogers be permitted to sit on the dias following their statements. Without objection [PAUSE], so ordered.

I would like to thank all of our witnesses for being here today to testify on these bills and now turn the time over to Mrs. Christensen.

Mr. RADANOVICH. So I will turn it over to Mr. Hefley, if you have got any opening comments.

Mr. HEFLEY. No comments, Mr. Chairman.

Mr. RADANOVICH. Well, thank you. I will introduce our first panel. Congressman Harold Rogers. Harold, good afternoon. And please take the time needed to discuss your bill, H.R. 2238.

STATEMENT OF THE HON. HAROLD ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. ROGERS. Mr. Chairman, thank you very much, and Mr. Hefley, for this opportunity that you have given us to discuss these bills. The bill that I am testifying on behalf of, 2238, was introduced jointly by Senator McConnell and myself earlier on this year. I appreciate the Chairman's willingness to reschedule this hearing in a timely manner to accommodate us. We appreciate it very much. I know how difficult it has been to get in this building lately, and we would hope and trust that they have done a good job in preparing it for us.

I also want to introduce Karla Bowling from Middlesboro, Kentucky who will be testifying on the second panel in support of this important legislation.

She is the president of the local Chamber of Commerce in Middlesboro, Kentucky, and hardly any one in Middlesboro would know more about the tremendous economic and recreational potential this legislation could bring to that region. I thank her for traveling so far on such short notice to provide this valuable insight.

Mr. Chairman, this bill is an essential piece of legislation which will forever protect one of the most pristine areas in the Commonwealth of Kentucky for future generations. The bill aims to incorporate Fern Lake, an unspoiled body of water nestled in the Appalachian Mountains on the Kentucky-Tennessee border, into the Cumberland Gap National Historical Park.

And if the Chairman and Mr. Hefley will notice, we have some photographs before you of the property about which we are talking. As you can see from those pictures and your folders, the lake and the surrounding watershed are of unparalleled beauty. Each photo captures the essence of what thousands of park visitors already experience each year, because this particular landscape is visible from Pinnacle Overlook, which is the prime spot of the Cumberland Gap National Historical Park, and the most popular attraction. This is what you see from that pinnacle, at least some of it.

It is not hard to understand why this legislation is needed, looking at these photographs, and why the Congress should act quickly to ensure its preservation.

Mr. Chairman, in true democratic form, this legislation finds its roots in a citizen petition delivered to me by the mayor of Middlesboro, Ben Hickman. From there we sat down with the National Park Service and brought them together with local officials to create this win-win opportunity for the park and the entire region.

In short, the bill will protect the lake as a clean and safe source of water, enhance the scenic, recreational, and wildlife value of the park, and increase tourism opportunities in the tri-State areas of Kentucky, Virginia, and Tennessee.

For those who are unfamiliar with this part of the world, the Cumberland Gap National Historical Park is 20,000 acres of virtually untouched frontier countryside established by the Congress in 1940. It is being called and has been called the "first frontier", where Daniel Boone blazed a trail through these mountains. This gap in the mountains is the only place along hundreds of miles where access was possible in the late 18th century, and led the way for thousands of other settlers to find a new start in this new world.

And so many of those who live west of Kentucky, their ancestors came through this gap on the way to the settlement of what is now the western U.S. The Congress rightly recognized the importance of permanently protecting this frontier. Today, you are being asked to continue these endeavors by approving this Fern Lake addition.

Because of the conditions set forth in the original legislation, no appropriated funds can be used to purchase additional acreage unless specifically authorized by Congress. This bill provides that authorization and paves the way for an additional 4,500 acres to be

included in the park, if willing sellers appear and if appropriations become available.

One of the principal goals of the legislation is to ensure the continued use of the lake as a clean, safe water supply for the city of Middlesboro and environs. This dam was constructed in 1893, creating a 150-acre lake, and has been privately owned for most of its existence. Last year, however, the lake went up for sale on the open market, and there is considerable concern that a new owner may not share the same interests as the community.

Mrs. Bowling will testify that the lake is the sole water source for the city, and many businesses in the area rely on the uncommon purity of the water for their livelihood. Mrs. Bowling was relating to me a few minutes ago that she is staying overnight at one of our local hotels in Washington. She turned on the water faucet for a glass of water. And having been used to the purity of the water from Fern Lake, she was absolutely almost poisoned by the water she drank here. She said it tasted awful.

So it is imperative that we keep this watershed free from the environmental hazards that overdevelopment might entail. Under the legislation, the city would be allowed to purchase Fern Lake water from the National Park Service, and in turn those proceeds could be used by the National Park Service for costs associated with managing the lake or other needs in the park.

I understand the Park Service may offer clarifying language regarding the disposition of the water supply. I want to state for the record that I will continue to work with them to ensure that they have the flexibility that they need. I have no doubt the Park Service will prove to be a valuable steward of this land, and I have complete confidence in their ability to craft an acceptable solution that will meet the community's water resource needs.

In fact, Mr. Chairman, the Park Service has already proven its willingness to work constructively and openly on areas of common concern. Whether it be protecting the rights of landowners or protecting the landscape in unwanted mining or commercial development, they have continually worked with the community to ensure their water supply would remain untouched and environmentally intact.

More recently, their offices have worked closely with mine to ensure the language in this bill fully protects the private property rights of those holding land within the proposed acquisition boundaries. This was especially important to me personally, as I have been troubled with the actions and attitudes of previous administrations, and remain skeptical and cautious when the government starts talking of taking new Federal lands from private sources.

In crafting this bill, we took great care to make sure an appropriate balance has been met between environmental protection and the needs of the community. This legislation builds upon the community's consensus and protects the property rights of all affected land owners.

Not one parcel of this land will be acquired without the firm consent of the owner. This will not be a taking. Not one National Park Service management proposal will be implemented until community leaders from the tri-State area are consulted. These require-

ments are specified in bill language, with the Park Service's full support.

Lastly, Mr. Chairman, it cannot be overstated how important this legislation is to the economic well-being of the citizens of the center of Appalachia. This proposed Federal investment in our rich cultural heritage would certainly bring a lot of added tourism revenue and jobs to an area that is absolutely starved of both. Tourism is an essential part of this region's economic development, and we have to seize every opportunity we can to further strengthen that sector. We are leaving no stone unturned in continuing efforts to build the Appalachian economy and create quality jobs within the region.

We hope that the Subcommittee agrees with this request. And we want to thank the Subcommittee and its Chairman, Mr. Hefley, and others for rescheduling the hearing to accommodate us and giving us every chance to make our case.

[The statement of Mr. Rogers follows:]

Statement of Hon. Harold Rogers, a Representative in Congress from the State of Kentucky

Good afternoon, Chairman Radanovich, and other members of the Subcommittee. I am pleased to have the opportunity today to discuss H.R. 2238, the Fern Lake Conservation and Recreation Act of 2001, introduced jointly by Senator McConnell and myself earlier this year. I appreciate your willingness to reschedule this hearing in a timely manner. We all know how difficult it has been for your subcommittee to even function since the anthrax scare, so I'm grateful to be on the docket so soon after the reopening of your offices.

I also want to introduce Ms. Karla Bowling from Middlesboro, Kentucky, who will also be testifying this afternoon in support of this important legislation. As the President of the local Chamber of Commerce, hardly anyone in Middlesboro knows more about the tremendous economic and recreational potential this legislation could bring to the community, and I thank her for traveling so far on such short notice to provide this valuable insight.

Mr. Chairman, the bill before you today is an essential piece of legislation, which will forever protect one of the most pristine areas in the Commonwealth of Kentucky for future generations. The bill aims to incorporate Fern Lake, an unspoiled body of water nestled in the Appalachian Mountains on the Kentucky-Tennessee border, into the Cumberland Gap National Historical Park.

As you can see from the pictures on display and in your folders, the lake and its surrounding watershed are of unparalleled beauty. Each photo captures the essence of what thousands of Park visitors already experience each year, as this spectacular landscape is visible from Pinnacle Overlook, the most popular attraction in the Park. Just from the photos alone, it is not hard to understand why this legislation is needed, and why Congress should act quickly to ensure its preservation.

Mr. Chairman, in true democratic form, this legislation finds its roots in a citizen petition, which was delivered to me by Mr. Ben Hickman, the mayor of Middlesboro. From there, we sat down with the National Park Service and brought them together with local officials to create this win-win opportunity for the park and the entire region. In short, this bill will protect the lake as a clean and safe source of rural water, enhance the scenic, recreational, and wildlife value of the Park, and increase tourism opportunities in the tri-state areas of Kentucky, Virginia, and Tennessee.

For those on the subcommittee who are unfamiliar with this part of the world, the Cumberland Gap National Historical Park is 20,000 acres of virtually untouched frontier countryside, established by Congress in 1940. It is, as some say, the "first frontier", where Daniel Boone blazed the Cumberland Gap trail in the late 18th century, leading the way for thousands of other settlers hoping to find a fresh start in this new world. Congress rightly recognized the importance of permanently protecting this frontier, and today, you are being asked to continue these endeavors by approving the Fern Lake addition. Because of the conditions set forth in the original legislation, no appropriated funds can be used to purchase additional acreage unless specifically authorized by Congress. H.R. 2238 provides this authorization, and paves the way for an additional 4,500 acres to be included in the Park, if willing sellers appear, and appropriations become available.

One of the principal goals of the legislation is to ensure the continued use of the lake as a clean, safe water supply for the city of Middlesboro. Constructed in 1893, the 150-acre lake has been privately owned for most of its existence. Last year, however, the lake went up for sale on the open market, and there is considerable concern that a new owner may not share the same interests as the community. As Ms. Bowling will testify, the lake is the sole water source for the city, and many businesses in the area rely on the uncommon purity of the water for their livelihood. It is therefore imperative that we keep this watershed free from the environmental hazards that over-development entail. Under the legislation, the City would be allowed to purchase Fern Lake water from the National Park Service and those proceeds could be used for costs associated with managing the lake or other needs in the Cumberland Gap park.

I understand that the Park Service may offer clarifying language regarding the disposition of the water supply, and I want to state for the record that I will continue to work with them to ensure they have the flexibility they need. I have no doubt that the Park Service will prove to be a valuable steward of this land, and I have complete confidence in their ability to craft an acceptable solution that will meet the community's water resource needs.

In fact, Mr. Chairman, the Park Service has already proven its willingness to work constructively and openly on areas of common concern, whether it be protecting the rights of landowners or protecting the landscape from unwanted mining or commercial development. They have continually worked with the community to ensure their water supply would remain untouched and environmentally intact.

More recently, their offices have worked closely with mine to ensure the language in the bill fully protects the private-property rights of those holding land within the proposed acquisition boundaries. This was especially important to me personally, as I have been troubled with the actions and attitudes of previous Administrations and remain skeptical and cautious when the government starts talking of new federal acquisition on private lands. In crafting this bill, we took great care to make sure an appropriate balance had been met between environmental protection and the needs of the community. This legislation builds upon community consensus and protects the property rights of all affected landowners. Not one parcel of land will be acquired without the firm consent of the owner. Not one National Park Service management proposal will be implemented until community leaders from the tri-state area are consulted. These requirements are specified in bill language, with the Park Service's full support.

Lastly, Mr. Chairman, it can not be overstated how important this legislation is to the economic well being of the citizens of rural Appalachia Kentucky. This proposed federal investment in our rich cultural heritage would certainly bring added tourism revenue and jobs to this area, both of which are desperately needed in these trying times. Tourism is an essential part of our region's economic development, and we must seize every opportunity to further strengthen this sector. I am leaving no stone unturned in my continuing efforts to build the Appalachian economy and create quality jobs within the region. I hope I can have this subcommittee's support in continuing these endeavors.

That concludes my remarks, and I would ask that a statement from Senator McConnell in support of the bill also be inserted in the record at this time.

Mr. ROGERS. Let me conclude by asking that a statement from Senator McConnell in support of the bill also be inserted in the record at this time.

Mr. RADANOVICH. There being no objection, so ordered.
[The information referred to follows:]

**Statement of Senator Mitch McConnell, a U.S. Senator from the state of
Kentucky**

Mr. Chairman, thank you for allowing me to submit a statement on a clean water and conservation issue that is critically important to my state - the acquisition of Fern Lake by the National Park Service.

As you may know, on June 19, 2001, I introduced legislation in the Senate that parallels Congressman Rogers' legislation to authorize the National Park Service to acquire Fern Lake as an addition to the Cumberland Gap National Historic Park. Our bill, the Fern Lake Conservation and Recreation Act of 2001, aims to protect this natural landmark on the Kentucky-Tennessee border that has served as the municipal water supply for Middlesboro, Kentucky since the lake was constructed

in 1893. Enabling the Park Service to acquire Fern Lake will accomplish important environmental, aesthetic, and economic objectives. First, NPS ownership of Fern Lake will ensure that the lake remains a clean and safe source of rural water for Kentuckians. Second, adding Fern Lake to the Cumberland Gap National Historical Park will undoubtedly enhance the scenic and recreational value of the Park. Third, NPS ownership of Fern Lake will increase tourism opportunities in the three states that border the Park - Kentucky, Tennessee, and Virginia - which will, in turn, increase economic development opportunities in these areas.

Although Fern Lake has been privately owned for most of its existence, it has been for sale since July 2000. Middlesboro citizens, who rely on the Lake for their drinking water, are concerned that a new private owner may not share their level of interest in protecting the pristine quality of the water. To ensure that the quality of the lake is protected for drinking water purposes, community leaders and town residents have called for the Park to purchase Fern Lake. Under our legislation, the Park will be required to maintain Fern Lake as a source of clean drinking water, will be authorized to sell water to the city of Middlesboro, and will allow the Secretary of the Interior to spend the proceeds of the water sales without further appropriation. This solution would guarantee management of this wonderful resource consistent with the drinking water needs of the community.

The Park currently is prohibited by law from expanding its boundaries by purchasing new land with appropriated funds. Our legislation, therefore, authorizes the Park to use appropriated funds, if necessary, to purchase Fern Lake (and up to 4,500 acres of the surrounding watershed) and to manage the lake for public recreational uses. We recognize that the addition of Fern Lake to the Park will increase the scenic and recreational values of Fern Lake, which will enhance the tourism industry in three states - Kentucky, Tennessee, and Virginia. Accordingly, our legislation provides that the Secretary of the Interior will consult with appropriate officials in these states to determine the best way to manage the municipal water supply and to promote the increased tourism opportunities associated with Park ownership of Fern Lake. Finally, like all responsible conversation efforts, our bill requires that the Park acquire land from willing sellers only.

The Department of Interior previously has demonstrated an interest in protecting the Fern Lake watershed area. In 1996, the Secretary declared 214 acres of the watershed on the Tennessee side of Fern Lake unsuitable for surface coal mining, and in 1998, the National Park Service took action again to protect the Kentucky side of the watershed from surface coal mining.

Congressman Rogers and I believe that it is now time to provide permanent protection for Fern Lake by including it in the Cumberland Gap National Historic Park. We are proud that our legislation has been endorsed by the National Parks Conservation Association, as well as by the citizens and community leaders who are stakeholders in the Fern Lake property. I urge the Committee to give this legislation favorable consideration, paving the way for the National Park Service to protect this natural treasure.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Rogers. And please feel free to join us on the dias when we—at any time for our next panel.

Mr. Pastor, welcome.

Mr. ROGERS. Thank you. I appreciate it.

Mr. RADANOVICH. Please feel free to go ahead and talk about H.R. 2234.

STATEMENT OF THE HON. ED PASTOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. PASTOR. First of all, let me submit my written statement for the record and ask unanimous consent to revise and extend my remarks.

Mr. RADANOVICH. No objection, so ordered.

Mr. PASTOR. Good afternoon. I also would like to thank you for giving us this opportunity to talk about 2234 and also for rescheduling this hearing. And we greatly appreciate it.

Tumacacori is located in southeastern Arizona, and it is one of the most beautiful national areas that you will find. Arizona has many wonderful natural wonders, but this one is extremely beautiful and pretty much undeveloped. In the 1600's as the Spaniards came from Mexico into Arizona and New Mexico and then north to other areas of the United States, they developed a series of missions, and Tumacacori is one of the missions that they established. So there is a lot of history in this area.

In the 1900's President Roosevelt declared it a monument and set aside about 10 acres, and in the 1990's it became a park. We want to preserve the mission and also enhance the property by expanding the boundary by 310 acres.

The owners of the land are willing to sell and have been working with the Park Service. And because we want to accommodate them, we need to move this bill as quickly as possible. So we have willing sellers. The Park Service has been working with the people adjacent to the mission.

Once the boundaries are expanded, what we would like to do is protect a trail that borders the mission to Presidio further north, the de Anza Trail. It is a trail that starts in Mexico, extends through Arizona and into California and ends in San Francisco.

It was one of the trails that was given a designation as "millennium trails." We have the Park Service that wants to expand the property. And what they expect to do is develop orchards that were founded in the early 1600's and then go on through the history of Tumacacori.

Also, we would like to build administration buildings and storage buildings away from the mission. So that would be another objective of this extension of the boundaries.

We would like to make this mission a living history mission. It is today being visited by people who travel in southeastern Arizona, and as they see the mission, we would like to enhance the mission by adding a living history.

For example, today, if you were to travel to Tumacacori on the weekend, the Native Americans who live adjacent to the mission, you would be able to buy some of the artifacts that they produce and also some of the food, Indian fried bread, there at the mission.

We also want to protect the area that has many artifacts. We want to preserve the history of this mission. It is a small place in history, but we think it has a large place in our civilization. And I know that this Subcommittee is wanting to preserve as much as we can of our history in this country, and by extending the boundaries of Tumacacori we will be able to enhance the mission and enhance the living history of it and preserve the history that we find in southeastern Arizona.

So I thank you, Mr. Chairman, for having this hearing. I thank Chairman Hefley for being here, and my friend, Tom Udall from New Mexico. If there are any questions, we will be happy to answer them. But, again, very appreciative of having this hearing.

[The statement of Mr. Pastor follows:]

Statement of Hon. Ed Pastor, a Representative in Congress from the State of Arizona

Mr. Chairman, Madam Ranking Member, Members of the Subcommittee:

I appreciate the opportunity to come before you to discuss the Tumacacori National Historic Park Boundary Revision Act, H.R. 2234. I introduced the bill in June of this year in an effort to ensure that the complete historical importance of the Tumacacori National Historic Park is recognized.

H.R. 2234 would authorize the expansion of the Park by approximately 310 acres of adjacent private property. It is my understanding the property owners are willing to sell and most of the acreage has already been listed.

To offer the Subcommittee a small bit of Southwest history, Tumacacori is one of the chain of missions established by the Spanish in the Pimeria Alta, or land of the Upper Pima Indians, from Sonora, Mexico to San Xavier del Bac near Tucson, Arizona. After the establishment by Father Kino of the Mission San Cayetano de Tumacacori in 1691, a Jesuit church was built in the 1750's on the east side of the Santa Cruz River and the mission was renamed San Jose de Tumacacori.

The present church sitting on the site was completed in 1822 by the Franciscans and in 1908, President Theodore Roosevelt set aside nine acres immediately around the church as the Tumacacori National Monument. Subsequent to that designation, boundary changes have enlarged the Monument, and in 1990 the detached missions of Guevavi and Calabazas were added and the Monument became a National Historical Park.

The Park's General Management Plan called for the acquisition of additional lands so Park support facilities could be built away from the historic scene and to obtain the rest of the Mission orchard.

Two large properties now border the Park. A 90 acre ranch lies to the south and east. This ranch contains the remains of the historic orchard and other Mission related cultivated lands. To the north and east, 220 acres of undeveloped lands contain remains of the Mission fields and sites that show numerous artifacts such as pottery, lithics, and fire hearths.

The expansion of the Park's boundary would allow the Park Service to further enhance the visitor experience at Tumacacori, replant the orchard and add a living history program, and develop more of the Juan Bautista de Anza National Historic Trail that now exists on private land between Tumacacori and the town of Tubac.

Last month, we passed the Department of Interior Appropriations Act which included almost a million dollars to construct administration and maintenance facilities at this Park, removing these functions from the viewed historical areas. This is an important first step taken by this Congress toward preserving the history of this monumental place and this meaningful time. I ask that you take the next step by increasing the boundaries of the Park.

Mr. Chairman, as this Subcommittee knows and appreciates, preserving our history and heritage is crucial if we are to continue to grow as a civilization. This small Mission is a small part of that history, but it is a large part of the development of our civilization.

I appreciate you holding these hearings, and I look forward to working with you and the Subcommittee, and Chairman Hansen and Ranking Member Rahall toward its expedited consideration. Thank you.

Mr. RADANOVICH. Thank you. Any questions from any members?

Mr. RADANOVICH. Mark—Tom, we will go with you and then Joel. Pardon me.

Mr. HEFLEY. I would be happy for Tom to go first.

Ed, is the trail still there, the trail you want to protect, or is it just a place where the trail was?

Mr. PASTOR. No, the trail is still there. In fact in spring, we have the de Anza days, and we have the recreation of Juan Bautista coming from Mexico into Arizona and following this trail. The trail is there and we want to preserve it. Right now it is in private hands and the owners of the private property are willing to sell it.

So, the trail is there. We celebrate de Anza days. We want to make sure that it becomes part of the park.

Mr. HEFLEY. What is still there of the mission? Is the mission still there?

Mr. PASTOR. The mission is still there. You can walk in. It is standing. It has been refurbished a number of times and well pro-

tected. So you can go in and see the mission that was there and developed in the 1600's. The mission is standing.

Mr. HEFLEY. Well, that is certainly worth preserving. What is this going to cost us, Ed?

Mr. PASTOR. Well, I don't know, to be honest with you, because that is still being worked out. I think the sellers will settle down and give us some estimates. Appraisals will be taken. And I guess, probably, your Committee staff just told you what the number would be. But—

Mr. HEFLEY. They said \$2 million.

Mr. PASTOR. Two million dollars. In this last appropriation, there was a million dollars in the Interior bill for the buildings, the administration building. And we will work hard to obtain the appropriation through the appropriation process.

Mr. HEFLEY. Do you anticipate having an appraisal of that? Is that pretty much desert land?

Mr. PASTOR. It is high plateau, so Sonoran Desert.

Mr. HEFLEY. Will there be an appraisal of that land?

Mr. PASTOR. I think so. I think we follow whatever process the Park Service has. And usually my experience has been it is appraised, and then negotiations start with the owners. And then once there is a final determination, then we go through the appropriation process in acquiring that land.

Mr. HEFLEY. Okay. How big is this lake? I know we are talking 4,500 acres. But the lake itself, how big is that?

Mr. ROGERS. The lake is 150 acres. And all that they are proposing now to acquire is a total of 750 acres, which includes the 150-acre lake. The 150-acre lake and then 600 acres surrounding property.

The bill would authorize at some future time to acquire up to 4,500 acres, sort of as a catch-all. But they would have to have a willing seller, and we would have to find appropriations for that. But that is not anticipated at this time.

Mr. HEFLEY. How much are we talking here for this?

Mr. ROGERS. For this 750 acres? I don't know. It is under negotiation. There has been—the Conservation Fund did an appraisal of the land last year when it first went up for sale. Their initial appraisal was \$3.75 million.

Mr. HEFLEY. For the lake and 700 acres?

Mr. ROGERS. For the total 750 acres, yes. But the owner is asking for 5 million. It was appraised last year for 3.75. It is a matter of negotiation.

Mr. HEFLEY. Is it and will it continue to be, if it is, a recreational lake, a lake where people can fish, that kind of thing?

Mr. ROGERS. Absolutely. It is a beautiful—as you can see, a beautiful lake. It has one old fishing lodge on it now. The only development that I am aware of in this whole area is an old fishing camp on the lake. It will be in continuous use by the Park Service for recreational purposes. The Park Service can perhaps help better with that than me.

If I can say this? This property was under threat to be surface mined until last year or so, when the State finally stepped in to block surface mining. So that is really what we are afraid of, that this valley would be surface mined and this lake spoiled.

Mr. HEFLEY. Well, it sounds like a natural. I would suggest to you, coming from the West, and having dealt with the Federal Government on Federal reserve water rights, that you make sure those water rights are tied up for the city there, for the town, before anything is done; because, you know, you don't know what kind of an administration gets in and what they do with that. So that ought to be pretty clear in law. I hope you are planning to make sure of that.

Mr. ROGERS. Right. You are exactly on target. I think this bill devotes a lot of its attention to that very question. And the Park Service has been mighty nice to deal with on it so far. I feel confident that what you mentioned is true; it will be taken care of.

Mr. HEFLEY. Thank you.

Mr. RADANOVICH. Mr. Udall.

Mr. TOM UDALL. Thank you, Mr. Chairman. Let me first say for the record that Ranking Member Rahall strongly supports both of these pieces of legislation and would like to see the Committee act upon them quickly.

It looks to me today—with our two witnesses here, it looks like we have an appropriator's Committee day. And I was thinking, Mr. Chairman, that we might benefit a lot more if we could do these earlier in the year. It might be something that we might try in the future.

Mr. ROGERS. Would the gentleman yield?

Mr. TOM UDALL. Sure. I would be happy to yield.

Mr. ROGERS. We are here because we have already spent all of the money we can find over there. We are just looking for new sources here.

Mr. RADANOVICH. They planned it this way.

Mr. TOM UDALL. Let me, first of all, just say a word about what Mr. Pastor has talked about in terms of the Spanish history. I know that Tumacacori has a strong Spanish history, in, as you mentioned, New Mexico and many of our western States. And I think that one of the things that people don't realize here in the United States is how deep those Spanish roots go.

I mean, I have families in New Mexico that trace their lineage back 14 generations to the first Spaniard that came in, de Onate, in 1598. So there is that history, there is that tradition, and it is not known and understood. And I think by doing things like this national historic park, we preserve it there for people to learn about.

So I think that it is very important to do a bill like this, and I applaud Congressman Pastor for coming forward with this. Just a couple of quick questions on the—my understanding is the management plan that was done in 1990, does that—does that management plan call for this expansion?

Mr. PASTOR. Yes, it does; because in the 1990's, they realized that in order to protect the mission, Tumacacori, and to make sure that the trail was also protected, that they would have to extend the boundaries. And the owners realized that. The owners of the land realized that. And because they also want to protect Tumacacori, they are willing to sell the 310 acres, and so that is why we need to expand the park so that we can get into negotiations with the owners and protect Tumacacori.

Mr. TOM UDALL. Have been there been any appraisals of the 310 acres?

Mr. PASTOR. I don't know. I am assuming that the land owners themselves probably have a sense of the value. But, the area is practically undeveloped. And it is next to the Santa Cruz River, and the potential for development in the future is great and the probability is getting greater. I think everybody understands that we need to protect the Tumacacori, the mission; and the best way to do it, to expand its boundaries. And the people who are selling the land also know the value of Tumacacori, and they are willing sellers.

Mr. TOM UDALL. Thank you. Thank you both for coming. I yield back, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Udall. Mr. Acevedo-Vila.

Mr. ACEVEDO-VILA. I don't have any questions. I just want to offer my support to both bills.

Mr. RADANOVICH. Thank you. Gentlemen, you are welcome to join us on the dias, thank you very much for testifying. And with that we will begin to seat our next panel.

Mr. PASTOR. Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you very much.

With us now is Dr. Michael Soukup, who is with the National Park Service, Department of Interior; Ms. Elise Russell, who is the legislative analyst, Conservation Policy, of the National Parks Conservation Association; and Ms. Karla Bowling, executive director of Bell County Chamber of Commerce, Middlesboro, Kentucky. Welcome to the Subcommittee.

Mr. RADANOVICH. Mr. Soukup, welcome again. I know that you will be here on a very regular basis. What I would like to do is start with you to comment on both bills. And then we will go to our other guest witnesses as well.

**STATEMENT OF MICHAEL SOUKUP, ASSOCIATE DIRECTOR,
NATIONAL RESOURCE STEWARDSHIP AND SCIENCE, NA-
TIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. SOUKUP. Thank you, Mr. Chairman. I would like to just summarize our written testimony which will be submitted to you.

Mr. Chairman, we thank you for the opportunity to present the Department of Interior's position on H.R. 2234, and we extend our thanks and appreciation to Congressman Pastor for his interest in the resources and stories preserved and told at Tumacacori National Historical Park. The Department supports H.R. 2234.

H.R. 2234 would amend Public Law 101-344, the act authorizing the establishment of Tumacacori National Historical Park, and expand the boundary of the park by adding two separate parcels.

Tumacacori National Historical Park is a 45-acre unit of the national park system, because the mission is an outstanding example of 18th century Spanish Colonial architecture, and served as the source and center of a community and a way of life that survived for centuries in a harsh and demanding environment.

To tell that story means more than protecting a building. It means presenting and protecting the resources that nourished it—its orchards, its crops, and its fields. The proposed additions to the boundary contain those resources.

The 18th and 19th century Tumacacori mission encompassed not only a church and its associated compound, but also homes for the native people. The mission supported itself by what it could grow and graze on its lands along the Santa Cruz River. With this bill, future visitors would understand that the mission was not just a church, but a complete self-sustaining community.

The nearby Santa Cruz River, a desert riparian area, is a vital educational tool to understand how the native and mission communities were able to develop and thrive in the desert.

The park's general management plan of 1996 identified the need to acquire additional lands to obtain the rest of the mission orchards. The two parcels of private land proposed to be included in this Tumacacori National Historical Park boundary are a 90-acre parcel to the south and east, and a 220-acre parcel to the north and east.

The owners have expressed an interest in selling to the National Park Service. The acquisition cost for the two parcels are estimated at between 2- and \$2-1/2 million, although actual costs would not be known until appraisals on the land are completed.

In the future, funding would be needed to develop visitor use trails as well as to rehabilitate and replant the mission orchards as called for in the general management plan. No other visitor facilities will be built in the new areas.

An additional 1.5 FTE—that is, positions—1-1/2 positions would be needed in personnel for the increased maintenance responsibilities. Costs to accomplish these projects would require one-time funding of approximately \$250,000 for visitor trails, waysides, and bridge construction, and \$100,000 to reconstruct and replant the orchard.

H.R. 2234 has generated a cross-section of support. The county supervisor of the Santa Cruz County Board of Supervisors, whose district includes the park, has expressed support. Local community groups have expressed support for the legislation, including the Friends of the Santa Cruz River, the Anza Trail Coalition, and the Tubac Historical Society.

On a technical point, we have discovered that there is a discrepancy between the name and the number on the map showing this proposed boundary and the map reference in this bill. In order to make the bill language consistent with the map, we suggest that the map title on page 3, line 9 and 10 be changed to read, "Tumacacori National Historical Park, Arizona Proposed Boundary Revision 2001," and the map number on page 3, line 11, be changed to read "310/80,044."

Mr. Chairman, this concludes my remarks on H.R. 2234.

[The prepared statement of Mr. Soukup on H.R. 2234 follows:]

Statement of Dr. Michael Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 2234. This bill would revise the boundary of Tumacacori National Historical Park in the State of Arizona. We extend our thanks and appreciation to Congressman Pastor for his interest in the resources and stories preserved and told at Tumacacori National Historical Park (NHP).

The Department supports H.R. 2234. The legislation would allow the park to fulfill the original purposes for which it was established, create more opportunities to expand educational and recreational partnerships within the new boundary and be-

yond, and has received the support of the surrounding community. Expanding the boundary of Tumacacori NHP would fulfill one of the goals identified in the park's approved General Management Plan, and the owners of the lands proposed for addition have expressed a willingness to sell.

H.R. 2234 would amend Public Law 101-344, the Act authorizing the establishment of Tumacacori National Historical Park, and expand the boundary of the park by adding two separate parcels, which are adjacent to the original Tumacacori unit of the park and total approximately 310 acres. The legislation also defines the purpose for adding these lands.

Tumacacori National Historical Park is a 45-acre unit of the National Park System because the mission is an outstanding example of 18th century Spanish Colonial architecture and served as the source and center of a community and a way of life that survived for centuries in a harsh and demanding environment. To tell that story means more than protecting a building. It means protecting the resources that nourished and maintained it - its orchards, crops, and fields. The proposed additions to the boundary contain these resources.

Tumacacori is one of a chain of missions established by the Spanish in the Pimería Alta (land of the Upper Pima Indians) from Sonora, Mexico to San Xavier del Bac near Tucson. Father Kino established Mission San Cayetano de Tumacacori approximately forty miles south of present day Tucson in 1691. At its height, the mission land grant included nearly 6,000 acres.

Theodore Roosevelt set aside 9 acres immediately around the church as Tumacacori National Monument in 1908. The boundary of the monument was revised with the addition of 6 acres in 1978. In 1990 the missions of Guevavi (8 acres) and Calabazas (22 acres), to the south along the Santa Cruz River, were added and the park redesignated a National Historical Park.

The 18th and 19th century Tumacacori Mission encompassed not only a church and its associated compound, but also homes for the native people. The mission supported itself by what it could grow and graze on its lands along the Santa Cruz River. Vegetables and fruits grew in a large (5 acre) walled orchard and garden irrigated by the acequia (irrigation ditch). Eventually homesteaders settled mission lands, and by the time Tumacacori National Monument was set aside all of the former mission lands were in private ownership. Today the mission stands divorced from its land and people. One quarter of the historic orchard and its still visible wall remains. The majority of the acequia, mission farmland and a section of the Santa Cruz River all lie on adjacent private land.

The park's General Management Plan (1996) identified the need to acquire additional lands to obtain the rest of the mission orchard. Acquisition of the entire historic remains of the orchard, former mission farmlands and the acequia would allow the park to recreate a 19th century cultural landscape. Future visitors would understand that the mission was not just a church but a complete self-sustaining community. The nearby Santa Cruz River, a desert riparian area, is a vital educational tool to understand how the native and mission communities were able to develop and thrive in the desert. In addition, expansion of the park boundary would allow the National Park Service to enhance the recreational experience of visitors along the Juan Bautista de Anza National Historic Trail between Tubac and Tumacacori as well as partner with communities all along the Santa Cruz River to further develop the recreational and educational values of the trail.

The two parcels of private land proposed to be included in the Tumacacori NHP boundary are a 90-acre parcel to the south and east and a 220-acre parcel to the north and east. The owners have expressed their interest in selling to the National Park Service. Acquisition costs for the two parcels are estimated at \$2,000,000 to \$2,500,000, although actual costs would not be known until appraisals on the land are completed. A non-profit group may be willing to purchase the properties and hold them for a short period of time until the National Park Service is able to designate land acquisition funding.

Since the National Park Service intends to return the proposed additional lands to a 19th century cultural landscape there will be little additional park operational funding needed. Park staff would be able to provide a basic level of resource protection to lands that are acquired through existing financial resources. In the future, funding will be needed to develop visitor use trails as well as to rehabilitate and replant the mission orchard as called for in the General Management Plan. No other visitor facilities will be built in the new areas. An additional 1.5 FTE would be needed in personnel for the increased maintenance responsibilities. Costs to accomplish these projects would require one-time funding of approximately \$250,000 for visitor trail, waysides and bridge construction and \$100,000 to reconstruct and replant the orchard. A \$78,000 base increase for maintenance staff would be needed.

H.R. 2234 has generated a cross-section of support. The county supervisor on the Santa Cruz County Board of Supervisors whose district includes the park has expressed support. Local community groups that have expressed support for the legislation include the Friends of the Santa Cruz River, the Anza Trail Coalition and the Tubac Historical Society.

We have discovered that there is a discrepancy between the name and number of the map showing this proposed boundary expansion and the map reference in the bill. In order to make the bill language consistent with the map we suggest that the map title on page 3, line 9 and 10 be changed to read "Tumacacori National Historical Park, Arizona Proposed Boundary Revision 2001" and the map number on page 3, line 11 be changed to read "310/80,044".

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

Mr. SOUKUP. I would like to proceed with my comments. Again, I will just summarize our written testimony.

Mr. Chairman, we thank you for the opportunity to present the views of the Department of Interior on H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park.

We extend our thanks to Congressman Rogers for his interest in this bill and his ongoing interest in the Cumberland Gap National Historical Park.

The Department supports H.R. 2238. The Department does have one concern about the National Park Service taking on a new responsibility—in this case assuring the continued supply of safe, clean drinking water for the city of Middlesboro, Kentucky.

H.R. 2238 would authorize the Secretary of the Interior to purchase a 4,500-acre area located in Kentucky and Tennessee, adjacent to Cumberland Gap National Historical Park, and that contains Fern Lake and its watershed.

Existing law allows the National Park Service to acquire this area, but not by purchase with appropriated funds. H.R. 2238 would allow the National Park Service to acquire the area by the use of donated or appropriated funds as well as by donation or by a land exchange. Purchase of the property would be allowed only with the consent of the owner.

The authority to purchase the Fern Lake area is necessary because the owner of the 150-acre lake and about 600 acres of land surrounding the lake intends to sell the property. The remainder of the 4,500 acres of the watershed is not on the market at this time, but if it becomes available for purchase in the future, this legislation would provide the necessary authority for its acquisition.

In addition, H.R. 2238 would allow the Secretary of the Interior to enter into contracts to facilitate the sale and distribution of water from Fern Lake to the city of Middlesboro, Kentucky and environs. It would allow the proceeds from the sale of the water to be used for the park. The National Park Service would be required to manage recreational use of the lake in a manner that is consistent with protecting the lake as a source of safe, clean drinking water.

The National Park Service policies generally prohibit the use of water resources in parks for entities outside of parks. However, Fern Lake, a reservoir constructed in 1893, is currently the sole

source of water for Middlesboro, and we believe it is appropriate in this case to continue to allow Middlesboro to draw water from this source, since this is a traditional use and does not threaten park resources.

The bill attempts to provide flexibility to allow different options for ownership of the water supply, allowing the decision on the water ownership to be made as part of the negotiations for the purchase of Fern Lake.

We agree with this approach and the approach that the legislation takes in terms of providing this flexibility. However, we believe that language concerning the disposition of water after acquisition needs clarification. And we plan to submit an amendment for your consideration.

With all of these options we need to be careful about the National Park Service taking on new responsibilities that are outside of its core mission or area of expertise and that are not assumed in current funding levels.

Cumberland Gap National Historical Park, established by the act of June 11th, 1940, commemorates the migration of hundreds of thousands of people who moved from the populous eastern States, west across the Appalachian Mountains by way of Cumberland Gap, to settle land in Kentucky, Tennessee, and beyond in the late 18th and 19th centuries.

The park currently consists of about 20,000 acres in Virginia, Kentucky and Tennessee, and is authorized to include up to 50,000 acres. The park's most visited attraction is Pinnacle Overlook where visitors can see Kentucky, Virginia, and Tennessee and gain an appreciation of the landscape that played such a critical role in the development of our Nation. Fern Lake is visible from that overlook.

Having Fern Lake under National Park Service management would produce many benefits. It would protect the watershed from future threats of development and thus help protect for the long term the landscape and the views the park is known for.

It would allow for public recreational use of the lake that is currently only available to private club members. It would also allow the development of more hiking trails in the park.

These additional attractions would thus increase recreational opportunities in a region that is working hard to generate tourism.

As you know, the Department is committed to the President's priority of eliminating the National Park Service's deferred maintenance backlog, and is concerned about the development and life cycle operational costs associated with expansion of parks already included in the National Park System.

Adding Fern Lake watershed to Cumberland Gap National Historical Park would entail land acquisition costs as well as additional operating and maintenance costs. The owner of the lake and surrounding properties, approximately 750 acres, has offered the property for \$5 million. But the actual cost of the property will not be known until an appraisal is done and a determination is made about whether or not to acquire the water supply.

If, however, the National Park Service acquires the water supply, some revenue would accrue to the park from the sale of the water. And I understand that is roughly about \$85,000 per year. In addi-

tion, we anticipate some additional operating costs and maintenance costs associated with making the newly acquired land available for public use.

Establishing trails and building or remodeling facilities around the lake would entail one-time development costs. There would be recurring annual costs associated with staff needed for resource protection and visitor services in the new area. We do not have an estimate of these costs at this time, but we know that if the full 4,500 acres of the watershed is acquired, it would increase the size of the park by about 22 percent.

In summary, the Department supports H.R. 2238 as a means to help assure protection of the natural and cultural resources of Cumberland Gap National Historical Park and to provide important benefits for the surrounding communities through the acquisition of land from willing sellers.

Mr. Chairman, that concludes my remarks. I would be pleased to answer questions.

[The prepared statement of Mr. Soukup on H.R. 2238 follows:]

Statement of Dr. Michael Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service, U.S. Department of the Interior

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park.

The Department supports H.R. 2238, but is concerned about the National Park Service taking on new responsibilities, such as overseeing municipal water supply management, that are outside of its core mission and area of expertise. This legislation would help protect the magnificent landscape at Cumberland Gap National Historical Park and provide additional recreational opportunities for visitors. It would also help assure the continued supply of safe, clean drinking water for the city of Middlesboro, Kentucky.

H.R. 2238 would authorize the Secretary of the Interior to purchase a 4,500-acre area located in Kentucky and Tennessee adjacent to Cumberland Gap National Historical Park that contains Fern Lake and its watershed. Existing law allows the National Park Service to acquire this area, but not by purchase with appropriated funds. H.R. 2238 would allow the National Park Service to acquire the area by use of donated or appropriated funds, as well as by donation, or by a land exchange. Purchase of the property would be allowed only with the consent of the owner.

The authority to purchase the Fern Lake area is necessary because the owner of the 150-acre lake and about 600 acres of land surrounding the lake intends to sell the property. The remainder of the 4,500 acres of the watershed is not on the market at this time, but if it becomes available for purchase in the future, this legislation would provide the necessary authority for its acquisition.

In addition, H.R. 2238 would allow the Secretary of the Interior to enter into contracts to facilitate the sale and distribution of water from Fern Lake for the City of Middlesboro, Kentucky and environs. It would allow the proceeds from the sale of the water to be used for the park. The National Park Service would be required to manage recreational use of the lake in a manner that is consistent with protecting the lake as a source of safe, clean drinking water.

National Park Service policies generally prohibit the use of water resources in parks for entities outside of parks. However, Fern Lake, a reservoir constructed in 1893, is currently the sole source of water for Middlesboro, and we believe it is appropriate in this case to continue to allow Middlesboro to draw water from this source, since this is a traditional use and does not threaten park resources.

The bill attempts to provide flexibility to allow different options for ownership of the water supply, allowing the decision on the water ownership to be made as part of the negotiations for the purchase of Fern Lake. One possibility would be for the National Park Service to acquire the water supply, in which case the Service would contract with a utility for the distribution of the water. Another option would be for the National Park Service to acquire only an interest in the water while another entity, such as the water utility, acquires the water supply. We agree with the ap-

proach that the legislation takes in terms of providing this flexibility; however, we believe that language concerning the disposition of water after acquisition needs clarification, and we plan to submit an amendment for your consideration. With all of these options, we need to be careful about the National Park Service taking on new responsibilities that are outside of its core mission or area of expertise and that are not assumed in current funding levels.

Cumberland Gap National Historical Park, established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.), commemorates the migration of hundreds of thousands of people who moved from the populous eastern states west across the Appalachian Mountains by way of Cumberland Gap to settle land in Kentucky, Tennessee, and beyond in the late 18th and early 19th Centuries. The park currently consists of about 20,000 acres in Virginia, Kentucky, and Tennessee, and is authorized to include up to 50,000 acres. The park's most visited attraction is Pinnacle Overlook, where visitors can see Kentucky, Virginia, and Tennessee and gain an appreciation of the landscape that played such a critical role in the development of our nation. Fern Lake is visible from the overlook.

The Fern Lake watershed has been a focal point for the Department of the Interior for several years. In 1996, after the Office of Surface Mining prepared a comprehensive environmental impact statement on proposed surface coal mining on the Tennessee side of the watershed, the Department declared the area unsuitable for that purpose. In 1997, after the State of Kentucky issued a permit to mine the Kentucky portion of the watershed, the National Park Service successfully appealed the permit. When the owner decided to sell the property last year, local residents began expressing support for having the property added to the National Park System.

Having Fern Lake under National Park Service management would produce many benefits. It would protect the watershed from threats of future development and thus help protect for the long term the landscape and views the park is known for. It would allow for public recreational use of a lake that is currently available only to private club members. It would also allow the development of more hiking trails in the park. These additional attractions would thus increase recreational opportunities in a region that is working hard to generate tourism. And, it would ensure that Fern Lake remains a source of clean, safe drinking water.

As you know, the Department is committed to the President's priority of eliminating the National Park Service's deferred maintenance backlog, and is concerned about the development and life-cycle operational costs associated with expansion of parks already included in the National Park System. Adding the Fern Lake watershed to Cumberland Gap National Historical Park would entail land acquisition costs, as well as additional operating and maintenance costs.

The owner of the lake and surrounding property (approximately 750 acres) has offered the property for \$5 million, but the actual cost of the property will not be known until an appraisal is done and a determination is made about whether or not to acquire the water supply. If, however, the National Park Service acquires the water supply, some revenue would accrue to the park from the sale of the water. According to information from the city of Middlesboro, the current owner receives approximately \$85,000 annually from the sale of water from Fern Lake. Any revenue, however, would likely be offset by increased operational costs, so this could result in a net cost to the National Park Service.

In addition, we anticipate some additional operations and maintenance costs associated with making the newly acquired land available for public use. Establishing trails and building or remodeling facilities around the lake would entail one-time development costs. There would be recurring annual costs associated with staff needed for resource protection and visitor services in the new area. We do not have an estimate of those costs at this time, but we note that if the full 4,500 acres of the watershed is acquired, it would increase the size of the park by about 22 percent. The current annual base funding for Cumberland Gap National Historical Park is \$1.8 million.

In summary, the Department supports H.R. 2238 as a means to help assure protection for the natural and cultural resources of Cumberland Gap National Historical Park and to provide important benefits for the surrounding communities, through the acquisition of land from willing sellers.

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

Mr. RADANOVICH. Thank you, Doctor. Next up is Mrs. Elise Russell who is here to speak on 2234. Thank you for coming.

STATEMENT OF ELISE RUSSELL, LEGISLATIVE ANALYST, CONSERVATION POLICY, NATIONAL PARKS CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Ms. RUSSELL. Thank you. Mr. Chairman, members of the Committee, my name is Elise Russell. I am a legislative analyst for the National Parks Conservation Association, and I am here today on behalf of NPCA as well as the Archeological Conservancy and the Sonoran Institute.

Our organizations appreciate this opportunity to state our strong support for H.R. 2234. We commend Representative Pastor for introducing this legislation, and we thank the Chairman for scheduling this hearing.

We urge the Subcommittee to act quickly and favorably on this bill. We also recommend two minor amendments to the bill that we think will encourage a more comprehensive approach to preserving Tumacacori National Historical Park.

Tumacacori is only 46 acres in size, but it is truly one of the gems of the U.S. National Park System. It is a beautiful, well preserved resource with great historical integrity, a tranquil site that is inspiring to visitors. This legislation will add approximately 310 acres to the park's main unit at San Jose de Tumacacori Mission.

These lands which are to the north and south of the main unit include or contain portions of the original mission, which include historic fields, orchards and acequia systems.

The Juan Bautista De Anza National Historic trail also traverses these proposed additions. There is also riparian land along the Santa Cruz River, with significant national resource values.

There are thriving populations of plants and animals that are native to the area, as well as a significant population of the yellow-billed coo-coo, which is a species of concern to the State of Arizona.

Permanently protecting these lands will not only save irreplaceable parts of America's heritage, but it will also dramatically benefit the public by permitting the National Park Service to diversify visitor experiences and enrich their educational programs to the public.

Key parts of the Tumacacori story, particularly those of how different peoples interacted and ultimately learned to live together, have important lessons in today's challenging times. It is the great triumph of America, honoring diversity, a legacy that lives on.

In a way, improving Tumacacori is just another tangible way of keeping Americans united, caring about each other and our collective history. We must act now to save these lands from impending development which threatens to ruin them forever. Subdivisions are marching toward the park.

As Representative Pastor and Mr. Soukup have said, these lands are available today from willing sellers. It is unlikely that they will ever easily be available again, and the costs to protect them will never be cheaper. Land prices in this area are headed in one direction: Up.

Acting with foresight today will prevent having to act in haste tomorrow. One of the amendments that NPCA recommends pertains to the Guevavi Mission. This is a very small unit of Tumacacori. It is only 10 acres. There is a clear need to add some additional lands to better facilitate public access as well as pre-

serve the scenic integrity of the mission, which is extremely vulnerable to development.

The general management plan, which was approved in 1996 after extensive public involvement, recommended a 93-acre expansion to the Guevavi Mission. Lands adjacent to Guevavi are owned by the city of Nogales, which has been a good neighbor to the park. And for the last several years there has been discussion between the Park Service and the city, whereby the Park Service would receive some city lands and the city of Nogales would receive some Federal lands closer to Nogales. So it would be a win-win situation for both parties as well as for the general public.

So we recommend that there be an amendment to the legislation, authorizing and directing the Park Service to work with the city of Nogales and other Federal land managers to explore the possibilities of a land exchange and get back to Congress within a year with their recommendations.

Our other recommendation is to have an update to the general management plan for Tumacacori within the next 3 years. And, in conclusion, Mr. Chairman, I would simply say that, tragically, every day prehistoric and historic archeological sites in the United States are being lost forever. Modern-day looters are using backhoes and bulldozers to recover artifacts for the international market. Urban development and even some agricultural methods are destroying sites.

Congress has the ability, the opportunity, and the responsibility to act to prevent this loss of our heritage which will impoverish present and future generations. Enacting H.R. 2234 into law will be a marvelous and tangible way, a step forward to meet these duties. Future generations will thank you for your wisdom to act now.

And finally, Mr. Chairman, I would just like to say that NPCA, for the record, also supports the Fern Lake Conservation and Recreation Act of 2001.

Fern Lake and its watershed will be important additions to the Cumberland Gap National Historical Park. The Fern Lake watershed is an integral part of the historic landscape that visitors come to see. And, additionally, the acquisition of this property will protect the vistas from Pinnacle Overlook, one of the most valuable scenic resources in the park.

Thank you very much for this opportunity to testify and consider our views.

Mr. RADANOVICH. Thank you very much, Ms. Russell. I appreciated your testimony.

[The prepared statement of Ms. Russell follows:]

**Statement of Elise Russell, Legislative Analyst, National Parks
Conservation Association**

Mr. Chairman and members of the committee, I am Elise Russell, Legislative Analyst for the National Parks Conservation Association (NPCA). I am testifying today on behalf of NPCA, The Archaeological Conservancy and the Sonoran Institute.

Our organizations appreciate the opportunity to state our strong support of H.R. 2234. We commend Rep. Pastor for introducing this important legislation and thank the Chairman for scheduling this hearing. NPCA urges the subcommittee to act favorably and quickly on this bill. We also recommend two minor amendments to the bill that will encourage a more comprehensive approach to preserving Tumacacori National Historical Park.

Tumacacori is only 46 acres in size but it is one of the true gems of the U.S. National Park System. The park is precious a well-preserved resource with great historic integrity, a beautiful and tranquil site that is inspiring to visitors.

H.R. 2234 would add approximately 310 acres to the park's main unit at San Jose de Tumacacori Mission. These lands, located both to the north and south of the main park unit, contain portions of the original mission, including historic fields, orchards and acequia systems.

The Juan Bautista De Anza National Historic Trail also traverses the proposed addition.

In addition, there is riparian land along the Santa Cruz River with significant natural resource values. This land has thriving populations of plants and animals native to the area, including a significant population of yellow-billed cuckoos, a "species of concern" for the state of Arizona.

Permanently protecting these lands will not only save irreplaceable parts of America's heritage, it will dramatically improve benefits to the public by permitting the National Park Service to diversify visitor experiences and enrich its educational programs for the public.

Key parts of the Tumacacori story, particularly those about how different peoples interacted and ultimately learned to live together, have lessons in today's challenging times. This is the great triumph of America honoring diversity a legacy that lives on. In a way, improving Tumacacori is another tangible way to keep America united, caring about each other and our collective history.

We must act now to save these lands from impending development, which threatens to ruin them forever. Subdivisions are marching directly toward the park. These lands are available today from willing sellers who want to protect the historic mission and its environment. It is unlikely these properties will ever be easily available again and the cost to protect these lands permanently will never be cheaper. Land prices in this area are headed only one way: up. Acting with foresight today will prevent having to act in haste tomorrow.

Suggested Amendment: Guevavi Mission

Congress should add a brief section pertaining to Guevavi Mission.

Because the Guevavi site is so small (approximately 10 acres), there is a clear need to add additional lands in order to facilitate better public access and preserve the scenic integrity of the mission, which is extremely vulnerable to development. The current general management plan (GMP) for Tumacacori NHP, approved in 1996 after extensive public involvement, recommends a 93-acre boundary expansion for the Guevavi unit.

Lands adjacent to Guevavi are owned by the City of Nogales. The City has been a good neighbor to the park, but for several years now, there has been discussion about a simple trade whereby the National Park Service would receive some City lands, and the City would receive other federal lands, closer to Nogales, in return. This would be a win-win for all parties and the general public.

Therefore, NPCA recommends the addition of a brief section to H.R. 2234, which should authorize and direct the National Park Service to work with the City of Nogales and other federal land management agencies to explore the possibilities of such an exchange and then report back to Congress within one year.

Suggested Amendment: General Management Plan

NPCA also recommends requiring an update to the general management plan within three years.

Conclusion

In conclusion, Mr. Chairman, I would simply say that tragically, every day, pre-historic and historic archaeological sites in the United States are lost forever. Modern-day looters use backhoes and bulldozers to recover artifacts for the international market. Urban development and some agricultural methods destroy sites.

Congress has the ability, the opportunity, and the responsibility to prevent this loss of our heritage, which impoverishes both present and future generations. Promptly enacting H.R. 2234 into law will be a marvelous and tangible step forward to meet these duties. Future generations will thank you for your wisdom to act now.

Also, for the record, NPCA would like to voice support for another piece of legislation being discussed here today: H.R. 2238, the Fern Lake Conservation and Recreation Act of 2001. Fern Lake and its watershed will be important additions to Cumberland Gap National Historical Park. The Fern Lake watershed is an integral part of the historic landscape that visitors come to see. Additionally, the acquisition of this property will protect the vista from Pinnacle Overlook, one of the park's most valuable scenic resources.

Thank you for inviting NPCA to appear before you today and for considering our views. I would be happy to answer any questions.

Mr. RADANOVICH. Next up is Karla Bowling. Karla, welcome to the hearing. And, of course, you are here to speak on the acquisition of Fern Lake, H.R. 2238.

Please begin and tell us what you know.

**STATEMENT OF KARLA BOWLING, EXECUTIVE DIRECTOR,
BELL COUNTY CHAMBER OF COMMERCE, MIDDLESBORO**

Ms. BOWLING. Good afternoon, Chairman Radanovich and Subcommittee members. My name is Karla Bowling. I am the executive director of the Bell County Chamber of Commerce. I am here to represent the citizens of Middlesboro, Kentucky, to lend support for House Resolution 2238 authorizing the Secretary of the Interior to acquire Fern Lake and the surrounding watershed for addition to Cumberland Gap National Historical Park.

First of all, let me say that it is truly an honor to be asked to appear before you today in this small yet significant role in our democratic process. I truly appreciate the service you provide to the citizens of our country and especially the unity you have shown which has become a model for the rest of our Nation.

The initiative that brings us here today would accomplish several objectives and strike a delicate balance in promoting the interests of business and economic development while at the same time protecting our precious natural resources. Far from just helping the citizens of Middlesboro, acquiring Fern Lake would benefit the entire region, and I would venture to say the hundreds of thousands of tourists who visit our part of the country each year.

This piece of legislation would help us to further capitalize on the breathtaking beauty of our natural resources through tourism initiatives, preserve and protect the environment, and increase the economic viability of our people.

From my perspective as a Chamber of Commerce director, it almost seems too good to be true. But, taken piece by piece, it is logical and makes great business sense.

Allow me to briefly address some of these points. About 5 years ago, the lake and adjacent watershed was auctioned and purchased by a local coal company. The company applied for permits to mine the coal on the watershed. But these permits were denied due to the inability to ensure that the water supply would be protected. It was at this time that the city and park became acutely aware of how vulnerable that piece of property was. Protecting the integrity of the water as well as the beauty of the watershed from the adjacent park overlook has proven to be a daunting task. Acquiring the land and incorporating it into the national park would ensure that the water supply would be protected for generations to come.

Our Congressman has made great progress in Kentucky to bring potable water to rural areas. We must not regress and threaten this water source for the more than 20,000 residents who depend on Fern Lake as their sole supply of fresh, clean water. Our land, our people, and our natural resources are too precious to leave unprotected.

Not only is our water supply important to our citizens, but it is crucial to the viability of some of our area's largest employers. Cumberland Gap Provision Company produces ham products and also manufactures Highlander Ice, both with a retail base reaching across America.

Water purity is imperative in the curing, smoking, and packaging processes of their hams. It goes without saying that the purity of the local water supply greatly affects the taste of all of their products. These two companies employ more than 375 people and have recently invested more than \$14 million to expand their facilities.

Another company that depends on the quality water supply is Middlesboro Coca-Cola Bottling. These companies are significant contributors to the local economy and the quality of life for our citizens.

We can't afford to jeopardize the livelihood of our city's largest employers, and, most importantly, the families that rely on these good paying jobs.

Acquisition of this land also makes sense when addressing the need to generate park revenues. Profit from the sale of water to the local water utility is approximately \$85,000 per year. Money could be earmarked to go back into Cumberland Gap National Historical Park, to be used for trail maintenance, facilities upkeep, recreational needs, staffing and other related expenses.

Now, on to the issue of promoting additional recreational opportunities and ecotourism. In the fast-paced, stressful world we live in today, many tourists are looking for a way to get away from it all. They are looking for a quiet respite from their cares and worries: simple vacations, a reconnection with nature, and a return to simplicity.

More and more Americans are looking for the kind of getaway that the Fern Lake property could provide if properly developed. The recreational possibilities are endless and could all be in keeping with the ecologically sound parameters set forth by national park guidelines.

In fact, the lake already functions as a small private fishing and boating club, where a modest pavilion is used for various community activities, including weddings, family reunions and picnics. Future plans could include a lodge to accommodate corporate retreats, business and government conferences, a wildlife or waterfowl observatory, fitness and nature trails, youth camps, scouting, and other functions that could be promoted to bring in additional tourism and recreational revenues.

The national park is the third most visited attraction in our State. Moreover, tourism is the third largest industry in Kentucky, bringing in revenues of almost \$9 billion annually. Although the Nation as a whole is experiencing a short-term decline in tourism as a result of the tragic events of September 11th, we expect to maintain, if not increase our tourism share because of the rural nature of tourist destinations in our region.

In fact, in the past few months we have had an influx of visitors and increase for tourist information packets from places such as Tampa, Atlanta, Cincinnati, New York, New Orleans, Nashville, Asheville, and Jacksonville, to name just a few.

Tourism revenues have the potential to play a significant role in the reversal of our economic decline in Appalachia. We work extremely well with our national park and share a similar vision of how to promote our heritage and expand tourism.

In closing, let me make one last point. Before you on the easel, you have some exquisite photos of the property that we are discussing today. As you stand at the Pinnacle Overlook, you are 2,440 feet above sea level, the highest point above the Cumberland Gap.

Fern Lake and the untouched beauty of the mountains surrounding you are an integral part of the breathtaking view that lies before you. I imagine this is similar to what our ancestors saw as they stood in this spot hundreds of years ago. As far as the eye can see, the pristine beauty of our heritage surrounds you.

We cannot take the chance of letting this precious resource slip through our fingers. In the past, we have made the mistake of not protecting our environment and the natural beauty it provides to nourish our souls. This is a wonderful opportunity.

Seldom do we see such synergy between economic development, tourism, and the preservation of our natural resources. We wholeheartedly support this initiative. Thank you very much for your time.

Mr. RADANOVICH. Thank you very much, Ms. Bowling.

[The prepared statement of Ms. Bowling follows:]

Statement of Karla Bowling, Executive Director, Bell County Chamber of Commerce, Middlesboro, Kentucky

Good afternoon Chairman Radanovich and Subcommittee members. My name is Karla Bowling; I am the Executive Director of the Bell County Chamber of Commerce. I am here to represent the citizens of Middlesboro, Kentucky, to lend support for House Resolution 2238 authorizing the Secretary of the Interior to acquire Fern Lake and the surrounding watershed for addition to Cumberland Gap National Historical Park.

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This piece of legislation would help us to further capitalize on the breathtaking beauty of our natural resources through tourism initiatives, preserve and protect the environment, and increase the economic viability of our people. From my perspective as a Chamber of Commerce Director, it almost seems too good to be true. But taken piece by piece, it is logical and makes great business sense. Allow me to briefly address some of these points.

About five years ago, the lake and adjacent watershed was auctioned and purchased by a local coal company. The company applied for permits to mine the coal on the watershed, but these permits were denied due to the inability to ensure that the water supply would be protected. It was at this time that the city and the park became acutely aware of how vulnerable that piece of property was. Protecting the integrity of the water as well as the beauty of the viewshed from the adjacent park overlook would prove to be a daunting task.

Acquiring the land and incorporating it into the National Park would ensure that the water supply would be protected for generations to come. Our Congressman has made great progress in Kentucky to bring potable water to rural areas. We must not regress and threaten this water source for the more than 20,000 residents who

depend on Fern Lake for their sole supply of fresh, clean water. Our land, our people, and our natural resources are too precious to leave unprotected.

Not only is our water supply important to our citizens, but it is crucial to the viability of some of our area's largest employers. Cumberland Gap Provision Company produces ham products and also manufactures Highlander Ice—both with a retail base reaching across America. Water purity is imperative in the curing, smoking, and packaging processes of their hams. It goes without saying that the purity of the local water supply greatly effects the taste of all of their products. These two companies employ more than 375 people and have recently invested more than \$14 million to expand their facilities. Another company that depends on a quality water supply is Middlesboro Coca-Cola Bottling. These companies are significant contributors to the local economy and quality of life for our citizens. We can't afford to jeopardize the livelihood of our city's largest employers and most importantly the families that rely on these good-paying jobs.

Acquisition of this land also makes sense when addressing the need to generate Park revenues. Profit from the sale of water to the local water utility is approximately \$85,000 per year. Money could be earmarked to go back into Cumberland Gap National Historical Park to be used for trail maintenance, facilities upkeep, recreational needs, staffing, and other related expenses.

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In closing, let me make one last point. On the easel before you are some exquisite photos of the property we are discussing today. As you stand at the Pinnacle Overlook, you are at 2,660 feet above sea level—the highest point above the Cumberland Gap. Fern Lake and the untouched beauty of the mountains surrounding it are an integral part of the breathtaking view that lies before you. I imagine this is similar to what our ancestors saw as they stood in this spot hundreds of years ago. As far as the eye can see, the pristine beauty of our heritage surrounds you. We cannot take the chance of letting this precious resource slip through our fingers. In the past, we have made the mistake of not protecting our environment and the natural beauty it provides to nourish our souls.

This is a wonderful opportunity. Seldom do we see such synergy between economic development, tourism, and the preservation of our natural resources. We wholeheartedly support this initiative!

Thank you for your time.

Mr. RADANOVICH. Any questions? Mr. Hefley.

Mr. HEFLEY. Yes, thank you. I thought all of your testimony was very good. Ms. Russell, I thought your testimony was very good, although I have to tell you that I have learned over the years not to put any credence in anything that comes out of your organization. I have no trust or confidence in your organization. If the orga-

nization would like to talk to me about it at some point, I would be happy to sit down with them and do it. But I thought your testimony was very good.

Ms. Bowling, I would say to you, first of all, I think both of these projects sound like they are laudable projects and we probably should go ahead and pursue them. But I would say to you, like I did to the Congressman a few moments ago, you need to make sure that the Congressman makes sure that that water supply is tied up for Middlesboro. If you don't, in some administration down the line, someone is going to decide that there is a fish or a grub or a worm or something there that is more important and more valuable than are the people of your community, and therefore the water couldn't possibly be given to the people of your community. So you need to make sure that in law that is tied up. And I would pass that on to you.

And, Dr. Soukup with the Fern Lake project, I see a lot of land value there. I see recreational value from the lake. I see development value around the lake. I see mining value, perhaps, since they tried to get mining permits, maybe timber value there. So I can understand why that amount of acreage might be worth \$5 million.

On the other project, it appears to me that is mainly worthless desert. Worthless, except for the historical significance that we are trying to save. And I would hope that we are not going to pay more than a rancher would pay for it, or a miner or a developer, if there is any development.

Now, I know there is development across the road from the mission, but I would hope that the Federal Government, just because we are the Federal Government and we have an endless supply of money, are not going to pay more for that than people locally would pay for it for some economic value. Is it your sense that we can make sure that that doesn't happen?

Mr. SOUKUP. We have a fairly rigorous appraisal process in place that has to be executed for any property that we buy. We are not allowed to pay more than the appraisal price without the permission of Congress. So we have a fairly strict process that gets a lot of scrutiny and we think it is pretty good.

Mr. HEFLEY. Well, the key to what you just said is without the approval of Congress. And you have got—you know, Congress can approve things because a powerful member of the Appropriations Committee might want this project in his home district or something. So we have got to be very careful.

But in saying that, I don't want to take away from the project. I think the project sounds to me like it has enormous value. Those are the kind of values that I would like for us to protect. And, gosh, you have got this wonderful mission there already as the hub of it.

Let me ask you, though, about the orchard. You are talking about \$100,000 for an orchard. I wonder what in the world kind of orchard are you going to produce? I am sure the original settlers never thought of that as a \$100,000 orchard. What kind of orchard is that going to be for that kind of money?

Mr. SOUKUP. That is an excellent question. That is the estimate that we got from the park. I think that is a bit high. I am little

bit concerned myself about the ongoing upkeep of it being sort of a process that I am not so sure that we have looked at fully.

But that is the rough estimate, I would think, for the park. I don't know what that purchase is, but we could check into it.

Mr. HEFLEY. I hope it is very, very rough estimate, because that sounds like an awful lot of money just to show that they used to raise pears on that land.

I think that is all that I have, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Hefley. There being no other questions, this hearing is adjourned. I want to thank you all very much for your valuable testimony. And we are adjourned. Thank you.

[Whereupon, at 3 p.m., the Subcommittee was adjourned.]

