

OPERATION OF THE NATIONAL CONSTITUTION CENTER; PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME; VISITOR CENTER FOR THE VIETNAM VETERANS MEMORIAL; CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL; NATIONAL PARK SYSTEM ADVISORY BOARD; AND ADMINISTRATION OF CHANNEL ISLANDS NATIONAL PARK

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

S. 1686

S. 2417

S. 2419

S. 2627

S. 2568

H.R. 4192

H.R. 4882

S. Res. 468

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TUESDAY, MAY 16, 2006

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

The subcommittee met, pursuant to notice, at 2:29 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

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

Senator THOMAS. OK, we'll call the committee to order. It may be a minute early, but we may get called a little earlier this afternoon, too. So, good afternoon. I wanted to welcome Deputy Director Steve Martin, from the National Park Service, and the other witnesses that we have here today.

Our purpose for this hearing is to receive testimony on five Senate bills, one Senate resolution, and two House bills:

S. 1686, a bill to amend the Constitutional Heritage Act of 1988 to provide for the operations of the National Constitutional Center;

S. 2417 and H.R. 4192, bills to authorize the Secretary of the Interior to designate the William Jefferson Clinton Birthplace Home in Hope, AK, as a National Historic Site and a unit of the National Park Service;

S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial;

S. 2568, a bill to amend the National Trail System Act to designate the Captain John Smith Chesapeake National Historic Site;

S. 2627, a bill to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and for other purposes; and,

S. Res. 468, a resolution supporting the continued administration of the Channel Islands National Park, including Santa Rosa Island, in accordance with the law and the policies of the National Park Service.

With all these bills, I've heard more about the visitor center for the Vietnam Memorial than the others. On the one hand, I've heard about delays approving the site for the underground center; on the other hand, I've heard of the need to satisfy all of the compliance requirements.

Congress has approved the center, and I would hate to see delays, for bureaucratic reasons, but I understand the importance of determining possible impacts on the Mall before proceeding. Having this hearing, I hope we can find a way to get the job done in a reasonable amount of time without impacting the use and enjoyment of the Mall by future generations.

S. Res. 468 is another item on today's agenda. I understand a provision has been added to the defense authorization bill in the House to ultimately allow military personnel to hunt deer and elk in the national park on Santa Rosa Island. As a former marine, I fully support activities to improve the morale of members serving. However, it's my hope that a hearing such as this can determine if hunting in the national park is an appropriate way to reward our veterans.

We look forward to hearing the testimony of these and other bills. And we thank the witnesses for being here today.

Let's see if we have any opening statements.

Senator Allen.

Senator ALLEN. Mr. Chairman, I'll yield to the ranking member, Senator Akaka.

Senator THOMAS. Thank you. That was my mistake.

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

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

We have several interesting legislation proposals today on our agenda, and I would be—I would like to make some brief comments about them.

The first item is S. 2419, and its House-passed counterpart, H.R. 4882, which would select a site for the visitor center that was authorized 3 years ago for the Vietnam Veterans Memorial. The preferred site is a parcel of land across from the memorial. Perhaps more than any other memorial in our Nation's capital, the Vietnam Veterans Memorial is a symbol of what a successful memorial should be: unforgettable architecture and a source of remembrance and healing.

I am a proud supporter of the proposal to build an underground visitor center to help educate new generations about the war and the Americans who fought there. I'm also mindful of our responsibility as stewards of the National Mall and the laws this committee has put in place to protect the Mall, and to ensure that all new

construction proposals undergo a vigorous review and approval process.

I understand that the proposed location for the visitor center has received preliminary approval from two of the three agencies involved, but still awaits a decision from the National Capital Planning Commission. It is my hope that we can move forward in a timely manner with this review and approval process so that construction of the new visitor center is not unduly delayed. I look forward to hearing more about this from the witnesses who will be testifying on this bill.

The second issue I would like to comment on is Senators Feinstein and Boxer's resolution concerning the management of Santa Rosa Island, which is part of the Channel Islands National Park. The island has a long and complicated history, but in 1986 the people of the United States paid almost \$30 million to acquire the island to be managed as part of the national park. In accordance with the court-approved settlement, the pre-existing commercial hunting operation will be phased out within the next 5 years, and, at that time, the island will be managed consistent with other national parks, allowing for public recreation and enjoyment, while protecting the island's native plant and animal species.

As you know, last Congress there was an attempt made, as part of the Department of Defense authorization bill, to change the island's status and to allow for continued hunting opportunities for members of the armed forces, disabled veterans, and their guests. Although that proposal did not succeed, the issue has been included again this year in the House version of the DOD authorization bill.

While I certainly support hunting and other recreational activities for veterans, I don't believe it is appropriate to use a national park for that purpose, and I hope we can keep the debate over the management of a national park in this committee, where it belongs.

Finally, I would like to express my support for the proposal to designate President Clinton's boyhood home as a national historic site, and the Captain John Smith Water Trail as a National Historic Trail. I understand that the Park Service has not completed its studies on either proposal; however, in my view, both are clearly nationally significant, and in these specific cases I don't believe that proceeding with the designation will complicate their future management.

Mr. Chairman, I would like to extend a warm welcome to all of our witnesses who are here to testify this afternoon. I look forward to hearing them.

Thank you very much.

Senator THOMAS. Thank you, Senator.

Now, Senator Allen.

**STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR
FROM VIRGINIA**

Senator ALLEN. Thank you, Mr. Chairman.

I appreciate the opportunity to speak about a very important time, place, and individual in the history of the United States.

And I was glad to hear Senator Inouye's—excuse me, Senator Akaka's comments on the Captain John Smith Chesapeake National Historic Trail Designation Act. Almost 400 years ago, Captain John Smith was one of America's earliest English explorers, and he sailed into the mostly uncharted waters of the Chesapeake Bay and its tributaries. Captain John Smith was one of the key founders of the settlement at Jamestown. He spent 3 years, we'll find from the testimony—and I see my colleagues are here from Virginia and Maryland, but he spent 3 years—1607 through 1609—exploring and mapping the Chesapeake Bay and its tributaries in Virginia, Maryland, Delaware, and parts of Pennsylvania, covering about 3,000 miles. These maps were some of the most accurate early maps of the whole Chesapeake Bay region. His voyages took him—and we'll see the maps. And he did make a comment. He said, quote, "Heaven and Earth never agreed better to frame a place for man's habitation." Well, judging by the population of Virginia and Maryland and Delaware and Pennsylvania, he proved to be correct.

Most importantly, and why we need action—and I thank you, Mr. Chairman, for having this hearing on this bill—is that next year we'll be celebrating the 400th anniversary of the founding of Jamestown. Jamestown, as a practical matter, is the cradle of American liberty. It's where representative democracy started, the first legislative body and a variety of other highlights of national historic significance.

We need to move this measure—and we'll hear testimony from the Park Service and others—and the sooner we can get this moving, the more it'll converge with the celebration, when much of the world is going to be looking at Virginia, and the 400th anniversary of the founding of American liberty at the cradle of American liberty, in Jamestown. And so, it will have historic, educational, and tourism value for us. So, I'm hopeful that the testimony that we adduce here today at this hearing will help us move this legislation forward so that our States and our Federal partners can work together, so that the celebration of Jamestown's 400th anniversary will be as pleasurable, helpful, and, in fact, a long-lasting legacy of the 400th commemoration.

And I thank you, Mr. Chairman.

And I'm glad to see my colleagues, Senator Warner and Senator Sarbanes, who are also key leaders on this matter, as well as Senators Mikulski, Biden, and Carper here, as well.

And, again, I thank you for putting this on the docket, recognizing that the study is not quite yet complete, but I think that the testimony that we'll hear, and the evidence, will allow us to, with comfort, move forward on this as quickly as possible.

Senator THOMAS. Thank you very much.

Senator FEINSTEIN.

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

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

I wanted to comment on Santa Rosa Island, which is part of the Channel Islands, right off the coast of Santa Barbara, in California. I know my colleague is going to comment more precisely on the ge-

ography of the island, so I won't, except to say it's not a small island. It's 54,000 acres, so it's fairly good-size island.

This island was bought by the Park Department in 1986 for \$30 million from the company Vail & Vickers, who had owned this island prior to that. The purpose was to restore its native ecology, and also to provide public access. In addition to that, the prior owners of the island were told that they would be allowed to keep hunting and grazing on the land through 2011. There was a court—they went to court, and there was a settlement in the court. And the court found that they would remove the cattle immediately, but reaffirmed that the non-native deer and elk would have to go by 2011. The court actually set up a framework for that: 75 percent will be left by the end of 2008, 50 percent by the end of the 2009, 25 percent by the end of 2010, and zero by 2011.

Now, this company runs the hunting on the island. This is \$9,000 for a trophy elk on this island. This island is public property. It is all supposed to revert to the public in 2011. What was added in the defense authorization bill essentially prevents it from reverting to the public at the end of 2011, despite the court settlement, despite the fact that in 1986 the taxpayers paid \$30 million for the island.

Now, the reason given was, "Oh, well, we're going to have hunting for the military." Well, we have a number of bases in California where the military can hunt, where disabled military can hunt. This is also a rugged island. It's difficult to get around. It's offshore, so getting people there, too, is somewhat difficult.

I've been interested in this, because I don't quite understand why anyone would put in a bill to essentially give a very big monetary gift to owners who sold the island to the public, where there is a court settlement that specifically provides that all of this ends by 2011.

So, Senator Boxer and my resolution essentially negates what has been put in the House defense authorization bill.

Senator THOMAS. Thank you very much.

We're very pleased to have several Senators here today. I'll break our tradition, I think, and ask you to speak in the order of your appearance so it won't take very long.

Senator Pryor.

**STATEMENT OF HON. MARK PRYOR, U.S. SENATOR
FROM ARKANSAS**

Senator PRYOR. Thank you, Mr. Chairman. And I want to thank you and the committee for allowing me to testify on behalf of S. 2417, legislation to designate the President William Jefferson Clinton Birthplace home, in Hope, AK, as a National Historical Site and unit of the National Park System.

Congressman Mike Ross has shepherded identical legislation through the House of Representatives, which passed, on March 8, by an overwhelming majority.

The little wood-frame house at 117 South Hervey Street begins the first chapter to a story that many people in America are familiar with. And it's a story of hope and opportunity. It's the home where Billy Blythe spent his first years, where he tells us he learned to walk and talk and pray and read and count by using

playing cards. It is, by all means, a modest home that defines a humble childhood. It is the birthplace home of our 42nd President. Like the homes of presidents who came before him, I believe this landmark deserves Federal recognition and should be preserved as part of the National Park System.

President Clinton's birthplace underwent an extensive renovation funded by the nonprofit Clinton Birthplace Foundation. During the home's dedication in 1999, then-President Clinton recalled that we make seemingly ordinary places into landmarks because they "remind us that America's greatness can be found not only in its large centers of wealth and culture and power, but also in its small towns, where children live, learn from their families and neighbors the rhythms and rituals of daily life. They learn about home and work, about love and loss, about success and failure, about endurance, and the power of dignity of their dreams."

Mr. Chairman, I know that the National Park Service has an objection, similar to the one that Senator Allen mentioned a few moments ago. They would like to do a 2-year study. They made the same objection with President Reagan's home, and the Congress overcame that objection. I think overcoming the objection here would be very justified, given the fact that the Clinton Birthplace Foundation has already done extensive renovation to the infrastructure and the other circumstances around this site.

So, Mr. Chairman, thank you. And I want to thank members of the committee.

Senator THOMAS. Thank you very much.

Senator Boxer.

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR
FROM CALIFORNIA**

Senator BOXER. Thank you so much, Mr. Chairman.

Mr. Chairman, it's a sort of a strange issue we bring before you, because Senator Feinstein and I are a little perplexed as to why this has happened. And I think she outlined that we have to be very careful here when there looks like a proposal that's going to benefit a private individual.

I want to show you the picture of Santa Rosa Island, located right off of Santa Barbara. See, it's quite beautiful. And that's why the National Park Service wanted to have it for all of us to share, all of your constituents and mine, a very important parcel. And Senator Feinstein and I believe strongly—and I have a sense, after listening to your brief comments, Mr. Chairman, that perhaps you'll come down on our side.

I just want to bring a point out here. We are perplexed, Mr. Chairman. You served in the House; right? I served in the House. Senator Akaka served in the House. It's unusual for a Congress Member from another district to come in and say to another member, "This is what I want to do, and, whether you oppose it or not, I'm going to do it." It's rare. I mean, even with partisan divide, we really respect each other's boundaries most of the time. So, this is also confusing to us.

And I won't go through everything Senator Feinstein said to you about the private company, about the deal that was cut, but I will tell you that there's—I wanted to talk to you specifically about the

other opportunities for the military to hunt, because Senator Feinstein alluded to those. And I would ask unanimous consent to place in the record a little Web site from the Camp Roberts Hunting Program, if I might, Mr. Chairman.

Senator THOMAS. It will be included.

Senator BOXER. And Fort Hunter Liggett. And we know Vandenberg has a hunting program. So, there are these great opportunities for hunting in other bases

I don't know if I asked already, but I would like to put my whole statement in the record. And I'm really almost done, because I think I can just summarize.

Senator THOMAS. It will be in the record.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Thank you Mr. Chairman, and let me begin by expressing my appreciation to the Subcommittee for holding a hearing on this important topic.

I also appreciate the opportunity to speak on the matter before us, which greatly impacts a very special and fragile part of my state—Santa Rosa Island in Channel Islands National Park.

CHART—Island—This is Santa Rosa Island. Located off the South-Central Coast of California, Santa Rosa Island is 54,000 acres.

Mr. Chairman, Channel Islands National Park, like all National Parks, belong to everyone.

All Americans, not just a select few, have the right to access and enjoy these marvelous places.

That is why I am greatly disturbed by attempts to limit access by the general public to any national park especially one as stunning as Channel Islands.

However, one member of Congress, Rep. Duncan Hunter is trying to change this and curtail conservation efforts and the general public's access to this National Park.

Last week, Rep. Hunter included a provision in the House Department of Defense (DoD) authorization bill directing the Interior Secretary to cease the removal of non-native deer and elk populations on the Island this provision would effectively overturn? settlement agreement with the Park Service to phase-out hunting operations there and help restore the natural ecosystem.

Last year, Rep. Hunter went as far as try to transfer control of the island from the National Park Service to the Department of Defense, for the private use of top military brass and their official guests. After that rationale failed, he tried to say that he wanted to give veterans more hunting opportunities.

Mr. Chairman, I am all in favor of providing recreational and hunting opportunities to our service men and women. In fact, the Department of Defense is required to provide outdoor recreational opportunities on bases.

Indeed, in my home state of California, Vandenberg Air Force Base, Fort Hunter Liggett Reservation, and Camp Roberts Reservation all provide hunting opportunities to the military and veterans.

I would like to submit for the record the Fort Hunter Liggett Reservation hunting program, taken from the Reservation's website. There, our service men and women can hunt elk, deer, rabbit and fowl.

Mr. Chairman, the Pentagon did not ask for this; the Park Service certainly didn't ask for this.

Both Rep. Lois Capps and the Ventura County Board of Supervisors strongly oppose this.

That is why Senator Feinstein and I introduced a Sense of the Senate Resolution expressing the need to manage the island under the laws and rules: of the Park Service.

I would like to take a few moments and show you this special place and some of the wildlife that calls Santa Rosa Island home.

CHART—This is the endangered Santa Rosa Island fox.

CHART—Baby Fox—The Fox is a subspecies of the endangered Channel Island Fox. These foxes are unique to the islands—perfectly adapted to the distinct conditions of the islands, and they live nowhere else on earth.

CHART—Golden Eagle—The foxes have become endangered because of the Golden Eagle.

Golden Eagles were attracted to the young deer and elk, when they were brought to the island in the early 20th century for commercial hunting.

After the Park Service purchased the Island for the Park in 1986, a settlement agreement was reached with the island's original owners to phase-out hunting and the deer and elk populations.

Under the settlement agreement, the Park Service is removing these non-native populations to restore the ecosystem of Santa Rosa Island to its natural state.

This is very important not only to restoring the island but also to allowing full access to the Park—90% of the island is off-limits to the general public for 4 or 5 months each year during the hunts.

That is why the settlement agreement is so important.

Mr. Chairman, this is a unique and special place—we cannot allow the whims of one Member of Congress—no matter how powerful that member may be—to compromise the public's access to treasures like Santa Rosa Island.

I would like to conclude with the words of warning that President Harry Truman made when Everglades National Park in Florida was inaugurated.

"We have to remain constantly vigilant to prevent raids by those who would selfishly exploit our common heritage for their private gain. Such raids on our natural resources are not examples of enterprise and initiative. They are attempts to take from all the people for the benefit of a few."

Senator BOXER. I'd like to put in the record Rep. Lois Capps' statement for your consideration against this. She's the Congresswoman who represents the area. Also, the National Park Conservation Association opposing Representative Hunter's legislation and supporting ours, and other organizations. And the Ventura Board of Supervisors, which is quite bipartisan, opposing what Congressman Hunter is trying to do.

[The prepared statement of Representative Capps follows:]

PREPARED STATEMENT OF HON. LOIS CAPPS, U.S. REPRESENTATIVE
FROM CALIFORNIA

Mr. Chairman and members of the Subcommittee, thank you for holding this hearing today and for the opportunity to present testimony in support S. Res. 468. This resolution recognizes the importance of Santa Rosa Island and the Channel Islands National Park, which is located in my congressional district.

I want to also thank my colleagues from California, Senator Feinstein and Senator Boxer for introducing S. Res. 468 and for bringing this important issue to the Committee's attention.

As you are well aware, the FY 2007 Department of Defense Authorization Act, which recently passed the House, contains a provision that negatively affect the public's access to Santa Rosa Island.

Last week, I tried to offer an amendment to remove this offending provision from the bill. Unfortunately, my amendment was not made in order by the House Rules Committee and so the full House was not able to debate or express its will on the issue. That's why this legislation before you today is so important.

The provision in the House defense bill has many problems.

First, this issue has no place in the defense authorization legislation. This language deals with the operations of a National Park and interferes with the mission of the NPS to restore the islands and open them to the public. There have been no congressional hearings or opportunity for public input on this proposal. It is my understanding that the Defense Department has not requested this provision and the NPS strongly opposes it.

Second, this proposal seeks to continue indefinitely an unusual trophy-hunting operation of non-native deer and elk on Santa Rosa. This operation currently closes off public access to about 90 percent of the island for 4 to 5 months of the year while hunting is underway. However, the hunting is scheduled to wind down over the next several years and cease completely in 2011, when full public access to the island will be ensured. This proposal would also undermine the Park Service's on going and successful work to restore the island to its natural form.

The termination of hunting operations is being done through a legally binding court ordered Settlement Agreement entered into by the Park Service, the previous landowner (Vail & Vickers), the Justice Department, and the National Parks Conservation Association. It is my understanding that even Vail & Vickers is not seeking to extend the hunting operation. Neither is the Park Service, Justice Department or the National Parks Conservation Association.

Under the provision in the defense bill, one of the principal goals of this settlement—year-round public access to Santa Rosa—simply would not happen. And it would hinder the Park Service's plans to turn the island into a destination spot, complete with overnight lodging and expanded access for disabled visitors.

Third, this proposal appears to be predicated on giving members of the armed forces and disabled and paralyzed veterans' greater access to Santa Rosa Island. To be perfectly clear—everyone has access to the island right now, including members of the armed forces and veterans. If there is a need to address access problems for members of the armed forces or veterans, then this issue can be worked out without any legislation. I have spoken with the Superintendent of the Channel Islands National Park and he assures me that he is willing to do whatever he can to work with the Defense Department if there are any access problems veterans might be having. The Defense Department has made no such requests.

Last year when this issue was raised at the end of the defense authorization conference, the author of the provision, the Chairman of the House Armed Service Committee, argued that this proposal would allow our servicemen and women and veterans to engage in hunting activities on the island. They can do that currently, but a quick look at the website of the hunting outfitter contracted by Vail & Vickers shows that hunting trips cost between \$5,000 and \$16,500. Admittedly, that is hardly within the reach of your average soldier, sailor or airman. But in an era of \$300 to \$400 billion annual deficits and monthly obligations of nearly \$10 billion in Iraq and Afghanistan alone, it seems unlikely that the Pentagon will seek funding to subsidize hunting trips or that Congress would go along if it did.

Mr. Chairman, it is important to remember how this all started. It was a mere five months ago that Chairman Hunter proposed kicking the public off Santa Rosa completely by transferring the island to the Defense Department. This was rejected by the defense authorization conference, after being called an attempt to create a private hunting reserve for top military brass and their official guests.

Then the idea of giving veterans more hunting opportunities became the reason to intervene in Santa Rosa. But, as discussed earlier, veterans already have access to Santa Rosa and the Park Superintendent has offered to address any problems with that access. And veterans currently enjoy a wide variety of other hunting opportunities on private and publicly held lands, as well as on military bases around the country. For example, Vandenberg Air Force Base, Fort Hunter Liggett and Camp Roberts all on the Central Coast provide hunting to the military and veterans.

The latest rationale for this proposal is supposedly to stop "the extermination" of these privately owned, non-native deer and elk on Santa Rosa Island. However, the settlement agreement only calls for removal of the animals; it does not specify how the animals must be removed. If Vail & Vickers wish to remove their animals to the mainland, they are not precluded by the agreement from doing so and I would support such an effort. It is important to remember that the animals are being removed because of the damage these large herds cause to Santa Rosa and federally listed species.

The proposal contained in the defense bill would mean something far different than more hunting opportunities for veterans or animal protection. It would mean the indefinite continuation of inappropriate trophy-hunting in a National Park. This would keep the public off Santa Rosa for nearly half of the year while hunting is underway. I would remind the Committee that the public paid \$30 million for this island 20 years ago. Last year, some 5,000 people visited Santa Rosa Island and that this numbers will increase commensurately once the island is open year-round to the public.

In addition, the defense bill language would require the Park Service to maintain the huge herds of non-native deer and elk on the island in numbers that exist today. These are, of course, animals the Park Service does not even own so there are takings issues at play here. And, from the conservation perspective, maintaining these huge herds would mean continued damage to federally listed species and reduce the value of the Channel Islands National Park.

Mr. Chairman, the issue of ending hunting on the island is a very serious one. The Park Service and Vail & Vickers are in constant contact on this issue to ensure the cessation date is met and that it is done in a fair and equitable manner. The goal is to ensure that the public, finally, has full access to its national park.

I hope the Committee adopts S. Res. 468 to show its support for the goal of making Santa Rosa Island publicly accessible year-round, as it should be.

Thank you again for your interest in this issue and I look forward to working with the Committee to show support for Santa Rosa Island.

Senator BOXER. But let me say, as a senior member on the Environment Committee, I just wanted to point something else out. This deal, which was resolved in the court, was resolved to protect—let's show the fox, the Santa Rose fox. And this beautiful—God's creature here, Mr. Chairman, is now a threatened species. And one of the reasons for the court deal was to protect this species, which is in deep trouble. Let's show the actual size. I know you're not—I mean, I'm excited about this because of the Environment Committee. So, I wanted to show you that this is—we're dealing with saving this—God's creature, as well as all these other things, preserving this area for everyone to use and enjoy.

So, I hope you'll come—

Senator ALLEN. Is that full grown?

Senator BOXER. It's a baby.

Senator ALLEN. Oh, OK. Good.

Senator BOXER. It's a little baby.

Senator ALLEN. Good.

Senator BOXER. But look what happened to me, and I'm full grown. So, you never know.

[Laughter.]

Senator BOXER. You could have, you know, little guys out there.

Bottom line, I think the deal that was agreed to in the court settlement is a good one. I think that as representatives of all the people from your State and mine, we have a chance to be on the right side here. And I hope that you will support Senator Feinstein and I in our quest to keep this as it's supposed to be a public park, with no hunting after 2011.

Thank you.

Senator THOMAS. Thank you.

Senator Sarbanes.

Senator SARBANES. Well, Mr. Chairman, I'll yield to Senator Warner, who has another engagement that he has to get to, and then I'll follow along.

Senator THOMAS. Fine.

Senator Warner.

STATEMENT OF HON. JOHN A. WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman, members of the committee. I'll forgo my statement, given that my distinguished colleague and dearest of friends, George Allen, has covered every fact relating to this.

[Laughter.]

Senator WARNER. And what minor omission he may have, I can tell you that Mr. Sarbanes will tell it all better than I can.

[Laughter.]

Senator WARNER. He is known as Mr. Chesapeake Bay, because Senator Sarbanes and Senator Mathias, a former colleague of ours, have been the grand patrons of this bay for so many years. And you've done a wonderful job, I say to you, my dear friend. And I've been privileged to learn, at your side, all of the things about this glorious bay. Take it off from there and go with it.

[Laughter.]

Senator WARNER. Thank you very much.

Senator THOMAS. Thank you, Senator.
 Senator Sarbanes.

**STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR
 FROM MARYLAND**

Senator SARBANES. I think I'll yield to John Warner all the time.
 [Laughter.]

Senator SARBANES. Mr. Chairman and members of the committee, I welcome this opportunity to testify on S. 2568, designating the route of Captain John Smith's exploration of the Chesapeake Bay as a national historic trail.

Mr. Chairman, I ask consent to include the whole statement. I know the committee's under some time pressure, and I'll try to summarize.

Senator THOMAS. It will be included.

Senator SARBANES. OK.

We have, I think, a very unique opportunity to commemorate a very significant event in the history of our Nation, the 400th anniversary of Captain John Smith's first landing and settlement at Jamestown, VA, and the beginning of his momentous voyages of discovery throughout the Chesapeake Bay region.

Actually, there's a map over here that shows the explorations which John Smith made throughout the Chesapeake. And, of course, this is what we're trying to get designated now as National Historic Water Trail.

That, I think, is Smith's version. Why don't we put the one that's a little more understandable up ahead of it. You can see, starting down at the bottom, the route that was followed.

I think there's a compelling case for establishing this trail. Senator Allen and Senator Warner spoke to it. We're joined today by Pat Noonan, who's the chairman emeritus of The Conservation Fund, who originated this idea. And Pat's accompanied by Gilbert Grosvenor, the chairman of the board of the National Geographic Society. We'd like to get this done before the quadrennial celebration begins, in the spring of next year.

Congress, of course, established the National Trail Systems. A number of have been so authorized. This would be a water trail, so this is somewhat different from most of them. It doesn't raise some of the problems others raise, because there's very little land acquisition involved. The cost is relatively minimal. Last year, the committee helped us to move through the authorization for the Park Service to undertake a study of the feasibility of the proposed trail. They're moving ahead on that. They just came in with a report, which I would submit for the record, that found the criteria that perhaps is most difficult in establishing a national trail has been met, and that is that it is nationally significant. The other two criteria are a documented route, through maps or journals—and, of course, Smith kept incredible records and journals—and a significant potential for public recreational use, which, we submit, is apparent, on its face.

This project, I think it's important, if we possibly can, to get it done as we go into the quadrennial celebration. There'll be a high level of interest in Jamestown and Captain Smith, and Smith's voyages. The public, I think, will be very interested in the commemo-

rative events, learning more about Jamestown, about Captain John Smith. And this anniversary year gives us the opportunity to establish the trail, name a trail manager, and open a trail office in time to provide the public with information on this chapter. As Senator Allen said, we want to integrate it with the actual marking of the 400th anniversary.

Second, these National Historic Trails are—we reduce the cost substantially for the Federal Government by relying heavily on local nonprofit partners to help with education and interpretation and other components of the trail. And with the growing interest in the 400th anniversary, there's a unique opportunity to go to foundations, corporations, and other donors to seek non-Federal funds to help support the new trail. So, if we act promptly, we have the opportunity to save significant Federal funding with in-kind support, which we think is an important consideration.

I'd just submit to you, Mr. Chairman, and members of the committee, what better way to commemorate this very important part of our Nation's history than to honor John Smith's courageous voyages by designating the Captain John Smith Chesapeake National Historic Trail? We're strongly supported in our endeavor by our co-sponsors, Senators Mikulski, Carper, Biden, Santorum, and Specter, and the Governors of Maryland, Virginia, Delaware, Pennsylvania, the mayor of the District of Columbia, as well as scores of other officials, individuals, and organizations, including The Conservation Fund, the Garden Club of America, the Isaac Walton League of America, the Chesapeake Bay Foundation, and the Chesapeake Bay Commission.

Now, the Park Service has received somewhat less than 200 letters, which is a pretty good submission, all of them in favor. We know of no opposition to the legislation. But we're anxious to move the legislation in the effort to get the trail designated before the 400th anniversary celebrations. We think the most difficult criteria has been met by the submission of the advisory report. The Park Service is looking at the other two criteria, but no one expects any difficulty with those criteria. And we urge the committee, if it can find its way clear to do so, to get us on a fast track so we can get this trail in place as we go into the celebration of the quadrennial, in the early part of next year.

I thank the Chair.

[The prepared statements of Senators Sarbanes, Stevens and Hagel follow:]

PREPARED STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR FROM MARYLAND

Thank you, Mr. Chairman and Members of the Committee, for this opportunity to testify on S. 2568, designating the route of Captain John Smith's exploration of the Chesapeake Bay as a National Historic Trail.

We have a unique opportunity to commemorate a very significant event in the history of our Nation and of the Chesapeake Bay—the 400th Anniversary of Captain John Smith's first landing and settlement at Jamestown, Virginia and the beginning of his momentous voyages of discovery in the Chesapeake Bay region. There is a compelling case to be made for establishing this trail and Senators Warner, Allen and I are joined here today by Pat Noonan, Chairman Emeritus of The Conservation Fund—who conceived this idea—and Gilbert Grosvenor, Chairman of the Board of the National Geographic Society, to make that case and to appeal to the Committee to swiftly approve this legislation and designate this trail, this year, before our nation's quadcentennial celebrations in 2007.

As you well know, the Congress established the National Trails System “. . . in order to promote the preservation of, public access to, travel within and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation.” National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this system to identify and protect historic routes for public use and enjoyment and to commemorate major events which shaped American history. To qualify for designation as a National Historic Trail, a trail must meet three principal criteria: It must be “nationally significant,” have a documented route through maps or journals, and offer significant potential for public recreational use. There is no question that the proposed Captain John Smith Chesapeake National Historic Trail meets these criteria and is a fitting addition to the National Trails System.

We are grateful for the Committee’s support last year in helping us to enact provisions authorizing the National Park Service to undertake a study of the feasibility of establishing the proposed trail. Pursuant to that legislation, on March 21, 2006, the National Park System Advisory Board concluded that the proposed trail is “nationally significant” because of its impact on the exploration and settlement of North America, its impact on the commerce and trade of North America and its impact on our ethnic heritage and relations between the English settlers and the Native American tribes of the region. The National Park Service has been proceeding expeditiously with its examination of the other two criteria and recently completed a thorough, peer-reviewed report, which is now being published, documenting the routes of John Smith’s Chesapeake voyages, satisfying the second of the three criteria. The careful journals that Smith kept and the remarkably accurate maps and charts he made of his voyages into the Chesapeake Bay and its tributaries provided a wealth of information to support this study.

Likewise it is clear that the proposed trail offers tremendous opportunities for public recreation and historical interpretation and appreciation. Similar in historic importance to the Lewis and Clark National Trail, this new historic “watertrail” will inspire generations of Americans and visitors to follow Smith’s journeys, to learn about the roots of our nation and to better understand the contributions of the Native Americans who lived within the Bay region. It would allow voyagers in small boats, cruising boats, kayaks and canoes to travel the same routes that Smith took—from the mouth to the headwaters of Chesapeake Bay—and serve as a national outdoor resource, providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 million Americans living in the Bay’s watershed, but for visitors to this area. Already reports about the proposed trail and the reproductions of the vessels the Godspeed and open shallop—are generating national and international attention and inquiries. Equally important, the Trail would help highlight the Bay’s remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world’s most productive estuary. In response to an inquiry on the status of the study that Senator Warner and I sent to the National Park Service, the Director recently responded “. . . we have not encountered any information that would lead us to believe that the trail fails to meet required criteria for designation.”

What better way to commemorate this important part of our nation’s history and honor John Smith’s courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? We are strongly supported in this endeavor by our co-sponsors, Senators Mikulski, Carper, Biden, Santorum and Specter, by the Governors of Maryland, Virginia, Delaware and Pennsylvania and the Mayor of the District of Columbia, as well as scores of other officials, individuals and organizations, including the Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation, and the Chesapeake Bay Commission. In fact we know of no opposition to the legislation.

There is precious little time remaining in this session of the Congress—less than 15 weeks—and it is important to have this legislation on a fast track if we are to have any hope of having the trail designated before the 400th anniversary celebrations in 2007. We urge the Committee to swiftly approve this measure and report it to the full Senate for consideration.

PREPARED STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

On November 5th, 2003 Congress passed legislation authorizing the construction of a visitor center to complement the Vietnam Veterans Memorial. In passing this legislation by Unanimous Consent, Congress enabled the creation of a facility that will tell the stories of those who served in the Vietnam War to the more than 4

million people who visit the memorial annually. The center will emphasize the traditional values of our men and women in uniform, including duty, honor, country, and respect.

Having served with the Army Air Corps during World War II, I share a deep bond with those the memorial honors, and I salute their service. Our nation is now engaged in a Global War on Terror, and the ideals our fellow veterans fought to uphold are more important than ever. The exhibits at the memorial's visitor center will give all Americans who visit the memorial the opportunity to understand the values of military service and honor the men and women of the Vietnam War.

Unfortunately, since Congress passed the original authorizing legislation, the site designation process has stalled. Senator Chuck Hagel, and Senator John Kerry and I have introduced the Vietnam Veterans Memorial Visitors Center Deadline Enforcement Act, which will, we hope, move this project forward. Ensuring the center's timely completion is a debt we owe to the veterans of the Vietnam War.

PREPARED STATEMENT OF HON. CHUCK HAGEL, U.S. SENATOR FROM NEBRASKA

Chairman Thomas, Ranking Member Akaka, thank you for the opportunity to address the Subcommittee on National Parks. I am here today to express my support for S. 2419, the Vietnam Veterans Memorial Visitors Center Deadline Enforcement Act. I am an original co-sponsor of this bill, and I enthusiastically support its passage.

The Vietnam Veterans Memorial is a powerful tribute to those who fought and died in Vietnam. As a veteran of the Vietnam War, I have a personal understanding and appreciation of the sacrifices that this memorial represents. With each new generation, however, our citizens lose that personal connection. The Vietnam Veterans Memorial Visitors Center will serve to inform and educate the public about the Vietnam Veterans Memorial, and what it represents.

I was the Deputy Administrator of the Veterans Administration when ground was broken for the Vietnam Veterans Memorial in March of 1982. Since then, I have continued to be involved with the Vietnam Veterans Memorial Fund and its efforts to preserve the legacy of the Memorial, promote healing, and educate people about the impact of the Vietnam War on our nation.

In 2003, I introduced legislation to authorize the construction of the Vietnam Veterans Memorial Visitors Center at or near the Vietnam Veterans Memorial. In November 2003, President Bush signed that bill into law. Since that time, the Vietnam Veterans Memorial Fund, in conjunction with the National Parks Service, has conducted an extensive site selection study, selected an appropriate site, and worked to gain site approval for the Vietnam Veterans Memorial Visitors Center.

The site they selected, commonly referred to as Site "A", is across Henry Bacon Drive from the Vietnam Veterans Memorial. It is the ideal location for the Memorial Visitors Center as it will tie the educational experience together with the Vietnam Veterans Memorial. In consideration of the open space and visual sight-lines on the National Mall, those involved with designing the Memorial Visitors Center have agreed it will be an underground facility.

In September 2005, The Commission on Fine Arts approved the site selected by the National Parks Service and the Vietnam Veterans Memorial Fund. With that approval, all that remained in the site selection process was the approval of the National Capitol Planning Commission.

Since July 2005 the National Capitol Planning Commission has delayed site approval. The Vietnam Veterans Memorial Fund and the National Parks Service have testified before the National Capitol Planning Commission in July and October, and both times they were instructed to review sites other than the one they had selected. After complying with these requests they were scheduled to testify for a third time in December, until the National Capitol Planning Commission removed them from the agenda the day prior to the hearing.

Having observed this process from the beginning, I believe that the National Capitol Planning Commission is attempting to indefinitely delay site approval. This apparent lack of good faith effort on behalf of the National Capitol Planning Commission is what led me to co-sponsor the Vietnam Veterans Memorial Visitors Center Deadline Enforcement Act. The Memorial Visitors Center is far too important to be indefinitely tied up in bureaucratic disagreements.

I urge the Committee to pass S. 2419 and complete what was intended in the original legislation.

Thank you.

Senator THOMAS. Thank you very much, Senator. I appreciate your being here.

All right. Let's go now to our first panel: Mr. Steve Martin, Deputy Director, National Park Service, Department of the Interior; and Ms. Patricia Gallagher, executive director, National Capital Planning Commission, Washington, DC.

Thank you very much for being here.
Steve, if you'd like to go right ahead.

**STATEMENT OF STEVE MARTIN, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. MARTIN. Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on the five bills and the one resolution that are the subject of today's hearing.

I have individual testimony on each bill that I would like to submit, and then I'll summarize all of our comments all together at once at the start.

Senator THOMAS. It'll be included in the record.

Mr. MARTIN. S. 1686 would amend the Constitution Heritage Act of 1988 that authorized the construction of the National Constitution Center in Philadelphia, PA. The Department supports enactment of this bill, with some amendments.

The NCC represents a true exemplar of the value of public/private partnerships being undertaken today at Independence National Historic Park. S. 1686 would clarify provisions of a cooperative agreement between the Secretary of the Interior and the National Constitution Center. The main provision of the agreement requires that any revenues from facilities and services of the center shall be made available to the National Constitution Center to offset operating expenses without further appropriation. The bill also provides amendments to a number of sections to clarify the differences between the physical building and the 501(c)(3) organization.

S. 2417 and H.R. 4192 would authorize the Secretary to establish the President William Jefferson Clinton Birthplace Home as a National Historic Site and a unit of the National Park System in Hope, AR. The Department supports the efforts to honor the birthplace home of former President William Jefferson Clinton, but suggests amending S. 2417 and H.R. 4192 to authorize a study. Along with a discussion of the historical significance of the site, a research study would look at the integrity of the buildings and other factors associated with the site, the appropriate management entity, the management structure, and the costs in acquiring, restoring, and operating the site.

S. 2419 and H.R. 4882 would ensure the proper remembrance of Vietnam veterans in the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial. The Department supports development of a visitor center for the Vietnam Veterans Memorial.

We also support the process governing such developments as set forth in the Commemorative Works Act, which separates the authorization of memorials and the site and design approval process, and provides for public input as well as appropriate NEPA compli-

ance. Should the subcommittee decide to move forward, the Department recommends that the additional language in section 2(c) of S. 2419 be removed, because it is confusing and does not make a distinction between the site selection and the design of the facility. The siting process for the center is currently underway; however, the center has not yet undergone the design phase, and those decisions cannot be completed within 30 days.

S. 2568 would designate the Captain John Smith Chesapeake National Historic Trail. The Department is currently completing the study authorized by P.L. 109-54 to determine the feasibility of designating this trail. We request that the committee defer action on the bill until the study is completed. To date, we have not encountered any information that would lead us to believe that the trail fails to meet the required criteria for designation as a National Historic Trail.

In March 2006, the National Park System Advisory Board found the routes of John Smith's voyages to be nationally significant, a major requirement in the finding of national trail feasibility. We expect to issue a draft report for public comment no later than August of this year, at which time the public will be given an opportunity to comment on any proposed designation alternatives.

S. 2627 would extend the authorization and improve the composition of the board members of the National Park System Advisory Board. The Department supports S. 2627. The Department wishes to thank Senator Domenici for sponsoring this legislation, at the Department's request. The National Park System Advisory Board is an invaluable partner of the Department as we carry out the national vision that created the National Park System 90 years ago. Throughout that time, the Department and the board have worked effectively together to enhance conservation efforts across the Nation.

S. Res. 468 would support the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws, regulations, and policies of the National Park Service. The Department strongly agrees with the sentiment expressed by the resolution that Santa Rosa Island should continue to be managed in a manner that provides for protection of the park's resources and their enjoyment by visitors.

The National Park Service spent 30 million to purchase Santa Rosa Island, to restore its native ecology and make it accessible for the general public recreational use year round as a national park. For that to happen, the non-native deer and elk need to be removed, and the hunting operation ended. The deer and elk are being phased out under a court-ordered settlement agreement, and they will be removed altogether by 2011. The National Park Service believes we should stand by the settlement agreement.

This concludes my prepared testimony, Mr. Chairman, and I would be happy to answer any questions.

[The prepared statement of Mr. Martin follows:]

PREPARED STATEMENT OF STEPHEN P. MARTIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

ON. S. 1686

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1686, a bill to amend the Constitution Heritage Act of 1988. The Department supports enactment of S. 1686 with some amendments.

The construction of the National Constitution Center (NCC) was a major component of the reconstruction of Independence Mall, the three city blocks north of Independence Hall in Philadelphia, Pennsylvania. This multi-year planning effort also included a new Independence Visitor's Center completed in 2001, and the Liberty Bell Center completed in 2003. Improvements to the Mall landscape are continuing.

The NCC represents a true exemplar of the value of public-private partnerships being undertaken today at Independence National Historical Park by the National Park Service. The state of the art facility, designed with more than 100 advanced interactive exhibits, opened to rave reviews on July 4, 2003, and continues to provide an outstanding visitor experience. Visitors to the NCC come away with an understanding of the framing and implementation of the Constitution of the United States, and as important, its continuing relevance to today's society. The NCC's programs are challenging, thought provoking and have received wide acclaim by visitors and scholars alike. The National Park Service is proud and privileged to be a partner with the non-profit organization of the same name, the National Constitution Center, which operates the NCC, in this most successful endeavor.

S. 1686 would clarify the authorities that support current operations and agreements between the National Park Service and National Constitution Center. It would amend Section 4 of the Constitution Heritage Act of 1988 by adding a new subsection (c) relating to provisions of a cooperative agreement between the Secretary of the Interior and the National Constitution Center. The provisions specify that any revenues from facilities and services of the NCC shall be made available to the National Constitution Center to offset operating expenses without further appropriation, as is the current practice. It would also ensure the continuation of an existing cooperative agreement, and allow a subsequent agreement to be negotiated for up to 30 years, instead of the current limit of five years. This longer time period would facilitate the National Constitution Center's efforts to obtain financing. Other provisions would require the National Constitution Center to purchase insurance, provide annual reports, and take other administrative steps as part of a cooperative agreement. The bill also provides amendments to a number of sections by striking the word "Center" and inserting "NCC" to clarify the difference between the physical building and the 501(c)(3) organization.

The relationship of the National Park Service with the National Constitution Center is a significant model for successful public-private partnerships. We look forward to continuing our productive partnership in the future and request that the committee favorably act on S. 1686.

We propose a few amendments to the bill to clarify when we are referring to the organization operating the NCC and not to the actual building. In addition, based on Public Law 107-217, we need to update a reference to an existing law that has been superseded. We would be glad to work with the committee on these proposed amendments.

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

ON S. 2417 AND H.R. 4192

Mr. Chairman, thank you for the opportunity to testify on S. 2417 and H.R. 4192, bills that would authorize the Secretary to establish the President William Jefferson Clinton Birthplace Home as a National Historic Site and a unit of the National Park System in Hope, Arkansas. H.R. 4192 passed the House of Representatives on March 8, 2006, without a hearing. The Department supports the effort to honor the birthplace home of former President Clinton, but suggests amending S. 2417 and H.R. 4192 to authorize a study.

S. 2417 and H.R. 4192 would authorize the Secretary of the Interior to designate the William Jefferson Clinton Birthplace Home as a National Historic Site and a unit of the National Park System should the Secretary acquire, by donation only, the birthplace home and any personal property related to that site from the Clinton Birthplace Foundation, Inc. The Secretary would administer the unit in accordance with laws generally applicable to preserving national historic sites. It is our understanding that the Clinton Birthplace Foundation also intends to donate the existing

visitor center located at 415 West, Division Street and adjacent to the birthplace home, however this property was inadvertently left out of S. 2417 and H.R. 4192 when the bills were introduced.

In 1998, Congress passed Public Law 105-391, the National Parks Omnibus Management Act of 1998, which requires congressional authorization of areas to be studied for potential new units of the National Park System. The law also designates the criteria to be followed by the National Park Service (NPS) in determining whether to recommend an area as a unit of the National Park System.

We recognize the importance of the birthplace of President William Jefferson Clinton and therefore appreciate the goals of S. 2417 and H.R. 4192. Consistent with our testimony on the Ronald Reagan Boyhood Home in March 2001, we suggest, however, that the subcommittee ensure that the intent of Congress, as expressed in Public Law 105-391, is carried out by amending the bill to authorize a study of the birthplace and the visitor center to determine whether they conform to the criteria of Public Law 105-391. We recognize the potential significance of these properties and would support an authorization of a new study. We would be glad to work with the subcommittee on the appropriate language.

With respect to historical sites, the studies do not only look at whether the event or person associated with the site was historically significant. They also look at the integrity of the buildings, and other factors, such as whether there are other sites that might more appropriately tell the story associated with a particular individual.

The National Park system consists of many previous residences of former Presidents. However, there are also many residences of former Presidents that are not part of the system. A study would look at whether the Federal government is the most appropriate entity to manage the site. Some sites are managed by other entities, such as state governments and private foundations. Conducting a professional study allows Congress to be sure it is protecting an area that meets the criteria of the National Park System.

A study also will enable the NPS and the Congress to identify the costs in acquiring, restoring, and operating a potential site. We believe that the information gathered during the study process is invaluable and better ensures that the NPS can continue its progress in addressing maintenance backlog needs in our national parks. In fact, in March 2001, the Department also took the position that a study was needed when asked to testify on the designation of the Ronald Reagan Boyhood Home as a National Historic Site. Similar to S. 2417 and H.R. 4192, that bill also proposed designation prior to the authorization and completion of a study.

Presidential homes and sites provide a valuable link to understanding our country's history and government and are an important part of our national heritage. Plans to purchase and restore the birthplace home of then President William Jefferson Clinton began in 1993, and the Clinton Birthplace Foundation, a non-profit organization, was formed to purchase, restore, and promote the history of the site. The two and one-half story American four-square home, patterned from a design in France, was built in 1917 by Dr. H.S. Garrett. The home is located at 117 South Hervey Street in Hope, Arkansas, and belonged to President Clinton's maternal grandparents, Eldridge and Edith Cassidy. William Jefferson Blythe, as he was then known, lived there from his birth in 1946, until his mother married Roger Clinton in 1950.

The residence has been returned to its identical state when President Clinton lived there as a young boy. It is currently open for public tours operated by the Clinton Birthplace Foundation. When the home was placed on the National Register of Historic Places in 1994, it was described as ". . . the single property most significantly and exclusively associated with Clinton's humble beginnings, the inner strength he learned from his mother, and the dedication to purpose that has sustained him throughout his distinguished political career."

The William Jefferson Clinton Birthplace site demonstrates the efforts of a local community working together to preserve and to tell the story of the birth and childhood of a man who later became the 42nd President of the United States to present and future generations.

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

ON S. 2419 AND H.R. 4882

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam Veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Vet-

erans Memorial. The House of Representatives passed H.R. 4882 as amended on March 28, 2006, by a vote of 404-4.

The Department supports development of a visitor center (center) for the Vietnam Veterans Memorial. We also support the processes governing such development as set forth in the Commemorative Works Act (CWA), which separates the authorization of memorials and the site and design approval processes and provides for public input, as well as the National Environmental Policy Act (NEPA), which describes a vision for balancing environmental, cultural, and economic goals and provides for cooperative problem solving by requiring public comment on the environmental effects of federal actions.

We are making significant progress in the site approval process for the center as provided for under the CWA and the National Park Service (NPS) is nearing completion of the Environmental Assessment provided for under NEPA that was requested by the National Capital Planning Commission (NCPC). The NPS plans to release the Environmental Assessment for public comment before the end of May and submit our preferred site for the center to the NCPC by June 30, for approval at its August 3 meeting. If the NCPC agrees with our preferred site, the site selection process will be completed this summer.

S. 2419 and H.R. 4882 would amend section 6 of Public Law 96-297, the Vietnam Veterans Memorial Act, by authorizing the location of the center for the memorial at Henry Bacon Drive, 23rd Street, Constitution Avenue and the Lincoln Memorial in the District of Columbia. S. 2419 also would authorize a deadline for the final approval of the center no later than 30 days from the date of enactment of this legislation in section 2(c). Should the subcommittee decide to move forward, the Department recommends that the additional language in section 2(c) of S. 2419 be removed because it is confusing and does not make a distinction between the site selection and the design process. The siting process for the center is currently underway; however, the center has not yet undergone the design phase and those decisions cannot be completed within 30 days.

The CWA developed a process for establishing memorials in the Nation's Capital. This process has worked well for 20 years, and we support this process. While it has been amended, these changes have strengthened the CWA without modifying the process as originally authorized. The CWA identifies the roles and responsibilities of the National Capital Memorial Advisory Commission, the NCPC, the Commission of Fine Arts (CFA), and the Secretary of the Interior. The NCPC and the CFA both play critical roles in the site selection and design process. We believe that the expertise offered and the approvals required by these entities as well as the process of gaining the approval of the Secretary of the Interior has resulted in new memorials of the highest quality. In addition, the CWA provides the American people with the opportunity to be involved in the decisions regarding how the historical events and persons will be honored in the Nation's Capital by providing public involvement in the siting and design of the memorials.

Some of the organizations authorized by public law to erect memorials have been frustrated by the delays brought about by the opinions of these public bodies regarding the location or design of their projects. But by the time these memorials were dedicated, many have agreed that their commemorative work was of a higher quality due to the process used along the path to completion.

The Act authorizing the center states that the provisions relating to siting of memorials under the CWA would apply. This includes approval of the site by both the NCPC and CFA. The CFA reviewed and conditionally approved the site at its September 15, 2005 meeting with the proviso that the design not detract from the Lincoln Memorial and Vietnam Veterans Memorial. Their conditional approval was based on a documentation of alternative sites evaluated for the center, which followed a similar format that other memorial sponsors have used since the enactment of the CWA. As mentioned above, NPS will complete its portion of the process by the end of June with the NCPC's consideration of NPS' site submission in August. We, thus, plan to complete the siting process by the end of this summer.

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

ON S. 2568

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 2568, a bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

The Department is currently completing the study authorized by Public Law 109-54 to determine the feasibility of designating this trail. We request that the committee defer action on the bill until the study is completed. To date, we have not encountered any information that would lead us to believe that the trail fails to meet the required criteria for designation as a national historic trail.

S. 2568 would designate the Captain John Smith Chesapeake National Historic Trail as a component of the National Trails System. The trail would be administered by the Department of the Interior in coordination with the Chesapeake Bay Gateways and Watertrails Network and the Chesapeake Bay Program. In addition, the Secretary of the Interior would consult with other Federal, State, Tribal, regional, and local agencies, and the private sector in the administration of the trail. No land could be acquired for the trail outside the boundary of any Federally managed area without the consent of the owner of the land.

As we approach the 400th anniversary of the Jamestown Settlement and the anniversary in 2007 of the beginning of Captain John Smith's explorations, the conduct of our present study is most timely. The proposed trail would follow a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware, and the District of Columbia that trace Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and its tributaries.

Captain John Smith explored the Chesapeake Bay and its tributaries in a series of voyages and travels from 1607 through 1609, while executing his company's directives to search for a "northwest passage" to the Pacific Ocean. Smith's two major explorations occurred in the summer of 1608, each leaving from Jamestown, Virginia. Between the two voyages, Smith and a small crew traversed the entire length of the Chesapeake Bay, explored the shoreline of the lower half of the Eastern Shore, and ventured into the major tributaries along the western shore of the bay. Smith had extensive interactions with Native Americans and recorded significant information about these peoples and the general Chesapeake environment in his book published in 1612. He also made one of the first and most detailed maps of the Chesapeake Bay. In Smith's words "heaven and earth never agreed better to frame a more perfect place for man's habitation."

Four hundred years later, the Chesapeake Bay's basic geography remains relatively similar to Smith's time, but much else has changed. More than 16 million people live in the Chesapeake Bay watershed, with the densest concentrations at locations adjacent to where Smith traveled (Washington, DC, Baltimore, MD and the greater Norfolk/Hampton Roads area in VA). Human uses of the bay region have caused significant impacts on the Chesapeake environment and the Bay itself. The establishment of a national historic trail traversing the routes of John Smith's early voyages would likely provide increased public knowledge of the history, and sensitivity to the valuable resources of the Chesapeake Bay, as well as increased recreational opportunities.

The National Park Service enjoys a close association with the Chesapeake Bay and local governments and organizations in the region through the Gateways and Water Trails Network, authorized by the Chesapeake Bay Initiative Act of 1998. This partnership system of 147 designated Chesapeake Bay Gateways serves to connect the American public with the resources and themes of the nationally significant Chesapeake Bay. Through its coordination of the network, the National Park Service is also authorized to provide technical and financial assistance to gateways for enhancing interpretation, improving public access, and stimulating citizen involvement in conservation and restoration efforts. All of these efforts would complement the proposed trail. S. 2568 provides for coordination of the trail with the Chesapeake Gateways and Water Trails Network and the Chesapeake Bay Program.

Our study of the feasibility of designating the Captain John Smith Chesapeake National Historic Trail is nearing conclusion. In March 2006, the National Park System Advisory Board found the routes of John Smith's voyages to be nationally significant, a major requirement in the finding of national trail feasibility. The Advisory Board concluded that the trail is of national significance for its association with the following themes: (1) *Ethnic Heritage (American Indians)*; (2) *Exploration and Settlement*; and, (3) *Commerce and Trade*.

We expect to issue a draft report for public comment no later than August of this year. In light of this schedule, we would request that the committee defer action so that the study may be completed and the public given an opportunity to comment on any proposed designation alternatives. Our receipt of 167 letters regarding the study since it began indicates considerable public interest in trail designation.

The Department wishes to recognize the generous support of the State of Maryland, Commonwealth of Virginia, and the Chesapeake Bay Commission during the conduct of this study.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you or the committee might have.

ON S. 2627

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's comments on S. 2627, the National Park System Advisory Board Act of 2006, a bill to extend the authorization and improve the composition of board members of the National Park System Advisory Board (Board).

The Department supports S. 2627, which is similar to a proposal transmitted to Congress by the Administration on December 7, 2005. The Department wishes to thank Senator Domenici for sponsoring this legislation at the Department's request.

The National Park System Advisory Board was first authorized in 1935 under the Historic Sites, Buildings and Antiquities Act. The Board advises the Director of the National Park Service and the Secretary of the Interior on matters relating to the National Park Service, including the administration of the Historic Sites, Buildings, and the Antiquities Act; the designation of national historic landmarks and national natural landmarks; and the national historic significance of proposed national historic trails. The Board may advise on matters submitted to the Board by the Director, as well as any other issues identified by the Board.

The Board's membership consists of no more than 12 individuals selected from citizens of the United States having demonstrated commitment to the mission of the National Park Service, and representing various geographic regions, including each of the seven administrative regions of the National Park Service. The Board has provided exemplary service to the Director of the National Park Service and works cooperatively with the Director to ensure the preservation of this Nation's important natural and historic places for future generations of Americans.

The Board is an active body currently engaged on a broad front of issues, meeting quarterly and consulting regularly with the Director. Recent accomplishments and ongoing efforts include:

- The Board regularly considers recommendations from its National Historic Landmarks Committee about properties the committee wishes the Board would recommend to the Secretary for designation as National Historic Landmarks.
- Last year, the Senate passed Senator Thomas's "Heritage Partnership Act" (S. 234), which incorporated recommendations from a Board report. The Act would create a system of National Heritage Areas and clarify the relationship of those areas to the National Park Service.
- The Board just completed an advisory report to the Director recommending that the National Park Service undertake a series of pilot projects to test, measure and validate the premise that the national parks contribute to healthy lifestyle through active participation in park-based recreational activities. This report supports the President's *HealthierUS* initiative and Executive Order 13266, which calls on federal agencies to increase the accessibility of resources for physical activity.
- In support of President Bush's call to help, "restore civic and historical understanding throughout American Society," the Board recently convened a panel of prominent American historians and scholars. The panel counseled the National Park Service about its education/interpretive mission and ways in which the program offered visitors at parks and historic sites can advance the President's goal.
- Next week, the Board will review and advise the Director on the National Park Service's proposed final revision of NPS Management Policies. Participating in this assessment will be several former National Park Service Directors and past Park Service senior executives.

S. 2627 proposes amending the Board's statutory authorization in four areas. The first area would modify the membership to the Board. This would be done by requiring at least four members to have expertise in the fields of history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science or social science; three members to have expertise and prior experience in management of National or State parks or protected areas or natural or cultural resources management; three members to have expertise in any other professional or scientific discipline important to the mission of the National Park Service; at least one member to have expertise in historic recreational opportunities within units of the National Park System; and at least one member to be an elected official from an area adjacent to or within close proximity to a unit of the National Park System. The second area would require that the Advisory Board members adhere to ethics and conflict of interest provisions by removing the current law's exemption. The third area extends the authority of the Board to 2016. A fourth area of revision pro-

vides for technical amendments. The Department supports the amendments, which will increase the Board's overall effectiveness and influence and improve clarity and ease of reference.

The National Park System Advisory Board is an invaluable partner of the Department as we both carry out the national vision that created the National Park System 90 years ago. Throughout that time, the Department and the Board have worked effectively and collegially together to enhance conservation efforts across the nation. The Department looks forward to continuing this relationship with the Board as we strive to position the NPS for its next 100 years.

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

ON S. RES. 468

Mr. Chairman, thank you for the opportunity to appear before the subcommittee today to present the views of the Department of the Interior on S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service.

Because S. Res. 468 is a Senate resolution that will not be signed into law, the Department is not taking a position on the resolution itself. However, the Department strongly agrees with the sentiment expressed by the resolution that the National Park Service (NPS) should continue to manage Channel Islands National Park, including Santa Rosa Island, in a manner that provides for protection of the park's resources and their enjoyment by visitors to the islands.

S. Res. 468 calls for the NPS to manage Santa Rosa Island, part of Channel Islands National Park, in a way that protects and allows interpretation of the natural, scenic, and cultural resources of the island and provides visitors with a safe and enjoyable park experience. It further states that the NPS should not be directed to manage Santa Rosa Island in a manner that would result in the public being denied access to significant portions of the island or that would be inconsistent with the responsibility of the NPS to protect native resources within the park.

We understand that S. Res. 468 is in response to repeated attempts in recent years to allow deer and elk, and associated hunting operations, to remain on Santa Rosa Island indefinitely. The current effort in this regard is language included in H.R. 5122, the National Defense Authorization for Fiscal Year 2007, which requires the Secretary of the Interior to stop the plan to remove the deer and elk from the island as required by a court-ordered settlement agreement. This provision would effectively overturn the 1998 settlement agreement, that the NPS is legally bound to, that requires the phaseout of non-native deer and elk over several years and their complete removal from the island by the end of 2011. Until the deer and elk are removed and the hunting operation ends, most of the island will remain closed to the public for significant portions of each year.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act. In 1980, the monument was expanded to include additional islands, including the 54,000-acre Santa Rosa Island, and redesignated as Channel Islands National Park. The park's purpose is to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the five out of the eight California Channel Islands that comprise the park.

The question of whether to allow hunting in units of the National Parks System is decided by Congress on a case-by-case basis. Congress discussed the issue of the appropriateness of hunting on the Channel Islands during consideration of the legislation to redesignate Channel Islands National Monument as a national park in 1979 and 1980, and made a deliberate decision not to allow hunting there. We feel that this is still the appropriate decision today.

It is important to note that once it was determined that Santa Rosa Island was to be incorporated within Channel Islands National Park, Vail and Vicker's, Ltd. (V&V) requested that Santa Rosa Island be the highest priority for acquisition by the NPS. This was reflected in the enabling legislation. In 1986, the NPS purchased Santa Rosa Island for \$29.5 million from V&V, who retained a 25-year non-commercial reservation of use and occupancy covering a 7.6-acre area containing the ranch house and a nearby field. At the request of V&V, supported by members of Congress, the NPS issued a series of 5-year special use permits (SUPs) to allow V&V to continue their cattle ranching and elk and deer hunting operations.

In 1996, because of the impacts on endangered species and water quality issues, the National Parks Conservation Association sued the NPS. In 1997, V&V sued NPS to retain their current SUP and continue their operations until 2011. A three-way

settlement agreement, entered into court in 1998, provided for removing the cattle by the end of 1998, which occurred on schedule, and for phasing out deer and elk, and removing them altogether by the end of 2011, when the V&V 25-year non-commercial reservation of the 7.6 acre ranch expires. The settlement agreement included two options under which hunting could continue. The parties chose the second option, which was to manage the deer and elk using adaptive management guidelines. Each year, the NPS, with recommendations from an agreed upon scientific panel, determines whether an accelerated reduction in either the deer or elk herds are necessary. Regardless of the management option, all deer and elk are to be removed by V&V no later than the end of 2011. At that time, V&V will be required to remove all their property, including any remaining deer and elk, which V&V owns.

It is necessary to end the hunting operation to open up the island for other recreational purposes, such as hiking, camping, and sightseeing, on a year-round basis. So long as a hunting operation continues, 90 percent of the island will be off limits for general recreation for four to five months of each year. After spending \$29.5 million to purchase the island and more to restore native plants and animals, the NPS has been eager to make this spectacular island available for full-time enjoyment by the general public.

Santa Rosa Island is currently the most accessible of the five islands that are part of Channel Islands National Park. It is the island where the NPS can most easily and cost effectively welcome American citizens who have physical disabilities, including our men and women in uniform who have become disabled in the service to our Nation.

Removal of the non-native deer and elk is necessary for native plants and animals to flourish on Santa Rosa Island, and to ensure that efforts spent on restoration are not wasted. Channel Islands National Park has been in the forefront of the NPS's efforts to control non-native species that out-compete the native species. The park has undertaken several successful ecological restoration programs. The eradication of introduced rats from Anacapa Island has resulted in the increased survivability of the Xantus's murrelet. The removal of introduced rabbits, cattle, sheep, and mules from Santa Barbara, Santa Rosa, Santa Cruz and San Miguel Islands has allowed for vegetation restoration. Park staff, local communities, the Nature Conservancy, and the Montrose Trustees, who worked together to reestablish the American bald eagle were recently rewarded with the first eaglet born on the northern Channel Islands in 50 years, on Santa Cruz Island. The NPS looks forward to more successes of this type in the Channel Islands, including Santa Rosa Island.

For all these reasons, the Department supports the continued implementation of the 1998 settlement agreement, so that the day will come, after 2011, when NPS will be able to manage Santa Rosa Island as Congress intended when Channel Islands National Park was established in 1980.

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

Senator THOMAS. Thank you very much.
Ms. Gallagher.

STATEMENT OF PATRICIA GALLAGHER, EXECUTIVE DIRECTOR NATIONAL CAPITAL PLANNING COMMISSION, WASHINGTON, DC

Ms. GALLAGHER. Thank you, Mr. Chairman and members of the committee, for this opportunity to speak with you today.

For the record, I am Patricia Gallagher, executive director of the National Capital Planning Commission. The commission is authorized by Congress to provide overall planning and guidance for the development and preservation of Federal lands and buildings in the National Capital Region. Through its planning and design review process, the commission works to protect and enhance the extraordinary historical, cultural, and natural resources of the Nation's Capital.

To begin, Mr. Chairman, I must state emphatically that the National Capital Planning Commission supports the Vietnam Veterans Visitor Center. Our concern is with maintaining the integrity

of the site selection and design review process, which Mr. Martin so clearly has described as making a key contribution.

In my abbreviated testimony today, I want to make three points. First, the Mall is a special place that we have a duty to protect. Millions of tourists visit the Nation's Capital every year to see sites that are revered by all Americans. As trustees of our national heritage, Congress and Federal agencies have a responsibility to site, design, and build commemorative works, like the Vietnam Veterans Center, and, at the same time, to preserve some of the country's most important buildings and public spaces.

The review and approval procedures embodied in our Nation's laws provide a means to take into account a full range of important values, including protecting existing monuments, memorials, and open spaces, as well as developing new commemorative works in ways that will enhance our treasured places, our history, and our culture. The Commemorative Works Act assures this important outcome, and setting aside this process makes protection of these values far more difficult.

Second, Mr. Chairman, the review process for the site selection is moving forward appropriately. Congress authorized the visitor center in November 2003. In January 2005, the National Park Service and the Vietnam Veterans Memorial Fund made available to the public their site selection study, which identified seven alternative sites for the center at or near the National Mall. In March and May 2005, the Park Service and the Fund consulted with the National Capital Memorial Advisory Commission, as required by law. In September 2005, the Park Service requested NCPC's approval of the Henry Bacon Drive site. At its October meeting, the NCPC members deadlocked on approval and asked the Park Service to provide additional information about other sites along with information on the building program that would enable them to more fully understand the impacts of the center, that the center might have on—above ground at any site.

Also in accordance with NCPC's environmental policies and procedures, and in consultation with the Council on Environmental Quality, NCPC requested the Park Service submit an environmental assessment with its next submission for site approval. This assessment will cover such matters as the effect of the visitor center on views to and from the Lincoln and Vietnam Memorials and important information about the environmental and historical impacts of the visitor center at two sites. This assessment is nearing completion and will be released to the public at the end of this month. NCPC intends to act on this matter at its August 3rd, 2006, regular public meeting. In short, the process is working.

Finally, both bills would override all or part of this evaluation and public participation process. The Senate bill would override the National Historic Preservation Act and the National Environmental Policy Act for this project for both site selection and design. The House bill would select the Bacon Drive site without a review that takes into account possible impacts the visitor center would have on important environmental and historic preservation concerns, and it would limit our ability to propose design parameters and mitigation for the effects of the siting decision. These are critical considerations that will ensure the best siting and design for

a visitor center that is worthy of our honored veterans and the American public.

Mr. Chairman, we would be pleased to keep this committee informed of our progress on this project and answer any questions you might have. Thank you for your consideration.

[The prepared statement of Ms. Gallagher follows:]

PREPARED STATEMENT OF PATRICIA GALLAGHER, EXECUTIVE DIRECTOR,
NATIONAL CAPITAL PLANNING COMMISSION

Thank you for the opportunity to provide testimony on S. 2419 and H.R. 4882 related to the Vietnam Veterans Memorial Visitor Center ("Visitor Center"). The National Capital Planning Commission and the Administration actively support a Visitor Center to inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War. We also support a sound process for site selection that includes development and evaluation of environmental and historical information and an opportunity for public input as provided under the Commemorative Works Act process. It is important to note that the National Park Service has nearly completed an Environmental Assessment, and will solicit public comment by the end of May, such that a site selection decision can move forward at NCP's August 3, 2006 meeting.

THE BILLS

The Commemorative Works Act process provides an important opportunity for the public to review the site for a commemorative work like this Center on the National Mall—one of the nation's most important public spaces; and provides for gathering and evaluating important environmental and historic preservation data in order to permit informed decisions about siting and design. The Commemorative Works Act process takes into account possible impacts, facilitates the development of design parameters and mitigation for the effects of the siting decision, and assures the best siting and design for a Visitors Center and a National Mall that is worthy of our honored veterans and the American public. While the text of S. 2419 is not clear, it appears to preempt meaningful evaluation, public input, and review at the site selection phase, and the concept, preliminary, and final design approval stages as well.

The House bill, H.R. 4882 provides that the site of the Visitor Center will be at an area specified in that bill ("the Bacon Drive site"). It does not override the Commemorative Works Act process for the design phases of the project, including its implementation with NEPA and the National Historic Preservation Act. While H.R. 4882 as amended permits evaluation and public involvement in these design stages, it still precludes evaluation and public involvement at the critical basic stage of site selection.

THE MALL IS A SPECIAL PLACE THAT WE HAVE A SPECIAL DUTY TO PROTECT

As trustees of our nation's heritage, all of us—including federal agencies and Congress—have an important responsibility to site, design, and build commemorative works like the Visitor Center, and to preserve and protect some of the country's most important buildings and public spaces that grace the nation's capital. The National Mall is of particular importance as a ceremonial and cultural symbol of America's rich history. The review and approval procedures embodied in our nation's laws ensure the provision of important information and provide a means to take into account a full range of important values, including protection of existing monuments, memorials, and open spaces, as well as the development of new commemorative works in ways that enhance our treasured places, our history, and our culture.

The Commemorative Works Act process assures this important outcome. For example, site selection for the Visitor Center may affect historic trees and spaces, views to and from the Lincoln Memorial and the Vietnam Veterans Memorial, traffic at a major gateway to our nation's capital, and the visitor experience to the Mall. The Public Law that authorized the Visitor Center provides for application of site and design criteria under the Commemorative Works Act and requires that the size of the Visitor Center be limited to "prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall." The Commemorative Works Act process ensures that the public has an important role and can give views and comment on alternatives for meeting these standards.

SUMMARY OF THE REVIEW PROCESS TO DATE

The impetus for the proposed legislation appears to be a concern that the review process for site selection for the Visitor Center has been slow. A look at the process to date shows that it has moved along appropriately.

Our nation has commemorated Vietnam Veterans with three memorial components on the National Mall. These are: the Vietnam Veterans Memorial Wall and the three service men statue; the women in service to the Vietnam War statue; and the Vietnam Veterans Memorial Plaque. In November 2003, Congress passed Public Law 108-126, authorizing the Vietnam Veterans Memorial Fund (the "Fund") "to construct a Visitor Center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs" The Act further reinforces that the Commemorative Works Act process, including approval by the National Capital Planning Commission and the Commission of Fine Arts, applies. The second title of the legislation establishes a Reserve on the Mall and underscores that siting of new commemorative works other than the Visitor Center is prohibited in the Reserve.

Congress has made clear that the Visitor Center is to be sited and designed through the thoughtful and public process specified in the Commemorative Works Act as amended in P.L. 108-126. That process provides for site selection that is reviewed by the National Capital Memorial Advisory Commission (the "NCMAC"), and subsequently approved by the Commission of Fine Arts ("CFA") and the National Capital Planning Commission ("NCPC"). The Public Law specifies certain design requirements, such as that the Visitor Center be underground; it also provides for effective development, review and approval of the design of the Visitor Center. In April of 2004, after several years of work with CEQ, NCPC updated its environmental review procedures with specific provisions for site and design decisions under the Commemorative Works Act to ensure that compliance with the National Historic Preservation Act and the National Environmental Policy Act provides important information to the decision-makers and a key role for the public. This approach assures that there is full and effective vetting and weighing of impacts and values—particularly in such greatly significant places as the National Mall.

After the authorizing legislation was enacted, the Fund worked with the National Park Service to develop and evaluate a number of alternative sites for the Center. In January 2005, the National Park Service and the Fund made available to the public their site selection study, which identified seven alternative sites on or near the National Mall. NPS and the Fund then submitted the study to the National Capital Memorial Advisory Commission ("NCMAC"), and in May 2005, the NCMAC recommended advancing two sites, Site A and Site E—the Department of the Interior South Building—for further study by the National Park Service. (A map with sites indicated is attached). In September 2005, the National Park Service submitted a request for approval of its preferred Site A to the Commission of Fine Arts and the National Capital Planning Commission. That same month, CFA gave conditional approval for Site A, raising many concerns about the sensitive nature of that site and advising NPS that CFA approval could be given only with the applicant's assurances that the project design would be developed to alleviate CFA's concerns that the Center not detract from the setting of the Lincoln Memorial and the experience of the Vietnam Veterans Memorial.

The National Capital Planning Commission considered the application for site approval at its meeting of October 6, 2005. By a tie vote, the Commission did not approve or disapprove Site A. Rather, it voted unanimously to: "Request that the National Park Service submit a study of the Interior South Building front yard, Site G, and any other sites, to determine if they are feasible for the Vietnam Veterans Memorial Center, using the same level of analysis previously undertaken for Site A; and that (b) The applicant [NPS] will also provide sufficient information on the Center's proposed building program to enable the Commission to better understand the impacts that the Center might have above ground on any site."

NPS conducted a site analysis of Site G. With regard to the Interior South Building front yard, the Department analyzed this option and determined that any change would have a negative impact on the operation of the offices currently located there and the ability of the Department to meet its mission. The Department explained these issues in a letter to NCPC dated October 27, 2005 citing operational, security, public access and design concerns.

On October 28, 2005, NPS resubmitted the preferred site, Site A, for approval along with the additional analysis on Site G for consideration at the December 1, 2005 meeting of the National Capital Planning Commission. The NCPC subsequently removed the project from December meeting agenda, citing the lack of the required Environmental Assessment.

The National Capital Planning Commission developed the updated Policies and Procedures in close consultation with the Council on Environmental Quality—the agency charged with oversight of NEPA through work that commenced in the year 1999. These updated policies were unanimously adopted by the Commission on April 1, 2004 after approval by the Council on Environmental Quality (“CEQ”). The Visitor Center is only the second Commemorative Work to be reviewed under the new Policies and Procedures, with the first the Victims of Communism Memorial—being non-controversial and meeting criteria in NCPC’s Policies and Procedures for a categorical exclusion from NEPA. The Council on Environmental Quality (“CEQ”), by letter of December 1, 2005, confirmed that an Environmental Assessment or Environmental Impact Statement is required by NCPC procedures at the site selection stage under the Commemorative Works Act in order to properly inform the Commission and involve the public in the review of the Center. (CEQ’s Letter of December 1, 2005 is attached).

Since that time, NCPC and the National Park Service, with assistance from CEQ, have worked to develop a cooperative and joint approach to an Environmental Assessment. A letter of agreement dated February 15, 2006 and signed by NCPC and NPS, sets forth the substance and process for the EA, and a useful EA is nearing completion. As of May 10, 2006, a revised working draft Environmental Assessment has been circulated for review by the National Park Service and NCPC staff. We expect the NPS will circulate an EA for public comment by the end of May and will, as the sponsoring agency, resubmit a request for site approval. NCPC will expeditiously review the application. *Both the National Park Service and NCPC fully expect that this submission will be considered at NCPC’s August 3, 2006 meeting.*

REVIEW AND EVALUATION OF SITE SELECTION AND DESIGN FOR THIS MEMORIAL
PROTECTS THE MALL

While the materials that the National Park Service developed in 2005 for site selection for the Visitor Center looked at the effect of the environment on the proposed Visitor Center, there continues to be a need for important information about the effect of the Center on the environment and historic resources of the proposed site, the National Mall, and existing Memorials. The required environmental assessment, the opportunity for the public to engage in the process, and federal review of this project, will result in a Center that the nation’s veterans and all Americans can be proud of. This commendable and important project deserves no less. Because of the special importance of the National Mall, and the particular concern of Congress in the Commemorative Works Act that agencies protect other Memorials on the National Mall, this information is crucial.

The site selection process as specified in the Commemorative Works Act should move forward on a course that will ensure the kind of professional evaluation that Congress has recognized as important and useful. Most importantly, this process brings about a much better outcome by taking into account possible impacts, permitting mitigation, and assuring the best siting and design of a Visitor Center on the National Mall that is worthy of the nation’s honored veterans and the American public. In summary, the process for review of site selection for the Visitor Center is moving forward quickly without further legislation.

ATTACHMENTS

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, December 1, 2005.

Ms. LOIS J. SCHIFFER,
General Counsel, National Capitol Planning Commission, Washington, DC.

DEAR MS. SCHIFFER: This letter supplements our letter of March 31, 2004, documenting and concluding the review by the Council on Environmental Quality (CEQ) of the final environmental and historic policies and procedures developed by the staff of the National Capitol Planning Commission (NCPC) for compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The March 31, 2004 letter addressed changes to Section 4 of those procedures that were necessary to address the relationship between environmental documentation for siting decisions and subsequent environmental documentation for design decisions. Pursuant to CEQ NEPA regulations, 40 CFR 1507.3(a), CEQ found that the NCPC NEPA procedures conform to NEPA and CEQ regulations. In accordance with your request, this letter offers CEQ assistance to NCPC and the National Park Service as you address the NEPA decisions that NCPC is required to make in the process of approving a site for a commemorative work.

Section 4 of the NCPC NEPA procedures identifies the Commission decision points for five stages of decision-making and states that the “Commission requires the following specified environmental documents (NEPA Environmental Assessment, Environmental Impact Statement, or a Categorical Exclusion determination) and the NHPA Section 106 process information that must accompany the request for a review decision.” Section 4(a). For the Site Proposal Approval decision under the Commemorative Works Act, 40 U.S.C. 8905(a), or other law providing for separate site and design proposals, the Commission requires the submitting agency to “submit an environmental document that considers the potential environmental effects of a site selection decision upon the proposed site and a reasonable range of alternative sites.” Section 4(a)(2). This provision acknowledges the relationship between the environmental documents for site and subsequent design decisions by stating that the “level of detail in the environmental analysis should be proportional to the scope of the site decision . . . and should defer detailed consideration of the effects of the design approval decision to a subsequent environmental document, to the extent that detailed consideration of alternative design proposals is impractical.”

Id.

Section 4 requires NCPC, in cooperation with the submitting agency, to make decisions about the level of detail in environmental analysis that it needs to provide an adequate environmental document in support of decision-making on a site proposal. Section 4 recognizes that site decisions will range from environmentally insignificant to nationally significant, and thus requires one of the three forms of NEPA documentation, an Environmental Impact Statement, Environmental Assessment, or a Categorical Exclusion determination, for these decisions.

As noted in our letter of March 31, 2004, CEQ has offered to assist NCPC and cooperating agencies in the implementation of these provisions. We look forward to working with you on the practical application of these provisions to pending decisions under the Commemorative Works Act.

Sincerely,

EDWARD A. BOLING,
Deputy General Counsel.

NCPC CHRONOLOGY FOR VIETNAM VETERANS MEMORIAL VISITOR CENTER

November 17, 2003—Congress passes Public Law 108426 authorizing Vietnam Veterans Memorial Fund “to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs . . .” consistent with the Commemorative Works Act.

April 1, 2004—National Capital Planning Commission (NCPC) adopts revised Environmental and Historic Preservation Policies and Procedures by unanimous vote. Procedures include requirement for an environmental document (that is either an Environmental Assessment or Environmental Impact Statement) at site selection stage for commemorative works.

March 14, 2005—NCPC’s executive director sends letter to NCMAC advising that NPS site selection study does not adequately address the project’s impacts on its wider context and recommends that all potential sites remain on the table. NCPC’s executive director notes that Site A could be problematic due to potential adverse affects to vistas, sightlines, and historic settings.

May 11, 2005—As required under the Commemorative Works Act, the National Park Service (NPS) presents site selection study for Vietnam Center to National Capital Memorial Advisory Commission (NCMAC) for recommendation. NCPC testifies that Site A on the Lincoln Memorial Grounds is too sensitive and recommends that applicant give further consideration to Site E, Department of the Interior South Building. NCMAC recommends forwarding both Site A and Site E to NCPC and Commission of Fine Arts (CFA) for action.

June 27, 2005—NCPC sends letter to NPS indicating need for additional study, including environmental information, and recommending further consideration of Interior South Building, Site E.

September 2, 2005—NPS submits request for October site approval of Site A on Lincoln Memorial grounds to NCPC and CFA using same submission materials previously presented to NCMAC for consideration. NPS cites Department of the Interior statement that the Interior South Building (Site E) is not available. At its September meeting, CFA gives conditional approval for Site A specifying great concern about the sensitive nature of Site A and requiring NPS to prove that the Center can be designed without disrupting the Lincoln and Vietnam Veterans Memorials’ settings. CFA states that it will retract site approval if NPS cannot make such a case during the design phase.

October 6, 2005—At its October meeting, NCPC does not approve Site A, instructing NPS to provide a comparable level of analysis for the south lawn of the Interior South Building and for Site G as it provided for Site A, and to provide sufficient proposed building program information to enable the Commission to better understand the impacts that the Center might have above ground on any site. The staffs report (issued September 29) reiterates that NPS has provided inadequate environmental information. The report also indicates NPS's obligations for consultation with other agencies and parties, under Section 106 of the National Historic Preservation Act, is not yet sufficient for decision-making.

October 28, 2005—NPS resubmits a request for approval of Site A (for December commission meeting), citing Department of the Interior statement that the lawn of Interior South Building is not available.

November 18, 2005—NCPC staff sends draft report to NCPC Executive Committee.

November 23, 2005—NCPC staff discusses draft report with NCPC Executive Committee, noting that NPS has still not submitted information on how the Center will impact the surrounding environment, and that NPS has not provided the required environmental document (that is an Environmental Assessment or Environmental Impact Statement) at the site selection stage for all commemorative works.

November 28, 2005—NPS, NCPC and Council on Environmental Quality (CEQ) meet to discuss NCPC's requirements for environmental documentation. CEQ confirms that NCPC's Environmental and Historic Preservation Policies and Procedures adopted in April of 2004 require an environmental document (that is either an Environmental Assessment or Environmental Impact Statement) at the site selection stage for all commemorative works. CEQ subsequently reiterates this confirmation in writing.

November 29, 2005—NCPC Executive Committee removes project from the agenda, citing lack of a required environmental document (that is either an Environmental Assessment or Environmental Impact Statement).

December 1, 2005—NCPC Chairman convenes meeting with NPS and CEQ to discuss NCPC Environmental and Historic Preservation Policies and Procedures applicable to the site selection stage of commemorative works, including the Vietnam Veterans Memorial Center. CEQ confirms again that NCPC's procedures require an environmental document (that is either an Environmental Assessment or an Environmental Impact Statement) at the site selection stage for all commemorative works, including the Center. All parties begin to discuss the content and process for the NPS to move forward with an Environmental Assessment for the site selection stage of the Center.

January 9, 2006—NCPC and NPS meet to discuss the process for moving forward on an Environmental Assessment for the Center, and agree to put together a letter of understanding between the parties as to the process and content for the Environmental Assessment. NPS indicates that it is moving forward to contract with a consultant to produce an Environmental Assessment for the Center.

January 9-26, 2006—NCPC and NPS work jointly to produce letter of understanding on Environmental Assessment process and content.

January 26, 2006—NCPC and NPS meet again to review Environmental Assessment process and content. NPS states that the consultant is beginning work on the Environmental Assessment.

January 26-February 15, 2006—NCPC and NPS work jointly to finalize letter of understanding for Environmental Assessment process and content.

February 15, 2006—NCPC and NPS finalize and execute letter of understanding. NCPC contacts NPS to suggest an immediate meeting among NCPC, NPS and NPS consultant to avoid any potential delay or misunderstanding on the consultant's part. NPS confirms that consultant is under contract and agrees to schedule the requested meeting. Letter of understanding also indicates that NPS will conduct Section 106 consultation under the National Historic Preservation Act concurrent with completion of the Environmental Assessment for the Center for site selection.

March 17, 2006—CEQ convenes meeting with NCPC, NPS, and the Vietnam Veterans Memorial Fund to discuss status of Environmental Assessment.

PRIOR ACTIONS AFFECTING VIETNAM VETERANS MEMORIAL GROUNDS

1982—Vietnam Veterans Memorial Wall dedicated

1984—Three Servicemen Statue dedicated on the Memorial grounds

1993—Vietnam Women's Memorial dedicated on the Memorial grounds

2004—Vietnam Veterans Memorial Plaque dedicated on the Memorial grounds

Senator THOMAS. Thank you very much. Thank you both.

We'll have a few questions, I suspect. We'll try and have short questions, and perhaps you can have short answers, and that will get us through.

Mr. MARTIN. We'll do our best.

Senator THOMAS. Mr. Martin, on the Constitutional Center, how much money does it currently take in that would be affected by this legislation?

Mr. MARTIN. It runs between \$4 to \$6 million a year. It's been averaging \$4 million, but this year, because of some special exhibits, it looks like it will be about \$6 million.

Senator THOMAS. What happens to the money, currently?

Mr. MARTIN. Under a cooperative agreement, it is being utilized by the Center, and this legislation would just clarify it and make sure that there was no question that that was the intent.

Senator THOMAS. So, it's already staying with the institution.

Mr. MARTIN. That's correct. But this—

Senator THOMAS. Why is this legislation necessary?

Mr. MARTIN. I think, in our minds, it just ensures that the tool we're using is the accurate one. And sometimes when we're doing things, passing money through and allowing it, with just an agreement, it's better to have it codified.

Senator THOMAS. Would this be something picked up by other park sites?

Mr. MARTIN. It potentially could, because of some of the other significant projects that are underway that are being put together, with the need for revenues to make them operable, it could be, yes.

Senator THOMAS. Parks are generally 80-20, in terms of their funding. They keep 80 percent and turn 20 percent into the fund; isn't that normal?

Mr. MARTIN. Yes, 80 percent stays in the park, and 20 percent goes to a national fund, for distribution.

Senator THOMAS. OK. On the Clinton birthplace, what's, roughly, the annual cost to operate and maintain that? Do you have any idea?

Mr. MARTIN. Our preliminary estimates are roughly \$600,000 a year to maintain it and operate it.

Senator THOMAS. And who's paying this now?

Mr. MARTIN. That's the entities that are—that have it. I think that they have a small foundation that's running that.

Senator THOMAS. That cost would be shifted to the Park Service?

Mr. MARTIN. Yes.

Senator THOMAS. OK. On the Vietnam Center, what's the role of the Park Service in reviewing these projects? What other organizations are involved?

Mr. MARTIN. Our role is basically to submit a recommendation to the National Capital Planning Commission and to the commission on Fine Arts. All three agencies must agree on the site once a memorial site is authorized to be undertaken.

Senator THOMAS. I see. This moves it up, then, or at least pushes it on the report. Are you aware of any other instances where the Congress has intervened, in terms of sites such as this?

Mr. MARTIN. Not in the last 20 years, is what we looked at, since the most recent act, the Commemorative Works Act.

Senator THOMAS. When do you expect the study on the John Smith Water Trail to be completed?

Mr. MARTIN. We hope to have it out in August and completed in October.

Senator THOMAS. Would that be in time to meet the centennial?

Mr. MARTIN. The 400-year celebration, yes.

Senator THOMAS. Good.

Mr. MARTIN. We feel that it should be completed in time.

Senator THOMAS. OK. Let's see. Ms. Gallagher, when do you think this study will be completed?

Ms. GALLAGHER. We've been working very cooperatively with the National Park Service over the last several months. They are charged with producing the environmental assessment. They are scheduled to—the document has been completed, in draft, and they are expected to release it for public review and comment at the end of this month. So, we anticipate presenting the project—the site-selection approval to our commission at its August 2006 meeting.

Senator THOMAS. I understand your organization waited until November 2005 to say it was necessary to have an environmental assessment; why did you wait so long?

Ms. GALLAGHER. Mr. Chairman, we had advised—at the staff level, we had advised the National Park Service, in our early consultation, that the site analysis developed by the fund and the Park Service contained inadequate environmental information. We had advised them, in writing, in e-mail, and in conversations. When the project came to the commission in September, our staff report noted, in quite a bit of detail, the insufficient environmental information contained in the submission. We then consulted with the commission, the Council on Environmental Quality, for adherence to NCPC's revised environmental policies and procedures to clarify the exact nature of the environmental information that was required for site selection. The CEQ did agree with the NCPC that the submission materials were inadequate. So, therefore, the submission was removed from further consideration until that environmental assessment was complete.

Senator THOMAS. This has taken a little longer than it probably would have been, had this whole thing begun in one package in the beginning.

Ms. GALLAGHER. We first received the submission for our formal review in September 2005, so we don't feel that this was delayed unduly, on our part.

Senator THOMAS. All right, thank you.

Senator AKAKA, do you have any questions?

Senator AKAKA. Yes, thank you very much, Mr. Chairman.

Mr. Martin, I would like to begin with a question concerning Channel Islands National Park. According to your testimony, in enacting the enabling legislation for the park, Congress—and I'm quoting—"made a deliberate decision not to allow hunting there. We feel that this is still the appropriate decision today." In addition, it is my understanding that Park Service regulations state that hunting is prohibited in the National Park System unless specifically authorized by law; and, even then, it is only allowed if the park superintendent determines that the hunting is consistent with

public safety and enjoyment and sound resource management principles.

According to your testimony, the previous owner of the island retained use for 7½ acres of land surrounding a ranch house for non-commercial use, but the rest of the island was conveyed to the United States without restriction. My question is, what authority did the Park Service have to allow commercial hunting within the park?

Mr. MARTIN. To be honest with you, I'm not sure. I think that that was done through an agreement, that it was probably not in accordance with our practices or regulations, but in negotiations, after the purchase and for that life estate, it was determined that they felt, I guess, it could be authorized. I don't feel that that's something that we would do if we were starting over again now.

Senator AKAKA. Thank you for your candid answer there.

I'd like to follow up with a related question. Even if the hunting was a legal activity within the park, the hunting on Santa Rosa Island is a large-scale commercial operation. As you noted, the reservation retained by the previous owner was for noncommercial use. As I understand the situation on Santa Rosa Island, the Vail & Vickers Company uses land it no longer owns for the hunting operation. It charges thousands of dollars per trip, and keeps all of the revenue without a concessions contract or any other payment to the Park Service.

Now, first of all, is my understanding correct? And, if so, what authority did the Park Service have to allow this to occur?

Mr. MARTIN. I think, at this point in time, it's upholding our portion of the settlement agreement. And we feel that that—the court-ordered settlement agreement that we've worked out allows us to continue. But that's also, I think, the reason why we feel, in 2011, it needs to stop.

Senator AKAKA. You have referred to the 1998 settlement agreement which allowed hunting to continue on the island until 2011. Is the National Park Service generally able to enter into binding agreements to allow activities for which it has no legal authority?

Mr. MARTIN. I think, as a result of court settlement agreements, I would say that that's—that we feel that we have sufficient legal authority to manage the island like we are now. But I think that one of the reasons that we entered into it was some of the lack of the jurisdictional issues that you're bringing up that had been laid out prior to that. And it is not a normal set of circumstances, for sure.

Senator AKAKA. Yes. Well, thank you very much for those responses. I just want to be sure my understanding is correct here.

Ms. Gallagher, your testimony states that the NCPC fully expect that the issue of the visitor center location will be considered at the commission's next meeting, in August. While assurances—what assurances can you give that the location issue will not only be considered, but that it will be resolved by the commission's next meeting?

Ms. GALLAGHER. We fully believe that the work that has been conducted by the National Park Service in completing its environmental assessment over the past couple of months will be sufficient to meet our requirements under our environmental policies and

procedures. We have the full support of commission members understanding the significance of this project. My chairman has committed to expedite this—the review and approval of this project.

Senator AKAKA. Thank you.

Thank you very much, Mr. Chairman.

Senator THOMAS. Thank you, sir.

Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman.

I want to focus on the John Smith Water Trail issue, and my questions will be directed to Mr. Martin.

Earlier this year, the National Park System Advisory Board found that the trail is nationally significant, which is one of the key criteria for designation. In your testimony, with regard to the remaining two criteria, Mr. Martin, you stated that, quote, “We have not encountered any information that would lead us to believe that the trail fails to meet the required criteria for designation.”

Now, although the study’s not yet completed, is it your view that the proposed John Smith Water Trail satisfies the remaining two criteria—namely, it’s a route with established historic uses, and it has significant potential for outdoor recreation and historical interpretation?

Mr. MARTIN. Yes.

Senator ALLEN. Thank you. Good answer. I like that.

[Laughter.]

Senator ALLEN. Adducing the good testimony.

Second, Mr. Chairman, Senator Sarbanes referenced this also, but I don’t think it was made part of the record. The U.S. Department of the Interior, on March 20 of this year, the Landmarks Committee unanimously recommended that the full advisory committee approve the statement of national significance for the proposed Captain John Smith Chesapeake National Historic Water Trail. On March 21 of 2006, the first—the full advisory board voted unanimously to approve the statement of national significance, and that will be put into the full feasibility study. That is a correct assessment; right, Mr. Martin?

Mr. MARTIN. Yes.

Senator ALLEN. I’d like this to be made part of the record of the committee.*

Senator THOMAS. Without objection.

Senator ALLEN. Now, Mr. Martin, in January of this year, the Park Service did begin the whole—the full public process by sending out letters to interested parties, providing notice that the National Park Service was moving forward with the study that we authorized by legislation previously. Based on your testimony and the number of letters—out of the nearly 200 letters, or any comments you’ve received, have any of them been opposed to this water trail?

Mr. MARTIN. Not that I’m aware of. I don’t have a complete breakdown. I think we’ve received about 170, and my understanding is that it’s been supportive. There could be some in there that express concerns over what the Federal involvement—or exactly how the trail would be managed, questions like that. But my

*The study has been retained in subcommittee files.

understanding is that they've been very much supportive of the trail.

Senator ALLEN. And the Governors of Virginia, Maryland, Pennsylvania, and Delaware are supportive of the trail?

Mr. MARTIN. That's my understanding.

Senator ALLEN. You mentioned one of the reasons for requesting the committee to defer action on the bill is to wait until the full feasibility study is completed, and you said it would probably be completed in October. Just so you understand the schedule here, in October, we're going to be out of session. Senator Akaka will be cruising on his way to reelection in Hawaii. There will be others that will not—we're out. We have elections in November. The only time, as a practical matter, after this is completed, which will be in late October/November, which would be in the event that we have a lame-duck session sometime, during the holidays, before Christmas, which means mostly—and who knows if something like this would pass then. Then the way this place operates is, you go into session January 3 of next year; usually nothing much happens in January, to the aggravation of some of us, but nothing happens much; you wait for the State of the Union Address; and sometime in February, you get into legislating; and it would probably pass in February of next year. Next year is the 400th anniversary.

And so, having us wait until the full study is completed, and given the time it takes to move legislation, and also looking at the calendar this year, aren't we—as a practical matter, if we waited—precluding Congress from establishing the trail this year, in advance of the 2007 400th anniversary of Jamestown?

Mr. MARTIN. Again, I think our view is that these proposals are generally strengthened by having it out for public input, that we get a lot of valuable insight into how to manage the trails or manage new park areas. And so, that's why we try, as best we can, to work within the established process. But we also understand the importance—and that's why we've been very supportive in accelerating this whole process—the importance of getting it done in a timely fashion, especially with a project that has this support and is of this quality.

Senator ALLEN. Mr. Martin, doesn't Congress have the ultimate authority to designate national historical trails, and has actually done so in the past, in the absence of a complete study?

Mr. MARTIN. Yes, that's happened a couple of times.

Senator ALLEN. And it is also possible—let's assume that this was adopted and passed at the end of next month or so. There's no reason why the Park Service and the States and the Jamestown commemoration folks, the National Geographic Society, the Chesapeake Bay Foundation, all those that are involved in this, could not adapt—listening to reasonable, good, constructive ideas, and adapt as they move forward, but at least everyone would know it's established and can take into account the good ideas that may come from organizations and individuals; could that not still occur?

Mr. MARTIN. Yes, I think it could.

Senator ALLEN. Thank you. Thank you, Mr. Martin.

Thank you, Mr. Chairman.

Senator THOMAS. Thank you. Thank you very much.

We have another member of the committee. While he's being seated, let me ask one quick question.

On this reauthorization of the advisory board, I've heard some rumblings that perhaps the reauthorization would change, a little bit, the character of it, putting more emphasis on recreation, as opposed to maintaining the resources. Is there any reason to think that's the case?

Mr. MARTIN. I think that the makeup that's proposed would change some of the focus of the advisory board. I think it would—our belief is that it would allow us to ensure that the makeup of the advisory board would keep us relevant and would keep us attuned with what's going on. It would also, the makeup that's proposed, ensure that the protection of park resources was a key component of everything that we do.

Senator THOMAS. Thank you.

Senator Alexander, would you have any comment or question?

Senator ALEXANDER. Mr. Chairman, thank you. I'd like to make a short comment, if I may.

Senator THOMAS. Sure, very good.

Senator ALEXANDER. If it would be appropriate right now.

Senator THOMAS. Certainly.

Senator ALEXANDER. I'd just like to say that I appreciate the efforts that have been made on the Captain John Smith Chesapeake National Historic Trail Designation Act. And what impresses me about it, Mr. Chairman, are a couple of things. One, it's relevant to the 400th anniversary of the founding of the first English settlement. That's important to all of us in America. And I know Virginia is especially proud of that, which is Senator/Governor Allen's comment. But the thing that interests me, too, is the strong private partnerships that Gil Grosvenor, Pat Noonan, Will Baker, and others have forged there. I think we need more of that in this country. The Federal Government can't shoulder the whole load. And so, it makes a big difference to me that so many private organizations and other organizations are pitching in on this. So, it has exceptionally strong leadership, and I was proud to be a cosponsor of the legislation to authorize the study. I'm going to continue to watch it carefully.

And I really came to the hearing primarily to emphasize my support for it and to notice the strong private partnerships that could make it succeed.

Thank you, Mr. Chairman.

Senator THOMAS. Thank you. Very good.

Senator Allen, I just would mention to you that most trails in Wyoming leave footprints. This one will not; is that correct?

[Laughter.]

Senator ALLEN. No, no footprints. It's all water.

Senator THOMAS. That's unusual.

Thank you. Thank you both very much. We appreciate it.

Mr. MARTIN. Thank you.

Senator THOMAS. Now, if we could have our second panel, please: Mr. Ray Saikus, a Vietnam veteran from Ohio; Patrick Noonan, chairman emeritus of The Conservation Fund; Gilbert Grosvenor, chairman of the board, the National Geographic Society; and Harry Robinson, consultant, TRG Consulting Studio.

Thank you, gentlemen. We'll take you just as you're seated there, if you please. And if you'll hold your statements to about 5 minutes, and then we'll have some short questions.

Mr. Saikus.

**STATEMENT OF RIMANTAS (RAY) SAIKUS, VIETNAM VETERAN,
U.S. ARMY, 173RD AIRBORNE BRIGADE, 1968-1969, CLEVELAND, OH**

Mr. SAIKUS. Thank you, Mr. Chairman and members of the subcommittee, for this opportunity. I'm honored to testify on behalf of myself and the family and my best friend, Steve Mylant, a U.S. marine who was killed in Vietnam in 1967, my fellow Vietnam veterans, and my fellow citizens, who are in concert with the statements and concerns to be presented here, but could not attend.

My testimony is directed to your deliberations regarding S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

I was shocked and angered on learning, from the National Trust for Historic Preservation, of the course of action that the House of Representatives has taken with H.R. 4882 and the Senate is considering with S. 2419. My alarm about these bills moved me to inform others and participate here.

Those who serve, and have served, have placed their lives on the line with the believe that, as we bring freedom and self-determination others, we're guaranteeing the same for our families and our fellow citizens. This bill, if enacted, will dishonor those who gave their all for their country and those who serve, or served, by stripping the right and ability of ordinary citizens to participate in our Government, especially from the families of those who made the ultimate sacrifice, as well as those who served, and their families.

I can assure you, from my personal experience, that the laws which would be pre-empted by these bills, laws like the National Environmental Policy Act and the National Historic Preservation Act are fundamental to the rights of citizens in our democracy and are effective ways for citizens to participate in our Government.

The House of Representatives seems to perceive citizens' involvement as a nuisance that should be eliminated. They did not even give us an opportunity to present our insight on its impact.

It is critical to understand that by shutting off these well-established public comment procedures, Congress would be silencing the voices of the families of those who made the ultimate sacrifice, Vietnam veterans who served, and their families, and denying all of their ability to have any say in the location and design of their visitor center. It will also take away the opportunity to benefit from the still gravely needed healing process that the site selection and design process for the Vietnam Veteran Memorial visitor center can bring.

I have had the privilege of participating as a veteran and as a citizen in volunteer organizations dedicated to honoring our heritage and honoring those who serve, so I have a special appreciation for the importance of protecting our heritage, which these bills would undermine.

In my written testimony, I site four examples in which I have been personally involved for the process of public involvement by citizens and veterans, including through the very laws that Congress is considering pre-empting here or having a meaningful effect. Because we, as citizens and veterans, so far were left out of these bill passage processes, I am one of the voices for those who want to make sure that the families of those who made the ultimate sacrifice, those who still have both physical and emotional scars from the Vietnam War, as well as their families and the veterans who served have an opportunity to be heard on how we're going to commemorate, memorialize, and interpret the story of their sacrifice and alleviate their pain and suffering, and especially how we're going to help them, and our Nation, heal.

Our soldiers serving in Iraq, Afghanistan, and other parts of the world expect, and will find comfort, knowing that, on our watch, the freedoms and rights of their families to participate in the government decisionmaking process are being protected, especially when many of them are sons and daughters of Vietnam veterans.

My personal healing has come a long way, because I have been able to participate in the administrative process that influences the decisions of our Government. Gentlemen—the ladies are gone—through your actions, you can help veterans, and the Nation, heal. Please do not disrupt the ability of others to heal by taking away their right to participate in the public process that will help to decide the location and design of our visitor center.

A little wait by us, Vietnam veterans and families, through this process, will give an opportunity for the end product to be a significant and memorable addition to our "Wall" and one that those honored on "The Wall" deserve. Taking the additional time to allow a public process would also give the Vietnam veterans themselves the opportunity to participate in influencing the location and design of the new visitor center.

The bill, as proposed, will completely shut us out of that discussion, and all interested citizens, including the veterans themselves, deserve to be heard and have the right to participate, and be defended and protected by this Congress.

I must commend the chairman and the Senate committee for respecting their fellow citizens, especially the Vietnam War families and veterans, by giving them this opportunity to express their position on this issue and bill. The wisdom you have demonstrated to hold this hearing, and the cry from veterans and citizens, can only lead you to conclude that this bill should not be passed. Please let the process that is in place have a chance to work.

Thank you.

[The prepared statement of Mr. Saikus follows:]

PREPARED STATEMENT OF RIMANTAS (RAY) SAIKUS, VIETNAM VETERAN, U.S. ARMY,
173RD AIRBORNE BRIGADE, 1968-1969, CLEVELAND, OH

Thank you, Mr. Chairman and members of the Subcommittee, for this opportunity to testify on behalf of myself and the family of my best friend, Steve Mylant, a U.S. Marine, who was killed in Vietnam in 1967; my fellow Vietnam Veterans; and my fellow citizens, who are in concert with the statements and concerns to be presented here but could not attend. My testimony is directed to your deliberations regarding S. 2419 and H.R. 4882, bills to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

I have made this trip in the midst of a monumental task—helping to organize the placement of Memorial Day flags honoring the 120,000-plus veterans buried in more than 150 cemeteries throughout Greater Cleveland in Cuyahoga County, Ohio. I am the Vice-President of the Memorial Day Association of Greater Cleveland.

But the course of action that the House of Representatives has taken with bill H.R. 4882 and the Senate is considering with bill S. 2419, alarmed me and moved me to participate in this hearing in memory of those who we honor on Memorial Day. If this bill is enacted, it would bring into light a painful reality about what value we place as a nation on the beliefs and sacrifices of those who gave their lives for their country and those who serve or served in the past. My fellow veterans and myself served and placed our lives on the line with the belief that, as we brought freedom and self-determination to others throughout the world, we were guaranteeing the same for our families and our fellow citizens. The right and ability of ordinary citizens to participate in our government is what these bills would strip from the families of those who made the ultimate sacrifice, those who served and the citizens. It would take away the opportunity to benefit from the still gravely needed healing process that the site selection and design process for the Vietnam Veterans Memorial Visitors Center can bring.

I can assure you from my personal experience that the laws which would be preempted by these bills—laws like the National Environmental Policy Act and the National Historic Preservation Act—are fundamental to the rights of citizens in our democracy, and are effective ways for citizens to participate in our government. The House of Representatives seems to perceive citizen involvement as a nuisance that should be eliminated. But it is important to understand that, by shutting off these well-established public comment procedures, Congress would be silencing the voices of Vietnam veterans themselves, as well as their families, and denying veterans the ability to have any say at all in the location and design of their visitor center.

I have had the privilege of participating in volunteer organizations, as a veteran and as a citizen, dedicated to honoring our heritage and honoring those who served. As a Mechanical Engineer and member of the American Society of Mechanical Engineers, now ASME International, I had the honor of successfully nominating two icons of our nation's industrial heritage, the Steamship William G. Mather and the Hulett Iron Ore Unloaders in Cleveland, for designation as ASME International Historic Mechanical Engineering Landmarks. So I have a special appreciation for the importance of protecting our heritage, which these bills would undermine. I would like to cite four examples in which I have been personally involved, where the process of public involvement by veterans, including through the very laws that Congress is considering preempting here, is having a meaningful effect.

- I was a co-founder of Greater Cleveland Veterans Memorial Inc., an organization in Cleveland that reclaimed Marshall Frederick's "Fountain of Eternal Life", a once-abandoned monument and plaza originally dedicated to honor those who died during WWII and the Korean War. In a process that took over 10 years, we participated to guarantee the monument's proper refurbishment and to bring about its expanded scope, one honoring all of those who made the ultimate sacrifice for our country from Cuyahoga County, beginning with the Spanish-American War up to and including the present Iraq and Afghanistan Wars. Over 5500 names are now engraved on plaques around the fountain.
- On another occasion, we Vietnam Veterans of Northeast Ohio had to fight to retain the name of "Vietnam Veterans of American Highway" from being changed to "Hall of Fame Highway," a proposal that had been developed and advanced without any consultation at all with the veterans.
- In another area of Cleveland, Rockefeller Park, trees were planted with plaques at their bases in memory of the 800-plus soldiers from the County that were killed in action in World War I. Rockefeller Park is also the site for four other veterans-related memorials, the American Colonial Garden with a monument to those who perished at Pearl Harbor, the Brotherhood Shrine Garden with a monument in memory of the four Chaplains who gave their lives to save our troops, the American Legion Peace Garden of the Nations and the American Legion Peace Garden of the United States. This area, once abandoned by the city, has been continually restored during the last twenty years by volunteers and has become a pristine area in honor of those WWI soldiers, the other veteran memorials, with pride in the heritage of Rockefeller Park and Cleveland's Cultural Gardens. Then the Doan Brook "Restoration" project was introduced by the FAA in an attempt to mitigate damage to wetlands and streams from the expansion of the Cleveland Airport. However, the veterans were totally excluded from this decision-making process, even though the veterans were the earliest and among the most affected stakeholders. The remediation design called for

imposing extensive blotchy sections of wild growth, demolishing retaining walls, and creating a look of abandonment, with major safety problems for volunteers, residents and visitors. Fortunately for us veterans, the National Trust for Historic Preservation advised us about the proposed project. The veterans immediately rallied to the defense of a place of honor for those who cannot defend it themselves. Yet our requests to reopen the decision were rejected by the FAA and the Advisory Council on Historic Preservation, even though the project was running into other problems as a result of bids that far exceeded estimated costs. The veterans informed them that the Doan Brook "Restoration" project was a misnomer and misled us into assuming that they were fixing the retaining walls and improving the area. Though this conflict has not yet been resolved, we are confident that the process will eventually be effective.

- On another project in Cleveland, four of the last remaining Hulett Iron Ore Unloaders were the subject of a legal battle in Federal Court in which I was one of the Plaintiffs against the U.S. Army Corps of Engineers for not complying with Section 106 of the National Historic Preservation Act. We lost two of the four Hulettts to demolition when the Army Corps issued a dredging permit without even considering preservation of the Hulettts. With the help of the National Trust for Historic Preservation, however, we were vindicated by a federal court, and the dredging permit was revoked. Six years later, the Port Authority is re-applying for a permit and the National Historic Preservation Act is empowering us to defend and preserve for future generations the remaining two Hulettts, icons of this country's ingenuity and its industrious people.

Because we as citizens and veterans were left out of many of these processes, I am one of the voices for those who want to make sure that the families of those who made the ultimate sacrifice, those who still have both physical and emotional scars from the Vietnam War as well as their families, and the veterans who served, have an opportunity to be heard on how we are going to memorialize and interpret the story of their sacrifice, and alleviate their pain and suffering, and especially how we are going to help them and our nation heal. Our soldiers serving in Iraq, Afghanistan and other parts of the world will find comfort knowing that on our watch the freedoms and rights of their families to participate in the government decision-making process are being protected, especially when many of them are sons and daughters of Vietnam Veterans.

Congress has created the procedures for citizens to participate and bring forth their visions. Since this Visitor Center will be built on public federal property or with the support of public funds or services, then all interested citizens, including the veterans themselves, deserve to be heard and have their right to participate defended and protected by this Congress.

My personal healing has come a long way because I have been able to participate in the administrative process that influences the decisions of our government. Gentlemen and ladies, through your actions you can help other veterans and the nation heal. Please do not disrupt the ability of others to heal by taking away their right to participate in the public process that will help to decide the location and design of our Visitor Center.

The WWII and Korean Veterans waited longer than the Vietnam Veterans for their memorials. A little wait by us Vietnam Veterans and families through this process will give an opportunity for the end product to be a significant and memorable addition to our "Wall" and one that those honored on the "Wall" deserve. Taking the additional time to allow a public process would also give the Vietnam Veterans themselves the opportunity to participate in influencing the location and design of the new Visitor Center. The bill as proposed would completely shut us out of that discussion.

We respect and salute those who have championed the cause to honor those who gave their all during the Vietnam War, and those who served. Now is the time to reflect on their accomplishments, cherish the legacy that they have left, and let not haste and exclusion taint their good deeds.

Below are organizations (Veteran and Civic) I am currently associated with and hold offices in:

Vice-President—Memorial Day Association of Greater Cleveland, rrs@mdaogc.org, www.mdaogc.org

Secretary-Treasurer—Joint Veterans Commission of Cuyahoga County, rrs@jvcooc.org www.jvcooc.org

Life member of—Vietnam Veterans of America, VVA Delegate to MDAOGC, 82nd Airborne Division Association, 82nd ADA Delegate to JVCOCC

President—Citizens Vision, rrs@citizensvision.org, www.citizensvision.org

Member of Executive Board—Cleveland Cultural Garden Federation, <http://ccgf.kliot.net/>

RESUME PROVIDED SEPARATELY

Senator THOMAS. Thank you very much.
Mr. Robinson.

STATEMENT OF HARRY G. ROBINSON, III, CONSULTANT, TRG CONSULTING STUDIO, WASHINGTON, DC, ON BEHALF OF THE VIETNAM VETERANS MEMORIAL FUND

Mr. ROBINSON. Thank you, Mr. Chairman, members of the committee. I'm honored to be here today to present this testimony. We do have a statement in the record, and I'm going to summarize that.

For the record, I would like to say that I'm a Vietnam veteran. I served in that country in 1967. That service garnered for me the Purple Heart and the Bronze Star. And, with the exception of that period out of this city and a period in grad school, I've spent my entire life here in Washington, DC. Indeed, I was on the Fine Arts Commission for a period of 8 years, and out of those 8 years, I served as either the acting chair or the chair of that body.

I say this to say that I understand that a public process from these agencies—the NCPC and the Fine Arts Commission—must have transparency, honesty, the absence of personal bias, neutrality, and competency. And it is those issues that I think—or those values that I think have been missing from this process.

The four points that I would like to summarize relative to S. 2419 are thus: VVMF and its partner, the Park Service, have had extensive public hearings—at least six, to my count. We have been before every public body to which we have been summoned. We have spoken honestly. We have hired the best possible expertise to assist us. And, from these meetings, we have taken counsel, and we've changed many directions from them.

In the legislation, there was a statement of “at or near the memorial.” We hired Dr. Sue Taylor, from Howard University, who created a brilliant statement about what “at or near” meant. It was a statement that included not only distance, but emotional separation. This statement of “at or near” has never been challenged in any meeting or any public forum; neither have we received any response to this statement from any of the reviewing bodies.

We have engaged the best possible architects and designers to do the study for us. The Polshek Partnership and Ralph Applebaum Associates are well underway on their studies, and had, in fact, made a presentation in this very building last week. I'd like to remind you that this facility is underground, as required by the legislation.

I'd like to speak to the Vietnam Veterans Memorial Fund's adherence to CWA. When we first built what has become to be known as “The Wall,” it is that legislation, it is that process, that gave us great direction. The late J. Carter Brown, in his position as chairman of the Fine Arts Commission, gave much counsel to Jan Scruggs and those working with him to build “The Wall”. We respect the values of CWA. We respect the history of CWA, and the

Mall. We simply ask for a clear, unfettered path to site selection as appropriate to our purposes.

I thank you very much.

[The prepared statement of the Vietnam Veterans Memorial Fund follows:]

PREPARED STATEMENT OF THE VIETNAM VETERANS MEMORIAL FUND

Today, you are considering S. 2419, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act, which was introduced by Senators Stevens, Kerry and Hagel on March 15. A similar bill was passed in the House last month.

The Vietnam Veterans Memorial Fund is testifying today to answer some of the questions members of the Senate may have about the necessity of this bill.

The Memorial Fund is the organization that built the Vietnam Veterans Memorial. Over the years, we have found that "The Wall That Heals" has become "The Wall That Educates." Many of the 4 million visitors who come to the Wall each year are schoolchildren who were not even alive during the Vietnam War. The Memorial Fund has come to realize that we need to do more to educate the country's young people about the patriots who sacrificed for their country during that war.

We have sought the advice of experts who have a great deal of knowledge about the National Mall. Our initial site evaluations were conducted by the designers who created Constitution Gardens and the architect of record for the Vietnam Veterans Memorial.

We have worked in good faith with the commissions responsible for new projects on the Mall, but the delays continue. Congressmen Richard Pombo and Steve Pearce met with the chairman of the National Capital Planning Commission (NCPC) on March 2, 2006, and asked him about these delays. They soon thereafter introduced and passed H.R. 4882 to force compliance with the law authorizing the Center. Senators Ted Stevens, Chuck Hagel and John Kerry agreed that a legislative solution was needed, and they introduced S. 2419, now under consideration by this Subcommittee.

THE VIETNAM VETERANS MEMORIAL FUND HAS WORKED WITHIN THE ESTABLISHED SYSTEM TO GET A SITE APPROVED FOR THE MEMORIAL CENTER

This legislation is not an alternative to going through the normal channels. We have, in fact, been working within the system. Two of the three commissions that must approve a site before it is awarded have approved our preferred site, which is the site named in the legislation: "Site A," the land bordered by Henry Bacon Drive, 23rd Street and Constitution Avenue. (*For a timeline of all activity on the Memorial Center, see Exhibit 1.*)

The National Capital Memorial Advisory Commission recommended two sites for the Memorial Center on May 11, 2005: Site A and the Interior South Building on Constitution Avenue, which is not available.

The Commission of Fine Arts (CFA) gave conditional approval to Site A during a Sept. 15, 2005 meeting, approval that was reasonably conditioned on seeing an appropriate design.

The problems have stemmed from the National Capital Planning Commission (NCPC), the third group that must give approval to the use of Site A.

THE MEMORIAL FUND AND THE NATIONAL PARK SERVICE HAVE EXPERIENCED NUMEROUS AND CONTINUING DELAYS AT THE HANDS OF THE NCPC

The Memorial Fund and the National Park Service have acted in good faith, trying to work with the NCPC to comply with all of its requests. Here are three examples:

- During a presentation at the Oct. 6 NCPC meeting, architect James Cummings, AIA, presented traffic data gleaned from existing studies conducted in 1992, 1998 and 2000. The NCPC concluded that this information was not current enough and requested a new traffic study be conducted. It was commissioned by the Memorial Fund immediately, completed and submitted to the NCPC in time for the Dec. 1 meeting.
- From the beginning of their dealings about the Memorial Center, the NCPC and the Memorial Fund have been using the NCPC's own *Museums and Memorials Master Plan* as a guide for how and when information should be submitted in the approval process. This document clearly shows that a preliminary environmental analysis should be completed prior to site approval, and an in-depth environmental assessment should be completed once a site has been named. (*Ex-*

hibit 2) Yet, the Memorial Center was taken off of the agenda for the Dec. 1, 2005 NCPC meeting because the commission insisted that a detailed environmental assessment needed to be conducted on two sites before approval was given for any site. The Memorial Fund commissioned this assessment. It has taken four months and has cost \$80,000-time and money the Memorial Fund was forced to invest in a site that has not even been approved.

- In June 2005, the Department of the Interior refused to allow its Interior South Building on Constitution Avenue to be considered as a site for the Memorial Center. In spite of this refusal, the NCPC insisted the building, as well as land in front and in back of it, be considered for the Center. At NCPC insistence, the National Park Service went back to the Department of the Interior several times to request that permission to use Interior South be reconsidered. The answer remained “no.” When the National Park Service and Memorial Fund did not advance the building as a serious site candidate, the NCPC staff recommendation prior to the Oct. 6, 2005 meeting criticized them for not giving this site more consideration (*Exhibit 3*).

WHY IS THE NCPC DELAYING SITE APPROVAL?

The NCPC is on the record opposing the Vietnam Veterans Memorial Center since the project was first being considered by Congress in 2001. In 2003, as part of her testimony before this subcommittee concerning the Vietnam Veterans Memorial Visitors Center, NCPC Executive Director Patricia Gallagher said, “Since 1991, the Commission has been consistent in expressing its objection to additions to the Vietnam Veterans Memorial.”

In 2003, Congress passed legislation allowing a Vietnam Veterans Memorial Center “at or near” the Memorial. President Bush signed that bill into law that same year. Although the will of Congress is clear, NCPC members have felt free to continue debating the question as late as October 2005, when they were supposed to be considering where to put the Center.

- “I understand that Congress passed and said that the Vietnam Memorial Visitor Center would be exempt from that [the ban on future memorials on the Mall], and that would be the last one. Well, that doesn’t ring a bell with me, because Congress has said that will be the last one on a lot of other things, too, and they didn’t live up to what they said.”—*Herbert F. Ames, NCPC Commissioner*
- “This is sort of *deja vu* of World War II for me, which I voted against consistently for one reason: I do not believe we should study war on the Mall. I think the Mall is a sacred, hallowed ground, underneath or on top, and I believe that we should not have more and more things that point to war and celebrate it.”—*Arrington Dixon, NCPC Commissioner*
- “If you ask the average American person, they would probably say the Mall is finished. Stop doing things to it. Leave it alone. I think that what we are trying to do here in continuing to nibble away at it by special exceptions will never end unless we all cumulatively take a stand on this.”—*Jose L. Galvez III, NCPC Commissioner*

Documents that the Vietnam Veterans Memorial Fund has obtained through the Freedom of Information Act illustrate an institutional bias against the Memorial Center on the part of key members of the NCPC:

- In an e-mail in February 2005 about the Vietnam Veterans Memorial Center project, NCPC Historic Preservation Officer Nancy Witherell jokes about a colleague’s comments that, to get to a remote site, “pedestrians can ‘run’ when they get a Walk sign!” (*Exhibit 4*)
- In the same e-mail, Witherell referred to a recently held public meeting about the Memorial Center site as “an NPS dog and pony show.” (*Exhibit 4*)
- In another e-mail sent around the same time, Witherell dismisses the importance of the Memorial Center: “I realize Jan Scruggs/Congress is a high-powered applicant, but so was MCI/Mayor Barry/Abe Pollin/Federal City Council.” (*Exhibit 5*)

Other memorials, including the World War II Memorial and the FDR Memorial, have found the bureaucracy of the NCPC to be inhibiting to forward progress and have also sought legislative remedies to the problem.

THIS LEGISLATION WILL NOT ENABLE THE VIETNAM VETERANS MEMORIAL FUND TO
IGNORE HISTORIC AND ENVIRONMENTAL CONSIDERATIONS

Furthermore, it has never been the intention of the Vietnam Veterans Memorial Fund to bypass environmental concerns or distract from the historic importance of the Mall.

- The Memorial Fund has demonstrated again and again that it cares about preserving the historic vistas of the National Mall.
- The year-long study commissioned by the Memorial Fund to evaluate potential sites was conducted by Henry Arnold and George Dicky, who designed Constitution Gardens, and J.C. Cummings, the architect of record for the Memorial.
- The Memorial Fund conducted a public design competition that took nearly nine months and produced two world-renown firms as winners: Polshek Partnership LLC as the architect and Ralph Appelbaum Associates as the exhibit designer.
- In his testimony in front of the NCPC in October 2005, architect James Polshek stated his goals for the Memorial Center: “This is a project that [will] not bear, in the end, the signature of an architect, something that you are all too familiar with here in Washington . . . I talked to my staff and my partners and I said, ‘We are going into this as a facilitator, as a mediator and as a protector that, in the end, our job is to protect the sanctity of the memorial and its site.’ ”
- The National Park Service is a partner with the Memorial Fund to make sure the site chosen is best for the Center, the Mall and the country. 4 VVMF Testimony Page 5 o A board member of the Vietnam Veterans Memorial Fund and a key advisor in this process is Harry Robinson, chairman of the department of architecture at Howard University and a past member and chairman of the Commission of Fine Arts.
- The enabling legislation passed in 2003 stipulates that the Center will be underground. So, while a representative of the NCPC was quoted by the press not long ago as saying that this legislation would result in “a five-story building on the National Mall,” that is impossible. And it is not the goal of the National Park Service or the Memorial Fund. The Center *will* be underground. (*For the facts about other misconceptions that have aired in the press, see Exhibit 6.*)
- The Vietnam Veterans Memorial Fund and the National Park Service must still work with the NCPC and other commissions to get approval on the design aspects of the Memorial Center. Our intention is not to bypass these bodies, but to remove the delays from getting the center under way.

Thank you for your consideration of these points. We urge the members of this subcommittee and the entire Senate to approve S. 2419.

EXHIBIT 1

VIETNAM VETERANS MEMORIAL FUND—
VIETNAM VETERANS MEMORIAL CENTER TIMELINE

September 21, 2000—Plans to introduce legislation to build an education center on the Vietnam Veterans Memorial grounds are announced by combat veterans Sen. Chuck Hagel (R-Neb.), Rep. John P. Murtha (D-Pa.) and Vietnam Veterans Memorial Founder and President Jan Scruggs.

January 2001—An independent survey is commissioned by the Memorial Fund and conducted by Reed Haldy McIntosh & Associates. It finds that: nearly 80 percent of adults polled see a need for an education center; younger adults (age 18-29) more enthusiastically support the idea; and 75 percent of teachers surveyed felt learning about the war was important.

February 7, 2001—Legislation is introduced in the House (H.R. 510) and Senate (S. 281) to authorize the construction of an education center near the Vietnam Veterans Memorial.

February 11, 2002—The National Park Service, under the direction of the Bush Administration and the Department of Interior, supports construction of an “under-

ground” educational facility at the Vietnam Veterans Memorial. Former U.S. presidents George H. W. Bush and Gerald Ford also support the initiative.

May 23, 2002—Texas Senator Phil Gramm halts passage of Vietnam Veterans Memorial Education Act for the third time.

June 5, 2002—The U.S. Senate Energy and Natural Resources Committee approve legislation to establish a Vietnam Veterans Memorial Education Center on the National Mall.

March 26, 2003—Exactly 21 years after the groundbreaking of the Vietnam Veterans Memorial, House Resources Chairman Richard Pombo (R-CA) introduces bipartisan legislation (H.R. 1442) providing for construction of a Visitor Center at the Vietnam Veterans Memorial.

May 19, 2003—U.S. Senator Chuck Hagel (R-NE), introduces the Vietnam Veterans Memorial Visitor Center Act (S. 1076) providing for construction of a visitor center at the Vietnam Veterans Memorial.

May 21, 2003—A historical congressional hearing of the House Subcommittee on National Parks, Recreation and Public Lands is held near The Wall to discuss H.R. 1442. It is the first time a hearing occurs within the core area of the National Mall.

June 3, 2003—William P. Lecky, AIA, internationally acknowledged for his award-winning work, most notably the Vietnam Veterans and the Korean War Veterans Memorials, testifies before the Senate Subcommittee on National Parks in favor of a Vietnam Veterans Memorial visitor center.

June 25, 2003—The U.S. Senate Energy and Natural Resources Committee unanimously approves legislation (S. 1076) authorizing the design and construction of a visitor center at the Vietnam Veterans Memorial.

July 18, 2003—The U.S. Senate unanimously approves legislation (S. 1076) allowing a visitor center to be built at the Vietnam Veterans Memorial.

September 24, 2003—The Vietnam Veterans Memorial Visitor Center Act (H.R. 1442) passes the House Resources Committee.

October 15, 2003—The U.S. House of Representatives passes legislation (H.R. 1442) virtually assuring the construction of a visitor center at the Memorial. Jan Scruggs calls for President Bush to sign legislation by Veterans Day.

November 5, 2003—The Senate unanimously approves H.R. 1442. (Language changes necessitate another vote.)

November 6, 2003—The U.S. House of Representatives unanimously approves the legislation.

November 17, 2003—President Bush signs H.R. 1442, amending Public Law 96-297, ensuring the creation of an underground center which will honor the memory of Vietnam veterans and educate visitors of the sacrifices that veterans have made in the name of freedom.

January 15, 2004—The Vietnam Veterans Memorial Fund announces a two-stage national competition to select a team to design the Vietnam Veterans Memorial Center.

February 2004—The Memorial Fund commissions a site study and environmental analysis to determine the most suitable site for the Vietnam Veterans Memorial Center. Objectives are to find a location that will enhance the visitor’s experience and respect the sanctity of the National Mall and the Vietnam Veterans Memorial.

March 2, 2004—Nine finalists are chosen in the design competition out of 39 entrants.

March 31, 2004—The field of design teams is further narrowed to four.

July 19, 2004—The inaugural meeting of the Vietnam Veterans Memorial Center Advisory Board is held, chaired by General Barry R. McCaffrey, USA (Ret.). The Board consists of veterans, historians, authors, educators and scholars to consider the design of the Center and nature of the exhibits.

September 17, 2004—Memorial Fund announces award-winning Polshek Partnership Architects, LLP to head design team to build the visitor center. The team includes award-winning Ralph Appelbaum Associates, Inc., Exhibit Design.

November 30, 2004—The Vietnam Veterans Memorial Center Advisory Board holds its second meeting.

January 26, 2005—The Memorial Fund and the National Park Service hold a joint news conference announcing the completion of the site study and the study team’s recommendation of the site bordering Henry Bacon Drive, Constitution Avenue and 23rd Street, NW, for construction of the Vietnam Veterans Memorial Center.

February 22, 2005—A public meeting is held at the American Institute for Architects to review the site selection process and gather public comment.

March 15, 2005—A site study presentation is given to the National Capital Memorial Advisory Commission. The commission requests that further study be conducted on Sites A (Henry Bacon), B (East Knoll) and E (Interior South).

May 11, 2005—The second presentation of the site study is made to the National Capital Memorial Advisory Commission. The commission recommends Sites A and E.

May 29, 2005—The third Meeting of the Vietnam Veterans Memorial Center Advisory Board is held.

June 23, 2005—A second public meeting is held. The National Park Service announces that the Secretary of Interior has removed Site E from further consideration.

September 15, 2005—A presentation is made to the Commission of Fine Arts. The commission approves Site A subject to conditions of architectural development.

October 6, 2005—At the National Capital Planning Commission meeting, a motion was made to vote in favor of the executive director's report which would eliminate Site A. Before voting on this motion, Chairman Cogbill suggested a substitute motion to conditionally approve Site A. The substitute motion resulted in a 6-6 tie, ending the motion. The NCPC then returned to the first motion, which also resulted in a 6-6 tie. John Parsons made a motion to have the applicants return to the NCPC with an evaluation of the front lawn of the Interior South Building (a site put forth in the executive director's report), further analysis of Site G and program information for Site A. This motion passed unanimously.

November 29, 2005—The National Capital Planning Commission removes the Vietnam Veterans Memorial Center from the agenda for its meeting on December 1, 2005. The reason given is that the Commission would like an in-depth environmental assessment completed before it will consider the site chosen by the Memorial Fund. In spite of protests by the National Park Service and the Vietnam Veterans Memorial Fund, the decision stands.

January 27, 2006—The Vietnam Veterans Memorial Fund commissions EDAW to conduct an environmental analysis on Site A and Site G to comply with NCPC requests. The study will take several months to complete and cost nearly \$80,000.

March 28, 2006—The U.S. House of Representatives passes H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act, 404-4. The act, which was introduced by Rep. Richard Pombo, would give the NCPC 30 days to approve Site A for the Memorial Center.

May 16, 2006—The Senate Subcommittee on National Parks holds a hearing on S. 2419 and H.R. 4882, bills that would end the delays in approving a site for the Vietnam Veterans Memorial Center. S. 2419 was introduced by Sen. Ted Stevens.

EXHIBIT 2*

STEPS FOR ESTABLISHING A MEMORIAL IN THE NATION'S CAPITAL

Individual characteristics of proposals may require additional related actions, the combination of two or more actions, or a change in the order of steps as outlined in this guide.

Initiation

1. Memorial sponsor seeks National Capital Memorial Commission (NCMC) staff assistance to review the requirements and process established by the Commemorative Works Act (CWA) and its applicability to the proposed memorial.

Legislation

2. Memorial sponsor seeks a Senator or Representative who is willing to draft and introduce a bill to authorize establishment of the memorial.

3. Staffs of NCMC, member of Congress who will introduce bill, and authorizing committees draft a bill that conforms to the provisions of the CWA.

4. Congressman and/or Senator introduce bill authorizing the memorial and designating the sponsor as the entity responsible for its erection at no cost to the federal government.

5. NCMC considers proposed authorizing legislation to establish its views pursuant to CWA (See. 3(d)).

6. Chairmen of House and Senate authorizing subcommittees solicit views of NCMC, may hold hearings on proposed authorizing legislation, and take action on a bill before sending it to the full House and Senate for a vote on the bill.

7. President signs bill into law if passed by Congress.

8. Memorial sponsor organizes the structure of the entity that will establish the memorial and begins planning for fund-raising efforts.

*Appendix A—From the Memorials & Museums Master Plan, National Capital Memorial Commission, February 2001

Site Selection and Approval

9. If requested by the sponsor, the Secretary of the Interior or the Administrator of the General Services Administration (GSA), depending on whose land is involved, seeks the advice of NCMC to determine whether the memorial warrants placement in Area 1. Secretary or Administrator, if requested, notifies Congress of a determination that the subject is of preeminent and lasting historical significance (CWA Sec. 6(a)) so that Congress can consider passage of legislation authorizing an Area 1 location.

10. Memorial sponsor works with staff of NCMC to identify potential sites and prepare alternative site study and accompanying preliminary environmental analysis.

11. Memorial sponsor submits alternative site study and accompanying preliminary environmental analysis to NPS or GSA for approval of preferred site. After consultation with NCMC, NPS or GSA approves a preferred site on behalf of the Secretary of the Interior or the Administrator of GSA, depending on whose land is affected.

12. NPS or GSA submits approved site to the National Capital Planning Commission (NCPC) and the Commission of Fine Arts (CFA) for approval and initiates consultation with the State Historic Preservation Officer (SHPO).

Design Approval

13. After site approval by NCPC and CFA, and comment by SHPO, the design process begins.

14. Memorial sponsor selects (1) a designer, or (2) a coordinator for design competition if a competition is to be held.

Design Approval

16. Memorial sponsor selects preferred design concept and meets with NPS or GSA to discuss issues that design may present. After possible refinements, sponsor submits the design concept and accompanying environmental assessment to NPS or GSA for approval. NPS or GSA reviews design concept and, upon concurrence, submits it to NCPC, CFA, and SHPO.

17. Memorial sponsor, in close coordination with NPS or GSA, refines the design concept on the basis of agency comments and submits preliminary design to the landholding agency who, upon approval, submits it to NCPC, CFA, and SHPO.

18. Memorial sponsor, in close coordination with NPS or GSA, refines preliminary design on the basis of agency comments and submits final design to NPS or GSA who, upon approval, submits it to NCPC, CFA, and SHPO.

19. Memorial design team completes final drawings and specifications in close coordination with NPS or GSA.

Fundraising and Construction

20. Memorial sponsor completes fund-raising.

21. Memorial sponsor submits to NPS or GSA final drawings and specifications, cost estimate, and evidence of funds on hand, plus 10 percent cash payment of design and construction costs for maintenance. The sponsor seeks final approval by the Secretary of the Interior or the Administrator of GSA.

22. NPS or GSA issues a construction permit on behalf of the Secretary of the Interior or the Administrator of GSA.

23. Memorial sponsor begins construction and preparation of operation, maintenance, and preservation plans for the memorial.

24. Memorial is dedicated and transferred to NPS or GSA for management with accompanying as-built operation, maintenance, and preservation plans.

EXHIBIT 3

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, DC, August 24, 2005.

Hon. GALE A. NORTON,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY NORTON: The National Capital Planning Commission (NCPC) was disappointed to learn of the decision to drop the Interior South building from consideration as a possible site for the Vietnam Veterans Memorial Visitor Center. Given that this center will impact one of the nation's most precious resources—the National Mall—I write to respectfully request that you revisit this decision.

The Interior South building, at Constitution Avenue between 19th and 20th Streets, NW, would allow both NCPC and the Department of the Interior to further

our respective roles as stewards of this treasured open space. While we recognize that a change of use would have some impact on existing operations at Interior, we believe the site is worthy of further consideration given the many positive benefits to locating the visitor center off the Mall. Use of Interior South would protect the Mall's historic open spaces, views and nearby memorials; its location and architecture are appropriate for greater public use; and it would create the opportunity to locate additional visitor services, such as food and orientation facilities, with the visitor center.

I would like to encourage you to ask your staff to reconsider the site analysis prepared by NCPC on this matter. Enclosed is a letter we sent to your staff in late June, outlining our rationale for our strong support of the Interior South Location. We hope you will agree that the merits of this location are worthy of further deliberation and study.

I would welcome the opportunity to discuss this project with you further at your convenience.

Sincerely,

JOHN COGBILL,
Chairman.

[Enclosure.]

DEPARTMENT OF THE INTERIOR,
Washington, DC, September 27, 2005.

Mr. JOHN V. COGBILL, III,
Chairman, National Capital Planning Commission, Washington, DC.

DEAR MR. COGBILL: This will respond to your August 24 letter to Secretary Gale Norton in which you requested reconsideration of the Interior South Building as a possible site for the Vietnam Veterans Memorial Center (Center) authorized by Public Law 108-126, enacted November 17, 2003.

We appreciate the role of the National Capital Planning Commission as the Federal planning agency and one of the stewards of the Nation's Capital. Similarly, the Secretary of the Interior bears the ultimate responsibility for the property under the jurisdiction of the Department of the Interior. As such, we must balance the mission of all agencies within the Department as stewards of this Nation's unique natural and cultural resources providing access for visitors from home and abroad to these exceptional places and national recreational opportunities. Additionally, because the Center will be built pursuant to the requirements of the Commemorative Works Act, the Secretary of the Interior must also approve the site.

Adaptive use of the Interior South Building for the Vietnam Veterans Memorial Center would result in serious operational, security and fiscal impacts to the Department, as well as the Office of Surface Mining and the Bureau of Indian Affairs. That determination was reinforced in recent discussions between the Department Assistant Secretary, Policy, Management and Budget, and the Chairman, Advisory Council on Historic Preservation, who agreed that the Interior South Building was removed from further consideration for very valid reasons.

In carrying out the requirements of Public Law 108-126 to construct and landscape the Center in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall, we have engaged the public and worked closely with the Vietnam Veterans Memorial Fund (Fund) to complete an analysis of site alternatives, including the Interior South Building. Consequently, we have submitted on behalf of the Fund, our preferred site, located in the parcel of park land south of Constitution Avenue between Bacon Drive and 23rd Street, NW. We have included in the submission, for the Commission's consideration, specific design guidelines that we believe will protect West Potomac Park and the Lincoln Memorial from adverse visual impacts. We look forward to the Commission's review of those design guidelines as part of its consideration of the proposed site.

We appreciate your interest and concerns, and trust that you can respect the Department's position on this important project.

Sincerely,

PAUL HOFFMAN,
For the Assistant Secretary for Fish and Wildlife and Parks.

DEPARTMENT OF THE INTERIOR,
Washington, DC, October 27, 2005.

Mr. JOHN V. COGBILL, III,
Chairman, National Capital Planning Commission, Washington, DC.

DEAR MR. COGBILL: This letter responds to further conceptual site selection ideas for the future location of the Vietnam Veterans Memorial Center discussed by the National Capital Planning Commission (Commission) at its meeting of October 6, 2005. We continue to appreciate the vital role of the Commission in this process as one of the stewards of the Nation's Capital.

At the last Commission meeting, the potential use of the south lawn of the U.S. Department of Interior (DOI) South Building was suggested as a potential underground site for the Vietnam Veterans Memorial Center. There are many operational, security, public access and design concerns associated with the use of this site for a high-volume public facility.

The DOT South Building and its grounds are the setting in which the DOI manages a wide range of federal initiatives and land management programs station-wide. The change of any portion of this building, its grounds, or its attendant facilities will have a negative impact upon the operations of these offices and, therefore, on the ability of the DOI to meet its mission.

The south lawn of the DOI South-Building is bisected by the ceremonial path leading to the grand south entrance. As authorized by Public Law 108-126, enacted November 17, 2003, the Vietnam Veterans Memorial Center will be an underground facility. The small scale of available lawn in the suggested location would not provide for adequate space to accommodate expected visitation entering and exiting from the Center. The visual intrusion of sufficient entrance and exit above-ground structures would overwhelm the landscape and the immediately adjacent structure, as well as, disrupt the historic building line and streetscape along the north side of Constitution Avenue. Further, the ability to construct a visually unobtrusive entrance to a facility under the south lawn is extremely problematic because of the scale of available lawn and the existing architectural features, such as walls and plazas.

The introduction of a new high-volume public facility and the attendant increased bus and vehicular traffic associated with a facility serving more than two million visitors annually adjacent to sensitive federal facilities presents a serious concern for the DOI. In addition to the several years of disruption associated with the necessary construction and commissioning of an underground facility in immediate proximity to the DOI, we are aware that neighboring Federal agencies have raised serious concerns about similar impacts to their facilities during public meetings as well as in testimony given at the October meeting.

Further, this site remains inherently problematic as indicated to discussion presented within the Vietnam Veterans Memorial Center Site Selection Environmental Study for site visitor movements to and from the Vietnam Veterans Memorial. The barrier created by the 8-lane arterial roadway, Constitution Avenue, which would divide the Center and Memorial, is detrimental to successful operation of programs which will involve large school groups, veterans groups and other similar organizations for which the Center's message is primarily intended.

Therefore, the Interior South Building and its grounds are not available for consideration as a potential site for the Vietnam Veterans Memorial Center.

We appreciate the Commission's suggestions, and we trust that you can respect the Department's position on this important project.

Sincerely,

CRAIG MANSON,
Assistant Secretary for Fish and Wildlife and Parks.

EXHIBIT 4

From: Witherell, Nancy
Sent: Wednesday, February 23, 2005, 1:52 PM
To: Maloney, David (OP)
Subject: FW: TR Bridge and Viet Vets—read this after your staff reports. n

Comments from Tony Simon below—he obfuscates a bit at the bottom—I think your language generally is fine, or you could add 2M to future statements if you wish, or even better refer to long-term federal planning goals on and around the Mall. Everyone understands the space crunch—and you have created potential new museum site.

If Parsons' office could get funding for a Mall Master Plan, we'd all be better off. This is a huge problem—bigger every year. CFA got us off to a good start last week by suggesting a Mall summit to discuss goals and how to achieve them. And we have given specific statements to GAO several times this year about need for NPS to do Master Plan and our offer to do it with NPS if we can get the money from Congress.

Gene Keller also wrote me that he likes your plan—he thinks the building site looks a bit isolated on the plan but that pedestrians can “run” when they get a Walk sign!

I'm still reading Viet Vets study—will have more comments on that and in relation to TR by tomorrow afternoon.

Also, I e-mailed Martha to learn if she had seen NPS “106” letter on Viet vets (“106” in quotations!)—not, so I faxed to her. She would like our briefing comments on Viet in advance of March 15 if possible. I'm assuming I can share at least a version of them—I'll send to you, too. Hate, to burden you, but I hope you or Lisa can sit for Mayor.

Thank you again for faxing NPS letter to me. Wayne and I spent some time yesterday exchanging snarky a-mails about NPS's 106 procedures and, more specifically, how they intend to hide politically behind you, us, and CFA on this entire project. Wayne and I just love the level of analysis in the letter! Parsons could state that any underground site here would be adverse and STILL be playing it very safe. But, no, he can't even do that. Even if he was the one to suggest to Congress that it be placed underground, he still would be merely stating his own stewardship responsibility by stating that any museum here would be adverse. Sally's sentence in the letter is ludicrous—and of course NPS will now claim that they have initiated, and will always reiterate the date during the upcoming lawsuit.

Did I mention that Tony Simon went to the public meeting last night? He and 2 vets were there . . . they were both in support. So much for a well-publicized public meeting . . . or for the “trust” that C100 and Coalition have in an NPS dog and pony show.

NANCY WITHERELL,
Historic Preservation Officer, National Capital Planning Commission

EXHIBIT 5

From: Costa, Wayne E.
Sent: Tuesday, February 22, 2005, 2:26 PM
To: Witherell, Nancy
Subject: RE: 106 for Vietnam Visitors Center

Based on that letter, it really looks like NPS is going to use NCMAC, CFA and us as the foils for Jan Scruggs. If they were being honest—and even without a preferred site, I would think they—would have to say that the area around the existing memorial would be adversely affected. It's the Mall or adjacent to the Mall. To show they are not doing any initial analysis, is just digging themselves a hole.

WAYNE E. COSTA,
General Counsel, National Capital Planning Commission

Original Message

From: Witherell, Nancy
Sent: Tuesday, February 22, 2005, 2:19 PM
To: Costa, Wayne E.
Subject: RE: 106 for Vietnam Visitors Center

Sigh. This is just how ww2 started, you know . . . NPS came in for concept approval from us with little more analysis than that. I have never, ever sent an initiation letter to the SHPO (and of course, NPS is also a licensing agency in this context) without (Ding the affected NR properties and making at least a preliminary determination about the nature and type of the effects. I realize Jan Scruggs/Congress is a high-powered applicant, but so was MCI/Mayor Barry/Abe Pollin/Federal City Council.

NANCY WITHERELL,
Historic Preservation Officer, National Capital Planning Commission

EXHIBIT 6

THE VIETNAM VETERANS MEMORIAL CENTER: ADDRESSING THE MISCONCEPTIONS

Rumor: By bringing Congress into the picture, the Vietnam Veterans Memorial Fund is making an “end run” around the established memorial approval process already in place in Washington, D.C.

Fact: The Vietnam Veterans Memorial Fund and the National Park Service have been working within the established review process for several years now. The two groups have been studying sites, commissioning analyses and reports, holding public meetings and working with the Commission of Fine Arts (CFA), the National Capital Memorial Advisory Commission (NCMAC) and the National Capital Planning Commission (NCPC) since 2004.

Rumor: The plans for the Vietnam Veterans Memorial Center will not stand up to the rigorous review process of the three commissions that must approve it.

Fact: The Vietnam Veterans Memorial Center preferred site at Henry Bacon Drive, 23rd Street and Constitution Avenue (also called “Site A”) has already received approval from two of the three commissions that must give approval before the project can proceed.

On May 11, 2005, NCMAC, after hearing a presentation by the Memorial Fund and the National Park Service, recommended two sites be advanced for the Vietnam Veterans Memorial Center: Site A, the preferred site, and the Department of Interior South building, north of Constitution Avenue at 20th Street. The Department of the Interior has repeatedly refused permission for use of that building and its surrounding area.

The second body that must approve new Mall projects, the CFA, gave the Vietnam Veterans Memorial Center conditional approval on Sept. 15, 2005.

Since then, the Memorial Fund and the National Park Service have been working in good faith to meet the requirements of the NCPC, but those requirements keep changing.

Rumor: The NCPC has not asked the Memorial Fund and the National Park Service for anything that it has not required of every other group it has worked with.

Fact: The NCPC’s own study, the Museums and Memorials Master Plan, indicates that an in-depth environmental study will not be required until *after* a site is approved.

The National Park Service and the Memorial Fund conducted a 10-month study of seven potential sites, which included environmental analyses, noise studies, analyses of historic sightlines of other memorials, traffic studies, pedestrian counts, studies of the impact on area vegetation and tree growth, and how placement of a Memorial Center in each of these spots would affect the other memorials on the National Mall. This study has been added to over the last year, as the NCPC has requested other information.

The Vietnam Veterans Memorial Center site was on the agenda to be considered by the NCPC at its Dec. 1, 2005 meeting. On Nov. 30, it was pulled from the agenda without warning. At that time, the NCPC requested an in-depth environmental study of two sites before it would consider the Memorial Center again. This is unprecedented, as past memorials have not been required to submit such a costly and time-consuming analysis until after a site was approved.

Even so, the Memorial Fund commissioned the in-depth environmental study requested. However, this will cost \$80,000 and take several months. And at the end of it, there are still no guarantees that the site will be approved.

Rumor: The public has not had the opportunity to weigh in on a Vietnam Veterans Memorial Center and where it should be located.

Fact: Two public meetings were held in 2005 to solicit response and opinions from the public. The Memorial Fund held a public meeting on Feb. 22, 2005 at the American Institute for Architects. The National Park Service held a second public meeting on June 23, 2005.

Rumor: If Congress approves this legislation, it will send a signal to other groups wanting fast approval of their memorial sites: “You don’t have to get a good design. Just hire a lobbyist.”

Fact: The Memorial Fund did not hire a lobbyist to get this bill passed in Congress. Rep. Richard Pombo (R-Calif.) introduced H.R. 4882 after researching the delays in site approval and meeting with NCPC and Memorial Fund officials. As a supporter of the Vietnam Veterans Memorial Center, he was dismayed at the continual delays the project was facing.

Also, the Memorial Fund has spent a good deal of time, effort and money on the Memorial Center’s design. A national competition to hire a designer was announced

in January 2004. Many rounds of careful judging ensued before a design team was selected on Sept. 18 of that year.

The architect and exhibit designer chosen for the project are world renowned and, between them, have worked on such prestigious projects as the National Holocaust Museum and the William Clinton Presidential Library.

Rumor: The Vietnam Veterans Memorial Fund has not considered other locations.

Fact: The Vietnam Veterans Memorial Fund and the National Park Service have considered eight sites. Seven of them were included in the 10-month study mentioned earlier, which was conducted by preservationists, landscape architects and the designers of Constitution Gardens.

At the conclusion of the study, Site A was recognized as the location that met the most criteria set by the Memorial Fund, the National Park Service and the authorizing legislation.

The eighth site, the space in front of the Interior South building, was suggested by the NCPD last fall and was studied by the National Park Service and the Memorial Fund. However, the Department of the Interior has repeatedly refused requests to use the Interior South Building or its grounds.

Rumor: The Vietnam Veterans Memorial Center will disrupt the other attractions on the National Mall.

Fact: The analysis conducted of potential sites for the Memorial Center studied noise, foot traffic and other factors that could possibly disrupt visitors to other memorials on the National Mall, and Site A was found not to be disruptive.

Rumor: If the NCPD is taken out of the decision-making process, the Vietnam Veterans Memorial Center will end up being a five-story building on the National Mall.

Fact: The National Park Service would never support such a plan, and the Vietnam Veterans Memorial Fund would never propose it. Every care has been taken to preserve the look and feel of the National Mall.

Also, this contention overlooks an important fact: the authorizing legislation calls for the Vietnam Veterans Memorial Center to be an underground facility.

Senator THOMAS. Thank you, sir.

Mr. Noonan.

STATEMENT OF PATRICK NOONAN, CHAIRMAN EMERITUS OF THE CONSERVATION FUND, ARLINGTON, VA; ACCOMPANIED BY GILBERT GROSVENOR, CHAIRMAN OF THE BOARD, NATIONAL GEOGRAPHIC SOCIETY

Mr. NOONAN. Mr. Chairman, I thank you and the committee for holding this hearing today.

I want to introduce my colleague, Gil Grosvenor, to my right. Gil is chairman of the board of the National Geographic Society and, along with me, a child of the Chesapeake. He joins me in supporting this important legislation before you.

In the interest of time, I ask consent to have my statement, and that of Mr. Grosvenor, entered in the record.

Senator THOMAS. Without objection.

Mr. NOONAN. I especially want to acknowledge the leadership of Senator Sarbanes and the bipartisan support for this legislation. Senators Warner, Allen, and Mikulski—they, along with Senators Biden, Carper, Santorum, and Specter, are the real visionaries behind this legislation.

On behalf of trail supporters across the Bay watershed, we express strong support for this bill. This bill recognizes and commemorates the historic 3,000-mile voyage of Captain John Smith throughout the Chesapeake Bay region.

I ask consent to submit for the record a list of individuals, groups, governmental entities, and tribal governments who support this bill. Thank you.

I do want to mention the full support of the Chesapeake Executive Council, chaired by Governor Ehrlich, the Chesapeake Bay Commission, and the Chesapeake Bay Foundation.

Mr. Chairman and members of the committee, there's a map to your left. That map was provided by the National Geographic Society, which has done extensive research on John Smith's diaries and his early drawings from 1608 to 1612, remarkably accurate drawings that have been recreated on a current base map detailing his travels in his areas of exploration.

We've heard that the National Park Service has completed the mandated study of the proposed trail as to its historical significance, and determined that it is nationally significant, as well, a critical first step to establish the trail.

2007 will mark the 400th anniversary of Captain Smith's journey. There is growing interest and enthusiasm in the Bay area and around the world for commemorating this remarkable event. We need to designate this trail now, in anticipation of next year's 400th celebration, the first quadricentennial celebration in our Nation's history, so that the National Park Service and its non-Federal partners will be ready and able to meet the public's high expectations for Jamestown.

We have been extremely fortunate that the private partnerships with the State and local governments, the departments of tourism, nonprofit and corporate America, including DuPont, Verizon, Lockheed Martin, and other corporations have embraced this concept. We express our appreciation.

Smith's exploits were nothing short of remarkable. With only a few men, he courageously explored the entire region, from the Virginia Capes to the lower Susquehanna River. His famous map of 1612 was the first accurate description of the region and provided, along with his diaries, similar depictions of the Bay and its peoples. My friends, this was the earliest extensive exploration of America by the English of this great land we now call America, 200 years before Lewis and Clark.

Smith was a bold leader. As the president of the Jamestown Colony, he was an inspiration political force who stressed the importance of loyalty, hard work, respect for the individual, and planted the seed of our democratic ideals.

The proposed trail is important on many levels. There are opportunities for education and interpretation, recreation, economic development, tourism, and especially the rapidly expanding and very exciting area of heritage tourism.

Yes, Captain John Smith's routes of travel deserve to be recognized and commemorated as a National Historic Trail, not just for our generation, but more importantly, for future generations.

Thank you, Mr. Chairman.

[The prepared statements of Mr. Noonan and Mr. Grosvenor follow:]

PREPARED STATEMENT OF PATRICK F. NOONAN, CHAIRMAN EMERITUS OF
THE CONSERVATION FUND

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify today in support of S. 2568, the "Captain John Smith Chesapeake National Historic Trail Designation Act of 2006." I am Patrick F. Noonan, Chairman Emeritus and founder of The Conservation Fund—a national organization dedicated to

conserving historic, natural and working landscapes and to promoting sustainable economic development through tourism, education and community-based initiatives.

I am accompanied by my good friend and colleague, Mr. Gilbert Grosvenor, the Chairman of the Board of the National Geographic Society. Gil Grosvenor and I have worked closely together to educate the public about the importance of Captain John Smith's voyages and the splendors of Chesapeake Bay. Mr. Chairman, in the interest of time, I ask consent to include Mr. Grosvenor's statement in the record.

We also wish to thank Senator Sarbanes for his leadership role in introducing this bipartisan bill with the outstanding support of Senator Allen and Senator Warner. The bill is co-sponsored by Senator Mikulski, Senator Biden, Senator Carper, Senator Santorum and Senator Specter, a testament to their recognition of our nation's rich history and the importance of commemorating the 400th anniversary of the establishment of Jamestown and Captain John Smith's voyages.

We strongly support S. 2568, a bill to amend the National Trails System Act to designate Captain Smith's routes of travel as the Captain John Smith Chesapeake National Historic Trail. By establishing a new National Historic Trail, the bill would designate Smith's historic routes of travel as nationally significant. These routes of travel extend for approximately 3,000 miles in the Chesapeake Bay and along portions of the Bay's major tributaries in the states of Virginia, Maryland, and Delaware.

For over thirty years, I have worked to protect America's great treasures, such as Civil War battlefields, by forming partnerships with private landowners, major corporations, and state and federal agencies. The Chesapeake region is particularly special to Gil and me because we are "children of the Chesapeake" and have lived near its shores for our entire lives.

The proposed Captain John Smith Chesapeake National Historic Trail comes from the people of the Chesapeake. After the hearing before this Subcommittee last year, we have seen a tremendous outpouring of support for establishing the trail, from state and local governments, Indian tribes, businesses, chambers of commerce, tourism leaders, non-profit organizations, landowners, educational institutions and individual citizens. We are pleased that the proposed trail enjoys the support of the governors of Maryland, Virginia, Delaware and Pennsylvania as well as the Virginia Council on Indians and the Nanticoke Indians. Mr. Chairman, I ask unanimous consent that a list of supporters be included in the record.

The completion of a replica of Captain John Smith's 30-foot boat, a shallop, earlier this year has heightened this level of public support and stirred the imagination of the general public about Smith's voyages. We are pleased that the shallop will be on display here in Washington, D.C. at the National Geographic Society later this year. We anticipate that the public's enthusiasm for telling this important story will only grow in advance of next year's commemoration of the important events that took place in the Bay nearly 400 years ago.

In carrying out the Congressionally-authorized study of the proposed trail, the National Park System Advisory Board recently found that Smith's voyages are nationally significant, a key step in the process to establish the trail. The Board concurred in the findings of the National Park Service and National Landmarks Committee that Smith's routes of travel are nationally significant with respect to several broad themes in our nation's history including ethnic heritage (Native Americans), exploration and settlement, and trade and commerce. Because of the historic, cultural, and economic importance of Captain John Smith's explorations of the Chesapeake Bay and the public's demand for information on Smith's voyages, we respectfully request that Congress pass the bill to establish the trail this year.

BRINGING AMERICAN HISTORY AND IMAGINATION TO LIFE

As you know, 2007 marks the 400th anniversary of the founding of Jamestown, the first permanent American settlement and of Captain John Smith's arrival in the New World. Captain John Smith—sailor, soldier, explorer, and colonial leader—played a crucial role in establishing the roots of our nation's rich maritime heritage when he explored the Chesapeake Bay in a shallop. Smith saved the hour at America's birth and served as indefatigable leader who, with the assistance and forbearance of the Native Americans, turned fate by keeping Jamestown afloat.

As the eve of the quadricentennial of Jamestown's founding approaches, it is important to commemorate the national significance of Smith's voyages, which are on par with Lewis and Clark's Corps of Discovery and their exploration of the nation's interior. The proposed trail will recognize John Smith's leadership and inspire generations of Americans and overseas visitors to follow Smith's journeys, gain a better understanding of the contributions of the Native Americans and to learn about the roots of American democracy.

Captain John Smith's exploration of Chesapeake Bay was a monumental and historic achievement, shaping the boundaries, character and future of America. Smith and his crew of just over a dozen men courageously traveled almost 3,000 miles along the Bay exploring a vast region from the Virginia capes to the lower Susquehanna River near Pennsylvania.

Smith saw a Chesapeake Bay with its incredible, productive ecosystem intact and with sophisticated and diverse Native American cultures thriving along the shores of what is known today as Maryland, Virginia, Washington D.C., Pennsylvania and Delaware.

Smith's famous 1612 map was the first accurate depiction of the Chesapeake Bay and the native settlements present. For nearly a century, the map served as the definitive map of the region, including areas documented entirely with information supplied by Native Americans. By providing accurate information, this map enabled the colonization of British North America. Smith's voyages also opened the door of opportunity to establish our democratic forms of government for all Americans

On his voyages and as President of the Jamestown Colony, Captain Smith became the point of first contact for scores of Native American leaders from around the Chesapeake. His notes describing the indigenous people he met in the Chesapeake are still widely studied by historians, anthropologists and scientists. The impact of Smith's voyages on the American Indians is a critical element of the story.

Smith commonly formed partnerships with the many different tribes by building an economic relationship based on trade. The supplies he obtained through trade with American Indians are credited with saving the Jamestown colony, during its early years. The historic meeting between colonists and Native Americans profoundly impacted both cultures and changed the course of history. These early interactions between the ambassadors of both peoples were in many ways a significant prelude for events to come.

As chronicled in his journals, Smith's voyages in America ignited the imagination of the Old World. He produced many books and his writing inspired hundreds, and then thousands of people to settle in the "dense woods and fertile valleys" of the Chesapeake. His adventurous spirit, descriptive writing and accurate mapping all serve to bolster his place in history. A man of humble birth, he was a captivating individual that played a crucial role in our country's history. The proposed National Historic Trail provides a practical opportunity for the outdoor enthusiast as well as the historian to get a taste of Smith's spirit by traveling the same route he did nearly 400 years ago.

In many ways, Captain John Smith personified the chance for a better life that would become the American dream for the millions of immigrants who would later benefit from his daring. The son of a farmer in Lincolnshire, England, Smith left his home to seek adventure and fortune in the wider world. Although he was not part of England's upper class, he became President of the Jamestown Colony, which was funded by the London based Virginia Company, one of North America's first "venture capital" enterprises. Smith demonstrated that America was a different place, where success was achieved through hard work, not necessarily noble birth. He helped set the foundation for America's philosophy of equality through his famous "don't work, don't eat" policy. Smith focused on skills and talents, not titles, setting an egalitarian outlook that has echoes in America to this date.

Smith was a bold leader who defied the odds and ignited a nation. His contemporaries gave him the credit for having supplied the firm hand and common sense that saved the Jamestown colony during its early struggles with starvation and disease. If not for his leadership, the colony would most likely have failed like the earlier lost colony of Roanoke. England may have lost its claim on the New world and our history would have been vastly different. Instead, he planted the seeds of our American democracy right here in the arms of the Chesapeake and provided inspiration to our county's founding fathers, such as Thomas Jefferson when writing the Declaration of Independence.

In 1804, in his book on The Life of George Washington, Chief Justice John Marshall wrote of Captain Smith "[w]hen we consider that he sailed above three thousand miles in an open boat; when we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honor on those engaged in them, than this does on Captain Smith."

MARITIME HERITAGE, TOURISM AND RECREATION

In addition to commemorating Smith's voyages, the proposed trail offers tremendous economic opportunities through heritage tourism, such as: trail outfitting and guide services, motor coach tours, food, lodging and maritime commerce. By establishing the trail, S. 2568 would provide an excellent opportunity for the public to learn about Native American history, early English settlement, as well as the Chesapeake Bay's natural resources. The trail could promote public education through: trail maps and guide books, classroom and field experiences, museum and website exhibits, and interpretive buoys.

Smith is a proud part of the region's rich maritime and cultural heritage, which includes the fleets of working boats tied up to the docks at watermen's villages, restored 19th century skipjacks and buyboats, Native American villages, and documentation in local maritime museums. John Smith's waterways of history would link these features with other recreational, cultural and historic destinations providing a highly desirable tourism opportunity for the region.

The Chesapeake Bay Commission, the Chesapeake Executive Council, and economic development officers, chambers of commerce and local governments have recognized the potential historic tourism opportunities of the trail. Involving volunteer communities, non-governmental organizations, public agencies, business and private landowners in the planning and operation of the trail will make the trail a new model for public-private partnerships so crucial to protecting the ecological integrity of working waterways and the ability to experience history.

CONCLUSION

The Chesapeake is an American treasure. It is the cradle of our nation and ties us to our history as a nation from Yorktown to the nation's capital. The Chesapeake is also a working landscape providing billions of dollars annually to the economy of the region and is cherished by the millions of people that live near its shores. Through the bipartisan leadership of the Maryland, Virginia, Delaware, and Pennsylvania Congressional delegation, the establishment of the Captain John Smith Chesapeake National Historic Trail would create exceptional opportunities for recreation and historical tourism experiences, education and stewardship.

S. 2568 recognizes the riches of the Chesapeake, just as John Smith did when, referring to the Chesapeake, he said, "Heaven and earth never agreed better to form a more perfect place for man's habitation." We urge your favorable consideration of this bill and would be pleased to answer any questions you may have.

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL SUPPORTERS

The following entities have expressed support for Senate Bill S. 2568 specifically and/or the expedited completion of the National Park Service's feasibility study for the trail as well as the general concept of the Captain John Smith Chesapeake National Historic Water Trail.

COMMONWEALTH OF VIRGINIA

Governor Tim Kaine, Virginia Department of Conservation and Recreation, Virginia Senate, Virginia House of Delegates, Virginia Council on Indians, Chickahominy Indian Tribe

Arlington County, County of Accomack, County of Charles City, County of Henrico, County of Stafford, James City County, King William County, Northampton County, Surry County

City of Fredericksburg, City of Norfolk, City of Richmond, City of Virginia Beach, Town of Colonial Beach

Arlington County, Committee on Jamestown 2007; BikeWalk Virginia; Cape Charles Historical Society; Colonial Beach Yacht Center, Inc.; County of Charles City, 2007 Planning Committee; Eastern Shore of Virginia Tourism Commission; Friends of the Rappahannock; Friends of the Rivers of Virginia; George Washington's Fredericksburg Foundation; James River Association; Jamestown 2007; Lynnhaven River 2007; New Kent Chamber of Commerce; Richmond Metropolitan Convention & Visitors Bureau; Richmond Region 2007; Tidewater Marine Trade Association of Virginia; Virginia Beach 2007; Virginia's Eastern Shore Tourism Commission

STATE OF MARYLAND

Governor Robert Ehrlich, Delaware Department of Natural Resources, Delaware Department of Transportation

Anne Arundel County; Cecil County; Dorchester County; Mid-Shore Regional Council (Talbot, Dorchester & Caroline Counties); Upper Shore Regional Council (Cecil, Kent & Queen Anne's Counties); Wicomico County; Worcester County

City of Annapolis, City of Salisbury, Town of Bel Air, Town of Cecilton, Town of Elkton, Town of North East, Town of Perryville, Town of Port Deposit, Town of Rising Sun, Town of Vienna

Dorchester County Tourism Department, Heart of Chesapeake County Heritage Area Management; DelMarva Low Impact Tourism Experiences; Eastern Shore Land Conservancy; Lower Eastern Shore Heritage Council; Marine Trades Association of Maryland; Maryland Legislative Sportsmen's Caucus; Nanticoke Watershed Alliance; National Aquarium in Baltimore; Rural Maryland Council; Somerset County Tourism; The Salisbury Zoological Park; Salisbury Area Chamber of Commerce

COMMONWEALTH OF PENNSYLVANIA

Governor Ed Rendell, Pennsylvania State Senate, Pennsylvania House of Representatives, York County, City of Harrisburg, Pennsylvania Environmental Council, The Western Pennsylvania Watershed Program

STATE OF DELAWARE

Governor Ruth Ann Minner; Delaware Economic Development Office; Delaware Department of Natural Resources & Environmental Control; Delaware State Senate; Delaware House of Representatives; Nanticoke Indian Tribe; New Castle County; City of Seaford; Town of Laurel; Bethany-Fenwick Area Chamber of Commerce; Greater Seaford Chamber of Commerce; Laurel Chamber of Commerce; Southern Delaware Tourism, Sussex County; University of Delaware

GREATER CHESAPEAKE BAY

Chesapeake Bay Commission; Chesapeake Executive Council; American Rivers; Chesapeake Bay Foundation; The Conservation Fund; Discovery Creek, Children's Museum; DuPont Corporation; Garden Club of America; Izaak Walton League of America; National Geographic Society; Sultana Projects, Inc.

PREPARED STATEMENT OF GILBERT M. GROSVENOR, CHAIRMAN,
NATIONAL GEOGRAPHIC SOCIETY

Mr. Chairman, and members of the Committee, thank you for the opportunity to provide a statement on the importance of Captain John Smith's voyages of exploration in Chesapeake Bay. When my good friend, Pat Noonan, a distinguished member of our Board of Trustees and Chairman emeritus of The Conservation Fund, came to me with the idea to create the Captain John Smith Water Trail I got on board immediately with Pat and Will Baker, President of the Chesapeake Bay Foundation as a founding member of the Friends of the Captain John Smith Chesapeake National Historic Water Trail.

National Geographic is an international organization with a mission to increase and diffuse geographic knowledge. For 118 years, the Geographic has developed new and exciting vehicles to bring the world to our millions of members and the public at large. Captain Smith's voyages of exploration are a vital chapter in American history, and national recognition of these voyages creates yet another new mechanism to provide information to the public about history, geography, and the environment.

Nearly 400 years ago, Captain John Smith and a dozen or so men traveled nearly 3,000 miles on the Chesapeake Bay in a small open boat. They carefully documented the region's geography, ethnography and ecology. By learning to speak Algonquin, Smith shared information and traded with the Native Americans for supplies vital to the survival of the Jamestown colony. Smith's 1612 map of the region is the Magna Carta of American cartography and provides us with an invaluable record of English discovery and our nation's social history. For over 60 years, it served as the definitive source for all other maps of the region, providing information on geography, elevation, forest cover, and Native American settlements and it opened the door to English settlement of America.

Smith and his accomplishments in Chesapeake Bay were the inception of the American spirit of adventure. We support the effort to educate our citizenry about the importance of Smith's voyages and the establishment of Jamestown. In accord-

ance with our mission, National Geographic has undertaken a number of actions to promote geography education in the Chesapeake Bay, including:

- A June 2005, National Geographic Magazine story on the Chesapeake Bay, that included a piece on Captain John Smith (circulation over 7,000,000 worldwide).
- Also in 2005, National Geographic TV & Film produced a documentary; “Nightmare in Jamestown.” They also produced an educational video; “John Smith’s Voyage of Discovery,” that was distributed free of charge to educators across the watershed and is streamed on our web site.
- Our Education Foundation established a \$2,000,000 “Chesapeake Bay Geography Education Fund,” an endowment intended to encourage and support geography and environmental education pertaining to the Chesapeake Bay among K-12 students and teachers.
- Also Last year, National Geographic Maps produced and distributed, free of charge, 100,000 state-of-the-art printed, large-format maps of the Bay; one side depicting the Bay in John Smith’s time, including natural habitats and Native American communities, and the other focusing on the environmental health of the Bay today. We also reconfigured the map for grades 2-3 and 4-6 and published nearly 1 million copies for Explorer Magazine for kids.
- In addition, we created a web resource that serves students, educators, and the general public (www.nationalgeographic.com/chesapeake). The site also includes a new, innovative, online interactive map.
- Since hosting an Education Summit on the Chesapeake Bay in November of 2005, we have been working with the National Oceanic and Atmospheric Administration (NOAA) to develop the Chesapeake Interpretive Buoy System, which would mark the John Smith trail and facilitate environmental monitoring and education. The buoys could relay historical, educational and real-time scientific data to nearby boaters and kayakers on the Trail and to children in their classrooms via the Internet.
- National Geographic Books will publish a children’s book on the life of Captain John Smith and a Special Publications book on John Smith’s routes of exploration in the Bay authored by John Page Williams, Senior Naturalist, at the Chesapeake Bay Foundation.
- Lastly, our Research, Conservation and Exploration Group has awarded a grant to Sultana Projects, Inc. in support of their efforts to build a replica of the shallop used by Captain John Smith to explore the bay. The shallop will be on display at National Geographic headquarters in Washington D.C. from November 3rd, 2006 to January 7th, 2007. It will be accompanied by an educational exhibit that illustrates the early 17th century Chesapeake Bay region. This will be an excellent opportunity to view the shallop up-close before it sets off in 2007 on its epic re-enactment of Smith’s voyages.

Thank you for considering my thoughts on the importance of Smith’s voyages of exploration. Smith’s spirit of adventure has captured the imagination of the American public for hundreds of years. Smith’s voyages of exploration and his interactions with Native Americans were important in the history of the formation of our democracy. In the event that Congress should establish the Captain John Smith Chesapeake National Historic Trail, we look forward to working with the National Park Service to continue the development of interpretive materials for this important chapter in American history.

Senator THOMAS. You’re very welcome. The other material you mentioned will be included in the record as well.

Mr. NOONAN. Thank you.

Senator THOMAS. Mr. Saikus, you want involvement in the procedure, as I understand it. Do you have specific concerns about the location or the design?

Mr. SAIKUS. Yes. The main thing that’s—when I presented, to my fellow veterans in Ohio, some of the design concepts and everything like that—and some of them are suffering from PTSD—the one statement—and you should have seen their facial expression—was, “Great, a bunker, that’s all we need.” OK?

I was involved in a veterans memorial in Cleveland, OH, where we unified all the veterans from the Spanish-American War to the current Iraq war. And part of the design had gazebos in the quadrants to have entrances to the garage, because they put a garage

underneath. And what happened, there was glazing around the gazebo, and, to many of us Vietnam veterans, OK, it reminded us of site of—we've seen and read about our fellow veterans that were incarcerated in the POW cages, and we had to fight it along the way. And that's one of the things about this process that's very critical to involve more of the Nation's veterans.

The fund has done great work, and I commend them and salute them, OK, and fellow veterans, for coming through with "The Wall," but this is something that the Nation—it belongs to the Nation, it belongs to all the veterans throughout the Nation, and this process has to slow down to give a chance for all the veterans of the Nation—all of us don't have a chance to participate here. And I'm honored to be here, and I appreciate your invitation.

Senator THOMAS. This bill, as I understand it, would move up the normal study, then, if this did not pass, and the normal study took place, would that meet your needs; do you think?

Mr. SAIKUS. The main thing of this process, what really concerned me as soon as I heard it, is that it is unusual to try to move things so fast when there are avenues there. I've been involved in processes in Cleveland where the FAA came in and brought in the wetlands into an area where there's veterans memorials from World War I. Well, there's—none of the World War I veterans, and very few relatives, are left to be able to fight that issue.

Senator THOMAS. OK.

Mr. SAIKUS. And they never even consider getting veterans involved. And we respect veterans and citizens.

Senator THOMAS. Sure.

Mr. SAIKUS. And that's why we want to make sure our—

Senator THOMAS. Well, this process has gone on for some time.

Mr. SAIKUS. No, I understand that.

Senator THOMAS. I mean, this isn't a brand new idea.

Mr. SAIKUS. No, I understand that. But what we're trying to—why I'm here is that this idea of just pushing things along, while there's still time to input—the final design stages are not there and everything else, and to move it along, the concern that we have is why should Congress be in such a rush, when our health benefits and other things for veterans are not coming through; OK?

Senator THOMAS. OK.

Mr. SAIKUS. So, it's part of that package, where I think this will require a little bit insight to really heal all of us.

Senator THOMAS. Yes, I understand. Thank you.

Mr. ROBINSON, just in summary, what is your concern?

Mr. ROBINSON. Mr. Chairman, my concern is that we've been involved in a process that doesn't have the values that I ascribe to those review processes in Washington, DC, from NCPC and CFA.

Senator THOMAS. You mean the opportunity to have input?

Mr. ROBINSON. No, the actions of the NCPC staff have not been transparent. I believe they have not been honest. And we have been as transparent and honest as we possibly can.

Senator THOMAS. I see.

Mr. ROBINSON. We've had conflicting views of our work. We've had—we've been lauded, on one hand, and then it was turned down, on the other hand. We would like to have a process that's clear and unfettered by personal bias.

Senator THOMAS. I see. Your organization isn't officially involved; is that correct?

Mr. ROBINSON. No, Mr. Chairman, it's a Park Service process, but we're partnering with them.

Senator THOMAS. I understand. OK, very good. Thank you for making that clear.

Mr. Noonan, do you think, from what you've heard today, that this study will be completed in time to meet the needs for the 400th anniversary?

Mr. NOONAN. Our concern is the mushrooming and growing interest in this Nation and across the world in the 400th anniversary celebration, 1 year from today, from this week. The interest is growing rapidly. There's tremendous need to put in place understanding and education programs. We have the private sector anxious to participate. And so, we would hope that this bill could be moved forward quickly so we could develop the appropriate partnerships that are now available to us, to ensure that we have a quality experience.

Senator THOMAS. So, the partnerships could be put together after the bill is approved; is that it?

Mr. NOONAN. They could be, but they—the partnerships, before they commit money, would like to be ensured that there's going to be a historic trail. And so, the effort to date has been to try and bring this trail to fruition in an effort to increase those partnerships. I might ask my colleague, Mr. Grosvenor, just to comment on his view on the partnership effort of National Geographic, which is rather extensive, at this time.

Senator THOMAS. Yes, please.

Mr. GROSVENOR. Mr. Chairman, I think Senator Alexander hit the nail on the head. This is a marvelous example of not-for-profit partnerships forming an important project.

National Geographic's mission will be to disseminate information about the importance of this historic voyage. We'll do it through schools, through K-through-12 programs. We'll do it through magazines. We'll do it through our Web site. It will drive home to Americans the importance of the Jamestown celebration. And we feel it's extremely important to get that information out ahead of that celebration so Americans are prepared for it.

Senator THOMAS. I understand. Thank you.

Senator Akaka.

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

I just want to thank our panel for their responses. This is going to be helpful when we consider these bills.

Thank you.

Senator THOMAS. Thank you.

Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman.

Let me follow up on your questions to Mr. Noonan, and Mr. Grosvenor's added comments. You heard my questioning of the first witness, from the Park Service, Mr. Martin, about waiting around until they finally finish the study, which they say might be in October. The voting schedule here is, we're going to be out of session in October, then elections in November, so at best, it would be December. From your perspective, Mr. Noonan—and you're very re-

spected, Mr. Grosvenor, and how you would want to present this history, the context—you have made up the maps, but then there's also the dissemination, the education, the promotion, the garnering of the private-sector folks who want to help in it. As a practical matter, if this were actually passed—and the earliest that I can really foresee it would be in the undesirable, but possible, event that we have a lame-duck session in December—how many months does it take, do you think, to properly present this? And would action in December, as a practical matter, hamstring or hobble the full potential of this presentation and interest in the Captain John Smith Historic Water Trail?

Mr. NOONAN. The Governors of Maryland, Pennsylvania, and Virginia financially helped participate with the study, in the hope that this bill would pass as quickly as possible. This is an unprecedented celebration, with millions of people, the President, the Queen of England. It is a wonderful opportunity to celebrate 400 years here, 400 years of history.

In order to put together those celebrations and go beyond Jamestown to the water trail, the opportunities are before us right now to put in place educational materials, supporting efforts, engage communities who can plan events around the water trail. As you know, we have a model shallop that's been built that will be available to go across the Bay watershed, following the route. All of these efforts are poised to move forward, but they seek assurance that this water trail is going to be a reality so that they can begin their planning. That is the critical element we now face, whether it's in the nonprofit sector, local communities, public agencies, or the private sector.

Senator ALLEN. Mr. Grosvenor, what's your view of how much lead time—if this were actually passed, let's say, in December, or even, probably more likely, February of next year—the point is, how many months do you think it would take to get this program, the interest—see, to me, this is obviously wonderful for Virginia. When I was Governor, we started the funding and the promotion, the 10-year countdown, license plates and getting prepared. This is a homecoming for all of America. That doesn't—folks in Wyoming, folks in Hawaii, folks in Tennessee, folks all across the country—this is the cradle of American liberty. It's where the first elected body was in the New World, first glassmaking, first steel, and some of the more negative aspects and blemishes of American history, the first slaves brought into what became the United States. And, granted, the French and the Spanish were over in the New World way before Jamestown, but insofar as America and so many of our foundational values, it was there.

To present this in the whole context of the whole region, it's not something that is just done in the year 2007. It takes preparation for this aspect of it, Mr. Grosvenor, because your people put together these maps, and they didn't do this in just a weekend. It wasn't just a click and—you know, point and click. So, how long would you think—how many months do you think it would take to get this properly presented to educators, to students, to tourists, and others who would be interested in the heritage and history of these many voyages and explorations up the tributaries of the Chesapeake, and the Chesapeake itself?

Mr. GROSVENOR. We started in this project well over a year ago. We published our first articles of this celebration last spring. We have entered into a permanent endowment with the Lenfest Foundation, where we each put a million dollars into a permanent endowment for the States of Virginia, Maryland—all the Chesapeake Bay States. We will do this, regardless of whether it is approved in time. However, this historic water trail adds a wonderful dimension for kids to understand exploration, and to tie that in to our work would make it much more meaningful. We're going to do it anyway, but it will become much more meaningful for these kids if they can see this trail. We will have the shallop on display at the Geographic, which was made—which was a replica of his vessel. That, too, will draw tens of thousands of kids in K through 12 into this picture. Having the trail established will clearly make our job easier. It will make it more successful. And I think the State will benefit from it dramatically.

Senator ALLEN. Do you all know of any—we've been talking here for over an hour about history in Virginia and the region—do you know of any other—I'm only aware of one other National Historic Trail that's currently in Virginia, and that's the one that goes through the Cumberland Gap, as best I understand it. Is that correct, Mr. Noonan?

Mr. NOONAN. I believe that is correct.

Senator ALLEN. I have no further questions. Thank both you all for your leadership, your commitment to our heritage, our history. And one learns from history, and you make—you understand the foundations, you also understand some of the mistakes, so that we have the proper action in the future.

And I thank you all with National Geographic. I love maps, and you all just have fantastic maps. You interest young people. The way this coordinates with our schools is also, I think, going to be wonderful for young people, because, after all, The Virginia Company was a commercial venture, and all of us are modern-day shareholders in that commercial venture.

And I thank both you and the organizations for your truly salutary, wonderful, important leadership for our future by better understanding our past.

Senator THOMAS. Thank you, Senator Allen. Come visit the Oregon Trail sometime.

[Laughter.]

Senator ALLEN. I will say the Oregon Trail is, by far, the very best computer game.

[Laughter.]

Senator ALLEN. I love playing. Any teachers, parents, it is the best computer game. You learn logistics, weather, the different people along the Oregon Trail trading, bartering, whether to caulk a wagon or not, or hire an Indian guide. It is the best. So, I'd highly recommend the Oregon Trail.

Senator THOMAS. Very good, thank you, Senator.

Senator ALLEN. It's the best computer game ever.

[Laughter.]

Senator THOMAS. Senator Alexander.

Senator ALEXANDER. Thanks, Mr. Chairman.

A question for Mr. Noonan and Mr. Grosvenor. You said you're going to do this anyway, but as I know something about the entrepreneurial abilities of Mr. Noonan, wouldn't it be easier to raise all this money and excite all this interest if it was designated before the 400th anniversary, rather than after?

Mr. NOONAN. Absolutely. December is simply just too late. If you think about—as you know, Jamestown is going to have a national “teach-in.” That national “teach-in,” in November, will reach every schoolchild in America. Now, why should we not move forward, create the National Water Trail to be part of those educational materials that will soon be developed or in process? It's a wonderful opportunity to share, not just with the people in this room, but to share with every schoolchild in America, so they understand the 400-year legacy that we enjoy.

So, Mr. Senator, you're absolutely right that December is too late. There are too many things that are starting to move forward that we need to partner in to capture the true essence of this and make this a national celebration of international importance.

Senator ALEXANDER. Are you willing to estimate the amount of money or in-kind contributions that you're hoping that this trail will attract if it were given a timely approval?

Mr. NOONAN. Well, we already have some examples because of the Governors who have already contributed funding to help just with the planning, which is unprecedented for a national trail. Here, the Governors came forward, from Pennsylvania, Maryland, and Virginia, and said, “We'll match you on this study.” That's unheard of. And from that, DuPont Corporation and Lockheed Martin made substantial gifts. Mr. Senator, I think we don't know the full measure until we move on with the process. If you give us the national trail, if the legislation does pass, we will certainly be able to raise much more money, increase the number of partnerships, and leverage this desire to reach every schoolchild. If we don't have the legislation, and we wait until January or February 2007, it will be too late, and I think we'll miss the mark.

Senator ALEXANDER. I notice—and maybe you mentioned this a little earlier—that on March 21 the full advisory board—the full National Park Advisory Board voted unanimously to approve the statement of national significance for the trail. What's the significance of that statement to any action that the Congress might take?

Mr. NOONAN. Mr. Senator, it's probably the most important statement, because if that element is met, that it is of national significance and historical importance, which that study reflects, the 50-some-page report, where some of the best historians in the Nation working with the National Park Service, some of the finest people in the National Park Service, who worked on this, that is an historic document, and the most important document, in the minds of historians, in the determination of a National Historic Trail. From that flows the other elements, including public recreation, which we think will be easily met. And the gentleman from the National Park Service testified earlier that, in his view, he felt this trail would meet all the criteria, and he saw no impediments. That, Mr. Senator, is a very important statement.

Senator ALEXANDER. Thank you, Mr. Chairman.

Senator THOMAS. Thank you.

Well, gentlemen, thank you very much.

Just one quick one, Mr. Noonan. One of the problems we're having, as the park grows, and accumulates more responsibility, is problems with the funding and so on. What do you see, over time, with the funding of this trail?

Mr. NOONAN. We think the study itself can be completed by the National Park Service, based upon other Park Service studies, over a 3- or 4-year period, for \$400,000, which we don't believe is very much. We also believe, in terms of actual manpower, personnel, we're looking at an annual budget of \$350,000 a year. Again, we're dealing with a water trail. And I would like to mention the full partnership that NOAA is showing in providing educational materials. So, we are leveraging out. And we think for a reasonable sum of money we will get a very high return on the investment.

Senator THOMAS. OK, well, thank you.

Thank all of you very much, and thank you all for being here. If there are further questions, we'll submit them to you and hope that you'll give us an answer. Thank you very much.

The committee is adjourned.

[Whereupon, at 4:05 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF FRAN MAINELLA TO QUESTIONS FROM SENATOR THOMAS

Question 1a. (S. 1686, Constitution Center): S. 1686 allows the National Constitution Center to keep 100% of revenue generated from entrance fees, concessions, and other fees for use in managing the National Constitution Center.

How much money does the National Constitution Center currently take in that would be affected by this legislation?

Answer. The National Constitution Center earned over \$3 million during the first six months of this fiscal year (October 1, 2005—March 31, 2006) which should result in annual revenue of \$6 million. The normal annual revenue is approximately \$4 million, but the new Ben Franklin exhibit has increased visitation, and thus, increasing revenue this fiscal year.

Question 1b. What currently happens to the money that is being collected?

Answer. The money currently goes to the National Constitution Center, based on the 1988 authorizing legislation.

Question 1c. Why is this legislation needed?

Answer. Although the 1988 authorizing legislation gives the National Constitution Center the general authority to operate the Center, all parties wanted to clarify that the non-profit organization was authorized to keep the revenue instead of it going to the U.S. Treasury. Also, the proposed bill language would authorize the National Constitution Center to occupy the site for 30 years, which enables them to finance future capital improvement projects.

Upon further review of S. 1686, the Department also would like to recommend an additional clarifying amendment. As currently drafted, the bill would amend Section 4 of the Constitution Heritage Act of 1988 by creating a new section (c)(1)(A)(iv), which would authorize the NCC to “negotiate and enter into agreements, leases, contract . . .” we recommend removing the authority provided to NCC to enter into leases, since the site would remain under the ownership of the U.S. Government and thus, such authority may not be appropriate or desirable for NCC’s purposes. Instead, we believe that the authority provided to NCC to enter into contracts would sufficiently address NCC’s future plans for the site.

Question 2a. (S. 2417/H.R. 4192, Clinton Birthplace Designation): S. 2417 and H.R. 4192 would designate the Clinton birthplace a National Historic Site.

Would the National Park Service manage the Clinton birthplace as an independent unit or add it to the responsibilities of an existing unit?

Answer. The National Park Service testified in support of the effort to honor the birthplace home of former President Clinton, but suggested amending S. 2417 and H.R. 4192 to authorize a study. Should Congress decide to enact these bills, the National Park Service would manage the Clinton Birthplace Home as an independent unit. The birthplace home is 89 miles south of Hot Springs National Park, the nearest park unit in Arkansas.

Question 2b. What is the estimated annual cost to operate and maintain the Clinton birthplace as a National Historic Site?

Answer. Since the Department testified on S. 2417 and H.R. 4192, we understand that the Clinton Birthplace Foundation, Inc. has incorporated the parcel of land where the Clinton Birthplace Home is located at 117 South Hervey Street and the adjacent parcel of land where the visitor center is located at 415 West Division Street into one document of title.

We understand the intention is to donate both parcels under one title for the Establishment of the National Historic Site. The estimated annual cost to operate and maintain the proposed National Historic Site is \$633,000:

Personnel	\$506,000
Leased Space (\$12,000-15,000)	15,000
2 leased vehicles	12,000
Furnishings, supplies and equipment	100,000
Total cost	\$633,000

Question 2c. How many full-time and part-time National Park Service employees will be required to operate and maintain the site?

Answer. It would take 9 employees to operate and maintain the site. The following is a list of the FTEs needed:

Superintendent/Site Manager-GS 12/13	\$66,000-78,000
Administrative support-GS 5/6/7	\$30,000-36,000
Chief, Interpretation—GS 11	\$55,000
Interpretive Ranger-GS 9	\$43,000
Interpretive Ranger-GS 5	\$28,000
Park Guide-GS 4	\$25,300
Education Specialist-GS 9	\$43,000
Facility Manager-WS 5	\$40,300
Maintenance Worker-WG 3	\$25,000

Question 3a. (S. 2419/H.R. 4882, Vietnam Memorial Visitor Center): What is the role of the National Park Service in reviewing and approving projects on the National Mall? What other organizations are involved?

Answer. With respect to National Park Service projects, such as perimeter security, visitor service facilities, or other similar capital projects, the NPS submits its projects to the National Capital Planning Commission (NCPC) and Commission of Fine Arts (CFA) for approval. In both cases, the District of Columbia State Historic Preservation Office and/or the Advisory Council on Historic Preservation are consulted.

Since enactment of the Reserve in 2003, there will be no commemorative works other than the Vietnam Veterans Memorial Center and the Martin Luther King, Jr. Memorial constructed on the National Mall. With respect to commemorative works authorized pursuant to the Commemorative Works Act in other areas of the city, the project sponsor, in consultation with the NPS, develops an alternative site study in the manner described below, generally following the lists of sites contained in the Memorials and Museums Master Plan. The National Capital Memorial Advisory Commission considers the alternative sites and makes a recommendation of a preferred site or sites to the NPS. The NPS submits its preferred alternative site to the CFA and the NCPC for approval. Sites for commemorative works must be approved by all three agencies.

Question 3b. Has the approval process for the Vietnam Veterans Memorial proceeded any differently than previous memorial proposals? How?

Answer. In April 2004, after several years of work with CEQ, the NCPC adopted new Environmental and Historic Preservation Policies and Procedures that explicitly require an environmental document (defined as an Environmental Assessment or Environmental Impact Statement) at site selection. NCPC's prior environmental procedures were adopted before the Commemorative Works Act was enacted, and did not specifically address it. Thus, site selection for memorials approved before the new policies generally did proceed without an Environmental Assessment or Environmental Impact Statement, with these documents frequently submitted at the preliminary design stage.

Question 3c. Has the National Park Service had to provide the National Capitol Planning Commission with the level of documentation/information being requested for the Vietnam Memorial Visitor Center for any previous memorial, monument, or project on the National Mall? If yes, please explain.

Answer. As stated in the answer to Question b, site selection for memorials approved before the adoption of NCPC's April 2004 Policies and Procedures generally did proceed without an Environmental Assessment or Environmental Impact Statement, with these documents frequently submitted at the preliminary design stage. Between early 2005 and November 2005, NCPC and NPS actively worked together on the content of the environmental analysis needed to support the site selection

process for the Vietnam Memorial Visitor Center. NCPC and NPS did not have the same interpretation of what was required by NCPC's new procedures. On November 29, 2005, after consulting with CEQ, both NCPC and NPS agreed the information would be incorporated into an Environmental Assessment for the site selection.

On June 29, on behalf of the Vietnam Veterans Memorial Fund, the NPS submitted its preferred alternative (Site A) for consideration by NCPC at its August 3 meeting. As agreed between NPS and NCPC staff, the submission included presentation materials for Site A, proposed design guidelines, and copies of public comments received on the Environmental Assessment and our response to those comments. The Environmental Assessment is part of the submission but was previously provided to NCPC when it was made available for public comment from May 24 to June 23, 2006.

With respect to other NPS projects, as described in the answer to question (a) above, the NPS prepares an Environmental Assessment prior to submission of the project to NCPC and CFA for review and approval. Examples of projects include the Washington Monument, Lincoln Memorial, and Jefferson Memorial perimeter security projects.

Question 3d. Are you aware of any instances where congress has intervened to select a specific site for a monument, memorial, visitor center, or other structure on the National Mall prior to a decision by organizations responsible for the approval process?

Answer. Since the Commemorative Works Act was enacted in 1986, Congress has not specified a site for a commemorative work, although it has authorized modifications to existing memorials in the form of additional commemorative features three times, once at the Lincoln Memorial and twice at the Vietnam Veterans Memorial. Congress did select a specific site when it authorized construction of the National Museum of the American Indian in 1989 and identified four sites from which a potential location would be selected for the National Museum of African American History and Culture in 2003.

Question 4a. (S. 2568, Captain John Smith Water Trail): The usual process for designating a unit of the national park system is to first complete a study and then request designation by congress. The National Park Service is currently working on a study for the Captain John Smith Water Trail, but the study is not complete.

I understand that you are currently working on a study of the Captain John Smith Water Trail. When do you expect to complete the study?

Answer. The draft study should be completed and made available to public no later than August 2006 and finalized by early October.

Question 4b. Has the National Park Advisory Board provided input to the study or made any recommendation regarding designation?

Answer. At the March 2006 meeting, the National Park Advisory Board found the routes of Capt. John Smith's voyages to be nationally significant for its association with three main themes:

- Ethnic Heritage (American Indians)
- Exploration and Settlement
- Commerce and Trade

This finding of national significance is a required component of the study process.

Question 4c. How much do you expect it to cost the National Park Service to establish the water trail and how much will it cost to operate and maintain as a unit of the national park system?

Answer. Normally, we do not count the direct costs of establishing a trail. Start-up expenses such as marking trail sites and producing brochures are counted in the administration costs.

The estimated cost to administer the trail is not available at this time since that is part of the draft study. However, for the 15 trails currently authorized to be administered by the NPS (with the exception of 3 that are authorized units of the National Park System and the Lewis and Clark NHT), the average annual appropriation is between \$300,000-\$400,000.

Question 5a. (S. 2627, NPS Advisory Board Reauthorization): S. 2627 extends to authorization for the NPS Advisory Board for another 10 years and changes the composition of the Board.

What new challenges is the park service facing and how would the proposed changes to the Advisory Board help them tackle those challenges?

Answer. New challenges facing the NPS include the ongoing development of business practices, demand for a broader range of recreation activities, and maintaining relevance with the changing demographics of the American people. Reviewing and guiding implementation of new business practices, assisting with determining ap-

propriate use of recreation within the parks, and ensuring the parks' relevance are all challenges the Advisory Board would be very helpful addressing.

Question 5b. S. 2627 requires that one member of the Board be an expert in and have appreciation historical recreational opportunities in the national parks. What is meant by for "historic recreational opportunities"? In what way are these activities part of the park service mission?

Answer. "Historical recreational opportunities," are well-established recreational visitor uses within the parks. Examples include hiking, mountaineering, canoeing, fishing, and climbing to name a few. Having a board member representing "historical recreational opportunities," would ensure that the recreational community is always represented on the board. The current composition could allow for exclusion of recreational expertise in this important aspect of the visitor experience.

Question 5c. What has been the role of the current NPS Advisory Board in the revisions to the NPS management policies?

Answer. Following approval of the NPS National Leadership Council, a special committee of the NPS Advisory Board met with key NPS staff to discuss the revised draft policies. On the recommendation of the special committee, the revised draft policies were endorsed by the full NPS Advisory Board on June 9, 2006.

Question 6a. (S. Res. 468, Santa Rosa Island Resolution): Santa Rosa Island is currently managed under a court-mediated Settlement Agreement. The Settlement Agreement helped to address lawsuits that alleged that water quality and soil erosion were getting worse under NPS management.

What progress has the Park Service made in the management of Santa Rosa Island since the Settlement Agreement?

Answer. The most dramatic progress has been the restoration of riparian wetlands throughout the island. Under the settlement agreement, cattle were removed at the end of 1998. In the 6 years that followed, the wetlands have become much more biologically productive. In addition, the endangered island fox was brought back from the brink of extinction. And, the bald eagle has been observed on the island and could potentially breed there next year.

Question 6b. Which units of the national park system currently allow hunting?

Answer. There are 61 units of the National Park System that allow hunting, but those are mostly national preserves, national recreation areas, national seashores, and other areas with a designation other than "national park." Only the following units designated as a "national park" allow hunting:

- (1) Parks in Alaska, which allow subsistence hunting;
- (2) Grand Teton National Park, where licensed hunters help with elk reduction management programs; and
- (3) Santa Rosa Island in Channel Islands National Park, where hunting is allowed under the settlement agreement and 5-year special use permits, and is scheduled to end in 2011.

Question 6c. I've heard of congressional interest in providing special arrangements for military personnel, including disabled veterans, to hunt deer and elk on Santa Rosa Island. Are you aware of any existing opportunities for military personnel, including disabled veterans, to hunt on military lands?

Answer. The Department of Defense has a list of more than 100 sites under its jurisdiction where hunting is available to military personnel. Of those sites, more than 70 are accessible to the disabled.

Question 6d. If the island was closed to allow private, paid hunting trips during part of the year, how many members of the public would be denied access to the island?

Answer. Currently during hunting season, August to December, about 90 percent of Santa Rosa Island is closed to general recreational use. It is difficult to project how many people would come if the island were fully open.

Question 6e. Are any other units of the national park system managed to provide paid trips for special groups while excluding the public?

Answer. I am not aware of any units of the National Park System where the public is excluded to provide paid trips for special groups to the extent that this occurs at Santa Rosa Island with private hunting trips for four or five months a year.

Question 6f. How many disabled veterans currently hunt on Santa Rosa Island? Are you aware of any specific requests by disabled veterans to hunt on Santa Rosa Island being denied?

Answer. Since the hunt operation is managed by Vail & Vickers and the firm they contract with, Multiple Use Managers, we have no way of knowing whether any disabled veterans have requested and been denied access to hunting.

RESPONSES OF JOHN V. COGBILL, III TO QUESTIONS FROM SENATOR THOMAS

Question 1. (S. 2419/H.R. 4882, Vietnam Memorial Visitor Center): The National Capitol Planning Commission has been accused of delaying approval of the site for the Vietnam Memorial Visitors Center. NCPC is currently working toward having the site location request ready for consideration by the Commission at their August meeting.

What is the role of the National Capitol Planning Commission in reviewing and approving projects on the National Mall?

Answer. Congress has designated NCPC as the central federal planning agency in the National Capital Area. Its job, through planning and through review, is to preserve and protect the Mall and other important sites in our nation's capital. NCPC, along with the Commission of Fine Arts, and the Secretary of the Interior (or Administrator of the General Services Administration), approves the site and design of projects authorized under the Commemorative Works Act. Since enactment of the Reserve in 2003, there will be no more memorials added to the National Mall other than the Vietnam Veterans Memorial Visitor Center and Martin Luther King Junior Memorial.

Question 2. What approvals, and by which organizations, are required before the National Capitol Planning Commission can make a decision regarding site selection for the Vietnam Memorial Visitor Center?

Answer. Site selection is important in the overall planning for our nation's capital, and especially for the Mall. Under the Commemorative Works Act, a sponsoring federal agency submits sites for review to the National Capital Memorial Advisory Commission (NCMAC); the NCPC; and the Commission of Fine Arts for site selection review. For the Visitor Center, we are on track to review the site at our August 3 meeting.

Question 3. At what point in the approval process is an Environmental Assessment required? Has that always been the required timeframe? Has the President's Council on Environmental Quality approved your approach to achieving compliance with the National Environmental Policy Act?

Answer. The National Environmental Policy Act (NEPA) requires federal agencies to carefully consider environmental impacts in their decisions. In April 2004, NCPC adopted new Environmental and Historic Preservation Policies and Procedures. The policies and procedures require that the submitting agency provide "an environmental document that considers the potential environmental effects of a site selection decision upon the proposed site and a reasonable range of alternative sites. The level of detail in the environmental analysis should be proportional to the scope of the site decision, including consideration of design guidelines and other criteria . . ." It appears that NCPC and the National Park Service did not have the same interpretation of those new procedures. Between early 2005 and November 2005, NCPC and NPS actively worked together on the content of the environmental analysis needed to support the site selection process. On November 29, 2005, after consulting with CEQ, both NCPC and NPS agreed this information would be incorporated into an Environmental Assessment for the site selection. Subsequently both agencies worked together to develop an outline for NPS' Environmental Assessment on site selection.

Question 4. I understand that you organization waited until November 29, 2005, to inform the National Park Service and the Vietnam Veterans Memorial Fund of the need for an Environmental Assessment to support the site selection process. Is this correct? If so, why did you wait so long to inform them of the requirement?

Answer. As stated in response to Question 3, NCPC and NPS did not have the same interpretation of what was required by the NCPC's April 2004 Policies and Procedures. Between early 2005 and November 2005, NCPC and NPS actively worked together on the content of the environmental analysis needed to support the site selection process. On November 29, 2005, after consulting with CEQ, both NCPC and NPS agreed this information would be incorporated into an Environmental Assessment for the site selection. The Environmental Assessment was made final on May 24, 2006 and has been circulated for public comment for consideration at NCPC's August 3 meeting.

Question 5. Was the Vietnam Memorial Visitor Center site approval removed from the December 1, 2006, agenda for the National Capitol Planning Commission? If so, why?

Answer. After reviewing the NCPC staff analysis of the Center for the December meeting, NCPC's Executive Committee determined—informed by CEQ—that NCPC required a greater level of environmental review to inform its decision-making. This meant that the Commission could not act without violating its obligations under

NEPA and the item would have to be removed from the agenda. Just after it heard from CEQ, the Executive Committee voted to remove the item from the agenda.

Question 6. Are you aware of anyone at the National Capitol Planning Commission using NEPA compliance or any other part of the site approval process for the Vietnam Memorial Visitor Center to delay or prevent site selection or construction?

Answer. No. Everyone at NCPCC—staff and Commissioners—is committed to a sound and fair process to carry out the agency's obligations under the law.

Question 7. Are you aware of any instances where congress has intervened to select a specific site for a monument, memorial, visitor center, or other structure on the National Mall prior to a decision by organizations responsible for the approval process?

Answer. Since the Commemorative Works Act was enacted in 1986, Congress has not specified a site for a commemorative work, although it has authorized modifications to existing memorials in the form of additional commemorative features three times, once at the Lincoln Memorial and twice at the Vietnam Veterans Memorial. Congress did select a specific site when it authorized construction of the National Museum of the American Indian in 1989 and identified four sites from which a potential location would be selected for the National Museum of African American History and Culture in 2003.

Question 8. Has the approval process for the Vietnam Veterans Memorial proceeded any differently than previous memorial proposals? How?

Answer. In April 2004, after several years of work with CEQ, the NCPCC adopted new Environmental and Historic Preservation Policies and Procedures that explicitly require an environmental document (defined as an Environmental Assessment or Environmental Impact Statement) at site selection. NCPCC's prior environmental procedures were adopted before the Commemorative Works Act was enacted, and did not specifically address it. Thus, site selection for memorials approved before the new policies generally did proceed without an Environmental Assessment or Environmental Impact Statement, with these documents frequently submitted at the preliminary design stage.

Question 9. What must happen for NCPCC to complete the site review and selection process between now and the end of August?

Answer. The National Park Service anticipates that it will submit by June 30, 2006 a revised application for site approval, for consideration at the National Capitol Planning Commission meeting on August 3. The application will be accompanied by a completed Environmental Assessment, which was made final on May 24, 2006, the public comments from the 30-day public comment period, and an analysis of the comments. Between the time of submission and the meeting, NCPCC staff prepares an Executive Director's Report (EDR) that makes a recommendation about the request. That EDR and supporting documents including the Environmental Assessment are posted on NCPCC's website and submitted to the Commission for discussion and consideration at the meeting. The NPS has assured us that it will meet its submission deadlines and we fully expect that the Commission will consider site selection for the Center at its August meeting.

Question 10. What assurances can you provide that NCPCC is working closely with both the Park Service and Vietnam Veterans to get this finished?

Answer. We consulted with the National Park Service and the consultant to NPS and the Vietnam Veterans Memorial Fund about the Environmental Assessment. The National Park Service finalized the Environmental Assessment on May 24, 2006. The National Park Service is putting the EA on its website and noticing it for 30 days of public comment. NCPCC will also provide notice that the EA is available for comment. We continue to have discussions with the National Park Service about its submission, and will consult with the Park Service staff regularly as we prepare the Executive Director's Report for consideration at the August 3 Commission meeting.

Question 11. What is the status of the Environmental Assessment submitted to your office?

Answer. The National Park Service completed the Environmental Assessment on May 24, 2006, and is noticing it for 30 days of public comment. We received the Environmental Assessment electronically on May 24, 2006. The National Park Service will provide public comments and its analysis of the public comments by June 30, 2006 with its application for site approval.

RESPONSES OF RAY SAIKUS TO QUESTIONS FROM SENATOR THOMAS

Question 1. Are you concerned about the process that is being followed for the Vietnam Memorial Visitor Center or do you have specific concerns about the location or design?

Answer. I am most concerned about the process, but I also have objections to the proposed design and location of the Visitor Center (see answer to #2 below). My fellow veterans and I are also concerned that Congress is focusing its time and energies away from more critical legislation on veterans' issues, and setting a precedent on interfering with established avenues for veterans and citizens to participate in determining the end result of such an important decision, just because someone creates an artificial deadline. When one individual's vision is bullied through without a review process, it loses its significance and will not incorporate the necessary features. A Congressional hearing is not the most effective or appropriate venue for trying to design a visitor center for a memorial, or to resolve fundamental differences about the vision for that important place. The Vietnam Veterans Memorial Fund is not the only voice for this Vietnam Veterans Memorial Visitor Center. Passage of this bill would endorse them as the sole voice for Vietnam Veterans, and we object to that also. They have a right to participate as much as we do. But Jan Scruggs has a very limited vision of this visitor center as being for the youth, with no regard as to how the interpretation and design will totally disregard the feelings and pain of our fellow Vietnam Veterans and their families, and especially the families of those who made the ultimate sacrifice for their country. The message that will go out for generations to come has to bring healing and peace to these veterans and their families. This is not a show-and-tell theater production that we are embarking on. I would encourage Senator Thomas and the other Senators from the Committee and Congress to reflect on how frustrated and angry they would feel if they were sitting in our place, and they were being excluded from having a voice in how to interpret for the public something that they had placed their lives on the line for. We are trying to help our Vietnam War families and veterans heal from that war and its ramifications. Instead, Congress just opened another wound by proposing to bypass the voices of the people affected by the Vietnam War. Congress has the power to help heal that wound by not passing these bills.

Question 2 What would you like to see included in the Visitor Center for the Vietnam Memorial?

Answer. The most critical facet is the location and design of the visitor center. One that has not experienced the Vietnam War and its ravages could not visualize every element that might be painful to many of us. The story to be told, and how it is told, will be the next most important issue, the transitions from all the suffering to the triumphs of war, families, and individuals, as well as the legacy that was left, needs special attention and widespread input. The proposed design is an underground bunker, which evokes a variety of negative feelings. Aside from the obvious associations with combat, it also symbolizes Vietnam Veterans being swept under the rug, and hidden from public recognition. How much more healing it would be to let the light of day shine in on the public interpretation of the Vietnam War! Furthermore, an underground visitor center could be vulnerable to terrorist attack, and the fear of such an attack would certainly be on the mind of many veterans in such a setting. We have a long way to go before finding the answer to what kind of design would be appropriate. The proposed location is also a problem. As envisioned by Jan Scruggs, it would be a huge, ugly mound that would defoliate the landscape and degrade the setting of the Lincoln Memorial, and even the setting of our own Wall. It should be far enough away that the Wall can speak for itself. The Wall takes you through a range of emotions that one needs time and space to regain one's composure and serenity, the Visitor Center if done properly will also take one through a similar roller coaster of emotions and there needs to be time and space designed-in to allow for the recovery. More thought has to be invested into the design and site selection to understand the relationship between the Wall and the Visitor Center and where the visitors first visit might be directed to, if at all. There are many Vietnam Veterans like myself who can and want to be contributors to make this phase of the Vietnam Veterans Memorial completion one that will leave a sense of belonging and give our fellow Vietnam Veterans another path to healing.

Question 3. Do you think the Environmental Assessment for the Visitor Center should be completed during the site selection process or only for the construction of the facility?

Answer. The Environmental Assessment for the Visitor Center should be done prior to site selection. It is unsound fiscally to invest in the design of a structure at a site if there are Environmental issues that could affect the Visitor Center's de-

sign, its costs and its ultimate function and purpose, as well as the surrounding memorials and other structures. The Environmental Assessment needs to include an evaluation of the effects of Radon and other contaminants, if any, on staff and artifacts, and a study of the emissions from the ventilation system. Also there should be a detailed security assessment performed for each potential site, since statistics from the number of visitors to the Vietnam Veterans Memorial indicate that the final selection will be a highly visited site with great masses of people congregating, and could be a potential target for terrorist activity.

Question 4. Do you consider the National Environmental Policy Act as a beneficial tool for evaluating projects and involving the public in the process?

Answer. Both the National Environmental Policy Act and the National Historic Preservation Act are important laws requiring agencies to give pause and assess the impact of their proposed projects on other resources, and in particular to protect our surroundings as well as our rich historic heritage. These laws are not only beneficial tools for evaluating projects and involving the public in the process, they are actually essential in helping the public participate and embrace the preservation of our heritage and our way of life.

RESPONSES OF HARRY G. ROBINSON, III, TO QUESTIONS FROM SENATOR THOMAS

(S. 2419/H.R. 4882, Vietnam Memorial Visitor Center): The proposed location for the Visitor Center is slightly north of the Lincoln Memorial and West of the Vietnam Memorial in the open space bordered by Henry Bacon Drive and 23rd Street.

Question 1. How many visitors do you estimate at the Vietnam Memorial Visitor Center each year?

Answer. There are approximately 3.5 to 4 million visitors who visit the Vietnam Veterans Memorial annually. Projections suggest that many of them will visit the Center.

Question 2. Will it be necessary to install a pedestrian crosswalk and traffic signal on Henry Bacon Drive or 23rd Street to manage vehicle and pedestrian traffic?

Answer. Because of the food kiosk being constructed there now, the National Park Service plans to have two traffic lights installed on Henry Bacon Drive to allow for the pedestrian traffic to the food service kiosk. These controls will be sufficient to allow access to the VVM Center.

Question 3. Will the proposed location impede traffic flow or increase commute time during rush hour?

Answer. No, the heavy group visitation hours for the Memorial (and the Center, when completed) are after the AM rush hour and before the PM rush hour.

Question 4. Is the soil type and water table at the proposed location conducive to construction of an underground Visitor Center?

Answer. Soils technology will allow construction of the Center using strategies similar to those used on the World War II Memorial. The use of a slurry wall to bedrock approximately 34 feet below the existing grade is the preferred methodology.

RESPONSES OF PATRICK NOONAN TO QUESTIONS FROM SENATOR THOMAS

(S. 2568, Captain John Smith Water Trail): Unlike any other trail in the national park system, the John Smith Water Trail would be entirely over water. It would be marked by buoys to indicate the route taken by Captain John Smith.

Question 1. Do you foresee a need for a visitor center or any other land based structures to support and interpret the water trail?

Answer. We do not foresee a need for a new visitor center for the proposed Captain John Smith Chesapeake National Historic Trail. The National Park Service (NPS) currently has a number of visitor centers it operates in the Chesapeake Bay, including a visitor center at the Jamestown National Historic Site. In the event that Congress establishes the trail, we envision that the NPS will use existing NPS and non-NPS visitor centers, administrative facilities and land based structures to support and interpret the trail to provide information to the general public about Smith's voyages and the establishment of Jamestown.

In addition, the proposed trail's comprehensive management planning process would include guidance on how best to interpret the trail. As part of the planning process, we could foresee new land-based signage and informational kiosks on publicly-owned sites, or in conjunction with non-profit organizations, that would complement existing land-based structures, the buoy system and Internet-based interpretive materials.

Question 2. How many visitors do you estimate will visit the water trail each year?

Answer. Currently, a large number of people travel via boat on waterways that Smith journeyed on between 1607-1609. At this point, we do not have an estimate of the number of visitors to the trail.

Question 3. How much do you expect it to cost the National Park Service to establish the water trail and how much will it cost to operate and maintain as a unit of the national park system?

Answer. As a general matter, designating a National Historic Trail is a low-cost means to recognize national significant routes of travel. We understand that National Historic Trails have four main costs associated with them, including planning, an advisory commission, plan implementation and annual operations. In the event that Congress establishes the trail, the National Trails System Act would require the NPS to complete a comprehensive management plan (CMP) for the trail. We understand that, on average, a trail CMP costs between \$400,000-600,000 to complete. The cost varies based on the amount of information that is available to the NPS at the time of the planning process.

The National Trails System Act also requires the creation of an advisory council for each trail. We understand that a typical council costs between \$10,000-20,000 per year and could operate for ten years. The cost varies based on the composition of the council and the geographic location of the council members.

In addition to the cost of developing the plan, the NPS would have to implement the plan. These costs would include coordinating the interpretation of the trail with local governments and non-profit partners. The commitment of funding from the National Oceanic and Atmospheric Administration to develop and deploy interpretive buoys along the trail would reduce NPS's plan implementation costs.

While the operations costs of National Historic Trails (NHT) vary widely, the average operations cost for an existing NHT is approximately \$360,000. We understand that projected annual operations cost for the Captain John Smith Chesapeake NHT is approximately \$500,000. This would pay for a trail superintendent, support and interpretive staff and support a trail office.

APPENDIX II

Additional Material Submitted for the Record

CAMP ROBERTS ENVIRONMENTAL OFFICE HUNTING AND FISHING
 CALIFORNIA ARMY NATIONAL GUARD ENVIRONMENTAL PROGRAMS

Follow these steps to hunt or fish at Camp Roberts:

1. Purchase the appropriate CDFG license, tags, and stamps.
2. Submit an application for a permit (*Permits are ONLY available for sale during hunting and fishing periods at the wildlife check station at Gate 3, located near the East Garrison exit from Highway 101*). Do not send permit applications to Camp Roberts Environmental office.
3. Review Camp Roberts (see Camp Roberts regulations section), and CDFG (<http://www.dfg.ca.gov>) regulations.
4. Call the Hunting Taped Information Line at (805) 238-8167 as hunting and fishing may be closed on short notice due to military operations. Call ahead for possible changes. Unless indicated, no reservations are required.
5. Registration (check-in) is mandatory each time you hunt or fish—check into the Wildlife Check Station.
6. Checkout is mandatory at the end of your hunt/fishing trip, prior to leaving Camp Roberts.

Fishing

CAMP ROBERTS HUNTING AND FISHING PROGRAM—2006

Dates	Fishing To	Hours Open
Apr 29–30	Twin Bridges	6:00 am–8:00 pm
May 6–21 ¹	Twin Bridges	6:00 am–8:00 pm
May 27–29	Twin Bridges	5:00 am–9:00 pm
June 3–25 ¹	Twin Bridges	6:00 am–8:00 pm
Jul 1–23 ¹	Twin Bridges	6:00 am–8:00 pm
Jul 29–30	Twin Bridges	5:00 am–9:00 pm
Aug 5–13 ¹	Twin Bridges	6:00 am–8:00 pm
Aug 19–20	Twin Bridges	4:30 am–9:30 pm
Aug 26–Sept 4	Twin Bridges	4:30 am–9:30 pm
Sept 9–30 ¹	Twin Bridges	6:00 am–8:00 pm
Oct 1–15 ¹	Twin Bridges	6:00 am–8:00 pm
Oct 21–22	Twin Bridges	5:30 am–6:30 pm

¹Weekends only.

Fishing may be closed on short notice due to military activities. Call ahead for possible changes. A Camp Roberts permit and a California State fishing license are required. See instructions below for purchasing Camp Roberts permits. The Nacimiento River will be stocked every three weeks from the end of April to the end of August 2006, provided that water levels are adequate to support fish. Anglers are not permitted to bring dogs on post due to endangered species concerns. *Please note that due to safety concerns, fishing will be closed on September 1st, which is the opening day for dove hunting season.*

Hunting

A Camp Roberts permit and California State hunting license are required. Valid fags and or stamps may also be required. Junior hunters must show proof of completion of hunter safety course. Hunting permits are good only at Camp Roberts. Dogs

are allowed only for upland game and waterfowl hunting and must be under strict voice control at all times.

Turkey Hunt

A two-day hunt for turkey, pig, and jackrabbit will be held on April 29 and 30. Hours are 5:00 am to 8:00 pm. Shoot time for turkey hunting is one half hour before sunrise to 4:00 pm.

Pig Hunt

A three-day pig hunt will be held over the long Memorial Day weekend, May 27-29. Hours are 5:00 am to 9:00 pm.

Archery Hunt

A two-day, archery only hunt for buck deer, pig, and rabbit will be held on July 29 and 30. Hours are 5:00 am to 9 pm.

Junior Hunt

Aug 19-20: A special junior (under age 16) hunt for buck deer, pig, and rabbit. Hours 4:30 am to 9:30 pm. Junior hunters must be accompanied by a non-hunting adult chaperon, 18 years of age or older, while hunting.

Big Game Hunt

Aug 26-Sept 4: Hunting for buck deer, pig, and rabbit. Hours are 4:30 am to 9:30 pm. Opening day (Aug 26) for deer and pig hunting is by reservation only. After opening day, big game hunters will, be allowed on a first-come-first-served basis. *To request an opening day reservation form, send a self-addressed stamped envelope to the address listed below or visit the website.* Reservation forms must be received by July 1 to be considered for the drawing. Advance hunting permits for Aug 26 may be purchased at the check station from 1:00 to 8:00 pm on Aug 25.

G-9 Antlerless Hunt

Aug 28-Sept 4: Hours are 4:30 am to 9:30 pm. Fifteen civilian and 15 military tags for antlerless deer will be issued by drawing only. Civilians should refer to the 2006 California hunting regulations for drawing information. Active and retired military personnel who wish to be considered for the military tag drawing must send their name, address, daytime telephone number, hunting license number, deer tag or deer tag number, copy of military ID, and self-addressed stamped envelope to California Army National Guard, Headquarters Camp Roberts, ATTN: CAEV-CR (Michael Moore), Camp Roberts, CA 93451-5000. Information must be received by July 1, 2006 to be considered for the G-9 military tag drawing.

Dove Hunt

Sept 1-4: Dove hunting does not require reservations. Hours 4:30 am to 9:30 pm.

October Hunt

Oct 21-22 for quail, waterfowl, pig, and rabbit. (Hunters with A-24 archery deer tags for Monterey County may also hunt in Areas 5, 6, and 7) Hours 5:30 am to 6:30 pm.

November Hunt

Nov 11-12 for pig only. Hours 5:30 am to 6:00 pm. Nov 18-19 for turkey, quail, waterfowl, dove, pig, and rabbit. Hours 5:30 am to 6:00 pm.

Holiday Hunt

Dec 2-3, 9-10, 16-17 and Dec 27-31 for rabbit, pig, quail, waterfowl, pigeon, and dove (Please check California State regulations for season dates for allowable game species). Hours are 6:00 am to 6:00 pm.

Permits:

FISHING

Regular Annual	\$15.00
State Reduced Fee License ²	\$5.00
State Free License ²	Free
Under 16	Free

²Eligibility criteria and application procedures for a California State Reduced Fee or Free Fishing License is explained in the California Sport Fishing Regulations. Anglers must present a State Reduced Fee or Free license to obtain similar Camp Roberts permits.

HUNTING

Regular	\$55.00
One-day	\$15.00
Disabled Veteran	\$5.00
Under 16	Free

It is the hunter's and angler's responsibility to know the applicable California State regulations for hunting and fishing.

Permits are available for sale during hunting and fishing periods at the wildlife check station at Gate 3, located near the East Garrison exit from Highway 101. Schedules, maps, and opening day reservation forms can be obtained by *sending a self-addressed stamped envelope*, along with your request, to the address listed below or by visiting the website. Hunters and anglers *MUST* register at the check station every day and *MUST* also turn in registration forms with harvest results at the close of *EACH DAY*.

Information

California Army National Guard, Headquarters Camp Roberts, ATTN: Hunting and Fishing Program, Camp Roberts, CA 93451-5000

Hunting and Fishing may be closed on short notice due to military operations. Call ahead for possible changes. Unless indicated, no reservations are required.

FORT HUNTER LIGGETT HUNTING PROGRAM

DIRECTORATE OF ENVIRONMENTAL DIVISION

Fort Hunter Liggett (FHL) is an active military training facility encompassing 165,000 acres of grasslands, woodlands, and chaparral habitats in southern Monterey County. FHL is about 25 miles southwest of King City along Jolon Road, and about 50 miles northwest of Paso Robles, west from Highway 101 to Jolon Road. When military training activities allow, FHL may have up to 130,000 acres open to hunting on weekends and federal holidays, except Christmas day. The number of hunters is limited any given weekend and registration is on a first come first served basis. A FHL permit, valid California Department of Fish and Game (CDFG) hunting license, species tags and stamps and photo identification are required to hunt on Fort Hunter Liggett. CDFG license, species tags or stamps are not available on post.

Hunting Permit: Annual (\$70), or Two-Day (\$25) permits are sold only by mail and are to be picked up when you register to hunt. Junior (15 years old or younger), senior (age 62 or older), or disabled veterans (with a CDFG disabled veteran hunting license) are eligible for a no-fee permit. Follow the directions on the permit application to purchase your permit. Hunting permits are non-transferable and non-refundable and expire along with your California hunting license. FHL fees support hunting and fishing, wildlife and habitat management on FHL.

Hunted Species: The following species may be hunted on FHL during open seasons and by CDFG regulations: deer, tule elk, pig, coyote, bobcat, jackrabbit, cottontail, tree squirrel, dove, quail, pigeon, turkey (spring and fall), duck, and goose.

Special Weapon Areas: Training Areas 29 and 30 are walk-in only, and restricted to shotgun, muzzle-loading, and archery weapons. Training Area 3 is restricted to archery only.

Follow these steps to hunt at FHL

1. Purchase the appropriate CDFG license, tags, and stamps.
2. Submit an application for a *FHL Hunting Permit* (in Adobe pdf format) or for a *Hunting Permit Application in Word format* [click here](#).
3. Review FHL (see FHL regulations section), and CDFG (www.dfg.ca.gov) regulations.
4. Call the Hunting Information Line at (831) 386-3310 on Thursday evening for open training areas and Check Station Registration Window hours for the upcoming weekend.
5. Pick up your FHL hunting permit at registration.
6. Registration (check-in) is mandatory each time you hunt—check into one open training area to receive a training area pass (Hunter Registration and Harvest report form). Training area changes are available at the Wildlife Check Station.
7. Report ALL of your harvest on the harvest report form.

8. Checkout is mandatory at the end of your hunt, prior to leaving FHL. Return both copies of the Hunter Registration and Harvest Report Form, and any visitor passes to the check station.

Registration: Hunters must register in person at the check station registration window located near the campground. Each hunter is assigned to one open training area at a time. Register Fridays—3-7 pm, Saturdays, Sundays, and Federal holidays—5:00 am-1:00 pm (hours vary with day-length.) Present the following documents for registration:

- 1) a completed hunter registration form (available at the check station),
- 2) a valid California hunting license, and applicable tags and stamps,
- 3) FHL hunting permit, and
- 4) photo ID

Minor hunters may register when accompanied by an adult with photo identification.

Visitors: Each hunter is allowed one non-hunting visitor free of charge. Request a visitor pass during registration.

FHL Regulation 420-26, Game Law Enforcement, summary

All visitors must comply with FHL and CDFG regulations, (see at <http://www.dfg.ca.gov>).

1. *Seasons:* 1.1. Hunting permitted during CDFG open seasons and as military training allows.

1.2. Hunting hours are from one-half hour before sunrise to one-half hour after sunset unless further restricted by CDFG regulations.

2. *General:*

2.1. CDFG, FHL and Army regulations are applicable and enforced on FHL. Violations may result in:

- 1) Criminal prosecution in Federal Magistrate, U.S. District Court, California Municipal, or Superior Court.
- 2) Suspension or revocation of Fort Hunter Liggett hunting privileges.
- 3) Written warning.
- 4) Uniform Code of Military disciplinary action.

2.2. Loaded firearms are allowed only while hunting in the hunter's designated training area.

2.3. It is unlawful on FHL to:

- a) hunt in "no hunting" areas. (No Hunting Areas are Cantonment, Training areas 12A, 20, 21, 22, the Ammunition Supply Point, and other areas marked with no hunting signs),
- b) drive any vehicle off road,
- c) drive on military shooting ranges or shoot from towers,
- d) pick up, disturb or carry off Government equipment, ordnance, munitions or parts of the same,
- e) excavate, collect, damage, alter, deface, sell, purchase, transport, or receive any archeological artifacts,
- f) take, harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, any threatened, endangered or non-game wildlife species (except coyote and bobcat) or to remove or destroy any threatened, endangered or any other plants,
- g) disturb Protection and Rehabilitation Sites, which are marked with flagging, cones, and/or signs,
- h) cut, collect, or gather any wood,
- i) hunt within 200 meters of the installation boundary, public road, or adjacent to private land, or
- j) litter

2.4. The following are unlawful in Fort Hunter Liggett training areas:

- k) access without a valid FHL training area or visitor pass,
- l) being intoxicated or consuming alcohol,
- m) fires,
- n) camping,
- o) use of off road motorcycles or all terrain vehicles (ATV's),
- p) dogs (except voice trained dogs for bird hunting),
- q) swimming,
- r) target shooting, or
- s) possession of air-guns, slingshots or spring loaded devices.

2.5. Vehicles must be parked within the training area noted on the hunter registration form, or within a designated parking area.

2.6. Vehicles in training areas must have the vehicle copy of the hunter registration form clearly displayed on the dash and hunter copy on person at all times.

2.7. The speed limit on FHL is 10 mph when passing troops and 25 mph in all other areas, unless posted otherwise.

2.8. Report uncontrolled fires, the location of unexploded munitions, and any observed violations of Federal, State or FHL Regulations to: Law Enforcement Activity (LEA), phone # (831) 386-2513 or (831) 386-2526

3. *Training areas:*

3.1. FHL is broken into 29 training areas, a cantonment, and ASP.

4. *Firearms:*

4.1. Handguns may be used per state regulations, but must have barrels 6" (six inches) or longer and be .38 caliber or larger (.243 or larger in rifle caliber used for handguns). Handguns in a vehicle must be in a locked container and unloaded (chamber and magazine).

4.2. Rifles of 22 rimfire-caliber are allowed only for hunting tree squirrel and rabbit.

4.3. Tracking Wounded Game: Hunters may not track wounded animals into a closed area unless accompanied by law enforcement personnel. If wounded game goes off the installation, it is the hunter's responsibility to obtain permission or access from the landowner.

4.4. Tree Stands may be used if they cause no damage and are completely removed each day at the close of hunting hours.

5. *Safety:*

5.1. Hunters may not hunt near soldiers. If soldiers are sighted, the hunter must exit the area and notify FHL Range Control (831) 386-2403, Law Enforcement Activity (831) 386-2526, or Wildlife Check Station (831) 386-2677.

5.2. Check in to ensure that you do not enter training areas in which live fire exercises are being conducted.

5.3. Check out to ensure that someone will look for you if you are injured or stranded on range.

FORT HUNTER LIGGETT HUNTING AND FISHING AREAS AVAILABLE FOR
THURSDAY MAY 11 THROUGH THURSDAY 18, 2006

1. Information regarding training-areas and reservoirs available for hunting and fishing, as well as registration hours are also posted on our web site and normally updated by 5:00 pm on Thursdays.

2. All permit applications will be accepted by mail only.

3. Hunting opportunities for this weekend include: Wild Pig, Jackrabbit, Coyote.

4. Training areas are available for General hunting Saturday May 13th, and Sunday May 14th, 2006 include: 4, 5, 8, 9, 10/13, 11, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26, 28, and 30.

Training area availability will be very limited or not available during most weekends in June, July, and August due to training activity. Access to training area will be very limited during the A-Zone archery deer hunt and no training area access during the first 3 weekends of the A-Zone general deer hunt.

5. Due to Military training requirements or security reasons, training areas and reservoirs may be closed without a notice.

6. Anglers register five days per week (Wednesday-Thursday) at the Hunting & Fishing registration center located on Alamo Road near the Fort Hunter Liggett main gate. Window hours will be from 8:00 am to 4:30 pm on Wednesday and Thursday, Friday 9:00 am to 5:00 pm, with pre-registration from 2:00 pm to 5:00 pm. Saturday & Sunday from 5:00 am to 1:00 pm. Monday and Tuesday Anglers register at the Environmental Office (Building# 238) from 8:00 am to 4:30 pm.

7. Reservoirs open for fishing Thursday May 11th through Thursday May 18th, 2006 include: Del Venturi, Gravel Pit Generals, Hughes, Woodrow, El Piojo, Sycamore, and Twin Valley.

8. You may contact us at our email address: huntnfish@liggett-emh1.army.mil.

9. For more Hunting & Fishing program information or an application package, please visit our website at <http://www.liggett.army.mil> and click on the hunting and fishing link below the photographs to access the hunting and fishing program page. You may contact our staff at telephone number (831) 386-2677 or (831) 386-2214, during open business hours.

NATIONAL PARKS CONSERVATION ASSOCIATION,
Washington, DC, May 16, 2006.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR: On behalf of the 327,000 members of the National Parks Conservation Association (NPCA), I am writing to express our strong support for S. Res. 468, a resolution supporting the National Park Service's continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws, regulations and policies of the agency. NPCA commends Senators Feinstein and Boxer for introducing this important and timely legislation.

The purpose of the Channel Islands National Park is "to protect and interpret the internationally significant natural, scenic, wildlife, marine, ecological, historical, archeological, cultural, and scientific values of the Channel Islands." Santa Rosa Island, part of the Channel Islands National Park, is to be enjoyed by all Americans and should not be limited to a select few. NPCA is strongly opposed to recent legislative efforts to undermine a court-approved settlement to restore the natural resources on the island, and efforts to limit full public access. S. Res. 468 puts the Senate on record in strong support of restoring, managing, and providing public access to one of nation's treasures—Channel Islands National Park.

Additionally, NPCA supports S. 2568 to establish the Captain John Smith Chesapeake National Historic Trail to link existing and new water trails in the basin. Currently, only about two percent of the Chesapeake Bay's extensive shoreline is accessible to the public. Creating the Captain John Smith Chesapeake National Historic Trail would successfully link existing Chesapeake Bay Gateway Network sites, while also providing public access and recreational opportunities in a cost-efficient and low-impact manner.

While NPCA supports efforts to reauthorize the National Park System Advisory Board, we are unaware of the need to change the composition of the board, and are concerned with any efforts to reduce the number of required members with scientific expertise and natural and cultural resource management, as proposed in S. 2627.

Finally, regarding S. 2419, NPCA supports enhancing interpretation for visitors to the National Mall's monuments and memorials, including the Vietnam War Memorial. While we understand members of Congress have expressed concerns about the length of time it has taken for construction of the visitor center to proceed, we believe that Congress should not waive environmental and historical requirements and should generally let standard procedures be followed. This legislation must not be considered to set any precedent for other proposals on the National Mall or other national park units.

Sincerely,

BLAKE A. SELZER,
Legislative Director.

DEFENDERS OF WILDLIFE,
Washington, DC, May 15, 2006.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

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

DEAR CHAIRMAN THOMAS AND RANKING MEMBER AKAKA: On behalf of the nearly 500,000 members of Defenders of Wildlife, I am writing to express our strong opposition to Section 1036 of H.R. 5122, the National Defense Authorization Act for FY 2007, which would require the National Park Service to cease implementing its plan to eliminate non-native deer and elk populations on Santa Rosa Island. Section 1036 would harm native plants and animals on Santa Rosa Island, limit public access to this National Park, and undermine current efforts to recover the Channel Island fox, an endangered species. The Channel Island fox is also listed as threatened under the California State Endangered Species Act. This unique fox species is found nowhere else in the world and as such is California's only endemic carnivore.

Defenders of Wildlife has been a participant in the recovery planning work for the Channel Island fox since 2000. Our California Representative, Cynthia Wilkerson participates in the Channel Island Fox Recovery Implementation Team which formed after the listing of four of the island fox subspecies as endangered under the

Endangered Species Act in 2004. Section 1036, proposed by Representative Duncan Hunter, would undermine the immense amount of time and resources that have been spent to address the recovery needs of this species.

The Channel Island fox has been bombarded by a host of ecological assaults that reflect the fragile nature of all island species. Widespread use of DDT in the 1950's and 1960's led to the extirpation of bald eagles from the northern Channel Islands (Santa Rosa, Santa Cruz, and San Miguel). This opened the islands to invasion by golden eagles, a species not historically found on the islands. Golden eagles are known to feed on piglets and fawns, deer and elk carcasses, and island foxes. The island foxes did not evolve with aerial predators (as bald eagles are not known to eat foxes) and are therefore very susceptible to predation by golden eagles.

The presence of golden eagles in the northern Channel Islands has been identified by the Recovery Team as the number one threat to island fox recovery. Since 1999, over 30 golden eagles have been removed from the northern islands and relocated successfully to northeast California. Currently there remain 2 active golden eagle territories on Santa Rosa. These eagles are known to prey on foxes on San Miguel Island as well. Juvenile bald eagles have been reintroduced to the Channel Islands and should begin to defend territories from golden eagles sometime in the summer of 2006 or 2007.

In order for island fox recovery to succeed, introduced deer and elk must also be removed from the islands. Research by Paul Collins of the Santa Barbara Natural History Museum conducted on Santa Rosa Island revealed that mule deer fawns comprise 40% of prey remains at golden eagle nests. The recovery program for the island fox relies on the complete phase out of the non-native deer and elk populations by 2011. This provision was ratified by the United States District Court for the Central District of California through a settlement agreement approved in 1997.

Recovery actions for the Channel Island fox have been extensive. Over the past 10 years, upwards of \$3 million has been spent on captive breeding, golden eagle removal, bald eagle reintroduction, feral pig removal, and monitoring of foxes. Close to \$1 million of this effort has been focused on removing golden eagles. To date, the recovery efforts have shown amazing progress and appear on track for success. Santa Rosa Island fox populations dropped from about 1500 in 1993 to 32 captive individuals in the year 2000. No animals were left in the wild at that time. With the release of foxes bred in captivity, there were 15 in the wild in 2004 and that number is currently up to 32. Similarly, the San Miguel fox population crashed from 450 in 1993 to 1 wild individual and 28 in captivity in 2000. Last year there were 15 wild foxes on San Miguel and this number is currently up to 40 due to release of some of the captive bred foxes. The success to date on all the northern islands would be jeopardized by the proposal to allow introduced deer and elk populations to continue to exist on Santa Rosa Island. It should be noted that maintaining introduced deer and elk populations on Santa Rosa Island, and consequent feeding on deer and elk fawns and carcasses by golden eagles, poses a threat to 3 separate endangered subspecies of Channel Island fox as golden eagles are known to fly between islands and golden eagles on Santa Rosa Island have been known to kill foxes on San Miguel and also threaten those on Santa Cruz Island.

The current court settlement regarding hunting on Santa Rosa Island requires that Vail & Vickers Inc., which owned the island since 1902 and sold it to the National Park Service in 1986 for about \$30 million, phase out deer and elk hunting by 2011. The proposal by Representative Hunter would prohibit this phase out entirely. This appears to be an attempt to secure indefinite revenues to a private hunting operation that has already been paid for its land and use rights by the public through the National Park Service. Additionally, the Hunter amendment would permanently close 90% of Santa Rosa Island to the public for nearly half the year as hunting areas are closed to the public during hunts. Maintaining populations of introduced species for the express purpose of hunting is contrary to the intended purpose of the island as a National Park.

Last year, the Channel Islands National Park had more than 500,000 visitors. Maintaining introduced deer and elk herds for private hunting conflicts with this public use would derail recovery efforts for 10 species of imperiled plants as well.

In short, Section 1036 of H.R. 5122 would represent an irresponsible misallocation of public funds, undermine the ongoing and successful work to recovery the federally endangered Channel Island fox and other imperiled species, and greatly reduce the public's access to the Channel Islands National Park. Defenders of Wildlife strongly opposes this provision and urges its removal from the final bill.

Please feel free to contact our staff Cynthia Wilkerson directly should you have any questions regarding this matter. She can be reached at 916-313-5800 ext.110 or cwilkerson@defenders.org.

Sincerely,

JAMIE RAPPAPORT CLARK,
Executive Vice President.

STATEMENT OF THE CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE, ENDANGERED SPECIES COALITION, FEDERATION OF FLY FISHERS: NORTHERN CALIFORNIA COUNCIL, HUMANE SOCIETY OF THE UNITED STATES, INSTITUTE FOR WILDLIFE STUDIES, NATIONAL ENVIRONMENTAL TRUST, NATIONAL PARKS CONSERVATION ASSOCIATION, NATIVE PLANT CONSERVATION CAMPAIGN, NATURAL RESOURCES DEFENSE COUNCIL, THE WILDERNESS SOCIETY

PLEASE OPPOSE DESTRUCTIVE CHANNEL ISLANDS NATIONAL PARK PROVISION
IN THE FY 2007 DEFENSE AUTHORIZATION BILL

On behalf of the millions of members represented by our organizations, we write to express our strong opposition to Section 1036 of the FY 2007 Defense Authorization Bill put forth by Representative Duncan Hunter concerning Santa Rosa Island, part of the Channel Islands National Park.

Section 1036 would counteract restoration efforts at the national park, as well as decrease public access to the park. The proposal represents a severe threat to the recovery and survival of 3 subspecies of the island fox that are each listed as endangered under the federal Endangered Species Act. This unique fox species is found nowhere else in the world and only 32 wild foxes currently exist on Santa Rosa Island. The proposal would undermine the immense amount of time and resources that have been spent to address the recovery needs of this species on the island.

The provision would close off a portion of the island to the public, and undermine a court ordered settlement that calls for the phase out of hunting on the island over the next five years. The current court settlement regarding hunting on Santa Rosa Island requires that Vail & Vickers Inc., which owned the island since 1902 and sold it to the National Park Service in 1986 for about \$30 million, phase out deer and elk hunting by 2011. The hunting currently prohibits full public access to the park as portions open to hunting are closed to the public. Maintaining populations of non-native species for the expressed purpose of hunting is contrary to the intended purpose of the island as a national park.

In short, Section 1036 of the FY Defense Authorization Bill would undermine the on-going and successful work to restore the island, including the recovery of the federally endangered Channel Island fox, and greatly reduce the accessibility and ultimate value of the Channel Islands National Park.

The National Park Service is strongly opposed to this provision and the Defense Department has not requested it. We strongly urge you to oppose this unnecessary provision that will harm both restoration and public access on one of our nation's crown jewels, the Channel Islands National Park.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA OPPOSING REMOVAL OF SANTA ROSA ISLAND FROM CHANNEL ISLANDS NATIONAL PARK

Whereas, Santa Rosa Island is the second largest of the Channel Islands and contains 11 endangered species, unique species not found elsewhere, and provides unparalleled recreational opportunities to the American general public, and

Whereas, numerous military bases throughout California provide ample training and other opportunities and in fact the Department of Defense is reducing the number of military bases in California and throughout the nation, and

Whereas two of the Channel Islands, San Nicholas and San Clemente Islands, are already military reserves, and

Whereas, the Board of Supervisors supports, encourages, and welcomes the relaxation and recreation of military service personnel, veterans, and their guests at any and all parks in Ventura County, and

Whereas, Congress purchased Santa Rosa Island for the purpose of restoring its native ecology and making it available to the American public for recreation and the Ventura County Board of Supervisors strongly supports these objectives, and

Whereas, Santa Rosa island best serves the United States of America as a National Park that preserves the Islands' character as North America's Galapagos Islands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Ventura supports the continued inclusion of Santa Rosa island in Channel Islands National Park and its management by the National Park Service and opposes any change in this status of Santa Rosa Island.

Upon motion of Supervisor Bennett, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on January 24, 2006.

LINDA PARK,
Chair, Board of Supervisors.

ATTEST:

JOHN F. JOHNSTON,
Clerk of the Board of Supervisors.

NATIONAL COALITION TO SAVE OUR MALL,
Washington, DC, May 15, 2006.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THOMAS AND COMMITTEE MEMBERS: The National Coalition to Save Our Mall strongly believes that the Vietnam Veterans Memorial Visitor Center bill proposed by the House, which is the subject of this hearing, is bad legislation and sets a dangerous precedent. It will open the floodgates for potentially endless violations of the moratorium, in effect making the moratorium moot.

We agree with your own comment from February 16, 2006, that "it's time to take another serious look at the Mall as was done in 1901 . . . the Mall has outgrown its britches and it will take more than a new belt and suspenders to fix it." We believe that this hearing is an opportunity for the Committee to call for an independent National Mall Commission that would fulfill a series of goals for the Mall's many constituencies:

1. *Congress* needs space for museums and monuments "on the Mall." The moratorium is not working: sponsors are reluctant to accept sites off the Mall; exceptions are being made. The Mall is more than a "completed work of civic art," it needs to respond to our ever-evolving democracy. *The Mall needs to expand to provide new sites.*
2. *The public* needs visitor amenities, orientation, historical interpretation, transportation, and more things to do on the open space. *The Mall needs public programming aimed at improving and expanding its urban park quality and providing recreational and cultural activities day and night.*
3. *Organizers of modern mega events and festivals* need places for trucks, large tents, and construction that don't damage the Mall's turf grass and trees and obstruct the majestic vista. *The Mall needs new areas, covered and open-air, to accommodate national large-scale functions never foreseen in the L'Enfant and McMillan Plans.*
4. *The six managing agencies with jurisdiction over different parts of the Mall* need a means of coordinating their ongoing, individual planning efforts (currently they don't even agree on a definition of the Mall); the last comprehensive plan for the Mall was the McMillan Plan of 1901-1902. Uncoordinated security gives this problem urgency. *The Mall needs an up-to-date, comprehensive Third Century master plan that provides a Mall-wide context for the agencies' individual jurisdiction plans.*
5. *The Third Century Mall master plan*, in order to be intelligently implemented in association with the six managing agencies, needs a *single entity to function as steward of that plan. That entity needs authority to obtain public and private funding, coordinate implementation and enforce compliance with the plan, and provide meaningful national public involvement.*
6. *As a first step toward achieving these goals, the American people need a forward-looking vision for the Third Century Mall that includes Mall expansion and unified stewardship.* The Third Century Vision should embody the spirit, inspiration, and enduring value of our democracy, and the central place of this great public open space as grand stage where Americans learn, meet, celebrate achievements, play, and seek redress of grievances in a national spotlight.

We hope that you and fellow Committee Members recognize the urgency of the Mall's need and will create an independent Third Century Mall Commission to expand the definition of the Mall, prepare an updated Mall master plan, and unify Mall stewardship in a way that includes meaningful public involvement.

The Vietnam Veterans Memorial Visitor Center legislation violates the very spirit of the National Mall as symbol of American government and the rule of law. If passed, it would undermine the right of public participation in a fair, mandated administrative review process, which is one of the most important democratic values that our veterans fought and died for.

Please feel free to call on us if we can be of assistance.

Sincerely,

W. KENT COOPER, FAIA,
Coordinator, Third Century Initiative,

JUDY SCOTT FELDMAN, PH.D.
Chair.

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