AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 107–860

MISCELLANEOUS NATIONAL PARKS BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

S. 2623	**S. 2880**
S. 2640	**H.R. 3421**
S. 2776	**H.R. 3786**
S. 2788	**H.R. 3858**

SEPTEMBER 19, 2002

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

U.S. GOVERNMENT PRINTING OFFICE

85–338 PDF WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

JEFF BINGAMAN, New Mexico, *Chairman*

DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
BOB GRAHAM, Florida
RON WYDEN, Oregon
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York
MARIA CANTWELL, Washington
THOMAS R. CARPER, Delaware

FRANK H. MURKOWSKI, Alaska
PETE V. DOMENICI, New Mexico
DON NICKLES, Oklahoma
LARRY E. CRAIG, Idaho
BEN NIGHTHORSE CAMPBELL, Colorado
CRAIG THOMAS, Wyoming
RICHARD C. SHELBY, Alabama
CONRAD BURNS, Montana
JON KYL, Arizona
CHUCK HAGEL, Nebraska
GORDON SMITH, Oregon

ROBERT M. SIMON, *Staff Director*
SAM E. FOWLER, *Chief Counsel*
BRIAN P. MALNAK, *Republican Staff Director*
JAMES P. BEIRNE, *Republican Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS

DANIEL K. AKAKA, Hawaii, *Chairman*

BYRON L. DORGAN, North Dakota
BOB GRAHAM, Florida
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
CHARLES E. SCHUMER, New York
THOMAS R. CARPER, Delaware

CRAIG THOMAS, Wyoming
BEN NIGHTHORSE CAMPBELL, Colorado
CONRAD BURNS, Montana
GORDON SMITH, Oregon
CHUCK HAGEL, Nebraska
PETE V. DOMENICI, New Mexico

JEFF BINGAMAN and FRANK H. MURKOWSKI are Ex Officio Members of the Subcommittee

DAVID BROOKS, *Democratic Senior Counsel*
NANCIE AMES, *Bevinetto Fellow*

CONTENTS

STATEMENTS

	Page
Akaka, Hon. Daniel K., U.S. Senator from Hawaii	1
Anderson, Robert, Deputy Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior	12
Bingaman, Hon. Jeff, U.S. Senator from New Mexico	3
Daschle, Hon. Tom, U.S. Senator from South Dakota	2
Domenici, Hon. Pete V., U.S. Senator from New Mexico	4
Giese, Dale, Ph.D., Fort Bayard Historical Society, Silver City, NM	9
Hainer, Michael J., Administrator, Fort Bayard Medical Center, New Mexico Department of Health, Fort Bayard, NM	7
Radanovich, Hon. George, U.S. Representative from California	4
Stauffer, Max, Chairman, Bass Lake School District, Fish Camp, CA	25
Taylor, Jeffrey K., Assistant Director, Office of Legislative and Congressional Affairs, National Park Service, Department of the Interior	15
Zontine, Patricia L., Chairman, Shenandoah Valley Battlefields Foundation, Shenandoah Valley, VA	27

MISCELLANEOUS NATIONAL PARKS BILLS

THURSDAY, SEPTEMBER 19, 2002

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

The subcommittee met, pursuant to notice, at 2:15 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

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

Senator AKAKA. The Senate Subcommittee on National Parks will come to order. Good afternoon, everyone. The purpose of this afternoon's hearing before the Subcommittee on National Parks is to receive testimony on several bills pending before the subcommittee. The bills that we will consider today include: S. 2623, to designate the Cedar Creek Battlefield in Virginia and Belle Grove Plantation National Historical Park in Virginia as a unit of the National Park System; S. 2640 and H.R. 3421, to provide funding for school facilities in Yosemite National Park; S. 2788, to revise the boundary of Wind Cave National Park in South Dakota.

We have two bills dealing with lands in New Mexico: S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin; and S. 2880, to designate the Fort Bayard Historic District as a national historic landmark.

Finally, we will consider two other House-passed bills: H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area; and H.R. 3858, to modify the boundaries of the New River Gorge National River in West Virginia.

Although we have a long list of bills on the agenda this afternoon, I think most of them are relatively noncontroversial and should not take too much time. I am especially interested in hearing more about the two bills authorizing park funds to assist the public schools in the Yosemite National Park, and I am very happy that Congressman Radanovich, the chairman of the counterpart subcommittee in the House of Representatives, is scheduled to testify.

While I understand the problems of the Yosemite schools, I think it is important that the committee carefully consider whether national parks operational funds should be used, even in part, for non-national park purposes and whether authorizing park funds for the schools in Yosemite will lead to similar requests from other national parks around the country.

Two of the bills that we are considering today are sponsored by the chairman of the full committee, Senator Bingaman. Mr. Chairman, I understand that you have a conflict this afternoon that may prevent you from staying for the entire hearing, but, please, I will ask you to proceed with any opening statement you would like to make at this time.

[A prepared statement from Senator Daschle follows"]

PREPARED STATEMENT OF HON. TOM DASCHLE, U.S. SENATOR FROM SOUTH DAKOTA

Mr. Chairman, I want to thank you and Senator Thomas for convening today's hearing on the Wind Cave National Park Boundary Revision Act (S. 2788). I am proud to be this bill's sponsor, which will not only benefit my home state of South Dakota, but the entire nation by expanding the protection of natural resources near the park.

Wind Cave National Park, located in Southwestern South Dakota, is one of the Park System's precious natural treasures and one of the nation's first national parks. The cave itself, after which the park is named, is one of the world's oldest, longest and most complex cave systems, with more than 103 miles of mapped tunnels. The cave is well known for its exceptional display of boxwork, a rare, honeycomb-shaped formation that protrudes from the cave's ceilings and walls. While the cave is the focal point of the park, the land above the cave is equally impressive, with 28,000 acres of rolling meadows, majestic forests, creeks, and streams. As one of the few remaining mixed-grass prairie ecosystems in the country, the park is home to abundant wildlife, such as bison, deer, elk and birds, and is a National Game Preserve.

I introduced the Wind Cave National Park Boundary Revision Act in July in response to an opportunity for the National Park Service to acquire property from willing sellers neighboring the park. The land in question lies within the southern "keyhole" region, and is a natural extension of the park. It contains the same mixed-grass prairie and ponderosa pine forests found in the rest of the park, including a dramatic river canyon. The addition of this land will enhance recreation for hikers who come for the solitude of the park's back country. It will also improve fire management in the area and protect archaeological sites, such as a buffalo jump over which early Native Americans once drove the bison they hunted. I understand that this would be the first site of its kind in the National Park System.

This plan to expand the park has strong support in the surrounding community, whose views were expressed during a 60-day public comment period on the proposal earlier this summer. Most South Dakotans recognize the value in expanding the park, not only to encourage additional tourism in the Black Hills, but to permanently protect these extraordinary lands for future generations of Americans to enjoy. Understandably, however, some are legitimately concerned about the potential loss of hunting opportunities and local tax revenue.

Governor Bill Janklow, has expressed his support for the park expansion, as long as it (1) does not reduce the amount of land with public access that currently can be hunted, (2) there is no loss of tax revenue to the county from the expansion, and (3) chronic wasting disease issues are dealt with effectively. These are reasonable conditions that should be met as this process moves forward.

In response to these concerns, the National Park Service modified its original proposal to exclude 880 acres of School and Public Lands property from the expansion. This will help maintain public hunting access to these areas, and protect local county tax revenues. In addition, the South Dakota Game, Fish, and Parks Department has reached an agreement with Wind Cave officials to monitor the occurrence of chronic wasting disease in elk and deer herds in the park, which will help officials better understand the disease. I am satisfied that the proposal put forth by the Park Service effectively addresses the concerns raised by the Governor.

Wind Cave National Park has been a valued American treasure for nearly 100 years. This legislation provides us an opportunity to expand the park and enhance its value to the public, so that visitors will enjoy it even more during the next 100 years. It is my hope that my colleagues will support this expansion of the park and pass this legislation expeditiously.

Again, thank you for holding this hearing. I look forward to working with the Chairman and the rest of the committee as it considers this legislation.

STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. Thank you very much, Chairman Akaka, for scheduling the hearing. I very much appreciate you including the two New Mexico-related bills. We do have two witnesses here from New Mexico prepared to speak on one of those two bills: Dale Giese, who is here; and Michael Hainer. I look forward to hearing their testimony.

The first of the two bills that you referred to relates to the Galisteo Basin. It is S. 2776. It is a bill that I introduced to authorize the Secretary of the Interior to protect two dozen important archaeological sites in the Galisteo Basin. This is an area south of Santa Fe, between Santa Fe and Albuquerque. These sites contain the ruins of Indian pueblos dating back almost 900 years and include the largest pueblo ruins ever found.

Some of the sites also include historic artifacts related to the Spanish colonization of the area in the 1500's. Because these sites are close to Santa Fe and Albuquerque, many of the sites are now threatened from development and increased use of land and erosion and exposure to elements and vandalism.

S. 2776 directs the Secretary to protect these sites that exist on Federal land and to work cooperatively with private owners and pueblos in the State of New Mexico to protect sites located on their land. We held a hearing on this bill in Santa Fe last month. I was pleased to see the broad support from leaders of the Pueblo community, affected landowners and local community leaders in general. In fact, to date we have not had a single person submit testimony in opposition to the bill.

Let me briefly turn to the other item that relates to New Mexico. It is S. 2880. This would designate Fort Bayard Historic District in southwestern New Mexico as a national historic landmark. This is located a very few miles from my home town of Silver City and has long been recognized as an historically significant site.

I see one of the other bills on the hearing agenda would designate a Civil War battlefield in Virginia for protection. Fort Bayard has a Civil War connection, a Virginia Civil War connection, in that the fort was named for General George Bayard, who was killed at the Battle of Fredericksburg. The fort was built in 1866. It played an important role in the Apache Wars and the settlement of southwestern New Mexico, and many of the so-called Buffalo Soldiers were stationed at Fort Bayard. They served with distinction there, including one who received the Congressional Medal of Honor.

This is, of course, also a historic medical facility and the administrator of that medical facility, Mr. Hainer, is here to testify, so I will not steal any of his thunder except to say that I think both of these are very meritorious bills and I hope we can move ahead on them this year.

Again, thank you for letting me participate in the hearing.

Senator AKAKA. Thank you very much for your statement.

I would like to ask Senator Domenici for any statement he may have at this time.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

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

I welcome the New Mexicans who are here and I will be here to see them, meet, and talk with them. I have a brief comment on the Fort Bayard National Historic Landmark, S. 2880. I am very hopeful that I can cooperate and help, Senator, and that we will get that done quickly.

With reference to the archaeological protection area, S. 2776, my concerns and objections to it remain the same as they were last year. I do not believe we have to have this much Federal interference in order, with all this property, in order to have a preservation, something that is preserved that we can recognize. But I am willing to listen again, as I was before, and perhaps more people from the area are in favor or less opposed, and we will just see what that yields. But I commend you for introducing it again. What is behind it is very good, very solid. Whether we have to do it this way or not, I do not know.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you.

I would like to welcome Congressman George Radanovich, the chairman of the House Subcommittee on Parks, Recreation, and Public Lands, and the sponsor of H.R. 3421. We look forward to hearing your testimony, Congressman. Your statement will be included in the record in its entirety, so please feel free to summarize your remarks. Thank you for being here and please proceed.

STATEMENT OF HON. GEORGE RADANOVICH, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. RADANOVICH. Thank you, Senator Akaka. I appreciate the opportunity to describe my bill before the committee and have it heard. Thank you very, very much.

My bill, H.R. 3421, is unique in that California is one of the only States where operating funds for schools are based on average daily attendance. Since the devastating flood of 1997 in the Merced River Canyon, there has been a dramatic reduction in the number of park employees and thus fewer schoolchildren attending these schools. With fewer and fewer children attending these schools, fewer State dollars are committed.

The result is that the superintendent for the Yosemite National Park and the concessionaires serving the park visitors are attracting less than qualified candidates to work in the park because families are not provided with adequate schools. Furthermore, other existing Federal funding sources are inadequate to meet the needs of the schools. PILT, or payment in lieu of taxes, is available in both Mariposa and Madera Counties where these schools exist and impact aid is accessible in Madera County only, but pursuant to current law very few dollars are actually used to fund these classrooms.

The situation is so bad for the schools that both the superintendent of Yosemite National Park and the president of the concessionaire services have pulled their children from the schools. In light of these realities, I was able to secure special funding of about $111,000 in fiscal year 2002 Interior appropriations for these

schoolchildren. However, going to appropriators every year for this critical assistance is not the most productive approach, and that is why I have submitted the bill to make it permanent within the Department of the Interior.

Mr. Chairman, I do not think that we should stand by and permit the children of Park Service and concessionaire employees from being deprived of their education simply because their parents have been asked by our Government to work in Yosemite. Precedent for assistance to these schools located in national parks does exist. Yellowstone National Park has such a program that was adopted I believe in 1942 and is limited in its scope to the national parks because of the fact that there are not very many where the schools rely solely upon students from concessionaire or Federal employee services.

I do work for bipartisan support behind the measure. During the House subcommittee and committee consideration of the schools, a number of changes were made to address issues raised by the administration, members of the Resources Committee, and the Committee on Education and the Workforce. For example, the measures make it clear that funds that will be available by the Secretary will not go towards new construction, construction contracts, or major capital improvements, and thus would be limited to general upkeep, maintenance, and classroom teaching.

After these modifications, the bill was approved in the House with bipartisan support earlier this year. After that House passage, Senator Feinstein and I worked to develop S. 2640, and I support the Senate measure, which also includes the schools provision, plus language to authorize the Yosemite Area Regional Transportation System and an extension of the advisory commission for both the Manzanar National Historic Site and the Golden Gate National Recreation Area.

In closing, I would urge support for H.R. 3421 and its Senate version, S. 2640, and am available to answer any questions that you might have.

Senator AKAKA. Thank you for your testimony, Congressman. While we all agree on the goal of your legislation, to ensure a quality education for students attending those schools, there is still a question why this should be funded by the national park revenues instead of through the Department of Education or another school-related funding source. Can you give us any of your thoughts on this as to why you are asking national park revenues to operate this school facility?

Mr. RADANOVICH. It would be my pleasure, Senator. Primarily because California allocates its funds based on average daily attendance, which, if the number of students in a school is not very high the funding that goes toward that school drops dramatically, and there is a threshold which is needed in order to operate any classroom. Because of that and because most of the programs that have been made available to areas such as Yosemite or Mariposa County with high Federal land ownership are simply not enough to make up in the budgets in that area. For example, impact aid is very, very small because the relationship between Federal employees and the rest of the population in the county is not high enough to provide sufficient dollars for the operation of the class-

room. Also, PILT as a program within the county does not allocate those resources for educational purposes. It goes right into the general fund and is used to serve a barebones supply of services to the county.

So for Yosemite the normal funding sources are just not enough to make it a viable school, and yet we are still expected to attract people to run one of the crown jewels of the National Park System.

I did mention earlier, too, that there is precedent in Yellowstone National Park—I believe it was 1942 the provision was made—and that it would be very narrow in scope. I do not think this opens the door much to anything, simply because there are very few schools in the park system where their students are comprised 100 percent of both concessionaire and Federal employees. So I think that that would limit the scope dramatically.

Senator AKAKA. That was going to be another question of mine, as to what kind of students will be attending the school.

Mr. RADANOVICH. Right. The schools in El Portal, Yosemite, and in Wawona are, as I had mentioned, completely attended by concessionaire and Federal employees. There are no outside students in those schools. If the schools are not available, they would be forced to endure a 2-hour bus ride one way to the local schools in Mariposa and Bass Lake through some pretty windy roads. It is a dramatically rural area. That would make it very, very difficult to get qualified employees to manage Yosemite National Park, which is a big concern of ours.

Senator AKAKA. Well, thank you very much.

Are there any further questions?

Senator DOMENICI. I just wanted to ask, do I understand that what you would like is to make this an entitlement rather than an appropriated account that would occur every year?

Mr. RADANOVICH. Yes. Prior to this we were subject to an appropriations and we would like to get it permanentized.

Senator DOMENICI. So it would not be subject to appropriation?

Mr. RADANOVICH. Right. Yes. There is a cap on it up to $750,000.

Senator DOMENICI. Not very easy to get new entitlements passed up here, but good luck.

Mr. RADANOVICH. All right.

Thank you very much for hearing my bill.

Senator AKAKA. Thank you very much for your statement, Congressman. We look forward to working with you, not only on the Yosemite bill, but also on the many other park bills that we need to reach consensus on over the next few weeks.

Mr. RADANOVICH. I make myself available to you any time regarding that.

Senator AKAKA. Yes. Well, thank you for being here.

Mr. RADANOVICH. Thank you.

Senator AKAKA. We only have a few witnesses scheduled to testify this afternoon, so I thought it might be useful to ask all of the witnesses to come forward at this time.

I know that Senator Bingaman has to leave shortly. We normally begin with administration witnesses, but I wonder if they would not mind deferring for a few minutes so that we can call on the two witnesses from New Mexico, Mr. Hainer and Dr. Giese, so that the chairman can hear their testimony on the Fort Bayard Na-

tional Landmark bill before he has to leave, and also Senator Domenici.

Before we begin, I would like to ask all of the witnesses to please summarize your testimony and limit your oral remarks to no more than 5 minutes. We will include your entire written statement in the official hearing record. So at this time, let me call on Mr. Hainer to proceed, and following him will be Dr. Giese.

STATEMENT OF MICHAEL J. HAINER, ADMINISTRATOR, FORT BAYARD MEDICAL CENTER, NEW MEXICO DEPARTMENT OF HEALTH, FORT BAYARD, NM

Mr. HAINER. Chairman Akaka and to the two great Senators from New Mexico: Thank you for the honor and opportunity to speak before you today. I bring all of you greetings, greetings from the many U.S. armed forces veterans and other residents receiving health care services at Fort Bayard Medical Center today. I bring you greetings from the 380 staff of Fort Bayard Medical Center and the many citizens of the community of Fort Bayard, the mining district of Grant County, and New Mexico. Thank you again for the opportunity.

I am the administrator of Fort Bayard Medical Center, which is operated by the New Mexico Department of Health for the management of health care services. My responsibilities are not only for the operation of the health care services, but for the management of the entire unincorporated community of Fort Bayard, including infrastructure.

This is my second post of duty at a health care facility previously operated as a cavalry fort by the U.S. Army, and previously I was a member of the Lincoln Historic District Preservation Board appointed by the county commission of Lincoln County, New Mexico.

Why recognize Fort Bayard Medical Center, a hospital and health care community, as a national historic landmark? Mr. Chairman, Fort Bayard carried out a pioneering role in tuberculosis and pulmonary disease treatment to veterans of the Spanish-American War, World War One, World War Two, and many citizens of New Mexico subsequent. This is of national, if not global, health care development significance.

Fort Bayard today is an intact example of a long period of the Federal Government's role in the settlement and development of the Western United States and the Federal role in the development of public health care treatments and services to people who are often underserved by private providers.

The historic district today is accurate. It contains architectural and cultural treasures, with few intrusions of noncontributing structures or buildings. The period from the 1920's to 1930's remains substantially intact for enjoyment, for provision of services today, and for the community and for the Nation to view.

Today, the facility is currently operated as a health care community. Uninterrupted health care services have continued since the order beginning in 1899 and we are in our second century of health care services. I believe that it is time to recognize, preserve, and protect this facility and its heritage in both military and health care development while the opportunity exists.

I represent support for this act because it is consistent with the criteria set forth for national historic landmark designation; that it is compatible with the current and planned use of the facility by the New Mexico Department of Health for provision of health care services. It is well supported by New Mexico's Office of Cultural Affairs, General Services Department, and Department of Health. All three of these entities have a vital concern and role with the operation of the facility.

We have a strong relationship with the Fort Bayard Historic Preservation Society and local citizens and we are unified in our support, Mr. Chairman.

In conclusion, sir, this is an opportunity to recognize and protect a period of Western development and a heroic era of health care services and treatment that has extended for over 100 years. We believe this is of national significance. Moreover, sir, today this is not just a historic relic. This is a property, a culture, a lifestyle, and a service that continues alive and well through the hundreds of people who receive services and the hundreds of staff that provide them. We exist today. This is not just an event of the past.

Thank you for the honor of speaking before you today, sir.

[The prepared statement of Mr. Hainer follows:]

PREPARED STATEMENT OF MICHAEL J. HAINER, ADMINISTRATOR, FORT BAYARD MEDICAL CENTER, NEW MEXICO DEPARTMENT OF HEALTH, FORT BAYARD, NM

Fort Bayard Medical Center is a multifaceted healthcare facility occupying 466 of the total 704 acres designated as the Fort Bayard Historic District. Sixty-two contributing buildings (and four non contributing buildings), many contributing structures, the military parade grounds, numerous roadways, community infrastructure systems and other elements that comprise the core of the cultural landscape of the Fort Bayard Historic District is nominated by this Act for designation as a National Historic Landmark. The administrator of this NMDOH facility is responsible for operation of numerous healthcare services as well as occupancy of the structures and operation of the infrastructure and services within the unincorporated community known as Fort Bayard.

Healthcare services at the facility today include a dually certified nursing home accepting Medicaid and Medicare reimbursement. The United States Veterans Administration also certifies the nursing home as a State Veterans Home. The nursing home occupies all of a large hospital building erected in 1922 and formerly operated as a hospital. It was built as the U.S. Army's first tuberculosis sanitarium. The building is now licensed for 250 nursing home residents and operates at an average census of 185 residents, including the State Veteran's Home designated portion of the building. The state's strategic healthcare role met by this component of Fort Bayard Medical Center is to provide nursing home services to veterans and other individuals with challenging healthcare needs that are not well met by private nursing home providers. Inpatient rehabilitation and therapy services are also provided for many patients leaving area hospitals after injury, accident or surgery.

Fort Bayard Medical Center also provides residential chemical dependency treatment and rehabilitation services. The former hospital administration building built by the Veterans Bureau in 1909 is used for this purpose. Individuals with limited healthcare resources including numerous Native American tribal members use this service.

Fort Bayard has continuously operated as a healthcare facility since 1899 with the transition from cavalry fort to U.S. Army Hospital. The New Mexico Department of Health has been the occupant and operator of Fort Bayard since 1965 after transition of the facility from the Veterans Administration to New Mexico control. A second century of continuous health care is now well underway at Fort Bayard. The Department of Health maintains a commitment to pursuing quality outcomes for the veterans and other citizens and families receiving these services.

The designation of the facility as a National Historic Landmark has been evaluated by the Department of Health and found to be compatible with the Department's current and planned use of the facility. A strong working relationship has been forged between the New Mexico Department of Health, the New Mexico Office

of Cultural Affairs, the New Mexico General Services Department and the Fort Bayard Historic Preservation Society to collaborate in the provision of unimpeded healthcare services concurrent with a commitment to protection of the vast cultural resource of the historic district. The Department of Health greatly values the public interest in the district's history. The tremendous contribution to Fort Bayard to regional protection of settlers during the cavalry fort period, followed by a long period of pioneering efforts in health care is well recognized. The Department joins the broad interest in the continued integrity of the district as an intact historic community. The Department is committed to a managed and shared enjoyment of the stately beauty of the district in a manner that preserves the quality of life enjoyed by the facility residents living at Fort Bayard today.

As the facility administrator I am acutely aware of the need for intervention to protect and preserve the buildings and infrastructure of the district. Damage is occurring to many of the buildings. Many of the most valued and historic buildings are marginally protected and are in need of repair and preventative maintenance to avoid permanent damage or loss.

I strongly support passage of this important Act. This appeal to the Committee to support the Act originates from my responsibilities as facility administrator of Fort Bayard Medical Center. This Act is supportive of an environment with an enhanced quality of life for the Veterans and the hundreds of other residents and families who are, or will receive healthcare services at Fort Bayard.

The Act does not impose any new restrictions or requirements that adversely affect the operation of the healthcare services within the district. Passage of the Act will provide for deserved recognition and assurances for protection along with continued use of the facility for healthcare services without interference or undesirable intrusion.

This Act also clearly reflects the desire of many concerned citizens of Grant County and New Mexico to recognize and protect a rare and intact cultural treasure that accurately portrays a courageous period of western development and healthcare services improvement. The healthcare history period at this site clearly represents a pattern of development in treatments that is national, if not global in significance.

Incredibly, this Act will support an ongoing tradition and commitment to health care that is not only evident in the buildings, structures and landscape of the historic district but also remains vibrant and alive through the hundreds of residents receiving health care, their families, the facility staff, the numerous volunteers and the many community members actively involved with Fort Bayard today.

Passage of this Act is an invaluable opportunity to recognize and preserve a significant cultural resource of national significance while it remains intact and occupied with strong state and local support for its management and care.

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

May I call on Dr. Giese.

STATEMENT OF DALE GIESE, PH.D., FORT BAYARD HISTORICAL SOCIETY, SILVER CITY, NM

Dr. GIESE. Chairman Akaka, Senator Bingaman, Senator Domenici, committee members: I am Dale Giese. I have worked for the National Park Service for more than 8 years, mostly in the field of history, mostly military history, at Fort Union, a military post in New Mexico, and Petersburg Battlefield in Virginia. I have also served more than 30 years as a professor of history at New Mexico State University and Western New Mexico University, and I am testifying for S. 2880.

In 1866, Major John Pope, commanding officer of the Military Division of Missouri, recorded: "I have established only one new post on the frontier"—on the Apache frontier, "—that is located near the headwaters of the Mimbres River, about 150 miles west of the Rio Grande. This post, with Fort Cummings at Cook Spring, Fort Selden on the Rio Grande, Fort Stanton on the Bonito River between the Rio Grande and the Pecos, form a line of posts covering the southern frontier of New Mexico."

Because of the Indian danger, there were small ranching and mining settlements in the Fort Bayard area before 1866. With a great deal of native resistance, the Spanish had begun developing the Santa Rita copper mine 60 years previously, 1804. Silver City and Pinos Altos were rich in minerals. Mexican miners worked the arroyos and canyons for placer gold as early as 1850.

As word of gold and silver spread, miners and settlers began pouring into the area beginning in 1863. Apache Indians viewed these activities as an encroachment upon their lands and they offered stiff resistance to these invaders of their hunting grounds. Conflicts began to escalate.

The California Volunteers captured the Apache leader Mangas Coloradas near Pinos Altos and took him prisoner to Fort McLane near the Grant County Airport. Fort Bayard was established to combat this threat to settlement. Conflicts occurred as far as Deming, Glenwood, Pinos Altos, and the Silver City mining district.

Fort Bayard's soldiers, of which hundreds were Buffalo Soldiers, and their Navajo and Apache scouts on the side of the soldiers, participated in many engagements against famous Apache war leaders such as Victorio, Nana, and Geronimo. Expedition after expedition departed from Fort Bayard to capture these Apaches or kill them, and it was no easy task to combat these tough, dedicated fighters who were so well adapted to their native land.

The usual story prevailed time and again in the reports of lieutenants who found only traces of the Indians. The rain and snow, they said, were extreme. The soldiers ran out of supplies. Their horses gave out during the chase. Often reports of these soldiers concluded with the number of deer or turkey they killed. The Indian threat finally ended when Geronimo surrendered at Skeleton Canyon in New Mexico in September 1886.

Fort Bayard as a military post was no longer needed. An unusual sequence of events helped to preserve the integrity of Fort Bayard when the post was abandoned in 1899.

In the same year, Surgeon General George Sternberg proposed transferring the post of Fort Bayard to the Army medical department because of its healing qualities in the high altitude and the dry, sunny climate.

David Kammer, historic surveyor of Fort Bayard Historic Preservation Society, for that society recently completed his historic survey of the fort in April 2001. The purpose of his survey was to include Fort Bayard on the State and National Historic Sites register. In his research he came to an interesting conclusion. The first 30 years of Fort Bayard was very important. However, he began to realize the far-reaching influence and importance of the army hospital established in 1899 and lasting until the period of 1923.

Kammer's research began focusing on the housing and healing of personnel during the sanitorium of the hospital era. In 1899, the fort became the first sanitorium dedicated to the treatment of U.S. Army officers and enlisted men suffering from pulmonary tuberculosis. Under Major D.M. Appel and Major George E. Bushnell's jurisdiction, outstanding research discoveries and procedures were developed and implemented.

Kammer received recognition for his outstanding work as well as Bushnell. Their care and treatment of this dreaded disease set world standards for successfully controlling tuberculosis until modern medicines were developed. Under these physicians' guidance, the post became a self-sufficient community with an orchard, dairy cows, cattle, hogs, vegetable farm, and bakery. Hundreds of trees, bluegrass, and flower beds were planted on or near the parade ground just to freshen the air. There was also a small research center with guinea pigs. The doctors believed tuberculosis could be held at bay or even cured with a strict regimen of fresh fruits, vegetables, and exposure to air 24 hours a day.

During World War II, German prisoners of war were housed at Fort Bayard. They were employed in the physical care of the buildings and they built and repaired the irrigation system, worked on the roads, planted trees, and worked on the cemetery.

Again, the role of the post changed. The Veterans Administration took over and the military post and sanitorium became a central hospital for the care and treatment of veterans. The post's adjoining military cemetery, dating back to 1866, became a national cemetery. Then in 1965 the State of New Mexico assumed control of the post as a long-term health care facility and presently employs, as Mike said, 380 people.

Kammer states that: "Although many of the facilities the Army physicians instituted are no longer in existence, the present hospital building today is over 80 years old and stands as a tribute to their work. It is a remarkable example of turn of the century architecture." And to this day, Fort Bayard continues to play a vital role in the surrounding communities. Its continuous use through the years has ensured the post's fair state of preservation.

Some of the buildings date to the late nineteenth century and many of them to the early twentieth century. Fort Bayard is a tribute to all those civilians and officers and enlisted men since its beginning in 1866. Today it continues to offer visitors a rare opportunity to see a military post as it would have appeared 100 years ago while it continues to grow and change with the times.

Senator AKAKA. Dr. Giese, your time is expired.

Dr. GIESE. I have concluded, except I do have 25 letters of support from mayors and city councils, etcetera.

Senator AKAKA. Thank you. Thank you very much.

At this time I would like to ask for any questions from Senator Bingaman and Senator Domenici to the two witnesses. Senator Bingaman.

The CHAIRMAN. Mr. Chairman, I don't have any questions. I appreciate very much the two witnesses testifying. I think their testimony is excellent. I appreciate particularly the photos that are included in Mr. Hainer's testimony. I think they give a very good feel for the condition of the facility at this point and I think that is very useful, and also the detailed history that Dr. Giese has gone through for us.

So I hope we can move ahead with this legislation. I think designating this a national historic landmark would be an appropriate thing to do and would be good for the long term future of Fort Bayard. So thank you again, Mr. Chairman, for letting this be part of the hearing.

Senator AKAKA. Senator Domenici, any questions?

Senator DOMENICI. Yes. Senator Bingaman, I would like to join as a cosponsor.

The CHAIRMAN. Very good.

Senator DOMENICI. I thank you. But I do think before we vote the bill out I would like to have somebody that would interpret this language tell me what are the limits and obligations of the Federal Government? The concept of a national historic landmark is one thing, but when you have facilities that are still operating ongoing, what does the Federal Government have to do or what can they not do? I do not think you are talking about us taking it over and running it as a medical facility. I do not see that anywhere here. I think it could be understood in that way, perhaps.

Who would be a person in the Federal Government that would interpret this and tell us what it would do?

The CHAIRMAN. I believe the other witnesses we have today can probably give us good testimony on that, the Park Service and BLM witnesses.

Our intent—let me just say for the record, we have tried here to provide a designation which in no way interferes with the continued ownership or operation of the facility as it now exists, and I think we have done that and that certainly is the purpose.

Senator DOMENICI. I thank you very much for letting me understand it better and I hope we can pass it soon.

Senator AKAKA. Thank you very much.

We will continue with the witnesses. Mr. Anderson, please proceed with your testimony.

STATEMENT OF ROBERT ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ANDERSON. Thank you, Mr. Chairman. Thank you for the opportunity to provide the committee with the administration's views on S. 2776, the Galisteo Basin Archaeological Sites Protection Act. The legislation would enable Federal agencies to work cooperatively with private landowners, pueblos, State and local governments, and other interested parties to help preserve and protect the nationally significant archaeological resources of the Galisteo Basin in New Mexico.

The Bureau of Land Management is currently working to develop a comprehensive community-based management program for the Galisteo Basin in keeping with Secretary Norton's four C's: consultation, cooperation, communication, all in the service of conservation. S. 2776 is consistent with this effort and therefore the Department of the Interior supports the legislation.

There are three important provisions of S. 2776. First, the bill would allow the Secretary of the Interior to enter into voluntary cooperative agreements with willing owners of archaeological sites on private lands if the private landowners are interested in preserving and maintaining the sites. This is essential to development of a community-based management plan for the basin.

The second major provision directs the Secretary of the Interior to work with the Governor of New Mexico, the New Mexico State

Land Commissioner, affected Native American pueblos, and other interested parties to develop a general management plan for the archaeological sites in the Galisteo Basin. This direction is also consistent with the current BLM management activities in that basin.

Of the 24 sites referenced in S. 2776, nine are currently managed in whole or in part by BLM. Our archaeologists have done extensive research on these sites and have developed longstanding positive working relationships with the local Pueblo Indian communities, the affected State agencies, the University of New Mexico, and local conservation organizations on all aspects of the protection of the archaeological resources of the Galisteo Basin.

The Department supports the third major provision of S. 2776, which allows the Secretary of the Interior to acquire lands from property owners willing to donate, sell, or exchange their land and explicitly provides that the Federal Government cannot acquire lands under S. 2776 without the full consent of the property owner.

The Bureau of Land Management is the only Federal agency currently managing any of the sites identified in S. 2776 and we encourage the committee to consider designating the BLM as the lead Federal land managing agency for the preparation and implementation of the management plan for the sites referred to in section 59(b).

Thank you again for the opportunity to testify on this bill and I would be glad to answer any questions.

[The prepared statement of Mr. Anderson follows:]

PREPARED STATEMENT OF ROBERT ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to provide the Committee with the Administration's views on S. 2776, the Galisteo Basin Archaeological Sites Protection Act. S. 2776 would enable Federal agencies to work cooperatively with private land owners, Pueblos, State and local governments, and other interested parties to help preserve and protect the nationally significant archaeological resources of the Galisteo Basin in New Mexico. The Bureau of Land Management is currently working to develop a comprehensive community-based management program for the Galisteo Basin in keeping with Secretary Norton's 4 C's—consultation, cooperation, communication, all in the service of conservation. S. 2776 is consistent with this effort, and, therefore, the Department of the Interior supports the legislation.

The lands surrounding Santa Fe and the area known as the Galisteo Basin contain a rich cultural heritage of national significance. The first Spanish explorations in this area found thriving Pueblo Indian communities dating back to prehistoric times. Today, the ruins of these pueblos commemorate both the achievements of the ancestral Pueblo people and the events which shaped the early history of New Mexico and the Southwest.

Lands to the north of Santa Fe are Pueblo Indian reservations, while the lands to the east and west are largely public lands managed by the BLM and the U.S. Forest Service. Portions of this land, such as the Pecos Wilderness and the La Cienega Area of Critical Environmental Concern (ACEC), have been set aside for special protection; other areas are managed under the principle of "multiple use" and other laws, such as the National Historic Preservation Act.

The southern part of Santa Fe County has a pattern of mixed ownership, with private lands predominating. Development of this area is proceeding at a rapid pace as the population of Santa Fe County continues to grow. Both the State of New Mexico and the BLM manage key parcels in this area.

Natural processes take a toll on the cultural resources, but the threats posed by human uses are potentially more serious. Vandalism and careless excavations in the prehistoric and early historic ruins are a source of great concern to modern Pueblo peoples and threaten some of the most important archeological sites with wholesale destruction. Development of both residential and commercial real estate presents

risks to the ruins, trails, petroglyphs, and other traces of history and prehistory that remain in this landscape. Illegal trash dumping and other activities of this type have had a serious adverse impact on the natural and cultural resource values.

The Department of the Interior supports the three main provisions of S. 2776. First, the bill would allow the Secretary of the Interior to enter into voluntary cooperative agreements with willing owners of archeological sites on private lands, if the private land owners are interested in preserving and maintaining the sites. This is essential to the development of a community-based management plan for the Basin.

The second major provision directs the Secretary of the Interior to work with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties to develop a general management plan for the archaeological sites in the Galisteo Basin. This direction is consistent with current BLM management activities in the Galisteo Basin. Of the 24 sites referenced in S. 2776, nine (9) are currently managed in whole or in part by the BLM. The other sites are on state or private land. BLM archaeologists have done extensive research on these sites, and have developed long-standing, positive working relationships with the local communities of La Cieneguilla and La Cienega, Pueblo Indian communities, the affected state agencies, the University of New Mexico, and local conservation organizations on all aspects of the protection of the archaeological resources of the Galisteo Basin.

Through its planning process, the BLM has set aside land near La Cienega for special protection in its Resource Management Plan. The area encompassed by this plan includes the BLM-managed portions of La Cienega Pueblo and Petroglyphs, La Cienega Pithouse Village, and La Cieneguilla Petroglyphs. Management prescriptions for the BLM sites include grazing exclusions, withdrawal from mineral entry, and a No-Surface-Occupancy stipulation for oil and gas development. These management prescriptions were developed by the BLM in consultation with Native American tribal governments, state and local governments, stakeholders, and the general public, through participation opportunities afforded by land use planning and environmental review processes.

The BLM manages additional sites in the Galisteo Basin: 68 acres at Burnt Corn Pueblo; 40 acres at Petroglyph Hill; 190 acres at Pueblo Blanco; 70 acres at Pueblo Galisteo/Las Madres; and 80 acres at San Lazaro Pueblo, a National Historic Landmark. The BLM's decisions on appropriate uses of the areas must take into consideration the impact of approved activities on the rich cultural and archaeological resources which are present there.

The Department supports the third major provision of S. 2776, which allows the Secretary of the Interior to acquire lands from property owners willing to donate, sell, or exchange their land—and explicitly provides that the Federal government cannot acquire lands under S. 2776 without the full consent of the property owner. The BLM's Taos Field Office has been very involved with local government, stakeholders, and interest groups over the past several years to improve our resource management efforts in the Basin. The BLM is working with the Trust for Public Lands, Santa Fe County, the county lands commission, and local community groups to acquire critical lands within a 5,000 acre green belt, to protect its open space and natural resource values. The BLM, Santa Fe County and the local community have been working together to develop a management strategy for the Cerrillos Hills, a prehistoric/historic mining district in the west-central part of the Basin. The BLM plans to continue these efforts to protect the cultural resources of the Galisteo Basin.

The Bureau of Land Management is the only Federal agency currently managing any of the sites identified in S. 2776. For this reason, we encourage the Committee to consider designating the BLM as the lead Federal land managing agency for the preparation and implementation of the management plan for the sites referred to in Section 5(b).

Thank you again for the opportunity to provide the Committee with the Administration's views on S. 2776. I would be glad to answer any questions.

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

Mr. Jeffrey Taylor from the National Park Service, will you please proceed.

STATEMENT OF JEFFREY K. TAYLOR, ASSISTANT DIRECTOR, OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. TAYLOR. Mr. Chairman, thank you for inviting me to represent the administration on six of the bills that are before the subcommittee today. The first one I would like to speak on is S. 2623, which is a bill authorizing the Secretary to establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park within the existing Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.

While the Department recognizes the appropriateness of designating a Cedar Creek-Belle Grove unit of the National Park System, we do recommend that the committee defer action on S. 2623 during the remainder of the 107th Congress. To meet the President's initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for the existing areas in the National Park System. Park units of a similar size, once fully operational, can have annual operational costs of between $1 million and $2 million. That represents a significant amount compared to the $9.3 million that was requested in fiscal year 2003 for park base operational increases across the entire National Park System.

S. 2623 would establish an approximately 3,000-acre Cedar Creek Battlefield and Belle Grove Plantation National Historical Park within the Shenandoah Valley of northwestern Virginia. It would establish a boundary for the national historical park within which the existing key partners would continue to own, operate, and manage visitor anchor sites within the park boundary. The Park Service would be authorized by this bill to acquire the remaining property from willing landowners, completing preservation of the historic and natural landscape.

This bill would also establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Advisory Commission to ensure local, regional, and national involvement in the preparation and implementation of a management plan for the national historical park.

The legislation would also permit the Belle Grove Plantation and Cedar Creek Battlefield Foundation to continue to privately own their respective resources critical to the story of Cedar Creek, while permitting the National Park Service to acquire adjacent lands within the boundary from willing sellers only. The Cedar Creek Battlefield Foundation may continue to conduct its reenactments, a primary purpose of the foundation. It is anticipated these organizations would remain as full partners within the boundary, working together with the National Park Service and other partners in a regional collaboration.

The second bill I would like to speak on today is the companion bills of S. 2640 and H.R. 3421. Both of these bills authorize the Secretary of the Interior to provide supplemental funding that is necessary to assist the State of California or local school districts in providing educational services and facilities for students attending schools located within Yosemite National Park.

In addition, S. 2640 would authorize the expenditure of park funds in support of a regional transportation system outside Yo-

semite and would extend the advisory commissions for both Golden Gate National Recreation Area and Manzanar National Historic Site.

The Department supports both S. 2640 and H.R. 3421 as we believe that students who attend schools in Yosemite should have access to the same educational services and facilities found elsewhere in the State of California. However, we do not want this to set a precedent that parks should take over responsibility for schools or create an NPS school system.

The Department also supports the other provisions in S. 2640 regarding expenditure of funds outside Yosemite and, if amended, the continuation of the two advisory commissions.

The next bill that I would like to speak on is S. 2788. This is a bill that revises the boundaries of Wind Cave National Park in the State of South Dakota. At this time the Department does not support S. 2788. The Department is committed to eliminating the deferred maintenance backlog, which of course is a high priority of the President. We need to continue to focus our resources on existing areas in the National Park System. For this reason, the Department will only support additions to existing parks that involve no new costs or minimal costs to the Federal Government for land acquisition, operations, and maintenance.

This legislation does authorize the Secretary of the Interior to acquire 5,675 acres adjacent to Wind Cave National Park. A ranching family currently owns 5,555 acres of the land and has indicated they would be willing to sell the property to the United States. Another 40 acres of land from a willing seller would preserve a viewshed for the park. The remaining 80 acres would be an administrative jurisdiction transfer from the Director of the BLM to the Director of the National Park Service.

The acquisition cost for the proposal was estimated at $5 million to $6 million, although actual costs will not be known until the land appraisals are completed.

The next bill is S. 2880. This bill, as you have heard already today, would designate Fort Bayard Historic District as a national historic landmark and would authorize the Secretary of the Interior to provide technical and financial assistance for protecting the landmark.

The Department recommends that the bill be amended to direct the National Park Service to conduct additional research to evaluate whether Fort Bayard is eligible for national historic landmark designation. National historic landmarks designated by the Secretary of the Interior share two essential qualities: they are places that illustrate a nationally significant theme, trend, event, or person; and they retain a high degree of integrity, that is authenticity, to the period to which the property was significant.

The national historic landmarks program has an established and time-tested process for nominating properties of exceptional importance in illustrating or interpreting the heritage of the United States. This process includes an evaluation by the National Park System Advisory Board to ensure that designated historic places possess the highest level of significance and historical integrity.

Because of this important evaluation process, it is extremely rare for a national historic landmark to be designated through legisla-

tive action. It is also rare to authorize financial assistance to a single non-NPS site. It would be more appropriate to apply for funding through the Save America's Treasures grant program, which is well suited for historic properties such as this one.

We would be happy to continue working with the New Mexico State Historic Preservation Office to evaluate the property's potential national significance.

I do see my time is up. I do have one more bill if that is all right, Mr. Chairman.

Senator AKAKA. Mr. Taylor, since you have so many bills to speak about, you may exceed the time.

Mr. TAYLOR. Thank you, Mr. Chairman.

The final bill is H.R. 3858, a bill to expand the boundary of the New River Gorge National River by 1,962 acres and to exchange approximately one quarter acre of private land with an adjacent private landowner for a quarter acre of Park Service land.

The Department is unable to support H.R. 3858 in its entirety at this time. The Department would ask that Congress defer action on subsection (a), regarding a boundary adjustment, until additional planning addressing the acquisition and cost of additional lands at New River Gorge National River has been completed. The Department does, however, support subsection (b) of this bill as it provides for an even land exchange involving no cost or nominal cost.

The legislation proposes to adjust the boundary of New River Gorge to include seven tracts of land encompassing 1,962 acres. The addition of these lands within the park's boundary would complete the rim to rim acquisition of lands on both sides of the gorge, permanently protecting its outstanding scenery in accordance with the legislation that originally designated the park. However, we have not yet completed a formal study with public involvement to determine the appropriateness of including these lands within the park.

The last provision of this bill, as I mentioned before, exchanges a small quarter acre for a quarter acre; that we do support.

New River Gorge was established in 1978 to conserve and protect 53 miles of the New River as a free-flowing waterway. It is located within the National Coal Heritage Area and the New River is one of 14 rivers designated as an American Heritage River. Completion of the planning process at New River Gorge National River will ensure that there is adequate public review regarding our land acquisition needs.

I have one more bill here we go. This is H.R. 3786, Mr. Chairman. It is a bill that would revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona. We do support H.R. 3786. The revision of the boundary would not contribute to the National Park Service maintenance backlog because the exchange would not result in any additional facilities, increased operating costs, or additional staffing.

The current owner of the private property to be exchanged initiated this proposal and, although the Service has not yet appraised the parcels involved, the owner's appraisal indicates that the Service will receive lands with a higher value than those the Service would exchange.

This bill would amend Public Law 92-593 and give the Secretary the authority through an exchange to change the boundary of Glen Canyon by adding 152 acres and deleting 370 acres in Kane County, Utah. It would also revise the authorized acreage of the park from 1,236,880 acres to 1,256,000 acres. This is needed to correct the total acreage within the park boundary that was incorrectly identified in the park's enabling legislation. Correction of the authorized acreage ceiling also would not add any new facilities, increase operating costs, or require additional staffing.

H.R. 3786 enjoys a broad cross-section of support. The nearest communities to the lands proposed for exchange, Big Water, Utah, and Page, Arizona, recognize the importance of protecting the national recreation area.

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

[The prepared statements of Mr. Taylor follow:]

PREPARED STATEMENT OF JEFFREY K. TAYLOR, ASSISTANT DIRECTOR, OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

S. 2623

Thank you for the opportunity to testify on S. 2623, a bill to authorize the Secretary to establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park within the existing Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.

While the Department recognizes the appropriateness of designating a Cedar Creek Belle Grove unit of the National Park System, we recommend that the Committee defer action on S. 2623 during the remainder of the 107th Congress. To meet the President's initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. Park units of a similar size, once fully operational, can have annual operational costs of $1-2 million, which is a significant amount compared to the $9.3 million that was requested in FY 2003 for park base operational increases across the entire National Park System.

S. 2623 would establish an approximately 3,000-acre Cedar Creek Battlefield and Belle Grove Plantation National Historical Park in the Shenandoah Valley of Northwestern Virginia. The new park would encourage partnerships and build on years of local preservation efforts. Although originally conceived as a battlefield park, the local partners expanded the purpose of the new park to include a much broader scope of history, while embracing the key goal of promoting the Civil War heritage of the Shenandoah Valley. S. 2623 would establish a boundary for the National Historical Park within which the existing key partners will continue to own, operate, and manage visitor "anchor" sites within the park boundary. The Park Service would be authorized to acquire the remaining property from willing landowners completing preservation of the historic and natural landscape.

The bill would also establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Advisory Commission to ensure local, regional, and national involvement in the preparation and implementation of a management plan for the national historical park and to identify additional sites of significance outside the park boundary. Finally, S. 2623 would authorize the Secretary to enter into cooperative agreements with private landowners, non-profit organizations, governmental entities, and others for the purpose of preserving, interpreting, operating, maintaining, and managing park resources.

For over 135 years there have been local efforts to protect the Civil War heritage of the Shenandoah Valley. Numerous States have acknowledged the importance of the Shenandoah Valley by placing monuments and memorials on the historic landscape to honor the lives lost in battle.

The Battle of Cedar Creek, also known as the Battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Shenandoah Valley campaign of 1864. This victory by Union forces had major political implications, as well in contributing to the reelection of President Abraham Lin-

coln. With President Lincoln's reelection, the resolve of the Union side to continue the war was assured.

The Plantation of Belle Grove was at the center of the decisive battle of Cedar Creek. In addition to the value of the site itself, the Belle Grove Plantation permits the story of the battle, the Shenandoah Valley, and the way of life in America before, during, and after the Civil War to be told. The site also includes a significant Manor House and a slave cemetery, among many other important elements. As such, the recognition in this legislation of both the battle and the way of life at that time enormously adds to our appreciation of the significance and meaning of the Shenandoah Valley and the Civil War. The park boundary represents portions of the historical core of the battlefield and includes the remaining earthworks, the Vermont Monument, and the New York Monument.

The Belle Grove Plantation Manor House was built in 1797 with design assistance from President Thomas Jefferson. The Manor House was saved by the National Trust for Historic Preservation and has been open to the public as a National Trust Historic Site and private museum since 1967. Several other private historic homes within the boundary are listed on the National Register of Historic Places and the Virginia Historic Register. In addition, in 1969, the National Park Service formally honored the national significance of the Shenandoah Valley in the Civil War with the designation of the Cedar Creek and Belle Grove National Historic Landmark.

Due to a unique combination of natural features, the area around Cedar Creek has a nearly uninterrupted history of human occupation, as evidenced by archaeological remains. The park also memorializes the important stories of the area including how Belle Grove Plantation was constructed and operated by African-American slaves who also used caves and caverns in and around Cedar Creek as part of the Underground Railroad.

The legislation would permit the Belle Grove Plantation and the Cedar Creek Battlefield Foundation to continue to privately own their respective resources critical to the story of Cedar Creek, while permitting the National Park Service to acquire adjacent lands within the boundary from willing sellers only. The Cedar Creek Battlefield Foundation may continue to conduct its reenactments, a primary purpose of the Foundation. It is anticipated that these organizations will remain as full partners within the boundary, working together with the National Park Service and other partners in a regional collaboration.

The legislation also fully implements the purposes of the Shenandoah Valley Battlefields National Historic District and Commission Act of 1996 (Public Law 104-333, Title VI, Section 606) and strengthens the already valuable partnership between the National Park Service and the recently created Shenandoah Valley Battlefields Foundation. It responds to the findings of the previous Special Resources Study, prepared by the National Park Service, and the Foundation's approved management plan for the National Historic District.

After the Civil War Advisory Commission recognized the significance of and threats to a great number of battlefields in the Shenandoah Valley, Congress responded with legislation to establish a national park unit that could have potentially included 12 battlefield units in excess of 100,000 acres. The National Park Service, at that time, opposed this as the wrong approach to protecting this historic landscape, and recommended a heritage partnership instead. As a result, Congress established both a National Historic District to function as the heritage partnership, and authorized the Secretary of the Interior to prepare a Special Resource Study to determine "whether the District or components thereof meet the criteria for designation as a unit of the National Park Service."

The Special Resource Study analyzed an approximately 93,000-acre region including 10 battlefield sites. It determined that there is a current need for direct National Park Service management on core portions of the Cedar Creek Battlefield within a study area for that battlefield that consisted of 15,000 acres. The Shenandoah Valley Battlefields Foundation and other non-profit and public entities will preserve lands at other battlefield sites in the National Historic District.

The bill is supported by the Cedar Creek Battlefield Foundation, the National Trust for Historic Preservation, Belle Grove Incorporated, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren, as well as the towns of Strasburg and Middletown, demonstrating that the park proposal has broad local backing.

Should the Committee proceed with the legislation, we believe some amendments are needed to clarify various provisions and to conform the language to that used for other units of the National Park System. We look forward to working with you and the sponsors if this bill moves forward.

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 2640 and H.R. 3421. Both of these bills would authorize the Secretary of the Interior to provide supplemental funding that is necessary to assist the State of California or local school districts in providing educational services and facilities for students attending schools located within Yosemite National Park. In addition, S. 2640 would authorize the expenditure of park funds in support of a regional transportation system outside Yosemite National Park, and would extend the advisory commissions for both Golden Gate National Recreation Area and Manzanar National Historic Site. On December 10, 2001, the Department presented testimony on H.R. 3421 before the subcommittee on National Parks, Recreation, and Public Lands of the House Resources Committee.

The Department supports S. 2640 and H.R. 3421, as we believe that students who attend schools in Yosemite National Park should have access to the same educational services and facilities found elsewhere in the State of California. However, we do not want this to set a precedent that parks should take over responsibility for schools or create an NPS school system. The Department also supports the other provisions in S. 2640 regarding the expenditure of funds outside Yosemite National Park and if amended, the continuation of the two advisory commissions.

Schools have been located within Yosemite National Park for over 125 years to serve the needs of park employees and their children. At present, two elementary schools are located within the park at Wawona and in Yosemite Valley. A third elementary school and a small high school are located in El Portal, the park's administrative site located on federal property just outside the park boundary. Most students attend the larger county high school in Mariposa because of the lack of opportunity for a comprehensive program at the El Portal school.

The Yosemite Valley School has about 46 students in grades kindergarten through eighth grade, divided into three classes. The amount of funding from the State of California, according to a formula based on average daily attendance, actually supports only two teachers.

The elementary school in El Portal has 50 students in seven grades, divided into multi-graded classrooms. The Wawona school is like the old "one-room" schoolhouse, with 20 children in grades K-8, and one teacher. Because the current funding formula provides for only one teacher, and the maximum teacher/student ratio has been reached, the school is unable to serve more than 20 students. Consequently, there have been instances in which parents were left with the choice of either homeschooling their children or transporting them on their own to schools elsewhere. Some parents have elected these options voluntarily because of the conditions at the Wawona school.

Because the schools in the park are located long distances from the administrative offices of their school districts, there has been limited access to services that are normally available to students that attend schools elsewhere. For example, access to teachers to serve students with special needs is very limited, and road and weather conditions can often further restrict teachers' abilities to reach the park. Subjects such as band, art, music, choir, or even physical education are provided only if parents are able to find additional funding to hire an aide. Many facilities are in need of repair or do not meet state or federal standards.

The quality of education that students receive in these schools suffers as a result of lack of funding and staffing. For example, teachers who teach only one grade level can focus on curriculum and standards for that grade, while teachers in the Yosemite schools are responsible for multiple grade levels. In addition to their educational duties, they must also tend to administrative duties normally performed by other employees. As a result, teachers at the Yosemite schools are unable to give the time or attention necessary to provide the quality of education that the students deserve.

Recruitment and retention of employees at Yosemite National Park is also adversely affected by the quality of the park schools. Many highly qualified NPS employees with school age children who might otherwise be interested in applying for jobs at Yosemite are discouraged from doing so because of the school situation. Recently, a highly qualified individual declined to accept an offer for a division chief position at the park after realizing that the schools could not meet the special needs of his child. Park employees often cite the schools as a major factor in their decision to transfer from Yosemite to other assignments.

Both S. 2640 and H.R. 3421 authorize the Secretary of the Interior to enter into cooperative agreements with the local school districts for the maintenance and minor upgrades of facilities, and the transportation of students to and from school. The Secretary may adjust the amounts made available to local school districts if State and local funding of schools fall below current funding levels. While we strong-

ly believe that the responsibility for providing educational services rests with the State of California, we realize that the quality of education received by the children of park employees and others who attend the Yosemite schools is dependent on the resources of the local school districts. We believe that this legislation is a start at providing the means to improve the schools in Yosemite National Park.

Section 4 of S. 2640 addresses regional transportation at Yosemite National Park. The Department has long supported the concept of public transportation providing access to Yosemite National Park. The 1980 General Management Plan identified the development of a regional transportation system as the long-term approach for transporting people to Yosemite National Park. In 1999 Mariposa, Merced, and Mono counties created a Joint Powers Authority as an entity to implement the Yosemite Area Regional Transportation System (YARTS) and entered into a Cooperative Agreement with Yosemite National Park. YARTS provided an attractive alternative for visitors and employees without having to replace the use of private cars. NPS participated in the initial funding of this project using fee demonstration program authority. In 2001, YARTS carried over 38,000 passengers, including park employees, during Yosemite's prime visitor season (May through September). Many of these visitors chose to leave their cars at their motels or other locations outside the park. By choosing YARTS to access the Yosemite Valley, over 11,000 parking places were made available during the summer. YARTS has been successful in providing a quality alternative to automobile travel.

Entering into its third year of operations, YARTS has had to reduce the number of runs it provides due to funding shortfalls. Funding is no longer coming from appropriated funds because the agency lacks the authority to expend funds outside the park boundary. The authority provided through previous appropriations bills has expired. Nonetheless, YARTS has been enormously successful again this summer and the demand for the service continues to grow.

The regional transportation system is an important means to solve Yosemite's parking and congestion issues by reducing the amount of infrastructure development within the park, and thus substantially reducing the funding requirements for implementing the Yosemite Valley Plan. This bill amends existing legislation by adding Yosemite National Park to an authorization that allows Zion National Park to enter into agreements and expend funds outside the boundaries of the park for transportation purposes.

Section 5 of S. 2640 would extend the advisory commissions for Golden Gate National Recreation Area and the Manzanar National Historic Site. The advisory commissions for these two parks provide the NPS with important input from the local community on a variety of management issues.

The Manzanar National Historic Site Advisory Commission has been composed of 11 members appointed by the Secretary. The commission advises the NPS on development issues and on the interpretation of the site. Some of the members were internees at Manzanar during World War II. Others are prominent citizens of the East Side of the Sierra. The commission expired last spring at a critical time as the Manzanar National Historic Site is completing the interpretive design work for the visitor center in the former auditorium of the camp.

The Golden Gate National Recreation Area commission is composed of 18 members nominated primarily by the counties in which the park is located. The purpose of the Golden Gate NRA advisory commission is to advise on general policies and matters related to planning, administration and development for this 30-year-old park. The commission has worked side by side the park staff for these 30 years. Its role as a public hearings board is crucial to the numerous projects and management decisions that are being considered by this large urban park. We would like to work with the committee on an amendment regarding the representation of recreational users on the commission.

S. 2788

Mr. Chairman, thank you for the opportunity to present the views of the Department on S. 2788, a bill to revise the boundary of Wind Cave National Park in the State of South Dakota.

The Department does not support S. 2788. The Department is committed to eliminating the deferred maintenance backlog. We need to continue to focus our resources on existing areas in the National Park System. For this reason, the Department will only support additions to existing parks that involve no new cost or minimal cost to the Federal government for land acquisition, operations, and maintenance.

Wind Cave National Park, established in 1903, is one of the Nation's first national parks and the first cave set aside for protection. The cave itself, after which the

park is named, is one of the world's oldest, longest, and most complex cave systems with more than 104 miles of mapped passages. The cave is well-known for its exceptional display of boxwork, a rare honeycomb-shaped formation protruding from the cave's ceilings and walls. While the cave is the focal point of the park, the land above the cave is equally impressive with 28,295 acres of rolling prairie, majestic forests, and pristine creeks. Legislation passed in 1912 established the Wind Cave National Game Preserve creating a permanent national range for buffalo and other Native American game animals as may be placed therein. In 1935, the Wind Cave National Game Preserve was transferred into Wind Cave National Park.

This legislation would authorize the Secretary of the Interior to acquire 5,675 acres adjacent to Wind Cave National Park. A ranching family currently owns 5,555 acres of the land and has indicated they would be willing to sell the property to the United States as a lasting legacy to their father. Another 40 acres of land from a willing seller would preserve a viewshed for the park. The last 80 acres would be an administrative jurisdiction transfer from the Director of the Bureau of Land Management to the Director of the National Park Service. The acquisition cost for the proposal is estimated at $5 to $6 million although actual costs will not be known until the land appraisals are completed. In many cases, non-profit groups are willing to purchase the properties and hold them for a short period of time until the National Park Service is able to designate land acquisition funding.

S. 2788 would help protect the mixed-grass prairie and ponderosa pine forest and provide recreational opportunities for day-hikers and backpackers who seek solitude in the park's backcountry. The additional land will preserve a viewshed and improve wildland fire management, helping to reduce the risk of a catastrophic wildfire. Archaeological sites, such as a thousand year-old buffalo jump over which early Native Americans once drove the bison they hunted, exist on the land presently owned by the ranching family.

The current annual base funding for Wind Cave National Park is $1.892 million. If enacted, additional funding would be required due to anticipated increases in the number of FTEs needed for increased wildlife and interpretive responsibilities. In addition, construction-funding of $1.817 million would be necessary for the removal and installation of fencing.

S. 2880

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 2880. This bill would designate Fort Bayard Historic District as a National Historic Landmark and would authorize the Secretary of the Interior to provide technical and financial assistance for protecting the Landmark.

The Department recommends that the bill be amended to direct the National Park Service to conduct additional research to evaluate whether Fort Bayard is eligible for National Historic Landmark designation. National Historic Landmarks designated by the Secretary of the Interior share two essential qualities: they are places that illustrate a nationally significant theme, trend, event, or person, and, they retain a high degree of integrity, that is, authenticity, to the period in which the property was significant.

Authorized by the Historic Sites Act of 1935 (Public Law 74-292) and regulated under 36 CFR Part 65, the National Historic Landmarks Program has an established and time-tested process for nominating properties of exceptional importance in illustrating or interpreting the heritage of the United States. This process includes an evaluation by the National Park System Advisory Board to ensure that designated historic places possess the highest level of significance and historical integrity. Because of this important evaluation process it is extremely rare for a National Historic Landmark to be designated through legislative action. It is also rare to authorize financial assistance to a single non-NPS site; it would be more appropriate to apply for funding through the Save America's Treasures grant program, which is well suited for historic properties such as this one.

Located in southwestern New Mexico, Fort Bayard illustrates several important chapters in American military history and the settlement of the southwestern United States. From 1866 to 1899, Fort Bayard functioned as an Army post while its soldiers, many of them African-American, or Buffalo Soldiers, protected settlers working in nearby mining districts. The area was later developed by the U.S. War Department as a general hospital for use as a military sanatorium.

Fort Bayard Historic District was listed on the National Register of Historic Places on July 7, 2002 at the state level of significance. In transmitting the nomination to the National Park Service in May 2002, the New Mexico State Historic Preservation Office requested the opinion of the Keeper of the National Register of Historic Places regarding the potential for the property to have national significance.

Upon listing the property, the Keeper of the National Register concurred with the State Historic Preservation Office that, from the documentation presented, there no longer remains enough of the pre-1922 facility in order to justify a national level of significance as the first Army TB hospital. Much of the pre-1922 complex was destroyed and replaced with larger and more modern facilities when the Veterans Administration assumed administrative responsibilities in 1922.

This assessment concurs with an earlier opinion developed by National Park Service Historian, Robert Utley, that although Fort Bayard was a "key outpost" in the Apache Wars from the 1860s through the 1880s, "expansion and modernization of the Veterans Hospital has obliterated much of Old Fort Bayard" (Fort Bayard, National Survey of Historic Sites and Buildings, 1958).

In its review of the documentation this summer, the National Register recommended that the State Historic Preservation Office consider evaluating the property's national significance for its association with the post-1922 Veterans Administration proposed development of the sanatorium as "the largest institution of its kind in the world." At present, we do not have enough information to evaluate the national significance of the Veterans Administration's use of the facility. For these reasons, we urge that S. 2880 be amended to direct the National Park Service to conduct a study of Fort Bayard to determine if it qualifies for designation as a National Historic Landmark.

We would be happy to continue working with the New Mexico State Historic Preservation Office to evaluate the property's potential national significance during the post-1922 Veterans Administration period. This work would ensure that the site receive the appropriate level of historic recognition.

H.R. 3786

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3786. This bill would revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The Department supports H.R. 3786. The revision of the boundary would not contribute to the National Park Service ("Service") maintenance backlog because the exchange would not result in any additional facilities, increased operating costs, or additional staffing. The current owner of the private property to be exchanged initiated this proposal and although the Service has not yet appraised the parcels involved, the owner's appraisal indicates that the Service will receive lands with a higher value than those the Service would exchange. The owner has indicated, however, that no cash payment to equalize values would be required, which should remove the need for any land acquisition funds.

H.R. 3786 would amend Public Law 92-593 and give the Secretary of the Interior the authority, through an exchange, to change the boundary of Glen Canyon National Recreation Area ("Park") by adding 152 acres and deleting 370 acres in Kane County, Utah. The bill would also revise the authorized acreage of the park from 1,236,880 acres to 1,256,000 acres. This change would correct the total acreage within the park boundary that was incorrectly identified in the park's enabling legislation. Correction of the authorized acreage ceiling also would not add any new facilities, increase operating costs, or require additional staffing.

The 152 acres that the Service would acquire are located east of Highway 89, approximately 5 miles south of Big Water, Utah and are contiguous to the existing park boundary. The 370 acres that the Service would exchange are located west of Highway 89 and are adjacent to privately owned lands. Although within the boundary of the recreation area, the 370 acres are physically and visually isolated from the rest of the recreation area by topographic features.

The owner of the private land has had an appraisal completed on the lands that are proposed for exchange. If this legislation were enacted, the Service would conduct its own appraisal on the two parcels. However, the owner's appraisal determined that the 152-acre parcel ($5,500 per acre for a total appraised value of $836,000), which the Service would receive, was worth approximately seven times more per acre than the 370-acre parcel ($750 per acre for a total appraised value of $277,500) the Service would exchange.

H.R. 3786 would also correct the acreage ceiling error stated in Public Law 92-593, the 1972 enabling legislation for Glen Canyon National Recreation Area. Public Law 92-593 incorrectly estimated Glen Canyon National Recreation Area's acreage within the boundary to be 1,236,880 acres. Using the same boundary identified on the map referenced in the 1972 enabling legislation, application of modern map reading and geographic information system technologies have determined that an acreage of 1,256,000 acres more accurately reflects the amount of land within the 1972 boundary.

H.R. 3786 enjoys a broad cross section of support. The nearest communities to the lands proposed for exchange, Big Water, Utah and Page, Arizona, recognize the importance of protecting the National Recreation Area. Also, this exchange would provide an opportunity for private development at one of the main access points to lands held by the Utah School and Institutional Trust Lands Administration (SITLA). Such private development could enhance the 40,000 acres held by SITLA and is supported by the State of Utah and Kane County, Utah.

In previous testimony before the House Subcommittee, we recommended two changes - to correctly identify and date the map, as well as allow the National Park Service to enter into agreement with the landowner regarding how the exchanged lands will be managed. Those changes have been incorporated into the bill before you now.

H.R. 3858

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3858, a bill to expand the boundary of the New River Gorge National River by 1,962 acres and to exchange approximately ′ acre of private land with an adjacent private landowner for a 1/4 acre of park service land.

The Department is unable to support H.R. 3858 in its entirety at this time. The Department would ask that Congress defer action on subsection (a), regarding a boundary adjustment, until additional planning addressing the acquisition and costs of additional lands at New River Gorge National River has been completed. The Department does however support subsection (b) of H.R. 3858 as it provides for an even land exchange involving no cost or nominal cost.

This legislation proposes to adjust the boundary of New River Gorge National River to include seven tracts of land encompassing 1,962 acres. The addition of these lands within the park's boundary would complete the rim-to-rim acquisition of lands on both sides of the gorge, permanently protecting its outstanding scenery in accordance with the legislation that originally designated the park. However we have not yet completed a formal study with public involvement to determine the appropriateness of including these lands within the park.

The last provision of this bill proposes a land exchange and boundary modification with an adjacent local landowner for a parcel of land, approximately 1/4 acre in size, of equal value and equal size. This resolves an issue of private property encroachment and as a result the boundary is slightly altered, but there is no net change in the authorized acreage.

New River Gorge National River was established in 1978 to conserve and protect 53 miles of the New River as a free-flowing waterway. This unit of the National Park System encompasses over 70,000 acres of land along the New River between the towns of Hinton and Fayetteville. The park and surrounding area are rich in cultural and natural history, with an abundance of scenic and recreational opportunities. The New and Gauley Rivers offer world-class whitewater boating, rock climbing, and fishing. The New River Gorge Bridge is the longest single span arch bridge in the world, and the second highest bridge in the United States. The New River Gorge has the most diverse assemblage of plant species of any river gorge in the southern Appalachians, it possesses considerable animal diversity, and is the state's leading warm-water fishery. Cultural resources include significant archeological sites as well as 19th and 20th century historic resources, towns, and commercial centers related to mining and transportation of coal, that played an important role in America's industrial history. New River Gorge National River is located within the National Coal Heritage Area (1996), and the New River is one of 14 rivers designated an American Heritage River (1998).

All of the lands included in the proposed boundary adjustment are currently under private ownership and we understand that all six private landowners are willing sellers. Two of the tracts proposed for inclusion contain approximately 648 acres of steep, wooded slopes within the gorge, and are adjacent to Hawk's Nest State Park. The two other parcels, totaling 52 acres, provide access to an area that is heavily used by rock climbers and other visitors. The remaining two parcels would add 1,262 acres along the rim of the gorge. Completion of the planning process at New River Gorge National River will ensure that there is adequate public review regarding our land acquisition needs.

As you know the Department is committed to the President's Initiative to eliminate the National Park Service's deferred maintenance backlog. The planning process would also address the land acquisition, operations, and development costs of the lands proposed for addition. We estimate that the addition of 1,962 acres within the boundary would require no less than $2 million in additional land acquisition funds. It is possible that several of the tracts of land proposed for acquisition would

be maintained in an undeveloped condition and therefore have minimal administrative costs associated with them. However one tract may require some development to provide adequate accommodation for the high levels of public use.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any question that you or members of the subcommittee might have.

Senator AKAKA. Thank you very much. I know you had a number of bills to make statements on.

Mr. Max Stauffer, chairman of the Bass Lake School District, you may proceed.

STATEMENT OF MAX STAUFFER, CHAIRMAN, BASS LAKE SCHOOL DISTRICT, FISH CAMP, CA

Mr. STAUFFER. Thank you, Mr. Chairman, and good afternoon. I appreciate the opportunity to be here today. I am here to testify regarding S. 2640 and H.R. 3421, which are authored by Senator Dianne Feinstein and Representative George Radanovich respectively. Specifically, I want to express my support for the language in both pieces of legislation that ensures the three schools within Yosemite National Park have the tools necessary to educate children.

Because the need at these schools is so critical, I urge the Senate to approve the bills. I am testifying on behalf of the Bass Lake and Mariposa County School Districts. These districts serve families in Sierra Nevada Mountain communities stretching over more than 1,500 square miles in and around Yosemite National Park. Three elementary schools serve Yosemite families, El Portal, Yosemite Valley, and Wawona. El Portal and Yosemite Valley Schools have enrollments of about 50 children, while Wawona averages about 20.

These mountain schools are charged with educating children of National Park Service and concessionaire employees. Because of their size and geographical location, the Yosemite schools are very difficult and very costly to serve equitably. Services such as special education, speech, reading remediation, fine arts, foreign language, and library services are very limited or not provided at all, while students at our other sites have these programs available. Because of the distance and difficulty of travel, particularly in the winter, staffing of these services is nonexistent.

Our schools exist because Yosemite National Park exists. The Federal Government through the National Park Service and the concessionaire requires many employees to live in the park to meet the mission of the agency, which is to preserve and protect the park and provide services for park visitors.

These schools are not amenities. They are a basic public service that all Americans should have a right to. These schools are necessary because, given the terrain, weather, winter driving conditions, transportation costs, and distances from other schools in the district, it is unreasonable to expect families to go elsewhere.

Good schools are important to recruit and retain good employees. It is becoming increasingly difficult to attract quality employees to Yosemite because our schools cannot provide the educational opportunities larger, more urban schools can. The chief operating officer of the park concessionaire has purchased a home in an adjacent city in order to access a better education for his children. The park superintendent has moved his two children to Mariposa schools be-

cause he believes that the park schools do not meet the basic standards and his children would miss out on the extra programs available to students in the Mariposa schools. This option is not available to those with lower-paying positions, such as law enforcement personnel, clerks, naturalists, firefighters, housekeeping workers, and maintenance personnel. Without quality people to manage the park, the resource and the visitor experience will suffer.

The deficit that the three park schools incur for their districts is about $100,000 each or over $300,000 per year. The California budget shortfall severely compounds our problem as cuts are already being felt statewide in education. State funding is inadequate because it does not take into consideration the uniqueness of the school's location, the small size, and the multi-grade teaching environments such as exist at Wawona School. With seven grade levels in a one-classroom school, the teaching principal must prepare and teach seven lessons, seven lesson plans from kindergarten to sixth grade, follow the rigorous new curriculum standards for seven grades, all while managing the facility, handling administrative and secretarial duties, and even doing building maintenance.

No alternative education possibilities exist for parents in the park without major transportation investments. Because the deficit affects the ability to provide an education to the other students in the districts, there is pressure from some school board members to close Wawona School.

This situation is no longer acceptable to the parents of Yosemite schools or the trustees serving them. Over the past year and a half, parents, community members, administrators and school board members from both the Bass Lake School District and Mariposa School District have been meeting to solve some of the educational problems facing the schools in Yosemite. With the help of Senator Feinstein and Congressman Radanovich, we are closer to solving our problems.

One solution involves a high level of cooperation between the two school districts and the National Park Service. It involves allowing funds from the National Park Service to be used to help improve the educational opportunities of its employees' children.

Yellowstone Park has been doing this since 1949. Similar legislation would allow the Secretary of the Interior to enter into voluntary agreements with the two school districts. The additional funding provided within these agreements would be used to increase the level of service for special education students, make up the deficit factor that impacts other schools in the districts, provide for after-school tutorials, implement reading intervention in the primary grades, gifted and talented programs, and bring in specialists for fine arts, science, and physical education. It would also provide relief for transportation and maintenance costs.

This issue is not about inflating the school bureaucracy, sir, nor is it about increasing salaries. The issue is all about equity. The issue is all about the kids in Yosemite. They deserve and have a right to a quality education.

We need your help now. The families in Yosemite are counting on you. We respectfully ask for your support of S. 2540 and H.R. 3421. Thank you, sir.

Senator AKAKA. Thank you very much, Mr. Stauffer. I just want to tell you that yesterday I received a letter from a school that is from Wawona in the southern district of Yosemite National Park, and here I have letters written by the students asking us to favorably consider this.

Mr. STAUFFER. They are as dedicated to the project as their parents are, sir. Thank you.

Senator AKAKA. So may we hear now from Ms. Patricia Zontine.

STATEMENT OF PATRICIA L. ZONTINE, CHAIRMAN, SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, SHENANDOAH VALLEY, VA

Ms. ZONTINE. Thank you. Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Shenandoah Valley Battlefields Foundation on S. 2623, the Cedar Creek Battlefield and Belle Grove Plantation National Historic Park Act. The foundation supports the creation of the park and this legislation.

As you know, the foundation is the successor organization to the Shenandoah Valley Battlefields National Historic District Commission. The foundation was created in 2000 as the first step in implementing the commission's management plan for the national historic district. The foundation serves as the management entity for the district, partnering with local, regional, and national organizations and governments to preserve and promote the Shenandoah Valley Civil War heritage.

As such, we at the foundation are in a unique position to observe and experience the deep support that this new park enjoys. This support reaches across all levels of government and throughout groups at the local, regional, and national level. I have with me copies of resolutions from local organizations and governments, all supporting this legislation, and would ask that they be made a part of the record.

The Battle of Cedar Creek, fought in October 1864, was one of the most important battles of the Civil War. It was one of the largest ever fought in the Shenandoah Valley and it was the end of the Confederacy's power in the valley for the remainder of the war, and it strengthened popular support in the North for President Lincoln, ensuring his reelection several weeks later.

In addition to the importance of the battle itself, Cedar Creek and Belle Grove are also uniquely positioned to tell the civilian side of the Civil War story, as are many of the national historic district's battlefields. Here visitors have the rare opportunity to experience the stories of the families who struggled to survive the war that swirled around them.

Through the last 140 years, the importance of this battle and the surrounding area has been widely recognized. Belle Grove Plantation has been preserved by the National Trust of Historic Preservation and Belle Grove, Inc., as a significant historic site since the 1960's and as a result is largely unchanged since it was built over 200 years ago. In 1969, Cedar Creek and Belle Grove were designated a national historic landmark.

In the late 1980's, local residents created the Cedar Creek Battlefields Foundation to protect and interpret the battlefield. About

that same time, Congress passed legislation calling for a National Park Service study of the valley's Civil War sites. This study, completed in 1992, stated that 15 of the valley's battlefields, including Cedar Creek, were eligible for the National Register of Historic Places and that collectively they met the criteria for national park status.

The 1992 study led to the creation of the Shenandoah Valley Battlefields National Historic District by Congress in 1996 and the development and completion of the district's management plan in the fall of 2000. The 1996 legislation also directed the National Park Service to prepare a special resources study, SRS, to further assess the potential for a national park in the Shenandoah Valley. Completed in early 2001, the SRS found that the Cedar Creek Battlefield met Federal criteria for national park status. These findings supported the recommendation in the district management plan that a national park unit be created in partnership with local governments and organizations at Cedar Creek.

The point here is that there is great consensus, both locally and Federally, that protecting the battlefield at Cedar Creek and Belle Grove is of national importance.

The Battlefields Commission singled out Cedar Creek as having the greatest potential for hosting a National Park Service unit for a number of reasons. First, the battlefield itself is still primarily farm land, where visitors can get a real sense of the progress and prosecution of the battle and its troop movements. Belle Grove, the center of the battlefield, anchors the scene today as it did 140 years ago. The battle holds national significance, not only for its size, but also as a harbinger of the end of the war and its impact on the presidential election.

The creation of this park would allow the Park Service to provide strong technical and other support for the national historic district. This park will help ensure the success of the district itself. This is why the park is a key component of the district's management plan.

The district and the park also offer a model for future partnership-based public-private endeavors. The mission of both the foundation, as the district's management entity, and the park has been to partner with private and public entities at the local, regional, and national levels to articulate a unified vision for the protection and interpretation of these national historic resources. This public-private partnership model has been successful, bringing together disparate views to speak with one voice.

The park itself will protect and encourage both the local ownership of the land as well as the living history activities that take place there. It will continue and expand the preservation efforts that have been going on privately for almost 40 years. It will help bolster the Shenandoah Valley's economy through heritage tourism.

In addition to its unassailable Civil War significance, the site offers extensive opportunities for Americans to experience a wide scope of their history—Native American sites, a colonial pioneer homestead, the plantation manor house and grounds, remains of slave quarters and Underground Railroad sites and stories. Each of these helps to place the battle itself in the context of the broader American story.

In conclusion, historians and lay people alike intuitively recognize the importance of the lessons of the U.S. Civil War and its impact on the American experience. We were reminded of this last week as we heard Governor Pataki read President Lincoln's Gettysburg Address in New York City. Remembering and experiencing our history makes us a stronger Nation. We need to protect and share the places where that history comes alive, and the creation of this park will offer countless generations of Americans the opportunity to steep themselves in the lessons of the past. It will help us be better stewards of our future.

Therefore, on behalf of our local, regional, and national partners, I offer our wholehearted support for this legislation. Thank you.

[The prepared statement of Ms. Zontine follows:]

PREPARED STATEMENT OF PATRICIA L. ZONTINE, CHAIRMAN, SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, SHENANDOAH VALLEY, VA

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Shenandoah Valley Battlefields Foundation on S. 2623, the Cedar Crock Battlefield and Belle Grove Plantation National Historical Park Act. The Foundation strongly supports the creation of the park and this legislation.

THE SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT AND THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION

I am the Chairman of the Board of Trustees of the Shenandoah Valley Battlefields Foundation. As you know, the Foundation is the designated management entity for the Shenandoah Valley Battlefields National Historic District. The District encompasses most of the Shenandoah Valley of Virginia—eight counties and four independent cities.

Recognizing the national significance of the Civil War story in the Shenandoah Valley, Congress created the National Historic District in 1996 to protect, interpret, and promote 10 key Civil War battlefields in the Valley. At the same time, Congress also created the Shenandoah Valley Battlefields National Historic District Commission and tasked it with developing a management plan for the District. After three years of work and almost 100 public meetings, the Commission developed and submitted its Management Plan with tremendous public and private support. It was approved by the Secretary of the Interior and promulgated in the fall of 2000.

The Management Plan for the National Historic District called for the creation of the Shenandoah Valley Battlefields Foundation to lead the implementation of the plan. The Foundation's mission is to partner with local, regional and national organizations and governments in a coordinated effort to preserve the Shenandoah Valley's Civil War heritage and share it with the nation.

SIGNIFICANCE OF THE PROPOSED NATIONAL PARK AREA

The proposed Cedar Creek Battlefield and Belle Grove Plantation National Historical Park enjoys wide and deep support across all levels of government and among groups at the local, regional and national levels. We at the Foundation are in a unique position to observe and experience this support. As a member of the now sunset National Historic District Commission, we found that our work was part of a continuum of interest and support for the preservation of our nation's Civil War story in the Shenandoah Valley.

As you may know, the Battle of Cedar Creek—fought in October 1864—was one of the most important battles of the Civil War. What started as a bold, sweeping Confederate attack on Union forces ended, after Sheridan's fabled ride to rally his troops, with a crusading Union counter-attack and final victory. It was the end of the Confederacy's power in the Shenandoah Valley for the remainder of the war. And it strengthened popular support for President Lincoln, ensuring his re-election several weeks later.

Cedar Creek and Belle Grove are uniquely positioned to tell both the military and civilian sides of the Civil War story—as are many of the District's battlefields. Here, visitors have the rare opportunity to experience the stories of the mothers and children who struggle to survive the war that swirled around them.

Belle Grove Plantation is significant for both its history and architecture. Built by one of the Valley's founding families and with presidential associations—Thomas

Jefferson and James Madison—it is largely unchanged since it was built over 200 years ago.

In recent decades, local and national interest in the history of this specific area of the Valley has grown. In 1969, shortly after Belle Grove was acquired by the National Trust for Historic Preservation, Cedar Creek and Belle Grove were designated a National Historic Landmark. In the late 1980s, local and national support for the preservation and interpretation of this battlefield was evidenced once again with the creation of the Cedar Creek Battlefield Foundation. (Together Cedar Creek and Belle Grove have preserved almost 900 acres of land at this site.) About this time Congress passed legislation calling for the National Park Service to study the Valley's Civil War sites. Published in 1992, this study determined that the 15 Valley battlefields were eligible for the National Register of Historic Places and identified them collectively as potential Park Service units. It was this study that indirectly led to the 1996 legislation that created the National Historic District and called for development of the District Management Plan.

This legislation also directed the National Park Service to develop a Special Resources Study. This study was completed early in 2001. Its findings supported the recommendations from the Management Plan that Cedar Creek and Belie Grove met the criteria for a National Park unit.

THE PARK AND THE NATIONAL HISTORIC DISTRICT'S MANAGEMENT PLAN

As the Commission was developing the District's Management Plan, we found strong local support for the preservation of the battlefield at Cedar Creek as well as the other nine battlefields in our legislative mandate. Cedar Creek, however, was singled out as a recommended National Park Service unit. The battlefield itself is still farmland—visitors can get a real sense of the strategic and tactical maneuvers of the battle. Belle Grove, at the center of the battlefield, anchors the scene today as it did 140 years ago. And the battle holds national significance not only for its size but also as a harbinger of the end of the war.

Further, the Commission felt that the creation of the national park at Cedar Creek and Belle Grove would allow the Park Service to provide strong technical and other support to the National Historic District. This Park would help ensure the success of the District itself. Thus, the creation of this Park is a key component of the District's Management Plan.

The District and the Park also offer a model for similar future endeavors. Both projects are partnership-based concepts. The mission of both the Foundation, as the District's management entity, and the Park has been to partner with private and public entities at the local, regional and national levels to articulate a unified Vision for the protection Fund interpretation of these national historic resources.

The legislation before you would codify this partnership model by spelling out the roles of each of the partners: the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and all levels of government. We support this language with one exception. We would like to suggest, as an organization specifically created by a congressional mandate, that it would be appropriate that this be reflected in Sec. 13(b)(5) and that the word "may" be replaced with the word "shall" such that the sentence reads, "The Shenandoah Valley Battlefields Foundation shall continue to administer and manage the Shenandoah Valley Battlefields National Historic District . . ."

THE CEDAR CREEK BATTLEFIELD AND BELLE GROVE PLANTATION NATIONAL HISTORIC PARK

In addition in its unassailable Civil War significance, the site offers extensive opportunities for Americans to experience a wide scope of their history: native American sites, a colonial pioneer homestead, the plantation manor house and grounds, remains of slave quarters, and underground railroad sites and stories. Each of these helps to place the battle itself in the context of the broader American story.

The park will also protect a number of natural resources in the Chesapeake Bay watershed: land and waterways, wildlife and breathtaking valley and mountain views.

CONCLUSION

Historians and lay-people alike intuitively recognize the importance of the lessons of the U.S. Civil War and its impact on the American experience. We were reminded of this last week as we heard Governor Pataki read President Lincoln's Gettysburg Address in New York. Remembering and experiencing our history makes us a stronger nation. We need to protect and share the places where that history comes

alive. And the creation of this park will offer countless generations of Americans the opportunity to steep themselves in the lessons of the past. It will help us be better stewards of our future.

Therefore, on behalf of our local, regional and national partners, I offer our wholehearted support for this legislation.

Thank you.

Senator AKAKA. Thank you very much for your statements. I have a few questions for each of you.

Mr. Taylor, I have questions for you about S. 2640 and H.R. 3421, which would authorize National Park Service funding of schools serving Yosemite National Park. This afternoon you testified in opposition to two minor park boundary expansion proposals in another bill establishing a new Civil War battlefield, and in previous hearings this year the administration has opposed virtually every other park designation or expansion proposal in order to focus your resources on eliminating the deferred maintenance backlog.

Yet the administration now supports a bill to use up to $750,000 of park operating revenues each year at Yosemite and to use those funds for non-park purposes. So my question to you is can you explain why this proposal is acceptable, but the others were not?

Mr. TAYLOR. That is a very good question, Mr. Chairman. I think one of the reasons why we do support Senator Feinstein's and Congressman Radanovich's legislation is because, as the Congressman mentioned, there are really very few other resources to look towards to address the educational needs, and I guess from a purely self-interested point of view in terms of recruitment, the educational situation has impacted negatively on our abilities to recruit and maintain staff people in the park and to a lesser degree, of course, concessionaires. The reason for that is because we require staff people to actually reside in the park and it is between a 1 and 2-hour commute to the nearest local community where other school opportunities might reside.

So it has affected us directly, this educational system, and that is what has caused us to look favorably towards this legislation.

Senator AKAKA. There has been a fear that other requests might come in from other areas on this.

Mr. TAYLOR. We share that fear, Mr. Chairman.

Senator AKAKA. Yes. Well, we will think about that.

I have another question for you on the Yosemite bill. You support the legislation, but say that you do not want to create a precedent, as I said, putting the Park Service in the business of funding of small rural schools in the vicinity of the parks. For example, both Big Bend National Park in Texas and Grand Canyon National Park in Arizona have small rural schools within their park boundaries. How is the Yosemite situation different from these other parks?

Mr. TAYLOR. Mr. Chairman, I do not know the specifics to answer your question. I would be glad to get back with you and your staff on that, on that particular issue.

Senator AKAKA. I have another question for you, Mr. Taylor, on S. 2640 and H.R. 3421, which authorize the Secretary of the Interior to use revenues from fees, among other sources, to fund Yosemite schools. Yet the legislation also prohibits the Secretary's use of fees collected under the Land and Water Conservation Fund Act,

the Recreational Fee Demonstration Program, or the National Park Passport Program.

What fee revenues are left for the Secretary to use for the Yosemite schools?

Mr. TAYLOR. One minute.

[Pause.]

Mr. TAYLOR. I am afraid we are going to have to pass on that as well, Senator. I would be glad to get back with you.

Senator AKAKA. Fine. Will you provide that for us?

Mr. TAYLOR. Yes, sir.

Senator AKAKA. I have a question for you on S. 2788, the proposed addition to Wind Cave National Park.

Mr. TAYLOR. Yes, sir.

Senator AKAKA. You stated in your testimony that the Department would prefer to spend Park Service resources to reduce the maintenance backlog in existing Park Service units. It is my understanding that Senator Daschle worked closely with the Park Service in writing this bill. Is it the case that, apart from these funding concerns, the proposed additions to Wind Cave National Park would complement the existing park lands and advance the park's purposes?

Mr. TAYLOR. I think other than the financial concerns that I have already expressed, Mr. Chairman, I think we do see the value of adding this acreage to the existing park.

Senator AKAKA. Thank you very much, Mr. Taylor, for your responses.

Mr. Anderson, since the BLM supports S. 2776, there are not many questions to ask. Your testimony states that you would prefer that the BLM be designated as the lead agency for the preparation of the general management plan. The bill simply directs the Secretary of the Interior to prepare the plan. Are you concerned that the Secretary might not delegate this to the BLM even though the sites are on BLM lands?

Mr. ANDERSON. I do not think we are concerned. However, we just wanted to reiterate the fact that of the 24 sites we do have 9 of them currently, and we are positioned, in terms of our field offices, we are positioned well there between Santa Fe and Albuquerque. If we were to acquire cooperative agreements or additional land, we are in a good position to administer those sites.

Senator AKAKA. Mr. Hainer, the National Park Service's position is that the expansion and modernization of the medical center has essentially destroyed much of the historically significant features of the site. Would you care to respond about this feeling?

Mr. HAINER. Thank you for an opportunity to respond, Mr. Chairman. I believe that the comment or the perspective that the expansion in the early 1920's under the U.S. Public Health Service to build a centralized hospital, which was at the time reputed to be the world's largest tuberculosis treatment center, is a viewpoint that does not recognize the continued value and historic efforts beyond 1920 to the present day. I believe, Mr. Chairman, that my testimony was that the pioneering role in tuberculosis treatment included both Spanish-American War, World War One, and following World War Two veterans, and I consider the period beyond

1920 to be of great historic value as well, Mr. Chairman. Thank you.

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

Dr. Giese, if the Fort Bayard is designated as a national landmark, what are the Fort Bayard Historical Society's plans to be involved with the landmark?

Mr. GIESE. We would like to be very closely involved. Fort Bayard really needs help badly. The buildings are in a bad state of preservation and we would like to bring a lot of money through grants, etcetera, to improve those buildings, and that would be our main role. In addition, we would like to operate a museum for visitors there, a visitors center. But we would not want to in any way interfere with the hospital operation and I do not think we would.

Senator AKAKA. Thank you.

Mr. Stauffer, I have a question for you. You indicate in your testimony that the Yosemite National Park superintendent has moved his children to nearby Mariposa County schools.

Mr. STAUFFER. That is correct.

Senator AKAKA. If Federal funding must be used for Yosemite area schools, would it be more cost effective to close some or all of the existing schools within the park and instead send the children to a smaller number of better equipped schools?

Mr. STAUFFER. It may be more cost effective, sir, but it is a 50-mile one-way drive from Yosemite Valley to Mariposa and in the winter that route is very treacherous. I cannot even suggest to subject kindergarten kids to an hour and a half bus ride through the snow to Mariposa. It is just not practical. It is just not something that I could even recommend or even think about.

Senator AKAKA. Thank you.

Ms. Zontine, my final question is to you. Due to funding concerns, the National Park Service is opposing S. 2623——

Ms. ZONTINE. Yes.

Senator AKAKA [continuing]. Which would provide protection for Cedar Creek Battlefield. In your opinion from a preservation standpoint, what would happen if we follow the administration's recommendation and do not designate Cedar Creek Battlefield as a unit of the National Park Service?

Ms. ZONTINE. I do not know how familiar you are with the Shenandoah Valley, but we are getting a lot of developmental pressure in our part of the valley, Frederick County, where Cedar Creek and Belle Grove are located, from the Washington, D.C., metropolitan area. I think it is the fastest growing county in the Shenandoah Valley. Because of this developmental pressure, I feel that a delay in designating this a park will further threaten the historic nature of both the battlefield and the Belle Grove Plantation, the integrity of the site.

Senator AKAKA. Well, thank you very much.

I want to thank all the witnesses for your statements and your responses before the subcommittee this afternoon. Your comments no question will be very helpful to the committee and hopefully we will be able to move these bills through the committee and the Senate in the next few weeks.

The hearing record will remain open for 2 weeks if anyone wishes to submit additional comments or materials to be included in the record. The hearing is adjourned.

[Whereupon, at 3:29 p.m., the hearing was adjourned.]

○